



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 28 Bealtaine 2014

Wednesday, 28 May 2014

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Northern Ireland Issues

1. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the efforts he has made to try to progress the Haass talks to a successful conclusion; and if he will make a statement on the matter. [23289/14]

Deputy Brendan Smith: I note that we have Foreign Affairs oral questions on 1 July and on that occasion we will have an opportunity to pay tribute to the Tánaiste and Minister for Foreign Affairs and Trade and his current role in government.

It is essential that both Governments, as co-guarantors of the Good Friday Agreement, take a hands-on approach in efforts to bring to a successful conclusion the Haass talks. Urgency must be attached to the finalisation of proposals to deal with the very important matters of parades, flags, identity issues and the past.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Last Friday, I met with Dr. Richard Haass in Dublin ahead of the planned resumption of the Northern Ireland party leaders' talks. Dr. Haass also met with British Prime Minister, David Cameron, and with the Secretary of State for Northern Ireland, Theresa Villiers, last week. Under Dr. Haass's chairmanship of the Panel of Parties talks, the Northern Ireland parties made enormous progress in seeking an agreed approach to dealing with flags, parades and the past. Richard Haass and Meghan O'Sullivan consulted widely across society in Northern Ireland last year and took back to the table a clear message from the people that they want to see the party leaders finding new, comprehensive and credible ways of dealing with legacy issues.

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We have seen on numerous occasions in recent weeks that the legacy of the past has seriously disrupted political and community life in Northern Ireland. A lack of agreement or progress within the talks process would be an unhelpful backdrop to the approaching marching season. As I have said repeatedly, there is a window of opportunity between now and the summer recess for the party leaders to reach an agreement on these contentious issues. I urge the party leaders to use this time well. They need to set an early date to meet. Procrastination will not make the job any easier. The British and US governments agree that there is a need for renewed urgency by the parties, with the support of the governments, to make real progress.

I agree with Dr. Haass's assessment that there is deep and wide public support for these issues to be dealt with in a comprehensive way. I have perceived this at first hand during my visits to the North. As Dr. Haass said following his meetings in London and Dublin, both governments see the opportunity and necessity of making progress.

There is broad agreement among the Northern Ireland parties on the basic architecture for moving forward on each issue. There needs to be progress now in closing any gaps between the parties in terms of the basic principles of each issue and for developing the practical mechanisms and timeframe for implementation.

It is in the best interests of Northern Ireland that agreement be reached now. I will be meeting with the British Secretary of State, Theresa Villiers, in Dublin tomorrow. There is a shared expectation across both Governments that after the elections we will see progress.

Deputy Brendan Smith: I thank the Tánaiste for his reply. Unfortunately, a number of deadlines have been missed - the end of December, St. Patrick's week, Easter time and the election dates. I sincerely hope that what has been outlined by the Tánaiste in his concluding remarks can gain traction and that the issues can be dealt with. I note that comments attributed to the Prime Minister, David Cameron, indicated that talks should begin as a matter of urgency. Has the Tánaiste been in contact with the leadership of the DUP or the Ulster Unionist Party about the need for them to take a positive approach to this very important issue?

Deputy Eamon Gilmore: Both the Irish and the British Governments are clear that progress needs to be made. Deputy Smith is correct that we had hoped agreement would be reached in the new year following the Haass talks. Unfortunately, that did not happen, although much progress was made. There was a period of talks after that involving the party leaders. For a variety of reasons, those talks were interrupted and resumed again. The window of opportunity we have now is post the election period and in the run-up to the marching season. I have had a number of discussions with the Secretary of State and will meet her tomorrow in Dublin to discuss further what we can do together to move forward on each issue. There has been quite an amount of discussion at official level between my officials and officials of the Northern Ireland Office and between the Taoiseach and the Prime Minister. Over a period I have also been in contact with the leaders of all the parties in Northern Ireland. We have been urging the DUP, the Unionist parties and all the parties to fully engage and to conclude the process.

Deputy Brendan Smith: Can we hope that tomorrow, in the Tánaiste's talks with Theresa Villiers, he will give a clear indication that both Governments will take a hands-on approach in dealing with these issues? As I mentioned on numerous occasions, any time we made progress on the issues pertaining to this island on North-South development, the agenda was driven by two sovereign Governments. We had the Downing Street Declaration, the Good Friday Agreement and the St. Andrews Agreement. I genuinely believe that without the active and leading

role being played by both Governments we will not see the progress made that needs to be made for the sake of all the people on this island.

Deputy Eamon Gilmore: It is my view and that of the Irish Government and the British Government that both Governments must and do have a hands-on approach to these issues. Both the Secretary of State and I were in Belfast for the concluding stages of the discussions prior to the new year. We have remained in contact. We have talked and liaised about our respective contacts with political leaderships in Northern Ireland. It is also worth bearing in mind that we now have a devolved Administration in Northern Ireland and that there is responsibility on the political parties in Northern Ireland to conclude this agreement. We are both of one mind - we have talked about this on a number of occasions - on the fact that we work together and that we also work in co-operation with the US Administration, which has been very supportive and has been in close contact with us, particularly in recent times, about what we can all do to encourage agreement among the political parties. It is important that we recognise that this requires agreement by the parties in Northern Ireland. While the governments can have all the hands-on approach that we can muster - that is the approach we intend to take - agreement must be reached by the political parties in Northern Ireland, and we will continue our efforts to do that. I will be discussing that with Theresa Villiers tomorrow. We have spoken a number of times on the phone over the course of the past couple of weeks and we will discuss all of this when I meet her tomorrow.

Middle East Peace Process

2. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the breakdown of the peace talks between Israel and Palestine; his views on Israel's decision not to release the last batch of Palestinian prisoners as agreed before the talks, which led to the collapse of the negotiations; and if he will make a statement on the matter. [23262/14]

Deputy Seán Crowe: The background to this is the collapse of another peace process and the discussions between the Israelis and the Palestinian Authority. I ask this question about a number of concerns I have about the Israeli actions which seemed to precipitate the collapse of this agreement. In the agreement which was facilitating new negotiations Israel promised to release 104 veteran Palestinian prisoners in four tranches in exchange for the Palestinian Authority pledging not to move to seek membership of UN or other international organisations. Israel refused to release the final tranche of prisoners.

Deputy Eamon Gilmore: The direct peace talks begun in July 2013 have not definitively ended but they have been suspended and it is not considered that they are likely to be resumed quickly. The talks did, however, make some progress and promote understanding on some issues, and we would hope very much that this progress is not lost and the talks can move forward. We are not privy to the exact understandings between the parties on which the talks were based but it is generally understood that this included a specified programme of prisoner releases, accepted by Israel as a confidence building measure in place of a settlement freeze. Release of prisoners, especially those convicted of violent crimes, is a difficult issue for any society. Nonetheless, I consider that the release of the final batch of prisoners should not have been made conditional on a further Palestinian concession beyond the original agreement, and therefore that it should have gone ahead.

There were other steps taken by both sides, however, and Israel has argued that further talks

had come very close to agreeing terms for the prisoner release to go ahead when the process broke down. The root of the problem goes deeper than this issue and centres on a deep lack of trust between the parties. A critical and destructive element of this has been the relentless process of settlement announcements by Israel during the talks. It is noteworthy that despite the breakdown in the talks, both sides have been quite measured in the steps they have taken and have been careful, so far, not to burn any bridges. The United States has understandably stepped back from the process for the moment, and the Secretary of State, Mr. John Kerry, has rightly called on both sides to reflect on their positions, the prize of peace which is readily attainable, the leadership and compromises needed to get there and on the cost of failure to both peoples. I strongly endorse that call.

Deputy Seán Crowe: Will the Irish Government be supporting the Palestinian Authority's request to join the approximately 15 international agencies on the back of this issue? There are 240 Palestinian prisoners who have entered a second month of hunger strike, which is a critical phase, and 40 of them have been hospitalised. Does the Tánaiste and Minister for Foreign Affairs and Trade oppose the use of this so-called administrative detention and support the basic demands of prisoners?

Last week it emerged that the Israeli Army shot dead two unarmed Palestinian protestors just outside Ramallah. From the video evidence it seems the two youths posed no threat and were murdered in cold blood. The UN and US have called for an independent investigation in this regard but I have yet to hear anybody from the Irish Government doing so. Will the Irish Government make a statement on that? The prisoner issue seems to be getting more critical and I would like to hear the Minister's views on it, particularly with regard to the Robben Island declaration. Has the Government a view on that?

Deputy Eamon Gilmore: Deputy Crowe has raised many supplementary issues. With regard to the use of administrative detention, it has always been our view that the use of extraordinary powers should be as minimal as possible, carefully safeguarded and in accordance with international law. I am concerned that detention orders, rather than an extraordinary measure only applied in the most exceptional cases, are being used as part of the broader system of control of Palestinians. I will make a statement on the killing of the young people and I am also concerned about the question of Marwan Barghouti, and that issue has been considered by the joint Oireachtas committee. As the Deputy knows, we have previously supported applications by the Palestinian Authority for representation on international bodies. We tend to look at that on a case by case basis and the Irish Government has always been quite supportive of the Palestinian Authority in that regard.

Deputy Seán Crowe: We have the background of a collapse in the talks but the Minister has mentioned what is possible. There is a need for the Irish Government to put forward its own initiatives and proposals and be as supportive as is possible. There are a number of current issues and it is important for the Irish Government to stand up and break away from the crowd. It should make positive proposals and be more supportive of the Palestinian people who are in this dreadful position. The big worry is the possibility of another intifada and some groups operating on the ground have seen the tension worsening. There are arbitrary arrests, harassment and the killing of civilians, which means the tension is ratcheting up all the time. It is a big worry. Will the Irish Government do what it can through statements or initiatives?

Deputy Eamon Gilmore: Considering all the issues attracting international attention currently, including in the Ukraine, Syria and in a number of cases in Africa and particularly north

Africa, the Irish Government has repeatedly and consistently kept the issue of the Middle East peace process and the Palestinian position very much on the international agenda. We have done this repeatedly at the European Union and the United Nations, as well as in public statements. I hope we will continue to do so. I very much regret the talks have not brought the kind of conclusion for which we all hoped but we cannot give up on them, and I hope they can be revived. Issues must be addressed now and the Irish Government will continue to provide in the international community the leadership role we have had for a long period with regard to the Middle East peace process and the position of Palestinian people.

Northern Ireland Issues

3. **Deputy Maureen O’Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will outline his engagement with Northern Ireland and British authorities regarding prisoner issues in Northern Ireland; his views on the concerns of those who see these matters as threatening peace and stability; and if he will make a statement on the matter. [23287/14]

Deputy Maureen O’Sullivan: My question relates to the Government’s engagement with authorities both in Northern Ireland and in Britain on continuing serious issues of prisoners in prison in Northern Ireland. It is having an effect on the peace process.

Deputy Eamon Gilmore: Policing, prisons and overall criminal justice policy have been the responsibility of the Minister of Justice in Northern Ireland, David Ford MLA, since the devolution of policing and justice in 2010. The Irish Government has a close and excellent working relationship with the Minister and his Department and co-operation between An Garda Síochána and the PSNI to combat criminal and terrorist activity is excellent. As Minister responsible for foreign affairs I very much value my engagement with the Minister, Mr. Ford, and our exchanges cover a wide range of issues. Since 2010, the Irish Government’s primary responsibility is to ensure the justice systems which are in place are robust and consistent with the principles and values of the Good Friday Agreement and the other agreements for which we are co-guarantors.

Prison policy forms a central part of the Northern Ireland Department of Justice’s remit and an executive agency, the Northern Ireland Prison Service, implements prison policy in that jurisdiction. A prisoner ombudsman is also appointed by the Minister and the ombudsman operates entirely independently of the Northern Ireland Prison Service. The Northern Ireland Prisoner Ombudsman and his team investigate complaints from prisoners and visitors to prisoners in Northern Ireland, as well as deaths in custody.

I wholeheartedly agree with the analysis of the Minister of Justice, Mr. Ford, that delivery of a reformed justice system has a major part to play in building a more positive future for Northern Ireland. I commend the work under way to give effect to the far-reaching recommendations related to prison reform in Northern Ireland contained in Dame Anne Owers’ 2011 report. The Government’s position continues to be that full implementation of all of the recommendations made in the Owers report remains the most effective way to ensure conditions within all prisons in Northern Ireland are of an acceptable standard. The Minister, Mr. Ford, and I have discussed it and are of one mind on the matter.

A central aspect of my engagement with the Minister, Mr. Ford, is the Government’s absolute support for the men and women of the PSNI and the Northern Ireland Prison Service in

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their work to support the rule of law and a new beginning for justice in Northern Ireland. The men and women in these excellent public services face persistent and severe threats to their lives and well-being from those who are enemies of the peace process. People who threaten and have acted to murder, harm and threaten police and prison officers act in defiance of the criminal law. They also defy the sovereign will of the people who freely endorsed the principles and values of the Good Friday Agreement in an all-island referendum just over 16 years ago on May 22 1998. I call on all Irish republicans who try to justify threats against public servants to listen to the people. It is long past time to end the violence. The door is open to join the rest of us who seek change through dialogue, persuasion and the ballot box. The people have chosen peace and they should heed their will.

As previously indicated in the House, the arrangements agreed for the devolution of policing and justice in 2010 include a role for the Secretary of State for Northern Ireland in national security matters. I am aware that such prisoner cases have had resonance historically in communities here and abroad. My officials in the British-Irish Intergovernmental Council secretariat in Belfast continue to monitor prisoner cases which arise from the exercise of such competences. As the House will know, I have on a number of occasions raised the Government's perspective on humanitarian issues in certain cases directly with the Secretary of State for Northern Ireland. Such issues are part of my regular and comprehensive discussions with the Secretary of State for Northern Ireland, as we work together to guarantee that peace, policing and power sharing are supported by all of us all of the time.

Deputy Maureen O'Sullivan: Everybody in the House agrees that we are all on the same wavelength when it comes to bringing an end to violence; nobody wants to see a return to violence. The Tánaiste and Minister for Foreign Affairs and Trade is aware that an Oireachtas group has been paying frequent visits to prisoners in Northern Ireland. I stress again that our focus with the prisoners is on their human rights and also on ensuring there is no threat, undermining or destabilising of the peace process in Northern Ireland. We paid our most recent visit last Monday week and the four of us who were there emerged feeling extremely alarmed and disturbed by what we had heard from both republican and loyalist prisoners on continuing issues that were not being addressed. A dirty process ended almost four years ago, at the end of which agreements were reached. An ombudsman's report was carried out and various forum meetings took place in the prison. The group from the Oireachtas has met the Minister of Justice, Mr. Ford, on several occasions. We also met the Secretary of State and officials in the Northern Ireland Office. All of us agree that these issues remain unaddressed. I refer to controlled movement, strip searching and access to education. Prisoners with political affiliations who should not be there are in a care and supervision unit, CSU, in the prison. It is like a punishment block and operates on a 23 hour lock-down basis. One particular prisoner received an indeterminate five year custodial sentence because his fingerprint was found on a plastic bag containing a pipe bomb. I am not in favour of pipe bombs, but the evidence was circumstantial. Other prisoners guilty of pipe bomb explosions received lesser sentences, which suggests something is wrong in the North. These serious issues are not being addressed.

Deputy Eamon Gilmore: I am aware of the good work done by a group of Members of the Oireachtas who have been visiting prisons in Northern Ireland and in contact with the prison service. I am open to receiving and dealing with any report, comment or observation that comes from the group. My officials are open to this also. The officials in the British-Irish Interparliamentary Council secretariat in Belfast are very much aware of the situation and we are very happy to pursue matters relating to prison conditions and humanitarian issues. However,

we must also factor in the threats that have been made to prison officers. Since 2009 dissident groups have been responsible for the deaths of two British army personnel, two PSNI officers and a member of the Northern Ireland Prison Service in November 2012. Threats continue to be made to these officers and this must stop. We will deal with the reports coming from Members of the Oireachtas who visit the prisons. I discuss such matters on a continuing basis with the Minister, Mr. Ford, and also the Secretary of State, in so far as her limited responsibility in the area is concerned in terms of prisons in Northern Ireland.

Deputy Maureen O’Sullivan: Our concern is that matters will get worse unless the long-standing prisoner issues on which agreement was reached at the end of the dirty protest are addressed. A prisoner is chained to a police officer on leaving prison and the chain is not released until he comes back to the prison. He is strip searched both on leaving and returning to the prison. During the G8 summit in the North we saw the extent of the security operation and there has been no movement on the introduction of an alternative to strip searching. A prisoner was released recently on certain conditions. There is a six month period during which he cannot live near his home. The position will be reviewed and there is a possibility that the condition will be extended for a further six months. The person concerned has to wear an electronic tag for six months and there is a curfew between 9 p.m. and 7 a.m. He cannot associate with people on a list, some of whom he does not even know. He is not permitted to hold a valid passport or make an application for one during the first six months of release. He spent four months in Maghaberry Prison because his licence was revoked. During the four years he was not interviewed by the PSNI and never charged with an offence, yet he faces the conditions I have outlined on his so-called release. I do not know the motivation of the Secretary of State and the Minister, Mr. Ford, but they are escalating dissident activity in the North. Nobody wants to see this happen, but nobody is trying to engage with them to find a solution to these matters.

Deputy Eamon Gilmore: An early priority for the Department of Justice in Northern Ireland was prison reform. The Owers report was commissioned and I understand some progress has been made on its implementation. I have discussed the matter on a number of occasions with the Minister, Mr. Ford, and will continue to do so.

Deputy Maureen O’Sullivan: Will the matter be raised tomorrow?

Deputy Eamon Gilmore: I will not meet the Minister tomorrow; I will meet the Secretary of State. The Minister agrees that a reformed justice and prison system has a major part to play in ensuring a more positive future for Northern Ireland. Our position is that there must be full implementation of the recommendations made in the Owers report. That is the best way to ensure conditions within all prisons in Northern Ireland are of an acceptable standard. We will continue to have that discussion with the Minister and the Secretary of State and through the British-Irish Interparliamentary Council secretariat. We are open to hearing the comments and receiving the observations of the Oireachtas group that has visited the prisons and ensuring the issues raised are addressed.

Undocumented Irish in the USA

4. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress made this year in securing a legislative compromise in the United States Congress to provide a way of securing the future of the undocumented Irish there; and if he will make a statement on the matter. [23290/14]

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Deputy Brendan Smith: As all of us in the House know, there are approximately 50,000 Irish people in the United States, commonly referred to as “the undocumented”, who need to have their status regularised. Their current status is extremely difficult for them as they go about their daily business. We must also bear in mind in many instances the hardship and heart-break for their families at home. The inability of many of the undocumented to travel home for family occasions is truly a burden families should not have to endure. Does the Tánaiste and Minister for Foreign Affairs and Trade envisage any early movement on the legislation in the House of Representatives?

10 o'clock

Deputy Eamon Gilmore: This is an issue to which I accord very high priority. I am conscious of the difficulties experienced by Irish citizens who are undocumented in the United States and have met and spoken to many of them during my working visits to the United States. I have also met the various groups which lobby on their behalf. Immigration reform and the challenges faced by the undocumented remain central to our bilateral engagement with the United States. I have raised the issue consistently at meetings, in telephone calls and written correspondence with senior US political contacts. I have instructed Ambassador Anderson and her team, working with the Irish-American lobby groups which have already put in a great effort, to continue their lobbying of Members of Congress and seize every opportunity to make immigration reform a reality.

The issue was also discussed extensively during the Taoiseach’s St. Patrick’s Day visit to Washington DC in March. In addition to substantive discussion of the issues involved with President Obama and Vice President Biden, the Taoiseach also discussed the prospects for progress with a range of other Members of Congress, including the Speaker, John Boehner; Congressman Bob Goodlatte, chairman of the House of Representatives Committee on the Judiciary which has responsibility for immigration legislation in the House; Congressman Paul Ryan; the Congressional Friends of Ireland; and Senator Patrick Leahy, chairman of the Senate Committee on the Judiciary that oversaw the passage of the Senate’s comprehensive immigration reform Bill last June. The Taoiseach called in the strongest possible terms for Congress to show leadership and deal with the immigration issue.

While we have been encouraged by feedback from Democrats and Republicans indicating that there is a growing momentum for reform, it remains difficult to assess exactly when and how this might occur, not least in view of the upcoming mid-term US congressional elections. The most recent indications suggest there may be some prospects for another push for immigration reform activity at House of Representatives level during June and July. However, the situation is evolving continuously and any prediction needs to be made with caution. In this context, I intend to travel to Washington DC next month for a series of further meetings with key contacts on Capitol Hill, as well as with representatives of Irish-American lobby groups. Although much uncertainty still remains as to how events in the US Congress will unfold, it is important that we continue to demonstrate at a high political level the importance we attach to progress being made on this vital issue and that we position ourselves to best advantage on behalf of the Irish people and their families who are directly affected.

Deputy Brendan Smith: I thank the Tánaiste for his reply and fully appreciate the effort he has made to date. It is welcome that he will be in Washington next month. There have been a number of developments which seem to give some optimism that progress will be made. The Speaker, Mr. Boehner, was recently quoted as stating progress could be made with the Demo-

crats through building goodwill on several unrelated legislative measures. I hope this can be achieved. *The New York Times* has reported that bipartisan moves between the two sides mean that Democrats in the Senate are seeking Bills unrelated to the immigration issue which they can pass to build goodwill between Republicans and Democrats. It is significant that 250 senior Christian pastors went to Congress to lobby their representatives. The intervention and involvement of senior CEOs of major corporations and chambers of commerce are new dimensions supporting the work done by various lobby groups during the years. Is the Tánaiste more optimistic now than he was a number of weeks ago about the likelihood of progress being made in the House of Representatives?

Deputy Eamon Gilmore: Earlier the Deputy mentioned that we would have an opportunity to take questions on foreign affairs and trade issues on 1 July.

Deputy Brendan Smith: Yes.

Deputy Eamon Gilmore: There is a contest for the leadership of my party and I expect to be in this office until 4 July. I have been giving some consideration to the issues to which I should apply my attention and in the intervening period I intend to apply my attention to two issues which are the responsibility of the Department. They are Northern Ireland to try to have some advance in the window before the start of the marching season in the Haass talks process and immigration reform to see if we can make progress in dealing with the very difficult situation in which the undocumented Irish find themselves in the United States. We are receiving reports that there may be some potential for movement in June and July. I do not want to exaggerate it because we have been here before and there have been false dawns. These are the two issues to which I intend to devote the remaining time I have in office.

Deputy Brendan Smith: I thank the Tánaiste for his remarks and fully agree with him that we all hope to see progress being made on these two issues. I hope that in the next five to six weeks progress can be made. As we have discussed in committee and the House on numerous occasions, much hardship is imposed on individuals and families owing to the current status of more than 50,000 Irish people. There is truly a need for progress to be made. I compliment the Tánaiste and his officials who have persistently pursued the issue at political and official level. If he has an opportunity to do so, I urge him to make contact with Mr. Boehner before his visit to highlight the importance we as a country attach to this issue.

Deputy Eamon Gilmore: We have met people who are undocumented in the United States. They are working and, in some cases, running businesses. They also have families. They have been there for a very long period and cannot come home for funerals or family events. It is a very difficult issue and across the political spectrum in the United States there is agreement that it needs to be addressed. This time last year I was very hopeful there would be potential to make progress, but last autumn the budget in the United States unravelled and there was a difficult political environment. This made it politically difficult for progress to be made on the immigration issue. We have had a number of positive statements in recent months from President Obama and Speaker Boehner who spoke in May about the possibility of making some progress. We receive feedback and maintain contact all the time through our embassy with Members of the House of Representatives, the Senate and the Administration to see where the window is and what can be done. I intend to contribute more to this issue and travel to Washington in the coming weeks to talk to people on Capitol Hill and do what we can at a political level to try to move things forward.

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Foreign Policy

5. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has made or will make representations to the United States authorities on the continued unjust incarceration of three of the Cuban five, in view of revelations regarding the undercover construction of a mobile phone message system by the United States with the goal of overthrowing the Cuban Government; and if he will make a statement on the matter. [23288/14]

Deputy Maureen O'Sullivan: My question concerns Cuba and the group of men known as the Cuban five, particularly in view of recent activities under the ZunZuneo programme.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): Ireland enjoys excellent bilateral relations with Cuba and I look forward to Irish-Cuban relations developing further in the period ahead. I also welcome the recent agreement by the European Union and Cuba to open negotiations on a political dialogue and co-operation agreement which will provide a strong framework for the European Union's relationship with Cuba. I am pleased to note that a first round of negotiations took place successfully in Havana from 30 April to 1 May. I am aware of the cases to which the Deputy refers of the three men serving prison sentences in the United States on charges relating to their activities as unregistered agents of a foreign government and related offences. As this is a bilateral consular issue between the United States and the Cuban authorities, the Government has no standing in the matter.

With regard to reports on US funding in the past for a mobile phone social networking project in Cuba, the Tánaiste and I have asked officials in the Department to keep us informed on the issue.

Deputy Maureen O'Sullivan: There have been 50 years of a rather unjust policy between the United States and Cuba. We saw this in the case of the blockade. I understand only three or four countries in the United Nations disagree with lifting the blockade. The aim of the ZunZuneo programme was to destabilise the government and economy of Cuba. The Cuban five, or Miami five, were arrested in 1998. This arose out of very serious movements by Cuban-Americans to destabilise the Cuban Government and economy, which led to the deaths of approximately 3,500 Cuban nationals. The Cuban Government took the option of getting five of their men to infiltrate these terrorist organisations in America. They got the information and brought it directly to the American authorities who, instead of arresting those involved in terrorist activities, arrested these five men. After a lengthy trial they received prison terms of 15 years to double life. There were severe restrictions on visiting rights for their wives, and visa requests for visits by family members were also restricted.

I accept what the Minister of State said about the relationship, but as we do have a good relationship with the American authorities, can we address them on this when we have the opportunity? There is an opportunity now for President Obama to give a pardon in his final year, but he will not unless people with whom he has a relationship ask him to do so.

Deputy Joe Costello: The people to whom the Deputy refers are the original Cuban five. They were sentenced in 2001. Two have already been released. Another is due for release in 2017 and another in 2014, and the last person was charged with other serious matters.

The thrust of the question is the link between the Cuban five and the activities in which they were engaged in the United States, and there is a suggestion that the US was also engaged in

covert operations in respect of a social media platform. Unfortunately, there is very little information in the public domain on that report, apart from the Associated Press report of last month which provided the story that US Aid was engaged in providing a particular social network platform and that this operated in Cuba from 2009 to 2012. We have been in touch with the Cuban authorities about this matter. We have asked our officials to find out what they can about it.

Deputy Maureen O’Sullivan: One of the five could end up spending the rest of his life in jail. That is very serious. The United Nations Commission on Human Rights, various international human rights groups, trade unions, legal experts, Nobel prize winners, religious organisations, members of parliament in various countries and Amnesty International feel that there is a terrible injustice here.

A commission of inquiry into this issue was held last March in London. It included former chief justices from India, South Africa and France. Its findings were:

1. There are serious concerns about whether any of these people have had the full benefit of the fundamental human right to a fair and speedy trial ...

a. all five Cuban nationals were placed in solitary confinement for about seventeen months before the trial began;

c. [they did not have] the opportunity to consult with their legal representatives ...

The trial was held in a part of Miami where, according to three of the judges in the United States Court of Appeals “a fair trial could not be guaranteed”. The report continues: “...these five human beings were certain of their fate only eight years after the trial in the District Court had been concluded.”

There are grounds to ask President Obama to issue a pardon before he leaves office. The Minister for Foreign Affairs and Trade, Deputy Gilmore, supported this cause when he was in opposition. I ask him to request this pardon.

Deputy Joe Costello: The issues in question relate to charges against unregistered agents of a foreign government and the offences arising from them. This a bilateral consular issue between the US and the Cuban authorities. The Irish Government has no formal standing on this matter, but it is of concern to us and the officials in the Department are engaged on it. I spoke to the Ambassador of Cuba last month. He did not raise the issue but I will certainly raise it with him at our next meeting.

Other Questions

Overseas Development Aid

6. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will consider reviewing the allocation of Irish aid to countries which have oppressive anti-homosexual legislation; and if he will make a statement on the matter. [23173/14]

Deputy Brendan Smith: The Ugandan President signed a law last February that imposes very tough and unacceptable penalties on homosexual acts. This legislation threatens to usher

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in an era of very harsh treatment of offenders and could lead to widespread oppression of gay men and lesbians, which should be totally unacceptable to the international community. The denial of basic human rights is not tolerable. Has the Minister conveyed our concerns to the Ugandan authorities in respect of this very repressive legislation?

Deputy Joe Costello: Through the Government's development co-operation programme, Ireland is committed to providing long-term strategic assistance to nine key partner countries, eight of them in Africa. Good governance and human rights are key elements of our development programme. In addition to providing assistance to organisations promoting human rights, our embassies in our key partner countries work directly, and in co-operation with other EU member states, to engage with Governments on a range of governance and human rights issues, including the rights of lesbian, gay, bisexual, transgender and intersex, LGBTI, people.

In responding to serious human rights situations, including oppressive legislation, our focus is on targeted actions that do not penalise the most vulnerable in society. We deliver aid through a range of instruments and channels to support poverty reduction, and we target our assistance to achieve progress on human rights. We also ensure that the human rights of LGBTI people are kept on the international agenda. Ireland provided substantial input to the EU guidelines on LGBTI issues during our Presidency of the Council of the European Union in 2013. The Tánaiste pledged our full support to the efforts of the UN Secretary General to lead a global campaign for LGBTI rights when he addressed the UN General Assembly and the Human Rights Council in 2013. In my address to the Human Rights Council in March this year, I highlighted Ireland's grave concerns at the enactment of repressive legislation in a number of countries affecting the rights of LGBTI individuals.

We will continue to work internationally and in our partner countries to promote human rights, including the rights of LGBTI people, and to support human rights organisations and institutions.

Deputy Brendan Smith: I thank the Minister of State for his reply. I am glad he has conveyed our concerns to the Ugandan authorities in respect of this very oppressive legislation. Will he ensure that at political and official level every opportunity is taken to continue to highlight to the Ugandan authorities the unacceptable nature of this legislation and the measures contained therein? Does the Minister of State envisage a need to review the appropriation of aid from the Irish taxpayer and include the protection of human rights as part of it? Is he aware of any other countries that receive assistance from our overseas development aid programme where there is oppressive legislation in respect of homosexual acts?

Deputy Joe Costello: President Museveni signed the Anti-Homosexuality Act, which the Ugandan Parliament passed earlier this year, into law. Shortly afterwards, a group of Ugandan citizens launched a constitutional challenge to the legislation. The Ugandan Civil Society Coalition on Human Rights and Constitutional Law has issued guidelines on the international response cautioning against linking cuts in ODA to the enactment of the Bill for fear of any backlash against the LGBTI community and the potential impact on the poorest Ugandans.

That is the situation now, but prior to the signing of this repressive legislation into law Ireland had cut off its development links on a bilateral basis with the Ugandan Government due to the fraud that had been perpetrated earlier in respect of €4 million in ODA, all of which was recouped. We do not engage with the Ugandan Government but we continue to provide aid. We have been asked by the civil society organisation, some of whose members I met last autumn,

not to cut off our aid to Uganda. They said it would be counterproductive and detrimental to the poor people who receive Irish Aid, and that it would possibly result in a backlash, meaning that human rights would suffer. Other countries have moved to cut their aid but Ireland has decided to go with the wishes of Ugandan civil society.

Deputy Brendan Smith: I thank the Minister of State for his response. Has he had the opportunity to discuss with other donor states the reasoning for their cutting off aid? Were they not conscious, as the Minister of State seems to be, of the message from civil society in Uganda? Is the Minister of State confident that the civil society representatives whom he meets are representative of society in general and that this is not a one-sided civil society representation? Is he confident that it is a genuine civil society representative view which is given to the Minister of State and his officials?

Deputy Joe Costello: Yes, I am confident. I met a host of civil society organisations, including LGBTI representatives, when I visited Uganda. While I said that other countries had cut off aid, they have not cut off aid entirely. They have made cuts in their aid or they have suspended elements of it. This is the case for Norway, Denmark, Sweden and the Netherlands. Ireland has not done so and has continued to provide aid. In our view we have taken the right path because Uganda is a very poor society to which Ireland has contributed significantly. I refer to our aid to education in the Karamoja area in the north of Uganda, which is exceedingly poor. We bypassed the government when making that contribution and it has been made to the poorest of the poor. We have also aided other projects.

On my invitation, the Auditor General of Uganda will visit Ireland. He will address the Joint Committee on Foreign Affairs and Trade and will make a number of public statements. There will be an opportunity to hear from him as the officeholder who was funded. The only funding given to any agency of the Ugandan Government is given to bolster and boost the office of the Auditor General to ensure that he can continue the good work. It was this office which discovered the fraud and brought it to the Prime Minister's office. It is a strong, independent office, and we will be able to hear for ourselves the views of that officeholder.

An Ceann Comhairle: As Deputy Broughan is not present, Question No. 7 will not be taken.

Question No. 7 replied to with Written Answers.

Foreign Conflicts

8. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the imposition of martial law in Thailand and the fact that army soldiers have occupied government buildings in the country, which has a history of military coups and dictatorships; and if he will make a statement on the matter. [23184/14]

Deputy Seán Crowe: I was asked to raise this question to draw to the Minister's attention the situation following the military coup in Thailand. Many Thai people live in Ireland and many Irish people travel on holiday to Thailand and also live there. The country has a history of military interventions. Soldiers yesterday detained a prominent minister of the ousted government who had emerged from hiding to criticise the coup. The army has occupied many government buildings. My question may give the House an opportunity to comment on the

situation in Thailand.

Deputy Eamon Gilmore: I am deeply concerned about current developments in Thailand and my Department is monitoring the situation very closely. Following months of pro- and anti-government protests, on 22 May the Royal Thai Army announced that it was taking control of the government and suspending the constitution, having imposed martial law across Thailand two days previously. The acting Prime Minister, Niwatthamrong Boonsongpaisan, and his ministers were ordered to report to a military compound north of Bangkok, and political gatherings of more than five people have been banned. I call on the military to accept and respect the constitutional authority of the civilian power as a basic principle of democratic governance. It is of the utmost importance that Thailand returns rapidly to the legitimate democratic process and holds credible and inclusive elections as soon as feasible.

The Irish embassy in Kuala Lumpur, which has responsibility for Thailand, is in close contact with Ireland's honorary consulates in Bangkok and Phuket, which remain open and functioning. Irish citizens in Thailand or those thinking of travelling to Thailand should check the travel advice on my Department's website, which is updated as necessary. Any Irish citizens in Thailand should exercise extreme caution, monitor developments through the media and social media and follow the instructions of the authorities. Irish citizens should take extra care to avoid any demonstrations, protests or security operations and should note that the army has announced a nightly curfew from 10 p.m. to 5 a.m.

Deputy Seán Crowe: I welcome the Tánaiste's expression of concern and in particular his concern for Irish people in Thailand. There is a long history of interventions by the military in that country. Since 1932 there have been 12 military coups and seven unsuccessful coups. I commend the Minister's proactive approach to the security of Irish citizens in Thailand. Is the Department providing information to citizens on actions to be taken if the situation worsens? I presume there is an EU mission presence in Thailand, which may be the first point of contact for Irish citizens. More than 100 people have been arrested, including dissenting politicians and journalists. What can Ireland do? Will the Minister raise the issue in international forums?

Deputy Eamon Gilmore: Approximately 65,000 Irish citizens visit Thailand each year, as it is quite a popular holiday destination. It has been arranged that any Irish person in Thailand or anyone thinking of travelling to Thailand should check the travel advice on my Department's website, which is updated regularly. Thailand is currently serviced from our embassy in Kuala Lumpur and by honorary consulates in Bangkok and Phuket. Information about the honorary consulates is available on the Department's website. These are the recommended points of contact for those who may be in difficulty.

In January 2014 the Government decided to open a new embassy in Bangkok. We are continuing with the arrangements to open the embassy and Mr. Brendan Rogers has been appointed as ambassador. Notwithstanding the developments in Thailand, we intend to continue with the arrangements to open the embassy. Until the embassy is opened, people should seek information from the website, from the honorary consulates and, if necessary, from the embassy in Kuala Lumpur.

Deputy Seán Crowe: We need to be very proactive in our response to this situation. I am concerned about the message that the decision to open the embassy may give. There is a need for Ireland to support the democratic institutions in Thailand. I agree that arrangements for the opening of the embassy should go ahead, but we should send a strong message to the Thai

authorities that if the situation in the country continues, Ireland will review its relationship with that country.

Deputy Eamon Gilmore: There are two dimensions to be considered, one of which is the interests of Irish citizens who are in Thailand or who intend to visit it. Because of the numbers involved, it is important to have a presence on the ground in Bangkok. For this reason we intend to continue with the arrangements to open the embassy. Second, we are clear in our view of the military takeover that we want a restoration of democracy and the holding of elections. The European Union has issued a clear statement, which we support. We will continue to co-ordinate policy with the European Union. We want to see a restoration of democracy in Thailand and we will work to that end. However, we must look to the needs of our own citizens, many of whom visit Thailand. It may slow down a little because of the military takeover and the imposition of the curfew, but 65,000 Irish people visit Thailand every year and quite a number of Irish citizens do business there. In the circumstances, it is important that we have a physical presence on the ground, which is why we intend to continue with the arrangements for the opening of the embassy.

Workplace Safety

9. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will raise at European level the International Labour Organization's Decent Work campaign and Turkey's refusal to sign the ILO convention, in view of the recent mining accident which saw the deaths of 301 persons and in view of the fact that many are still unaccounted for; if his attention has been drawn to the fact that mining accidents account for 10% of workplace accidents in Turkey, which is higher than death rates for miners in China; if he will address at European level the questionable privatisation policies of resource industries in Turkey and the shortfall in investment in maintaining work safety in privatised mines; and if he will make a statement on the matter. [23177/14]

Deputy Maureen O'Sullivan: My question relates to the most recent mining accident in Turkey which was the latest in a series of mining accidents in the country; the nature of the engagement of the Government; and whether there will be engagement on its part at the International Labour Organization conference in June.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Paschal Donohoe): The Soma mining disaster which claimed 301 lives was the worst mining accident in Turkish history. The Tánaiste has written to the Turkish Government to convey our deepest condolences to the families of the victims of this terrible tragedy.

Health and safety standards in Turkey's mines are an issue which the European Union has consistently raised with the Turkish authorities. Ireland joined a number of other member states in requesting that the issue be raised once again at the forthcoming meeting of the EU-Turkey association committee, which is scheduled to take place on 3 June in Brussels. At this meeting the European Union will stress the need for Turkey to make progress in meeting EU standards and the standards of the International Labour Organization, ILO. The Union will stress that progress on this issue remains essential in the interests of Turkish workers and society.

Since 2002 the European Union has allocated €21 million to support the improvement of occupational health and safety standards in Turkey. This funding has been used, for example,

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to support the work of health and safety inspectors, provide training for them and set up laboratories for testing workplace standards. The European Union has focused, in particular, on standards in the mining sector, providing training and expertise for occupational health and safety inspectors.

Ireland remains a supporter of Turkey's EU accession process through which the European Union assists Turkey in meeting EU standards and laws in preparation for eventual membership. During our EU Presidency last year we succeeded in securing agreement on the opening of a new chapter in the negotiations. This was the first chapter to be opened in three years.

Additional information not given on the floor of the House

We hope this momentum can be maintained and that new chapters opened for negotiation in the future. In particular, we hope we can open negotiations on the issues of health and safety standards, which would be dealt with through chapter 19 on social policy and employment. At the association committee's meeting on 3 June the European Union will once again call on Turkey to take the necessary steps in order that we can start negotiations on these important questions.

Deputy Maureen O'Sullivan: There have been quite a number of serious mining accidents in Turkey. Since 1983 there have been 600 accidents. In the past 73 years there have been over 3,000. Everybody is entitled to safe working conditions and anyone going out to work should have an expectation that he or she will go home that night, but Turkey's record has been appalling. There are many positives in the Minister of State's answer, but much will hinge on the ILO conference in June. I hope our Government representatives will press the Turkish Government to ratify the ILO convention and implement it within its national legislation. This is part of the larger issue of decent working conditions. We saw the appalling accident in Bangladesh, while peasant farmers growing food on their land are under threat from multinational companies and mining organisations. This is all part of the bigger picture. Workers' rights need to be recognised.

Deputy Paschal Donohoe: I agree entirely with the point made by the Deputy that anybody going to work should have the expectation that he or she will return home safely at the end of the day. I emphasise three points in response to her further question. One of the main items for negotiation in respect of Turkey's accession is chapter 19 which covers issues such as employment law and social policy. I emphasise that in the past few years well over €20 million has been spent and invested by the European Union in dealing with the issue of safety in the workplace and making sure people are properly trained and that the monitoring mechanisms in place are robust. I note the point made by the Deputy on the need for the standards laid down by the ILO to be met. We will emphasise this point at the EU-Turkey meeting that will take place in Brussels in June.

Deputy Maureen O'Sullivan: In June 2011 the United Nations Human Rights Council endorsed the guiding principles on business and human rights, implementing the United Nations Protect, Respect and Remedy framework for business and human rights which was prepared by the UN special representative, Mr. John Ruggie. Ireland must be more proactive in respect of these principles and I hope this will be part of the continuing response from the Minister of State.

Deputy Paschal Donohoe: Again, I point to the fact that Ireland has been proactive in this

area in the recent past. Chapter 19 which forms part of the accession process for Turkey and in which Ireland played a leading role through the Tánaiste during its EU Presidency refers employment law and social policy. As a member state, we have raised this issue and will raise it again at the meeting that will take place in June.

Overseas Development Aid Oversight

10. **Deputy Seán Kyne** asked the Tánaiste and Minister for Foreign Affairs and Trade if, following the misappropriation of Irish Aid funds through corrupt means involving the Government of Uganda, he will outline the improvements and strengthening of safeguards to ensure Irish Aid funds reach the intended persons who are most in need; and if he will make a statement on the matter. [23218/14]

Deputy Seán Kyne: I wish to ask the Minister of State about the improvements made and the safeguards put in place in the use of Irish funds abroad, particularly following the misappropriation discovered in Uganda in November 2012.

Deputy Joe Costello: In October 2012 we suspended over €16 million of Ireland's development assistance to Uganda following the discovery of fraud in the Office of the Prime Minister. In response to our strong action the Government of Uganda has since refunded in full the €4 million of Irish Aid funds which were misappropriated. A full report on the fraud by the evaluation and audit unit of the Department of Foreign Affairs and Trade has been completed. The report concludes that adequate steps were taken to recover the funds involved and strengthen our own systems and redirect our aid through non-government channels. In addition, reviews of the internal controls and risk management systems in all Irish Aid partner countries, including Uganda, have been completed by the evaluation and audit unit. The recommendations made in these reviews are being implemented as a matter of priority.

The Irish Aid programme has a strong focus on development results. All of our programmes are robustly appraised. All partners, including NGO partners, are monitored regularly, with periodic field visits to ensure results are being achieved and that we are getting good value for money from our support. I am satisfied that our strong oversight of the aid programme ensures the valuable support provided by Ireland is reaching the intended targets and making a real contribution to improving the lives of some of the most vulnerable people in the world. I can confirm that independent evaluations have consistently confirmed this and that it remains an absolute priority to ensure Irish Aid continues to operate to the highest standards of accountability.

Deputy Seán Kyne: I know that the Minister of State shares the view that taxpayer's money must be spent on and used to deal with the neediest cases. It took a considerable period - up to February this year - for the report to be published. I wonder about this delay and whether there are similar reports on other countries in which Irish Aid moneys are being spent. I also have serious concerns about abuses in countries such as Uganda, including those relating to the LGBT community and the abuse of women and other minorities in certain other countries. We need to know that money is not being used to fund governments and regimes that engage in these abuses. Has any consideration been given to carrying out a review of the position in these countries?

Deputy Joe Costello: All of that has happened. The evaluation and audit unit of the Department of Foreign Affairs and Trade has not only conducted an evaluation and examination of

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the position in Uganda but has also looked at the position in our other partner countries, eight of the nine of which are in Africa, while the ninth is Vietnam. As a result of the fraud uncovered, we have taken a very deliberate step to avoid engagement with the Ugandan Government. Part of the funding goes directly through the Irish Embassy to the various projects in Uganda in which we are engaged. We are engaged very much in addressing education, HIV-Aids, gender-based violence, governance and livelihood projects. The funding goes to the poorest areas in the country either directly through the Irish Embassy in Uganda or through a number of trusted NGOs. Our NGOs are carefully monitored and evaluated. An NGO that receives more than €100,000 in funding from the Government must provide an annual report and give a clear account through a memorandum of understanding, which it has signed with Irish Aid in advance. There has to be transparency and accountability about the use of the money. Salaries in excess of €70,000 must be made public. That could be a good model of behaviour for all charitable organisations regarding how to deal in a transparent and accountable way with the salaries they give to their senior staff.

Deputy Seán Kyne: I welcome the change to providing the aid directly through the embassy or the NGOs in Uganda to the people. Is there a similar policy for the other partner countries in Africa?

Deputy Joe Costello: We deal with the situation as we see it on the ground. Under the OECD guidelines, the most desirable way to ensure partnership engagement between the donor country and the partner country is for the governments to engage. Where the partner government has a budget to deal with health, education and so on, that becomes part and parcel of the prioritisation donor countries engage in to ensure the optimum outcome from the funding that is made available. Where there is a suspicion of fraud or corruption, that is bypassed. That is done on a country by country basis and Uganda is one example of that.

The issue of human rights and LGBTI comes up and we have a strong position on those matters. As well as ensuring we would not engage directly with the government in Uganda as a result of the fraud, the fact that it introduced repressive legislation confirmed our position. At the same time, we got a clear message from civil society and the NGO community that we should not refrain from providing aid to the poorest people there because the government might not be trustworthy. Nevertheless, the people do not deserve to be penalised because of the faults of the government. We have continued to ensure aid goes directly to the people who are most in need.

Overseas Development Aid Expenditure

11. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade in view of the conclusions in the 2014 annual report to the European Council on EU development aid targets at the Foreign Affairs Council meeting in Brussels on 19 May 2014, his views on another significant shortfall in the EU's collective overseas development aid, ODA, which, despite an increase from €55.3 billion in 2012 to €56.5 billion in 2013, remains at 0.43% of EU GNI; his views on the way Ireland will contribute to the EU's goal of 0.7% of GNI by 2015; the preparation the Government is making in advance of a possible failure to meet the 2015 goals; and if he will make a statement on the matter. [23178/14]

Deputy Maureen O'Sullivan: My question relates to the shortfall in the EU's overseas development aid budget and what can be done about it.

Deputy Joe Costello: I attended the Foreign Affairs Council meeting of development Ministers in Brussels on 19 May. The Council adopted conclusions on the 2014 annual report to the European Council on the EU's development aid targets. The Council conclusions note that, despite continuing serious budgetary pressures, the EU's collective official development assistance - from member states and the EU institutions combined - increased from €55.3 billion in 2012 to €56.5 billion in 2013. This amounted to 0.43% of EU GNI. It must be recalled that this has been done against a difficult economic background in member states but, nevertheless, the EU remains by far the largest donor of development assistance in the world. It accounts for more than half of global ODA to developing countries.

Since coming into office, the Government has demonstrated its commitment to Ireland's aid programme and to stabilising the ODA budget to the maximum extent. In the three years 2011, 2012 and 2013, more than €1.9 billion has been provided for ODA. This is an enormous achievement in the circumstances. The Government has again managed to allocate almost €600 million to ODA in 2014. Our new policy for international development, One World One Future, makes it clear that the Government remains committed to the UN target of providing 0.7% of GNI in ODA. Having broadly stabilised the budget in recent years, we are committed to making further progress towards achieving the target as soon as economic circumstances permit.

Deputy Maureen O'Sullivan: I refer to the Council's conclusions and annual report while acknowledging the Minister of State's comment that, despite the continuing budgetary constraints, the EU's collective ODA provision increased to €56.5 billion. However, it remained at 0.43% of EU GNI. There was a slight increase in total ODA provided by individual member states but, in percentage terms, it equated to 0.41% of GNI. The annual report states:

Development co-operation remains a key priority for the EU, which has formally undertaken to collectively commit 0.7% of GNI to official development assistance by 2015, thus making a decisive step towards achieving the Millennium Development Goals. The EU and its Member States reaffirm all their individual and collective ODA commitments taking into account the exceptional budgetary circumstances.

There is a big difference between 0.41% and 0.7%. How will we get to the target?

Deputy Joe Costello: The latest figures show that four countries - Sweden, Luxembourg, Denmark and the UK - have met the 0.7% GNI target. The UK did so just this year. Ireland's ODA level stood at 0.45% of GNI in 2013, which placed us joint seventh in the EU table. This is against a background of being in the troika programme and in an economic crisis over the past five or six years. Overall, the EU maintained progress in delivering on its pledges, although the position varies greatly from member state to member state. For example, 16 member states increased their aid by a total of €4.1 billion while 12 decreased their aid by a total of €1.2 billion. Ireland was the only programme country that increased its aid, despite the difficult circumstances we are in. We must view the figures against that backdrop. We have made a commitment to reach the 0.7% GNI target as economic circumstances allow us to do. That remains our commitment and we will deliver on that.

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Foreign Conflicts

12. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the deteriorating situation in Libya after armed militants stormed the country's interim parliament with the country sliding towards an all out civil war; and if he will make a statement on the matter. [23186/14]

Deputy Seán Crowe: Conflicts have dominated his morning's proceedings. Will the Minister of State make a statement on the intervention in Libya where armed militants have taken over the parliament?

Deputy Paschal Donohoe: I am extremely concerned regarding recent events in Libya where the situation remains highly precarious. The security environment has further deteriorated in recent days after renegade Army General Haftar sent his paramilitary force, the "Libyan National Army", to attack the parliament building on 18 May. According to reports received, militia members used anti-aircraft weapons, rocket-propelled grenades and light arms in some of the heaviest clashes in months in the capital, killing two people and wounding 60.

General Haftar, who quit as head of Colonel Gaddafi's army and took charge of rebel forces during the 2011 uprising, has vowed to rid Libya of Islamist politicians whom he claims have allowed extremist militias to take control of the country. He has called publicly on the government to hand over power to the country's highest judicial council "to form a civilian presidential high council tasked with forming an emergency cabinet and organising legislative elections". General Haftar's forces also launched an extensive air and ground operation against Islamist militias in the coastal city of Benghazi on 16 and 17 May, reportedly killing 70 people.

The acting Libyan Prime Minister, Abdullah Al-Thinni, has declared that General Haftar is attempting to lead a coup against the government. I strongly condemn the actions of all militias in Libya, including General Haftar's forces, which are seeking to undermine the legitimate political process and the aspirations of the vast majority of the Libyan people for a peaceful democratic transition. I join Libya's interim government in calling on all sides to return urgently to dialogue and reconciliation as a means of restoring stability.

Deputy Seán Crowe: The difficulty is that there is no government operating in Libya. There is a collection of armed groups and this is another strong man emerging. We have seen this happen on many occasions. Earlier we discussed the coup in Thailand. Are there Irish citizens living in Libya and is there concern about them? A number of Libyan people were living in Ireland, some of whom returned to Libya after the fall of the Gadaffi regime. Does the Minister of State have any information on this? What should Ireland do about the situation? Do we step back and let them at it? What happens next?

Deputy Paschal Donohoe: I am not in a position to state the exact number of Irish citizens in Libya, but I assure the Deputy that through our embassy in Rome which is accredited to Libya we are providing advice for anybody who is considering travelling to Libya and that we will monitor and offer support to Irish citizens who are in the country or the region.

With regard to the response to the grave difficulty in Libya, much of it is being co-ordinated through the European Union. On the first level, the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton, who co-ordinates and leads much of the European Union's foreign policy in these areas has appointed a new special envoy to Libya,

Bernardino León, whose role will be to co-ordinate the work of the European Union in that area and offer any support possible, with a particular focus on what can be done in the area of public administration and governance.

The second area of work by the European Union involves what is described as the European Union Integrated Border Management Assistance Mission in Libya which was established in May 2013. Its role is to support and develop the capacity and ability of the Libyan authorities to monitor their borders and make them secure and in the long term to develop broader policy and concepts in that regard. The mission has a temporary location in Malta and will put in place a secure compound and facility within Libya to deal with work in that area.

Written Answers follow Adjournment.

Sitting suspended at 10.55 a.m. and resumed at 12 noon.

Return to Writ: Longford-Westmeath

Introduction of New Member

The Clerk Assistant of the Dáil made the following announcement:

I gcomhlíonadh Bhuan-Ordú 175 de na Buan-Orduithe i dtaobh Gnó Phoiblí, tá orm a chraoladh go ndearnadh, sa Chorrthoghchán a bhí ann an 23 Bealtaine, 2014, de chionn an Teachta Nicky Nic Pháidín d'fháil bháis, an comhalta seo a leanas a thoghadh don Dáil:-

In compliance with Standing Order 175 of the Standing Orders relative to Public Business, I have to announce that at the By-Election held on 23 May, 2014, consequent on the death of Deputy Nicky McFadden, the following member has been elected to the Dáil:-

Dáilcheantar an Longfoirt-na hIarmhí Gabrielle Nic Pháidín

Constituency of Longford-Westmeath Gabrielle McFadden

Tá Rolla na gComhaltaí sínithe ag an Teachta de réir Bhuan-Ordú 1.

The Deputy has signed the Roll of Members in accordance with Standing Order 1.

An Ceann Comhairle: It gives me great pleasure to welcome Deputy Gabrielle McFadden to the Chamber on what is a very special occasion for her and her family. We remember her late sister, Nicky, who was loved and respected by all sides of the House and who was taken from us recently. I know I speak for all of us when I wish the Deputy a very happy stay as a Member for Longford-Westmeath. I congratulate her on her successful election.

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The Taoiseach: I welcome Deputy Gabrielle McFadden as an elected Member for Longford-Westmeath. She replaces her late sister Nicky. This must be a day of nostalgia and emotion for Gabrielle but also one of great excitement in receiving the continued trust of the people of Longford-Westmeath in fulfilling her mandate. I wish her very many years of quality representation which I know she will give to all of the people of Longford-Westmeath without fear or favour. I can testify that she is a person of exceptional qualities who will do a wonderful job in the representation of all the people of her constituency.

Deputy Micheál Martin: Ar mo shon féin agus ar son mo pháirtí, cuirim fáilte roimh Gabrielle McFadden go dtí Dáil Éireann. Is léir gur éirigh go maith léi san fho-thoghchán agus go raibh muintir na dúiche sin sásta í a chur go dtí Dáil Éireann. Is rud iontach é sin di féin agus dá clann.

I welcome Deputy McFadden to the House personally and on behalf of the Fianna Fáil Party. I hope she will enjoy the experience here. Today is tinged with sadness as we remember her late sister, Nicky, who gave great commitment to the House and to politics in general. I hope Deputy McFadden and her family will be sustained in the weeks and months to come by the fact that the people have elected her to represent them in Dáil Éireann. Hopefully, that will help them in some way to cope with their sad loss.

Deputy Mary Lou McDonald: Ba mhaith liom freisin, ar son Shinn Féin, fáilte mhór a chur roimh an Teachta McFadden. I have no doubt that Deputy McFadden's victory in the by-election was a bittersweet one for her and her family. On behalf of Sinn Féin, I extend the warmest of welcomes to her and join in the sentiments expressed in relation to her late sister, Nicky, who was genuinely regarded, respected and loved right across the Dáil. I welcome Deputy McFadden. It is great to have another woman in this place and I look forward to working with her. I wish her and her family the very best.

Deputy Catherine Murphy: On behalf of the Technical Group, I welcome Deputy Gabrielle McFadden to the House. She described her victory as a bittersweet one and we can all understand that sentiment. I contested and won a by-election in 2005 and know how daunting it is to come in mid-term. I am sure the Deputy will get great support from her organisation. It is great to see that both by-elections were won by women and that it appears we will have more women than men going to the European Parliament. Many new women were elected at local government level, which is a significant and welcome change. I wish Deputy McFadden the very best for the term ahead.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): On behalf of the Labour Party, I wish to be associated with the congratulations to Deputy Gabrielle McFadden on her election. It must be a time of sadness on the passing of her sister but also a time of hope due to her own election and the fact that she continues the legacy so ably carried on by her sister here. I am happy to recognise that Deputy Gabrielle McFadden's husband Brian is in the Distinguished Visitors Gallery with her mother-in-law and Ms Kate McFadden. It is a moment of great pride for them. I congratulate Deputy McFadden on behalf of the Labour Party and wish her well in the years to come as a Member of Dáil Éireann.

Deputy James Bannon: It is with a degree of both sadness and delight that I rise to welcome my colleague, Deputy Gabrielle McFadden, to the House. I acknowledge the presence in the Distinguished Visitors Gallery of her husband, Brian, her aunt, Kay, whom I have known for a very long time, and her mother-in-law. I have known the McFadden family for many years

and contested my first ever convention with Deputy Gabrielle McFadden's father, Brendan. Indeed, the late Nicky McFadden and I shared many experiences as, together, we represented the people of Longford-Westmeath nationally on the Fine Gael ticket since 2007.

The McFadden family is dedicated to public service as evidenced by the dedication of Nicky McFadden who refused to let her illness get in the way of serving the constituency as well as through Deputy Gabrielle McFadden who has worked tirelessly on the ground for the Longford-Westmeath constituency since Nicky was confronted with her terrible illness in 2012. Deputy Gabrielle McFadden is not only a strong representative, she is an extremely intelligent, hard-working individual who understands the issues facing the people of Longford-Westmeath. To understand the issues is one thing, but it is another thing to have the determination and drive to stand on the national stage and pursue the important issues we are passionate about. Nicky McFadden had great passion for her people and I have no doubt her sister Gabrielle, who joins us today, will not be found wanting in that area. I sincerely wish her many years of success in Dáil Éireann.

Deputy Robert Troy: I concur with what previous speakers said and I welcome my new constituency colleague to Leinster House. I congratulate her on her victory, which, as previous speakers said, was a bittersweet one. We remember her late sister fondly. She served her constituents in Longford-Westmeath so well in her time in the Seanad and in the Dáil. I look forward to working with Deputy Gabrielle McFadden for the rest of the term in Leinster House and to working collectively to meet the challenges that face so many of our constituents in these challenging times. I look forward to working in the best interests of the constituency.

Deputy Peter Mathews: We welcome, with the warmest and best wishes, Deputy Gabrielle McFadden. We hope she has a happy and successful career.

Leaders' Questions

Deputy Micheál Martin: The Secretary General of the Department of Justice and Equality will be before the Joint Committee on Justice, Defence and Equality this afternoon answering questions. However, when accepting the invitation, the Secretary General wrote to the committee on 13 May to say that while he would answer most of the questions, he is not in a position to answer any questions about the mysterious set of circumstances leading to the departure of the former Commissioner, Martin Callinan, following a meeting between the Taoiseach, the former Minister, Deputy Shatter, the Secretary General at the Department of the Taoiseach, Mr. Martin Fraser, and the Secretary General at the Department of Justice and Equality, Mr. Brian Purcell, on 24 March. This refusal to tell the full story to the committee is worrying and bizarre. We hear a lot about strengthening the role of committees and giving them the capacity to get answers to questions quickly in the public interest, yet we are now hearing about an attempt essentially to gag the committee. The Taoiseach could be helpful because there is nothing to stop him giving the full truth to the House and providing a full statement outlining all the circumstances leading to the forced resignation of the Commissioner. The Taoiseach could make a full statement to the House about the meeting between the Taoiseach, the former Minister, Deputy Shatter, and the two Secretaries General on Monday evening before Mr. Purcell was dispatched to the Commissioner's house. The Taoiseach can tell us what instructions he gave to the Secretary General and what he was told to say to the Commissioner. Why was it indicated that the Commissioner would not survive the Cabinet meeting the following morning? It is the

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first time in 35 years that a Garda Commissioner has been forced to step down. It is a serious issue of public interest and nothing is stopping the Taoiseach from telling us, the public and this House the circumstances of the meeting and the instructions given to Mr. Purcell as he went to the home of the Garda Commissioner to indicate that perhaps he should consider his position.

The Taoiseach: I thank Deputy Martin for his question. I congratulate him and all the other people elected over the weekend from different parties and none.

This is a serious matter and I have already said on the record that my requirement as Taoiseach was to deal with the issue.

Deputy Róisín Shortall: Now.

The Taoiseach: When the information, which I had never had before, was brought to my attention, it was of such serious importance that I felt it right and proper that the Garda Commissioner of the day be informed of my concern and my anxiety because I would have to inform my Cabinet colleagues the following morning about the information brought to my attention. My requirement was that the former Garda Commissioner be made aware of my concerns and my anxiety arising from the information I was given. I have already said that on the record of the Dáil.

The following day, the Oireachtas Joint Committee on Justice, Defence and Equality met and considered the matter and wrote a letter requiring a commission of investigation to deal with the matter, with one of the terms of reference of the commission of investigation being the events leading to the retirement of the former Garda Commissioner. The Government and I received that letter and acted on it. Within two weeks, the Government had set out terms of reference, including the specific requirement of the Oireachtas committee, and had appointed a sole chairman to conduct the business of the commission of investigation. Deputy Martin wants to change that and have a political discussion about the issue.

Deputy Willie O’Dea: We want answers.

Deputy Niall Collins: What about the banking inquiry?

The Taoiseach: I have already said on the public record that my sole concern was that the then Commissioner should be informed of my anxiety and concern because of the information brought to my attention on Sunday and Monday. Following the receipt of a formal request from the Oireachtas committee, the Government responded by setting up a commission of investigation and inserting into the terms of reference the specific request by the Oireachtas committee to deal with the matter of the retirement of the former Garda Commissioner.

Deputy Billy Kelleher: So the Taoiseach can kick it down the road, as he kicked the Commissioner.

The Taoiseach: That is the position and there is nothing mysterious about it. It arises from a very serious matter and when the matter was brought to my attention, I felt it incumbent upon me, as the person who sits in this seat, to know that the Garda Commissioner was apprised of my concerns and anxieties. I was going to have to inform my Cabinet colleagues the following morning of the information I had received. Deputy Martin would have done the same.

Deputy Micheál Martin: The matter that came to the attention of the Taoiseach and caused him such great anxiety was brought to the attention of the Department and the Minister some

weeks earlier by the Commissioner. That does not stack up. It is bizarre. Is the Taoiseach saying that all Mr. Purcell was told was to go to the Commissioner and tell him that the Taoiseach was filled with anxiety, and not to say any more?

Deputy Barry Cowen: A bit of soda water.

Deputy Micheál Martin: We are now being led to believe that he said nothing else. He did not tell him he would not survive the Cabinet meeting or that he was going to be sacked; he just told him that the Taoiseach was filled with anxiety.

Deputy Mattie McGrath: Rennie's, and brandy and ginger.

Deputy Micheál Martin: This concerned something the Taoiseach had learned on that day, of which the Commissioner himself had informed his Minister two to three weeks earlier. We are not getting the full story. There is an extraordinary silence on the substantive question, namely, the removal of a Garda Commissioner. It was not for the Taoiseach to take that initiative under the legislation. If the Taoiseach was so minded, he should have informed his Cabinet colleagues in advance of any despatching of a senior public servant to the Garda Commissioner. I would like to know the full circumstances of what transpired at the meeting on the Monday evening between the Taoiseach, the former Minister, Deputy Shatter, and the Secretaries General, Mr. Purcell and Mr. Fraser. Essentially, this is being buried for a long time for political reasons.

An Ceann Comhairle: We are over time.

Deputy Micheál Martin: Will the Taoiseach give a full statement? The Taoiseach knows the story. He knows what happened and I ask him to tell us what happened fully and without any equivocation.

Deputy Finian McGrath: Paddy wants to know too.

The Taoiseach: It was not a case of having the former Garda Commissioner told that the Taoiseach was full of anxiety. What was brought to my attention had gone on for 30 years. We now know about tapes and recordings in Garda stations all over the country and tapes in the case of a woman murdered in west Cork, a case which remains unsolved. If the Deputy wants to make some glib remarks about it, that is his entitlement.

Deputy Micheál Martin: I never mentioned it; I just want the truth.

The Taoiseach: I was informed of the seriousness of this matter, an issue new to me and the country.

Deputy Barry Cowen: The Taoiseach sacked them all retrospectively.

The Taoiseach: The Deputy is right; I understand my responsibilities in regard to the Garda Commissioner. I do not have the authority to sack anybody.

Deputy Micheál Martin: No, but the Taoiseach did so.

The Taoiseach: However, I do have a responsibility.

Deputy Barry Cowen: The Taoiseach overstepped the mark.

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The Taoiseach: I had the responsibility to see to it that the Garda Commissioner of the day was aware of what I had been apprised of and would be made aware of it.

Deputy Micheál Martin: He was; he had written to the Minister three weeks earlier about it.

An Ceann Comhairle: Please allow the Taoiseach reply. We are over time and I will switch off the microphones.

The Taoiseach: My request was that the Garda Commissioner be fully apprised of the anxieties and concerns arising from the information that had been given to me.

Deputy Willie O’Dea: Just that day.

The Taoiseach: We have a process here. The Oireachtas committee met to consider the matter and wrote to me and the Government, stating we must have a commission of investigation and that the terms of reference should include this matter. The sole member of the commission of investigation has written to me, as he is entitled to do, asking me to respond to him.

Deputy Róisín Shortall: Stop hiding.

The Taoiseach: I will comply with his request and give him full and comprehensive responses to his queries.

Deputy Micheál Martin: Why not give that information to the House?

Deputy Pádraig Mac Lochlainn: Why can the Taoiseach not give it to us today? Just tell us.

(Interruptions).

The Taoiseach: This House set up a commission of investigation headed by a Supreme Court judge, but the Deputy wants to make it a political conversation all the time. I have been contacted by the sole member and will respond fully and comprehensively to him.

Deputy Róisín Shortall: Stop hiding behind the commission of inquiry.

The Taoiseach: This House put that process in place. I have already said I was concerned about what I had heard. I needed to tell my Cabinet colleagues the following morning and the Garda Commissioner had a right to be apprised of these concerns and anxieties. That is what I asked the Secretary General to convey.

Deputy Róisín Shortall: Rubbish.

Deputy Finian McGrath: Cover up.

Deputy Mary Lou McDonald: On Friday the people sent the Taoiseach and his Government a clear message. They clearly rejected the policies of the Government and said it had no mandate to inflict the misery it had been inflicting on families or the damage it had been causing to society. They have now told the Government to end its brutal agenda of relentless austerity, reverse its policy of taking medical cards from sick children, imposing a family home tax, introducing a water tax and making vicious cuts to supports for the most vulnerable citizens. To

borrow the Taoiseach's phraseology, Friday saw a real democratic revolution and the Taoiseach and the Government have been given notice to quit. That is the reason the Tánaiste, Deputy Eamon Gilmore, has resigned as leader of the Labour Party. What about the Taoiseach? What is his response to the electorate's devastating verdict? Has he got the message? Is he listening to what the people have told him? Will he acknowledge the clearly expressed wishes of the people for a fundamental change of political direction?

I know that the Taoiseach will not resign. That is clear. However, will he renegotiate the programme for Government and when will this happen? What are his plans in respect of the further €2 billion required in cuts in the next budget? Will he persist in moving in this direction. Has he listened to what the people have told him or is he listening instead to his predecessor as Taoiseach and Fine Gael leader, Mr. John Bruton, who believes we face another ten or 15 years of cutbacks and brutal austerity budgets?

The Taoiseach: I was here with former Minister John Bruton and think he made two attempts at introducing a budget, neither of which was passed. I do not agree with his assertion. We are not going to change political direction. We have set targets and objectives which must be achieved. On the scale of the adjustment to be made in the budget for 2015, to be introduced in October, this is one issue we cannot determine now because we have yet to review the scale and state of the national accounts. That will be done later this year. From that point of view, I cannot give the Deputy or anybody else a definite answer until we see the scale of what is involved. I have already said it is a priority for the Government that where flexibility can be shown in the budget, it will be shown to hard-pressed taxpayers.

I congratulate Sinn Féin on its success in having members elected around the country. However, I want Deputy Mary Lou McDonald to understand that what I have heard from her party's spokespersons in the last while is that we should have free water, a reversal of the universal social charge, an abolition of the property tax-----

Deputy Mattie McGrath: Indigestion tablets.

The Taoiseach: -----that everything and every service should be free of charge.

Deputy Mary Lou McDonald: That is not right.

The Taoiseach: However, nobody in Sinn Féin has ever pointed out, despite the fact that it states its programmes were costed-----

Deputy Caoimhghín Ó Caoláin: The Taoiseach is still not listening.

The Taoiseach: -----that it has an 82% income tax rate built in. It faces the future with charged emotion, but the next contest will be different in nature.

Deputy Caoimhghín Ó Caoláin: We are looking forward to it.

The Taoiseach: It is going to be about whether the people want a government, in this case a Fine Gael-Labour Party Government, that is competent in keeping the affairs of the country in a state of solidarity and stability, with growth in confidence. The evidence is before our eyes - yields have fallen from 15% to 2.6% and we have had a fall in the unemployment lists for 24 consecutive months. That is heading in the right direction. The question for the future will be who do the people want in charge of the nation's economy? Do they want Fianna Fáil which wrecked it and put the problem on the shoulders of every person in the country and the

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next generation or do they want the Sinn Féin Party which shouts from every crossroads that everything should be free and which has no plan or no notion of who will pay for it?

(Interruptions).

The Taoiseach: It is not just a case of saying it should be different. If the Government - Fine Gael and the Labour Party - did not make the difficult decisions it had to make, the country would have been consigned to penury for the next generation because of the catastrophic effects of what had been left behind. I will not shirk the responsibility or back away from it. We will achieve the objectives we have set. The scale of the adjustment to be made in the budget to be announced in October is a question we cannot answer now until we see the state of the national accounts and finances.

(Interruptions).

An Ceann Comhairle: This is not a shouting contest. This is Leaders Questions, when leaders are invited to ask a question and receive a reply, in silence. Deputies should, please, settle down and take their tablets, or else leave the Chamber.

(Interruptions).

Deputy Mary Lou McDonald: I do not know how to break it to the Taoiseach, but he is not regarded as competent. He should have seen this; did he not follow the election results? He is not regarded as competent; neither is he regarded as being fair. He talks about others subjecting people to penury, but that is precisely what he has done. There is no public support for taking discretionary medical cards from very sick children. Does the Taoiseach get it? Has he heard this?

An Ceann Comhairle: Will the Deputy, please, put a question? This is Leaders' Questions.

Deputy Mary Lou McDonald: It is clear from the Taoiseach's response that there will be no renegotiation of the programme for Government. Did the Labour Party hear this?

An Ceann Comhairle: Will the Deputy, please, address the Chair, not the Labour Party?

Deputy Mary Lou McDonald: Did the Taoiseach tell the Tánaiste, Deputy Eamon Gilmore, this?

(Interruptions).

An Ceann Comhairle: This is not a time for play-acting. Will the Deputy, please, ask her question?

Deputy Mary Lou McDonald: Has the Taoiseach told the Labour Party this? It seems there will be no change in the scale of the cutbacks envisaged in the next budget. Does the Labour Party know this? It seems that far from listening to the people and hearing the message,

there is a frantic effort to rearrange the deckchairs on *Titanic*, to change the face or voice at the microphone and to continue on regardless. That is not acceptable. If the Taoiseach persists in this way, he has not listened or is not willing to listen. If, by any chance, he is declaring a general election, good for him - bring it on. It is not so much that the political parties are waiting but that the people are waiting.

An Ceann Comhairle: I ask the Deputy to put her question or else resume her seat. We are over time.

Deputy Bernard J. Durkan: She should not be over-confident.

Deputy Mary Lou McDonald: There is to be no change to the programme for Government or the scale of the cutbacks. Let me put this question to the Taoiseach.

An Ceann Comhairle: The Deputy is way over time. I ask her to resume her seat.

Deputy Mary Lou McDonald: Will the Taoiseach at least give back the medical card to Katie Connolly, a young child with Down's syndrome-----

An Ceann Comhairle: I am sorry, but will the Deputy, please, put her question?

Deputy Mary Lou McDonald: -----and to Alex Boyle, a young disabled child?

An Ceann Comhairle: No, we are not having this. Will the Deputy, please, respect the Chair?

Deputy Mary Lou McDonald: Will the Taoiseach at least do that if he has heard the voices of the people?

An Ceann Comhairle: I ask everybody to, please, respect the Chair or, as I have said before, change the rules. Do not ask me to preside over a contest in which there are no rules, according to some.

The Taoiseach: I thank Deputy Mary Lou McDonald. In my years here I believe I have never passed a personal comment about any Member of the House in respect of his or her ability, competence or fairness. If she wants to proceed along that line, that is her right.

Deputy Willie O'Dea: There was something along the lines of being accused of economic treason.

The Taoiseach: The programme for Government agreed between Fine Gael and the Labour Party has been more than 90% completed. Following the country's exit from the programme, we published a medium-term strategy which set out the path to progress for continued stability, confidence, growth and jobs. At the end of the day it is about investment, growth and jobs. Sinn Féin does not want this because it wants anarchy, if it could have its way. For the future, the Labour Party will follow its own process in finding a successor to the Tánaiste, Deputy Eamon Gilmore. The medium-term economic strategy we set out points the way to the future for the country. Within it we recognise, as we have done for a long time, the problems the country faced given what we had inherited. It has not been easy.

I am well aware that there is a problem in regard to discretionary medical cards.

Deputy Mary Lou McDonald: The Government should sort it out.

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The Taoiseach: We are going to fix that problem.

Deputy Mary Lou McDonald: When?

Deputy Michael Healy-Rae: It has been ongoing for a long time.

The Taoiseach: There is a problem. The problem is that the process for dealing with the issue is not what I want it to be. Deputy Mary Lou McDonald should believe me - we will deal with it. I have a set of proposals for a Cabinet sub-committee tomorrow.

In respect of cutbacks in the next budget, I have already set out the targets for 2015. Nobody can tell us what the exact state of the national finances will be until later this year. We have already made it perfectly clear that whatever flexibility is available to the Government in the course of preparing for the budget it will be shown to hard-pressed individuals and families. However, we cannot resile from the fact that if the decisions the Fine Gael and Labour Party Government had to make were not made, the country would have been consigned to a generation of absolute poverty.

Deputy Mary Lou McDonald: We have done it for a generation of people. Is the Taoiseach blind?

The Taoiseach: The Deputy does not like to see 1,000 jobs a week being created and confidence returning to the country because all she wants to do is shout from the outside-----

Deputy Peadar Tóibín: The Government has deepened the recession.

The Taoiseach: -----and say: "I don't have responsibility; therefore, water charges should be reversed, USC should be abolished and property tax should be eliminated."

A Deputy: With more than 200,000 children living in poverty, we are at the edge.

The Taoiseach: When the Sinn Féin finance spokesperson was asked five times the other day if he would propose to reverse the water charge legislation, the answer was in the negative. Therefore, they are fine on the other side of the House-----

Deputy Peter Mathews: What about prom bonds?

The Taoiseach: -----but woe betide taxpayers and the businesspeople of the country the day Sinn Féin is given responsibility when it will not own up to what it is proposing - an 82% income tax rate and God knows what else to follow.

Deputy Catherine Murphy: With the understandable media attention given to the fallout from the election results, the news that employment growth in the economy has dropped significantly has mainly flown under the radar. Employment growth is a key measure of an economy's health, yet that growth figure fell to just 0.1% during the first quarter of the year, with the creation of just 1,700 jobs in the entire quarter, a long way short of the 1,000 jobs a week that the Government is claiming as its big achievement. The Taoiseach just mentioned it erroneously. The figures compiled by the CSO for the latest quarterly national household survey are worrying for us all and underline just how weak the domestic economy really is. The small and medium-sized enterprise sector has been the poor relation with far too little attention being paid to it. The money being taken from people's pockets in taxes and charges is directly impacting on small and medium-sized businesses, with employment in sectors such as wholesale and re-

tail down by more than 29% since 2007. To put the matter in context, in the previous quarter the rate of job creation was 16,300, compared to 1,700 in the first quarter of the year. This is a very significant change and it also means that the Government must revise upwards the projected unemployment rate to 12% compared to the predicted rate of 11.8%. That is before we count the underemployed or those not counted because they are not entitled to a welfare payment and the 80,000 participating in schemes. Of the 258,100 officially unemployed, 60.5% are considered to be long-term unemployed, a reduction of just 3% since early 2012, which is a major concern.

An Ceann Comhairle: A question, please.

Deputy Catherine Murphy: Has the Government identified the causes of the slowdown in job creation and, if so, what are they? How will this reduction in jobs growth impact on the budget allocations for the vital Departments of Social Protection and Health which are already in the early stages of planning for the budget? Does this mean that the Government will demand something we should have received already, which is a debt write-down?

The Taoiseach: I thank the Deputy for her comments. It would be unfair to take the figures for one quarter as a guide for the year. In the past 12 months 61,000 new jobs were confirmed as having been created through the private sector. The growth rate for the year is expected to be 1.7% or 1.8%. I admit that the figures for the last quarter were not as strong as for previous quarters. However, we have had eight consecutive quarters, 24 consecutive months, with a fall in the numbers on the live register, which is pointing in the right direction.

The Minister, Deputy Leo Varadkar, signed the contract for the section of motorway from Gort to Tuam. I know that one of the major contractors is bringing back some 40 Irish engineers from Australia to work on these projects. The Government's stimulus package for school project bundles, Grangegorman and other infrastructure developments is important. There is also the employment aspect of Irish Water in terms of the installation of meters and infrastructure. These all represent opportunities to grow from where we are, having lost 300,000 jobs in the three years prior to 2011.

The medium-term strategy that I mentioned points out that we want to create 100,000 net new jobs by 2016 and have all those jobs lost restored by 2020. That is why the Government has introduced a particular strategy for the construction sector. We need to introduce new planning legislation to give effect to elements of it. The Minister of State, Deputy Jan O'Sullivan, announced in the €100 million allocation for social housing the elements to deal with homelessness, including the refitting of 2,700 units that have been empty and boarded up for some time. These are all opportunities not only to provide a social response but also employment.

The line of investment into the country is very strong. The focus this year is on the construction sector, services and retail. There is a big Government emphasis on credit for small business and access by small business to opportunities to expand and increase employment. That is why all of the local enterprise offices have been opened within each local authority area, with specific information, assistance and expertise for entrepreneurs. That is why there is a major drive to ensure young people in secondary school and college have an understanding of how easy it is to form a company and create opportunities to engage in business. Legislation relating to financial assistance from the German state bank, KfW, which was offered last year, is currently going through. This will form part of the strategic investment programme, the level of funding available under which will rise to €4 billion. Most of this is for small businesses and it will be allocated under specific conditions. This is an area which is extremely important in

the context of the economy and the creation of jobs into the future. As such, it is a central focus of the Government.

In the context of forthcoming Cabinet meetings, the Minister of State, Deputy Jan O'Sullivan, will respond in respect of how that construction strategy is being followed through. It is a major primer in terms of employment numbers and in the context of levels of expenditure and confidence throughout the economy. The signs are in many locations throughout the country that this strategy is moving us very strongly in the right direction. I admit that there are still too many people who are unemployed and that difficulties remain in respect of access to credit, a matter with which we are dealing. We must leverage more in the context of what we know we can obtain. The construction, services and retail sectors are the focus of Government this year. We are aware that matters have been very sensitive in the case of retail and that a sufficient contribution has not been made in the case of construction.

Deputy Catherine Murphy: I accept the point that there was substantial job growth during the previous four quarters. However, the reversal in the first quarter of this year is a really serious cause for concern. The CSO figures for last year come with a major health warning, particularly when one considers the number of construction workers - in the region of 20,000 - who redesignated themselves as farmers. Many of the jobs referred to in the figures for last year are representative of a statistical anomaly. They are not real jobs, and this must be factored in. It is vital that we obtain a true picture with regard to what is happening.

The Taoiseach is quite right when he states that the construction sector is significant. In addition, a huge number of people are long-term unemployed at a time when we are having a major housing crisis. One thing we could do in this regard would be to leverage the massive funds available from the European Investment Bank. Dr. Michelle Norris informed the Joint Committee on Environment, Culture and the Gaeltacht that in the region of €500 million is available for social housing and that we have not leveraged this.

Deputy Finian McGrath: Five hundred million.

Deputy Catherine Murphy: Will the Government consider partnering with some of the housing charities or other agencies that could operate at arm's length from local authorities in order to access the funds to which I refer? In this way we could alleviate one of the major crises of our time - namely, the housing crisis - and reduce the number of people who are long-term unemployed. Does the Taoiseach accept that in doing as I suggest it would be possible to create real jobs, obtain eventual savings by reducing the level of social protection payments and housing supports and address the key issue that is the housing crisis?

Deputy Finian McGrath: Hear, hear.

The Taoiseach: That is a valid contribution. Last year there was a big shift from part-time to full-time work. It is true that during the boom years, as they were called, many people involved in farming took second jobs - of whatever kind - in the construction sector. Obviously, 100,000 people who are currently on the live register were, in one way or another, involved in that sector. The Dáil engaged in a debate on the housing sector, the pressure that is evident in certain locations and the various categories involved. Everything that was said during that debate is contemplated in the construction strategy developed by the Government and will be followed through.

It is true that the European Investment Bank has a great deal of money to invest. It is also

true that the chief executive and certain officials from the bank visited the country on a number of occasions. The bank is investing heavily now and it wants to invest even more. The difficulty for us has been that in the past we did not put forward projects of sufficient scale. For example, the section of motorway from Gort to Tuam to which I refer is being funded in part by the European Investment Bank. The bank is very interested in investing and the Government is responding in a range of ways in seeking to leverage more money from it for various infrastructure and employment projects throughout the country. I can provide the Deputy with details of those projects if she so wishes. Four hundred new jobs were announced yesterday. In fact, a continuous stream of jobs is coming through. What we want to do this year is to drive local economies. This is because we are aware that so much more can be done at that level. It is why we are focusing on construction, services and retail. I will be happy to supply the Deputy with up-to-date information on the level of progress being made. I thank her for her comments.

Order of Business

The Taoiseach: It is proposed to take No. 6, Health (General Practitioner Service) Bill 2014 - Order for Second Stage and Second Stage; and No. 20 - statements on the Guerin report (resumed). It is proposed, notwithstanding anything in Standing Orders, that the proceedings in respect of No. 20 shall be taken at 4.30 p.m. and shall, if not previously concluded, be brought to a conclusion at 7.30 p.m. Private Members' business shall be No. 49, Garda Síochána (Amendment) (No. 2) Bill 2014 - Second Stage (resumed) to conclude at 9 p.m. tonight, if not previously concluded. Tomorrow's business after oral questions shall be No. 7, National Treasury Management Agency (Amendment) Bill 2014 - Order for Second Stage and Second Stage.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. 20 agreed to? Agreed.

Deputy Micheál Martin: With regard to the Commissions of Investigation Act 2004, the terms of reference of the Fennelly commission were announced by the Government on 8 April last. In a recent letter to the Secretary General of the Department of Justice and Equality, Mr. Justice Fennelly stated that the commission does not yet have telephone or Internet facilities. Will the Taoiseach confirm that this is no longer the case and that the work of the commission will be accelerated?

On the Health (General Practitioner Service) Bill, the Minister for Health has given a commitment to change the policy in respect of discretionary medical cards for those with lifelong disabilities, serious illnesses and life-limiting conditions. The relevant Cabinet committee is due to make a final decision on this matter tomorrow. When will the amendments to the Health (General Practitioner Service) Bill which relate to changing the policy on discretionary medical cards and which the Minister has promised be forthcoming?

The Taoiseach: I am not aware of a lack of telephone or Internet connections for the Fennelly commission of investigation. If there is a problem, I will see that it is attended to.

Deputy Micheál Martin: The matter was raised by Mr. Justice Fennelly in a letter to the Secretary General of the Department of Justice and Equality.

The Taoiseach: Yes. Whatever the sole member requires in terms of the facilities necessary to allow him to do his job will be supplied.

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The Cabinet committee to which the Deputy refers will not be making a final decision tomorrow. We recognise that there is a problem and we want to deal with it in a way that is understanding, humane and compassionate. As I have informed him previously, some of the letters sent to people in respect of either themselves or their children were not acceptable in any circumstances. He and I both know that this is not the sort of Ireland we want. We are going to fix this problem.

Deputy Micheál Martin: Will legislation be forthcoming?

The Taoiseach: Perhaps he will give me some time to get matters right, particularly as I will be obliged to go back to the Cabinet sub-committee before taking the issue to the full Cabinet. The issue will then be brought back before the House. I want these matters to be dealt with humanely.

Deputy Micheál Martin: The Minister made a promise. I do not know how long he will retain his position, but that is another day's work.

Deputy Bernard J. Durkan: Deputy Martin left the then Department of Health and Children in a hurry.

Deputy Micheál Martin: That was not actually the case.

Deputy Robert Troy: Perhaps Deputy Durkan wants the job of Minister for Health.

The Taoiseach: That is a remark that Deputy Martin did not need to make. I will advise the House further when we make a decision.

Deputy Mary Lou McDonald: I take it the Taoiseach is not seeking just to tweak the process and that discretionary medical cards will be reinstated for those who possessed them previously.

An Ceann Comhairle: We cannot debate that issue on the Order of Business.

Deputy Mary Lou McDonald: It is an important issue and the Taoiseach raised it.

On previous occasions I have raised the matter of the Cooke report and inquired as to when it will be delivered to the Taoiseach. We have received different responses from various Members of Government in respect of this report. We were originally informed that it was imminent and then that this was not the case. Is the Taoiseach in a position to indicate when he expects delivery of the report?

We were informed some time ago that the regulation of lobbying Bill would not only be published but substantially progressed before the summer recess. Yet, it has not been published, despite the fact that the heads of the Bill were published almost one year ago. Can the Taoiseach explain the delay? Like the rest of us I am sure the Taoiseach will appreciate the urgency of the legislation, not least given the high-profile controversies around various lobbyists.

Will the Taoiseach comment on the debates and the Government's official responses to the Constitutional Convention's fourth report on Dáil electoral reform, which was due last December? It is now five months late. What is the response to the convention's fifth report on voting rights for citizens outside the State, which was due over one month ago? Yesterday was the deadline for the Government's response to the sixth report on blasphemy. Can the Taoiseach

explain the delay and confirm that these reports will be debated separately in the House?

The Taoiseach: They will be discussed separately. I expect that in the next fortnight. It is simply a question of pressure of time for dealing with legislation, I suppose, that has caused these things. However, in the next fortnight we will discuss the two of them separately.

The heads of the regulation of lobbying Bill were published almost one year ago. It has been progressed substantially. It is to be published in this session. In order to be fair and to show to her that I am competent I will send Deputy McDonald a report on the current state of preparation of the Bill. Did she hear that?

Deputy Mary Lou McDonald: I heard that. Did the Taoiseach hear me?

The Taoiseach: The Cooke report is expected. An eight-week period was granted with some flexibility for Mr. Justice Cooke. I have not contacted Mr. Justice Cooke. Obviously, he will send his report when he is ready to do so. I cannot say to Deputy McDonald that it is imminent today or tomorrow. That is the story. There was an eight-week period with flexibility built into it.

As I said to Deputy Martin, I hope that the problem we all have in regard to children who are very sick and who require cards will be addressed and that we can sort this out.

Deputy Barry Cowen: In light of what the Ombudsman had to say this morning is it the intention of the Government to allow him to accept complaints in respect of Irish Water? Is this something the Taoiseach will contemplate when he discusses a new or revised programme for Government with the Labour Party? According to the Ombudsman the current circumstances lead him to believe that we are heading down the road of privatisation.

An Ceann Comhairle: No, I am sorry. These are not matters for the Order of Business.

Deputy Barry Cowen: My comments are in respect of the legislation.

An Ceann Comhairle: What legislation are you talking about?

Deputy Barry Cowen: The water services Bill.

An Ceann Comhairle: When is the water services Bill due?

The Taoiseach: It will be later this year before that comes in. Obviously, the question Deputy Cowen raised is one for consideration as part of the legislation.

An Ceann Comhairle: Deputy Mattie McGrath is next.

Deputy Mattie McGrath: I have two items, if you do not mind.

An Ceann Comhairle: Once you remain in order I am delighted to call you.

Deputy Mattie McGrath: Déanfaidh mé mo dhícheall. I will do my best. My first question relates to the defence (amendment) Bill. Who made the decision to remove the Army from participating in the Arbour Hill church ceremonies and why was it taken? I know the Taoiseach is the Minister for Defence now and I hope he will not get too anxious about all those jobs, but who made that decision? Why was it taken?

An Ceann Comhairle: You know as well as I do that the question is not in order on the

Order of Business.

Deputy Mattie McGrath: It is under the defence (amendment) Bill.

An Ceann Comhairle: Then we will ask about the defence (amendment) Bill, but not the content.

Deputy Mattie McGrath: Who made the order to remove the Army from participating?

An Ceann Comhairle: That is a separate issue altogether.

Deputy Mattie McGrath: The Army has been doing it for decades.

An Ceann Comhairle: What is the position on the defence (amendment) Bill?

The Taoiseach: The defence (amendment) Bill is due next year.

An Ceann Comhairle: You have one more Bill, I understand, Deputy McGrath.

Deputy Mattie McGrath: I have indeed. I am pleased that the former Minister for Children and Youth Affairs, the current Minister for Justice and Equality, is in the House. My question relates to the Children First Bill and the whole issue around the Supreme Court decision regarding the funding for that referendum which, whatever way we put it, was misspent or whatever.

An Ceann Comhairle: Deputy, why not put down a parliamentary question?

Deputy Mattie McGrath: I have put down a question and I am reading from it but I am not getting an answer. I have the list of parliamentary questions before me.

An Ceann Comhairle: It is a matter for a parliamentary question.

Deputy Mattie McGrath: The fact that the Supreme Court found that the Government had its hand in the till was never addressed in this House. It misappropriated the money.

An Ceann Comhairle: Sit down, Deputy, please.

Deputy Mattie McGrath: No. These are not my words. I am quoting from the Supreme Court judge.

An Ceann Comhairle: You are not quoting on the Order of Business, my friend.

Deputy Mattie McGrath: Go raibh maith agat. He will not answer anyway.

An Ceann Comhairle: He will answer what is in order on the Order of Business. That is what will be answered. Deputy Ó Fearghaíl is next. Now, listen to this man Deputy McGrath. This man is always in order.

Deputy Seán Ó Fearghaíl: Good. Let us hope I keep up that tradition. The housing (miscellaneous provisions) Bill is currently before the House. I understand it is at or about to complete Third Stage. It is an interesting Bill not least because it envisages people currently on rent allowance moving to the local authority-----

An Ceann Comhairle: Do not stray on me.

Deputy Seán Ó Fearghaíl: -----where they will be in receipt of a housing assistance pay-

ment. Clearly, the intention of the Government is to disappear 77,000 people off the housing waiting list.

An Ceann Comhairle: No.

Deputy Seán Ó Feargháil: Under the Bill, as envisaged, those people will no longer remain on the local authority waiting list. Can the Taoiseach tell us when is it proposed to take Committee and Report Stages of that legislation, which has the most fundamental significance for the 90,000 people on the housing waiting list throughout the country?

The Taoiseach: This is awaiting Committee Stage. The housing assistance payment scheme is designed to help people who move from unemployment to employment. Under the current system, all rights and facilities will be lost. The housing assistance payment is a tapered scheme to provide an incentive and encouragement for people to get back into the world of work. It is a scheme which, I imagine, Deputy Ó Feargháil supports strongly.

Deputy Robert Troy: Under the heading “Protecting the Frontline” the programme for Government states:

Education will be a priority for this Government. It will endeavour to protect and enhance the educational experience of children, young people and students. To that end, it will endeavour to protect frontline services in education, and seek efficiencies in work and school practices, in line with the Croke Park Agreement.

In light of this and in light of the education (admission to schools) Bill, why is it that schools across Longford and Westmeath - I have in mind in particular Edgeworthstown, where an autistic unit is being closed down-----

An Ceann Comhairle: We are straying now.

Deputy Robert Troy: This is despite the fact that there has been no decrease in the number of students availing of it.

An Ceann Comhairle: Thank you. We will get that information.

Deputy Robert Troy: Special needs assistants are being withdrawn. How is this protecting front-line services, as promised in the programme for Government?

An Ceann Comhairle: We are not debating the Bill now.

Deputy Robert Troy: I have a second point in respect of the guidelines for erection of wind turbines. This entire process was designed not to come out until after 23 May.

An Ceann Comhairle: Hold on a second, Deputy.

Deputy Robert Troy: The people of Longford-Westmeath have spoken in respect of this issue. They are now anxiously waiting to see when the new guidelines will be published.

An Ceann Comhairle: That is not for the Order of Business. That is not promised legislation.

The Taoiseach: The education (admission to schools) Bill is due this session. There has never been a higher number of special needs assistants. I gather the number will reach approxi-

mately 11,000 this year. A number of facilities have opened for children who are autistic or on the autistic spectrum.

Deputy Robert Troy: This one is closing.

The Taoiseach: I had the privilege of opening one myself recently.

Deputy Robert Troy: Will the Taoiseach come down and keep this one open?

An Ceann Comhairle: Please, Deputy.

The Taoiseach: Deputy Troy commented on the wind energy development guidelines. The Minister is duty-bound to consider the public consultation process that is under way. There are proposed draft revisions to the wind energy development guidelines. Currently, they are expected to be finalised in quarter 3, 2014. Before any decision can be taken the Minister wishes to involve himself and hear the outcome of the public consultation process which, as Deputy Troy is aware, is under way.

Deputy Bernard J. Durkan: What is the current position and location in respect of the health reform Bill? This is a Bill to put in place the new structures for the health service, as set out in Future Health document and the disestablishment of the HSE.

To what extent have all sections of the Charities Act 2009 been signed into law? Are there any outstanding items to be attended to and, if so, when is it likely to be concluded?

My last question relates to the Garda Síochána compensation (malicious injuries) Bill, which has been promised for some time and is eagerly awaited in the obvious places.

The Taoiseach: The Garda Síochána compensation (malicious injuries) Bill is this session.

The first meeting of the new board created under the Charities Act 2009 takes place tomorrow. I will ask the Minister for Justice and Equality to contact Deputy Durkan in respect of all the documents being signed relating to the charities legislation.

The health reform Bill is on the A list but, to be honest, I am unsure whether it will get through in this session. It is on the A list for this session but it may get squeezed towards the end.

1 o'clock

Deputy Róisín Shortall: Regarding the deliberate and disgraceful targeting of savings by withdrawing people's discretionary medical cards, the Taoiseach stated that proposals would go to the Cabinet sub-committee tomorrow. Will he clarify whether these will entail primary legislation or will they require changes to secondary legislation or the administrative guidelines? How is it intended to give effect to the proposals?

The Taoiseach: It depends on the nature of the decision made. Deputy Shortall is aware from her experience in the Department that the law here was never changed. The problem exists and the problem must be dealt with. I would advise her to wait until the proposals are decided upon to see whether legislation is actually involved or required or not.

Deputy Róisín Shortall: In fairness, the Taoiseach made a promise in the House this morning.

An Ceann Comhairle: I call Deputy Walsh.

Deputy Róisín Shortall: I am clarifying. Does that promise entail primary or secondary legislation? The Taoiseach has been telling us for some time-----

An Ceann Comhairle: No, we cannot have a discussion on this.

Deputy Róisín Shortall: -----that, under the law, he cannot deal with this issue.

Deputy Seán Ó Fearghail: That is right.

An Ceann Comhairle: The Taoiseach has given Deputy Shortall an answer.

Deputy Róisín Shortall: The issue is not about how applications are being handled. The issue is the relentless-----

An Ceann Comhairle: Will the Deputy please respect the Chair? I thank her very much.

Deputy Róisín Shortall: -----targeting of savings by withdrawing people's discretionary medical cards. The Taoiseach needs to come clean on this matter.

An Ceann Comhairle: Deputy Shortall, I do not want to have another-----

Deputy Róisín Shortall: How will he deal with this or will he deal with it?

An Ceann Comhairle: Deputy, please recognise the Chair and obey the rules of the House. The Taoiseach has answered the question. Any other question can be dealt with by way of parliamentary question.

The Taoiseach: I will inform the House when the decision is made.

Deputy Brian Walsh: On promised legislation, I am seeking an update on the geothermal energy provision Bill. As a result of storm damage, the electricity supply to many domestic and commercial customers across the country was severely compromised in recent months. This would be an important Bill in addressing that issue.

The Taoiseach: I can say to Deputy Walsh that the minerals Bill will be dealt with this session. The geothermal Bill comes after that and it will be later this year.

Deputy Anthony Lawlor: Regarding Setanta Insurance, which entered into liquidation in Malta, the legal position is that the situation falls under the EU Solvency I directive. A further directive has been promised for 2016 to strengthen the regime for customers. Will there be legislation to cover the gap between Solvency I and the introduction of Solvency II in 2016, thereby preventing what happened to the customers of Setanta Insurance, a non-Irish-based company, from happening to others?

An Ceann Comhairle: Is there promised legislation?

The Taoiseach: No, but there is a Topical Issue down today on it.

An Ceann Comhairle: I am aware of that. That is why I was going to-----

The Taoiseach: It will be dealt with today as a Topical Issue, Deputy Lawlor.

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Deputy Brendan Ryan: The spent convictions Bill has been held up for an unacceptably long time ahead of Report Stage. I have raised this matter with the Taoiseach a number of times and was prompted to raise it again with the new Minister, Deputy Fitzgerald. Will the Taoiseach please ask her to expedite this matter, as many people are awaiting its progress through the Chamber?

The Taoiseach: Deputy Ryan is right. The Criminal Justice (Spent Convictions) Bill is awaiting Report Stage. A number of amendments that were submitted are being worked on in the Attorney General's office. I will advise Deputy Ryan of the progress made in regard to those and I will inform the Minister of his question.

Deputy Seán Crowe: The Ceann Comhairle might guide me on my question. One of the schools used for the elections in Dublin South-West was Holy Rosary primary school, but anyone with a physical impairment could not approach the polling station. There is legislation on this matter, but it does not seem to have been implemented. Anyone with a physical impairment-----

An Ceann Comhairle: The Deputy should table a parliamentary question on that issue.

Deputy Seán Crowe: I could, but a by-election is coming down the tracks. Must the Electoral Commission Bill be tweaked? It was degrading to see people in wheelchairs-----

An Ceann Comhairle: Maybe the Deputy could submit this as a Topical Issue.

Deputy Seán Crowe: -----not being able to access the polling station.

Deputy Sandra McLellan: That should not be allowed.

An Ceann Comhairle: If the Deputy submitted this as a Topical Issue, I would certainly consider it favourably. That is the best way of dealing with it.

Deputy Seán Crowe: Okay.

An Ceann Comhairle: The Deputy cannot ask questions that are not in order. I do not mean to be-----

Deputy Seán Crowe: It related to the Electoral Commission Bill.

An Ceann Comhairle: -----narky all of the time, but there have to be some rules and regulations.

Deputy Willie O'Dea: A Cheann Comhairle-----

An Ceann Comhairle: I did not see Deputy O'Dea there. I am sorry.

Deputy Willie O'Dea: The invisible man. The Taoiseach will be aware that there has been a great deal of speculation about changing or renegotiating the programme for Government or producing a new one, to which speculation he has contributed. Looking randomly at the current programme for Government-----

An Ceann Comhairle: We are not going through that now, Deputy.

Deputy Sandra McLellan: Not all of it.

Deputy Willie O’Dea: I will not go through it.

An Ceann Comhairle: We go through promised legislation.

Deputy Willie O’Dea: There is a commitment to a tenancy deposit protection scheme, a commitment to allowing local authorities to issue social housing bonds, a commitment to establishing a civilian corps and a commitment to local authorities establishing older persons councils. This is just a random sample. I will not even refer to the strategic investment bank and various other issues. Is it the Government’s intention to fulfil these commitments before it renegotiates the programme or produces a new one?

The Taoiseach: The programme for Government has already been agreed by the Government. The Deputy is quoting from the 10% that is not actually implemented.

Deputy Micheál Martin: No, the 90%.

The Taoiseach: Deputy O’Dea is aware that the Government published its medium-term economic strategy following the exit from the bailout programme.

Deputy Willie O’Dea: I could go through another few issues tomorrow.

The Taoiseach: It is in there that, obviously, we have to look at priorities as to how Government can manage in the fairest way possible both to continue stability in the country, grow our economy, provide jobs-----

Deputy Willie O’Dea: The strategic investment bank is an example.

The Taoiseach: -----and, at the same time, understand the message here from the people that they have had a long series of challenges, which were necessary to take-----

Deputy Mary Lou McDonald: It was not necessary to cut respite care grants.

The Taoiseach: -----but they want now to see some return on the difficulties that they have encountered. That is always the balance, Deputy O’Dea.

Within the medium-term economic strategy, that is where Government will focus on what can be done, what is the priority that should be done, in order to give people a sense of confidence and hope that, after all the challenges, the country is actually moving to a better place.

Deputy Willie O’Dea: I thought the Government was supposed to do it all. It is in the programme for Government.

The Taoiseach: Yes; 90% of it is implemented.

Sitting suspended at 1.06 p.m. and resumed at 2.06 p.m.

Topical Issue Matters

An Leas-Cheann 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 Clare Daly - the serving of strike notice at Aer Lingus; (2) Deputy Joan Collins - the local training initiatives operated by the Bosco Youth Centre in Drimnagh,

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Dublin 12; (3) Deputy Paul J. Connaughton - the strictures placed on credit unions which are preventing local credit unions from meeting members' needs; (4) Deputy Michael McCarthy - the closure of Setanta Insurance; and (5) Deputy Mick Wallace - the ongoing crisis in Libya.

The matters raised by Deputies Clare Daly, Paul J. Connaughton, Michael McCarthy and Joan Collins have been selected for discussion.

Topical Issue Debate

Industrial Disputes

Deputy Clare Daly: Since the issue of the upcoming strike was raised in the House yesterday, Aer Lingus has, at the eleventh hour, invited the unions in to talks. I am not sure whether those talks have commenced. There was no indication earlier of when they might take place, but it is late in the day and follows on from the company's utterances yesterday more or less threatening workers that, should the new roster regime suggested by Aer Lingus cabin crew be brought in, the company would have no alternative but to shut its operations in Ireland and locate some of its bases in North America, with a loss of jobs.

The reality is that on Friday, hard-working, dedicated cabin crew, members of staff in Aer Lingus who no more want to join a picket line than the Minister or I, will be faced with no alternative but to do so. I ask the Minister to step back from this situation and look at the bigger picture, because there is no doubt that in recent weeks considerable and costly propaganda by Aer Lingus management has been meted out against its staff and the staff trade unions, in which the company sought to blame the unions for what it deemed as unnecessary strike action. It claimed that staff were looking for 32 extra days off and that the unions' suggestion of a trial of new rosters would significantly add to costs. Not only was it undermining its staff publicly; internally, it was engaging in vicious intimidation of those workers, organising and gearing up for the strike, writing to passengers in a way that was derogatory to the staff, cancelling flights, lining up hire-ins and so on.

We must be clear on this issue. Aer Lingus management has consistently refused to engage with its staff over three years. It has refused to attend the Labour Court on six successive occasions and, indeed, the court has written to say that it is flagrantly ignoring its recommendations, something that would not be tolerated on the workers' side. This issue is not about rosters. It is an attempt to beat the staff into submission and break the union. That is from a management that has already brought the other union, SIPTU, to court. That is the real agenda.

When Christoph Mueller came to Aer Lingus I attended a meeting at which he spoke about cabin crew. He said that cabin crew was once a job that people joined in the position of courier before progressing through the ranks, getting promoted and so on, but to his mind, across Europe and internationally, the job was being done by students on a casual and part-time basis. Workers could be hired and fired at will with no progression or security.

It is clear that the rosters Aer Lingus management is seeking to impose are an attempt to push workers out of the company. There can be no other rationale for it. The workers are only seeking the same arrangement that exists for the pilot group and staff of all other airlines in

Ireland and across Europe. All they are asking for is certainty in their work-life balance. Why would a company impose on workers a regime that provides for changes to their rosters with two, three or four hours notice? In other words, a person rostered to start work at 9 a.m. could at short notice be required to start work at 5 a.m. and a person due to finish work at 6 p.m. might have to stay until 10 p.m. Also, no scheduled meal breaks are provided. This is a pressurised work environment. Staff have reported severe fatigue to the IAA. The Minister is aware that their flight hours are capped by legislation. Staff are not seeking to work fewer hours. All they want is to be able to work in a more family-friendly environment.

There is no reason Aer Lingus management could not have discussed this issue with the staff. The Government's shareholding in Aer Lingus when combined with the staff shareholding equates to the largest shareholding in the company. What does the Minister propose to do in terms of holding management to account on this matter? I note the Minister's statements that the strike is regrettable. Nobody regrets it more than the staff. However, the cause of it is management. When does the Minister propose to call them to heel?

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): First, industrial relations issues are primarily matters for the company. The State's 25% shareholding does not allow it to interfere in the management of the airline. The largest shareholding is held by Ryanair and the staff and State shareholding is not combined. It is often the case that the interests of the State and staff differ.

IMPACT's Aer Lingus cabin crew members recently voted overwhelmingly in favour of industrial action up to and including strike action on two separate industrial relation matters, namely, to achieve agreement on the dispute with Aer Lingus on the IAS pension scheme and the failure to agree the implementation of revised rostering arrangements for cabin crew. The cabin crew branch of IMPACT served notice of industrial action on Aer Lingus on 13 May in regard to the rostering dispute which concerns the implementation of a revised roster for short-haul services and implementation of acceptable time-off arrangements following long-haul flights. The statement from IMPACT states that all cabin crew will engage in a 24-hour work stoppage this coming Friday, 30 May. Cabin crew members will place pickets at Dublin, Cork and Shannon airports for the duration of the stoppage. The outcome of the ballots and IMPACT's decision to serve strike notice on the company for action on Friday is regrettable, particularly as it comes so soon after the last threatened strike action over St. Patrick's weekend.

I was pleased to hear yesterday that IMPACT had accepted an invitation from the company to talks. I strongly urge both parties to make every effort to address the issues at the heart of this dispute so as to avert the proposed action on Friday and the potential further action to which IMPACT has alluded, although I understand that no formal notice of any further action has been served on the company. Even if Friday's action is called off at this stage, significant damage has already been done to the company's reputation, forward bookings and profits. This is not in the interests of staff or shareholders, such as the State, whose interests are clearly linked to the financial performance of the company.

There is little doubt that if the proposed industrial action on Friday goes ahead and if further threats of action are made, this will be damaging to Irish tourism as we enter the peak tourism season. It will cause disruption not only to Irish passengers travelling abroad on business and to visitors on hard earned breaks but also to the many tourists scheduled to travel here on Aer Lingus flights. Only a few short years ago the financial position of Aer Lingus was precarious and its future uncertain. In a recent trading update to the Irish Stock Exchange, Aer Lingus reported

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positive trading for April 2014, substantially ahead of the previous year and significantly ahead of management's expectations. However, management's current assessment is that the adverse effect of the strike called for 30 May will offset the potential gains which would otherwise have been realised by Aer Lingus. It is important for all parties to bear in mind how easily these recent gains could be lost and how volatile the aviation sector is. As Minister with responsibility for transport and tourism I am making a formal request to both sides in the dispute to work intensively today to find a resolution to avert Friday's action and to continue that work to avoid further threats of industrial action. The LRC and the Labour Court remain available to them.

On the pensions issue, which is the second issue on which IMPACT has balloted, I again point out the importance of reaching agreement on this long-standing dispute. The resolution of the funding difficulties in the scheme is a matter for the trustees, the companies participating in the scheme, the members of the schemes and the pensions authority. However, following consultations between the Departments of Transport, Tourism and Sport and Jobs, Enterprise and Innovation, IBEC and ICTU, an expert panel was established on 3 March 2014 to carry out an investigation of how the industrial relations issues relating to the scheme could be resolved. The expert panel has reported to the two Departments, IBEC and ICTU on two occasions, on 31 March and, most recently, on 11 April and is due to report again shortly.

I continue to urge the parties to put all their efforts into engaging with the expert panel. It is important that the panel's work be allowed to continue, notwithstanding the current dispute. In expressing my concern about the proposed strike action, I do so not only on my own behalf but also on behalf of both the 200,000 people employed in the tourism sector and the tens of thousands of passengers potentially affected by the proposed action.

Deputy Clare Daly: The Minister's response is a bitter disappointment. It indicates to me that he and his colleagues have not listened to what the electorate had to say over the past number of days.

The reality is that the State shareholding when combined with that of the staff equates to a 40% shareholding, which is the largest shareholding. In this instance both interests should be at one. However, it appears from the Minister's response they are not. The Minister has sought to blame the staff for the situation. While everybody regrets the inconvenience caused to passengers, unfortunately that is a consequence of the intransigence of management over the past three years. While the Minister has welcomed that IMPACT has agreed to return to talks he made no reference to the desperate attempts over the past years to secure talks and engagement with the company, all of which were blatantly refused. The only conclusion one can draw from this is that the blame for this situation rests with management. What other option is there for people? Does the Minister believe it is acceptable for women and men in a modern economy to be required to go to work and not know at what time they will finish, to not have legitimate breaks and to work to a roster which takes no account of their need to care for their children and families?

All the staff are seeking is the putting in place of a structured arrangement similar to that which is available to their pilot colleagues and staff of other airlines. If the result of this is an inconvenience to passengers and a loss of revenue for the company, the question that must be asked is why then is management pushing it? The only conclusion that can be reached is that this is a management seeking to break a unionised workforce. The chief executive of Aer Lingus sits on a pension pot which the Minister has deemed excessive and voted against paying him bonuses. The chief executive therefore has a cheek to inconvenience passengers and, more

importantly, workers in this situation. The reality is that the Minister can do something about this. He can send out the message that it is not acceptable for managers, particularly those of companies in which the State has a shareholding, to treat workers in this way.

Deputy Leo Varadkar: I am not blaming management or the unions for the current situation. As is the case in all industrial relations disputes there are two sides to every story. It appears to me that Deputy Daly is the one not listening. Based on her contribution, it would appear that she has only heard one side of the story, that of the unions, and has decided to repeat it here in this Chamber. The Deputy should listen to both sides involved in the dispute. She might then have a more balanced and nuanced opinion than that which she has expressed here today. In the Deputy's initial remarks she called on me to step back and look at the bigger picture. I do look at the bigger picture. The bigger picture to the Deputy is always about a conflict between capital and labour. When I look at the bigger picture, I see the impacts on citizens and the economy. The impacts on citizens who want to travel this weekend and on the economy are negative. That is the bigger picture to which the Deputy should have regard.

This is a dispute about rosters and it should be resolved bilaterally in talks between the unions and management. I now understand that talks are due to happen soon. I see no reason that the strike should not be called off. If for some reason the parties cannot agree bilaterally, they should go to the LRC. I call on Aer Lingus to make use of the LRC. I certainly call on unions, be they representing workers in Aer Lingus or Irish Rail, to go along with the recommendations of the Labour Court. I hope the Deputy will join me in calling on unions, irrespective of the sector they are in, to accept recommendations made by the Labour Court. I hope she will join me in asking for the strike to be suspended because of the talks that are under way. That is what the electorate to which I am listening wants to happen.

Credit Unions Regulation

Deputy Paul J. Connaughton: I thank the Office of the Ceann Comhairle for selecting this topic. I mean no disrespect to the Minister of State, Deputy Perry, in saying I would have preferred it had the Minister for Finance, Deputy Michael Noonan, been present. I understand that is simply not possible.

There is an old saying that the sins of the fathers should not be visited on the sons. This is certainly true and I am positive that the past sins of the banking system must not be visited on credit unions, yet I am being informed constantly by credit union members that this is exactly what is happening. There is no need to recount what happened in the Irish banking sector and the role that light-touch regulation had to play in that calamity. However, there is a need to highlight the fact that the strictures introduced in the banking system are having an unduly negative effect on credit unions, once again favouring large corporate banks.

I wish to highlight two aspects of the difficulties facing credit unions, the one-size-fits-all regulatory approach and section 35 restrictions on rescheduled loans. Micro-managing credit unions is not the way forward. One should remember that the beauty of credit unions is the fact that they are local, know the people they are dealing with and are aware of conditions on the ground. Too often in this country, we throw out the baby with the bath water. The approach to credit unions appears to be another example of this. After our banking calamity came a raft of restrictions aimed at ensuring it would not be repeated. However, those most affected by the new regulations are the very people least responsible for the banking crisis, namely, credit

union members. The Central Bank really needs to engage with credit unions and gain a better understanding of their work. If the Central Bank had a more realistic and common sense approach to the work of credit unions, consultation papers such as CP76 would be radically different.

The Government's achievement on the jobs front is the result of the targeted, motivated and well-organised campaign aimed at increasing job numbers. Common sense decisions are at the heart of this, yet I believe a blind spot continues to exist in respect of credit unions. Credit unions must be treated in a very different manner to banks. Their very existence has a different focus. Staff are not driven by bonus pay and incentives; rather, the movement exists thanks to the good will of thousands of volunteers. It is time for a complete rethink in regard to credit unions and their treatment by the State.

An example of why a complete rethink is necessary is the section 35 restriction on rescheduled loans. A credit union cannot grant further credit unless a rescheduled loan has performed for at least a year. Where the new terms have not been compiled for a year, a new loan cannot exceed €1,000. This is quite simply ridiculous. If a young person in a rural or urban area is fortunate enough to secure a job, he or she will need to visit his or her local credit union to seek funding for the transport necessary to go to work. Where will he or she get that money? Local people in the credit union are best placed to decide whether the advancement of €10,000 to a young person to allow him or her to obtain a car, purchase insurance and get on the road to work is a good investment. If the Central Bank does not understand the economics of such a transaction, the members of the Government do. The ethos of giving people a hand up rather than a handout must be reflected in the new regulatory framework.

Credit unions are not a luxury in our economy; they are the very essence of what our banking system should be. I refer to encouraging people to save, rewarding those with a good saving record and making sensible decisions on who to advance money to while all the time maintaining a commitment to the local community and encouraging prudent, financial habits and willingness to volunteer to help one's local community.

This issue is worth highlighting. While we all recognise the need for restrictions on lending, a common sense approach and one that values the ethos of the credit union is what is needed most.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I apologise on behalf of the Minister for Finance, Deputy Noonan, who, regrettably, cannot be here today. He would like to confirm his view that the credit unions have an important role to play in providing credit in local communities around the country. He is supportive of safe, responsible lending by credit unions. He is very much aware of the issues currently facing the sector and thanks Deputy Connaughton for raising this important issue.

Credit unions have a separate regulatory framework to that which applies to banks and are regulated and supervised under a dedicated Act, the Credit Union Act 1997. The Registry of Credit Unions at the Central Bank is responsible for the registration, regulation and supervision of credit unions. In recognition of the unique nature of credit unions, a statutory position of registrar of credit unions was explicitly created within the Central Bank of Ireland to assume responsibility for the regulation of credit unions.

The Commission on Credit Unions made a number of recommendations in its report regard-

ing the strengthening of the regulatory framework for credit unions, including more effective governance and regulatory requirements. Many of these recommendations have been reflected in the Credit Union and Co-operation with Overseas Regulators Act 2012.

Acting as the independent regulator, the registrar of credit unions has applied lending restrictions to some credit unions. The Minister has been informed that these restrictions are viewed as short term in the majority of cases and are imposed as a means of allowing a credit union to address identified concerns as quickly as possible. Where lending restrictions are imposed, they tend to take the form of a restriction on individual loan size or on commercial lending activity and, in some cases, a limit on the total lending permitted each month.

At this time fewer than 10% of all credit unions have a restriction in place which limits the total amount of lending within the month, while close to 40% of all credit unions have a restriction on commercial lending activity. Currently, the average loan rate in the sector is just over €6,000 and about a dozen individual credit unions have lending restrictions that limit the amount loaned to less than €10,000. This ensures that the vast majority of credit unions can continue to make loans significantly greater than the average loan for the sector.

Section 35(2) of the Credit Union Act 1997 permits a credit union to have up to 30% of its loan book outstanding for more than five years and up to 10% of its loan book outstanding for more than ten years. Based on the most recent information provided by credit unions to the registrar of credit unions in the December 2013 quarterly prudential returns, average lending over five years as a percentage of gross loans was some 11%, while average lending over ten years as a percentage of gross loans was about 2%. These figures indicate that, in general, credit unions are currently well within the limits set down in the 1997 Act.

The section 35 stipulations require that a credit union must not approve further agreements for additional credit where an existing loan has been rescheduled unless a member's ability to repay all credit owed and the proposed additional credit has been clearly established. Where such circumstances have been established, a credit union may grant additional credit to a member with a rescheduled loan where that rescheduled loan has performed in accordance with the new terms for an appropriate period, in most cases not less than one year.

An Leas-Cheann Comhairle: There will be another two minutes allocated in which the Minister of State may respond further.

Deputy John Perry: I just have to put this response on the record. I might as well do so now.

An Leas-Cheann Comhairle: There will be two minutes allowed for a further reply. First, Deputy Connaughton has two minutes.

Deputy John Perry: This is the reply of the Minister. I will be finished in just one moment.

An Leas-Cheann Comhairle: Under Standing Orders-----

Deputy John Perry: The last responder, Deputy Varadkar, benefitted from quite a lot of discretion.

An Leas-Cheann Comhairle: I am informed I must apply the Standing Order. I will call the Minister of State after Deputy Connaughton.

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Deputy Paul J. Connaughton: Before the Minister of State gives the rest of the reply, I will point out that quite a number of credit unions have many people who want to borrow money from them, which, thankfully, may be a sign of confidence coming back into the economy. However, many of these credit unions find that, due to the restrictions placed on them, they are unable to lend the money.

I understand from the reply that these regulatory effects are rechecked on a continuous basis, but it needs to happen an awful lot more quickly. We cannot throw the credit unions in with the main lending banks, as was done in the past. These are the people who keep our small rural towns and villages going. As the Minister of State who represents small business will very clearly understand, we have an issue with getting money out to some of our SMEs, and these credit unions have an ability to provide loans to give people a start, whether they have work to do, want to make an investment in a house project or are looking to buy a car. I am concerned when I continually hear from credit union members that these restrictions are not allowing them to do the job they were set up to do.

Again, we must remember that the credit unions were set up and run by the community for the community. They cannot be treated as we would treat the regular lending banks. It is very important that the Central Bank gets the message that, in order to drive this economy, we must take away the regulations and restrictions on these credit unions. I am not suggesting that we take away all the structures completely, because we must have very good lending rules and regulations. However, who better to set out those concerns and to make sure this happens than the credit unions themselves? It is important that we recognise the work they have done before and the great work they can do to drive on this economy. I would like the Minister of State to bring back to the Minister, Deputy Noonan, and to the Central Bank the message that we have to give the credit unions a level playing field to allow them to continue the great work they have done.

Deputy John Perry: I would like to outline the current position of the credit union sector. The reserve position in the sector is very strong, with 95% of credit unions reporting that they meet the 10% reserve requirement. Of all individual credit unions, only 19 are below the 10% minimum, with a combined reported deficit in these credit unions of €11 million. Provisions now exceed arrears. Some 96% of credit unions are reporting a surplus and the sector is extremely liquid - in fact, excessively so. The average dividend rate of 0.9% is not sustainable, the sectoral average loan-to-asset ratio is very low, at 32%, and the sector is significantly underlent and is sitting on a large amount of low-yielding cash.

A Central Bank PRISM review reveals its concerns about issues with regard to governance, risk management and other systems at credit union level, but these should improve over time as the new regulatory system is rolled out and beds down.

The imposition of lending restrictions is the responsibility of the Registrar of Credit Unions, who is the independent regulator of credit unions at the Central Bank. Within her independent regulatory discretion, the registrar acts to support the prudential soundness of individual credit unions to maintain sector stability and to protect the savings of credit union members.

I have been informed that it has been necessary to put lending restrictions in place in individual credit unions where there are regulatory concerns about their operation and the resultant risk to members' savings. The criteria assessed to determine the imposition of lending restrictions include, but are not limited to, the following: prudential returns, which are unaudited returns, submitted by the Registrar of Credit Unions; financial ratios, which cover levels of

arrears and provision coverage; and the governance framework within the credit union. Decisions on regulatory restrictions, which are imposed in the form of directions under the Act, are made by the registrar. Other regulatory restrictions may be imposed as part of an ongoing supervisory engagement with the credit unions.

It is very important that the role of small business be facilitated. I have met a number of credit unions and know they are supporting SMEs. However, they must meet the requirements of this independent governance.

Insurance Industry Regulation

Deputy Michael McCarthy: I wish to set out the position with regard to the closure of Setanta Insurance. The weakness in the regulatory system has allowed this company to avail of EU rules essentially allowing it be regulated in another EU jurisdiction while operating solely in this jurisdiction, with 75,000 policyholders, most of which are small and medium enterprises. We are all well aware of the difficulty these small and medium enterprises are experiencing without this kind of disaster being visited upon them. While this issue has been raised by way of parliamentary questions and Topical Issues, I want clarify the current legal position in regard to the policies, what assistance is available to policyholders and, critically, the role of the Financial Regulator, an issue which has been a fairly hot chestnut in this country in recent years.

Setanta claimants and customers do not know what is happening one month after the Malta-registered insurer went into liquidation. Questions about who knew what and when in regard to Setanta Insurance are beginning to mount up. It has now emerged that the Central Bank had been aware of difficulties in the company since November of last year. Setanta stated in January of this year that it would stop taking new business and cease existing policies but, in the meantime, the bombshell was that it published on its website last month the news that its operation was to be liquidated and claims would not be met. I want to know what the Central Bank knew last November and what it did - or, critically, what it did not do - about it. There is also discussion between the Central Bank and the Malta Financial Services Authority, and I want to know the exact detail of that. Was the Minister or the Department aware of it and, if so, what action did they take in regard to it?

Protecting the consumer means more than knowing there are problems and then doing nothing about it. Protecting the consumer is exactly that. There has been a long litany of disasters in this country in recent years in regard to people who knew things and did not do anything about them or, further, regulatory authorities that were not doing what they were supposed to be doing. We learned yesterday there are currently more than 600 firms licensed to carry out insurance business in this country that are not regulated for prudential purposes by the Central Bank. This poses an extremely serious risk to Irish consumers and there are no guarantees that what happened in regard to Setanta Insurance will not happen in regard to other businesses or other people availing of such services. The matter requires further analysis. The lessons we are currently learning in regard to Setanta Insurance must inform how we are able to cope with future issues that will invariably arise.

I understand the Minister for Finance, Deputy Noonan, has given a commitment that the Department of Finance and the Central Bank will review the circumstances around Setanta Insurance and will report on what lessons can be learned and how the regulatory framework can be strengthened. As we speak, however, there are thousands of people who have been, in effect,

disenfranchised by what has happened. It is not good enough that another EU member state would host a company which would come in here and do precisely what it has done to people trading in this country.

The fact so many small businesses are still here in 2014 is a great tribute to the way in which they have been able to weather economic catastrophe in recent years. To think that, just when there is almost light at the end of the tunnel and they can see the horizon for the first time in a hell of a long time, they would have to deal with such a calamity is unacceptable. In particular, the role of the Central Bank needs to be established without doubt. If people in the Central Bank were asleep on the job or did not do their job, the consequences of that are now going to be felt by honest-to-God unfortunates around the country who are left in limbo by this debacle.

Deputy John Perry: I thank the Deputy for raising this very important matter. I apologise on behalf of the Minister, Deputy Noonan, who has a very important engagement at this time.

At the outset, the Deputy should note that Setanta Insurance Company Limited is a Malta-incorporated company which was both authorised and prudentially supervised by the Malta Financial Services Authority. While its financial position is not supervised by the Central Bank of Ireland, as the Central Bank has no role in that regard, the firm is supervised by the Central Bank for conduct of business rules - that is, consumer protection obligations. The Central Bank is in contact with the Malta Financial Services Authority in regard to Setanta Insurance, the impact on policyholders and the provision of relevant and appropriate information.

Under EU law which governs non-life insurance, an insurer is required to inform the regulator in its home member state - its home regulator - that it intends to pursue business in another member state. The home regulator must then provide the host regulator with a certificate attesting that the insurer covers the EU solvency capital requirement, as well as the nature of the business which the insurer intends to undertake. The insurer may start to pursue business from the date that the certificate is communicated to the host regulator, in this case the Central Bank of Ireland.

Setanta was regulated at EU level in accordance with a directive known as Solvency I, which currently places requirements on the amount of regulatory capital European insurance companies must hold against unforeseen events. The Minister for Finance understands Setanta met its EU regulatory obligations up until its insolvency and was, therefore, entitled under EU law to trade across EU borders up to that point.

On 16 April the MFSA determined that the company was insolvent. This means that Setanta does not have sufficient funds to be able to honour its full obligations towards claimants, policyholders and other creditors. It was formally placed in liquidation by the MFSA on 30 April and Mr. Paul Mercieca was appointed as liquidator. Officials of the Department of Finance, together with officials of the Central Bank, met the liquidator and his representatives in Ireland on 7 May and the Central Bank is in ongoing contact with him regarding the position of Setanta policyholders. The liquidator has confirmed that all policyholders who have not already done so should arrange alternative cover without delay as claims are unlikely to be paid in full. He has issued letters to policyholders informing them that their insurance cover will be cancelled within seven to ten days in accordance with their policy documents. This process has commenced and there were less than 20,000 policies with Setanta Insurance on 27 May. It is expected that all remaining policies will be cancelled this week in line with the terms of the policies. In the circumstances, the Minister for Finance continues to strongly advise policy-

holders to make alternative insurance arrangements without delay and that they should contact their insurance broker or an insurer directly to seek alternative cover. This is also the advice of the Central Bank. The liquidator has advised that arrangements are in hand for policyholders to obtain their no claims bonus certificates from Setanta. Insurance Ireland has informed me that these certificates will be honoured by other insurers and we are aware that many insurers are being flexible surrounding requirements for documents.

In addition, the Insurance Ireland declined cases agreement is available to policyholders of Setanta. The current declined cases agreement was drawn up in 1981 and is adhered to by all motor insurers in Ireland. The Minister for Finance is informed that under the agreement, the insurance market will not refuse to provide insurance for an individual seeking insurance if he or she has approached at least three insurers and has not been able to obtain cover from them. The Minister understands Insurance Ireland is also making information available to those who have queries, complaints or difficulties regarding this matter through its service at (01) 6761914 or by email at info@insuranceireland.eu.

With regard to Setanta premiums and claims, the position on each policy is for the liquidator in the first instance to decide in due course. Department of Finance officials and the Central Bank will remain in close contact with the liquidator and the Minister for Finance has asked that public statements be provided to clarify matters for policyholders and claimants.

Deputy Michael McCarthy: At the heart of this debacle are people, many of them in small businesses, who have weathered a very dark and horrible political and economic storm in the past few years. We have seen people struggle to keep businesses going, some with more success than others. It is cold comfort that we now know what happened should not have happened and that the framework should be in place, which I accept. The reality is that there are people who have been very badly treated. There is evidence to suggest the Central Bank knew about the difficulties in Setanta last November. A situation rolled into this year and continued last month, as a result of which the company has gone into liquidation and people have been left stranded. That is not good enough. It is not good enough when one considers the history of the Central Bank around the time of the collapse of the economy. It is absolutely infuriating for people to be left in this situation, despite the existence of those whose job it is to keep an eye on companies such as Setanta and to be in consultation with the authorities in Malta and other EU member states and aware of directives and all the talk about frameworks. In effect, they have been left high and dry. I implore the Minister of State to convey to the Minister for Finance the message that we need to step up to the plate and ensure those who have been left disenfranchised and out of pocket will have their costs redeemed insofar as it is possible to do so because they are entitled to nothing less, particularly if an organ of State was asleep at the wheel. God knows, that institution has good form in that regard.

Deputy John Perry: I will clarify some matters. The Central Bank has been in discussions with the MFSA about Setanta since November 2013 when it identified issues during a consumer protection-themed inspection and immediately referred the matter to the MFSA for further investigation. There was regular contact in the following months. Issues led to the announcement in January that the firm would cease writing new business and issuing further renewals. On 21 January the Central Bank wrote to advise my Department of its concerns about Setanta Insurance's solvency and I was subsequently informed of this correspondence. Contact continued between the Central Bank and the MFSA and on 11 April the MFSA advised the Central Bank that the directors of Setanta Insurance were considering the potential liquidation of the company. There was ongoing contact in the following days and Setanta Insurance an-

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nounced that the shareholders had recommended the appointment of a liquidator subject to the approval of the MFSA. On 16 April I was advised that the stakeholders of Setanta Insurance had resolved to wind up the company. As the Central Bank continues to have ongoing contact with the MFSA, I would not say it was asleep at the wheel. It was very active in dealing with the liquidator, as well as the various industrial representative bodies. It has also engaged with the brokers who sold the policies to ensure they assist policyholders and keep them informed. In addition, it contacted all brokers to instruct them to write to policyholders who held a current Setanta motor insurance policy informing them of the urgent need to make alternative arrangements.

On 16 April the MFSA determined that the company was insolvent. This means that it does not have sufficient funds to allow it to honour its full obligations towards claimants and policyholders. Setanta was formally placed into liquidation on 30 April and Mr. Paul Mercieca was appointed as liquidator. Together with officials of the Central Bank, we met the liquidator and his representatives in Ireland on 7 May. The Central Bank is in ongoing contact with him regarding the position of Setanta policyholders and he has confirmed that all policyholders who have not already done so should arrange alternative cover without delay as claims are unlikely to be paid in full. He has issued letters to policyholders informing them that their insurance cover will be cancelled within seven days. This process has commenced and there are fewer than 20,000 policies in place. If one looks at the clear evidence available going back months, one can see that the Central Bank was on the case. It was put on notice last November.

Further Education and Training Programmes

Deputy Joan Collins: I was hoping the Minister for Education and Skills would be present because he visited the St. John Bosco Youth Centre on 27 May 2013 to attend an event marking the financial support provided by the SML Foundation. He recognised the staff in the centre and the valuable contribution made by the training initiatives run by the centre. The manager of the centre, Mr. Brian Murphy, is in the Visitors Gallery, with staff co-ordinators. The centre has been running training courses for the past 12 or 13 years and the co-ordinators are very competent. The training initiatives undertaken are of very good quality.

This year the centre experienced a difficulty with CDET Ballyfermot in getting the go-ahead to run the two training programmes which were due to start on Monday, 26 May. I happened to be in the centre that morning and met some of the students who were there and wanted to begin the courses. There are 28 students ready to begin the Horizon programme who are waiting to sign their F103 forms. There are potentially 13 or 14 students ready to begin the Leap programme for 16 to 18 year olds. Nothing has been written down anywhere about how local training programmes should be run, but the centre has been told that there must be 18 students in each programme. Up to now, the guidelines have indicated that there should be 14 students for every two members of staff. The centre has been told it must deliver 100% of the training content, including in mathematics, in which the staff would not receive training. Normally they bring in outside co-ordinators to deliver the maths courses and so on. They also say the centre is not allowed to accept young people aged 17, but for the past few years they have been targeting the 16 to 18 age cohort to do the LEAP programme.

There is a problem and nothing definite has been said by the CDET B co-ordinator in Ballyfermot. There is no proper communication line between the St. John Bosco centre and the

Ballyfermot CDETБ. The centre asked me and other public representatives from the area to bring this issue to the attention of the Minister for Education and Skills and to ask what is the problem and whether the guidelines have changed. If so, will he inform them in order that they can do what is necessary to bring the courses in line? If not, why there is reluctance on the part of the Ballyfermot CDETБ to provide the F103 forms and to sign students up to the programmes? I met the students, who are from Dolphin House in Dublin 8 and Drimnagh, and they are enthusiastic. They want to start the training course. It has a good reputation in the area for providing a high standard of education and training at FETAC level 4. They wanted to start last Monday but they have been blocked. Will the Minister of State clarify what is happening? Will he instruct Ballyfermot CDETБ to ensure the programmes are up and running as soon as possible - that is, next Monday?

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):

I thank the Deputy for raising this matter, as it provides me with the opportunity to outline the position regarding the local training initiatives operated by the Bosco Youth Centre in Drimnagh.

The CDETБ, which was established in July 2013, has responsibility for the planning and delivery of services previously delivered by the VECs and FÁS training centres. St. John Bosco youth centre, based in Drimnagh, Dublin 12, has been providing services to people in the community for more than 60 years. The centre is a community resource which provides pursuits, amenities, programmes and activities that seek to allow young people to develop personally, socially, educationally and recreationally in a high-quality, safe environment that respects its users. The centre has been receiving funding for training programmes for more than ten years through the former FÁS training centre in Ballyfermot.

The St. John Bosco centre currently has two local training initiatives, operating under the LEAP programme and the Horizon programme, with a total of 36 places available. The LEAP programme is a FETAC level 4 programme in information and communications technology. The course is 30 weeks in duration. It is a full-time course and is delivered using a co-ordinator and an assistant coordinator on-site in the premises on Davitt Road. The Horizon programme is also a FETAC level 4 major award in employment skills. This course is 30 weeks in duration. Recently, both programmes have experienced difficulties in attracting a sufficient number of eligible learners. The programmes were due to commence on 12 May. However, the start date was delayed by two weeks due to insufficient numbers of participants. I understand that a new start date of 16 June has been put in place to allow sufficient time to complete the recruitment process. In addition to the fact that there are currently insufficient numbers for these programmes, I also understand from CDETБ that there are a number of other issues with programme delivery, which it is working with the St. John Bosco centre to address.

Deputy Joan Collins: I thank the Minister of State for clarifying that a new start date of 16 June has been set. There has been no problem with communication between the St. John Bosco centre and the CDETБ regarding the co-ordination of the programme. Eighteen students were ready to go last Monday morning on the Horizon programme while 13 were ready to go on the LEAP programme. There is a slight problem with the CDETБ referring students to the centre. Most of the participants went to the centre directly to sign up for the programmes. Can the Minister of State issue a communiqué to the CDETБ co-ordinator to facilitate the centre in helping to educate these young, enthusiastic people who want to start the programmes?

Programme delivery has never been a problem. The centre has always delivered 70% of

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them through the co-ordinators and has brought in specialists to deliver maths and one or two other subjects that the co-ordinators do not have the specific skills to deliver. They do not, for example, have a maths degree and, therefore, they cannot deliver such a course. If teachers heard that a co-ordinator was delivering a maths course within the LTI they would be up in arms about it, because they are not qualified to do that. They do not have training, skills or degrees.

There is, therefore, no problem with the programmes or the co-ordination. Perhaps the Minister could intervene with the CDETБ to co-ordinate with the centre to provide these services on 16 June.

Deputy Ciarán Cannon: It is not the role of the Minister to intervene in the internal relationship between the CDETБ and the centre in Drimnagh. Under the legislation providing for the establishment of our ETBs, they are independent, autonomous entities with resources to deliver educational opportunities within their regions to the highest standard. The information I have is that the two programmes are insufficiently subscribed and that is the reason for deferring the start date to 16 June. That will give the centre the opportunity to recruit new eligible participants to the programmes.

There are issues with programme delivery which the CDETБ is proactively working with the centre to address.

Deputy Joan Collins: That is not true.

Deputy Ciarán Cannon: I am hopeful that these issues can be overcome. I am also hopeful that sufficient participants can be found for the two programmes, allowing them to commence on 16 June.

Health (General Practitioner Service) Bill 2014: Order for Second Stage

Bill entitled an Act to amend the Health Act 1970 to provide for the making available of a general practitioner medical and surgical service to persons who are ordinarily resident in the State and who have not attained the age of 6 years and to provide for related matters.

Minister of State at the Department of Health (Deputy Alex White): I move: “That Second Stage be taken now.”

Question put and agreed to.

Health (General Practitioner Service) Bill 2014: Second Stage

Minister of State at the Department of Health (Deputy Alex White): I move: “That the Bill be now read a Second Time.”

It is my pleasure to introduce the Bill, which will provide for a general practitioner, GP, service to be made available without fees to all children aged five years and younger. The key features of the Bill are the provision of an entitlement for all children aged five years and younger to a GP service without fees; the removal of the need for children aged five years and younger to have a medical card or GP visit card under the GMS scheme to qualify for a GP service; and a provision that the HSE may enter a contract with GPs for the provision of this GP service to

children and that the Minister may set the rate of fees payable to GPs for this service.

3 o'clock

I am also pleased to inform the House of the conclusion today of a framework agreement with the Irish Medical Organisation, IMO, which sets out a process for engagement concerning the general medical services, GMS, general practitioner, GP, contract and other publicly funded contracts involving general practitioners. This agreement has been reached following a series of discussions with the IMO and involving the Health Service Executive, HSE, and the Department of Health, led by me. The process got under way following my invitation to the IMO at its annual conference on 26 April to enter “talks about talks.” I am pleased that these talks have culminated in the drawing up of the agreement. The framework agreement sets out an agreed process for engagement on all aspects of the GMS contract with GPs, with due regard to the IMO’s role as a representative body of medical practitioners and within the context of the provisions of the primary legislation that will underpin the introduction of GP care free at the point of access. I look forward to a meaningful engagement with the IMO on the GP contract.

The Government is committed to introducing, on a phased basis, a universal GP service without fees for the entire population within its term of office, as set out in the programme for Government and the Future Health strategy framework. As announced in the budget, it has been decided to commence the roll-out of a universal GP service by providing all children under six years with access to a GP service without fees. Additional earmarked funding of €37 million was provided in budget 2014 to fund the first phase. It is not funded on foot of savings implemented elsewhere in the health system. The 2013 report of the expert advisory group on the early years strategy recommended providing access to GP care without fees for all children in this age group.

There are good reasons to provide universal access to GP care in view of the health needs of that age cohort. The early identification of health issues at a younger age can mitigate or reduce the impact of ill-health later in life. We should bear this in mind, given that the Growing Up in Ireland survey has reported that almost one in four children in Ireland is either overweight or obese and the likelihood that this will lead to significant health issues later in life. When the first phase is in place, approximately half of the population will be covered by a GP service without fees at the point of use. The Government is in the process of examining the next phases of extending the universal GP service.

Deputies will be aware that our current arrangement of health care provision can be traced back to the mid-19th century with the 1851 Poor Relief (Ireland) Act when limited services were provided for those who were unable to pay for them. Frankly, this is astounding. It is an anachronistic and inappropriate basis for a 21st century health system and far from any comparable modern health system of any other European country. It underpins the importance of moving towards a health system based on universality of access. The concept of eligibility has been somewhat amended by legislation, most recently in 1991 and 2005. However, the fundamental principle of means testing access to health services was retained by the Oireachtas on both occasions. One result has been that the means-based legislative framework has produced a very complicated eligibility system which must take account of a person’s “overall financial situation” as stated in the 1970 Act. This system is very likely to confuse and almost certainly makes it impossible for a person to know whether he or she qualifies for a medical card. It is clear from the real concerns raised by members of the public that there are difficulties for some persons with permanent conditions in obtaining access to health services under the medical card

scheme. This is a problem that we must address. It is being treated as a matter of priority by the Government and we are actively examining the issues involved and working towards a solution.

I have stated previously that I believe we must move towards a health system based on universality of access which must be sustainably funded to enable the provision of services to meet health needs. I recognise that a move from a means-based eligibility system to a universal system of health coverage is difficult and that many anomalies arise. Members and others are perfectly entitled in the course of the debate to point to these anomalies and contradictions as they see them. We must try as best we can to address these issues in a sensitive and pragmatic fashion. However, the Government's commitment is to fundamentally reform the health system in the way we have proposed. In that context, I wish to hear more from our critics about any alternative approach they may have to the organising of health care coverage in Ireland, apart from maintaining the existing system.

It has been suggested, although perhaps not in this House, that people should be eligible for a medical card on the basis of their having a particular medical condition. On the face of it, it is manifestly right that if one has an illness, one should be able to access the health service. This is, of course, at the heart of the reform we are seeking to bring about and I passionately believe it is something we, as legislators, should strive together to deliver. However, in seeking to supplement our current inadequate means-based system with an illness-based approach, there is a risk that we could cause unintended consequences. As legislators, we should examine and consider these risks when considering possible or potential changes we might have in mind. Personally, I would not advocate an illness-based eligibility system as a long-term solution. It would result in the health service inadvertently only treating people with certain conditions, while excluding others with other conditions from care. We are in the process of reorientating the health system from one that only treats sick people to one that keeps people well. That is one reason I believe a universal system is the best option.

However, these major reforms take time. We should consider and explore how best the existing eligibility system can be adjusted to ensure people who are on low incomes or who have permanent or terminal conditions can obtain timely access to the health system. There is a good case for saying the existing eligibility system has become over-complex, resulting in people focusing on the assessment process rather than the provision of services. We should not lose sight of the fact that an ill person should be able to receive primary health services in his or her own area. At the same time, we must remain steadfast and committed to implementing the most radical reform of the system in the history of the State and developing a universal system that treats all according to their health needs, not their means.

The purpose of the Bill is to provide for a general practitioner service to be made available without fees to all children aged five years and younger. The Bill provides that the HSE shall make available a general practitioner service without fees to all children aged five years and younger. It also provides that the HSE will be entitled to enter into a contract with any suitably qualified and vocationally trained general practitioner for the provision of GP services for all children aged five years and younger. However, the HSE may enter into a contract for relevant services with any registered medical practitioner who already holds a GMS contract for the six month period following commencement of the section. Such a contract shall specify the services to be provided by the GP.

The Minister for Health may, by regulations and with the consent of the Minister for Public Expenditure and Reform, fix the rates of fees and allowances to be paid to GPs for services

provided under these contracts. The section stipulates that the Minister, in making a regulation for this purpose, must engage in consultations. It prescribes the role of the Minister and HSE, the nature and manner of the consultations and the considerations to which the Minister must have regard in making regulations. Where the rates fixed by regulations under the section are varied in subsequent regulations, a GP who does not wish to continue providing services may terminate his or her contract by giving the HSE three months notice.

As all children aged under six years will be covered by the new GP service under the Bill, it removes children who have not yet attained the age of six years from the existing GP service under the medical card scheme. However, it is important to be very clear that children aged under six will continue to qualify for medical cards and their entitlements to other health services such as prescription drugs will not be affected in any way.

Among the other provisions in the Bill are amendments to the existing legislation relating to appeals under the Health Act 1970. The Bill provides for the current HSE appeals process to be extended to decisions on the operation of the new GP service for all children aged five years and younger and also provides for the director general of the HSE to appoint persons to carry out appeals. It clarifies that where the person carrying out an appeal is an employee of the HSE, that person shall hold a grade senior to the original decision maker. The existing provision in the Act that the Minister may make regulations in respect of the appeals process is restated without change.

The Bill also amends the existing “ordinarily resident” framework in the Health Act 1970 to reflect changes made in section 2 and extends the framework to include the new GP service for all children aged five years and younger.

Before I explain the main provisions of the Bill, I advise the House that the heads of the Bill were forwarded to the Joint Committee on Health and Children for a pre-legislative scrutiny process. Unfortunately, this was somewhat delayed as operational protocols for pre-legislative scrutiny were not available at the time. As a result, the Bill was published by the Government before the committee had had an opportunity to discuss the proposals. However, I look forward to detailed discussions with Deputies on Committee Stage of the Bill.

Section 2 amends the existing legislation relating to appeals under the Health Act 1970. It provides for the extension of the current HSE appeals process to decisions on the operation of the new GP service for all children aged five years and younger and also for the director general of the HSE to appoint persons to carry out appeals. It clarifies that, where the person carrying out an appeal is an employee of the HSE, that person shall hold a grade senior to the original decision maker. The existing provision in the Act that the Minister may make regulations in respect of the appeals process is restated without change.

Section 3 amends the existing “ordinarily resident” framework in the Health Act 1970 to reflect changes made in section 2 and extends the framework to include the new GP service for all children aged five years and under. Section 4 removes children who have not yet attained the age of six years from the existing GP service under the medical card scheme as provided for in section 58 of the Health Act 1970. They will be covered by the new service under section 58B. As I mentioned above, it is important to be clear that children aged under six will continue to qualify for medical cards, and their entitlements to other health services, such as prescription drugs, will not be affected in any way.

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Section 5 provides for the insertion of sections 58B and 58C into the Health Act 1970. Section 58B provides that the HSE shall make available a general practitioner service without fees to all children aged five years and under. It provides that a parent or guardian of a child seeking access to this service should provide to the HSE such evidence as it considers necessary to demonstrate entitlement to the service, and where such evidence is not provided the HSE may treat the child as if he or she is not entitled to the service. Where possible, the HSE will offer a choice of GP to those accessing this service.

Section 58C provides that the HSE will be entitled to enter into a contract with any suitably qualified and vocationally trained general practitioner for the provision of GP services to all children aged five years and under. However, the HSE may enter into a contract for relevant services with any registered medical practitioner who already holds a GMS contract for the six-month period following commencement of the section. The contract shall specify the services to be provided by the GP. The Minister for Health may by regulation and with the consent of the Minister for Public Expenditure and Reform fix the rates of fees and allowances to be paid to GPs for services provided under these contracts. The section requires that the Minister, in making a regulation for this purpose, engage in consultation. Further, it prescribes the role of the Minister and HSE, the nature and manner of the consultations and the considerations to which the Minister must have regard in making regulations. Where the rates fixed by regulation under this section are varied under subsequent regulations, a GP who does not wish to continue providing services may terminate his or her contract by giving the HSE three months' notice.

Section 6 is a technical amendment necessary to enable the seamless implementation of section 2. It extends the existing eligibility appeals process to the new GP service for all children aged five years and under. Section 7 states the Short Title of the Act, provides for the collective citation of this and prior Health Acts as the Health Acts 1947 to 2014 and includes a standard provision relating to commencement of the provisions of the Bill.

In conclusion, the main purpose of the Health (General Practitioner Service) Bill 2014 is to amend the Health Act 1970 to provide for a general practitioner service to be made available without fees to all children aged five years and under. The Bill also provides that the HSE will be entitled to enter into a contract with any suitably qualified and vocationally trained general practitioner for the provision of GP services to all children aged five years and younger. However, the HSE may enter into a contract for relevant services with any registered medical practitioner who already holds a GMS contract for the six-month period following commencement of the section. I commend the Bill to the House and look forward to hearing the views of Deputies.

Deputy Billy Kelleher: When one reads the Bill, there is little with which one would have major concerns regarding the aspiration to make free GP care available to children under six and the broadening out of that over a period of time to ensure that there is universal access to primary care over the next number of years. That is the stated purpose of the Government. As most people acknowledge, all the various reports suggest that unhindered access to primary care advances the health of the nation. International standards and comparisons highlight that. There are other fundamental issues at stake, however. The Minister talks about universality, which is something we welcome. The issue with it is that it must be funded and sustainable.

We ration health in this country every day of the week because we have a defined amount of money with which to provide health services. Decisions are made day in, day out in the rationing of health. Universality funded by resources that were not taken from elsewhere would

be fine but, whether the Minister of State accepts it or not, when one has a defined envelope of money for health service provision and wants to roll out universality of primary care access for under sixes, the money must come from somewhere else. After analysing the accounts, the HSE service plan and last year's budget, the only possible conclusion is that the money is coming from those who need medical care immediately. These are people whose lives have been afflicted by grave illness, physical and intellectual disability and aging. The decision of the Government to launch a vicious attack on those who most need the support of the State in their time of difficulty is almost morally bankrupt. I mean that. It is not just Deputy Ó Caoláin or me saying that; it has been said on all sides of the House over the last number of months. It was said emphatically last Friday at polling stations throughout the country. People want fairness in our health system. When one is rationing health services on foot of the limited amount of money one has to spend and making decisions on who gets services, what one is doing is taking from one to give to the other. That is what is happening here.

To say the under-six provision does not impact on the budget available for discretionary medical cards is not credible. It was stated in last year's Budget Statement that there would be a probity exercise in relation to medical cards to assess the eligibility or otherwise of recipients. That was a coded, polite way of describing the withdrawal of medical cards. It was stated in the HSE service plans for the previous year that there would be a reduction in the number of discretionary medical cards. It is a stated policy of the Government that it will reduce the number of discretionary medical cards. Efforts have been made in the House consistently by the Minister of State and his ministerial colleagues in the Department of Health as well as by the Tánaiste and Taoiseach to assert that there has been no change when it has been stated categorically that there will be a reduction in discretionary medical cards, about which the Minister of State said there was "no such entity". That is as clear as anything.

What is clearest of all is that the Irish people last Friday expressed many views on the Government's policies. The thing they were crystal clear about was their desire for fairness. They want those who need a medical card - those who are dying, have a lifelong, life-limiting illness, are battling cancer or are children with profound challenges - to be looked after first. That is what they said to me. I am sure the Minister of State picked it up also. There is something inherently fair in the Irish people. To announce a grand plan of universality for under-sixes does not camouflage what is happening to those over six. Medical cards are being taken from people at the end of their lives, people with cancer, children with Down's syndrome, men with motor neuron disease, people with multiple sclerosis. That is what has happened here. We have said it time and again, while the Minister of State has asked time and again what my view is on universality. I have said time and again that while I have no difficulty with the concept of universality, it cannot be put before those who most need the support of the State. That is what is happening as we speak today.

A very interesting figure was published with regard to discretionary medical cards, which was that almost 800 were granted in April 2014. I welcome the allocation of every discretionary medical card. Every one was deserved and, most importantly, was needed. It is interesting that the elections were in May.

We were told there was no change in policy. I welcome the fact that the office of the Minister of State often helped me in pursuing a discretionary medical card, an application, a review or an appeal but the point is that we were told there is no interference. All of a sudden, a plethora of cards were granted in the month of April. I find it interesting to say the least. There were 800 such cards. There was a change in policy and then there was an acceptance that the policy

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was causing grave anxiety. I am not sure whether the concern was the anxiety of the people or of the candidates meeting people. One way or another, there was an acceptance by this Government, the Taoiseach, the Tánaiste and others that what was happening for the past two years was wrong and unfair.

We are waiting for the Minister of State to come forward with proposals to address the issue. The discretionary system was working fairly well. People say there was disparities between various counties. That is the case and we can argue some counties were overly generous or that some counties were not understanding enough in granting medical cards. I am not sure which it is but discretion is critically important. Over the past number of months, the Minister of State has said that discretion is a grey area and that there are difficulties with it. Discretion is used every day of the week by agents of the State. Children are assessed for special needs assistants and for the number of hours they need. It is discretion when a professional makes a judgment that a child needs two hours, four hours or six hours per week. A public health nurse uses her valued public professional judgment and her discretion that someone needs four, six or seven hours of home help. We do not need a legislative blade that cuts off people from something when they need it most. We need humanity and fairness in the system.

The Minister of State said that granting medical cards on the grounds of illness is a difficulty but I must remind him that it was the stated policy of the Government to grant medical cards on grounds of illness. The first tranche of free GP care was to be for those on the long-term illness scheme. It was a stated policy and I do not see anything wrong with that. I would welcome the Government reversing from where it is, until the nation's finances improve, to grant medical cards to those who need them most first, and as time goes on and as we can expand the economy, we can fund a broader roll-out. Putting it the other way around is morally bankrupt and something I have grave concerns about. These concerns have been expressed in this Chamber and through many organisations that have consistently been saying, for the past two years or more, that a particular issue was causing great concern.

I raised the issue of the withdrawal of discretionary medical cards in January 2013 in the Chamber during Leaders' Questions. A woman who has had a double mastectomy had her discretionary medical card withdrawn. It has been appealed and reviewed but, unfortunately, the woman does not have the medical card. We have raised the issue of children with the most challenging disabilities whose medical cards have been taken from them. All of the families with these major challenges in their lives do not want anything else for themselves. They just want this for their children and are willing to pay for GP care for themselves and for other children. They are quite happy to do so but they want medical cards for their children.

Deputies in this House are on reasonably good salaries and I suspect every Member can afford to pay a GP. However, if something tragic hits a family, we would like to think the State would come in to give some support. Every family thinks the same way. That is why free GP care for children under six years being put ahead of addressing the problem of discretionary medical cards for those who need them most must be addressed quickly. Between now and the debate on Committee Stage, there should be some way of addressing this through the legislative process. Otherwise, the Minister of State should announce the considerations of the Government with regard to addressing the shortcomings exposed over the past two years because of the change in how discretionary medical cards are awarded. That should be done quickly not to satisfy me, but to address the misery and the hardship it causes in our communities.

It affects people but it does not affect all people. It was an issue raised at every second door

I went to. There is inherently and innately something fair in the Irish people. If they think they are getting a free GP care cards for themselves or for children under six years when they can afford to go to a GP while a neighbour's child is being denied a medical card, they find it distasteful. Week in, week out, every community is involved in fund-raising efforts at community level, parish level or school level to help a child. That is happening in our communities throughout the country and it is beautiful to watch. People get together and rally around to help someone who needs help. At the very least, the State should be willing to do the same. In that context, will the Minister of State revisit and reverse the policy quickly? It should be done in the context of this legislation.

Reference has been made by the Minister of State and others to the fact that the provisions in the Bill date to the 1970s or the 1950s. The Minister of State says that we must change legislation but that is the purpose of this Chamber. It is within our gift to change legislation and it is within the gift of the Minister of State to propose to the Government to change legislation. The Government can then present it to this House. It is not a major obstacle to change the legislation. In fact, that is the purpose of the debate today. The idea that the Health Act 1970 is a statute that cannot be changed is not the case.

Deputy Alex White: That is what we are doing.

Deputy Billy Kelleher: It can be changed, as can the criteria of how we address discretion. Discretion is used by many other arms of the State every day of the week. We provide professionals with the powers to make decisions on a discretionary basis. We do not have legislation to decide how many home help hours someone gets because we trust the public health nurse and her valued judgment to award so many hours within the resources available. That is discretion. It happens all the time and nobody questions it. We assess children for the provision of resource teaching hours by taking the word of a professional. That is their opinion. This is what we need to do in the case of discretionary medical cards. We need to allow people to make a professional, value judgment, unhindered by the policies pursued in the past two years in the context of a stated policy to reduce the number of discretionary medical cards. This policy of the Government to reduce the number of discretionary medical cards exists is written.

The Minister of State said he was meeting the IMO and others to discuss the contract in respect of children under six years of age. For a long time we have been talking about making primary care the focus in the delivery of health services in the years ahead. Unfortunately, we have spent a long time just talking about this and primary care teams, but we need to get to a position where we fund primary care services. The difficulty we have, as a result of policy, property bubbles and everything else that happened in recent years is that we have a fixation on massive primary care centres which have huge debts hanging over them. That is a concern. We have some fine primary care centres, but they have been holed below the water line financially. Many of them are in huge trouble. However, this should not stop us from trying to build critical mass in primary care services. Even with defined budgets, we must start to look at a way towards setting out a clear path. There must be a transfer of money from the acute hospital sector to primary care services over a period to build capacity. We talk about shifting the provision of chronic illness and disease treatment from the acute hospital to the primary care setting, but this must be resourced. General practitioners have pointed out that this will impact on their ability to treat patients and that is my concern. General practitioners are well able to advocate for themselves. They are professional and competent and have good organisations such as the National Association of General Practitioners and the IMO which act on their behalf.

The key point is that if we increase demand in the system because of the contract for children under six years, this will have consequences. One consequence will be that GPs will not be able to treat those people we want them to treat, including patients suffering from a chronic illness and disease, in the primary care setting. We have a defined number of people who are capable, competent and willing to do this work, but if they are obligated under a contract to provide services for children under six years, there is a serious concern that others will suffer. The people and general practitioners are concerned by this. My concern is that people with COPD, who have diabetes and suffer from other chronic illnesses will no longer be able to have a 45 minute or one hour consultation and that they will drift back to the acute hospital setting. This does not make sound economic sense because the acute hospital setting is the most expensive in delivering health care services. Primary care services must be funded, resourced and expanded.

Deputy Alex White: The Deputy is talking my language. I agree with him.

Deputy Billy Kelleher: Another source of concern is that many general practitioners are leaving the country. We must examine and address the reasons they are leaving. Is it purely for remunerative reasons or is it because there are no clear career paths or defined advancement opportunities in their profession? We must address these issues quickly because we are haemorrhaging GPs at an alarming rate. This is a First World country which has a good education system in providing for professional competence in the health sector. I am not particularly happy that people are moving abroad and that we must go to Third World countries to take their best trained to fill the vacuum left because our GPs have moved somewhere else. This is morally wrong. We are enticing and inducing doctors to come here from countries that need these professionals. Some of them come to gain experience and for the remuneration, but it is almost a policy that our doctors go to other First World countries and that we must then scour the third world to find the best and bring them here to fill the vacuum. This is questionable, to say the least. I do not blame the Minister of State for this policy, but we need to resource primary care services. We must make the system attractive for young, professional GPs and other allied health professionals to stay here. A remunerative package is critical, but there must also be clear defined pathways for their professional development. We must move quickly to do this. I have attended a number of meetings organised by the National Association of General Practitioners, spoken to many young GPs and received a plethora of e-mails from them telling me that they are on their way out of the country. This is alarming for many reasons but, most importantly, in the delivery of health care services.

Perhaps the Minister of State might deal with the issue of the Competition Authority in summing up or on Committee Stage. We tabled an amendment to the Companies Act in this context. When the Act was introduced, I supported it. However, I do not believe it was envisaged that the Competition Authority would block the State's ability to have discussions with a service provider; rather, the proposal was made to stop the development of monopolies and price fixing. That was its primary purpose. In a case where an agency or group of people provide services for the State there should not be an inherent block in their being able to discuss with the State how best to provide these services. This issue should be examined. It is welcome that the Minister of State is in discussions on the issue.

Deputy Alex White: A framework agreement being published today addresses the issue. There is agreement with the IMO on the process. We hope to resolve that matter today.

Deputy Billy Kelleher: That is welcome. I have pages of information highlighting many cases which have been highlighted for me in the past two years and more to do with discretion-

ary medical cards. The details of these cases have been forwarded to the Taoiseach and the Minister of State's office. The policy on discretionary medical cards must be addressed and I hope it will be. There is a window of opportunity before Committee Stage to do this. I believe the Bill will now be taken on Committee Stage a week later than originally intended and hope something will be done between now and then to address the issue.

On health services in general, we cannot take one area in isolation. The Department has a defined amount of money to spend each year and must prioritise and make choices. I accept this, but some of the choices made and priorities set should be revisited. Dealing with the issue of discretionary medical cards is an obvious priority. The Department also needs to refocus the funding streams from the acute hospital setting to the primary care setting. If it makes economic sense to treat patients in the primary care setting, it should be a priority for the Department which has a certain amount of money to spend to transfer the spending from the acute hospital setting to the primary care setting. We have all bought into the primary care strategy published some years ago, but we need to look at it again to determine how we can deliver primary care more quickly and with more determination.

We have spent more time in this House talking about where the Minister should locate primary care centres than about the primary care system in general. This is an issue I have not yet got to the bottom of and it is another day's work. I do not ever expect to get to the bottom of how they define the locations for primary care centres given that I have tried and failed. However, we live in hope on that issue.

Some interesting figures have come out on waiting times. We now have a major concern that waiting times are creeping up rapidly and the numbers of people waiting are also creeping up. The number of people who have been waiting for a year or more to be seen as outpatients has increased from 4,000 at the end of last year to more than 14,700. The outpatients figure is quite alarming even though the Minister, Deputy Reilly, has said on numerous occasions that it is not a major issue of concern - I do not mean by this that he is not concerned about it. He said it would be easily resolved because approximately 250,000 outpatients a month are seen. However, the figure is now moving rapidly in the wrong direction and that area needs to be looked at quickly.

While the Minister of State talks about the successes and I try to make proposals from time to time that might be considered, I would be failing in my duty as an Opposition spokesperson if I did not also highlight the failings. The area of waiting lists needs to be looked at very quickly or else there will be grave difficulty very soon with regard to the numbers of people waiting for outpatient, inpatient or consultant appointments. That is happening as we speak. When we consider the acute hospital budget overrun for the first three months of this year, the Government will find itself with a major problem at the tail end of the year and that needs to be addressed.

I will not oppose the Bill on Second Stage. I have grave reservations because it prioritises healthy and wealthy children over those who need the service more than ever. That has been happening for the past two years. I believe the budget ring-fenced €37 million for GP-visit cards for those aged five and under. However, when one builds a fence one can keep people out with the fence or keep people in. The ring-fencing of the €37 million has taken €37 million away from those who need it more at present. I hope I will be able to support the Bill on Report and Final Stages because the Government will have added the measures, with which I will try to assist it, on Committee Stage to ensure that people who need the support of the State

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because they are exceptionally ill or dying will get it first and foremost. We need to introduce an element of fairness, humanity and compassion into the system of how we assess people for the provision of medical care.

Deputy Caoimhghín Ó Caoláin: The debate on this Bill is timely because the cutting of discretionary medical cards was undoubtedly one of the key issues in the local and European Parliament elections and in the two by-elections just concluded. This issue was presented at door after door to canvassers across the political spectrum.

The effective removal of discretion as a category of medical card has had a devastating impact on many families, especially those with seriously ill or disabled children. During the final week of the last Dáil sitting before the elections Sinn Féin tabled a Private Members' motion calling on the Government to reverse the cuts to discretionary medical cards imposed in the Health Service Executive 2014 service plan. Now, with an even stronger mandate from the people, we make that call again here in this debate.

The Government must ensure that the HSE treats with due respect, consideration and compassion all applicants for medical cards, taking fully into consideration not only incomes but the burdens imposed by medical conditions, illnesses and disabilities. It should consult with all Oireachtas Members, and not on a selective party political basis, on the effects of the cuts on citizens. It should extend free general practitioner care to all on a programmed, timetabled and transparent basis and in such a manner that, at the least, no one entitled to a full medical card under the current rules will lose any of the services provided under the card in the context of a free-GP-care-for-all system. It should clearly set out in legislation entitlements to health care and, in line with the recommendation of the Convention on the Constitution, provide for an amendment to the Constitution to recognise the right to health care. I urge the Minister of State to note that and act on it.

This is not about tweaking the current system, or providing a kinder voice on the telephone or a more nicely worded letter. This is about ensuring that those most in need receive the health care they require and when they require it. The State is failing to do that at present.

As I have stated repeatedly in this House and outside it, we need to set our aim higher and work towards universal health care, including primary care, delivered free at the point of delivery. It must be based on medical need not on ability to pay or geographic location and it must be funded on the basis of fair and reformed general taxation.

The principle of universality is fundamental, a view I believe we share. It is the best guarantee - the only guarantee - that no one is denied the medical care they need. It is deeply regrettable that the Government has undermined the principle of universality in two important ways. First, it has set in train a system of privatised universal health insurance as the way to fund and organise health care. This is to be based on competing private for-profit health insurance companies. We do not know what the so-called basic basket of care will be, which immediately begs the question as to what is covered by the term universal? What type of care or types of conditions may be excluded?

Second, the Government has undermined the principle of universality by its treatment of medical card patients. On the one hand it brings forward this Bill to provide free GP care to children aged five and under. On the other hand it has cut discretionary medical cards and last year it enacted two Bills designed to remove medical-card coverage from more people over 70

years of age. These are real and stark contradictions.

We have moved from having in place universal medical-card coverage for over-70s under the previous Fianna Fáil-led Government to that Government's attempt to end universal over-70s coverage altogether. This was followed by huge protests by older people leading to a partial U-turn with provision for the over-70s being made subject to a higher income limit. Under the present Government, that income limit was lowered once in budget 2013 and was lowered again in budget 2014.

At that time the Minister for Public Expenditure and Reform, Deputy Howlin, defended the taking of discretionary medical cards from children with disabilities by asking if it was right that such children from wealthy families should have them.

Simultaneously, however, the Government signalled its intent to provide GP cards for all children aged five and under regardless of income or wealth and as provided for in the Bill before us. Since then I have inquired on many occasions where the consistency is to be found in these policies, if one can refer to them as policies at all. A Fine Gael-Labour Party Government which states that it is committed to the provision of GP care for all at the point of delivery is actually moving in the opposite direction. Discretionary medical cards are being cut back even for some of our most needy citizens, young and old. I know some of those people personally and I have given voice to their specific needs.

Under the Health (Alteration of Criteria for Eligibility) (No. 2) Act 2013, more people over 70 years of age lost their cards and fewer will qualify when they reach the age of 70. Prior to 2008, people over 70 received medical cards without a means test. When the then Fianna Fáil-led Government decided to end that entitlement, the current Minister for Health, Deputy Reilly, who was then the Fine Gael health spokesperson, described this move as a "vicious attack" and a "savage assault on the elderly". Then came the Fianna Fáil-led Government's climb-down - to which I have already referred - in the face of mass protest by older people. The 2008 legislation set the income limit for over-70s medical card qualification at €700 per week for a single person and at €1,400 for a couple. What did Deputy Reilly, then in opposition, say in response? Here in this Chamber he stated it was a "desperate climb-down" that represented nothing but a "tinkering with income limits" and was "nowhere near good enough". In budget 2013 the income limit for medical card qualification for those aged over 70 was reduced from €700 to €600 per week for a single person and from €1,400 to €1,200 per week for a couple. The income limits were cut again last year, this time to €500 per week for a single person and by a whopping €300 to €900 per week for a couple. When this was announced, Age Action Ireland stated, "It is contradictory to be removing means-tested cards from a section of society which has high medical needs, in a budget which is rolling out free GP care for children and heralding it as the roll out of its universal primary care plans."

That brings us to the point we have reached today with this Bill. At the very time when the callous cuts to discretionary medical cards affecting some of the most seriously ill and disabled children are coming to light, we have been presented with this legislation. Quite naturally, this is prompting people to ask why is the Government giving with one hand and taking away with the other - and, most pertinently, taking from those who are most in need and giving to those who are possibly least in need. Citizens are understandably asking where the fairness lies in giving automatic entitlement to free GP access to a healthy child of four but denying it to his or her very ill or disabled sister or brother. Where is the fairness in giving free GP care to a disabled child from birth and taking it away on his or her sixth birthday? These are the anomalies

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and inequities that are built into a system which does not offer universality of access on the basis of medical need alone and regardless of income, age or - in view of where I live on this fair island - geographical location. The Government will argue that it cannot roll out universal free GP access in one go. That is fair enough. We support universality and, in that context and as I have informed the Minister previously, we will not oppose this Bill and are prepared to regard it as a first step. Where, however, is the timetable and the programme to roll out universal free GP care in a progressive and transparent manner? It is not contained in the Bill. That sounds all sorts of alarms for me.

How will the Bill be implemented? It is clear that the Irish Medical Organisation, IMO, has set its face against this legislation and the proposed new GP contract. That is what I have heard to date. The chairperson of the IMO's GP committee has stated:

This legislation has nothing to do with GP visit cards for children. It is nothing less than a unilateral attempt to replace the long-standing GMS Contract with a new, draconian contract which will destroy the very fabric of the GP service in Ireland and there are very serious concerns as to the future viability of the service.

The individual in question is well known to the two Ministers who are now *in situ*. The IMO has also pointed out that the proposed contract would penalise whistleblowers with the clause - I ask the Minister and Minister of State to note this - which states that those under contract "shall not do anything to prejudice the name or reputation of the HSE". I note that the Minister of State, Deputy White, has said that the Government is prepared to negotiate all aspects of a new contract with the exception of that relating to fees. This clause should certainly be top of the list for deletion from the contract as now drafted.

Deputy James Reilly: That would not be a Sinn Féin deletion, would it?

Deputy Caoimhghín Ó Caoláin: I welcome the Minister. I am sorry he cannot remain for the remainder of the debate.

Deputy James Reilly: My apologies.

Deputy Caoimhghín Ó Caoláin: The Minister of State has also indicated that competition law precludes him from negotiating in respect of fees.

Deputy Alex White: I wonder if the Deputy might allow me to make a brief interruption in order that I might point out that in my initial contribution I indicated that I have concluded with the IMO a framework agreement to provide for a process of engagement with it on the entire contractual issue. I am merely trying to be of assistance to the Deputy and I am not trying to challenge him. The framework agreement to which I refer was only announced at lunchtime and I referred to it at the beginning of my contribution. Good progress has been made with regard to the relationship between the State bodies and the IMO in the context of negotiations.

Deputy Caoimhghín Ó Caoláin: I am conscious of what has been happening. Perhaps the Minister, Deputy Reilly, distracted the Minister of State; he may have missed it when I noted that he has indicated that the Government is prepared to negotiate on all aspects of the new contract, with the exception of that which relates to fees.

4 o'clock

Deputy Alex White: The framework agreement goes beyond all of those issues. That is

why I am trying to help the Deputy.

Deputy Caoimhghín Ó Caoláin: Is the Minister of State indicating that this includes fees?

Deputy Alex White: The framework agreement will deal with all of those issues.

Deputy Caoimhghín Ó Caoláin: Again, I am commending to the Minister of State - nothing that I have said changes this - that he should address several issues. At the top of the list is the need to address the section 31 clause, for want of a better description. I can only speak in terms that I have long known and, sadly, been affected by myself.

Deputy Alex White: As can I.

Deputy Caoimhghín Ó Caoláin: The Minister of State will certainly understand it from his previous role in life before coming to the House. Again, I put it to the Minister of State that the reference in the contract to “shall not do anything to prejudice the name or reputation of the HSE” is an outrageous insertion.

The Minister of State can clarify the matter in his response at the end of Second Stage, but he has stated that he is precluded from negotiating on fees by competition law. That is what the Minister of State has said on the public record. If that were to be revisited or changed I would welcome it, as would the Irish Medical Organisation, I have no doubt. If there were such obstacles to the process, a full and inclusive engagement would be problematic and such an engagement would of itself, I suggest, cast doubt on the operability of this legislation, because the general practitioners’ willingness to function with and to embrace what is being provided for would render the whole exercise decidedly difficult in delivery terms.

The Government may insist on proceeding with the Bill, and, as I have indicated already, we will not oppose it. However, as I have pointed out to the Minister of State, it is flawed, it lacks clarity and, importantly - I emphasise this point to the Minister of State - it lacks a timetable for the roll-out of universal free GP care as a first step to universal access to health care for all. This timetable is critical to my and my colleagues’ support. We have no wish to see an indefinite disparity between those who are being provided for under this legislation and those who will clearly be excluded. It is very important that the continuum of what is being provided for in the legislation is signalled at the earliest stage possible.

This Bill comes at a time when the Government is actually exacerbating inequality of access to GP care. The Government is now clearly mired in controversy with general practitioners, the announcement of today’s engagement excepted.

Deputy Alex White: It is an agreement.

Deputy Caoimhghín Ó Caoláin: It is an agreement to engage, not an agreement of finality and closure on the issues. Anyway, I wish the exercise success; let us make no mistake about it. There is no other way but to sit down and hammer out the issues, and I welcome the development today as the essential first step.

We also need to take into account the legitimate concerns of GPs regarding the under-resourcing of primary care. I have no doubt that this will also be a factor to be addressed. This was made clear in an IMO presentation to the Joint Committee on Health and Children only yesterday. The organisation stated that the workload of GPs had increased while resources have been cut. The number of patients with a medical card and GP visit card has increased by

500,000 in the past six years while resources have been cut by €160 million. The Government spends only 2% of total health expenditure, public and private, on general practice - I expect the Minister of State is fully conversant with the statistics - compared to 9% north of the Border in the Six Counties and in Britain. Practices are struggling. I accept that this is factually the situation not only in the circumstances of GPs that I know and those I have met personally but in many practices throughout the State which are struggling financially and in terms of capacity. This is neither a tolerable nor sustainable position for the future.

Simply put, the Government must go back to the drawing board with this Bill. In any and all of the points I have made I am keen to see in-built within the legislation a commitment to a timetabled roll-out of universal access and, initially, to free GP care across the board. This is essential for wider public buy-in to what the Bill provides for. As I have said, I will not reserve my position. As I have indicated from the outset, my intention and my colleagues' intention is to support its passage. I hope the Minister of State will be able to allay my fears in respect of the Government's follow-on intent.

Acting Chairman (Deputy Catherine Byrne): Deputies Pringle and Clare Daly are sharing time, with 15 minutes each.

Deputy Clare Daly: There is something a little sick about a situation whereby we are in the House discussing a proposition to allow GP cards for children under six years against the backdrop of all of our offices being inundated with parents of children who happen to be slightly older than six years, perhaps teenagers, who are victims of the most appalling illnesses or disabilities. However, because of their age and because of the Government's changes to the discretionary medical card system, they are being denied the medical assistance they so desperately require.

When the issue was raised during Leaders' Questions yesterday, the Minister for Finance, Deputy Noonan, sort of laughed it off and asked whether the Deputies on this side of the House wanted everyone to have a medical card, as if this were some sort of outrageous proposition to put forward. In reality, the idea of universal health care for all citizens as a right based on medical need or necessity is something we should be fighting for, and it should be funded through a progressive taxation system, rather than a discretionary scheme which discriminates against people because of their financial means.

I wish to put on record my support for the parents who launched the Our Children's Health petition and campaign yesterday. They are demanding amendments to the Health Act 1970 such that all children, rather than only those under six years, particularly those who have been diagnosed with a serious illness or congenital condition, would be entitled not only to a GP visit card but to a full medical card based on medical need. This issue needed to be addressed urgently. In some ways the Government's proposition on this issue has been viewed as something of a stunt against the backdrop of the situation that many seriously ill children are in.

I offer one example of a child in my area who happens to be seven years of age. This child has had several operations since her birth. She was diagnosed with infantile scoliosis. The family have had a medical card since 2009, although both parents were working - they continue to do so - and they were around about the threshold. Last year the medical card was taken away from the family at a time when the child's health was deteriorating and when her consultant recommended that she needed a back brace and other medical assistance. The family applied for a medical card for the child but it was refused because of their income. Basically, as well as

coping with the child's illness, they have spent the past year trying to deal with that. This has been completely and utterly demoralising for them. In an e-mail to me the father said - I find it heartbreaking - that if he gave up work the system would look after his family healthwise, but perhaps, by working, he was doing undue harm to his daughter in being unable to provide for her medical needs, a terrible thing for a parent to have to say.

We must address urgently the question of access to general practitioner, GP, care for all citizens, but other Deputies have highlighted that there have been considerable difficulties with the scheme from the beginning. There has been a kickback from the GP organisations. The Minister of State mentioned that the Government had sorted out the issue with them, but we will see. It has been ongoing for months, yet people will only start to debate it at the eleventh hour. How could the medical profession which one imagines is only concerned with looking after patients, building practices and doing a good job be driven into organising large public meetings and major e-mail campaigns and hounding politicians for months to be heard? There is something wrong somewhere along the line. I hope the heads of the agreement will sort out the problem, but many issues need to be addressed.

Like us all, the Minister of State will have received correspondence from a number of GPs, one of whom I will address. When this GP's assistant left the practice, the GP decided to emigrate because the stress of the job was too much. The practice could find no one to fill the vacancy, which is not uncommon. One of the factors that pushed the GP into deciding to emigrate was the idea of a GP contract for under six year olds. The doctor who had operated as a qualified GP for four years stated the Department's proposition had forced her into emigrating. She highlighted a number of issues with the original contract, which I hope will be sorted out in the Minister of State's talks. Under the scheme as proposed, she would have been asked to do work that had been scientifically discredited, for example, screening and measuring well children. She would have been asked to tick boxes and waste time on bureaucracy instead of dealing with sick patients. It gave no indication of how much GPs would be paid. How could any business operate like this? It created layers of extra supervision when GPs should only be engaged in looking after their patients. GPs were gagged in criticising the HSE. The GP concerned cited many other issues as an affront to GPs' professionalism. She concluded her correspondence by saying she was leaving the country to work in a system under which the state respected its full-time workers and that general practice, the one part of the health service that had been managing to function, albeit under strain, was being put into free fall by this measure.

The Government must fight an uphill battle in its talks with GPs who have overwhelmingly rejected the proposals made. If they are to give their agreement, I can only imagine that the current proposals stand the original scheme on its head. I hope these issues will be addressed, but bringing the scheme into being on top of the dysfunctional medical card system creates the wrong emphasis and is a poor way of doing business. This morning I received what could only be described as an hysterical telephone call from an upset wife, whose husband had been in hospital for the past month with Alzheimer's disease. She was facing the prospect of their medical card not being extended at the end of this month because allegedly they had not submitted enough information. When we rang to find out what financial information was being asked of this older citizen, it turned out to be copies of her house insurance and mortgage protection policies, her car log book showing travel expenses which she had never claimed in the first place and a GP's report which she had already submitted. The woman concerned who was dealing with a sick husband in hospital was told that, unless this information was submitted, her issues would not be addressed.

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During the Private Members' time debate on medical cards I asked whether the system's dysfunction related to some extent to the fact that the reviews had been given to a German company, Arvato, to be conducted. It has been alleged that one reason there have been so many reviews since 2003 is that a private company's IT department performed a roll-over on a computer because of a backlog in 2012, which resulted in everyone, including people with no entitlement, receiving a medical card. Now the system is in free fall and trying to reclaim some of these medical cards. Innocent people who deserve their medical cards are being caught in the crossfire. When I raised in the House the issue of Arvato being involved in reviews, the HSE issued statements to the effect that that was not the case and that Arvato was only involved in data capture, whatever that phenomenon is supposed to be. That is not the case. I contend that Arvato is involved in the review of medical cards and either the Minister of State is not being told or he is not telling us.

The medical card centre in Finglas is staffed by a mixture of directly employed HSE workers and agency staff. The system is in complete mayhem. These agency staff who have been employed as a result of the public sector recruitment embargo and legislative changes which mean that they cannot be discriminated against in their pay are costing significantly more. Not only must they be paid the same amount as directly employed workers but the agency must also be given a cut of the profits. There are more than 100 workers in that category. The Arvato staff who have handled reviews received one day's training from existing staff, some of whom came from the HSE, while others had been seconded from the likes of the Central Statistics Office. I am sure they are good workers, but statistics and medical card reviews are entirely different. The people concerned did not receive training. When someone becomes a community welfare officer, he or she is given three to four week training, must sign the Official Secrets and Data Protection Acts and receive Garda clearance before ever being allowed to look at, for example, a rent allowance claim. No such checks are made in the much more sensitive matter of medical cards. Staff who have worked in the centre have put it to me that Garda clearance is not even sought until the person is made permanent, which might happen after four years.

The company lacks training in and an understanding of how the system works. This is the only explanation for the bizarre decisions being imposed on citizens. Let us be clear - these decisions mean the difference between people being able to manage in their lives and having the stuffing knocked out of them when they are at their most vulnerable, namely, when a loved one is sick, a child has a severe disability, etc. Unless the Government addresses these issues, it will be judged on the basis of callousness, over which no previous Government has stood. Lauding proposals to, for example, provide free GP care for all under six year olds as some sort of stunt is not sufficient. If the Government is serious about looking after the needs of children, it must move urgently for those whose ill health requires intervention now, regardless of their age. It should then get its act together and introduce universal health care.

Deputy Thomas Pringle: I welcome the opportunity to contribute to the debate. I give the Bill a guarded welcome, as the provision of universal health care rather than universal health insurance is something towards which the Government should strive. There has been a great deal of debate. Despite developments in the past year and a half in terms of the provision of medical cards, the bombshell only seemed to hit the Government when its members canvassed during the local elections and they realised that this was a serious issue for many across the country. We have seen some of the publicity generated in this regard. This shows the value of raising concerns in the House, even though they fell on deaf ears. The problems with the medical card system, the removal of discretionary medical cards and the withdrawal of medical

cards from seriously ill children and children with life-limiting disabilities have been raised in the House continuously in the past year and a half, yet the Government has not listened. It was only when its members started knocking on doors that they realised the extent of the anger over the issue. If the Government took note of what happens in this House it might not have received such a shock in recent weeks in realising the importance of these issues. When we see families with children aged under and over six years who are in dire need of their medical cards having them withdrawn and having to go through hoops to have them restored, it is an indication that the system does not care about them and that it is about saving money, as the Government laid out in the budget.

I have asked the Health Service Executive to consider that some people applying for medical cards for their children know that they exceed the income limit but they are applying for them on the basis of medical need. However, the Primary Care Reimbursement Service, PCRS, will go through the process of assessing their income, requesting additional information and delaying the decision on whether there is a medical need by forcing people to produce additional financial information when they know from the outset that they will not qualify and must get the application assessed on medical hardship grounds.

If the Minister intends to change the system and make it more responsive, I believe it could be done easily. When an application is received, rather than starting with assessment of means, it should be assessed on medical grounds initially to ensure that if somebody has a medical need they do not need to go through a means test and the card can be awarded. The problem with that system is that it is going on the premise that the PCRS wants to award the card. The problem is that applications are being dealt with in such a way that people are prevented from getting their entitlements. I believe that is being done because a certain number of people will not use the appeal or review systems and will not have the heart or the ability to battle the system to achieve that to which they are entitled.

In recent months the PCRS appears to have learned from the Department of Social Protection in terms of the way it deals with medical cards. When applications are submitted for medical cards now, the PCRS gives a commitment that they will be dealt with within 15 working days. They are not actually registered on the system for nine or ten days after they are received; the 15 working days does not start until they are registered on the system. I have dealt with many cases in which it was acknowledged to my office that an application had been received by the PCRS, but two weeks later it still had not been registered on the system as having been received. When we raise it with the PCRS we are told it has not received the application. When I state that we have an e-mail confirming receipt of the application, the response is that it has not been registered on the system. It is about delay and preventing people from getting fully through the system and receiving their medical cards.

Regarding the Bill, I welcome the Minister's indication that a framework agreement has been reached with the Irish Medical Organisation on the detail of the talks, but there are a number of issues in the proposed contract that must be highlighted. Other speakers highlighted the gagging clause whereby a general practitioner will not be able to say anything that brings the HSE into disrepute. That must be removed immediately, because it is madness. GPs must be able to talk about the way the health service is operating, bring information to the fore and ensure we can identify changes that must take place.

Also included in the framework agreement is the idea of health checks and regular health monitoring of the population, which I understand has been in the United Kingdom contracts for

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a number of years but which is being examined with a view to removing it from the contracts because it has not been shown that it is of any real value or that it works.

There is no doubt that the provision of free GP care to children under the age of six will lead to extra visits to GPs. The Growing Up in Ireland report estimates that there will be an increase of 0.6 visits per child if they receive free medical treatment and GP visits, but that has been overstated. I become concerned when I hear the IMO stating that medical card patients visit the doctor much more frequently than private patients. The reason for that is that people with medical cards generally are less well off or ill and therefore they need to visit the doctor more frequently. The number of extra visits may not be as high as has been indicated by some of the medical organisations, but there is no doubt that visits will increase.

I had three children under the age of five, and during those years we felt that we were visiting the doctor at every turn. There are many families waiting for that measure to be implemented so that they can rest assured that if their children need to visit the doctor they can afford to take them. As children reach the age of six or seven, the frequency with which they visit the doctor declines significantly because they are not as prone to chest, throat or ear infections.

Another concern about the legislation is that access to medical cards may be restricted for children under the age of six. The Minister denied this in his contribution, but the evidence within the medical card system makes a lie of that. I hope it does not happen, but I believe the medical card system will use the fact that children under six have free GP visits to restrict access to medical cards for those children. That is being rolled out, but I believe we will be here in a year's time raising incidents of children who are covered by the legislation being unable to access medical cards. That they get free GP visits will be used against them and their families to restrict their access to medical cards. I hope that will not happen but I believe it will happen because all the evidence shows that the way medical cards are being dealt with currently will be used to restrict access by children who are ill to the additional supports and care they need.

There has been talk - the Minister mentioned it and it will probably be dealt with in the talks under the framework agreement - of some limitation on the number of visits a child under six will be entitled to under this system. I hope that does not rear its head again, because it will make a mockery of the entire system. Probity reviews were brought in this year. Will similar probity reviews be carried out under forthcoming budgets to limit the number of visits children under six can make to their GP under this scheme?

Another aspect of the legislation that concerns me is the idea that to qualify under the scheme one must be ordinarily resident in the State for at least one year. I have a lot of experience of dealing with habitual residence conditions within the area of social protection. It is a system that is used to restrict access and make sure that people who have a genuine need for payments cannot get them. People are being refused without any regard to the conditions for qualification. What people need to be able to show that they qualify under this residency condition is laid out, but the Department of Social Protection ignores them and refuses people in the hope that a number of them will not continue to fight through the system.

Debate adjourned.

Message from Seanad

Acting Chairman (Deputy Catherine Byrne): Seanad Éireann has passed the Central Bank Bill 2014, without amendment.

Guerin Report: Statements (Resumed)

Deputy Jerry Buttimer: I welcome the appointment of Deputy Frances Fitzgerald as Minister for Justice and Equality. I had the pleasure of serving with her in Seanad Éireann and of working with her as Chairman of the Oireachtas Joint Committee on Health and Children. I know she will bring to this brief a determination, compassion and sense of right. I look forward to working with her as Minister with responsibility for equality in the context of progressing the family relations Bill and the proposed referendum on marriage equality.

The Acting Chairman, Deputy Byrne, Deputy Jonathan O'Brien and I are all very much immersed in our communities. One of the most fundamental parts of a community is the relationship between it and An Garda Síochána. I have the pleasure of being a member of the Cork City Joint Policing Committee, Cork County Joint Policing Committee and the Passage West Joint Policing Committee. I also attend many community fora. At all times members of An Garda Síochána who attend these fora, from the rank of garda to chief superintendent, are committed, dedicated police officers whose only motivation is to do their jobs well, serve the people of their communities and ensure they can live in a crime and hassle free community.

It is extraordinary that we are again today discussing matters pertaining to An Garda Síochána. I commend Mr. Guerin on the publication of his 300 plus page report. I must confess I have not read all of it but I have read a lot of it. I found some of the language therein difficult to understand and had to read it again. As stated by the Minister previously, the report is deeply disturbing. There can be no ambiguity surrounding the men and women of An Garda Síochána. I pay tribute at this juncture in my remarks to the men and women of An Garda Síochána who do tremendous good and put their lives at risk every day.

It should not be forgotten that only a few short years ago particular Members of this House were part of an organisation which threatened to undermine An Garda Síochána and the State. I am not in this regard speaking about Deputy Jonathan O'Brien although I am sure he knows about whom I am speaking.

Deputy Jonathan O'Brien: I do not. Perhaps Deputy Buttimer would name them.

Deputy Jerry Buttimer: I will put it on the record.

Acting Chairman (Deputy Catherine Byrne): Deputy Buttimer may not do so.

Deputy Jerry Buttimer: They were members of the Provisional IRA who tried to kidnap gardaí and who killed members of An Garda Síochána, the armed Defence Forces and Members of the Oireachtas.

As Members of this House, we are charged with the responsibility of protecting and defending the institutions of this State, including An Garda Síochána. We must never forget that.

That said, An Garda Síochána is not above the law and there cannot at any time be one rule

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for them and one rule for us. The fundamental task and role of An Garda Síochána is protection of our citizens and the investigation and conclusion of criminal matters. From my experience, the Garda Síochána in Cork city are fine officers who do this in a myriad of ways, be that through their official engagement in policing forums, their role as community gardaí and, often, their engagement off-duty in terms of the assistance they provide to young and elderly people who are at risk and not at risk and through their involvement in clubs and organisations across all parts of Cork city. This is work for which they are not paid but volunteer. I compliment them on doing so.

The Guerin report is one step on the road to the restoration of the reputation of and confidence in An Garda Síochána within society. I welcome the establishment of the commission of investigation. It is important we thank and pay tribute to former Minister, Deputy Shatter, for his work in the Department of Justice and Equality. We are always quick to airbrush and forget people. The former Minister, Deputy Shatter, is a decent person and an honest and honourable man whose only motivation was to do right by the people and the institutions of this State.

There is a malaise of issues surrounding An Garda Síochána that need to be addressed, be that the bugging of the Garda Síochána Ombudsman Commission, the penalty points issue or the treatment of whistleblowers. It is important that this catalogue of issues is addressed. It is imperative that the fundamentals of An Garda Síochána are restored and that as citizens we can have full confidence in the force and, in particular, its management, organisation and structuring. Despite the populism of some Members opposite and the media, the Government has acted. It has established an independent expert review of performance, management and administration of the Department of Justice and Equality, strengthened the Garda Ombudsman Commission, established the commission of investigation, commissioned the Garda inspectorate to carry out a comprehensive inquiry into serious crime investigation and management and operational and procedural issues, the establishment of an independent Garda authority and the appointment of a new Garda Commissioner to be made by an independent appointments body.

I would like to pay tribute to the Acting Garda Commissioner, Nóirín O'Sullivan, who has been a revelation and a breadth of fresh air. Only last week, she spoke at launch of the Dublin Pride Festival. What a monumental statement that was in the context of the role of An Garda Síochána in 21st century Ireland. I commend her bravery and initiative on doing so. There is much cacophony about An Garda Síochána. The Acting Garda Commissioner had the integrity, foresight and vision to speak at the launch of Dublin Pride. Only a few short years ago, despite the best efforts of Sergeant Paul Franey and others of G-Force, gardaí were not allowed to march in uniform when the European conference of gardaí was in Dublin. I was thrilled when Acting Garda Commissioner O'Sullivan spoke at Dublin Pride. I look forward to the day when the Garda Commissioner, the Minister for Justice and Equality of whatever hue, Opposition spokespersons on justice and other Members of this House will march in the Dublin Pride Festival, sending out the message that An Garda Síochána and we as legislators are changing and want an open, tolerant and inclusive society. I hope that the 2014 report in relation to An Garda Síochána will record that event of last week as significant. It was fantastic.

We are told that lightning never strikes twice. However, the Morris tribunal is now being replaced by the Guerin report, the Cooke report, the commission of investigation and a host of others measures.

Let me outline what we and the Minister must do. I have absolute confidence in the Minister because I know her. The legacy issues that she has inherited, arising from a decade or more of

incompetence and inactivity by the Fianna Fáil party and its people in office, will be addressed once and for all. Irrespective of the result of the local elections last week, the people want these matters addressed. They want to see a new way in which the Garda appoints sergeants, inspectors and commissioners. The Minister is appointing a Commissioner. The people want new means by which gardaí interact with one another and by which the Garda will tolerate different points of view. This does not apply just to the Garda; it applies to every organisation requiring cultural and institutional change.

It is important that we consider the treatment of whistleblowers. As one who was for many years in a minority position and perhaps afraid to make remarks and come out, I believe whistleblowers must be given the opportunity to comment, no matter who or where they are, even if they are outside the Garda. That is why I look forward to the bringing forward of the protected disclosures legislation.

It is imperative that we regard Sergeant McCabe as an example and allow whistleblowers, irrespective of who they are, an opportunity to have their voices heard and their allegations or grievances aired in an appropriate manner. We all work in institutions with human beings. I worked in a staff room where there were differences of opinion as to how the school should be developed or run. However, we were given a platform at staff meetings and we had the ability to approach the principal and make remarks. Some were taken on board and others were ignored. That is life; none of us has a monopoly on knowledge. I hope we allow people to make their cases and that they will not be prejudged. I hope they will not be hindered or treated differently in any way. A whistleblower may not be always right but sometimes he or she may be. We must develop protocols.

This also applies to information received by politicians. There are times when we receive sensitive information that must be passed on. We should have some type of ombudsman for ourselves. Through parliamentary questions, the Ceann Comhairle serves as that person.

I wish to conclude by making a number of points on the education and training of gardaí. We have initiated reform regarding the recruitment of gardaí. It is important that we examine how we train and educate young gardaí before we let them into the community to serve as members. While we need to bear in mind mental health, dealing with minorities, domestic violence and stress, I believe from reading the Guerin report that it is also important that we examine how we can look after probationary gardaí and young gardaí who have just emerged from training. We must support the latter and develop them through on-the-job training, professional development and support.

Consider the issue of internal promotion in the Garda. I hope we will have a system in which people will be promoted on merit or their ability to serve at the rank of sergeant, inspector, superintendent, chief superintendent or even assistant commissioner. It is important that we consider this.

If one were to examine the Guerin report, one would be disturbed and concerned. The Minister speaks about fundamental reform and the opportunity to bring about real and lasting change. It is absolutely the case that there is such an opportunity but it is important that we assure the public that the majority of serving gardaí are trustworthy, honourable and decent and do the right thing every day. We must not forget that they put themselves at risk every day and night on our behalf.

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If we are to have the far-reaching change that is sought, there should be buy-in on all sides regarding responsibility and co-operation with An Garda Síochána. It is important that all of us in this House and society have but one police force. I look forward to the reform. From working with the gardaí in Cork, I realise these men and women are changing the model of policing every single day, putting people first and changing the perception of many of the force. Regardless of whether it is a question of dealing with domestic violence, family law, sport or the elderly, the Garda Síochána is central to what we do and how we change. This is just the beginning but it requires all of us to collaborate and not to score political points.

Deputy Jonathan O'Brien: I agree with Deputy Buttimer's concluding remark, that is, that we should not be scoring political points. It is disappointing that the Deputy started his speech with political point-scoring. Nevertheless, I agree with much of what he said. He and I work in Cork city with some fine members of the Garda, including in the Gurrabraher district. I will not name the superintendent in that district but Deputy Buttimer will know to whom I am referring. The district is one where there used to be very high crime levels and many challenges. Community policing was dreamed of and we put in place a man who brought back policing in the area to grassroots level. He did so because he came from and grew up in that community, as Deputy Buttimer will know. He has the honour of serving as a senior member of An Garda Síochána in that community and he almost has ownership of a certain model of policing in that vicinity, and that pays dividends. He has a lot of respect from members of the community.

There is no doubt that, in the past ten years, the Garda Síochána has changed its type of policing in the State, but that is not to say it is perfect. There are still individuals in the force who are opposed to change and whom I believe do not uphold the best within it. This is not unique to An Garda Síochána; one will find it in every police force in every state in the world. It is just a reflection of society. When an organisation such as the Garda Síochána reflects society, it is only natural to presume there always will be one or two bad apples.

What the Guerin report actually highlighted was that it was not just a case of the failings of one or two individuals at a low level in the Garda but of failure at senior level to investigate complaints of malpractice and corruption submitted to the Department by a serving member of the force. Not only did the gardaí fail to investigate the matter, they set out to ruin the reputation of an honourable member of the force, a fellow colleague. In doing so, they brought shame on the organisation of which they were members.

The Minister has found herself in a position in which she must now pick up the pieces and try to restore public confidence in the Garda Síochána. That will not be an easy task. However, it is essential that there be success because no country can exist if it has a police force that does not have the full confidence of the citizens it is meant to protect. The Minister has initiated a number of proposals within her Department and a review is ongoing, although I am not sure when it is due to conclude, as I am sure she has been consumed by the elections for the past few weeks. She has given a commitment to establish an independent policing authority and that the new Commissioner will be appointed independently, all of which are vital small steps on the way to restoring public confidence. The only issue I have with what has been announced so far concerns the Garda Inspectorate being asked to examine the investigation procedures in cases involving serious crime. I have concerns about whether it is right for the Garda Inspectorate to be involved.

The Guerin report is approximately 326 pages long. While I have read all of it, it is a document which needs to be read three or four times to absorb it. As the Minister said, it has some

deeply disturbing elements. There is a huge challenge in that regard, but I believe it is one we can overcome collectively. There are many good members of the force who are serving communities every single day, just as there are many good members of society who aspire to be members of An Garda Síochána. My own son has undertaken the process to try to become one of the new recruits. When he first approached me and said he was thinking about it, I said: “If that is what you want to do, then that is what you want to do.” He sees it as a vocation and I am sure there are many members of the force who see it not just as a job but as a vocation. They have a sincere interest in improving the communities they represent and helping others, including the most vulnerable in society. They see it is a vocation to protect those who are unable to protect themselves and not only to protect them but also to give them a voice.

I believe the recent controversies, in particular about the penalty points system, GSOC and the failings of the Department of Justice and Equality and senior members of An Garda Síochána to investigate the allegations of corruption and malpractice made by whistleblowers, have done nothing but damage public confidence in An Garda Síochána. We wish the Minister well in her attempts to address that issue. However, as Deputy Jerry Buttimer pointed out, we have been here before. We had recommendations on the back of the Morris tribunal that were not implemented and nobody has given a formal explanation as to why they fell by the wayside. Any commission of investigation will need to investigate all aspects which led to where we find ourselves today. I hope that at the end of the commission of investigation we will have the answers. However, it is one thing having the answers; we also need the political commitment and political will to make the changes that are necessary. Sometimes, that means standing up to those elements within the Department and An Garda Síochána who will resist the type of reform needed and telling them that this type of policing is no longer acceptable. In 2014 we need a police force which is representative of the community, works on its behalf and is willing to work with it to tackle crime and improve the social and community environment. It is not just about the policing of communities.

As I said, we wish the Minister well. We look forward to whatever necessary legislation will be brought forward. We hope we can move into 2015 in a much better place and with much more public confidence in An Garda Síochána.

Deputy Simon Harris: I welcome the opportunity to contribute to this debate on the Guerin report. I begin by congratulating Deputy Frances Fitzgerald on her appointment as Minister for Justice and Equality. She has a reforming zeal that is going to be needed and tested in the Department at this very difficult juncture for the justice system. I wish her the very best and have no doubt about her abilities in that regard.

This is a very difficult time to be a member of An Garda Síochána and to work in the Department of Justice and Equality. It is important when we have this public discourse to recognise that reality and, as other speakers have, that the overwhelming majority who get up and put on the uniform in the morning, go out and patrol the streets and keep us safe, have protected the State from subversion, just like the public and civil servants in the Department, are doing a very fine and honourable job. Just as we have seen in so many other sectors, including the charity sector, this House when it is brought into dispute, the church and other institutions, we cannot tar everybody with the same brush. That, however, is not to take away from the seriousness of the issues dealt with in the report and the other issues brought to light. Nonetheless, it is important to express my gratitude to all those who serve the State with distinction, be it in the Department of Justice and Equality or when they don the uniform and patrol the streets as members of An Garda Síochána.

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While it is difficult to be a member of the Garda at this time and morale is low, it is also a very difficult time to be a whistleblower. We have a very bad culture, reputation, history and track record when it comes to how we treat whistleblowers. I do not believe this is confined to one party or one Government. It is an issue the State has to address because we do not have a good record when it comes to whistleblowers. In his report Mr. Guerin captured it more much more articulately than I ever could when he said we had a situation where a critical voice was in danger of being heard as a contrary voice. He said: "The whistleblower, like the referee from whom he gets his name, is seen as someone who is not on the team." To be frank, as somebody who sat through the hearings at the Committee of Public Accounts with the then Garda Commissioner, Mr. Callinan, it was very clear that the top brass of An Garda Síochána viewed whistleblowers and dissenting voices as "not on the team". That is the problem. One can engage in all the guff about An Garda Síochána as a disciplined force, but that is an issue on the margins and there is no disputing that reality. However, one has to have in every force and every facet of society the ability to hear different views and divergent voices. It is clear that this culture was not and possibly is not in place within An Garda Síochána and many other areas. That presents a challenge for the Minister.

The Guerin report, at page 330, is littered with compliments paid to Sergeant McCabe by his superiors. He is described by a chief superintendent as "very positive and energetic," with "a strong work ethic" and "a strong emphasis in community policing." Another detective superintendent describes him as "capable and enthusiastic," while at all times he was found to be "efficient." A retired superintendent describes him as "an excellent Sergeant and member" and says "he offered 200% commitment." Another superintendent describes him as "efficient, flexible and committed" and says "He was diligent in the performance of his duties." As a state, we sneered at him - not the Minister or me personally, but he was sneered at and belittled. This does not mean, because I do not know, that he or any other whistleblower is right in everything they say. We have commissions and structures to determine and adjudicate on that issue. However, he was sneered at. If he was sneered at, how many other whistleblowers have been sneered at? At the Committee of Public Accounts we saw a huge display of sneering. That has to end. In fairness, the comments of the Minister, Deputy Frances Fitzgerald, on recognising the role of whistleblowers; the comments of the Taoiseach and the apology from the former Minister, Deputy Alan Shatter, are all important steps in recognising this. We cannot jump to the assumption that if somebody dares to speak out or raise a question, he or she is just a troublemaker. That is wrong.

With other members of the Committee of Public Accounts, I met Sergeant McCabe and he struck me as a credible individual. I am not qualified to adjudicate on the issues he brought to our attention, although Mr. Guerin has certainly found substance in what he had to say.

5 o'clock

He was dismissed too quickly. We have a history of that in this State. It is a case of "There is nothing wrong here, nothing to see, move on," and we have to learn from that. I am not making a political point because it is something that all parties and Governments and broader society have failed at. I hope that when people look back at the Minister's record in many years to come, it will be seen as the record of a Minister who finally decided that the culture in An Garda Síochána had to change and that there needs to be a willingness to hear different views and to provide a forum and structure in which those views can be heard.

It is important to acknowledge that the Guerin report is very comprehensive, thorough and

insightful, and was written and put together efficiently in a very short space of time. I acknowledge the work done by Mr. Guerin. It was never within the report's remit to make a determination, and Mr. Guerin recognises this. That is the purpose of the commission of inquiry, the establishment of which I very much welcome. However, there are lessons we can immediately learn from the report that we do not need commissions or further investigations to tell us about. Page 333 gives us an insight into the training, supervisory mechanisms and the support or lack thereof provided to members of An Garda Síochána, including new members. As we begin recruiting new gardaí, no new Garda should leave Templemore and be put in a station protecting this State and its people without the recommendations and conclusions on page 333 being taken on board. This idea of probationary gardaí being left without support structures, inadequate accommodation being provided, no experienced sergeants being available to provide supervision and a lack of stability, continuity and experience at district officer level are very basic and practical points that can be addressed. We do not need more commissions to address them. As the Minister recommences recruitment to An Garda Síochána, which is very welcome, this is something that really needs to be looked at.

The Department of Justice and Equality needs to be examined. While I acknowledge the work ethic of many people within that Department, it is fair to ask whether the Department in its current form, and its current relationship structures with An Garda Síochána, are fit for purpose in 21st-century Ireland. Do the structures work? Is the relationship too circular? When one reads the Guerin report, it seems that what happened on occasions in the Department was that when an allegation was made about the gardaí and sent to the Department, the Department sent it back to the gardaí and asked them about it and the gardaí wrote back. The relationship was circular. There was not enough time to stop, to think, to ask for an outside voice or to decide to carry out an external review. Was section 42, which related to the establishment of a special inquiry, used often enough? Could it have been used more often? Is that fit for purpose? Do we need to look at that piece of legislation? I very much welcome the Minister's planned establishment of an independent expert review of the Department, because we cannot look at this in a piecemeal way. We must look at all aspects of our justice system. That review needs to be speedy. It needs to be comprehensive, but it cannot be allowed to drag on either because there are crucial questions about management, the Ministers and Secretaries Act and how the Minister of the day interacts or does not interact with senior civil servants. I do not say this about any Minister or any personality, because this is bigger than that. This is about whether, when a Minister, regardless of his or her political hue, goes into a Department, the structures are adequate to ensure that he or she receives the advice that is required. Is the Ministers and Secretaries Act serving the Minister for Justice and Equality of the day adequately? We need to know that.

My next point is not meant as a criticism in any way, shape or form of any Member of the Oireachtas who brought information into the public domain on behalf of whistleblowers, because they did their duty in that regard. However, it should never have reached that point. We should never have had a situation in which a whistleblower felt he had to print records off the PULSE system, stick them in a black box and send them to the Committee of Public Accounts, or meet Deputies and provide them with names and details. This is not a criticism of the Deputies or the whistleblower. It is a criticism of the fact that we had to get to that point - that this member or those members of An Garda Síochána either felt they could not have confidence in the existing structures or felt that adequate structures did not exist. We must make sure that robust structures are in place. The Oireachtas has a role to play in respect of legislation, the gardaí have a role to play in respect of the detection and prosecution of crime with the DPP,

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the Department has a role to play, and the judiciary has a role to play. However, if something goes wrong and there is a problem and a dissenting voice, where can that voice go? The Guerin report and what we have seen in respect of penalty points and other matters show us that there is simply no adequate robust structure for that voice to go to.

I welcome some of the announcements in respect of GSOC. It is vital that GSOC has real teeth, that a serving Garda can go to it and have an outside view and that we can have confidence in GSOC as an ombudsman commission. It is really welcome that we will have an independent Garda authority, because it is badly needed. We need to take the politics out of policing. The proposed change to the Protected Disclosures Bill to include members of An Garda Síochána and protect them as whistleblowers is very welcome, but we must see all these things through and we must see them through in a way that allows the public to have confidence in our justice system.

We must also challenge an assumption we tend to arrive at in this country that if a problem occurs it is a localised one. Donegal was meant to be a localised policing problem. We could run the risk of saying that Bailieborough was a localised policing problem. We must adopt the approach that these problems are not localised but systemic, because if we do not do that we will end up constantly having a collection of localised problems. Donegal was meant to be localised and now we are talking about Cavan. Which place will we be talking about next? We must look more broadly than that and not fall into the trap of thinking that something was a one-off incident that just happened in this station or that station. It is bigger than that.

My colleague Deputy Buttimer also raised a cultural issue in respect of An Garda Síochána that I want to put on the record of this House, because it provides an insight into the rigidity that exists in the gardaí. Deputy Buttimer reminded us of an occasion when there was an LGBT parade in our capital city during which members of police forces around the world marched with pride in their uniform. Members of the Irish police force were not allowed to take part while in uniform because it is a disciplined force. We must get beyond this. That gives one an insight into this conservative attitude - an view that says that one is in the force and will do what one is told. These are citizens of our Republic who are equal, and if they want to wear their uniform and march in favour of equality and being proud of who they are, they should be allowed do that. It is a small point but it is yet another insight into the need to challenge the culture that can exist at the top level of An Garda Síochána.

We have a long way to go in tackling the justice challenges this country faces. We have Cooke report, the Fennelly commission and the independent expert review of the Department of Justice and Equality, which is now headed up by Deputy Fitzgerald. We obviously need and will have the independent commission of inquiry. There is a long way to go. It is crucial that this House continues collectively and in a non-partisan way to work towards restoring faith and trust in An Garda Síochána in the interests of all our citizens and the men and women in An Garda Síochána and the Department of Justice and Equality, so many of whom get up in the morning and serve this country with distinction on a daily basis.

Acting Chairman (Deputy Catherine Byrne): The next speaker is Deputy Boyd Barrett, who is sharing time with Deputy Mattie McGrath.

Deputy Richard Boyd Barrett: The revelations and scandals surrounding allegations of Garda malpractice, corruption, cover-ups and wrongdoing are of the most serious nature. We have had in very quick succession quite shocking revelations about the extent of these practices

within An Garda Síochána and allegations regarding the apparent complicity of the Department of Justice and Equality and Governments and Ministers for Justice of the day in this malpractice, the cover-up of malpractice or the failure to take these allegations of criminality, malpractice and dysfunction within An Garda Síochána seriously. The stakes could not be higher. If citizens do not believe the administration of justice is carried out fairly and impartially or is applied to all citizens equally, why should any citizen respect the law? Why should any citizen feel he or she has a stake in society? There can be little doubt that the succession of scandals and the abysmal failure of the Department and the Government to deal with the allegations in a timely fashion and to be generally perceived as guilty of dragging their feet, failing to take seriously the allegations, downplaying them and demonising the people who made them has shredded the credibility of the justice system and the Garda in the eyes of huge number of our citizens in a way that can be only seriously damaging to people's faith in the justice system and to the coherence and fairness of our society and Government.

Following everything that has happened, including the resignation of the previous Minister and the assumption to office of the new Minister and the appointment of the temporary Garda Commissioner, Noirín O'Sullivan, we have had much talk and rhetoric and many promises about how everything will change and about the objective of widespread root and branch culture change in the force to ensure brave, heroic whistleblowers such as Sergeant Maurice McCabe and former garda, John Wilson, and the whistleblowers in the Chamber who brought the allegations to the notice of the Chamber and the public and who were denigrated in the most suspicious circumstances are heard. Information was passed from the Garda Commissioner to the Minister for Justice and Equality and used to tarnish the character of whistleblowers in this House. Mysteriously, another Member, Deputy Clare Daly, was arrested at the time she brought up these allegations.

This is serious stuff but we have had promises and rhetoric about change, yet ten minutes before I came to the House, I spoke on the telephone with Sergeant Maurice McCabe, the man who has been at the centre of these issues and who was the courageous individual without whose actions we would not be having this debate and we would not be hearing all the promises of change and reform in the Garda. Sergeant McCabe said that in the past month he has experienced 13 instances of harassment by colleagues such that he felt unable to go work last Monday because he is stressed, fearful and so on. Since all these allegations emerged, the person at the centre of them is afraid to go to work, is stressed and has become unwell because the harassment continues. He expressed shock, surprise and dismay on the telephone at the evidence given by the interim Commissioner, Noirín O'Sullivan, to the Joint Committee on Justice, Defence and Equality this afternoon where she apparently claimed - I did not hear it - that senior Garda management is in regular, if not daily, contact with Mr. McCabe. He says that is absolutely not true, that he is receiving no support and that the only contact he has had with senior management was with an assistant Commissioner who briefly discussed with him access to the PULSE system. He has had no support and virtually no communication from senior management. What the hell is going on? We have had promises of change and reform of the culture but the person whose bravery and heroism has brought all this to public attention is still being harassed and is getting no support from senior management. Is it just all talk or are the Government parties serious about this stuff? I appeal to them to look into this.

This is not only about the bugging of GSOC, the bugging of telephone calls and the allegations by whistleblowers about malpractice in the Garda, as many other issues need to be investigated. Other Members and I have many times raised the case of Cynthia Owen who was raped

and abused at the age of 11 and made pregnant. Her baby was murdered but nobody has ever been arrested or prosecuted for those horrendous crimes. She has appealed for the establishment of a commission of investigation to look into her case. She alleges senior gardaí were involved but successive Governments have failed to give her the commission of investigation she requires to look into this. I hope the Government will include that case in its commission of investigation.

The issues go beyond the Garda. I have previously mentioned the shocking case of the journalist, Gemma O'Doherty, who four weeks after she looked into an allegation that the Garda Commissioner had penalty points quashed was compulsorily dismissed from her job with Independent News & Media. Does all this extend into the media as well?

Deputy Mattie McGrath: I refer to the 11 key deficiencies that pointed to disturbing system failures within the Garda force. The report raises fundamental issues about the Garda Síochána, how investigation of criminal cases was carried out and the responses to serious concerns which were raised about them. There are serious questions around the nature of Garda management, governance and oversight, basic policing procedures and the role of bodies such as GSOC and the Department of Justice and Equality.

While Mr. Guerin makes the point that he has not made any findings of fact or come to any determination in respect of the matters he examined, he has indicated the need for further inquiry by way of a commission of investigation. The commission will have the powers and the remit to thoroughly investigate all of the relevant issues and to hear the evidence of everyone concerned. The public rightly expect to be able to rely on the policing service and the criminal justice system. No police force in the world can operate without the support of the public. People get that in the main in Ireland and we want to maintain the bond and closeness between the people and the force. They must be able to trust that crimes they report will be fully and properly investigated. It is also vital for members of An Garda Síochána that they work in a system in which highlighting and reporting failings is regarded as professional and praiseworthy rather than acts of betrayal.

The report also highlighted the following areas that need examination and which have been already brought to the Minister's attention but I will outline some of them. The operation of the Garda station bail system also required a close examination, he suggested. Mr. Guerin called for a broad look at whether station bail was being properly applied as an alternative to bringing an accused person before a court for the determination of bail by a judge. He highlighted the use of section 2A of the Bail Act 1997, which allows the court to take into account and, where necessary, receive evidence or legal submissions concerning the seriousness of the offence and the sentence likely to be imposed if the person is a convicted. If that happened, the murder that was carried out in Limerick by a Tipperary man might not have occurred. There are serious deficiencies in this regard and they need to be addressed.

The resourcing of the Garda is also an issue with morale at an all-time low. We have been raising this in the House for two years because of cuts upon cuts upon cuts to the force's budget. Some Garda stations are not fit for purpose and I do not know how the Government expects anyone to work in them. Some do not have broadband coverage and are subject to intermittent telephone coverage while others do not have light bulbs in the toilets. That is how bad it is. When I raised these issues with the former Minister for Justice and Equality, he laughed at me and poured scorn on my complaints. Gardaí did not have batteries for their flash lamps and his reply was to tell them to buy the batteries themselves. What a thing to say and what disrespect

that shows to members of the Garda. They are at the coalface trying to doing their best. I salute the majority for the work they do with the exception of a few officers who have let down the side and betrayed the good name of the force.

I will attend a retirement function for Superintendent John Courtney in Clonmel tomorrow night. This wonderful officer is retiring with dignity after 40 years service. I attended a similar function some weeks ago for Superintendent Tom Duggan. They are great officers who have given wonderful service but they are all tainted as is the entire justice system. The sooner the better the Minister grapples with these issues and the sooner the better serious questions are asked about the Department of Justice and Equality. What is going on that it could take 15 days for a letter to be handed to a Minister? There is something rotten in the system, as there is in many of the systems in the State. I refer also to the Revenue Commissioners, where whistle-blowers are needed and they should be supported. Some matters should be checked with regard to how ordinary citizens are being treated, the bully-boy tactics used and the way the fear of God is put into them. The Minister of State, Deputy John Perry, as a business man, should know this. Broad questions must be asked.

Resourcing is an issue. There is talk of reopening the college in Templemore and recruitment has been promised and dangled on a string. I wish the Minister, Deputy Frances Fitzgerald, well and hope she will be woman enough to stand up to whatever situations arise. The last Minister did not have respect for An Garda Síochána. That is clear from the incident that occurred before he was appointed Minister, when he denied the facts of what had happened and used, *mar dhea*, the illness of asthma as a reason for failing to comply with a legal requirement, where a failure or an inability to do what one is asked to do by a garda is a crime. He was above this and that is when the rot set in. I believe the Garda Commissioner was compromised at that stage. I felt sorry for him, given how he had been treated, but I do not have a shred of sorrow for the last Minister who did not respect An Garda Síochána. He would not go to the conference he had been invited to attend and whinged when he was not invited to the other conferences. If any other Minister decided not to attend a conference or if a Catholic Minister was attending a Catholic ceremony and used this as an excuse for not attending, he or she would be banished from the earth by the media. However, the former Minister chose - he is entitled to his faith - to say he would not attend because he was going to honour his own faith. He was entitled to do this, but if a Catholic Minister or a Minister of another denomination did this, they would be run out of the country and destroyed by the media. As far as I am concerned, in the case of the former Minister, it is good riddance to bad rubbish. I do not wish him any bad luck-----

Acting Chairman (Deputy Catherine Byrne): I must ask the Deputy to withdraw what he said about the former Minister, Deputy Alan Shatter.

Deputy Mattie McGrath: I said if any other Minister-----

Acting Chairman (Deputy Catherine Byrne): My job is to chair the debate fairly. It is wrong of the Deputy to name people in the Chamber.

Deputy Mattie McGrath: I am talking about the former Minister.

Acting Chairman (Deputy Catherine Byrne): We are here to discuss the report. I ask the Deputy to stick to its content.

Deputy Mattie McGrath: That is what I am doing. I am just pointing to where the rot really set in. It was at the top, as we know. It was not due to the garda on the beat or in the

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squad car doing his or her job. There is rot at the top that must be sorted out and the issue must be depoliticised. I am simply pointing out that if other Ministers had taken those actions, they would not have got away with it. It is that simple.

The Guerin report points to many issues, but others must also be investigated. Promises were made by political parties and the Taoiseach that the Omagh bombing would be investigated. The families concerned have been ignored by the Taoiseach since he took office, as they were by the former Minister for Justice and Equality. The Taoiseach told me in the House that he was directing the former Minister to meet them, but it never happened, despite what had happened to them and their suffering. When one makes promises when one is in opposition, people expect one to live up to them. They expect one to support the Garda, but that support was not forthcoming, but I know it will be forthcoming from the Minister. I have that much respect for her.

Much soul searching must be done at the top of the Department and An Garda Síochána, not at the bottom. Everything seems to start at the bottom, with the foot soldiers, despite the foot-dragging in a letter taking 15 days to be delivered to the Minister. Whether he received it by e-mail or otherwise, we will never know, but it took 15 days for it to be delivered physically. That is not acceptable in a modern system. What if one rang the Garda and had to wait 15 days for gardaí to arrive? I realise people in some areas must wait a long time for gardaí to arrive, but that is because they do not have the patrol cars, equipment or wherewithal required. I met a garda when canvassing several months ago after the storm. He said he was better off at home because in the station he had no telephone, broadband or patrol car. What does this do to morale? It is soul destroying for a member of An Garda Síochána to have to say this.

There must be a root and branch review and I hope the commission of investigation will be able to get to the root of this issue. If not, a more serious examination of the entire system will be required. The system is badly broken. I met the former garda Mr. Wilson on the plinth a few minutes ago and he told me the same story that was related by Deputy Richard Boyd Barrett. If it is true, it is very disturbing. I will not say whether it is true or false, but it is disturbing to hear about such cases. As public representatives, we have a duty to raise them in the House, but I thought all of that was well behind us and that the people concerned would be listened to and respected.

Deputy Peter Mathews: I welcome the Minister, Deputy Frances Fitzgerald, to her new post and wish her well with her responsibilities. It is a big challenge.

This is a report to the Taoiseach entitled “Review of the action taken by An Garda Síochána pertaining to certain allegations made by Sergeant Maurice McCabe”, by Seán Guerin, SC, of 6 May 2014. The first page of his conclusions, page 329, captures to an important degree the essence of the conclusions that follow. It states, at paragraph 20.1, under conclusions and recommendations, “In any organization whose members face the significant daily challenges and pressures that must be borne by those whose duty it is to ensure the security of the State and the safety of its citizens, a critical voice is in danger of being heard as a contrary voice.” That could apply to the two political parties that form the Government. It is the duty of the leaders of these parties to ensure the security of the State and the safety of its citizens.

The report continues:

The paradigm of the whistle-blower is an unattractive one. The whistle-blower, like

the referee from whom he gets his name, is seen as someone who is not on the team. The challenge of accommodating and learning from legitimate criticism is always going to be a difficult one, especially in a disciplined force.

An Garda Síochána is the protector of the peace. Its function is to ensure the security of the State and the safety of its citizens. It operates through a chain of command, orders and instructions; therefore, it is sometimes very hard to understand the philosophical necessity to have a critique of that chain of command. Blind and unquestioned obedience comes to mind and orders and instructions are pervasive. I will use that analogy to discuss the political parties and what the experience has been in this Dáil. There has been unquestioned and unchallenged obedience with the Whip system in certain debates and situations that merited justified criticism. We have the Economic Management Council, which is a new method of controlling the Cabinet. The Taoiseach, the Tánaiste, the Minister for Finance and the Minister for Public Expenditure and Reform are dominant through their frequent meetings and policy making for the country and through their influence on the Cabinet, which is constitutionally supposed to be a democratic collective decision-making body. We have seen from certain legislative measures, the most recent of which was the proposal last year to abolish the Seanad-----

Acting Chairman (Deputy Catherine Byrne): This is statements on the Guerin report. Will the Deputy please speak about the report?

Deputy Peter Mathews: We are talking about any organisation whose members face the significant daily challenges that must be borne by those whose duty it is to ensure the security of the State and the safety of its citizens.

Acting Chairman (Deputy Catherine Byrne): The statements are on the Guerin report.

Deputy Peter Mathews: There is no organisation other than the Government that is more relevant to that statement, as a platform for the report.

Acting Chairman (Deputy Catherine Byrne): I ask the Deputy to speak on the report.

Deputy Peter Mathews: I will proceed to another part of the conclusions made in the report. It states:

While it is beyond the scope of this review to make any determination of the complaints Sergeant McCabe has made, the documentation examined gives cause to share the concern expressed in them and, for the reasons outlined in this report, there is cause for concern as to the adequacy of the investigations that have taken place into those complaints and as to whether all appropriate steps have been taken.

I should also advert briefly at this point to an issue which has featured extensively in the documents I have examined but which is beyond the scope of my terms of reference. That is the experience that Sergeant McCabe has had within An Garda Síochána since making his complaints. I have seen extensive documentation, including the third volume of the three booklets furnished to the Minister for Justice and Equality by Sergeant McCabe's solicitors in September 2012, which gives cause for concern about the personal and professional consequences for Sergeant McCabe of his having made the complaints examined in this report and other similar complaints. It is not for me to express any view on those matters except to say that Sergeant McCabe's experience calls for examination.

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I will use the analogy again of the experience of members of political parties, which are organisations similar to the organisation of An Garda Síochána in so far as they form part of Government. The experience of some Members as a result of being critical, not contrary, has been appalling. The Whip system the Government parties operate has been relentless and is similar to the relentless chain of command which has been unquestioned and used incorrectly to fail to deal fairly with justified criticisms within An Garda Síochána. I make these points to the Minister to bring to Cabinet for reflection. Nobody in the House should ever be under orders or instructions when there is a justified matter under debate or consideration - even in the context of voting - and subject to consequences which are contrary to the principles of democracy and which have deprived Members of positions on committees to which they were justifiably appointed. Those consequences should be examined by this Parliament, just as the consequences in the Guerin report should be examined.

Deputy Róisín Shortall: At the outset, I formally express my good wishes to the Minister for Justice and Equality, Deputy Fitzgerald, in what is a very challenging role. I have no doubt she is up to the task and hope it goes well for her. It is worth noting that there has been a dearth of Government backbenchers in this debate, which speaks volumes about the priorities of some. It is regrettable that they have not recognised the importance of the issue by contributing to the debate.

I welcome the Guerin report, which is a good one and a model that can be used in other investigations. It was produced in a timely fashion and is straightforward and lacking in jargon. It is to the point and deals with the issues at hand without attempting to gloss over any. It does not pull any punches and is matter-of-fact. I commend it on that basis. It includes critical findings on the manner in which the whistleblowers were treated and the failure of the system within the Garda itself and within the Department of Justice and Equality, as well as at a political level, to recognise what was regarded as a contrary voice. A critical voice within the Garda must be welcomed and viewed as an important aspect of the health of the organisation. The report refers to the strengths of Sergeant McCabe in particular and the validation of his commitment to the job by several of his colleagues. It makes recommendations on a number of procedural issues in the Garda and the Department of Justice and Equality with reference to the manner in which the latter failed to deal with genuine complaints. Very significant issues are thereby raised as to the functioning of the Department, which warrant urgent, serious and thorough investigation.

The critical thing about this whole saga is not that these things have happened. It is recognised across the world that in any police force there is potential for wrongdoing, misappropriation, mishandling of cases and misconduct. There is an onus on the political system to ensure that there are proper oversight procedures and structures in place to limit the potential for abuse. What is clearly required is an independent Garda authority which keeps the Garda force at arm's length from Government and ensures that it is accountable to the public and that proper procedures are followed. Unfortunately, the Government has resisted strongly the clear demand to do something about that. Last year the then Minister, Deputy Alan Shatter, said we could not afford to have an independent Garda authority. Clearly, we cannot afford not to have one. I welcome the fact that, very late in the day and under duress, the Government has agreed that there is a need for an independent Garda authority.

The critical thing is not the fact that these awful things happened within the Garda and the justice system, but the response of those in authority once they occurred. Public office and government are a test of judgment and character. Judgment comes into this for political leaders when there is a need to recognise that something wrong has happened or been done. Character

is required to ensure that our political leaders have the strength to do what is right when they discover wrongdoing. They must do what is right regardless of the implications. Unfortunately, the Government has been found seriously wanting in both judgment and character.

There were serious problems with the manner in which the former Minister, Deputy Alan Shatter, dealt with this entire matter. There was his outrageous allegation against Deputy Wallace and his failure to tackle the disgraceful treatment of Deputy Daly. He undermined the whistleblowers from the very start and resisted any kind of inquiry or attention to those critical voices referred to in the Guerin report. He undermined and denigrated them. He sought to silence them and move on in the pretence that there was no problem. Deputy Shatter claimed the whistleblowers had refused to co-operate with the Garda inquiry, which he knew was absolutely not the case. He refused to disassociate himself from the “disgusting” remark of the former Garda Commissioner, Mr. Callinan. He alleged that GSOC was legally obliged to notify him of the bugging investigation and misquoted the law in that regard. He ignored all the warnings from the RSA, the Comptroller and Auditor General, the confidential recipient, etc.

Worse than that was the manner in which the Taoiseach dealt with this matter. All of those matters were sackable offences, yet the Taoiseach showed no concern about them. He resisted taking any action and stood by the former Minister to the very death and until the position was entirely untenable. What really concerns me is the utter failure of the Taoiseach and his colleagues in Cabinet to stand up and be counted on an issue that everyone else recognised for what it was. The Government refused to do what was right in this situation and has been greatly diminished and weakened as a result. There has been a great deal of consideration of the culture that has been created. The response of the Taoiseach, the Tánaiste and other Ministers has only copperfastened that unhealthy culture, which is about ignoring the elephant in the room when something is wrong.

Mr. Brian Purcell, who is currently a witness before the Joint Committee on Justice, Defence and Equality, is in an impossible position. He is being asked - rightly but impossibly - to disclose a confidential conversation between himself and the Taoiseach which took place before he was dispatched to speak to the former Garda Commissioner. It is entirely unacceptable that the Taoiseach should hide behind a commission of investigation and refuse to disclose what happened that night. He is playing for time and tried to do that until the elections were out of the way. Now, he is stretching it out as long as possible for one year, 18 months or maybe after the next general election. He is in a position to explain to the public what happened that night and he is seriously failing in his duties by refusing to do so and running away. He is a disgrace.

Deputy Aengus Ó Snodaigh: I repeat something I said last night in discussion during Private Members’ business on a Bill to try to address some of the issues that have come up over the years and to address the need for change in the justice system. The Government has indicated it will move on some of the measures and hopefully this will be done fast. The issues have hung around for a number of years since the Garda Síochána Act 2005 was passed. The measures will address the future and we must address some of the cases highlighted to date. When dealing with the outworkings of the Morris tribunal, I remember arguing with Michael McDowell that what occurred in Donegal could have occurred in many other divisional areas. We needed to address policing on the island as a whole, but particularly in the State, in the same fashion as we addressed policing in the Six Counties. My belief, which has been borne out by some of the revelations that have emerged in the Chamber and outside it, is that there was malpractice, skulduggery and criminal intent by a small number of gardaí within a force that has been besmirched because of the actions of a few. This happened throughout the country and we did not

have the mechanism to deal with it. If the mechanisms were in place, they were found sadly wanting.

The Garda complaints board was scrapped because it could not deliver on its functions. When it was scrapped, the Garda Inspectorate was set up to ensure the mechanisms and practices in the Garda Síochána met a modern standard. The inspectorate has been in place for a number of years but did not spot some of the bad practices exposed by whistleblowers. GSOC has been hampered by lack of resources and proper funding and because it has to rely on members of the force it is supposed to investigate. The vast majority of gardaí I have met over the years are diligent, hard-working and genuine people who uphold the law, fight crime and prevent crime. Most of them have expressed to me a frustration at not being able to do their jobs properly, whether this arises from equipment, bureaucracy or time that could be better spent doing the job rather than form filling.

There is always a danger in any large organisation. The Garda Síochána is not the only large organisation in the country that has fallen short of its purpose and ideals. When such an organisation feels under attack, and in this case the attack was from within, the organisation closes ranks, buries its head in the sand and denies all around. This might be fine as an initial reaction but, given that this is the police force, the body tasked with upholding the law and setting an example for society as a whole, it is not good enough. Whatever about the initial reaction, as soon as the full scale of what was exposed and the truthfulness of what was highlighted emerged, it should have merited greater investigation and charges being brought against those who were doing wrong. There should have been penalties if the PULSE system was being abused or used for the wrong reasons. There is collegiality among colleagues and people are often fearful of turning on someone who is a colleague. In the case of someone involved in criminality, there is a duty on people in this House and in every organisation. It is a culture that, to date, we have not managed to get across properly in Ireland. Hopefully, this will set an example and set the bar very high for everyone in society so there is no more of the nod and wink. It does not matter at what level the crime occurs. This change might filter down.

It is a pity the institution set up specifically to help members of the Garda Síochána to expose wrongdoing, the confidential recipient, also fell short. One of the scary parts is that an institution set up quite recently could not get to grips with this in any shape or form. GSOC also could not deal with it and what was most worrying was the attitude of the Garda Commissioner when faced with the charges made by Garda Maurice McCabe. He seems to have dismissed the charges or put his head in the sand. That must be ended. There is quite a lot in the report and it is good that the justice committee is dealing with it. I spent a long time on the justice committee or attending its meetings. We dealt with a range of things and no matter was sacred. Hopefully, the Secretary General can shed some light on what happened between him, the Taoiseach and the former Garda Commissioner. The acting Commissioner said there was a change in attitude and that GSOC should have investigators so that gardaí are not investigating themselves. That was a change and there is a layer of other issues that must be addressed by gardaí or by GSOC.

It is not just this group of whistleblowers that has suffered the consequences. In the past, a whistleblower in the Defence Forces exposed a range of abuse and harassment of women in the Defence Forces. Eventually, it led to the Doyle report, which led to major changes in the Defence Forces and a change in attitude. As far as I know, there has been a change in culture in the Defence Forces. However, in the meantime, the man had lost his job or could not sustain being in the Defence Forces. A garda who attempted to expose wrongdoing in the force had to leave the force early and his health failed. A few others were in similar circumstances and it is

right for the State to examine some mechanism to compensate him or to ensure the loss of earnings in the period when he was forced out is recognised by the State. A thank-you in that form is not always good enough. He is happy that he and Sergeant McCabe have been vindicated and that Sergeant McCabe has access to the PULSE system again and can carry out his duties as a garda. That should have happened years ago, but at least it has now happened. There is an acknowledgment of what happened, but sometimes an extra step needs to be taken. I hope that at the end of all of this those who had the courage to highlight wrongdoing will no longer be penalised and will be able to hold their heads high. I met some of them last night.

There is another aspect to this issue which I have raised with a number of other Ministers for justice and it has some relevance in the context of the Guerin report. Part of the culture within An Garda Síochána of late seems to be that it is okay to leak information to crime journalists. In Dublin and other cities information on ongoing cases and characters of interest has been used by some in the tabloid media to build up these characters. This has been to the detriment of society. Some characters in my area and that of the Minister now think they are invincible because the *Sunday World*, the *Daily Mail* or one of the newspapers of this type have built them up as gang bosses or gang lords. Some of the information in the media has come from within An Garda Síochána. Any information supplied in that manner on ongoing cases is a threat to An Garda Síochána because it can undermine investigations and threaten the cases being investigated.

I have not got to the end of the rumours circulated regarding the fact that some new newspapers had a number of gardaí on their payroll or were paying them a stipend to get this salacious information, but this practice must be stopped. If a garda is found to be leaking information, regardless of whether it is valuable, to journalists, it must be stopped. Using the Garda Press Office is the way to provide information. Far too often, erroneous material is published in the newspapers and this damages the families involved, whether victims or relatives of those under investigation. This can cause major problems. The only possible source of much of the information provided is the PULSE system. It is most important for An Garda Síochána that the PULSE system is got right and that the data within it are protected. We must be very sure that as An Garda Síochána gets to grips with the changes that will be made, this system is secure. As citizens, we must know it is secure and that information is used for the purposes for which it was gathered - to prevent and solve crime, rather than to line the pockets of so-called crime journalists.

I take the opportunity to congratulate the whistleblowers. I also encourage others who have information to provide it. I hope the recommendations made in the report will not lead to a flood of information, but perhaps we need such a flood of information to deal with the exposure of the issues involved once and for all. We could then draw a line in the sand and would be able to say An Garda Síochána was as good as was possible and that everything it did was of the highest standard and done to the utmost.

On the issue of resources, even in these stringent times, An Garda Síochána should have the equipment necessary to fulfil its role. It should not take a garda in one station 15 minutes to take fingerprints, while in another it only takes two, all because one station has a computer system, while the other is in the Sherlock Holmes tradition and uses ink, a roller and a piece of glass. It is madness that in this day and age An Garda Síochána is hampered by outdated equipment when more modern equipment would allow gardaí to use their time in a better fashion.

Deputy Micheál Martin: I welcome the opportunity to speak about the Guerin report. It

is important that significant steps are taken as a consequence of the report in terms of reforms in the oversight of An Garda Síochána, its management structures and a fundamental review of the force. This review might, perhaps, be similar to the 1970 Conroy review or the review of the nursing commission over a decade ago which led to a sea change for the better in nursing, a change which had to be backed up by resources. The absence of resources is a critical issue for An Garda Síochána.

An Garda Síochána is essential and the core foundation of our democracy. In the emerging state of the 1920s we had the depoliticisation of An Garda Síochána. This took some time - until Eoin Ó Dufáigh moved on - but we will not go through that matter. Nonetheless, a civilian police force has been the bedrock of our democracy through the decades.

Across the world all police forces are not free from problems. However, we should never be of the view that we cannot air or articulate issues for fear of being considered against the Garda. It is important to restore and have public trust in An Garda Síochána, key to which is the belief that any failing will be brought to the fore and dealt with comprehensively. This is essential to maintain faith and trust in the Garda. We must encourage people with evidence of wrongdoing to come forward. If the past 20 years have shown us anything, they have shown there are no institutions beyond criticism. This House has learned lessons also in terms of how it operates and it is important that we set up an independent inquiry. We would appreciate having some input into its terms of reference.

We must also be clear in regard to the determination of the Government and the former Minister for Justice and Equality, Deputy Alan Shatter, to undermine the whistleblowers when they raised issues of consequence. On the ten cases dealt with in the Guerin report, the dossier was sent to the confidential recipient and the Department of Justice and Equality via this route. It was also sent to the Department of the Taoiseach. The cases are shocking. When I met Sergeant Maurice McCabe, I found him to be a credible witness; others who have met him have confirmed this. The Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, found the same, but it seems he was the only Minister who stood up to the former Minister for Justice and Equality on these issues, particularly the matter of penalty points, which is the reason it ended up with the Road Safety Authority.

On the issue of whistleblowers, what struck me about the transcript of the conversation between the confidential recipient and Sergeant Maurice McCabe becoming public was the absolute silence in this House and the media on its content. I can only hazard a guess as to what would have happened if it had been a Fianna Fáil Minister for justice who was the subject of a transcript of a conversation which reported unacceptable comments made by him and suggested that if he thought a whistleblower was causing him trouble, he would go after him.

6 o'clock

We never got a satisfactory explanation for all of that. It is necessary to keep looking at the transcript. Much of the material in the dossier is referred to in that transcript, particularly the treatment of Jerry McGrath and the various offences. An entire chapter in the report deals with that. That led to a murder, and the central proposition is that that murder could have been prevented. That is a very shocking thing. Obviously the commission of investigation to be established will need to go through that and make a call on it. None the less, given the very manner in which that was raised and the details involved in the dossier, one would have thought the reaction would be a desire to get to the bottom of it. However, all along the line the atti-

tude seems to have been not to believe it because it had been properly investigated, and it was pushed to one side. All the other items in that dossier are equally shocking.

While I do not have the transcript with me, I can paraphrase it. The confidential recipient said that the Minister of the day read all of that. The confidential recipient actually had exhibits of each case and the only thing he redacted was the name of Sergeant Maurice McCabe; he left everything else in there. He said that he knew the Minister studied everything. I do not understand why it did not move on from there. That was also Mr. Guerin's central conclusion when he stated that the Minister had opportunities in terms of the legislative provisions in section 42 of the Garda Síochána Act 2005, as amended, and also the function provided for in regulation 82 of the Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007. The Minister had the power to establish a special inquiry pursuant to those provisions. In essence, Mr. Guerin is saying that he did not follow through on those provisions, even though he had the capacity to do so.

To be fair, we have not heard the former Minister's side. From his letter of resignation I get the sense that he might have issues. It seems to me that the Taoiseach put the gun to the former Minister's head and said he had to go.

It is interesting to consider the chronology and sequencing of this. The confidential recipient was sacked and there was no debate in the House; no questions were answered in the House on it. The issues in that transcript were very serious and yet for some reason we did not get any accountability as to what had happened and why he was sacked. We then move forward and find that the former Garda Commissioner was to all intents and purposes removed when the Taoiseach sent the Secretary General of the Department of Justice and Equality to the Commissioner's to say, more or less, that he would not survive the following day's Cabinet meeting. The Taoiseach will not be up-front and say that, so he uses all sorts of odd language, saying that he just wanted to let him know how anxious he was about things, despite the fact that the Commissioner had sent letters about those specific issues - the phone-recording situation - to the then Minister two weeks earlier. So we then had the removal of the Commissioner, again without any transparent explanation or proper accountability to the House. The Secretary General of the Department of Justice and Equality is saying he cannot talk to the Joint Committee on Justice, Defence and Equality because of the commission of investigation. The Taoiseach is saying he cannot make a statement to the House about it; he simply will not do it.

Now we have had the removal of the former Minister for Justice and Equality because of this report and, probably, the Taoiseach's reaction to the report. The former Minister said he did not want to cause any further embarrassment to the Government in the run-up to the elections. None of it is good enough. Much of this could have been headed off if there had been far greater transparency in the beginning.

Sergeant Maurice McCabe certainly felt he was got at in the end and that people went after him. However justified, he actually feels that those remarks in the transcript that the former Minister would go after Sergeant McCabe if he thought Sergeant McCabe was causing him trouble are true. The man feels that people went after him and, certainly, anything he was saying was regarded as unwelcome and was basically suppressed. I handed the dossier to the Taoiseach and he responded. He took control of it from the Department of Justice and Equality and appointed Mr. Guerin to do this scoping work and review, and he has published his conclusions.

The fundamental failure of the Government to date is that despite all the language, rhetoric

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and spin about wanting to be the Government of the democratic revolution, nurturing a culture that facilitates whistleblowers and so on, the opposite actually happened in practice. Whistleblowers now feel worse off because of the Government's behaviour on a series of issues, regardless of what any piece of legislation might do for them.

There have been various provisions in legislation for whistleblowing in recent years on a sectional basis. In other words, if the Department of Health was introducing legislation pertaining to nursing, a whistleblowing provision would always be inserted. A comprehensive Bill is being introduced, but much of that is only rhetoric and spin if it is not matched by action and cultural change. The behaviour and actions of the Government have done more damage to the possibility of people coming forward than any previous Government in my living memory.

I know how important whistleblowing is in the context of health, for example. Probably one of the greatest acts was that of the brave nurses in the Neary scandal at Our Lady of Lourdes Hospital, in which they came forward and told it as it was. They saw things that were radically wrong, with women being butchered. That is how important it is. People might think individuals are oddballs and we should not take heed of them. We need to have proper channels and mechanisms to facilitate people coming forward and also facilitate those against whom allegations are being made in rebutting them if needs be and in making their perspectives known. That is also very important.

We are supportive of the idea of a policing authority but we would like to see some decent research on it so that we end up with something that is fit for purpose. In this House and elsewhere we have a tendency to go herd-like after the next fanciful idea as if it is the panacea for everything, but it is not the panacea for everything. We have a policing authority in Northern Ireland, the Northern Ireland Policing Board. The Patten report was excellent in developing structures of policing in the context of a very conflict-riven society. There are people on policing boards in the North now who, if they do not like who gets arrested, will organise a protest outside the police station. Let us look at a wider sample of different structures in Europe and across the globe to establish what best practice is.

We should also look at the management structures to see if they are fit for purpose in the modern era. We need to look at resources for the Garda. We need to reaffirm our faith and belief in the vast majority of the members of An Garda Síochána who do excellent work every day. We all meet gardaí who are working extremely hard on behalf of all of us in much more difficult circumstances than they did previously, given the challenges and strains of modern society and the consequences of the economic collapse.

We need a policing commission - a similar type of commission - that would look not just at what I might term the negative aspects of recent performances, but also at what a properly and effectively resourced Garda Síochána would look like in 2014 and 2015. The Minister for Finance might have issues with that because of expenditure implications. However, if we are to be fair and honest, we must do that also in terms of the resources available to the Garda, the deployment of the resources and how effective they are against the challenges of society in the 21st century. I believe there is a need for that kind of approach, which would encompass recruitment, education, training, specialist education and continuing professional development. I have met gardaí who get no encouragement or funding to pursue courses and programmes in postgraduate areas or wherever. I often think of what they are up against in the courtrooms. For example, they need to argue their way through developments in the area of forensics and so on. Rewarding people who will go the extra mile to improve themselves through education should

be part and parcel of any review.

I was not present for the Minister's initial contribution. I would appreciate it if there could be consultation in respect of the terms of reference of and the timeline relating to the commission of investigation that is to be established. I understand the Minister has been in contact with the acting Garda Commissioner regarding Sergeant McCabe and his access to the PULSE system. I am of the view that Sergeant McCabe should be treated and facilitated in the same way as any other member of An Garda Síochána from now on.

Deputy Michael Healy-Rae: I thank the members of the Technical Group for sharing some of their speaking time. I must apologise for the fact that I have a cold and I am hoarse as a result.

Deputy Micheál Martin: Too much celebrating.

Deputy Michael Healy-Rae: No. I take this opportunity to wish the Minister well in her role. As I informed the Taoiseach upon hearing of her appointment, the Minister will be a great improvement because she will at least say hello to people when she meets them. That is a great start for any Minister.

In the context of the Guerin report, it is unfortunate that we find ourselves at this pass. Just to prove how wrong matters had gone, I wish to relate a story. On numerous occasions in the past I tried to raise with the Minister's predecessor a very serious matter of concern that was brought to my attention and that had been handled in the wrong way by An Garda Síochána. On each occasion, the then Minister did everything possible to either avoid addressing the issue or - to put it bluntly - cover it up. It is a matter of coincidence that the current Minister, Deputy Fitzgerald, has replied to a parliamentary question I tabled on the same issue, which relates to a particular incident. I seek to treat every person with respect. In that context, I appreciate the fact that the Minister has indicated that she has sought a comprehensive report from the Garda authorities with regard to the matter in question and that she intends to review it. I absolutely trust that she will do so. The security personnel involved in the incident to which I refer were attacked and seriously assaulted by 14 people during a riot. The events in question were captured on CCTV and the footage shows one individual being hit 80 times. The previous Minister for Justice and Equality was of the view that there was nothing wrong with this and that it was fine to allow the matter to be swept under the carpet. That is the type of thing which happened prior to Deputy Fitzgerald's appointment and of which we had become sick and tired. I hope we can look forward to better during her term of office.

Morale within An Garda Síochána is currently at an all-time low. That should not be the case, because 99.9% of members of the force - regardless of whether they are ordinary rank and file officers, sergeants, superintendents or whatever - are respectable individuals who do their jobs to the best of their ability each day. Those to whom I refer take pride in their work, believe in what they are doing and deserve our full support. Unfortunately, however, the resources of An Garda Síochána - the current Government has the worst record in this regard - are being attacked and cut so much that it is no wonder morale is so low. Previously, gardaí worked in stations which were almost falling down. In the past 15 years, however, many of these stations were refurbished at enormous expense. That was a great investment in essential items of infrastructure that were important to our communities. However, the previous Minister - working in cahoots with the former Garda Commissioner - closed many of these stations in rural areas. At that time, I stated on the record of the Dáil that it would cost more to keep the stations in ques-

tion closed than would have been the case if they had remained open.

The then Minister performed so many U-turns that he met himself coming in the opposite direction. He twisted his story on each occasion on which he was questioned as to why he wanted to close these stations. In the first instance he stated that he was doing so to save money. When he was proven wrong in this regard, he stated that it was nothing to do with money but that it related to better policing. When he was tackled on the question of how it would lead to better policing, particularly as gardaí would be removed from the areas in which they were supposed to operate, he informed us that special vans similar to mobile police barracks would travel throughout the country and that people could meet officers in the back of these vehicles in order to discuss matters with them. The vans in question never materialised. They formed part of another bluff. We were then informed that gardaí would meet people in post offices and community centres, but this proved to be yet another bluff. This is the type of treatment that was meted out to politicians, the general public and members of An Garda Síochána.

Those to whom I refer were blackguarded by the Minister's predecessor, who will go down in history. When praising the former Minister, the Taoiseach stated that he would go down in history as one of the most reforming Ministers of Justice and Equality of all time. He will go down in history all right, but it will not be for the reforms he introduced; rather, it will be for the hurt he inflicted on those rural communities in which some fine Garda stations have been closed. In all likelihood, those stations will never be reopened. The Department is trying to offload these stations by seeking to convince people that it is doing them a favour by allowing them to be used for community activities. On one hand, Garda stations are being closed, while on the other, communities are being informed that they can use them for whatever purpose as long as they pay for their upkeep. The latter is because those in government do not want to be shamed in the Dáil as a result of being obliged to account for the amount of money it is costing to ensure that the stations in question remain closed compared to what it would have cost to keep them open.

There are other explanations as to why morale within An Garda Síochána is so low. The former Minister also thought it was a good idea to pursue those who hold licensed firearms. He decided to take away the licences of gun enthusiasts who had spent a great deal of money on their firearms. Those to whom I refer keep their guns properly and comply with all relevant health and safety regulations. However, the previous Minister informed them that they would no longer be able to keep high-powered rifles. People in this country engage in shooting as a sport, and rifle and gun clubs would have been obliged to close down as a result of the former Minister's insane actions. He did nothing about illegal firearms. Where is the logic in that? Deputy Shatter did not refer to illegal firearms but instead sought to pursue respectable people who hold licensed weapons. I plead with the current Minister, Deputy Fitzgerald, not to go down the same road. Those who hold licensed firearms are responsible individuals. Representatives from a number of gun clubs and other organisations gave a presentation in Buswells Hotel a couple of weeks ago. These are individuals who are steeped in their sport, whether it involves shooting, hunting or target shooting. Indeed, this sport is an industry, but the previous Minister, for some reason known only to him, decided to pursue those within it. I hope the current Minister will be more understanding than her predecessor.

I take this opportunity to wish the acting Garda Commissioner, Noirín O'Sullivan, well in her role. I met her earlier today and I have no doubt that she is extremely competent. Like the Minister, all she needs to do is consider what happened in the past and the fact that there was an unhealthy relationship between the former Commissioner and the previous Minister for Justice

and Equality. We are all aware of the position to which that led us.

Everyone has his or her own story to tell. With regard to the confidential recipient, I questioned the former Garda Commissioner and the Minister's predecessor when they came before the Joint Committee on Justice, Defence and Equality. Late one night I received a telephone call from a person who was friendly with me, who said, "You are after making a sore bed for yourself because I believe they are now going to go after you." They did go after me and all I can say about the outcome - I will not go into the personal side of it - is that they tried a lot on me. Anyway, the one good thing about it is that I am still here while the former Minister for Justice and Equality is gone, as is the Commissioner, and I am not sorry. They know what they tried to do to me.

Reference was made to the Secretary General of the Department contacting the Commissioner in the way that he did. We have often heard of the visit from the Grim Reaper. No one would look forward to the Secretary General calling to his home late at night because it means something rather bad or ominous is going to happen.

All we can say is that we are where we are now. I am not a person to keep looking behind me; I can only look forward. We look forward to the fact that the current Minister is unlikely to come to this role in the way the previous Minister did, so full of tackling challenges that he wanted to tear asunder the Four Courts and the Judiciary. He wanted to attack. He had more enemies than any other person I have ever known in my life. He was simply on a solo run. He wanted to attack, change and, as he termed it, reform. Where did it get him? What did he achieve in his time? Little of any substance, only the harm he did, especially the harm to rank and file members of An Garda Síochána.

Often, he was questioned in the House. I remember Deputy Mattie McGrath tackling him one day in the House about batteries for flashlamps, because the Department had cut the allowance to the Garda for such simple items. That was a disgrace. How can we expect the Garda force to operate unless it is adequately financed and resourced for the equipment it needs?

Another thing that happened under his watch had serious consequences. He laughed at the matter when it was raised in the House by me. I am referring to the removal of Uzi submachine guns from the force. That should never have happened. Again, it was a stupid idea by a person who simply could not get it. The guns were available and they were bought and paid for. Gardaí were trained in their use. He thought he could penny-pinch or save something by removing them from gardaí. Senior members of An Garda Síochána said the measure put lives at risk because it showed a weakness in the force and they were dealing with highly organised and well-resourced criminal gangs with endless firepower at their disposal. What was our Minister's answer at the time? It was to take the guns from our gardaí and leave them with nothing. Even in the darkest days of the 1970s and 1980s when money was scarce and things were bad, the Garda had Uzi submachine guns. Detectives had a machine gun in the car. At least it was a little safety measure and something of a deterrent to certain criminal and rogue elements.

These are things the Minister should consider in making her mark, if she wants to be a properly reforming Minister, a Minister who understands and who listens. Unfortunately, for the past three years we have had a person who not only would not listen but who simply would not consider listening to suggestions, whether it was from his own backbenchers, whom he detested, Opposition Members, whom he detested, members of the public, whom he detested, or members of An Garda Síochána, whom he detested. He simply would not listen to anyone.

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There is no way the Minister could be like that, and I would never suggest that she would be. We hope that from now on An Garda Síochána can look forward to being adequately resourced. We hope that whistleblowers who wish to come forward with a complaint or a concern can do so. We hope that we will not have a Commissioner who will think such people are disgusting and who will not look down his nose at people who wish to come out and say something. We hope that when people have an issue or a concern they are treated with the respect they deserve.

People have fallen on their swords in recent months. Even the most kind-hearted person would find it difficult to feel sorry for them because of their behaviour in the past, some detail of which I have cited. The best thing I can say is that the wheel is always going around. I remember one evening during a particular debate the former Minister, Deputy Shatter, was sneering at me. I remember thinking to myself that the wheel is always going around and God is good at the end of the day. I can say now that the wheel has gone around, I was proved right and God is good.

Deputy Michael Creed: I welcome the opportunity to comment on the Guerin report. This is first opportunity I have had to congratulate the Minister, Deputy Frances Fitzgerald, on her appointment to the Department of Justice and Equality. It is one of the significant Cabinet positions and she comes to it at a difficult time. I wish her the best and in so doing, unlike the previous speaker, I pay tribute to the former Minister, Deputy Shatter. He did the State some service in his time as Minister. Ultimately, he was guilty of a political misjudgment and has paid a price for it. It would be easy to overlook many of the positive things that he achieved in the headlong rush to judgment, as demonstrated by the previous speaker.

I concur with Deputy Micheál Martin, the leader of Fianna Fáil, on the significance of having public confidence in the Garda force. In an open debate about the Garda Síochána, including its strengths and weaknesses, its failings and shortcomings and its standing in the community, there is a distinct danger that we might lose sight of the overwhelming majority of the members of the force who go to work on a daily basis to do a difficult job and do it very well. The actions of a few are in danger of being allowed to undermine the endeavour and commitment of the overwhelming majority of members of the force.

I would like to believe I am reasonably well grounded in the community and I wish to acknowledge the commitment that the overwhelming majority of members of the force bring to their job in the community, as well as the professionalism that they bring to it on a daily basis. Furthermore, I wish to acknowledge the risks they take. Unfortunately, we have seen only recently some members of the force paying the ultimate price.

Some things arise in the political sphere. There is a lot of brouhaha at the moment about what was said to the Secretary General of the Department of Justice and Equality by the Taoiseach. If the Taoiseach asked the Secretary General to convey to the former Commissioner that he thought neither he nor the Cabinet had confidence in the Commissioner continuing in his role, then, personally speaking, it is fine by me because I believe the Commissioner's race was run. That is my personal view. Anyway, as with all of these things, time will tell. I am not as excited as others about what exactly went on in that conversation. It is acquiring a political life of its own, but I do not believe it is an issue that exercises the public too much.

I wish to comment on the appointment of a new Garda Commissioner. It will be a singularly significant event in terms of how morale is restored in the force. I can understand why an organisation wishes to see one of its own appointed to the position. I realise there is an inde-

pendent process of appointment. However, it is important that the views of Members are heard by those charged with responsibility for making the appointment. From what I have seen of the current acting Commissioner, Noirín O'Sullivan, she seems to be an extraordinary capable and committed member of the force and she is doing an excellent job. However, it is my personal view that it is time to move outside the force to appoint someone with external experience. In many respects, we are discussing a cultural change within the force. Whether the old boys' culture of having attended Templemore together, back-scratching and looking after one another is real or imaginary, the only way the public's perception of the Garda will improve is if an external appointment is made. The Minister will not comment on this point now, but it is imperative that an external appointment be made.

There is a headlong rush to welcome the idea of a new independent police authority. On balance, this is probably the right approach, but it was always useful for the House to have an opportunity to hold the Minister for Justice and Equality to account for issues as diverse as some of those raised by Deputy Healy-Rae - for example, firearms licensing and rural Garda stations. As with the establishment of the HSE, when we amalgamated the health boards, there is a danger that the real process of accountability might be lost. We must be very careful to ensure that in whatever new structures are envisaged for the administration of the Garda, there is effective accountability. Some other organisations that have been established do not have effective accountability. This is a point of which we should be conscious.

The Guerin report recommends the investigation of alleged Garda malpractice. I want to put on the record of the House something that has distressed me as a public representative for some time. It was brought to my attention a while ago. There must be a filtering system for these investigations to determine whether the concerns involved are real or imagined, but the case I am about to raise needs to be examined. I urge the Minister to take it on board. The perception is that whistleblowers are good and anyone who is against them is bad. I am not judge and jury on that issue and I acknowledge others' comments on how the aforementioned Sergeant McCabe and former Garda Wilson have done the State some service, but the question of whether whistleblowers are good while those who express reservations are against the public interest or lack commitment to accountability is not so black and white. What I want to place on the record relates to the tragic events in Scariff, County Clare, in 1994, when Imelda Riney, her young son Liam Riney, and Fr. Joe Walsh were murdered. As Deputies will be aware, those murders were carried out by the late Brendan O'Donnell. At the time in Scariff, Garda Sergeant Ciaran Sheehan was a serving member of the force. He joined it in 1982, graduating with the Garda Commissioner's Medal. He served in various locations, including Finglas, Fermoy and Harcourt Square. He was promoted to sergeant in 1990, transferred to Swanlinbar in County Cavan and, in 1992, was transferred to Scariff Garda station in County Clare. In all of that period up to his appointment to Scariff, he had no disciplinary issues. He was suspended from service in March 1996 and was finally dismissed in 2008. Since his dismissal he has received no Garda pension, but that is not the issue that I wish to raise. He had a long family tradition of involvement in the Garda. His father was a member in Cork, as were other family members, including a brother who is currently serving. I have met Ciaran Sheehan. I do not wish to cause distress to the families of any of the people involved in those tragic events in Scariff, but I wish to raise allegations that have been put to me that I cannot substantiate but that need to be investigated. Brendan O'Donnell, who was convicted, as I understand it, of those killings-----

Acting Chairman (Deputy Thomas P. Broughan): The Deputy stated that he would, but I ask him to exercise great care when raising issues relating to citizens outside the House who

do not have a chance to enjoy privilege as we do.

Deputy Michael Creed: I appreciate that and do not wish to name anyone whose permission to do so I have not received regarding the allegations I am about to make. I will address the bones of the issue and try to trespass lightly, or not at all, on the rights of third parties. The Acting Chairman might keep in contact with me about it, but I appreciate his guidance.

As I understand it, the Garda's attention had been brought to a series of events prior to those murders that Garda Sergeant Ciaran Sheehan had discussed with his superiors and in respect of which he wanted action taken. Subsequently, Mr. O'Donnell went to the UK, where he was incarcerated. There was a question of whether he should have been brought home to face charges in Ireland. It was not pursued, and when he was released from incarceration in the UK he returned to Scariff in County Clare. Subsequently, those tragic murders took place and he was convicted of them.

The offences that Garda Sergeant Ciaran Sheehan wanted investigated related to threats involving firearms. As Deputies will recall, firearms were used in those tragic murders. The offences were not pursued. As I understand it, this was at the direction of the superiors of Garda Sergeant Sheehan, who has brought this matter to my attention. Garda Sergeant Ciaran Sheehan was subsequently summonsed by the Director of Public Prosecutions, DPP, in respect of that trial but was directed by his Garda superiors not to attend it.

There are significant issues at play here. After Garda Sergeant Sheehan became quite vocal on these issues, allegations were made by a third party against him. A complaint was made that he attempted to put pressure on a complainant to withdraw a statement. This case is being contested by Garda Sergeant Ciaran Sheehan. Two witnesses have stated that he never attempted to interfere with the person who made the statement, but those are the grounds on which he was dismissed from the Garda - namely, that he had attempted to get someone who had made a complaint against him to withdraw it. This all relates to the original issue of the murders in Scariff and what precipitative actions could have been taken. These are obviously raw and emotional issues for the families involved. In the context of alleged Garda malpractice and in the public interest, I would like to think this matter, which has had a significant impact on the local community - particularly the bereaved families and Garda Sergeant Ciaran Sheehan - should be investigated. There is ample record within the Garda of this matter. Given its significance, I trust that it can be considered for further inquiry and investigation.

It is critical that we put in place a robust system to ensure that gardaí are supported in the pursuit of their duty to the public of proper policing. Mechanisms must be in place allowing them to feed in their concerns about maladministration of justice within the force, as well as proper complaints procedures, etc. There should not be a fear that if someone dares to be different or steps outside the cosy consensus, he or she will be ostracised. It is a question of having a process. Regrettably, it appears there is not a sufficiently robust process to allow members feel confident in making a complaint against a colleague or superior officer. That is the challenge we face. It is important that the public have confidence in gardaí and I have no doubt that is an issue that will exercise the minds of the Minister and her colleagues in the Department of Justice and Equality in the coming weeks and months as we attempt to move on and support gardaí in carrying out their duties and ensure that those who are not doing their job well are identified and dealt with. The overwhelming majority of gardaí are committed public servants doing a good job, but they have been failed at leadership level and in terms of being provided with opportunities to make complaints and have them dealt with seriously. That is the challenge.

Deputy Barry Cowen: I join other Members in congratulating the Minister on her appointment to a serious position within Cabinet and wishing her every success in that post. I have no doubt she will bring to bear the steady hand required to bring about effective change in the administration of justice, which has been mentioned in this report and others, maintain a stronger morale within the force and, ultimately, protect citizens by virtue of the role she and the gardaí have in that regard.

The report we are debating vindicates Sergeant McCabe and establishes that he was correct in highlighting the failures regarding the administration of justice in the Bailieborough district. There is no doubt that the findings of this report are an embarrassment for the Fine Gael-Labour Party Government, not least by virtue of the length of time in which these allegations were made, the way they were dealt with, and the way the previous Minister, unfortunately, dismissed and belittled the whistleblowers on regular occasions. Unfortunately, it is clear in hindsight that the Taoiseach also aided and abetted the dismissive attitude and belittling manner in which suggestions of wrongdoing brought to the attention of others by Sergeant McCabe were treated.

The failure of management in the Department to respond in an effective manner to the concerns raised by Sergeant McCabe is a clear indication that there must be, and I expect there will be, a dramatic cultural shift and the necessary changes that will lead to more openness and accountability. I welcome the comments made recently by the interim Garda Commissioner, who has made positive soundings in that regard. I expect that the Minister, in conjunction with the force and the Department, will bring about a root and branch reform, initially in the Department of Justice and Equality, and in the Garda Síochána. It was disconcerting to hear a colleague of the Minister say recently that the Department of Justice and Equality is not fit for purpose. I do not expect the Minister to make a rash judgment of that nature by virtue of the fact she has been in office for only a number of weeks, but she can give some indication of her initial impressions of the Department, its fitness for purpose and practice, and whether it meets the demands and realities of today rather than the demands and realities that existed in a bygone era.

I know from having spoken to members and representatives within the Garda Síochána that there is an opportunity under the Haddington Road agreement to shine a light on the force, so to speak, examine work practices and the way they carry out their duties in a regular fashion, and how that can be improved upon. Will the Minister inform the House at the earliest opportunity if any opportunity has been taken from that mechanism that exists within the Haddington Road agreement to allow Garda representatives engage in a potential root and branch overhaul of their day to day work practices *vis-à-vis* the improvements they believe are necessary and the costs associated with them, and pay and conditions also? That is something they have mentioned to me in the past as offering an opportunity for that to take place.

The report highlights the inactivity and the defiance of the previous Minister for Justice and Equality in the manner in which this issue was dealt with. I have no doubt that further compounded the concerns that had been raised. Mr. Guerin has recommended a full commission of investigation, and we know he asked that this be set up as soon as possible. I heard the Taoiseach say this morning that the various recommendations, references and obligations of the commission of investigation had been agreed by Government. In the meantime, has the Minister committed to changes that can be made parallel to that investigation? I am sure many changes could be made. The Minister is in the position almost a month and I am sure she has ideas as to how the changes within the administrative systems should start and the proposals she will make in that regard. While the commission of investigation is going on the Minister will need to

show her willingness to work with both the Department and the gardaí to ensure those changes do nothing to affect the poor morale that exists in the force. If she is capable of doing that, there is every potential for confidence in the justice system to at least begin to be reinstated.

It would not be fair to conclude my contribution to this debate without making reference to what was asked of the Taoiseach during Leaders' Questions this morning and what will be asked of the Secretary General of the Department in committee later today. A Minister for justice has lost his job over this saga and a Commissioner resigned prematurely. I and many others do not believe it was the Commissioner's intention to resign or retire in such a fashion. For the Minister, others and Members to help reinstate the morale necessary for any future improvements or changes to be effective, it is only fair and appropriate that all the facts that can be provided by Members of this House, for example, are laid out on the table. The Taoiseach said this morning that following receipt of the information he was full of anxiety and felt it necessary for the Secretary General to go to the home of the former Garda Commissioner and tell him of his anxiety. I do not wish to belittle the scenario that prevailed during the days in question. However, it is amazing that the former Garda Commissioner did not instruct the Secretary General to go back to the Taoiseach and tell him that whatever his anxieties, they were not caused by his inaction or inability to inform his superiors of the matters concerned, because he had informed the Minister's predecessor, Deputy Shatter, of the issues some three weeks earlier. To my mind, it was inappropriate for the Taoiseach to pre-empt the opinion and decision of Cabinet members prior to their being made aware of what their colleague had been made aware of three weeks previously. It would appear, from a political perspective, to anybody who took an interest or tried to understand it that the Taoiseach, who is also the head of a political party, was seeking to protect his Minister. If the protection of that Minister meant the early retirement of a Garda Commissioner, so be it, it appears.

In the meantime, the Taoiseach has refused to explain his actions to this House or to adequately reflect his anxieties at the time. This morning it became increasingly clear that what he did was purely to protect the Minister, Deputy Shatter. The contents of the Guerin report then left the Taoiseach with no option but to ask the Minister, Deputy Shatter, to resign. As such, the Taoiseach's plan fell flat on its face. In the meantime, it appears the good name of the former Garda Commissioner is sullied. I do not believe that is fair or appropriate. It does not augur well for the efforts being made to reinvigorate the Garda Síochána and to bring about change in the administration of justice within the Department of Justice and Equality and the force that a question mark remains over the decision of a Garda Commissioner to retire early.

The Garda Commissioner is the head of the force. That the former head of the force was used in a political manner by the Taoiseach, in the absence of the full knowledge of all members of Government, politicises this matter way beyond what we would expect. If this is incorrect - which I doubt - the only way this will be taken out of the ether is if the Taoiseach answers the question asked of him on television recently and again this morning and if the Secretary General is allowed by his superiors to answer honestly the question of what exactly required him to visit the home of the former Garda Commissioner. I have heard that he said it was unusual for him to visit and speak to the former Garda Commissioner at his home. It is even more unusual that the instruction relating to the visit cannot be disclosed. While that continues to be the case, it will be difficult for the current Minister, Deputy Fitzgerald, to bring about the type of root and branch reform that is necessary. It is wrong that the head of a force that serves us daily was used in such a way in relation to information he had given to the Minister's predecessor three weeks previously.

I hope the Minister will do her best to seek clarification on those matters. Only then can the recommendations contained in the Guerin report be implemented in a manner in which we can all have full confidence and that will be successful. If there is any seed of doubt - and there is - in relation to the issue I have just mentioned, the work of the commission of investigation and the prospect of its being meaningful in terms of the type of reform that is required will, by virtue of the inability or refusal of the Taoiseach and the Secretary General to answer the questions asked in the interests of all those we represent, be debilitated. The public are, I think, entitled to know why the former head of the force, of whom we expect so much, was used in an effort to save the political skin of a colleague in Government, without other members of that Government having been informed of the circumstances.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank all Deputies who contributed to the debate on the report by Mr. Seán Guerin into the actions taken in relation to the allegations made by Sergeant McCabe. It has been a wide-ranging debate. Many Deputies have commented on the challenges of the current situation. I accept that there are many. Issues of morale have been raised. I agree it is important that morale within An Garda Síochána is strong and that this is a challenge at this time.

Some of the narrative we have heard this evening and some of the assumptions being made about events are premature. Issues raised in the Guerin report are being referred to the commission of investigation, where everybody will have his or her say and all sides will be heard. That is what a commission of investigation is about. It is about hearing all sides and everybody having his or her say. As stated by Mr. Guerin, his report does not contain findings of fact. However, it is an important report which has led to the Government decision to establish a commission of investigation. All of the issues raised in the Guerin report, of which there are many, have been referred to that commission, including 11 of the 12 cases examined by Mr. Guerin, issues with regard to the management of the Garda Síochána and others. Everything that Mr. Guerin has suggested should be referred to a commission will be referred to it. As I said, the purpose of the commission of investigation that is being established is to hear all sides of the story.

The Government takes seriously what is in the Guerin report. For this reason, a range of actions and initiatives will follow. I take Deputy Cowen's point that we do not have to wait for the end result of the commission of investigation in order to implement change. That is true. The interim Garda Commissioner, the Department and I have work to do as we await the outcome of the commission of investigation. There is no question of that. I have taken note of the range of individual cases mentioned by a number of Deputies this evening. It is extremely important that the details of the cases raised by Deputies Creed and Healy-Rae are forwarded to the Department and the other relevant authorities who can deal with the allegations.

7 o'clock

There are appropriate organisations and there are examination procedures in place. I will be examining and discussing mechanisms to ensure some of the cases raised in the House can be investigated further in a variety of ways.

I thank everyone who has contributed. I have listened carefully to what Members have had to say. I will take on board, in so far as I can, the various suggestions made by Deputies as I proceed with the programme of criminal justice reform which is now under way.

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Everyone who read the report by Mr. Guerin would agree that reform is necessary and urgent. While the report does not make findings of fact, it concludes there are wide-ranging concerns in regard to the way in which serious allegations made by Sergeant McCabe were investigated.

There has been considerable discussion tonight about whistleblowers. Clearly, Mr. Guerin makes very insightful comments on whistleblowers, and his pertinent points were quoted in detail by number of Deputies tonight. I have said before that, as a society, we are developing in a much more coherent way our responses to whistleblowers. Organisations have a lot to learn about the best management of whistleblowers and putting procedures in place not only for the whistleblower but also for the personnel against whom allegations are made by the whistleblower. It is important that we have such procedures in place. Every organisation, including An Garda Síochána, has work to do on that.

We have established the commission of inquiry. In that regard, we have not yet received the Cooke report. It clearly will have implications for the terms of reference of the inquiry because its authors are examining some linked issues. We need to address the underlying legal, organisational and structural issues that have contributed to these difficulties. There are cultural issues to be addressed. As everybody knows, challenging and changing what are broadly termed cultural practices is not easy. However, if we take action in this area, it will begin to change the culture. What is really important in cultural change is the motivation to change. Deputies have asked tonight whether the Government has the motivation and political will to move forward with these reforms. There is absolutely no doubt about it. The actions that have been taken to date demonstrate strong political will in terms of changing. It is essential that we change because public confidence has to be restored. It is critical for our democracy that there be a strong Garda Síochána; there is no question about that. A strong Department of Justice and Equality is a cornerstone of democracy and it is critical. Every Deputy in this House acknowledges that.

The wider programme of reform is a top priority for the Government. It is being overseen for the first time by a Cabinet committee on reform. This is both new and good. There have been Cabinet committees to deal with many issues over the years but there has not been, or has not been for some time, a Cabinet committee on justice reform chaired by the Taoiseach. We have had a number of meetings already to make progress with the reform agenda. It is important to have the committee.

One of the reforms already under way is the establishment of an independent Garda authority. Deputies Martin and Creed made the extremely good point that we need to consider very carefully the issues concerning the establishment of an independent Garda authority. There is no question but that this requires care. It involves a major change and there are serious issues to be addressed in regard to the move, including security issues and membership of the board.

Baroness Nuala O'Loan said today that it is extremely important that the new independent Garda authority not be politicised. There are issues in this regard that we need to be very vigilant about. An initiative I will be taking is the holding of a round-table discussion on the establishment of the new authority. There will be a very wide group of stakeholders. I intend to hold the discussion in the coming weeks. It will present an important opportunity to hear about the challenges inherent in establishing a new, independent Garda authority.

The authority will represent one of the most significant developments in the oversight

and governance of the Garda Síochána since its foundation. It is extremely important that we get it right, but it is not simple. It has been achieved in other countries. A variety of models have been used and the justice committee has been discussing them but we must get it right for our particular circumstances, especially in regard to security issues. We need to consider the authority's powers, functions, membership, relationship with the Government and lines of accountability. This is urgent because we want to have the authority in place by the end of the year.

I intend to advertise the appointment of the Garda Commissioner in July and to ensure that the independent Garda authority will have a role in that appointment in whatever way is feasible. This role will depend on the timing because we do not want to unduly delay that important appointment.

Another important issue raised by a number of Deputies concerns the right mechanisms through which Garda whistleblowers and members of the public can make complaints if they need to. It partly involves strengthening the powers and remit of GSOC, which is critical. The Cooke report is due shortly and it may inform the legislation. The justice committee is engaged in hearings as we speak and will be preparing a report. That will be very helpful in arriving at conclusions on how precisely we should be strengthening GSOC. I will obviously consider this when finalising the legislative proposals.

I have indicated to the House already some of the changes that are necessary for GSOC. I will not go into great detail on them tonight. I spoke about them last evening in respect of the Private Member's business. They include, for example, the inclusion of the Garda Commissioner within the remit of GSOC, as mentioned by Mr. Guerin. That would be important. It is desirable that GSOC be able to initiate reviews of Garda practices without having to get the permission of the Minister.

There are certain questions that arise that might well have been factors in some of the cases that were examined in the Guerin report. What are the thresholds for the referral of cases to GSOC? Many people have said that all complaints should be accepted by GSOC rather than having referrals back or out. It is interesting to note, when one examines cases referred to GSOC, including those examined by Mr. Guerin and those referred to taoisigh and the Department, that there was quite a mixed pattern of acceptance by the commission. This has an impact on whether people believe they have received justice and feel there has been a proper investigation. That is an important point. The issue of the threshold for the referral of cases to GSOC generally and by the Minister, and the extent to which complaints to GSOC are currently referred to the Garda Síochána for investigation, emerged in the Guerin report.

This matter certainly merits further consideration. I will be introducing legislation this term to deal with certain aspects of strengthening GSOC. We will not be able to do everything this term but we will begin the process with a Bill before the end of this term.

I have referred the Guerin report to the Garda Inspectorate. I met representatives of the inspectorate some time ago and had a very detailed discussion with them. The inspectorate has published at least nine reports on various issues concerning the Garda.

It is doing some major work at the moment in regard to crime investigation. I have asked the inspectorate to look at the operational procedural issues that arise from the Guerin report. That is something it can do immediately and it has accepted the referral I have made to it in that

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regard. I have asked it to report as soon as possible.

It is important that all the lessons of the report be learned. I believe the Garda Inspectorate, with its independent expertise, can play an important role in that. I noticed that one Deputy tonight expressed concern about that but I do not believe his concern is well founded. If one looks at the international experience of the three members of the Garda Inspectorate, and if one looks at the reports they are already doing and their independence, I believe that was the right decision and I expect that some important recommendations will come from them on some of those basic policing issues which emerged from the Guerin report.

I have also said that I am putting in place an external review of the administration and management of the Department of Justice and Equality, and I will be making an announcement on that very shortly. I believe it is important, given the central role of the Department of Justice and Equality, and given the concerns that have been expressed, that we look at best practice for the Department and ask some key people to look at management issues and performance and administrative issues. That process will shortly get under way.

The Bill which has been brought forward by the Minister for Public Expenditure and Reform will also provide a robust and supportive environment for all whistleblowers in both the public and private sectors, which is in line with the very best international standards. That will effectively mean that Garda whistleblowers will, from now on, have a strong legal framework in which to report concerns, strong legal protection against penalisation and the opportunity of a fully independent examination of their concerns. That should mean that the situation faced by Sergeant McCabe will be faced by no other garda.

Of course, we all know that while we can have all of that in place, what actually matters is the practice and culture. The way to ensure that the practice and culture are in line with such structures is by constant monitoring and proper management, and gardaí themselves need to be committed to that.

Acting Chairman (Deputy Thomas P. Broughan): I will have to ask the Minister to wrap up.

Deputy Frances Fitzgerald: To conclude, I know that the series of allegations of Garda misconduct have been deeply unsettling for the public, who rightly look to the Garda Síochána for the delivery of a fair, effective and professional policing service, but also for the overwhelming majority of gardaí, who joined the force to serve the public to the best of their considerable ability. Those gardaí, as much as anyone else, want to see these matters resolved. They want to have a fair and effective system in place to deal with allegations and they want to get on with delivering to the public the service they deserve. That is my objective too. The programme of initiatives and reforms I have announced will, I believe, deliver that. It will not happen overnight but I believe we are putting the right structures and initiatives in place.

Health (General Practitioner Service) Bill 2014: Second Stage (Resumed)

Question again proposed: "That the Bill be now read a Second Time."

Acting Chairman (Deputy Thomas P. Broughan): I understand Deputies Seán Kyne and Patrick O'Donovan are sharing time.

Deputy Seán Kyne: I welcome the news that the legal difficulties in arriving at a contract have been resolved between the Irish Medical Organisation and the Department of Health. This is certainly something that general practitioners raised with many Deputies during recent months, both individually and collectively at a meeting that I attended at the Ardilaun Hotel in Galway. I welcome that the difficulties that arose can be resolved.

The medical card issue has arisen during the course of the local and European elections and, indeed, over the last six months in particular. There is a lack of discussion and reasoned debate on the cost of the medical system and how the system can be substantially funded. There is also a lack of honesty about the figures. There are nearly 2 million medical and GP cards in circulation at present, covering 43% of the population. Unfortunately, on a case-by-case basis, medical cards have been withdrawn incorrectly and wrongly, which is very much to be regretted. Many constituents with medical conditions deserving of medical cards are without them because of the financial focus of the legislation. I am particularly talking about cases in which there are family members with Down's syndrome, autism or other conditions whereby the person would have had a discretionary medical card for a number of years, but because of the financial threshold or due to the centralisation of the system in Dublin, that card was suddenly withdrawn. This is of grave concern. I know of parents who lost a medical card for their daughter who has Down's syndrome. Their view was that we can impose whatever tax we want, be it income tax, property tax or water tax, but the medical card was for their daughter because she was different, because she was special and because she would always have that condition, and, therefore, she was deserving of a medical card in her own right. That was the premise of their argument and it is something that is very difficult to disagree with. That whole area needs to be looked at in any further review of the legislation, and if new legislation needs to be brought in, so be it. This needs to be considered.

I also expressed disappointment regarding the medical card plan for those who are covered by the long-term illness scheme. I accept that this was legislatively difficult to do but it was something that was committed to, and I am sorry it has not been brought to fruition.

The Health (General Practitioner Service) Bill 2014 is to provide a legislative framework for the provision of free GP care for all children under the age of six. This is the first step in the phased introduction of universal free GP care. Overall, 420,000 children will have free GP care, and the 181,000 who already have a GP card or medical card will be joined by a further 240,000 who will gain entitlement under this Bill.

The number of GP visits made is related to price, and research shows that free GP access results in more frequent visits to the GP. However, common sense dictates that the sooner illnesses are treated, the lower the long-term cost both to the patient and to the health system. Budget 2014 set aside €37 million to meet the costs of this new policy from an overall health budget of €13.66 billion in 2014. While over 40% of the population have a medical card, I would agree that children are a priority health group. However, thankfully, the vast majority of children do not require ongoing GP care and attention. At the same time, there are many adults with long-term or chronic illnesses who benefit from free GP care. Ireland is the only EU country that does not offer universal primary care cover, and most OECD countries have free or heavily subsidised primary health care. The IMO, the Society of St. Vincent de Paul and others have criticised the new direction of introducing free GP care for those under six, because they believe it moves away from the current general medical scheme, GMS, objective of assisting the most vulnerable and the less well-off in obtaining primary medical care. However, the GMS will continue to exist. Currently, those with medical cards are very often better able to

access primary care than many of those on middle incomes due to the costs involved.

It is important to highlight that GPs have contributed to stabilising and repairing the economy. GPs have experienced a reduction in fees paid under the GMS. In 2008, GPs received €353 per patient per year. In 2012, that figure was reduced to €243 per patient, and a further reduction was implemented in July 2013. However, the overall amount paid by the Government to GPs under the GMS remained at €450 million. This is due to the fact that an extra 600,000 people have become eligible for medical or GP visit cards. The GMS system has been maintained largely due to the co-operation of GPs and the health service. It is important to recognise that the economic crisis simply meant that the GMS could not have been funded at the pre-crisis level.

The news regarding the agreement reached today is very welcome. This is something that has been discussed with doctors over a long period of time. There was much concern about this move, including the fact that GPs were unable to negotiate their own contracts and certain aspects of the original draft contract, so it is certainly very welcome and positive news that this change has taken place. I hope they can go into these negotiations and sign the contract. Obviously, this legislation will allow that contract to come into being and allow the delivery of a key component of universal health care for our under-sixes.

I would like to reiterate the point regarding those who suffer from conditions such as Down's syndrome or autism. There is a very serious anomaly with regard to what we as a Government have been doing in withdrawing medical cards from these children on financial grounds while at the same time introducing legislation to give medical cards to children under six with no regard to their parents' finances. This anomaly needs to be addressed. The Minister of State said that it is not possible under the existing legislation. Fortunately, those children who had medical cards up to now had them under existing legislation. They had them by discretion, by default or based on community welfare officers knowing the real details and getting to know the people, the cases and the fact that these children had particular conditions. It is important that we re-examine that. We have been at fault in respect of what we have done in certain cases such as this. It is very difficult to stand up here and support a model such as this, although I fully support it, while at the same time trying to defend the removal of medical cards from children with autism or Down's syndrome based on their parents' income. There is a dichotomy between what we are doing and what we are planning to do. I hope that the Minister of State will be able to look at that area and, if it does not fall under the 1970 Health Act, to introduce new legislation to allow for different criteria and a different type of medical card based on existing conditions such as those I have outlined. I certainly hope, and I think it has been suggested by the Minister of State and the Taoiseach, that this can be looked at very soon. I hope it can be introduced because there is a need and a demand. We have lost touch with those families who have suffered from the withdrawal of medical cards in those cases.

I note that the acceptance of a scheme such as this by GPs is hugely important. They play a huge role in our health care system. It is a health care system about which there is very little complaint, or probably none. We know there are many complaints about different areas of the health sector, but the GP sector is not one of those. I hope they can sign up to this contract as soon as possible now that the IMO and the Department of Health have successfully negotiated their deal and that we can see this legislation enacted and rolled out to provide free GP care for the under-sixes as committed to in the programme for Government. I look forward to that. Additional finance may be needed, but that is a decision for the Minister, as the deal today stipulated that there cannot be any negotiation of fees element in the contract.

Acting Chairman (Deputy Thomas P. Broughan): The next speaker is Deputy Catherine Murphy, who is sharing time with Deputy Boyd Barrett.

Deputy Catherine Murphy: In principle, I support the idea of universal health care as a positive element in society, but I feel that inadequate consideration has been given to the practical consequences. The incremental measure will lead to a decline in the quality of health care for many people. I look at the practical side of this. If one is going to deliver a measure such as this, one needs to do it in co-operation with those who will deliver the service. When we talk about free GP care, I look at some of the most basic care, such as that provided by the public health nurse to new infants in development checks. Some of these have been dispensed with, because there is inadequate cover with regard to that side of things. It shows how threadbare our primary health care service really is. We run the risk of making GPs into bureaucrats and of having very long delays for people who require an immediate visit to a GP but who will have to make appointments days in advance, as is the case in some parts of the UK.

I would have liked to have seen an impact analysis in advance of this legislation so that we could have some understanding of how it will pan out. I would like to see the service provided to children under six, but I would have thought that if one was looking at the pecking order of need, one would have looked first at those who are sick or who have disabilities - the cohort of people who would have had an expectation of medical cards. I think the Government had set this out as their expectation for the roll-out. I do not know why this criterion or intention was changed.

We are certainly turning doctors into bureaucrats. I have ongoing dialogue with the local GPs in my area, who are constantly going to and fro. We are asking them to fill out forms for discretionary medical cards, which is time they should be using to deal with the health needs of people who turn up at their practices rather than administrative needs of the HSE. I know the IMO is a vested interest, but it is also quite expert in this area. It is extraordinarily critical of this Bill and has pointed out that if introduced, it would certainly lead to an increased workload in clinics and a need for additional resources. Has this point been considered? At the very least, it should be considered. If it is not valid, I will accept it, but there may be some validity in what the IMO is saying and, at the very least, it needs thorough consideration.

The point has been made by GPs that it is not enough to simply introduce free health care for those under six. What we need is a preventative health care plan for each child. An interesting fact I have come across, as I am sure most other Deputies have, is that when a child receives an early diagnosis, very often he or she ends up on a very long list even for fairly minor procedures such as a tonsillectomy. I was told that the waiting list in Tallaght is two years and that one might be better off advising people to go back to the GP and see if another hospital can accommodate them.

Debate adjourned.

Garda Síochána (Amendment) Bill 2014: Second Stage (Resumed) [Private Members]

Question again proposed: "That the Bill be now read a Second Time."

Deputy Pádraig Mac Lochlainn: People say a week is a long time in politics and refer to how circumstances can change. I recall when Deputy Wallace introduced this Bill last year,

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it was resisted and it was seen as wishful thinking, ill thought out and so on. As recently as February this year, I asked the former Minister for Justice and Equality about an independent policing authority and he robustly rejected the notion. All his Government colleagues voted against this Bill last year but it is good to see the conversion on the road to Damascus. An independent policing authority was not included in the programme for Government because it was not considered important enough. As the various scandals emerged, something rotten in the culture among senior managers in the Garda and in the Department of Justice and Equality and the former Minister for Justice and Equality was revealed and, with that, a glaring need for change. I commend Deputy Wallace for tabling the Bill again. The Government says it will support the legislation now subject to amendment on Committee Stage. It is a good Bill, which is well thought out. We disagree on a number of small issues but I commend the Deputy and his team for putting it together.

When the Garda Síochána Bill was enacted in 2005, my party colleagues in the House at the time said that it did not go far enough and that the Garda Síochána Ombudsman Commission, GSOC, did not have the powers to carry out its responsibilities. For example, the office did not have the ability to oversee the Garda Commissioner. In recent times, we witnessed the limitations of the powers of GSOC when it could not access the PULSE system directly. In addition, serving members of the Garda worked for GSOC and complaints made to the office were referred to officers to investigate who knew or who had worked with the officers under investigation. This was not acceptable.

As I speak, the Secretary General of the Department of Justice and Equality, Mr. Brian Purcell, is appearing before the Joint Committee on Justice, Defence and Equality and he has shown contempt for the committee. He has refused to answer questions about his role in the events that led to the resignation-retirement-sacking of the Garda Commissioner and the issues around the correspondence between the Commissioner and the former Minister and why it took 12 days to bring matters of serious importance, which have led to the automatic granting of a commission of investigation by the Government, to the Minister. The Government initially rejected such a commission in the context of the matters that led to the Guerin report and it also rejected a commission of investigation into allegations that GSOC's offices had been bugged. They are the subject of a review rather than a commission. The Government jumped immediately to establish a commission of investigation into the Garda tapes. When these issues were brought to the attention of the Department, it took 12 days apparently to let the Minister know and we could not get answers as to how that happened during the committee hearing. We also could not find out what happened on that famous Monday night when the Taoiseach, the former Minister for Justice and Equality and their two Secretaries General met. We know the Secretary General of the Department of Justice and Equality was given a job and he met the former Garda Commissioner but we do not know what was said or intimated. We also know the former Commissioner announced that he had retired, resigned or was sacked.

Sources close to the former Commissioner say that the following morning he rang the Secretary General of the Department of Justice and Equality seeking an update but he did not get any positive news and then made his announcement. Perhaps I am a little simple but the resignations of a Garda Commissioner and a Minister for Justice and Equality within months of each other are matters of profound public importance, particularly given the circumstances that led to them. The fact that the Secretary General of the Department of Justice and Equality thinks it is acceptable to appear before our committee and to answer no questions about many of these matters and to give a prepared statement that was a rebuttal of the Guerin report, which led to

the resignation of his Minister, is evidence that despite all the positive assurances from the new Minister and the Government, things have not changed. Utter contempt was shown to the committee and these Houses. I will seek a response from the Minister to the performance of her Secretary General before the committee. She will be asked again whether she has confidence in her Secretary General but I wonder whether she will express confidence, given she has held back on a number of occasions. What happened earlier is evidence that despite all the assurances, it is business as usual among important and senior people involved in the administration of justice in this State.

To suggest that commenting on these matters would prejudice a commission of investigation is utter nonsense. The commission will be led by a retired Supreme Court judge. The *sub judice* rule applies to juries and not to Supreme Court judges. They are capable of making their own findings. No Oireachtas committee would sway them in the context of whatever findings they make. The commission cannot be prejudicial and the public will ask why the meeting that led to a visit to a Garda Commissioner's home and to his resignation the following day is not important enough to be discussed by an Oireachtas committee. Serious questions must be asked of the Taoiseach. He could have taken every opportunity he has been given to lay out the events of that night and to be clear about all the circumstances. Sources close to the former Garda Commissioner allege that he was advised by departmental officials not to retract his infamous comments where he described the actions of the two Garda whistleblowers as "disgusting". Various briefings were given by sources close to the former Commissioner but the people cannot get the facts. We are told there will be change but there was no evidence of that today. I will let the people judge what they think of the contempt shown to the committee.

Last Tuesday, my party launched our contribution based on our experiences of all the submissions made in this State and the experiences of our team who negotiated the changes to policing in the North. We do not have all the wisdom and I do not say that the former RUC is comparable to An Garda Síochána but there are lessons in the North in the context of the new beginning there, the policing board, the police ombudsman and the criminal justice inspectorate, which could be a useful contribution to reforms in this State. Our document was circulated to all Oireachtas Members and I invite those who have not had an opportunity to take a look through it. It is our considered contribution but it is not definitive. I would combine many aspects of Deputy Wallace's Bill with it and I even heard submissions earlier today from the former Police Ombudsman for Northern Ireland, Baroness Nuala O'Loan, and the Acting Garda Commissioner in this regard. There are many pieces of wisdom and experience that can be combined.

Well done to Deputy Wallace. He has soldiered on this for a long time and it appears that his message has been received. Somebody had a Pauline conversion on the road to Damascus. They realise the Deputy's greatness and his contribution, hard work and determination. I say to him, "Fair play, and keep her lit".

Deputy David Stanton: I am sharing time with Deputies Anne Ferris, Dara Murphy, Michelle Mulherin and Alan Farrell.

The Bill is in line with the policy of the Minister. The Government is not opposing the Bill on Second Stage but is proceeding with its legislative proposals relating to the new Garda authority and GSOC. The Government is currently actively progressing a number of important legislative developments relating to the Garda Síochána Ombudsman Commission and plans to introduce legislation to establish the new Garda authority by the end of this year.

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In addition, the areas in question are being examined by the Oireachtas Joint Committee on Justice, Defence and Equality. It is also examining the majority of issues dealt with in the Bill. On 6 March last, the committee sought submissions from interested parties and members of the public on the oversight of the Garda Síochána. This was at the request of the Dáil. Specifically, we sought views on the effectiveness of the provisions of the Garda Síochána Act 2005 and the regulations made under that Act in so far as they relate to the oversight of An Garda Síochána, particularly including the powers and remit of the Garda Síochána Ombudsman Commission. We set 4 April as the deadline and received a total of 21 submissions, and a large number of the people who made submissions have been invited to committee hearings. All of these submissions and hearings will help to inform the report the committee will eventually bring forward. We hope this process will be concluded and a comprehensive report finalised by the committee before the summer recess.

On 14 May, we commenced hearings in the morning session with attendees from the Irish Human Rights Commission, the Irish Council for Civil Liberties, Transparency International Ireland, the Irish Traveller Movement, Amnesty International Ireland and GSOC. We were given very broad presentations dealing with the human rights and equality aspect of the role of the Garda, which is crucial. In the afternoon, Dr. Richard O'Flaherty, the Association of Garda Sergeants and Inspectors, the Bar Council of Ireland, the Garda Inspectorate and the Association for Criminal Justice Research and Development made presentations to the committee. A number of issues arise from this, such as the role of the confidential recipient, which is quite central, the role of the Garda Inspectorate, GSOC and an overarching Garda authority, coupled with the relationship with the Garda Commissioner, the Minister and the Oireachtas justice committee, the Committee on Public Oversight and Petitions, chaired by Deputy Mac Lochlainn, and the Committee of Public Accounts. A number of bodies and agencies will be linked together and we must ensure that the links are correct and that the Act is amended to ensure we have the most effective policing possible.

We continued the hearings for two and a half hours today. Baroness Nuala O'Loan and the Acting Garda Commissioner, Nóirín O'Sullivan, along with Ronan Brady, lecturer in journalism at Griffith College Dublin, appeared before the committee. The presentations were very interesting. In particular, Mr. Brady spoke about the issue of freedom of information, policing and the Garda, which was very instructive. We were very pleased that Nuala O'Loan agreed to address the committee, given her experience over many years in Northern Ireland. She made a number of points that are worth repeating. They included the need for the ombudsman to be impartial, totally independent and properly resourced, with the power to initiate its own investigations into policy and practice and to make recommendations for changes in both. In addition, the fact that the Garda Commissioner is not under its remit at present must change - the Garda Commissioner must be under the remit of the new Garda Síochána Ombudsman Commission.

She also believes there must be a complete separation between the State and GSOC, which includes not being staffed by civil servants or serving members of the Garda Síochána. That is important. We cannot have a situation where there is a perception or reality in which the police are policing or investigating themselves. Other points she made included the need for GSOC to have an immediate right to search police premises, the need to remove the provision in the Garda Síochána Act which enables the prosecution of a person who makes false or misleading complaints, as it could deter genuine complainants, and the need to remove the veto held by officers against whom complaints are made of informal resolution.

Many of her views were echoed by the Acting Garda Commissioner, who highlighted the

importance of public trust, respect and confidence in the Garda, and the need for reforms that have already commenced and future reforms to ensure accountability, transparency and professionalism. The Acting Garda Commissioner also expressed her support, and that of the Garda Síochána, for the establishment of the Garda authority to oversee the Garda Síochána. Issues will arise relating to how this authority will be established and who will establish it. We already have experience of establishing an independent Human Rights and Equality Commission. The Oireachtas committee was involved and instructive in overseeing the appointment of the independent panel that appointed the commissioners. This model is one that might be considered. There are other models as well, such as the Commission for Public Service Appointments.

Deputy Dara Murphy: This is the reintroduction of a Bill that Deputy Wallace introduced some time ago. Nobody would dispute that what was requested at the time, and did not happen, needed to have happened. After the local elections most of us, particularly on this side of the House, probably feel bruised from the experience, but perhaps it allows us to speak in more blunt terms than we have used in the past.

As most of my colleagues and the Minister have said, virtually all of what is included in this Private Members' Bill has been taken on board by the Minister and the Government. However, after canvassing and meeting gardaí on the ground, one line in the Guerin report, which is an extremely disturbing report, must be reiterated. It occurs before Mr. Guerin proceeds to his recommendations for the Garda, the Government and the Department and speaks about maintaining the confidence the Irish people have in our gardaí. Given that the procedures the Deputies opposite requested are now being introduced, we must also introduce a note of caution into the debate, because I believe the Irish people have not lost confidence in our gardaí or in most of the management of the Garda.

I met some interesting people when I was canvassing, including a person who was involved in the establishment of the Criminal Assets Bureau and a detective who investigated in the arrest, charge and conviction of a current Sinn Féin councillor in Cork City Council. Some of the language from the Sinn Féin Party, in particular, about our gardaí is extremely disturbing, upsetting and, it must be said, subversive. The confidence we have in the Garda is absolutely vital to the security and safety of the State. While I can acknowledge the bona fides of Deputy Wallace, after meeting gardaí in my county who have investigated murders and crimes committed against gardaí by members, families and supporters of Sinn Féin and the IRA, I believe we must continue to point out to the Irish people that Sinn Féin and the politburo that runs that party continue to have a vested interest in destabilising the security of this country. We in the Fine Gael Party and members of other parties and other Independent Members know that the agenda in this House from Sinn Féin is different from that of everybody else.

We have been too polite in our language and in how we have dealt with the Sinn Féin Party in the past. It is about time that everybody involved in the House accepted the reality that, as has been the case for many generations, what is in the interests of the Sinn Féin Party is not in the interests of the Irish people. It is not even in the interests of that party's councillors, Deputies or Senators. There is a controlling political group that runs the Sinn Féin Party and we must be very careful in this republic that we do not march towards a point where that politburo is hiding behind the doors and buildings of Leinster House, as it currently is in opposition, trying to run the country. In that regard, we have a shared ambition. The group is starting in particular by trying to undermine the one group that has always stood between the people and their security on the one hand and Sinn Féin and the IRA on the other, that is, our gardaí.

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While there was anger from the gardaí about how the Garda was politically handled, the one thing that angered them most was the continued hypocrisy we have heard from members of the Sinn Féin Party. There was certainly anger about other issues as there was with all public servants over the last years. In supporting the cause they have had to date, I urge the Deputies opposite, whose Bill I find it hard to disagree with other than to note that everything in it is already happening, to realise that it remains the case that the vast majority of gardaí and the Irish people have huge confidence in each other. Above all else, this process must have within it the ambition to maintain that confidence. I urge Members to engage fully with the processes, of which there are several, and to acknowledge that we have a new Minister. The principal job she has is to restore that confidence. I urge Members to work with her because we may have disagreements in the House on economic and ideological matters, but we must unite behind the ambition to ensure that we continue to have what has existed since shortly after the foundation of our State, namely, absolute confidence in our Garda Síochána.

Deputy Alan Farrell: I welcome the opportunity to contribute to the discussion on the Garda Síochána (Amendment) Bill 2014, which has been introduced by Deputy Wallace. The Joint Committee on Justice, Defence and Equality, of which I am a member, is reviewing the action taken in regard to the reform and oversight of An Garda Síochána. There have been a great many mishandlings in the past which must be taken into account when moving forward to reform the Garda. It is important for us not to focus on these alone. Past mistakes must act as a catalyst from which we can move forward and through which we strengthen An Garda Síochána, the oversight of the force and the procedures for establishing investigations into the force where necessary.

While the Bill largely shares the same objectives as the Government's priorities in this area, I share some of the concerns outlined yesterday by the Minister for Justice and Equality, Deputy Fitzgerald, with regard in particular to the inclusion of office holders on the board of the proposed independent authority set out in the Bill whose functions potentially include the scrutiny and activities of the Garda Síochána. I also have concerns about the possible conflict of interest which may arise between the functions they hold due to the office they hold and their membership of such a board. Would it not be better to avoid such a scenario where a conflict arises by not including these persons and, as a result, protect the credibility and independence of such a body?

I also have some concerns regarding the timing of the introduction of the Bill. We must first facilitate the ongoing discussions and significant work which is being undertaken by the Minister for Justice and Equality and the Joint Committee on Justice, Defence and Equality. Several members of the committee are travelling to Northern Ireland and Scotland in the very near future to review the procedures they have in place with regard to their oversight boards. If it is within the Deputy's ability, I encourage him to attend. It might be something he would find useful in our later deliberations in the Chamber and Seanad. Of course, that is a matter for the Deputy. We must hear from all parties and take their views into account when shaping the future of Garda oversight and the investigations process. This should include the examination of international best practice to develop a structure which will stand the test of time and work in an effective and efficient manner. In regard to the scope and jurisdiction of an independent policing board, we must be careful to protect sensitive issues which relate to the security of the State. Therefore, the scope of such a body is something we must further examine and discuss. It is not a decision we should rush into but one we must consider carefully, taking into account the necessary protections for the State and its citizens and the past mishandling which we must

not allow to be repeated.

I welcome the fact that Deputy Wallace's Bill shares broadly the Government's priority objectives in this area. This is surely a sign that this is an issue on which we will all be able to build consensus. The Minister, Deputy Fitzgerald, has stated that the Government will introduce two Bills to the House, one focused on the establishment of the independent Garda authority and the other focused on the enhancement of the powers and remit of the Garda Services Ombudsman Commission. I look forward to seeing and contributing to the proposals on a new, independent Garda authority when they are introduced to the Dáil before the end of the year.

Reform is something we must embrace. The Government has already initiated a programme of reform, the purpose of which is to address the systematic failures identified in the Guerin report. The issues to be tackled include, *inter alia*, matters of basic policing, communication, and statement-taking within the force, the role of whistleblowers and oversight. All of the relevant topics must be addressed in co-ordination with one another and it is essential that we tackle the root cause of all previous issues instead of simply attempting to treat problems as they arise. It is only in this manner that we will be able to implement the comprehensive reform required. It is very positive to see that the Government has already initiated a reform programme and that the Minister intends to establish a commission of investigation to examine the findings in the Guerin report. I am sure the terms of reference will be published very shortly.

With regard to the ongoing discussions on the oversight and scrutiny of the workings of An Garda Síochána, we must be wary of undermining confidence in gardaí and their important work. It is of the utmost importance that we trust the members of the Garda to uphold the laws of the State and to protect all of us within it. We must acknowledge that the men and women of An Garda Síochána have provided and continue to provide a fundamentally positive service to the State. Throughout the history of the force, its members have worked tirelessly to protect the security of the State, which is a fact we must not forget. I am very proud to say that my grandfather was a member of the Dublin Metropolitan Police in 1918 and he served until the 1950s when he retired at the rank of detective inspector. It is something many families can tie themselves to, going back to the foundation of the State and the struggle which occurred at the time, whatever role their family members played. That is why the Irish people have such high regard for An Garda Síochána.

The last months have had a detrimental effect on how Irish people perceive the Garda. Having spoken to very senior members of the force just this afternoon, I know that is something of which gardaí are acutely aware. I welcome any opportunity the Oireachtas has to restore confidence in An Garda Síochána and the administration of justice.

Deputy Michelle Mulherin: I welcome the Bill in the sense of the propositions it sets out regarding the strengthening of the functions of GSOC, which would be fully empowered to conduct its business, and the establishment of an independent Garda Síochána board with monitoring, oversight and supervisory functions.

8 o'clock

We live in a democracy and we require transparency and accountability and we need systems in place to ensure it happens. We must learn when there is a breakdown, as set out in the Guerin report. Many of the objectives are in the pipeline in terms of the Government actively progressing some of the propositions. I welcome that Government work is moving in tandem

with this Private Members' business.

I will confine myself to comments on front-line policing and to looking at the point before a complaint is made and where the system is breaking down, aside from the proper adjudication on an allegation of misconduct. Front-line policing it is not a black and white matter. Many laws can be blunt instruments and there can be a disjoint between the law and what we perceive justice to be. People experience that all the time when the law deliberates and cases are adjudicated upon in court, but people do not feel that justice, or the general sentiment of what we consider to be justice in our gut, has been achieved. Members of the Garda Síochána are law enforcers but the law can be a blunt instrument if we do not allow for discretion. Considering the recent furor, debate and revelation, the vast majority of people have the sentiment that gardaí should not have the discretion they currently have. That is not my view. What is wrong with the Garda Síochána exercising discretion in the case of a juvenile or someone who is between 18 and 20 years who has committed a minor offence? What is wrong with intervening so that the person learns the error of his or her ways without a conviction? In many cases, gardaí do so and have assisted many young people under the juvenile offender system. This gives young people and young adults a second chance.

With regard to discretion, there is an example in statute of discretion working well. The adult caution has been set down in statute. Gardaí are entitled to give adult cautions to people over 18 years where they have committed minor crimes such as a minor assault or minor criminal damage. Gardaí can take everything into account, including the victim, and then must clear it with the superintendent, which is the nub of the matter. The superintendent must consider, validate and sign off on the decision. There is a real problem in front-line policing with supervision of gardaí. Gardaí in many units throughout the country do not have a sergeant. The sergeant is vital in monitoring and, to maintain proper checks and balances, someone more senior should sign off on matters of discretion. These matters must be considered. There is a resourcing issue but it is part of the problem with the abuse of discretion. Discretion is a powerful thing and, human nature being what it is and gardaí being no different from anyone else, if it is unfettered, we will have the problems we have.

The Guerin report makes for disturbing reading about systems failures and the lack of independent investigation of serious allegations of misconduct within the force. It is something that does not assist the force and the confidence required from the public to co-operate, observe the law and have the respect we require for our democracy. We need people to subscribe to the rule of law. We do not have a garda on every corner so there must be respect and confidence that there is fairness and justice. If our law enforcers cross the line, there must be confidence they will be reprimanded for it.

I have some misgivings about the Guerin report, which the Chamber debated earlier. We are talking about setting a right course in respect of the Garda Síochána and accountability. Mr. Guerin did not examine the GSOC files. He said he ran out of time but he could have asked for more time. He made serious findings against the former Minister for Justice and Equality but did not interview him. The only person interviewed was Mr. McCabe. Mr. McCabe should have been heard much earlier, in which case Mr. Guerin may not have had to conduct his report.

When Deputy Shatter announced his resignation as Minister, a cheer rang out throughout the Law Library. We know that he was not flavour of the month in many Departments because he did not court favour. Due process and justice, which we all advocate, did not happen in the Guerin report and this can undermine the confidence we have in its findings.

Deputy John Halligan: I propose to share time with Deputies Richard Boyd Barrett, Shane Ross, Catherine Murphy and Joan Collins.

It is interesting that the majority of people in the country have given a mid-term verdict on the Government. I do not want to rerun what happened in local elections over the past week but from speaking to people on the ground, as many of us have, much of it had to do with not trusting and not believing the Government and the absence of accountability within the Government. Austerity, medical cards, disability, social welfare and the lack of sustainable jobs were issues. One might think this issue, what was happening in the Garda Síochána, was not important, but leading up to the local election it was the big issue in Ireland. It resonated with people. I was astounded that how big an issue this was seems to have gone past the Government.

I compliment Deputy Mick Wallace on introducing the Bill but I suspect the Government will not support it for the reason I gave. People have lost faith and the Government has lost touch with the majority of people who know what is happening in their communities. Before speaking in the Chamber, I spoke to a number of members of the Garda Síochána. There are decent people but they are despondent, despairing and saddened at what has happened. There are many decent and honest gardaí and they want reform, openness and fairness. They want to be accountable and they want the respect of the community but they know they must earn it. Throughout Ireland, everyone will rely on the Garda Síochána at some stage. Sometimes, the Garda Síochána is the last recourse for people in extreme difficulty through anti-social behaviour. People want to know they can trust the Garda Síochána and that they will get what they ask for with no strings attached. They want to know they will get accountability, fairness and honesty. No matter how much the Government dresses it up today, we could go into matters such as the whistleblowers, Terence Wheelock, Brian Rossiter and the penalty points scandal.

An Garda Síochána has been a fortress shut against outsiders for 90 years. These are not my words. Opposition to oversight is not new to the Garda. Commenting on the force in 2012, former GSOC chairman Conor Brady stated: “An Garda Síochána has been a fortress shut against outsiders for 90 years.” What more do we need to know? Denis Bradley, former vice chairman of the Northern Ireland policing board, stated that in most modern societies and democracies something was always placed between the Department of Justice and the police service to ensure a certain distance and involve as much of society as possible. If we dig deep into the Bill, that is what it is about. It is about accountability for An Garda Síochána. It is not about gardaí policing or looking after themselves or about political interference or political selection of gardaí. These practices must stop as they are no longer acceptable to the people and communities of Ireland. We need to establish a powerful police authority, with members drawn from all sections of society and with the power to appoint and remove senior police officers. We need to strengthen GSOC to ensure no garda or retired garda is employed in investigations, to extend its power of investigation to cover the Garda Commissioner and to ensure it has access to all Garda records, including the PULSE system. We must establish local police partnerships, the members of which should include community activists and civic leaders, with the power to call gardaí before them to explain operations, and see the immediate removal of gardaí found to have been involved in systematic misconduct.

These are simple and uncomplicated proposals. Anybody who had to go through what happened in this unbelievable scandal or any good garda would agree with them. I have read the Bill carefully and shown it to some gardaí and they see no problem with its proposals. Decent and ordinary people and those with no axe to grind or no political affiliations see this as a good Bill. However, it seems obvious that it will be rejected, just like the restorative justice Bill I

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brought forward. I was told by the Government I should introduce the Bill for debate and that it would support it. That happened, but because it was an Opposition Bill, it was not really supported. I suspect that is what will happen in this case.

I do not have as much time as I would like to go through the Bill. I compliment Deputy Mick Wallace on bringing it forward and hope the Government will consider supporting it.

Deputy Shane Ross: As Deputy Richard Boyd Barrett will not be here, perhaps we might redistribute his time among the rest of us.

I am astonished at the attitude towards the Bill, particularly that of the Government. I know that it is accepting the Bill, but its grudging acceptance is something I do not welcome. I understand it is a very difficult issue for it, having instinctively and blindly backed up An Garda Síochána for decades, only to find that those on whom it had pinned so much faith, without question or challenge, have feet of clay. Accepting the Bill presents a cultural difficulty which, in the wake of the Government's electoral defeat, is even harder. It would have been better if it had come out and welcomed the Bill with enthusiasm and acknowledged that the exposé of what had happened in An Garda Síochána was due to the work of some great whistleblowers, Messrs Wilson and McCabe. It was due to the fact that some great people in the media had gone where others had feared to tread and that one or two Independent Members of the House had pursued the Government and those at the top of An Garda Síochána with great enthusiasm, energy and courage. Their persistence was resisted by the establishment and there was a pact between the Government and the Garda to the last in not accepting the truth that there was a gross injustice and that it was emanating from the top of the Garda in collaboration with people at the top of the Government. That is the reality and the truth. This is not something I say easily or happily. I am not the type of person who knocks the Garda, but I believe that when people at the top hold so much power and when the Government is an unquestioning accessory, we are living in a dangerous place. We were living and are possibly still living in that dangerous place.

My recent experience of the Garda, as both a journalist and a Deputy, has been extremely distasteful. Some months ago I contacted the office of the Garda Commissioner and asked a simple question regarding how much it cost to run the office. I asked one or two more specific questions about costs. Three months later I had not received so much as an acknowledgement of my request. Obviously, it had been binned. When the Garda Commissioner appeared before the Committee of Public Accounts, it provided me with an opportunity to ask him what had happened to my correspondence. He said it would be dealt with. As far as I know, they could not find it and I resubmitted my questions. Because the Garda Commissioner had given a public pledge, his office had to respond and it responded in the most insulting and condescending terms, pleading inaccurate excuses such as reasons of security for not being able to provide any useful information and refusing to answer questions which might have been embarrassing. The replies were those of people who obviously felt they were not only not accountable, but that they had political protection. This was true on both counts. They had political protection at the highest level of the Government and they were not accountable to anybody.

I submitted a further question and received a similar response from both the Garda and the Department of Justice and Equality which is equally contaminated by this culture of arrogance. I submitted a question one Friday asking for an early reply on how many of the top gardaí had been politically appointed. I was given the run-around. The question had to go to head office, not go to the press office. Those in head office then had to go all over the place. I said the issue was urgent, but I received no reply. I then made five or six further calls and eventually received

a written reply in which I was informed that some 200 of the top gardaí were politically appointed. This means that the top 200 are appointed by the Cabinet and that promotions within that sphere are also decided by it. Could this be one of the reasons for the great sickness at the top of the Garda and the contaminated relationship between the Department of Justice and Equality and the top of the Garda?

It is completely and utterly unacceptable that any garda should be politically appointed. Such a practice is obviously open to abuse. In the recent crisis we saw the result of such political closeness between the Minister and the Garda Commissioner and the refusal of the Government to acknowledge this until it was exposed by an independent reporter. What the Government must do now is not just respond to the Bill by accepting it and doing as it always does and burying it; rather, it must produce its own Bill which must be radical and convincing. It must give up the power it so jealously guards to appoint the Garda Commissioner or anybody else at the top of the Garda. This power must be given to an independent body, one which cannot be accused of appointing people for political reasons. It is quite obvious that the gardaí at the top have not been appointed on merit which does a great disservice as it means that people the whole way down are affected by this flaw that exists at the very top of the Garda.

As many speakers have said, the criticisms that have been made of the Garda here by Deputies Wallace and Clare Daly, who have done a great job in exposing this, do not apply from top to bottom. I do not speak for them, but that is my view. There are wonderful people working within the Garda but the people at the top have not done them proud and have not done them a fair service. So it is most important that one of the clauses in the Bill is enacted immediately, which is that the Garda Síochána be subject to the Freedom of Information Act. That should be done straight away without controversy. I accept that in the case of security, we can take those reasons out, but otherwise it should be subject to the same scrutiny as every other State body.

Deputy Catherine Murphy: I thank Deputy Wallace and his staff for their hard work and diligence in introducing this comprehensive legislation. In July 2013 when the Bill was first put forward, none of us would have predicted we would be here tonight with the Bill not being opposed, with the former Minister gone, with the former Commissioner gone and with the two whistleblowers being hailed for what they are, heroes. That is down to the diligence, hard work and determination of a very small number of people, including Deputies Wallace and Clare Daly.

This is comprehensive and wide-ranging legislation designed to overhaul fundamentally accountability in An Garda Síochána, which if enacted would lead to a cultural shift in our police force and might turn it into a police service, which Deputy Clare Daly said is what we require. If it is not perfect - no Bill is ever the finished product when we debate it on Second Stage - there is ample opportunity to make changes on Committee Stage. I want to see this legislation taken seriously on Committee Stage rather than parked until the Government can put together its legislation.

Some years ago one might have asked if such a radical overhaul was needed. When we consider the findings from the Morris tribunal, the Smithwick tribunal and the Guerin report, we can come to only one conclusion - it absolutely was and is needed. The recent revelations from whistleblowers have shown that much greater public scrutiny of the force is required. The link between the Commissioner, which I believe has been abused and has been unhealthy apart from anything else and open to abuse even if it was not abused, needs to be separated, as provided for in the Bill. In addition there is very little oversight of how the Commissioner does his or,

as in the current case, her job.

As I have said on numerous occasions, any Deputy whose constituency is as underrepresented by gardaí as mine is would be jumping up and down on this issue. I sought to find out how Garda resources were distributed. I sought to meet the Minister and the Garda Commissioner. I was given an absolute run-around. County Kildare has the lowest ratio of gardaí to population and has done for a very long time. It appears that an area almost needs to have a crime epidemic to get a fair distribution of Garda resources.

At the moment there is a most serious problem with burglaries. It is only when one goes into somebody's home that one realises the enormity of that crime, as individuals end up not feeling safe in their own homes. I have heard gardaí in my area say they have concerns about turning out to the scene of a violent crime owing to lack of backup, which is an outrage and needs to change.

We need greater oversight in the distribution of gardaí. I am not saying they need to be evenly distributed around the country because clearly certain locations require a higher number of gardaí owing to the level of crime. Equally some areas of the country are being put at risk. I have produced a document that I will happily give to the Minister to demonstrate the distribution of gardaí and where the problems arise.

The Bill contains a number of very worthwhile measures and I am glad the Government is not opposing it. I hope the spirit of the measures will survive the Department's fine-tooth comb. The establishment of a Garda Síochána independent board conferred with many of the powers of the functions which the Government and the Commissioner currently possess is critical. In terms of the workings of senior Garda management, independence from possible Government abuse is really needed to restore public confidence in the Garda. Deputy Wallace has ensured that although the proposed board would have wide-ranging powers it would be overseen by a very balanced and representative board, which is vital.

The Bill also provides for a basic code of service for the Garda Síochána, a breach of which would result in grounds for a complaint to GSOC. This is a key measure that greatly alters behaviour in the Garda from the top to the bottom. There need to be consequences because consequences change behaviour and including that is very important.

It is also important to look at PULSE, which has a clear design fault. There should be a trail and a red flag when things are altered on the system. Good design is required on such a system, which is pretty good but needs some alteration. I would be very surprised if that was not designed to be included from the beginning. If that was the case and it was taken out, I would want to question that also.

Critically the Bill allows the board to be consulted on the development of Garda resources. There is no public oversight of how staffing resources are deployed, which needs to be addressed. The Bill also confers enhanced powers on the Garda Síochána Ombudsman Commission. Some provisions must be included in the Government's Bill if this Bill does not survive, although I hope it does. The power to instigate its own investigations is vital to the proper independence of GSOC. Independent access to all Garda databases is also critical if events are to be tracked. There needs to be mandatory investigation of all complaints referred rather than just 40% which is the case at present. We need to ensure that GSOC has the resources to function. The inclusion of torture, rape and sexual assault as grounds for making an investigation is

vital. It is inconceivable that this is not catered for at present and it needs to be.

Other noteworthy measures in the Bill include the removal of the power of the Minister to obtain any document or Garda record and the extension of the Freedom of Information Act to cover the Garda. Clearly there would be limitations on that in terms of individual investigations, but oversight through freedom of information is critical.

I welcome the legislation and I hope it is taken in the spirit intended.

Deputy Joan Collins: I positively endorse the Garda Síochána (Amendment) (No. 2) Bill 2014. I fully supported it a year ago and on a number of occasions during the “Shattergate” era I said that Deputy Wallace had proposed a credible Bill that could have been accepted by the Government a year ago. I have heard a number of Deputies on the other side of the House say that all these investigations have been happening and that the Government has responded in the right way to what happened. Half of those investigations might not have been necessary if the Bill Deputy Wallace introduced a year ago had been accepted, particularly as the Government would have been in a position to refer the relevant issues to a commission of investigation, a strengthened GSOC or an independent policing board.

I am happy that the Government will not be opposing the Bill before the House. I hope the Minister will keep her word and ensure it will pass through the Houses quickly. A number of recent reports, particularly that relating to the Morris tribunal, contained recommendations which were quite similar to the provisions in the Bill. However, the point has been made that these were only half implemented. In other words, GSOC was established but it was not given the powers it should have been given. All of us in this Chamber will be remiss if we do not ensure we go the whole way on this occasion. An independent policing board must be set up and I would prefer if the options Deputy Wallace has put forward in the context of its composition were accepted. In addition, the remit of GSOC must be strengthened and the commission of investigation must be facilitated.

Many of those who are present in the Gallery were also present last year. A large number of them felt extremely frustrated following the debate which took place on that occasion. They were of the view that their cases had not been heard. They had gone through the process relating to GSOC and had been almost driven demented. These people have come up against a brick wall with regard to trying to have their cases heard and to obtain justice. Details relating to more than 30 cases were handed in to the Taoiseach, Deputy Enda Kenny, not so long ago but there has been no acknowledgement to any of the individuals involved that they have been received or referred to a commission of investigation, nor have these people been informed of the current position regarding their cases. It would be very much appreciated if the Minister could acknowledge receipt of those cases and indicate what will be the next step in respect of them. That would be a good and positive step forward for the many people from Justice4all who submitted their cases.

There are certain cases to which reference must be made. The first of these is that of Shane Tuohey and the cover-up relating to it for the past 12 or 13 years. Shane’s father and grandfather are in the Gallery this evening. New information has emerged in recent days which indicates that certain evidence and investigation files which were handed to the coroner were never referred to during the inquest. Shane’s family believes that the files in question contain a number of lies or else details that were not correct and that these were placed in the files by former superintendent Peter Wheeler. In addition, the coroner’s report - form C71 - which indicated

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that there was a suicide attempt was not included in the investigation. The family is of the view that the investigation should be reopened in light of the issues which have emerged in recent days. There is also the case of Sarah Bland. I have reread the details relating to this and what happened was completely scandalous. Justice was not forthcoming in either case. Both must be dealt with by the commission of investigation and its terms of reference must be broadened to allow it to take cases of public interest into consideration.

Another case which comes to mind is that of Fr. Niall Molloy. Everyone, including the Minister when she was on this side of the House, has stated that what happened to Fr. Molloy was an absolute scandal. Senior politicians were present at the event at which Fr. Molloy was beaten. There are also indications that a senior member of Government colluded with the church to try to muddy the waters in respect of the case. There are many more similar cases which must be dealt with.

The commission of inquiry must have a broad remit and it must be given the power to compel superintendents, inspectors and other gardaí who were involved in any attempt to engage in cover-ups during investigations to appear before it. In addition, there must be a clear-out in respect of any officers who were involved in cover-ups. It will not be possible to rebuild the Garda Síochána unless there is a strong base from which to start. It is very important that such a clear-out takes place.

A number of speakers have defended the Garda and have stated that this is a very difficult time for the force. It is also a very difficult time for the families I referred to and for others who for many years have tried to have their cases heard and to obtain justice. That fact should be taken into account when particular Deputies refer to the very difficult situation in which the force finds itself. I accept it is in a difficult position and I hope that by means of the process that has been outlined, we will build a more robust and transparent police service that will be able to respond to the many complicated events it is obliged to deal with each day.

No one on this side of the House has it in for particular gardaí. I have provided support to a young community garda in my area who was beaten up during a burglary at his home. I was also involved in supporting an undercover Garda operation to infiltrate criminal gangs in Crumlin, cases relating to which have been forwarded to the Director of Public Prosecutions. There are many matters on which I and others on this side of the House support the Garda. However, there is no longer any point in stating that there are only a few bad apples. The Guerin report has indicated that the problem is much wider than that and I am of the opinion that we must deal with it head on. All gardaí will prefer to have this matter dealt with now in order that they might work properly in the interests of the people for and with whom they are supposed to work.

Another issue which must be dealt with is the leaking of information to certain journalists in respect of certain incidents such as those involving Deputies Clare Daly and Wallace. I was actually contacted in respect of a particular incident when misinformation was leaked from certain Garda stations. This problem must be tackled. If the operations of the force were the subject of greater transparency and were covered under the freedom of information legislation, issues such as those could be dealt with and journalists who want to obtain particular information in respect of them could do so. It is too often the case that information is leaked to certain - but not all - journalists. This is an issue on which action must be taken.

I welcome the Bill and I hope the Government will accept it.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Paschal Donohoe): I begin by referring to the work Deputies Clare Daly and Wallace have done in this area. I disagree strongly with the Deputies in respect of many issues, particularly with regard to the many challenges and choices facing our country, economy and society. That is because, like them, I have many genuinely held views in respect those challenges and choices. I acknowledge, however, that in raising a number of serious issues, Deputies Clare Daly and Wallace have made a very important contribution to the governance and administration of our police service and in respect of how we deal with matters of justice within our State. It is important to say that, particularly in view of the fact that the issue we are dealing with has been politically contested and we have exchanged views on it. Of course, it is appropriate that that is the case. We live in a society in which people want to engage in debate and exchange views with each other.

Having said that, I am of the view that there is a test by which the Government will be evaluated. I am confident we will rise to the challenge in this regard. When matters of this nature are raised in future and while everyone will still have the right, which we must protect, to approach Members of the Oireachtas and raise with them issues in respect of the administration of justice within our State, there must be alternative and robust measures, options and mechanisms open to both members of the public and the Garda Síochána which they will trust and be willing to use. We face a challenge in the context of ensuring the necessary tools, systems, organisations or whatever will be available and will be capable of being trusted by people both outside and inside the Garda Síochána. The Minister for Justice and Equality, Deputy Fitzgerald, and the Government are committed to ensuring this will be the case. That is why the Government has made clear the Bill is not being opposed and that it intends to put in place alternative measures in respect of the matters with which it deals. What affirms the need to do this is not only the conclusions of the Guerin report, to which I will refer, but the detail of the report, which I have read and considered. Paragraph 9.29 on page 166 refers to a meeting for which Mr. Guerin sought the notes. He was told that the sergeant in question did not have a note of any meeting in respect of the incident in question. Mr. Guerin stated that he was furnished with a copy that was hand-written and he goes on to say that he could find no reference to the incident in the notes. The detail in the report covers a ten-year period and lays out clearly the kind of challenge to which the Minister, Deputy Fitzgerald, and the Government must respond. Paragraph 17.2 in the summary on page 287 states:

Confidence in the effectiveness of the policing service is important not just to encourage a necessary sense of security amongst the public, but also to ensure that there is a measure of public confidence in the likelihood of detection, prosecution and conviction where offences have been committed. The deficiencies identified in the investigations considered in this review, if they were widely replicated, would be a challenge to public confidence in the criminal justice system itself.

Clearly this is the gravity of the situation to which we must respond.

I disagree somewhat with a point Deputy Collins made. I do not believe that recognising, as Deputy Collins has done and as I do all the time in my constituency, the quality and bravery of the work of the Garda in keeping our streets and communities safe and responding to the need people have to speak the truth to power are incompatible. These priorities are completely consistent and I believe we can ensure both are realised.

This is why the measures the Government has outlined and what it wishes to do in three areas are particularly important. The first area, which many Deputies have touched on, relates

to the formation and implementation of the commission of investigation. The Minister, Deputy Fitzgerald, is awaiting the Cooke report in order to begin work there. The second area of importance relates to the interim measures that we must take to strengthen the role of the Garda Síochána Ombudsman Commission in respect of An Garda Síochána. The third area relates to the commitment to bring forward legislation to put in place an independent Garda oversight body. This is not simply about the set-up of institutions or the passage of legislation. It is about a cultural acceptance of what all of this means within the Garda Síochána, whose members do such brave and necessary work on our behalf and among the community they serve. This is an ongoing process that will require the commitment of everyone in this area, including Members of the Oireachtas, those in the Government, those in the Garda Síochána and those they serve and protect, the public.

An Leas-Cheann Comhairle: Deputy Maureen O’Sullivan and Deputy Mick Wallace are next, with seven and a half minutes each.

Deputy Maureen O’Sullivan: I have five minutes and Deputy Wallace has ten minutes. We know of the litany of issues that have been brought to light in the course of this Dáil, including issues relating to penalty points, whistleblower revelations, the bugging of GSOC, the resignation of the Minister for Justice and Equality, the resignation of the Garda Commissioner, and access by the former Minister to information about Deputy Wallace that he revealed on national television. Furthermore, there have been questions around the work of the Department of Justice and Equality and the Secretary General. As a result of all these and other issues, justice has been delayed and denied to many individuals, families and communities. This has all come about because we lack a fair, objective and transparent system of justice, and the situation has been allowed to fester under successive Governments. I acknowledge what Deputies Wallace and Daly have done, because without their work and commitment this unjust, subjective and far-from-transparent system would have continued.

This Bill is not asking too much of the Dáil. That much has been acknowledged, because there are no amendments and there is no opposition to it. The Bill comes from a desire on Deputy Wallace’s part to be part of the resolution and reform. Last night he stated that if the Bill was accepted it could form the basis for discussion, debate and amendment at a later stage, since it has been universally acknowledged that there is a need for an independent body to ensure effective police accountability and because a strong, transparent institution would protect the trust between communities and the justice system.

Like Deputy Donohoe, I attend two joint policing committees, those in Dublin central and Dublin city. No doubt there is a genuine attempt by the Garda to engage at those forums. However, too often it is simply a matter of regurgitating facts and figures and it becomes a platform for political speeches. Sometimes, an issue has been dealt with before the JPC meeting takes place, in which case the meeting ends up discussing something that has been resolved far earlier. I accept and support what Deputy Wallace has included in the Bill relating to JPCs and the call for more meaningful reform.

On the other hand, I wish to highlight a different response in the constituency that Deputy Donohoe and I share - that is, the response from the community policing forum. This has been a far more open, frank, no-holds-barred engagement between communities in the north inner city, the Garda and the local authority. I attended a meeting last night in Killarney Court along with a chief superintendent, at least one other superintendent, two inspectors, several community gardaí and approximately 50 residents, as well as local authority representatives. That model

has emerged from difficult and fractured relationships between gardaí and local communities for many years. It is a tribute to the staff and the co-ordinator, Marie Metcalfe, that we have a far better system in the north inner city. There is a better, more open relationship between the Garda and the communities, and this could be a way forward for other communities outside Dublin. The pillars of the forum include ideals such as partnership, problem solving, accountability, visibility, accessibility, improved response and especially collaborative engagement. I realise no system is perfect; there have been difficult times, and issues will continue to arise. I was in the AV room some months ago with families and individuals invited by Deputies Wallace and Daly. I listened to their stories from outside Dublin and I thought to myself that if only they had something similar then they might have been spared the anguish, pain and distress that they were subjected to because of the lack of a fair or transparent system.

There are positive proposals in the Bill, including the suggested wider remit of the range of complaints and full and independent access to the Garda electronic databases. It is also positive that the Bill addresses power-sharing and, in particular, de-politicising the Garda Síochána. I believe the Bill will contribute towards comprehensive, impartial and full investigation of complaints, whether they come from the public, serving gardaí, former gardaí or communities. There must be proper channels to do this and I believe the Bill contains positive suggestions in this regard.

I support the call by Deputy Wallace last night for the Minister to reopen the section 106 inquiry into Corrib gas events as a gesture of goodwill, because there has been an appalling travesty in that case. The Bill is supported by many organisations and individuals who are involved in civil liberty and human rights matters.

It is positive that the Bill is being accepted. I hope it will not languish somewhere and that it will be part of a genuine reform. Perhaps this measure is a step towards a more collaborative approach to issues rather than the usual confrontational or adversarial approach.

Deputy Mick Wallace: I welcome the Minister's commitment to reform of the Garda Síochána structure. I thank her for allowing this draft to progress past Second Stage. I welcome the words of Deputy Donohoe this evening. I acknowledge that a much-needed public consultation process is finally under way in respect of Garda reform. I emphasise that the Bill before the House was drafted only after extensive consultation with and research of the work of the many stakeholders currently before the Joint Committee on Justice, Defence and Equality, in addition to the comments and reviews of many legal academics. I confirm that we have made an extensive submission to the justice committee in this regard, but we have not received any response as of yet. I am concerned that the House and the Government remain uncertain and uninformed about the concept of democratic accountability. This, in its purest form, is the accountability of the Garda to the citizens that the force polices. This reinforces and legitimises the policing by consent model, which requires that a mutuality must exist between the Garda and the people. The improvement of democratic accountability would go some way towards restoring public confidence and trust in the Garda, which the Minister notes has been undermined.

Democratic accountability currently takes place through the medium of the Dáil, where the Minister answers parliamentary questions relating to policing on behalf of the Commissioner. However, the Minister frequently refuses to answer parliamentary questions, using the excuse that the subject of a question is an operational matter for the Garda. This allows the Garda Commissioner and the Minister to exercise policing powers without accountability.

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The principal purpose of the proposed independent police board is to replace the current, unsatisfactory model of democratic accountability through Parliament. However, I note with concern that the Government has only committed to a board that will maintain this level of accountability to the Oireachtas. The strength and breadth of the objectives and functions of the proposed board will be the litmus test of the Government's commitment to real and meaningful reform of the Garda's structure.

In this regard, I am also concerned by the minimal function of a much weaker board, as proposed in Labour's disappointing and short discussion document. Principally, there is no mention of the centrality of human rights in those functions, for example, training, human rights proofing of all codes, etc. This contrasts with the Bill's extensive objectives and functions, which reflect the recommendations of the Irish Council for Civil Liberties, ICCL, and the Irish Human Rights Commission, IHRC.

The Minister, like her predecessor, seems to be implying that she has a difficulty with the proposed appointment of the Data Protection Commissioner and the Ombudsman for Children to the board, in that doing so might conflict with their duties. On the contrary, the experience of those two officers would be invaluable on such a board. It is acceptable and standard practice to act in an *ex officio* capacity on boards. The Minister might be interested to know that both officers have confirmed to me their willingness to be considered for the board. Indeed, the Government recently saw fit to request and empower the Ombudsman for Children, whose remit only covers HSE investigations, to conduct an investigation into Garda misconduct in the case of the removal of Roma children.

I note with concern that the Bill's third theme, the depoliticisation of the Garda and removal of direct ministerial control by the amendment of many sections of the Garda Síochána Act 2005, was overlooked by most of the Deputies who contributed, including the Minister. A clear commitment to the House to relinquish ministerial and Government control of the Garda is necessary. The selection and appointment of all senior gardaí, including the Commissioner, can no longer be connected to the Government.

The Minister seemed to imply that a root and branch review of policing had already been provided for in the wake of the Guerin report through her referral of certain matters to the Garda Inspectorate. As noted by several human rights groups at a meeting of the justice committee, the Garda Inspectorate is merely a creature of the Minister under the 2005 Act. Any investigation by the inspectorate cannot be said to be truly independent, given its direct and sole accountability to the Minister and the fact that it can only act on the Minister's instruction. The inspectorate has also noted the limits of its investigatory powers, given that it must always provide advanced notice before visiting any Garda station and cannot engage in cold calling. A root and branch review conducted by a body with such weak investigatory powers cannot be expected to be thorough or comprehensive.

The Minister raised concerns about State security, the intelligence functions of the Garda and the proposed involvement of the board in same. I disagree with her reading of the Bill in this regard. Oversight of State security and Garda functions is not listed as either an objective or function of the board, although the reporting obligations of the Garda Commissioner relating to policing and security matters extends to the board and the Minister. The Garda should not be entitled to use the catch-all excuse of "State security" to defend the blue wall of silence. The European Court of Human Rights has held against such an excuse in terms of, for example, the Garda covert surveillance legislation. Whether the Garda should be responsible for national

policing as well as State security is a discussion for another day, but this Bill has been drafted with the current arrangement in mind. For clarity, will the Minister examine sections 17(8), the new section 17B in section 28 and the new section 93A, which give comfort on the matter of State security? Sections 96 and 99 of the 2005 Act, which allow the Minister to give a direction, would not be amended by this Bill.

The value of transparency is promoted throughout the Bill by the requirement on the board to publish all relevant codes, operational policies and procedures and on the ombudsman commission to receive and publish follow-up details of all investigations. The publication and accessibility of these documents has long been recommended by the ICCL and the IHRC. The value of transparency was strongly emphasised throughout the Patten report. Transparency would be increased under the Bill through the identification of the Garda as a public body for the purposes of freedom of information legislation, which was recommended by the UN in its most recent report on compliance with the International Covenant on Political and Civil Rights. It was also promised in the programme for Government. In 2008, the Information Commissioner pointed out that Ireland was almost unique in Europe in excluding its police force from the scope of freedom of information law. Current Government proposals on freedom of information only extend to the Garda's administrative records relating to human resources, finances and procurement matters.

While I welcome the Government's long-awaited admission that an independent and statutory inquiry is needed, I am concerned that there may be a temptation to kick these issues down the road without any real or meaningful commitment to wholesale reform of the Garda's structures. Despite Labour's newfound interest in police reform, it was not interested enough to include the matter in the programme for Government.

Some Government Deputies have a tendency to refer to these issues as legacy or historical in an effort to distance themselves and to justify their lack of action, which led to a wholesale political crisis. Last night, a Deputy told the House that he would stand shoulder to shoulder with gardaí regardless of whether they were good or bad. Surely, this is a cause for worry for all citizens.

Last night, it was pointed out that working in the Garda was a dangerous job and that many gave great service to the State. I agree wholeheartedly. Their job is certainly more dangerous than that of a politician. However, we would do well to remember that, since 2002, eight gardaí have tragically lost their lives at work, but that, in the same period, 47 fishermen have died at work and 172 people have died on construction sites, many of them roofers. When one is enjoying one's fish or listening to the rain lashing off the roof, spare a thought for those workers, too.

I pay tribute to the people in the Public Gallery, many of whom feel that they have not got justice and that they have suffered due to Garda malpractice or corruption of one form or another. It has been more than a year since we first met them, mainly at our Red Cow meetings. It was hard to give them hope, but we tried without giving them unrealistic expectations. Change does not come easily in Ireland. The blue wall of silence is very powerful not just in the Garda, but also in the Department of Justice and Equality and the Government. After more than a year, there is a little more hope. The Garda Commissioner was forced to resign because it was found that he had not done his job properly. The former Minister for Justice and Equality had to go because he did not do his job properly. The people in the Public Gallery are starting to believe that, maybe, justice is possible after all. I ask the Minister not to disappoint them.

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Question put and agreed to.

Garda Síochána (Amendment) (No. 2) Bill 2014: Referral to Select Committee

Deputy Mick Wallace: I move:

That the Bill be referred to the Select Committee on Justice, Defence and Equality pursuant to 82A3(a) and 118 of the Standing Orders relative to Public Business and paragraph (8) of the Orders of Reference of Select Committees.

Question put and agreed to.

The Dáil adjourned at 9 p.m. until 9.30 a.m. on Thursday, 29 May 2014.