



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 19 Meitheamh 2014

Thursday, 19 June 2014

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Beef Industry

1. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the progress made to date by him in tackling the crisis in the beef industry; and if he will make a statement on the matter. [26238/14]

Deputy Éamon Ó Cuív: I am a little disappointed the senior Minister is not here. As the Minister of State knows, this year has been disastrous for beef producers, particularly bull beef producers. This is putting many farmers over the edge. It is not without significance that there have been two demonstrations this week outside the Minister's office, one on Tuesday in regard to the beef crisis and another today by hill farmers. People are losing confidence in him. What is the Minister going to do about the beef crisis, other than talk about it?

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes): I wish to apologise for the absence of the Minister, Deputy Coveney, who is doing important work with Tom Vilsack, US Secretary of Agriculture. What the Minister is doing is trying to gain access for Irish beef to the American market. On Tuesday, we had a Chinese delegation here and the Minister's meeting on Tuesday and today's meeting with Tom Vilsack are significant for the beef sector.

I am acutely aware of the importance of the beef sector and sensitive to the concerns of farmers at this time. The current downward pressure on Irish beef prices is replicated in the UK, which is our main export market, and in other key EU markets. Against the background of the current concerns, the Minister met separately with representatives of the farm organisations, IFA, ICMSA, ICSA, and meat factories in February and March this year. More recently, he invited key stakeholders, including farm organisations, beef processors and relevant State

agencies, to a round table discussion on the future development of the beef sector on 17 April and chaired a second meeting on 3 June.

There have already been a number of initiatives in the wake of this forum. These include the beef round table discussions, which will reconvene quarterly to exchange intelligence on market developments and forecasts particularly in regard to supply, demand, prices, product specifications and retail changes. The Minister has committed to launching a beef pricewatch online tool to make price information more accessible and free of charge to farmers. Work has commenced and already, as an initial step, the Department has improved its website in order to make price information more user friendly for farmers. The Department is examining the possibility of legislating for the recognition of producer organisations in the beef sector and will shortly be launching a consultation with key stakeholder groups in this regard. This initiative could provide a vehicle for collective action by farmers in a way that can give them the advantages of scale and market presence, as well as a useful vehicle for transferring technology and expertise to improve profitability at farm level.

Additional information not given on the floor of the House

The Department will prioritise its targeted on-farm capital investments for suckler farmers through the new rural development programme. In addition, Bord Bia has allocated €500,000 to expand and target promotion of Irish beef through its campaigns in the UK and in certain continental markets.

During the first beef forum, the Minister requested Mr. Michael Dowling, chairman of the beef 2020 activation group, to review the implementation of the group's report, after intensive consultation with all stakeholders. That report has been delivered, and the Minister has asked round table participants to reflect on its recommendations.

On questions of price, these are matters for the market, and for negotiation between the contracting parties. It was recognised in the Dowling report, however, that there was a need for improvement in communications between processors and farmers on questions of price and market specification. In addition, the report recommended a simple and transparent system of price recognition for animals within market specification, based on the application of the quality payments system, with a bonus to incentivise production to optimal market specification.

Beef farms are the bedrock infrastructure of a critically important Irish industry and while suppliers are subject to the same market realities as others, it is important that their vulnerability to sharp changes in market conditions is recognised, and that the relationship between parties along the beef supply chain is carefully managed by the relevant commercial operators with this in mind. This is critical if supply is to be maintained and the beef sector is to perform to its potential in the future.

The key objective of the beef forum was to provide a vehicle, but not the only vehicle, to facilitate positive engagement between stakeholders in the beef sector, including processors and farmers. At this juncture, I would urge the stakeholders to reflect carefully on the proceedings at the first two meetings of the beef forum, and on the Dowling report, and to take time to engage with each other on its recommendations in order to find mutually satisfactory solutions to the current issues. It is clearly the case that the best interests of the industry will be served by honest engagement, transparency and clear communications, and by a recognition of the legitimate concerns of each of the parties.

As stakeholders are aware, the Minister has already committed to facilitating further engagement between stakeholders on the development of the industry, but it is neither appropriate nor legally possible for me to intervene on the question of price. In the meantime, there has already been a significant commitment by Government to investment in the beef sector through a revised Common Agricultural Policy negotiated during the Irish Presidency of the EU in 2013, including a single farm payment worth €1.2 billion to Irish farmers annually, through the Rural Development Programme 2014-2020, €295 million for beef data and genomics, and, in 2014, through the beef data, genomics and technology adoption programmes which will result in investment of some €40 million in the sector.

I will continue to ensure that the beef sector is a priority in the development of a policy and support framework for agrifood in the period ahead.

Deputy Éamon Ó Cuív: On the issue of the Minister not being here today, we had agreed to change the day for parliamentary questions. He must have known he was going to have this meeting. We have all been aware, for the past two weeks, that the US Secretary of Agriculture was coming to Ireland because we received an invitation to a reception this evening. Why, therefore, did the Minister not come into the Dáil and say that today did not suit and swap times with another Minister? We would have co-operated in that regard. No disrespect to the Minister of State, but in the middle of a crisis, the senior Minister should be here.

Since last autumn, I have been highlighting the issue of the beef crisis. Will the Minister of State answer the questions I am about to ask and it would be helpful if he can answer them in the order I ask them? My first question concerns the live trade to Britain. What has been done to remove the barriers to this trade and why is it possible to export cattle from Larne to Scotland, but the same companies will not take cattle from Dublin to Holyhead? Why is it possible to export from one part of the island but not the other? Second, the issue of labelling has become a significant issue in the past year. It is driving down prices, particularly by reducing the demand for cattle from Northern Ireland. Third, I welcome what the Minister of State said about legislation for producer organisations, but will he give me some indication of the timescale for this? Is this going to be a constant promise, once again, of something that might happen when it happens and so on? When are we going to get this legislation? Can the Minister of State give me a date for it?

Deputy Tom Hayes: In regard to the Minister's absence, it is hugely important for the Minister for Agriculture and Food to meet the most important man not only in America, but in the world. We are trying to get access to the US market for our beef. That is where the Minister, Deputy Coveney, is today and it is vital he is there. I am quite capable of answering any of the Deputy's questions. That is the reason we have a Minister of State and I will not shirk my responsibility in that regard.

On the Deputy's specific questions, most of the second question arises in the next question from Deputy Martin Ferris. Up to this time last year, 120,000 cattle were exported. Today, the number is 146,000. There is a misconception out there that no live cattle are being exported. I can send the Deputy information about the countries-----

Deputy Éamon Ó Cuív: To Great Britain. I have all that. It is in the *The Irish Farmers Journal*.

Deputy Tom Hayes: Why did the Deputy ask the question then? The reality is that live

exports are taking place and the Government and Department will do everything they can to facilitate that and encourage the export of more cattle. This is why the Minister is constantly out of the country promoting live exports and Irish beef.

Deputy Éamon Ó Cuív: I did not suggest that the Minister should not meet the US Secretary of Agriculture. It is typical of what is happening here where everything is twisted. What I did suggest is that we could have had parliamentary questions on another day. As the Minister of State knows, there is an arrangement to do that and we always accommodate the Government in that regard.

I asked about live exports to Great Britain and why it is not possible to get a lorry-load of cattle on a boat in Dublin when it is possible for the same company to get them on a boat in Northern Ireland to take them to Great Britain.

Could the Minister of State outline what real steps have been taken to resolve the issue of the sale of offal to the Russian market? Is he satisfied that the quality assurance scheme, which was designed to get premium prices for farmers, is not having the opposite effect and that the scheme and the forward movement rule are not being used by processors to discount the prices of cattle and to declare that the cattle are out of spec?

Is it intended to introduce a beef industry regulator? Normally when an industry is dominated by a very small number of private sector players, a regulator ensures that there is fair play. Is it intended to have an inquiry either in this country or to seek an EU inquiry into the operation of the entire beef industry, including retailers, processors and the relationship between them and producers?

Deputy Tom Hayes: In respect of grading, I accept that farmers are very concerned. I presume the Deputy was in Grange yesterday?

Deputy Éamon Ó Cuív: The Minister of State was down at the ocean conference.

Deputy Tom Hayes: Thousands of farmers assembled in Grange yesterday where the topic was discussed. Certainly, it is something that will come up at the round table discussions. This is why these discussions were put in place. I know the Minister is extremely concerned about this. We will get that on the agenda to see what can be done in the future. People, particularly producers, want to produce a better type of animal and if they are doing so, they should be paid for that animal. This is something that can be dealt with in the future to the satisfaction of both producers and meat factories.

Beef Industry

2. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine his plans to remedy the situation whereby the traditional trade in live cattle exports to the Northern Ireland has collapsed due to the penalisation of nomadic cattle by retail multiples there, due to the labelling problem which arises from cattle being born in the 26 counties and slaughtered in the North; if he has consulted with the Minister for Agriculture in Northern Ireland regarding the introduction of a North-South, Irish brand for beef. [26240/14]

Deputy Martin Ferris: Are there any plans to remedy the situation regarding the traditional trade of sending live cattle from the South to the North? These cattle are known as nomadic

cattle and this trade has effectively collapsed. What does the Minister intend to do about it? Has he met with the Minister in Northern Ireland, Michelle O'Neill? Have they formulated any plan to help remedy the situation?

Deputy Tom Hayes: As the Deputy is aware, my Department attaches considerable importance to the live export trade and over the years has been very active in facilitating shipments abroad. Live exports serve a dual purpose as a means of satisfying legitimate market demands for live animals and providing alternative market outlets for farmers. I do not accept that the trade in live exports to the UK and Northern Ireland has collapsed. Total live exports to date this year are over 150,000 head, of which 25,000 went to the UK, an increase of some 3,100 head or 14% up on the comparable period in 2013. Out of this figure of 25,000, some 18,400 went to Northern Ireland, which is an increase of 6% on the same period in 2013.

However, the potential to grow the live trade to the UK is constrained by the buying specifications operated by the British retail chains in respect of cattle born in this country and exported live for finishing and processing in that market. The retailers' long-standing policy is to market British and Irish beef separately. This means that beef must be sourced from animals originating in one country, that is, born, reared and slaughtered in the same country. In addition, logistical difficulties arise when a small number of Irish-born animals are slaughtered in a UK meat plant. Under mandatory EU labelling rules, these carcasses have to be deboned in a separate batch, packaged and labelled accordingly, thereby incurring additional costs for the processor.

Bord Bia has repeatedly raised this issue with British retailers over the years but they are unlikely to reverse their marketing policy in the short term. Nevertheless, Bord Bia in its ongoing interactions with British customers will continue to pursue all opportunities to maximise the full potential of the beef and livestock trade with our largest trading partner. In addition, Bord Bia actively supports the development of the live export trade through the provision of market information, developing market access and promotional activity. There is ongoing dialogue with my Northern counterpart, Michelle O'Neill, and I assure the House that every time we meet her, which is quite regularly, this issue is raised and worked on in order to reach a satisfactory conclusion.

Additional information not given on the floor of the House

It has been agreed at ministerial level to submit another application to the EU Commission for an all-Ireland protected geographical indication, PGI, for Irish beef. The GI scheme originates from the concept of local regional food rather than national reputation. The unique quality of the produce is derived from the geographical area and therefore it is considered that this would usually imply a local "terroir". An application for Irish beef, Ireland only, was lodged previously under an older version of the GI regulation which allowed for the use of a member state's name only in exceptional circumstances. Following an unfavourable response from the Commission, the application was withdrawn.

The Commission had concerns about different aspects of the application but under the regulation in force at that time, use of a country name was only allowed in exceptional cases and the Commission did not consider that the application met this requirement. While the current regulation does allow for the use of a country name, in practice, this has not been done so far. To obtain a GI for all Irish beef would be very challenging. We would have to demonstrate that the same characteristics country wide in terms of geographical or human factors are the causal link in creating this one unique product.

An obvious issue would be beef from Northern Ireland and how similar or different the geographical or human factors are for this beef. It is possible to have GI registration for a product that crosses different legal jurisdictions but the product has to be the same product produced in the same way and whose uniqueness can be shown to be causally linked to the geographical area. Furthermore, the origin labelling requirements are causing difficulties for a country-wide approach. GI names are protected and other products cannot use their names or imply they are like them. However, under labelling rules, beef must be labelled with the member state of origin. The Commission has concerns that there would be a contradiction between these requirements.

Deputy Martin Ferris: Dialogue and serious dialogue are two different things. I cannot understand why the two Ministers on this island cannot resolve this issue. The people who are most affected by this are the smaller beef producers on the west coast. Traditionally, buyers from the Six Counties bought the cattle and that trade benefited everybody. It does not make sense that the two Ministers cannot resolve this. They need to sit down and resolve it.

This is the second day that there have been protests outside Government Buildings regarding the situation and the Minister. There is a lack of confidence in the Minister on the part of the farming community because he is not addressing the problems. Perhaps his mind is elsewhere but he certainly needs to address the problems and to give his full attention to the issues affecting Irish farmers, including nomadic cattle and bull beef. The people who are affected are those on lower incomes and they need support and leadership. This leadership must be forthcoming from the Government and Minister. I am sorry to say that the Minister is not acting accordingly.

Deputy Tom Hayes: I assure the Deputy that the Minister's door has been open at all times for farming organisations to come in and discuss any issue that concerns them. The Deputy referred to the groups protesting last night. Across the road at 7.30 p.m., the Minister met a group of farmers who were picketing on Tuesday. He is always available. He consistently works long hours trying to help develop Irish agriculture. Due to the fact that difficulties arose with beef in the past few weeks, which we acknowledge, people are now saying that he is doing a bad job. The reality is that he negotiated a deal with the EU that no other Minister would ever be capable of. I saw him bringing all the countries together at the end of the process — I joined his team only at the end of it — to ensure a deal that would result in significant future benefits for Ireland. I refer to the single payment schemes that he protected so vigilantly on behalf of Irish farmers. Nobody could say that this man is running away from the matter. If anything, and as has been acknowledged by a number of farming organisations and media commentators, he is doing extremely well. Yesterday I walked with the farmers from the west about whom the Deputy spoke, namely the small beef producers. They accept that everything is being done. There is an issue with the beef trade and that is being tackled. It was tackled with the Chinese on Tuesday. It is being tackled today. Next week, the Minister is to visit the United States to deal with it. Therefore, nobody can say he is not doing a good job.

Deputy Martin Ferris: The Minister of State and I are on a different planet. His statement this morning that the Minister has the confidence of the farming community is not correct. Why have there been two protests in this city this week by the farmers most affected, that is, those in the beef sector and hill farmers, the people most in need? At this point, we need leadership. I cannot understand why the Minister is not sitting down with Ms Michelle O'Neill. I took the trouble to meet Ms O'Neill only last week on this issue. Her team is willing to sort this issue regarding the labelling aspect but the initiative must come from here also. It must not be evident only in one area.

With regard to having a good working relationship, I have no doubt that there is commitment on the part of the farming sector to have a good working relationship but it must be reciprocated. Leadership has to come from the Government, including the Minister. Farmers are not happy. The beef producer, in particular, is not happy, nor are those who are trying to negotiate parts of pillar 2. This says a lot about the Minister's commitment at present. I am sorry to disagree with the Minister of State. I am certainly not happy with what is occurring.

Deputy Tom Hayes: The bottom line is that it suits the Opposition to say the Minister is not doing a good job. One should consider the context of what he has achieved, including the price of milk and the fact that dairy products are doing really well right across Europe and elsewhere on the world stage. Beef prices have decreased. I saw at first hand only last week that cattle in the marts around my county are not as dear as they were this time last year. However, prices are higher than they were three years ago. This seems to be a matter of confidence in the Minister. When prices are down in a sector, I have no doubt but that people will seize the opportunity to blame him. That is the traditional approach but people need to be more constructive. They should work out how to open new markets, including the American market, and how to get our really good, top-class grass-fed beef onto the world stage. The Chinese were here some days ago. They were greatly impressed with our environment and the way we produce beef. We need to market that. What we say here is no good if we do not push what we have on the world stage. In global terms, the amount of beef we produce is not huge and would not flood the market but we have a specialised product. I assure everybody that it is a question of building up the markets, and that is what we need to achieve.

High-Nature-Value Farming

3. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine if he will specifically recognise high nature value farming under the Common Agricultural Policy; if so, the measures he is considering; and if he will make a statement on the matter. [26236/14]

Deputy Thomas Pringle: This question concerns high nature value farming. Does the Minister intend to recognise this in the Common Agricultural Policy? It is particularly important to the north west, where the most low-impact farming will take place. What measures will be introduced to support it?

(Deputy Tom Hayes): High nature value, HNV, farming is farming that supports the objective of having highly diverse species and habitats and maintains bio-diversity in the agricultural landscape. Under the rural development programme, RDP, currently being finalised by my Department, I am proposing to support HNV farming specifically and biodiversity in general through a number of measures.

In the draft programme, I have included plans for a new agri-environmental scheme that will deliver payments to farmers for delivery of environmental goods. This new green, low-carbon, agri-environment scheme, GLAS, will incentivise 50,000 farmers to focus on priorities such as biodiversity, water quality and climate change and will have an annual budget rising to €250 million per year.

Under the scheme, priority access is being given to farmers within Natura areas, which constitute the majority of our HNV farmland. In addition, the scheme will include a number of other biodiversity options that support HNV-appropriate farming. Specific measures such

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as conserving traditional hay meadows and permanent pastures, supports for establishment and management of hedgerows and the creation of wildflower margins and planting of small woodlands are all included, along with measures directly targeting specific bird species, bees and bats. Conservation plans for privately owned Natura land and commonage will also be supported.

Additionally, payments to farmers in areas of natural constraints provide support for HNV farming while the organic farming scheme will also be available to such farmers.

Additional information not given on the floor of the House

A financial provision of €70 million over the RDP period is also being made available for targeted agri-environment initiatives. This innovation will initially target two identified priorities, both of which are HNV focused, an expansion of the Burren farming for conservation scheme and a targeted scheme supporting the conservation of the freshwater pearl mussel in priority catchments.

The Government's continuing commitment to strategic investment in the agri-food sector and the rural economy is evidenced by the provision of matching funding to bring the total allocation for the new RDP to over €4 billion. This constitutes a very significant commitment to the rural economy.

I plan to submit Ireland's draft RDP to the European Commission at the end of June. Following this, it is expected that a period of negotiation will take place in the subsequent months.

Deputy Thomas Pringle: It is vital that GLAS recognise and be directed towards high nature value farming or farming on marginal farms, basically in the north west. While the scheme will target 50,000 farmers, it will be nationally based. The farmers in the north west need a scheme that is more focused on them and which provides additional funding for them, recognising the difficulty in maintaining farm incomes in their area and the value that accrues for the State in general from preserving the environment and biodiversity. I ask that GLAS be pitched more towards these types of farmers so they can receive the maximum amount of funding. One is talking about a maximum annual payment through GLAS of approximately €5,000, which is similar to the payment under the AEOS. If the matter is dealt with in this blanket way, it will not recognise the value of high nature value farming to the State.

Deputy Tom Hayes: The Deputy and the joint committee were briefed on it. The Deputy's points were well made and they were illustrated at the meeting last night. While no definite decision has been made, I will certainly take those points on board.

Agriculture Schemes Penalties

4. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the response he has given to the EU in view of the threat of a fine being imposed on his Department in relation to the single farm payment; when he expects this matter to be resolved; and if he will make a statement on the matter. [26239/14]

Deputy Éamon Ó Cuív: Huge fines have already been imposed on farmers under various schemes because of errors that they could not have avoided owing to the fact that the accuracy with which a satellite can measure the ground is far greater than that achievable by a human

being based on normal methods. In addition, there is now a threat by Europe to impose a very large fine on the Department. No doubt the Department will, as a consequence of not getting the money from the Exchequer, cut grant aid to farmers from State-funded schemes. When will we get the facts about this case?

(Deputy Tom Hayes): The issue of land eligibility is particularly crucial in the context of the various area-based schemes operated by my Department. The Deputy will be fully aware of the value of these EU-funded direct payment schemes to Ireland, with Irish farmers benefiting annually from funding of over €1.5 billion under schemes such as the single farm payment scheme, the disadvantaged areas scheme, the agri-environment schemes etc.

The European Commission has an obligation to ensure that member states manage and use the EU funding granted to them in accordance with the very restrictive provisions governing the schemes and general financial provisions.

10 o'clock

Under the Common Agricultural Policy, this is done by way of a clearance of accounts procedure, a formal process in which both the Commission and member states are obliged to adhere to the requirements laid down in the legislation. This is an extremely serious process. During the period 2002 to 2012, the Commission imposed financial corrections amounting to €5 billion on member states. Ireland's share of the total amounted to €25.6 million or 0.5% of the total amount corrected, which is one of the lowest percentages among member states.

Deputies will be aware of the process, which involves audit missions, follow-up correspondence and formal bilateral meetings between the two parties followed by further correspondence, leading ultimately to the Commission's letter of findings. This letter, which was recently received, proposes significant correction totalling €181.5 million. This is a 2% flat rate correction over five years on €9 billion in expenditure and significantly ahead of the level that might reasonably have been anticipated.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Tom Hayes: I need to continue to clarify because-----

An Leas-Cheann Comhairle: These answers are too long, in fairness.

Deputy Tom Hayes: I need to continue because the question-----

An Leas-Cheann Comhairle: There will be an opportunity for the Minister to come back in.

Deputy Éamon Ó Cuív: The money allocated for farming has fallen, despite all the boasting by the Minister that goes on in the Department of Agriculture, Food and the Marine. Let us face the facts. According to a parliamentary reply, the level of direct payments from all schemes to farmers in County Galway decreased by 9% between 2011 and 2013, and that was before the fines. Further cuts are being made this year. This fantastic CAP that the Minister keeps talking about amounts to cut after cut. We were always going to get a CAP. The Minister comes in and says he has got so much so money. Did he think they were going to abolish the CAP altogether? The reality is that, over the next seven years, we will have less money, more schemes and even less money, more bureaucracy and red tape, more inspections and more penalties. On top of all this, the Minister is now saying that we are likely to have €160 million

taken out of State funding for agriculture.

Deputy Tom Hayes: Those comments show why I wanted to finish my answer. I wish to state clearly that I regard the proposed disallowance as being wholly disproportionate to the level of actual risk to EU funds identified following recent audits. The Deputy should note that Ireland has the right, and fully intends to avail of it, to ask for the matter to be reviewed by the EU conciliation body. This body will review the case and seek written and oral observations from each party. I can confirm that a comprehensive, robust response is being prepared and will be delivered before the end of this month. Before the end of the year, that body will make its recommendations, which the Commission will consider before arriving at its final, definitive decision. It is also open to member states to initiate legal proceedings in the European Court of Justice in relation to any such clearance decision. I assure the Deputy that we will fight this tooth and nail and leave no stone unturned, because we have been compliant at all levels. The Department will make sure that people will not be overcharged.

Deputy Éamon Ó Cuív: It is interesting that the Minister of State said that total disallowances from 2002 to 2012 were €25 million, yet now, suddenly, three years into this Government, we are threatened with a fine of €181 million, which I presume the Government is going to fight. Who makes the rules under which we are being fined? The Minister for Agriculture, Food and the Marine had an opportunity during Ireland's Presidency of the Council last year to look at these rules and to change them if he had found them disproportionate, which he now seems to be indicating they are. Why did he not change the rules when he had the opportunity and try to avoid this fine? The retrospective penalties that have been imposed on farmers in the past year have been totally unreasonable. It is claimed that most farmers got it right, but the percentage of farmers who got it wrong was, on the Minister's own admission, enormous. Why did they get it wrong? It is because, particularly with smallholdings, it is virtually impossible to get it right unless one owns a satellite.

Deputy Tom Hayes: I want to clarify and assure the Deputy that we will fight tooth and nail. The Deputy need not be under any illusion about that. We will make sure that no stone is left unturned in trying to achieve the best result for Irish farmers. We should all unite in trying to do the best job for farmers rather than try to be divided. Nobody wants to see a country such as Ireland, which has done its work properly in relation to all the schemes, penalised. We have been huge beneficiaries of the schemes, but this fine has come out of the blue. That is why we will do whatever we can, even if it takes going to the courts, to get what is rightfully ours. We will leave no stone unturned.

Fishing Communities

5. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine if he will include a provision in the operational programme of the European Maritime and Fisheries Fund to provide for compensation for fishermen affected by storms; and if he will make a statement on the matter. [26237/14]

Deputy Thomas Pringle: This question arises from the storms that devastated the country in the early part of this year and badly affected inshore fishermen. For at least three months, they were unable to go to sea. The question relates to the European Maritime and Fisheries Fund and to what provision can be included in the operational programme to allow the state to compensate those fisherman with the assistance of European funding. What are the Minister's

intentions in that regard?

Deputy Tom Hayes: The EU regulation establishing the European Maritime and Fisheries Fund was published on 20 May 2014. Following months of intense lobbying and negotiation, the Minister announced on 12 June 2014 that he had secured €148 million from the new fund for the period 2014 to 2020 for the development of the Irish seafood industry and the coastal communities that depend on it. This funding is more than double the amount that was available to Ireland during the last Common Fisheries Policy and will ensure a strong seafood industry in Ireland that can grow and expand to meet its potential up to 2020. Ireland's EMFF allocation is to be provided through five discrete funding envelopes, namely €71 million for investment in the seafood industry, €32 million for data collection, €37 million for control and enforcement, €5 million for implementation of the Integrated Maritime Policy, and €1.3 million for storage aid. I will be discussing with the Minister for Public Expenditure and Reform in the near future Exchequer matching funding, having regard to the general budgetary situation for the coming years.

The EMFF will provide support for our fishing fleet to meet the challenges of the new discards ban. It will support the development of the seafood processing sector, a sustainable aquaculture industry and the communities that depend on a vibrant seafood industry.

My Department has been working since 2013 on developing a new operational programme setting out the arrangements for spending Ireland's allocation under the fund and has engaged with stakeholders on a number of occasions to date. Further public consultation and strategic environmental assessment will take place over the summer of 2014. The new operational programme must be submitted to the European Commission for adoption before the end of 2014.

Additional information not given on the floor of the House

Article 35 of the EMFF regulation provides for a contribution from the operational programme to a mutual fund established by fishermen or their representatives. Such a mutual fund may pay financial compensation to affiliated fishermen for economic losses caused by adverse climatic events or environmental incidents or for the rescue costs for fishermen or fishing vessels in case of accidents at sea during their fishing activities. I am minded to make provision in the operational programme for such a mutual fund contribution. This is subject to final decisions on overall priorities for the seafood sector and to *ex ante* evaluation by independent consultants of the appropriateness of such a measure. In addition, the contribution will be subject to matching funds being provided by fishermen, as required by the regulation.

Deputy Thomas Pringle: That is a nice overview of the press release from the Department last week at the conclusion of the negotiations, but it did not address any of the specific points in the question. The Oireachtas joint committee has written to the Minister asking that such provision be included in the operational programme. Will any consideration be given to supporting fishermen through the operational programme of the fisheries fund?

It is interesting to note that of the €147 million referred to, approximately €72 million will be spent on data collection and enforcement. In reality, then, it is only around €70 million that will go towards investment in the growth of the seafood sector. Will the Minister include in the operational programme supports for fishermen who were affected by the storms which plagued this country and which could be repeated in the future?

Deputy Tom Hayes: I will have further discussions on that issue. I would remind the

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Deputy that €8 million has already been spent on storm-damaged piers and harbours throughout the country. Obviously in the tight budgetary situation in which the country finds itself, finding money for the Deputy's specific proposals will be difficult. I cannot give the Deputy a definitive answer today but I will revert to him on it in due course.

Deputy Thomas Pringle: We found money last year when farmers were in crisis because of the fodder shortage. Money was no object in terms of dealing with that situation. It was very interesting to note that when the Committee on Agriculture, Food and the Marine discussed the crisis that fishermen are going through because of the recent storms, the committee room was empty. On the other hand, when the committee discussed the fodder crisis last year, one could hardly get into the room with the amount of members of the media and farming organisations there, not to mention Deputies who wanted to be seen to be supporting the farmers.

The €8 million that was allocated for repairing piers and harbours will not improve the livelihood of any of the fishermen who were affected by the recent storms and who will be affected by them again in the future. I am sad to say that I do not hold out much hope that the Minister will include any provisions in the operational programme to support fishermen. The Minister of State spoke about the financial constraints under which the country is operating but European money is available. EU money is available to support fishermen, albeit with the requirement for matching funding. Supporting fishermen with such funding would cost a lot less than if the Government was to provide funding on its own.

Deputy Tom Hayes: I am sure that if European funding is available, officials in the Department will seek it.

Deputy Thomas Pringle: That has not been the case in the past.

Deputy Tom Hayes: I can reassure Deputy Pringle on that point. The Deputy made the case that money was made available to farmers last year. At that time, animals throughout the country were in a very serious state. Indeed, in particular areas, there was no hay available and animals were starving. Farmers were facilitated by the importation of fodder from England and parts of France and its distribution around the country. That was a success story and why would people not welcome it? There was huge concern in April and May last year because animals were starving because of the lack of fodder.

On the issue of fishermen, I will talk to officials in the Department to ascertain whether funding is available from Europe for which we can apply. If there is any other way we can help fishermen, we will do so.

Dáil Éireann
Other Questions

Milk Quality Assurance Scheme

6. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the progress made to date by Bord Bia with the milk quality assurance scheme; the number of quality assurance officers it has funded to date; and if he will make a statement on the matter. [26116/14]

Deputy Éamon Ó Cuív: My question refers to the milk quality assurance scheme for the dairy industry. I would like the Minister of State to outline how that is working, the progress made to date and whether he is satisfied with the scheme.

Deputy Tom Hayes: In 2012, the Minister announced a proposal for a new national sustainability programme for the dairy sector. This programme is a key element of Ireland's strategy for marketing and promotion of dairy products on international markets, particularly in the context of expanded milk output following the abolition of milk quotas in April 2015.

It is evident from the engagement with potential customers for Irish food products and potential investors in the Irish agrifood sector that the sustainability message has a strong resonance with both. This programme is independently verified and establishes a point of differentiation that sets our dairy products apart in world markets. The newly developed carbon footprint element is key to demonstrating the strong climate change credentials of Ireland's dairy sector, and indeed it has already been established that Ireland's greenhouse gas emissions from the dairy sector are the joint lowest in the EU.

Dairy farmers join the sustainable dairy assurance scheme by applying through their milk purchaser. Each milk purchaser has staff trained in the operation of the scheme who can advise dairy farmers on how to prepare for application and correct any deficiencies in their operations. Once the farmer is satisfied that the operation is at the standard required by the scheme, the milk purchaser submits an application to Bord Bia through an integrated database system. Applications are then selected by Bord Bia for auditing, and following the correction of any non-compliance issues, entry to the scheme is granted. All major non-compliance issues, such as failure to have water quality tested, must be corrected before entry to the scheme is approved. Minor non-compliance issues do not prevent entry but must be corrected in time for the next audit visit. To date almost 3,500 milk producers have applied to their milk purchasers to join.

Deputy Éamon Ó Cuív: In my question I sought information on the number of quality assurance officers who have been funded by Bord Bia to date. I am somewhat surprised that this element of the question was not answered.

I understand that in some cases when inspectors visit and find non-compliance issues, the farmer corrects that non-compliance issue but there is a massive delay in scheduling a second inspection to ensure all issues have been fully addressed. That delay keeps the farmer out of the scheme. I ask that the Department ensures that where there is non-compliance but the issue is dealt with by the farmer, arrangements can be made to carry out a further inspection to ensure compliance without undue delay so that farmers do not miss out.

Deputy Tom Hayes: As I said already, 3,500 milk producers have applied for the scheme.

Milk purchasers have sent 1,020 applications to Bord Bia for auditing. Of these, almost 400 have become fully certified members of the scheme, while the remaining 620 are moving through the audit or review process ahead of the final certification decision. Approximately 11,000 information packs have issued to milk purchasers for use by milk suppliers when applying to join the scheme.

An initial panel of 36 people trained to conduct audits for the scheme are now being augmented by an additional 12 people who have been identified as suitable candidates for training. These additional auditors will be added to the panel in the coming months which should improve the situation to which the Deputy referred.

Deputy Éamon Ó Cuív: It has been brought to my attention that many of the people being appointed to the panels are retired or former State employees. I would have thought that with a scheme like this which is being funded by the State through Bord Bia, the Minister would have ensured young graduates or other suitably qualified unemployed people would be given priority for this work. Can the Minister of State assure me that an instruction will be given that this State money will be focused on employing people who are not in receipt of pensions and who do not have work at the moment?

Deputy Tom Hayes: In general it is Government policy to employ graduates, if available, for positions such as these and training is provided on the operation of the scheme. I will certainly raise the matter with Bord Bia if it is the major problem the Deputy says it is, but, historically, the case in this country has been as set out. Deputy Ó Cuív was in the Department and will have known the position.

Deputy Éamon Ó Cuív: It is a long time since I was in the Department. I was there for a year in 2001.

Deputy Tom Hayes: He was there. It built up over a number of years and, as the Deputy knows, it takes time to change. I will certainly lend my weight behind young people getting those jobs. I hope that will satisfy the Deputy.

Beef Data Programme

7. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine his views on data management and transparency within the beef industry, specifically the beef factories' access to the AIMS database and farm financial data, while farmers are not given access to the figures, collected by his Department, for the number of cattle slaughtered weekly or the level of inter-trading between meat factories; and if he will make a statement on the matter. [26140/14]

Deputy Martin Ferris: I would like to hear the Minister's views on beef factories' access to the database of the animal identification and movement system, or AIMS, and to farm financial data while no access has been provided to farming organisations or farmers themselves regarding the number of cattle slaughtered weekly and the level of inter-trading between meat factories.

Deputy Tom Hayes: There are a number of sources of information on the beef industry that are publically available, including information on animal births, prices, slaughter figures, carcass classification and farm income. Some of this information comes from my Department

and other information from other State agencies. With regard to transparency, all information is collected, transmitted and published in accordance with the law and, where necessary, the agreement of the respective farmers and companies concerned.

One of the main aims in convening the recent beef roundtable discussions has been to increase transparency around the beef sector. In this regard, my Department has already made a number of improvements to its website in order to make price information more user friendly for farmers. This is a key step along the road to developing a beef pricewatch app for mobile phones and tablets. The Dowling report presented at the most recent roundtable also calls on processors to ensure that communication with farmers on any changes to market specifications takes account of the normal production cycle. In addition, I am making arrangements to ensure that Teagasc, Bord Bia and the ICBF engage to ensure that advice, education and breeding policy remains consistent with evolving market realities.

Additional information not given on the floor of the House

My Department collects the prices paid for domestic cattle on a weekly basis and reports this data to the European Commission in accordance with Commission Regulation (EC) No. 1249/2008 on the classification of beef, pig and sheep carcasses and the reporting of price and Commission Regulation (EU) No. 148/2014 - amendment to categories and classes for recording of market prices in the beef sector and as regards market price for pig carcasses. This information, together with that of other member states in the European Union, is published on the website of the European Commission's Directorate General for Agriculture and Rural Development.

My Department also publishes beef price information and two reports which are published weekly under the beef pricewatch banner. The first sets out average deadweight prices for cattle, which breaks down by Department-approved factory the average price paid per kilo for steers, cows, heifers and young bulls. This data should be helpful for farmers in ascertaining where they can achieve the best prices. The second report is the meat market report which deals with deadweight and liveweight prices as well as live trade details. The report is reproduced by Bord Bia and made available on its website. While my Department receives weekly kill reports from Department-approved factories, such information is not published as it is commercially sensitive material which cannot be published without the agreement of the factories. Any change to this procedure would have to be discussed with all relevant parties.

In relation to the animal identification and movement system, or AIMS, factory staff notify the movement of animals coming to a slaughter plant to AIMS predominantly by way of a web service application. A small number of factories use an online system or paper system. The factory staff who interact over web services and online only have tag-inquiry access to AIM - to get the tag number of the animal being presented for slaughter - and to a customer search facility to get names and addresses of keepers or herd numbers. Factory staff do not have access to herd profile details on AIMS. My Department publishes an AIMS annual report every year and this is available on the website also.

My Department does not collect farm financial data. However, the Central Statistics Office's agricultural output, input and income report estimates aggregate farm income for Irish agriculture as a whole. This information is published in multiple forms. Teagasc produces a national farm survey which estimates average farm income by farm system - beef, dairy, tillage, etc. - and size, based on a survey of representative farms. The most recent iteration of this

survey covers 2013 incomes and was published two weeks ago.

Under Council Regulation 1290/2005, my Department is required to publish on its website certain payment details made to beneficiaries of schemes funded or co-funded by the European Agricultural Guarantee Fund, EAGF, or the European Agricultural Fund for Rural Development, EAFRD. The information is published exclusively for the purpose of complying with the terms of EU legislation and is not intended for any other purpose.

My Department does not receive or collect any information on inter-trading between meat factories as this is a purely commercial activity carried out between factories and I have no legislative basis or powers to request this data.

Deputy Martin Ferris: The joint committee met representatives of the beef processors last year. What is evident from that engagement and from the current roundtable circus is that the contribution from representatives from beef factories has been clouded and evasive to say the least. What is the situation regarding slaughtered cattle? Will we receive as part of the new transparency which we have yet to see a weekly report on the number of cattle slaughtered and on inter-trading between the meat factories?

Deputy Tom Hayes: My Department publishes beef price information and two reports which are published weekly under the beef pricewatch banner. The first sets out average deadweight prices for cattle, which breaks down by Department-approved factory the average price paid per kilo for steers, cows, heifers and young bulls. This data should be helpful for farmers in ascertaining where they can achieve the best prices. The second report is the meat market report which deals with deadweight and liveweight prices as well as live trade details. The report is reproduced by Bord Bia and made available on its website. While my Department receives weekly kill reports from Department-approved factories, such information is not published as it is commercially sensitive material which cannot be published without the agreement of the factories. Any change to this procedure would have to be discussed with all relevant parties.

Deputy Martin Ferris: That is the crux of the problem; the number of cattle being slaughtered weekly by individual factories and inter-trading between them. Deputy Ó Cuív referred to a beef regulator earlier to address this issue. Something must be done to ensure transparency and to give equal opportunity to producers - the farmers who produce the cattle - to know the statistics that are out there. If farmers do not have the statistics, it makes things easy for beef factories. I and many other people believe the factories have access to data which allows them to know how many cattle are coming on the market at any one time. That allows them to manipulate cattle prices for their own financial benefit.

Deputy Tom Hayes: To clarify, in relation to the animal identification and movement system, or AIMS, factory staff notify the movement of animals coming to a slaughter plant to AIMS predominantly by way of a web service application. A small number of factories use an online system or paper system. The factory staff who interact over web services and online only have tag-enquiry access to AIMS - to get the tag number of the animal being presented for slaughter - and to a customer search facility to get names and addresses of keepers or herd numbers. It is important to note that factory staff do not have access to herd profile details on AIMS. My Department publishes an AIMS annual report every year and this is available on the website also.

Deputy Martin Ferris: Many people have a different view on that.

Deputy Tom Hayes: These are the facts. They do not have access.

Deputy Martin Ferris: It stretches credibility to say they do not have access.

Deputy Tom Hayes: These are the facts.

Fish Farming

8. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine if he will put in place measures to support the aquaculture sector in the event of a prolonged natural biotoxin outbreak to assist growers to survive; and if he will make a statement on the matter. [26127/14]

Deputy Thomas Pringle: My question relates to biotoxin outbreaks affecting aquaculture operations around the coast. A number of areas are prone to biotoxin outbreaks which means shellfish cannot be harvested and must be kept in the water for a lengthy period until the biotoxin dissipates and test results show they are clear. This places a serious financial burden on the operations. My questions seeks to know if there will be any support from the State for them.

Deputy Tom Hayes: The EU regulation establishing the European Maritime and Fisheries Fund, or EMFF, was published on 20 May 2014. Following months of intense lobbying and negotiation, I announced on 12 June 2014 that I had secured €148 million from the fund for the period 2014 to 2020 for the development of the Irish seafood industry and the coastal communities that depend upon it. This funding is more than double the amount that was available to Ireland during the last Common Fisheries Policy and will ensure a strong seafood industry in Ireland which can grow and expand to meet its potential up to 2020.

Ireland's EMFF allocation is to be provided through five discrete funding envelopes. There will be €71 million for investment in the seafood industry; €32 million for data collection-----

Deputy Thomas Pringle: We already had that information in reply to Question No. 5.

Deputy Tom Hayes: I need to give it on the specific question. I will soon discuss with the Minister for Public Expenditure and Reform Exchequer the question of matching funding.

EMFF funding will provide support for our fishing fleet to meet the challenges of the new discards ban. It will also support the development of the seafood processing sector, a sustainable aquaculture industry and the communities that depend on a vibrant seafood industry. My Department has been working since 2013 on developing a new operational programme setting out the arrangements for spending Ireland's allocation under the fund and has engaged with stakeholders on a number of occasions to date.

Article 55 of the EMFF regulation provides member states with the option of providing compensation from operational programmes to mollusc farmers for the temporary suspension of harvesting of farmed molluscs due to outbreaks of toxin-producing plankton or the presence of plankton containing biotoxins. A relevant outbreak must last for more than four consecutive months or, alternatively, the loss resulting from the suspension of the harvest must amount to more than 25% of the annual turnover of the business concerned. At this time, I am minded to make provision in the operational programme for such a biotoxin compensation fund. This is subject to final decisions on overall priorities for the seafood sector and to evaluations by inde-

pendent consultants of the appropriateness of such a measure.

Deputy Thomas Pringle: The last ten seconds of the Minister of State's script actually dealt with the question and I welcome its inclusion in the operational programme. Perhaps a lot of time could be saved if the first minute and a half of the response did not comprise another rehash of the Department's press release. I acknowledge this is not the fault of the Minister of State, who is provided with a script. Nevertheless, the details and information are there and I welcome that. It is something that should happen because it is important for sustaining the shellfish sector in particular. I look forward to seeing a programme being put in place as part of the operational programme and to ascertaining how that will work.

Special Areas of Conservation Designation

9. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if he will provide details of the engagement his Department has had with the Department of Arts, Heritage and the Gaeltacht on the development of a scheme to adequately compensate farmers and landowners whose lands have been designated for the protection of the habitat of the hen harrier; and if he will make a statement on the matter. [23712/14]

Deputy Patrick O'Donovan: This question relates to difficulties, of which the Minister of State is acutely aware, being experienced by farmers and landowners in certain parts of the country for a number of years. They arise in respect of the protection of habitat for certain birds and in particular the hen harrier, which is a bird being protected under the European Union directive in east and west County Limerick, as well as elsewhere in the country. Essentially, I am asking what has been the level of interaction between the Department of Agriculture, Food and the Marine with the Minister's colleague, the Minister for Arts, Heritage and the Gaeltacht, with a view to trying to resolve the issue landowners are having.

Deputy Tom Hayes: The hen harrier is a species of high conservation value listed in Annex I of the EU birds directive, which provides a legislative framework for the conservation of the species. Six special protection areas, SPAs, have been designated under the birds directive for the protection of the species in Ireland.

Due to concerns raised by the European Commission regarding SPA management and within the context of ongoing concern regarding the species itself, the Department of Arts, Heritage and the Gaeltacht has initiated the development of a threat response plan, TRP, under section 39 of SI 477 of 2011. The Department of Arts, Heritage and the Gaeltacht will carry out public consultation regarding this plan, which will set out measures necessary to preserve, maintain or re-establish a sufficient diversity and area of habitat for the species. It is intended that this plan will bring predictability and clarity to landowners about the future management of these sites.

An incentivising scheme known as the National Parks and Wildlife Service farm plan scheme was made available to landowners in certain SPAs to undertake measures above and beyond what is required in terms of compliance with legislation. This scheme is closed to new applicants and I understand the Department of Arts, Heritage and the Gaeltacht has no plans to continue this scheme.

As for payments to farmers whose lands are in SPAs, the new green low-carbon agri-environment scheme, GLAS, will provide for payments to farmers who undertake specific actions

on their land to protect endangered bird species, including the hen harrier. Farmers whose land falls within the hen harrier SPAs will be able to apply for priority access to the new scheme when it opens. GLAS will provide for payments of up to €5,000 per annum to farmers who join the scheme.

The Minister, Deputy Deenihan, and I are well aware of the issues the Deputy has raised today that are faced by landowners in these areas, including issues relating to land values and afforestation approvals. There have been ongoing discussions between my Department and the Department of Arts, Heritage and the Gaeltacht regarding the hen harriers. Last week, I met the Minister, Deputy Deenihan, on this issue again. I am familiar with the area Deputy O'Donovan represents, he has brought this matter to my attention several times and I believe the following point is of importance to him. Last week, we agreed that at the earliest possible date after the summer, which is next September, and following sufficient progress on the development of the threat response plan, the two Departments will seek the Commission's agreement to an interim approach to afforestation. If agreement can be reached, this would allow for a limited amount of afforestation approvals in these areas, which would be of major advantage to the people concerned in the relevant areas.

Deputy Patrick O'Donovan: I welcome the suggestion in respect of afforestation because much of the land in question - the Minister of State is familiar with the quality of the land to which I refer - is suitable for very little other than afforestation. Moreover, given the habitat in which the bird apparently wishes to reside, it has picked what probably is some of the most disadvantaged land in which to have its habitat. In itself, this has had a double complicating factor because if, for arguments sake, one must cut rushes to draw down a single farm payment from the Department of Agriculture, Food and the Marine but at the same time the National Parks and Wildlife Service states one cannot cut rushes because of the hen harrier's habitat, one has a cross-compliance issue straight away. These farmers are caught between the Department of Agriculture, Food and the Marine, the Department of Arts, Heritage and the Gaeltacht, the National Parks and Wildlife Service, the wind energy sector and the Forest Service. They are stuck in limbo at present and while I acknowledge that a threat response plan is being developed, there has been a succession of public meetings on this issue. Both landowners and farmers seek a working group that encompasses the farming representatives, the Department of Agriculture, Food and the Marine and the Department of Arts, Heritage and the Gaeltacht as well as all the other vested interests.

An Leas-Cheann Comhairle: Thank you Deputy.

Deputy Patrick O'Donovan: There is no scientific evidence that any threat on its own, be it wind, forestry or intensive farming, has anything to do with the depletion of numbers of this bird. Even after all the schemes that have been initiated over many years, the numbers of pairs of these birds that are breeding are dropping anyway.

An Leas-Cheann Comhairle: Thank you. I will come back to the Deputy.

Deputy Patrick O'Donovan: I will finish by noting this is an issue of huge importance in my part of the country, as the Minister of State is aware.

An Leas-Cheann Comhairle: Thank you.

Deputy Patrick O'Donovan: I ask that both Departments would sit down together with the relevant stakeholders in this regard.

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Deputy Tom Hayes: I assure Deputy O'Donovan of one thing, which is I acknowledge there is a problem. I visited the Deputy's constituency myself in the company of officials from my Department and we saw at first hand specific cases of difficulty involving people who sought to plant their land. The problem is that the blanket ban is ruining it. Last week's meeting went a long way towards resolving this problem and the proposal is to come up with an arrangement by next September that we can bring to Europe. If we are given time between now and September, we should have a plan in place to bring to Europe, where we can explain to the officials there that the overall blanket ban should be lifted, that this should apply only to the designated areas in which the hen harrier actually is in place and one should be able to plant in areas other than that specific area.

An Leas-Cheann Comhairle: I thank the Minister of State.

Deputy Tom Hayes: As for afforestation, the number of acres available for forestry planting must be increased and this would go a long way towards that. I assure the Deputy that-----

An Leas-Cheann Comhairle: I thank the Minister of State but we are over time and Deputy O'Donovan must ask a question.

Deputy Patrick O'Donovan: I will be brief. I will ask again about the Minister of State's Department, the Department of Arts, Heritage and the Gaeltacht, the farming organisations and the wind energy people because a great deal of this land is suitable for very little other than afforestation, wind and things like that. This issue is not restricted to County Limerick but occurs across the country. My greatest concern is there has been a depletion in the numbers of breeding pairs of this bird over years and the reason is not known. Moreover, we probably never will know why because the scientific evidence is a bit woolly, to be honest about it. My worry is there may be a request from the National Parks and Wildlife Service to extend these areas out even further into west County Limerick and to bring in even more land without a proper regime or structure. That is why I now ask, in the context of a threat response plan for the habitat of this bird, that the Department of Agriculture, Food and the Marine and the Department of Arts, Heritage and the Gaeltacht come together, acknowledge there is a problem, meet the landowners, discuss with them what can be done and come up with a plan that reflects the needs of the bird and its habitat but which also respects the needs of the habitat of the people who live on this land.

An Leas-Cheann Comhairle: A final reply from the Minister of State.

Deputy Tom Hayes: First, I have no problem in meeting any of the landowners and my door is open in that regard. We had a meeting last week but the difficulty is the threat response plan is taking so long to be developed. While we were given a commitment that it would be ready by about now, it is not ready because of other issues around it. As we cannot pull it from the sky, it is to be hoped that the threat response plan will be available within 12 months. In the meantime, however, I assure the Deputy that I will meet anyone to discuss this issue and will have further meetings if so doing helps to resolve the problem. I am quite open to dealing with the office of the Minister, Deputy Deenihan, and with his officials to try to resolve this issue. I assure the Deputy and the people in general in this regard. I acknowledge there are many worried farmers, as Deputy Ferris also is aware, and it is a matter of huge concern. We want to work together and to work with these people and I give the Deputy an assurance that my door is open to discuss matters.

Deputy Martin Ferris: I fully concur with Deputy O'Donovan. I met with farmers in the area. There is another problem. I refer to people who entered into the contract, albeit a little late because of the procedure and so forth, and they have not received one cent. There are hundreds of such farmers. Their land is effectively sterilised and they are getting no income from it. In the boundary area of parts of north-west Cork and into west Limerick, there is forestry on one side of the road and half a mile down the road there is forestry while in between the land is sterilised. It makes no sense whatsoever. There needs to be a complete reappraisal of this situation. I concur with the need for a working group to try to resolve the situation. In the meantime, people have had no income for many years and effectively their land has been sterilised. I ask the Minister of State to give it his immediate attention.

Deputy Tom Hayes: I agree with the Deputy. I would be the first to acknowledge that there is a problem and we have to deal with it. I have stated to Deputy O'Donovan that my door is open to assist in any efforts to resolve this problem. Forestry is under my remit. I want to increase the acreage to be planted as stated in the programme for Government. Two weeks ago, I attended a major forestry conference at Enfield, County Meath and I committed to that project. I am resolved to try to increase the number of acres of forestry to be planted each year because it provides jobs in rural areas. When I was in Deputy O'Donovan's area last week, I saw land that was perfect for forestry but it could not be touched. I want to resolve that situation. However, at all times we must protect the hen harrier as directed by EU regulation but the blanket ban has created a fierce problem for the specific farmers who have not been paid. I will keep that in mind.

Public Sector Staff Recruitment

10. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine in view of higher demand for Teagasc level 5 and level 6 courses, due to the need for them to qualify for the young farmer top-up payments from next year, if he will act to set aside the embargo on public sector recruitment and provide Teagasc with the staff it needs to fulfil the new demand for places. [26144/14]

Deputy Martin Ferris: My question relates to the Harvest 2020 and the new payments for young farmers and the consequent demand for Teagasc courses. I ask the Minister of State if he will consider increasing Teagasc staff numbers to allow young farmers to meet the requirements for top-up payments.

Deputy Tom Hayes: Teagasc has statutory responsibility for the provision of education, research and advisory services to the agricultural sector. Programmes and activities are developed in conjunction with clients and partners overseen by an authority that is representative of the main stakeholder groups in the agrifood sector. Teagasc employs over 1,100 staff in 50 locations throughout the country.

The education function works in partnership with many other education stakeholders, including universities, institutes of technology and others, to deliver quality-driven education courses in agriculture, food, horticulture, forestry and equine studies. It is a matter for Teagasc to prioritise activities in the delivery of education services and to allocate resources in accordance with these priorities. The question of providing Teagasc with additional resources into the future must have regard to the ongoing moratorium on recruitment which requires all public service organisations to do more with less in order to reduce the public service pay bill.

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My Department has responded positively to the demand that has arisen for additional college places in recent years, sanctioning a number of exceptional appointments in the agricultural colleges. Teagasc was granted sanction in 2011 to recruit six contract teachers to cope with staff shortages and increased course applications. A further six teaching posts were approved in 2012 to cover short-term absences in the colleges. More recently, my Department, in consultation with the Department of Public Expenditure and Reform, approved 11 new posts in Teagasc, including three posts in the education function. Teagasc has also been approved to fill some critical gaps in the education function by way of internal promotions.

Additional information not given on the floor of the House

At the same time, Teagasc introduced a number of complementary initiatives to maximise student participation, including increased student-teacher ratios, redeployment of advisory staff to the agricultural colleges and subcontracting the delivery of specific education modules across a number of colleges and local centres.

Under the new direct payment regime which takes effect in 2015, Ireland will implement the young farmers scheme and will establish a national reserve. A person who qualifies as a young farmer will have automatic access both to the young farmers scheme and to the national reserve. To qualify as a young farmer, a person must satisfy a number of conditions, including that he or she has successfully completed a recognised course of education in agriculture giving rise to an award at FETAC level 6 or its equivalent.

Teagasc reports that demand for full-time courses in the agricultural colleges is similar to 2013 levels, which suggests that the new direct payments regime is not impacting on post-leaving certificate applications for full-time education. Teagasc reports an increase in expressions of interest for part-time and distance education courses arising from the measures agreed in the young farmers scheme and the national reserve to prioritise support to young farmers. The actual number of applications that may materialise is unknown at this juncture. Historically, there has been some leakage between expressions of interest and acceptance of offers in respect of part-time and distance education courses.

Teagasc is committed to a significant intake of 500 new learners on part-time and distance education level 6 courses this autumn, based on existing resources levels. I understand that Teagasc plans to open the application process shortly in order to measure the number of applicants who may wish to start a course in the autumn. The demand for courses will be clearer once this process is complete. Officials from my Department are working closely with Teagasc to explore all available options on how best to manage any additional demand that may arise from the national reserve and young farmers scheme.

Deputy Martin Ferris: I welcome that the Minister of State has approved extra staff for Teagasc. It is important that young farmers qualify for top-up payments because their contribution to the general economy is so essential. I hope the Minister of State will bear in mind that despite the fact of the moratorium on recruitment, these schemes for young farmers will be of economic benefit to the country. I ask that extra staff should be provided if necessary.

Deputy Tom Hayes: I met with the Teagasc board recently and that issue was raised. I will look favourably on it in the future. Teagasc is doing an exceptionally good job and agricultural education is vital. The demand for more knowledge and new skills to develop farming businesses was evident at Grange yesterday. The food industry faces a significant challenge

and we must keep in mind the projections under Harvest 2020. There are great employment possibilities but central to all this is the education of farmers and this is Teagasc's role. I agree with Deputy Ferris's sentiments. I have given a commitment to the board of Teagasc that we will not stand in the way of that education in order to help the people who are participating in the industry which is growing apace.

Written Answers follow Adjournment.

Offences against the State (Amendment) Act 1998 and Criminal Justice (Amendment) Act 2009: Motions

An Leas-Cheann Comhairle: In accordance with the order of the Dáil of yesterday, the motions will be discussed together but decided separately.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move:

That Dáil Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences Against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30 June 2014 and ending on 29 June 2015.

The House will be aware that the Offences Against the State (Amendment) Act 1998 was enacted in the wake of the murder of 29 people by the Real IRA in Omagh on 15 August that year. It was a necessary response to that atrocity and the loss of 29 innocent lives. That bombing and those murders represented a direct attack also on the fragile peace process and indeed on this State as a major sponsor of that peace process. It demanded a robust response from the State and a clear statement that the morally bankrupt culture of death and destruction adopted by these murderers would not prevail and that the will of the majority could not be so contemptuously disregarded. Those responsible for these murders continue today to deny the people of this island the peace which they long for and which they deserve. I will return to this point later in my speech.

This democratic State's response was to provide strong legislative powers to ensure that the Garda Síochána and the courts were in a position to meet the challenge laid down by those opponents of peace. In that regard, the Offences Against the State (Amendment) Act 1998 was a necessary and proportionate response. It is right at the outset that I pay tribute to the excellent work of An Garda Síochána and the Police Service of Northern Ireland in countering the threat from the paramilitary organisations.

The Act contains a series of amendments to the Offences Against the State Acts 1939 to 1985 to make them more responsive to the threat from certain groups. Principally, these amendments concern changes in the rules of evidence for certain offences under the Acts, including the drawing of inferences in certain circumstances; the creation of new offences, such as directing an unlawful organisation, possession of certain articles and collecting information; and extending the maximum period of detention permitted under section 30 of the 1939 Act, to 72 hours. Section 18 of the 1998 Act, as amended by section 37 of the Criminal Justice Act 1999, provides that sections 2 to 4, inclusive, 6 to 12, inclusive, 14 and 17, must be renewed by the

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Oireachtas at specified intervals if they are to remain in force. By virtue of resolutions passed by both Houses of the Oireachtas in June 2013, these sections were continued in force for a period of 12 months.

Prior to moving any motion for renewal, the Act requires that I lay before the Oireachtas a report on the operation of the relevant provisions. The current report covers the period from 1 June 2013 to 31 May 2014 and was laid before the House on 16 June 2014. It also includes, following a commitment given in the House, a table showing the figures for each of the years since the Act came into operation. The table, which was produced on foot of requests by Deputies, is helpful in showing the importance of the Act in equipping the Garda to detect and prevent terrorist actions.

It is the fervent wish of the Government and, I have no doubt, the House that the time will come when these provisions will no longer be required. As Minister for Justice and Equality, however, I must take into account the reality of the situation. In that regard, the Garda assessment, shared by the Police Service of Northern Ireland, PSNI, of the terrorist threat level in Northern Ireland is that it is severe. We all know that groups vehemently opposed to peace seek to attack the institutions of Northern Ireland and destabilise the peace process. They will never succeed in their objective.

In 2013, 30 terrorist related attacks occurred in Northern Ireland and there have been five such attacks so far this year. They include such serious incidents as the planting of a bomb in a Belfast shopping centre in the run-up to Christmas last year and the fire-bombing of a hotel in Derry on 30 May where continuing scant regard for human life and the targeting of civilians was clearly demonstrated.

While the direct threat level in this jurisdiction may be different from that in Northern Ireland, it is imperative our laws and police are properly equipped to deal with the threat, whether in this jurisdiction or Northern Ireland. Let no one be under the illusion that the groups in question do not represent a threat to this State and Northern Ireland. By way of example, I refer to the discovery by An Garda Síochána of an estimated €10 million in partially forged bank notes in April this year, the detection in May last of a large improvised explosive device in County Louth, which was possibly destined for Northern Ireland, and the disruption of a Real IRA gun attack in Tallaght earlier this month. The Garda must have at its disposal the appropriate measures to meet this threat. The powers available under the 1998 Act are considered paramount in maintaining effective preventative action against the terrorist groups. Consequently, there is a clear need for the continuance of these provisions.

North-South co-operation is vital and I assure the House it has never been better. I intend to keep in close contact with the Secretary of State for Northern Ireland, Theresa Villiers, whom I have already met. I am also in contact with the Northern Ireland Minister of Justice, David Ford. In addition, the acting Garda Commissioner maintains close and frequent contact with her counterpart in the PSNI.

It is the firm view of the Garda Síochána that the Act continues to be a most important tool in its ongoing efforts in the fight against terrorism. The Garda authorities have stated that the provisions of the Act are used regularly, which is evident from the report I have laid before the House. I refer Deputies to the details contained in the report.

Terrorist groups remain a threat to the peaceful lives of people on this island. They are op-

posed to the benefits that have flowed from the peace process and are determined to undermine it. The State must retain, in its laws, the capacity to defeat them. On the basis of the information set out in the report and on the advice of the Garda authorities, I consider that the House should approve the continued operation of the relevant provisions of the 1998 Act to remain in operation for a further 12 months. I commend the motion to the House.

On the motion to continue in operation section 8 of the Criminal Justice (Amendment) Act 2009, I will briefly remind the House of the background to that Act. The legislation was a response to a number of difficulties which were being experienced and where the entire justice system was under serious threat. Organised criminal gangs were behaving as though they were untouchable by the Garda and courts. They even appeared to be taunting those tasked with preventing and investigating criminal acts. The House will recall certain dreadful crimes where the gangs involved acted in a way that betrayed their willingness to undermine the very operation of our criminal justice system. Hand in hand with the disregard for human life was the intimidation, as Deputies well remember, of whole communities who were trying to co-operate with the forces of law and order to bring the thugs in question to justice. If these people were prepared to intimidate witnesses, why would anyone believe they would not also intimidate or kill jurors?

In the circumstances, it was imperative that the Government and Oireachtas took the necessary steps to ensure the criminal justice system was sufficiently robust to withstand the assault launched against it through intimidation of and violence towards witnesses and jurors. The measures contained in the Criminal Justice (Amendment) Act 2009 were designed to tilt the balance firmly in favour of the rule of law and justice and instil confidence in all that criminal gangs would not be permitted to frustrate criminal investigations or prosecutions of their activities.

The Act provided for a limited number of specific organised crime offences to be prosecuted in the Special Criminal Court. The proposal to use the Special Criminal Court for a limited number of organised crime offences removed the possibility of jury tampering or intimidation of jurors.

The purpose of section 8 is to ensure that organised criminal gangs cannot interfere with the criminal process to determine the outcome of cases. To this end, the section declares that the ordinary courts are inadequate to secure the effective administration of justice and preservation of public peace and order in respect of certain offences. The offences in question are the organised crime offences under Part 7 of the Criminal Justice Act 2006. Deputies will be familiar with the range of offences cited in the Act. Section 8 makes these scheduled offences for the purposes of Part V of the Offences against the State Act 1939. While this means the Special Criminal Court will hear prosecutions for the offences in question, the Director of Public Prosecutions may still exercise her discretion. This is an important balance, as is the requirement that the House pass a resolution in the event of any change being made and to ensure the continuation of the provisions.

The reasons the Government is seeking the renewal of section 8 are clear. Organised crime continues to present a significant law enforcement issue, with a number of criminal gangs continuing to engage in serious crimes. There is, unfortunately, stark evidence of the willingness of these gangs to engage in murder, armed robbery, kidnapping, drug smuggling, counterfeiting and other serious offences. Deputies may wish to note that since 2009 there have been 68 murders linked to organised crime. We are also faced with growing and inextricable links between

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paramilitary groups and organised crime. It is also clear that age is not a barrier to becoming a victim of gun crime. For example, we had the appalling shooting of a six year old child in Ballyfermot last Friday. I am sure the House will share my revulsion and that felt by the population as a whole in the wake of this dreadful act. I appeal to anyone who has information which could be helpful to the Garda to pass this on immediately.

Those involved in organised crime are ruthless people who will stop at nothing to avoid being brought to account for their crimes. Violence and intimidation are a way of life for these people. The Government and Oireachtas have a duty to make sure the criminal justice system is equipped to prevent them undermining our core values. In all the circumstances, I consider it necessary to continue section 8 in operation for a further period of 12 months beginning on 30 June 2014. I commend the motion to the House.

Deputy Niall Collins: I welcome the opportunity to express my support and that of my party for the continuance in operation of section 8 of Criminal Justice (Amendment) Act 2009, which is a vital legislative tool in the battle against organised crime. I also welcome and will support the renewal of the Offences Against the State (Amendment) Act 1998. This legislation allows the State to battle against those engaged in terrorism who seek to undermine the very existence of the State.

One of the first duties of the State to its citizens is to ensure their safety and protection. As a nation, we must be able to defend ourselves effectively and comprehensively from those within who seek to destroy our communities through organised crime or destroy the State through acts of terrorism. We must not be afraid to grant the powers provided for in this legislation, which allow us to face down those whose only cause is destruction. Both of the Acts under discussion were introduced by the Fianna Fáil Party in government and, sadly, the reasons for their enactment remain.

It is obvious that this island has been transformed since the Good Friday Agreement was signed and a power-sharing Executive established in Northern Ireland.

11 o'clock

However, the relative peace that we now enjoy cannot be taken for granted. There is still considerable work to be done in integrating the two communities in Northern Ireland. The peace has been won but we must consolidate it. We must not cede ground to those who would seek to destroy that peace.

There is also, unfortunately, a significant threat to the peace as a result of the activities of what are referred to as dissident republicans. These groups do not have any real support on the ground, either north or south of the Border. Their numbers are few. They are groups that are fighting against the democratic wishes of the Irish people, as voted for in the 32-county referendum on the Good Friday Agreement. To a large extent, the actions of these dissident republicans are partly a cover for drug dealing and racketeering. Even though these dissident republicans do not have support, they can inflict terrible damage. It was a dissident republican group that was responsible for the worst atrocity of the Troubles in Omagh in 1998.

The amendments to the Offences against the State Act brought in by the then Fianna Fáil Government after the Omagh bombing were necessary at that time. Unfortunately, they are still necessary today. We as a State cannot lower our guard or lessen our vigilance in response to this ongoing threat. No doubt it would be the wish of most Members of this House for our

laws to be normalised and for these provisions of the Offences against the State Act not to be necessary. However, we cannot take that chance, nor do we have that comfort. The only time we should consider lowering our guard is when the dissident republicans have abandoned their campaign of violence and crime. I ask them to recognise the democratic wishes of the Irish people and to lay down their guns and stop their violence. It is for this reason that Fianna Fáil will support the resolutions being brought before the Houses of the Oireachtas by the Minister for Justice and Equality. We believe that the legislation should be extended for a further period of 12 months from 30 June 2014.

There is also a proposal to extend section 8 of the Criminal Justice (Amendment) Act 2009. This legislation was introduced by Fianna Fail in government to respond to organised crime. It provides that certain organised crimes will be prosecuted before the Special Criminal Court rather than in front of a judge and jury. The right to a trial by jury is an important aspect of the criminal justice system. None the less, we as a State cannot tolerate a situation in which ordinary members of society who are asked to be jurors are exposed to intimidation and threats of violence from serious gangland figures. For that reason, we believe it is correct that this section should be extended. Gangland criminals will do anything in order to increase their profits and make money illegally. If they thought that intimidating a jury would prevent them from going to prison or would be an interference in their criminal activities, they would intimidate and harass jurors. This is an event that we as a State cannot tolerate. For that reason, Fianna Fáil will support the extension of the resolution to section 8 of the Criminal Justice (Amendment) Act 2009. We believe that discretion should remain with the Director of Public Prosecutions to direct whether a person should be sent forward for trial by the Special Criminal Court. We do not believe it appropriate that serious gangland figures should be tried by a jury. Their violence and organised crime has deprived them of the right to a trial by jury and we should not be apologetic about denying them that. The safety of this country and its citizens depends upon it.

Deputy Pádraig Mac Lochlainn: Here we are again. At the same time every year we debate this. Every year we in Sinn Féin oppose it and argue for more time to debate it and every year we are denied and the motion passes.

We all will be aware of the background to the Offences against the State Act and I am not going to rehash it yet again today. This legislation undermines human rights, civil liberties and democratic life in this State. It can no longer be denied that the continued use of draconian provisions such as those up for renewal today is untenable. We are living in a new political reality and there remains a duty for the Minister and the Government to live up to their obligations under the Good Friday Agreement to deliver security normalisation. The provisions up for renewal, and, indeed, the Offences against the State Acts in their entirety, have no place in the present or future of this island.

The apathy of too many in the Opposition and throughout these Houses on this issue, and the ill-advised and wrongly placed enthusiasm of others for these measures, has obvious negative implications for Irish society. We call on every Member in this House to vote against the Government motion and to campaign for the repeal of the Offences against the State Acts in their entirety. There is an onus on us to uphold and implement in full the Good Friday Agreement.

Our international commitments are not the only reason for us to oppose the motion. The Government has certain obligations under the Good Friday Agreement. The agreement places an onus on both Governments to work towards the normalisation of the security apparatus in the

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Twenty-six Counties and the Six Counties, and, as every Member of this House will be aware, the Agreement was endorsed overwhelmingly by the majority of the people on this island. It needs to be protected and implemented in full.

In the past, many Members have argued in favour of the provisions of the Act because they have played a role. Today, I do not think anyone can truthfully argue that these provisions have a place in the present or future of this State. Sinn Féin believes the legislation is counterproductive in the long run. The retention of these provisions is an admission of the failure of this and previous Governments. The challenge to us is to prove that we have a normal society and that normal policing will convict those who seek to undermine it. There is no place in our society for the emergency legislation that was passed in 1998. Draconian legislation can never be a substitute for robust law and strong and accountable policing.

As Members in this Chamber will be aware, Sinn Féin has consistently opposed the retention of this amendment. We have argued each year that it should be repealed in its entirety. At this time, there is neither a need for such legislation nor an argument in favour of it. The continuation of it will only serve to erode further the human rights ethos in which this State's legislation should be grounded. If Members in this Chamber truly value the concept of human rights, I implore them to vote accordingly and reject the motion. We are a normal society and the existing laws are strong enough if properly resourced.

Sinn Féin has always been in the minority in this House in recent years when we have rightly opposed the 1998 Act. I imagine that we will be in a minority again today. We are not in a minority internationally, however, as we analyse this measure. The United Nations Human Rights Committee shares our stance on it. An Garda Síochána and the courts can convict and ensure that those who carry out acts of violence in this day and age serve a proper sentence for those actions.

We must make every attempt to convince so-called dissident groups to move away from violence, embrace peace and accept the will of the people as expressed in the Good Friday Agreement. We must also convince them of the opportunities that the Good Friday Agreement and the peace process give republicans to further the republican and all-island agenda, and that is where our focus for the next 12 months should be. I ask Members to vote against this measure.

I will speak briefly about the issue of so-called dissident activities. In recent years, there has been virtually zero support for them. There is, possibly, one councillor on the island who would offer any support or succour to them. Unfortunately, considerable elements have resorted to criminality. In essence, they are criminals. They are involved in criminal activities to line their own pockets to enrich themselves. They are not republicans. They could not be further from it. They are criminals. There may well be some among them who hold the republican view. In terms of those who are not involved in activities that enrich themselves, our challenge in these Houses is to engage with them and demonstrate the benefits of the peace process. Frankly, if one looks at the role of the British and Irish Governments in recent years, they seem to have been more interested in their own particular agendas than in driving through the peace process. With regard to the Haass talks, we had a situation in which neither the British nor the Irish Government had engagement. They allowed a situation whereby two hard-working, well-intentioned, respected international figures came in, yet we were abandoned to the election ambitions of the unionist political parties. There has been a complete disengagement both by the British and Irish governments from the process as regards how we deal with the legacies of the past.

There have been issues concerning on-the-runs where everybody declared they knew nothing about it and had no knowledge of it. Clearly, however, it was a part of the peace process that those who had been caught up in the conflict, and were no longer wanted, could return to normal life.

There has been a lack of leadership in demonstrating the benefits of the peace process. Where are the economic benefits of the peace process for people living in working class areas, including Border areas like County Donegal? What economic benefits have accrued? That is the message to defeat those who would engage in these activities.

These types of laws are self-defeating because they almost make martyrs of some people by avoiding due process. The real challenge for these Houses is to demonstrate to communities that are suffering economically or politically that there are real and tangible benefits from the peace process. Can we have a re-engagement by both governments to deal with the outstanding issues from the past and give victims on all sides answers about what happened to their loved ones? As an Irish republican, I stand ready to play my part, and my party will play its part, in helping that process at any stage. That is the challenge.

I will now turn to the motion regarding the Criminal Justice (Amendment) Act 2009. Admitting that the ordinary courts are not adequate to deal with individuals who are involved in organised criminal activity is a sad reflection on any government or state. In such circumstances, the state in question has failed to deal with issues like jury intimidation and witness protection.

If we are serious about dealing with organised criminal gangs, we need to put resources in place. I am sure those involved in organised criminal activity see the introduction of legislation to ensure they are tried before the Special Criminal Court as an admission of the State's failure to provide protections and safeguards to those who serve on juries. It is the wrong way to go and we will oppose this proposal for that reason. That is not flippantly to disregard the activities of these criminal gangs. We understand they cause misery and hardship, and have no regard for law and order.

If we examine best international practice, we will see that other countries have found more effective ways of dealing with organised criminal gangs that do not involve institutions like the Special Criminal Court. The Special Criminal Court has been criticised by the Irish Council for Civil Liberties, Amnesty International and the United Nations Commission on Human Rights, for its procedures and for being a special court which ordinarily should not be used against civilians. Among the criticisms are the lack of a jury and the increasing use of the court to try organised ordinary crimes rather than the terrorist cases it was originally set up to handle.

Amnesty International considers that under international standards and the law of Ireland, the onus is upon the Government to demonstrate that special courts are essential in current circumstances, in the words of the law because "the ordinary courts are inadequate to secure the effective administration of justice, and the preservation of public peace and order". The Government has not done so.

On the contrary, the jurisdiction of the Special Criminal Court is not restricted to offences related to the extraordinary circumstances which led to its establishment. There is information available which shows that an increasing number of cases, which are not obviously related to offences against the State, are being tried in the Special Criminal Court, largely as a result of the exercise by the Director of Public Prosecutions of the power to certify cases involving other

than scheduled offences for trial in the Special Criminal Court. This is simply unacceptable.

The Minister cannot argue for the retention of outdated legislation while at the same time implementing considerable cutbacks to An Garda Síochána and taking away its resources to combat criminality in communities across the State. There is a contradiction in the argument and for that reason, we will oppose both motions.

Deputy Thomas Pringle: I welcome the opportunity to contribute to this debate on the renewal of certain sections of the Offences against the State (Amendment) Act 1998 and section 8 of the Criminal Justice (Amendment) Act 2009.

I agree with the previous speaker that the Offences against the State (Amendment) Act 1998 should be repealed in its entirety. I do not believe there is any room for special legislation such as this to be used in a democratic society that respects citizens' human rights, civil liberties and due process.

Under the provisions of the Offences against the State Act, the Special Criminal Court is being used. That court was established to guarantee convictions. The only reason it was set up was to ensure that those brought before it would be convicted and sent to gaol for long terms. Such mechanisms undermine the human rights and civil liberties of all citizens of the State. They show that the State is willing to go to extraordinary lengths to deal with people it views as being contrary to its own ethos. Such mechanisms, however, undermine citizens' rights across the country.

The operation of the Offences against the State Act goes the same way. In his dissenting view on the review of the terrorism Acts, Professor Dermot Walsh said there was a tendency for these provisions to be used by the State for ulterior motives. There has been, and continues to be, a tendency to broaden out the use of these measures. The report laid before the Houses on the Offences against the State Act noted that last year 331 people were arrested under section 30 of the Act. Do we know who those 331 people were? For what reasons was the Act used? For example, was section 30 used against people associated with protesting against the Corrib gas installation?

In her own contribution, the Minister said it was used regularly by the Garda Síochána. When such provisions and measures are in place, however, the tendency is to over use them because they are easy and convenient. They will be used against people who are not involved in so-called terrorism activity or in trying to subvert the State, but who may use the democratic process to oppose and protest against actions of the State or what private companies are doing. Using such legislative measures widely undermines everybody's civil rights and civil liberties.

The extension of the detention period to 72 hours under the Act shows that it will be used to intimidate people into making confessions. Studies have shown that most confessions take place within the first 12 hours of detention, so extending the period to 72 hours does not serve any purpose other than restricting people's legitimate protests.

The Garda Síochána already has adequate powers under other provisions of the criminal justice legislation to deal with many offences included in the Offences against the State Act. The problem with those powers is that they are subject to too much oversight. Nonetheless, a lot of regulation is necessary to protect civil rights.

I think this motion should be opposed. The Offences against the State Act should be re-

pealed in its entirety. We should demonstrate to citizens that the State respects human rights and civil liberties, and will work within due process to ensure that people's rights are maintained. By thus respecting citizens, the State could show that there is no need for subversion or for so-called terrorist organisations to try to overthrow the State.

The same reasoning applies to section 8 of the Criminal Justice (Amendment) Act 2009, including the use of the Special Criminal Court to try cases. The court was established to secure convictions, which is why it is still being used. While many crimes by organised criminals are abhorrent to everyone - we have seen evidence of that in the past week - I would question how useful the Special Criminal Court has been. We certainly have not seen any dilution of the activities of organised criminal gangs, so we need to find other ways of dealing with these issues. Those provisions are already within the criminal justice Acts.

Acting Chairman (Deputy Seán Kenny): I should have said earlier that Deputy Pringle is sharing time with Deputy Clare Daly and Deputy Ruth Coppinger. Is that agreed? Agreed. Both Deputies will have 2.5 minutes each. I will have to be strict because the debate must conclude after 45 minutes.

Deputy Clare Daly: Draconian law never makes society safer and the "war on terror" has not brought us any nearer to world peace. In fact, it has destabilised the situation beyond anything we experienced previously. The Minister acknowledged that gangland and dissident activities, as they are described, have not been curtailed by the draconian legislation already on the Statute Book. If she wants to deal with the root cause of gangland and organised crimes, she will have to tackle the social issues that cause them. If she wants to deal with terrorist activities, she will have to deal with the conditions that breed them, including the very difficult conditions in our prisons. The State has opted for a knee-jerk reaction by taking an anti-democratic and anti-human rights stance on curtailing democratic rights. It is never acceptable to curtail democratic rights. Trial by jury is a fundamental human right as far as I am concerned. It is an entitlement of every citizen and it backs up the principle of innocence until proven guilty.

Earlier this year I was involved in a case whereby a conviction from the Special Criminal Court was overturned in the Court of Criminal Appeal. A young man, Sean Farrell, who was a cabinet maker from Crumlin, was convicted under section 3(2) of the Offences against the State (Amendment) Act 1972, which states: "Where an officer of the Garda Síochána, not below the rank of Chief Superintendent, in giving evidence in proceedings relating to an offence under the said section 21, states that he believes that the accused was at a material time a member of an unlawful organisation, the statement shall be evidence that he was then such a member." It is unbelievable that hearsay evidence which cannot be cross-examined could be acceptable in a court. If the evidence has been gathered, it should be examined in open court before a jury of the defendant's peers. In fact, this reveals a lack of confidence in An Garda Síochána. If gardaí were not policing residents in Corrib, they might be able to tackle the gangs who are causing some of these difficulties. The only justification put forward is the idea of jury intimidation, which has not happened and for which different measures have been put in place in other jurisdictions. This is an unfair, unjust, undemocratic and anti-human rights provision, which any right thinking citizen would oppose. It is also ineffective and costly.

Deputy Ruth Coppinger: I wish to register the Socialist Party's opposition to the renewal of this Act, which was introduced following the Omagh atrocity. The Socialist Party in the North opposed and continues to oppose the cancer of sectarianism. Our efforts against sectarianism include building trade union responses to sectarianism. The basis for terrorism lies in the

material, social and political conditions that exist in a society. History has shown us that groups cannot be diminished by repressive laws. To this day, nobody has been brought to account for the Omagh bombing with this legislation. The conditions that give rise to terrorism can only be eliminated through a radical transformation of society, whereby jobs are provided and wealth is used for the benefit of the majority rather than a tiny elite.

I also oppose the legislation because it has considerable potential to be used against peaceful mass protest by citizens, workers and trade unions. This could include people who oppose and challenge the exploitative employers and, in the years ahead, the austerity agenda of this Government. In Brazil, anti-terror legislation was introduced in advance of the World Cup ostensibly to deal with terrorism. That legislation provides for sentences of 15 to 30 years in prison for anyone who causes or incites widespread terror by threatening the life, physical integrity, health or liberty of a person. It is widely feared that it will be used against protestors who have been defending their slums and shacks against the clearances that have taken place for the World Cup and against transport workers. Similar legislation which was introduced in Greece ostensibly to deal with terrorism has been used against protestors, who no longer have the right to wear a mask or hood to protect against tear gas. We have seen how the Patriot Act introduced in America in the aftermath of 9-11 has led to the ridiculous situation where books have been monitored in libraries and the shame of Guantanamo Bay.

We should not renew this legislation. I remind the Minister of the way in which the special branch has been used to monitor left-wing political activists and the use of gardaí to guard water metres in the last week. We can see that policing is being used to erode people's civil liberties.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank the Deputies for their contributions to this debate. The substantial threat that remains from terrorist activity, particularly from dissident republican paramilitary groups, warrants the continuance in force of the Act's provisions. The message needs to go out, loud and clear, that the State will not bow to the self-serving interests of such individuals and will continue in its resolve to see them defeated.

I have listened carefully to the points that have been made about human rights by Deputies Mac Lochlainn, Pringle, Clare Daly and Coppinger. Contrary to the Deputies' belief that the Offences against the State Act is anti-democratic, I would argue that democracy was preserved by the actions taken by successive Governments. Democracy is preserved because the legislation acts as a bulwark against anti-democratic forces. I will not take any action which would remove a vital tool for the Garda and the Legislature to preserve democracy and the rule of law. Nobody would accept more than me that the Government must respect fundamental human rights in our legislation. That is why, as Deputy Clare Daly acknowledged, we have an independent Judiciary and court system. As Minister, I have a responsibility to protect the human rights of all citizens. There is no greater human right than the right to life. These Acts target groups who show scant regard for human rights, including that most basic of rights, the right to life. The information available to me from the Acting Garda Commissioner and the reports that I have laid before the Houses, which I recommend that Members read, make it clear why the Government is recommending these motions.

With regard to the need for the Special Criminal Court to try offences relating to organised crime, there was ample evidence of intimidation of witnesses and jurors when section 8 was introduced. I disagree with Deputy Mac Lochlainn that there is any apathy in regard to these issues, whether from Members of this House or citizens in our communities. They see, sadly all too frequently, the threat posed to their communities by the kind of activities we are discuss-

ing. There is no doubt that some of the intimidation of witnesses and jurors was blatant. No Government could ignore this behaviour. It is unfortunate that section 8 is still needed. I look forward to the time when it can be permitted to expire. I am sure every Deputy would similarly look forward to its expiry. That is why the courts, the Garda and the PSNI are engaged in their work. However, that time has not yet come. That is why the Government is asking this House to agree to these motions, which I commend to the House.

Question put:

<i>The Dáil divided: Tá, 81; Níl, 23.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Boyd Barrett, Richard.</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Calleary, Dara.</i>	<i>Coppinger, Ruth.</i>
<i>Cannon, Ciarán.</i>	<i>Crowe, Seán.</i>
<i>Carey, Joe.</i>	<i>Daly, Clare.</i>
<i>Coffey, Paudie.</i>	<i>Doherty, Pearse.</i>
<i>Collins, Áine.</i>	<i>Ellis, Dessie.</i>
<i>Collins, Niall.</i>	<i>Halligan, John.</i>
<i>Conaghan, Michael.</i>	<i>Healy, Seamus.</i>
<i>Connaughton, Paul J..</i>	<i>Higgins, Joe.</i>
<i>Conway, Ciara.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Coonan, Noel.</i>	<i>McDonald, Mary Lou.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>McLellan, Sandra.</i>
<i>Costello, Joe.</i>	<i>Murphy, Catherine.</i>
<i>Cowen, Barry.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Creighton, Lucinda.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Daly, Jim.</i>	<i>O'Brien, Jonathan.</i>
<i>Deasy, John.</i>	<i>O'Sullivan, Maureen.</i>
<i>Deenihan, Jimmy.</i>	<i>Pringle, Thomas.</i>
<i>Deering, Pat.</i>	<i>Stanley, Brian.</i>
<i>Doherty, Regina.</i>	<i>Tóibín, Peadar.</i>
<i>Donnelly, Stephen S..</i>	
<i>Donohoe, Paschal.</i>	
<i>Dooley, Timmy.</i>	
<i>Durkan, Bernard J..</i>	
<i>Ferris, Anne.</i>	
<i>Fitzgerald, Frances.</i>	
<i>Flanagan, Terence.</i>	
<i>Griffin, Brendan.</i>	
<i>Harrington, Noel.</i>	
<i>Harris, Simon.</i>	

<i>Heydon, Martin.</i>	
<i>Hogan, Phil.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Heather.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kehoe, Paul.</i>	
<i>Kelleher, Billy.</i>	
<i>Kelly, Alan.</i>	
<i>Kenny, Seán.</i>	
<i>Kitt, Michael P.</i>	
<i>Kyne, Seán.</i>	
<i>Lynch, Ciarán.</i>	
<i>McCarthy, Michael.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McGrath, Michael.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Martin, Micheál.</i>	
<i>Mathews, Peter.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Naughten, Denis.</i>	
<i>Neville, Dan.</i>	
<i>Ó Feargháil, Seán.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Smith, Brendan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	

<i>Stanton, David.</i>	
<i>Troy, Robert.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Aengus Ó Snodaigh and Ruth Coppinger.

Question declared carried.

Minister for Justice and Equality(Deputy Frances Fitzgerald): I move:

That Dáil Éireann resolves that section 8 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009) shall continue in operation for the period beginning on 30th June, 2014 and ending on 29th June, 2015.

Question put:

<i>The Dáil divided: Tá, 82; Níl, 23.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Boyd Barrett, Richard.</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Calleary, Dara.</i>	<i>Coppinger, Ruth.</i>
<i>Cannon, Ciarán.</i>	<i>Crowe, Seán.</i>
<i>Carey, Joe.</i>	<i>Daly, Clare.</i>
<i>Coffey, Paudie.</i>	<i>Doherty, Pearse.</i>
<i>Collins, Áine.</i>	<i>Ellis, Dessie.</i>
<i>Collins, Niall.</i>	<i>Halligan, John.</i>
<i>Conaghan, Michael.</i>	<i>Healy, Seamus.</i>
<i>Connaughton, Paul J.</i>	<i>Higgins, Joe.</i>
<i>Conway, Ciara.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Coonan, Noel.</i>	<i>McDonald, Mary Lou.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>McLellan, Sandra.</i>
<i>Costello, Joe.</i>	<i>Murphy, Catherine.</i>
<i>Cowen, Barry.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Creighton, Lucinda.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Daly, Jim.</i>	<i>O'Brien, Jonathan.</i>
<i>Deasy, John.</i>	<i>O'Sullivan, Maureen.</i>

19 June 2014

<i>Deenihan, Jimmy.</i>	<i>Pringle, Thomas.</i>
<i>Deering, Pat.</i>	<i>Stanley, Brian.</i>
<i>Doherty, Regina.</i>	<i>Tóibín, Peadar.</i>
<i>Donnelly, Stephen S.</i>	
<i>Donohoe, Paschal.</i>	
<i>Dooley, Timmy.</i>	
<i>Durkan, Bernard J.</i>	
<i>Ferris, Anne.</i>	
<i>Fitzgerald, Frances.</i>	
<i>Flanagan, Terence.</i>	
<i>Griffin, Brendan.</i>	
<i>Harrington, Noel.</i>	
<i>Harris, Simon.</i>	
<i>Heydon, Martin.</i>	
<i>Hogan, Phil.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Heather.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kehoe, Paul.</i>	
<i>Kelleher, Billy.</i>	
<i>Kelly, Alan.</i>	
<i>Kenny, Seán.</i>	
<i>Kitt, Michael P.</i>	
<i>Kyne, Seán.</i>	
<i>Lynch, Ciarán.</i>	
<i>McCarthy, Michael.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McGrath, Michael.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Martin, Micheál.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Naughten, Denis.</i>	
<i>Neville, Dan.</i>	
<i>Ó Fearghaíl, Seán.</i>	

<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Smith, Brendan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Troy, Robert.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Aengus Ó Snodaigh and Ruth Coppinger.

Question declared carried.

Industrial Development (Forfás Dissolution) Bill 2013: From the Seanad

The Dáil went into Committee to consider amendments from the Seanad.

Acting Chairman (Deputy Seán Kenny): Amendments Nos. 1 to 6, inclusive, from the Seanad are cognate and will be discussed together.

Seanad amendment No. 1:

Section 6: In page 8, lines 8 to 10, to delete all words from and including “be” in line 8 down to and including “subject” in line 10 and substitute the following:

“be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was

subject”.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I am pleased to seek the acceptance by the Dáil of the six amendments to this Bill that were made by the Seanad. If they are accepted, provision will be made for the staff of Forfás to transfer to various bodies under certain terms and conditions of service, including terms and conditions relating to remuneration, that are no less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, that are currently enjoyed by the staff in question. Forfás is the legal employer not only of the staff working directly in Forfás, but also of all staff in Enterprise Ireland, IDA Ireland and Science Foundation Ireland and some staff in the National Standards Authority of Ireland, all of whom are seconded to or working under the direction of the various agencies. The Bill before the House provides for the staff of Forfás to become direct employees of their respective agencies and for the transfer of staff working in Forfás to the Department of Jobs, Enterprise and Innovation or the Health and Safety Authority.

The Bill previously provided for staff to transfer under terms and conditions of service relating to remuneration. Forfás staff and their representative bodies expressed concern that this provision represented a dilution of terms and conditions under existing industrial development legislation, which provided for staff to transfer under existing terms and conditions including remuneration. Staff representatives asked for the provisions which were recently enacted in respect of staff transferring to Irish Water in the Water Services (No. 2) Act 2013 to be used in the Forfás Bill. Following discussions between officials from the Departments of Jobs, Enterprise and Innovation and Public Expenditure and Reform and trade union representatives, it was agreed to amend the language used in this Bill to provide for staff to transfer under existing “terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable”. This agreement was subject to the putting in place of a protocol between the relevant bodies that specifies the non-pay and pension terms and conditions of employment that apply in respect of Forfás staff redeploying to other State organisations. The purpose of this protocol is to identify non-pay terms and conditions of service and ensure they are in line with existing public service norms. A draft protocol agreement has been agreed in principle between management and union representatives. Accordingly, we are happy to broaden the language used in the Bill to provide for staff to transfer under existing “terms and conditions of service, including terms and conditions relating to remuneration”.

The sections of the Industrial Development (Forfás Dissolution) Bill 2013 that need to be amended in this way are section 6(2), which relates to staff transferring to Enterprise Ireland, section 9(2), which relates to staff transferring to IDA Ireland, section 12(2), which relates to staff transferring to Science Foundation Ireland, section 14(2), which relates to staff transferring to the National Standards Authority of Ireland, section 24(2), which relates to staff transferring to the Department of Jobs, Enterprise and Innovation, and section 31, which relates to staff transferring to the Health and Safety Authority. The revised wording of the sections in question will read:

Save in accordance with a collective agreement negotiated with a recognised trade union or staff association approved by the Minister with the consent of the Minister for Public Expenditure and Reform, a person referred to in subsection (1) shall be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject immediately before the coming

into operation of this section.

Deputy Dara Calleary: I welcome the Minister of State's clarification. Can he clarify that the changes proposed will make no difference to people's superannuation and pension arrangements? Will their pension conditions continue to be the same as they move from Forfás to the various agencies?

Deputy John Perry: Yes, they will.

Seanad amendment agreed to.

Debate adjourned.

12 o'clock

Leaders' Questions

Deputy Éamon Ó Cuív: Before the Minister, Deputy Pat Rabbitte, arrived in the Chamber, I thought we were going to be left, for the second time today, with a Minister of State instead of a Minister. At Question Time this morning-----

An Ceann Comhairle: I remind the Deputy that he has only two minutes.

Deputy Éamon Ó Cuív: I am aware of that. This morning we had the last Question Time involving questions to the Minister for Agriculture, Food and the Marine before the summer recess, but the Minister was not here. It is very significant that this happened-----

An Ceann Comhairle: This is Leaders' Questions. We are not talking about whether or not Ministers were in the Chamber earlier. Leaders' Questions is an opportunity for the Deputy to raise a serious topical issue.

Deputy Éamon Ó Cuív: This is a very serious topical issue.

An Ceann Comhairle: That is fine, but I remind the Deputy that he can raise only one subject.

Deputy Éamon Ó Cuív: Shall I continue?

An Ceann Comhairle: The Deputy has one minutes and ten seconds remaining.

Deputy Éamon Ó Cuív: The issue I wish to raise is the collapse in beef prices, a serious issue for the 80,000 dry stock farmers in this country. Prices are down 20% since last year, with farmers now getting €200 to €300 less per head. This is happening because of labelling issues that have not been dealt with by the Minister, the new slaughter criteria that were introduced and price manipulation by processors. What does the Government intend to do about it, other than setting up talk shops and fora to produce reports? When does the Minister intend to sit down with his Northern Ireland counterpart, the Minister of Agriculture and Rural Development, Michelle O'Neill, and the British Secretary of State for Environment, Food and Rural Affairs to resolve the labelling issue? Irish beef is sold off the shelves in Britain at the same price as British beef but there is a huge difficulty in selling cattle from this jurisdiction into the

North. What action, rather than talk, will the Government take to deal with this crisis, which is affecting so many families across the country and is pushing farmers over the edge?

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):

As the Deputy knows, having come through an extremely difficult period of recession in the past six years, it has, more recently, been an especially good time for farming and agriculture generally in this country. The Deputy is absolutely correct that there is an immediate problem in the beef sector, and he understands the reasons for it, particularly in respect of bull beef. He also understands that far from the allegation that the Minister for Agriculture, Food and the Marine is not attending to the matter, he is, in fact, actively working to address it. The Minister has, for instance, allocated more funding to Bord Bia to see what that agency can do to continue to promote Irish beef. In regard to the situation in the North, the Deputy is aware that the Minister has regular contact with his opposite number, Michelle O'Neill. In fact, I understand a meeting of the North-South Ministerial Council will take place tomorrow week. The Deputy is further aware that the Minister has just returned from a ministerial meeting in Luxembourg where he had discussions arising from this issue.

Deputy Éamon Ó Cuív: The Minister, Deputy Rabbitte, should ask farmers whether they are having an especially good time. In fact, as we speak, the Irish Farmers Association is conducting a protest - the second in recent weeks - outside the office of the Minister, Deputy Coveney. Those farmers are deeply unhappy with his performance. The Minister, Deputy Rabbitte, can say what he wants in this House but he is not fooling the people. Direct payments to farmers have decreased by 10% in the past three years. It is not a particularly good time for farmers.

I asked the Minister what specifically the Minister, Deputy Coveney, is doing on the labelling issue. The problem is that cattle reared here and finished in the North are now considered to be nomadic cattle, neither Irish nor British. This is causing a huge problem because supermarkets are not buying beef unless it is reared and slaughtered in the same country. It is time the three Ministers got together and resolved the issue. There was always a trade between the two parts of this island - indeed, it would be extraordinary if there was not - with large numbers of cattle, particularly on the west coast, taken to the North for slaughter. The person sitting beside the Minister, Deputy Rabbitte, will be able to tell him exactly how this issue is affecting farmers seeking to sell their cattle.

Will the Minister indicate what the Government is doing to deal with the labelling issue? Second, when will the legislation on the producer organisations be brought to the House by the Minister, Deputy Coveney? That legislation would be a major help to beef producers, livestock producers in general and liquid milk producers who need producer organisations to be allowed legally to protect their interests.

Deputy Pat Rabbitte: It seems to me that the difficulty as to whether a beast is Irish or Northern Irish has its roots deep in Irish history. For the Deputy to say that, relatively speaking, it has not been a good time for Irish farming is simply incorrect. Ever since we held the Presidency of the European Union, when the Minister, Deputy Coveney, used that opportunity to bring the budgetary situation and reform of the Common Agricultural Policy to a conclusion, it has been a very positive period for agriculture in this country. There is a particular problem, as I have conceded, in the matter of beef, including a labelling issue. In Spain, for example, it has been possible to come together under a single label to promote Irish beef. It is a question of getting the producers to come together here. The Minister is actively attending to the issue

and actively engaging with his opposite number in Northern Ireland. If it were as simple as the Deputy suggests, it would already have been resolved. The Minister intends to bring the matter to a conclusion, but the market conditions for beef have changed. That is an aspect of this problem that cannot be changed by any magic wand.

Deputy Jonathan O'Brien: We are in the midst of a housing crisis, as the Minister is well aware. Tens of thousands of householders are in mortgage distress, almost 100,000 people are on social housing lists, 78,000 are in receipt of rent supplement and 5,000 are designated as homeless. As part of this Government's solution to that housing crisis, we will today conclude the Housing (Miscellaneous Provisions) Bill 2014, which will see the introduction of a housing assistance payment. The housing assistance payment is the most profound change in policy in regard to housing in a generation. It not only changes the way in which people will receive rent supplement, but it will transfer responsibility for providing housing to the private market on a scale never seen before. People in receipt of rent supplement for 18 months or more will be transferred to this new payment and, as a result, will be removed from council housing lists.

Some 78,000 households are in receipt of rent supplement and 50,000 of them have been in receipt of it for 18 months or more. Fine Gael and the Labour Party, by passing this Bill, will condemn those families to a future of insecurity. They are denying them a real home. They will be left at the mercy of the market. I do not know whether the Minister understands the full consequences of what will happen to those 50,000 families if this Bill is passed. Is he so out of touch that he thinks it will be anything other than a contract to reduce social housing waiting numbers?

It is no surprise that Fine Gael is in favour of such a Bill because it has no interest in social housing, and that has long been established in this House. It has very little interest in the people who live in them, given the austerity it has imposed on those families. However, for a Labour Party Minister to lead this charge is truly shocking and I am very disappointed in the Minister of State, Deputy Jan O'Sullivan. Given that 50,000 families will lose their place on housing lists and the immense distress which will be caused to those families, will the Labour Party finally stand up and be the watchdog of Fine Gael rather than the lap-dog it has become in recent years and stop this Bill from passing today?

Deputy Jan O'Sullivan: Every single party welcomed the Bill on Second Stage.

Deputy Pat Rabbitte: In fairness, that is a pretty hackneyed cliché. Sometimes I am completely taken aback by how conservative Sinn Féin is. It seems to want to retain the *status quo*. For the period of time I have been in government, I have heard Deputies opposite, including, prominently, Sinn Féin, whingeing about the housing rental supplement and how it assists poverty traps and prevented people from going back to work. Although it is not my area, to my knowledge, nobody in this House has opposed the housing assistance payment being transferred to the local authorities from the Department of Social Protection. Everybody has supported that. What the Deputy alleges is wrong. I suspect that after him being involved in the debate and having welcomed the Bill on Second Stage, the bevy of advisers got at him and they then started to construct mischievous amendments. He knows people who will be in receipt of the housing assistance payment will not lose their priority in terms of alternative-----

Deputy Ruth Coppinger: They will.

Deputy Pat Rabbitte: They will not.

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(Interruptions).

An Ceann Comhairle: Sorry, would you mind-----

(Interruptions).

An Ceann Comhairle: Would you allow the Minister to-----

(Interruptions).

An Ceann Comhairle: Deputies, would please allow the Minister his time? Deputy O'Brien can come back in. He has a minute to reply. Would Deputy Shortall-----

(Interruptions).

Deputy Pat Rabbitte: I do not think Deputy Shortall should enter this. Her decision on the centralisation of medical cards has caused enough difficulties in this country.

(Interruptions).

Deputy Pat Rabbitte: Deputy O'Brien is right that it is the most fundamental reform for a generation - a reform for which this House has argued for the past number of years. I am sorry it has taken as long as it has to give effect to it. I know there are different provisions in different local authorities but it is a real measure to assist people who are in receipt of this housing supplement to go back to work if they can do that and retain the housing supplement. That is a major advance on where we were. People will not lose their access to social housing in the normal way.

Deputy Jonathan O'Brien: I can assure the Minister a bevy of advisers did not get a hold of me. It is quite clear that a bevy of Fine Gaelers got a hold of the Minister, along with his colleagues in Cabinet who represent the Labour Party, and stripped them of every principle and moral they had.

An Ceann Comhairle: Would you put your supplementary question, please?

Deputy Jonathan O'Brien: At a recent committee meeting, officials from the Department stated that people would be removed from council housing lists and would be put on a transfer list. Some councils do not even operate a transfer list. In the case of some of the councils which operate a transfer list, one is only entitled to a transfer on medical grounds, so it is not true to say-----

Deputy Ann Phelan: That is not true.

Deputy Jonathan O'Brien: It is true.

(Interruptions).

Deputy Jonathan O'Brien: Many of us have sat on councils which-----

Deputy Jan O'Sullivan: The Deputy needs to get his local councillors to change that.

Deputy Jonathan O'Brien: -----have transfer lists.

There is no doubt that this is the most profound change in housing policy.

Deputy Emmet Stagg: It is a positive change.

Deputy Jonathan O'Brien: It is not a positive change, as Deputy Stagg might like to spin it. This will condemn people-----

Deputy Emmet Stagg: Scaremongering.

Deputy Jonathan O'Brien: -----who have no choice but to accept a housing assistance payment. They will be taken off a council housing list and will be left at the mercy of private landlords and the private market. It is an absolute disgrace.

I still encourage the Minister of State, Deputy Jan O'Sullivan, and her Labour Party colleagues, to finally stand up-----

(Interruptions).

An Ceann Comhairle: Sorry, would you please-----

Deputy Emmet Stagg: Scaremongering.

An Ceann Comhairle: I call on the Minister to respond. Would you please stop shouting across the Chamber?

Deputy Ruth Coppinger: There was not one Labour Party-----

An Ceann Comhairle: That applies to you, Deputy Coppinger. I know you are a new Deputy but there are standards in the Chamber. You are not in the county council now.

Deputy Pat Rabbitte: There is no basis in the legislation being passed for the charges being made by Deputy O'Brien.

Deputy Sandra McLellan: There is.

Deputy Pat Rabbitte: Frankly, I am surprised-----

(Interruptions).

An Ceann Comhairle: Hold on a minute. Allow the Minister to respond to the allegations.

Deputy Pat Rabbitte: Frankly, I am surprised that people who argued for the change that has been brought in by the Minister of State, Deputy Jan O'Sullivan, now want to scaremonger against it. I am especially surprised that it is coming from the normally mild-mannered Deputy O'Brien who does not customarily go in for the prima donna performances given from those benches.

Deputy Thomas P. Broughan: The Minister would know all about prima donnas.

(Interruptions).

An Ceann Comhairle: Minister, I am going to move on because nobody is interested in listening to the reply. I call Deputy Maureen O'Sullivan.

Deputy Pat Rabbitte: It is a very good reform and we should agree to welcome it.

Deputy Maureen O'Sullivan: I want to acknowledge the work done by and the commit-

ment of the local community development projects and the range of services they have been providing throughout the country over many years. There are services for children, including crèches, after school and homework clubs, one-to-one tuition and back to education. There is a range of services for older people, including meals, activities and transport. They have also been a support in terms of advocacy for people having difficulties, whether with housing or welfare, and they have played a major role in employment and in back to employment. They are community services but there is also the work done in community development.

Over the years a vast range of experience, skills and insight has been built up. It has led to people from and living in communities addressing the problems in their communities and being able to solve them. It is all part of participatory democracy. It is an area which has seen cuts of 38% to date. There is a professional relationship with Pobal when it comes to transparency, oversight and tracking outcomes and that overall aim to tackle poverty and social exclusion through partnership has been progressing.

Recently, the Department of the Environment, Community and Local Government conducted an interim review on the local community development programme. It found it exceeded its targets in areas of high priority for Government, namely, education, training and employment. The Minister knows from his community what disadvantage is like and he knows what community programmes have done to tackle disadvantage and to give hope and provide motivation. I acknowledge the big role he played in the establishment of the drugs task forces. What is now happening is that the programme and projects are being put out to public tender and to a procurement process. That could mean all the experience, insight and knowledge might be lost and, conceivably, a company could bid and win a contract for community development without having set foot in the community or having a base there. There is no guarantee that current services will continue. We do not know what will happen the infrastructure or employees. My question is why Ireland is the only country in the European Union that has decided to privatise community development.

Deputy Finian McGrath: That is common sense.

Deputy Pat Rabbitte: It is unusual to get an Opposition question that is balanced and that acknowledges that on the one hand the provision of community services in the State are comparable to anything in any member state in Europe and on the other hand-----

Deputy Mattie McGrath: Why is the Government destroying them then?

Deputy Pat Rabbitte: -----as Deputy O'Sullivan said, that community development has been a focus of public policy under successive Governments in this country for a very long time. A decision has not been made to privatise community development in Ireland.

Deputy Mattie McGrath: It has.

Deputy Pat Rabbitte: There is a very limited area where for reasons of efficiency and value for money a minor aspect of the fabric of community development in this country will be procured from outside. The existing programmes will continue, including the programme to which Deputy O'Sullivan referred - the drugs task forces which I established 20 years ago -that have contributed significantly in the areas worst ravaged by that problem, including Deputy O'Sullivan's constituency and mine. I would appreciate a note from her to inform what programmes in particular she is concerned about that are being procured from outside-----

Deputy Mattie McGrath: The Minister should ask the Minister for the Environment, Community and Local Government, Deputy Hogan.

An Ceann Comhairle: Would you stay quiet?

Deputy Pat Rabbitte: Fine, Mattie, I will.

Deputy Mattie McGrath: Do.

An Ceann Comhairle: Deputy McGrath should allow the person who is representing his group to hear the reply.

Deputy Mattie McGrath: I am just giving the Minister a bit of help.

Deputy Pat Rabbitte: At the moment I would like to hear from the questioner what particular programmes she is concerned about.

Deputy Maureen O'Sullivan: If what the Minister said was valid then concern and stress would not be caused to community development groups and communities around the country. I wish to focus on two groups in particular, one of which is the group in the north inner city, which is at a particular disadvantage because it does not have a partnership. A total of 16 of the projects have come together in a loose alliance and they are very much afraid of what the process will do to them. The other group of concern is island communities because as far as they are concerned the change will completely destroy what they have achieved. Currently, funding goes directly to the islanders and to the group in the north inner city and funding will now go from the communities which means all those years of working could be totally undermined by the new process. The projects are being tendered to for-profit companies. Up to now that has not been the ethos of community development groups. The buzzword now is social inclusion and a community activation programme but it does not address the needs of the communities involved.

It appears that the process is justified by Directive 2004/18/EC. However, my understanding is the directive has been replaced by Directive 2014/24/EU, which is the current law on public procurement. There are two preambles - 7 and 14 - which seem to suggest that agencies and public authorities in member states are free to organise social services in such a way that it does not entail such contracts. Will the Government at least delay the process and check the preambles to see whether the tendering process is necessary? I seek a delay to check the new directives.

Deputy Pat Rabbitte: I will, but perhaps the partnership areas are different from what Deputy O'Sullivan described in the north inner city. My understanding is that the partnerships, for example, can themselves bid in cases where the contract is put out to tender.

In terms of the islands, as it happens I am visiting such a situation next week - Arranmore off Donegal - in respect of an inclusion programme run by my Department to facilitate inclusion by people who have not had the opportunity to familiarise themselves with digital literacy. A particular programme is being run by the islands in that regard. I will raise the particular aspect Deputy O'Sullivan has raised with me. It may be different in the non-partnership areas. I will certainly look at the situation in the north inner city.

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Order of Business

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):

It is proposed to take No. 2, Industrial Development (Forfás Dissolution) Bill 2013 - amendments from the Seanad (resumed); No. 23, Housing (Miscellaneous Provisions) Bill 2014 - Report Stage (resumed) and Final Stages; No. 1, Merchant Shipping (Registration of Ships) Bill 2013 [Seanad] - Second Stage (resumed); and No. 26, statements on the Cooke report - the order shall not resume thereafter.

It is proposed, notwithstanding anything in Standing Orders, that No. 26 shall be taken at 2 p.m. today and the following arrangements shall apply: (i) the opening speech of the Minister for Justice and Equality and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 20 minutes in each case; and such Members may share their time; (ii) the speech of each other Member called upon shall not exceed 20 minutes in each case; and such Members may share their time; (iii) a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed ten minutes; tomorrow's fortnightly Friday business shall be No. 53, the Scrap and Precious Metal Dealers Bill 2013-----

Deputy Mattie McGrath: The Labour Party could apply for that.

Deputy Pat Rabbitte: Are you buying or selling, Mattie?

Deputy Mattie McGrath: We are dealing.

Deputy Dessie Ellis: Do you want a scrap?

Deputy Pat Rabbitte: -----Second Stage; and No. 12, report on the draft general scheme of an Education (Admission to Schools) Bill 2013.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. 26, statements on the Cooke report agreed to? Agreed.

Deputy Éamon Ó Cuív: Could I ask the Minister whether it is proposed to give extra Government time to clear the backlog of the approximately 100 Private Members' Bills that have been published? The Government seems short of legislative business but there is plenty of legislation before the House and all we do is deal with it on a Friday. Would the Minister be amenable to the idea that we would give time during the week when we are short of Government legislation to deal with Private Members' Bills in order to reduce the list? At the rate we are going it will be years before we get through the 100 Bills that have been published by Members of this House into which they have put great effort.

Deputy Pat Rabbitte: At the previous meeting in which I was involved Ministers were contending for space in the House to advance Government legislation. A plethora of Government legislation is available and there is more time now than was ever the case in the House for Private Members' Bills.

Deputy Éamon Ó Cuív: There are more Bills now.

Deputy Pat Rabbitte: The Friday sittings are an initiative of the Government and Deputy Ó Cuív knows as well as I do that Private Members' legislation has always been taken in Private Members' time in the past and somehow we managed. Perhaps it was the case in those days that

Members did not have the same familiarity with legislation as is the case now, but my impression is that there are still many who are strangers to legislating.

Deputy Jonathan O'Brien: Could I ask the Minister about the terms of reference for the commission of investigation into mother and baby homes? The Minister for Children and Youth Affairs, Deputy Flanagan, said it is his intention to have the terms of reference set before the Dáil rises for the summer recess, with the investigation due to start before the end of the year. Is that still the case? Could the Minister also confirm or deny the proposal to include Magdalen laundries and county homes as part of the commission of investigation? Could the Minister further provide some detail and a timeframe for the consultation that will take place with the Opposition parties on the issue?

Deputy Pat Rabbitte: The position outlined by the Minister for Children and Youth Affairs, Deputy Charles Flanagan, stands. The arrangement he has observed since the beginning on this issue, in terms of consultation with the Opposition, will continue. It is still his intention to bring forward his proposals before the House rises for the summer recess.

Deputy Thomas P. Broughan: I note that the Minister of State at the Department of the Environment, Community and Local Government, Deputy Jan O'Sullivan, who has special responsibility for housing, has proposed rent controls and this is long overdue. I note also the bitter opposition expressed by the Fianna Fáil Party to any kind of rent control. Is it intended that legislation will be introduced on this?

The Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, has made interesting proposals on taxing oil and gas concessions. I am struck by the fact that numerous Departments, including the Department of Education and Skills, have come up with wonderful innovations in recent weeks.

An Ceann Comhairle: The Deputy is straying somewhat.

Deputy Thomas P. Broughan: There seems to be a *fin de siècle* feel to this Government.

Deputy Jan O'Sullivan: Is the Deputy referring to a siesta or *siècle*?

Deputy Thomas P. Broughan: It seems as though many interesting innovations are emerging in the days before this Government changes utterly when many Ministers depart. Is this the case?

An Ceann Comhairle: The Deputy knows this is not on the Order of Business.

Deputy Thomas P. Broughan: I asked about legislation twice.

An Ceann Comhairle: The Deputy knows it is not up to the Minister to decide whether the Government will change or not.

Deputy Pat Rabbitte: The Government is afflicted neither with a *fin de siècle* nor a *fin de siesta* weariness.

Deputy Dara Calleary: The siesta is over.

Deputy Pat Rabbitte: The issue of rent controls has arisen because of a supply side problem that currently exists. Unfortunately, such a problem cannot be resolved overnight as it takes time to build houses, even when investment is available. The Minister for Public Expenditure

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and Reform, Deputy Howlin, is working on a proposal at the moment and I hope he is finessing it for an announcement that will be additional to and separate from what has been announced by the Minister of State with special responsibility for housing. It is remarkable that one year ago it was not possible to sell a house in most parts of Ireland and now prices are rising again.

There are financial constraints and unanticipated constraints such as the difficulties faced by builders who are ready to build but have trouble sourcing credit. These credit problems are often due to the recent records of builders with lending institutions. One suspects the lending institutions are not upset about this situation because it helps their internal ratios in preparation for stress tests in autumn.

There are definite supply side issues so the Minister of State with special responsibility for housing has been examining short-term rent controls and has sought legal advice on the matter. In an ideal world there would be no rent controls. When one takes into account clearing sites, designing buildings, getting planning permission and so on, it takes between 12 and 18 months to achieve the housing output the economy needs. We will never return to the days when 90,000 houses were produced per annum for the reasons we know. However, the construction sector is functioning at half the capacity of such a sector in a normal economy. There is capacity to double the current construction workforce and this is the challenge facing the Government. We must recast the economy rather than return to how things were done before.

What was the Deputy's question on oil and gas?

Deputy Thomas P. Broughan: Will legislation be needed for the changes proposed?

Deputy Pat Rabbitte: Changes in the fiscal regime must and will be reflected in the Finance Bill.

Deputy Bernard J. Durkan: I wish to raise a question relating to legislation on the operation of the courts, given recent references to a Member of the House making direct contact with a member of the Judiciary. Regarding the court of appeal Bill, on its passage through the Houses, will recognition be given to-----

An Ceann Comhairle: The Deputy cannot ask about amendments.

Deputy Bernard J. Durkan: I should be allowed to finish my sentence. The distinction between the courts and the Houses of the Oireachtas should be clarified in the course of debate on the Bill. At the same time, recognition should be given to the right of a Member of the Oireachtas to bear witness in court.

An Ceann Comhairle: We are dealing with promised legislation here. We are not dealing with the-----

Deputy Bernard J. Durkan: I have experience of this so I want to know whether the court of appeal Bill is the appropriate legislation with which to address the issue.

An Ceann Comhairle: When is this Bill due?

Deputy Pat Rabbitte: The court of appeal Bill is due before the Government next week and it is intended that it will be enacted this term if the time can be found. I do not wish to comment on a story about a colleague on the other side of the House without first knowing the facts.

Deputy Bernard J. Durkan: I have a further question on legislation. The personal injuries assessment board (amendment) Bill is due before the House as is the teaching council (vetting and protection of children and vulnerable persons) Bill.

Deputy Pat Rabbitte: The first will be before the House at the end of the year and the second will be for publication before the House rises at the end of this session.

Deputy Terence Flanagan: I ask for an update on expected legislation. The customs (amendment) Bill is a consolidated Bill to deal with customs. The judicial council Bill aims to deal with complaints by members of the public about members of the Judiciary.

Deputy Pat Rabbitte: That Bill is well advanced and will be published this session.

Deputy Mattie McGrath: Hundreds of farmers are protesting outside the Houses today and also did so last Tuesday. Farmers like to work in good weather and this is the finest weather we have had for years so they should not be here but nothing is being done for them on commonage and headage. I am raising these matters under the wildlife (amendment) Bill, though the Ceann Comhairle may think it strange that I do so. I refer to this legislation because nothing will be left for farmers on hills and commonage areas but wildlife if nobody listens to them. On this point, I note the presence in the House today of the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Hayes, along with other senior Ministers.

Deputy Jan O'Sullivan: The Deputy exaggerates.

Deputy Paul Kehoe: What about the wildlife?

Deputy Pat Rabbitte: Is the Deputy comparing farmers to wildlife? What is he talking about? That Bill was enacted last June.

Deputy Bernard J. Durkan: There is a good deal of wildlife in this House.

Deputy Seán Ó Feargháil: The Minister has promised for some time a geothermal energy development Bill to regulate and license that sector. What progress has been made and when will we see the Bill? I also wish to raise the Istanbul Convention on violence against women. Has the Government given this convention consideration or will it do so in the near future? Will the Government sign this convention?

Deputy Pat Rabbitte: The geothermal energy development Bill was initiated under my predecessor but I changed the order of priority in favour of a new minerals development Bill. The minerals development Bill is in the final stages and will go before committee within the next month. It is a major piece of legislation on minerals.

Regarding the Council of Europe convention combatting violence against women and domestic violence, I have here a letter from the Minister for Justice and Equality to Deputy Ó Feargháil of 1 May. My understanding is the position has not changed since then.

Deputy Peter Mathews: With regard to the gambling control Bill, publication of which is expected in early 2015, the advertising and accessibility of gambling, gambling clubs and online betting is of increasing worry in society, particularly with the World Cup. It shows the need for an interim measure in a short snappy Bill to put some control on this.

Deputy Pat Rabbitte: The major Bill is in preparation-----

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Deputy Peter Mathews: Short and snappy is what I want.

Deputy Pat Rabbitte: It is a more complex issue-----

Deputy Peter Mathews: Advertising is not.

Deputy Pat Rabbitte: In an era of electronic communications it is quite complex. We have excised from the Bill previous proposals in respect of fixed odds betting terminals because they really are the crack cocaine of gambling for feckless youths.

Deputy Peter Mathews: I am speaking about advertising.

Deputy Pat Rabbitte: I will have a look at that, but the actual business of regulating gambling-----

Deputy Peter Mathews: I agree.

Deputy Pat Rabbitte: -----in a global communications environment is quite complex.

Deputy Peter Mathews: The popping up of advertising on radio and television at present is huge.

Deputy Seamus Kirk: Will the Minister bring some harmony to the working relationship between Uisce Éireann and local authorities under the new arrangement in the water services legislation? Will it be necessary to bring forward regulations to clarify the misunderstandings arising between Uisce Éireann and local authorities? An issue arose in my constituency this morning with regard to a threatened outbreak of E. coli. Getting in contact with Uisce Éireann for it to issue to the local authority an order number for work was problematic to say the least.

Deputy Pat Rabbitte: I would be concerned if what Deputy Kirk stated was not a local problem. My understanding is the service level agreements and agreements generally in place between local authorities and Irish Water are working well. There may well be a particular issue with the Deputy's local authority, and I will be glad to examine it, but generally speaking they are working well. The transition is essential to the success of the project because the engineering people in the local authorities in particular are central to this. A good deal of the corporate memory is upstairs, reposing in the heads of many of the engineers who have been dealing with it. I will certainly be glad to examine the issue.

Message from Select Committee

An Ceann Comhairle: The Select Sub-Committee on Health has completed its consideration of the Health (General Practitioner Service) Bill 2014 without amendment.

Industrial Development (Forfás Dissolution) Bill 2013: From the Seanad (Resumed)

The Dáil went into Committee to resume consideration of amendments from the Seanad.

Seanad amendment No. 2:

Section 9: In page 11, lines 26 to 28, to delete all words from and including “be” in line 26 down to and including “subject” in line 28 and substitute the following:

“be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject”.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 12: In page 15, lines 1 to 3, to delete all words from and including “be” in line 1 down to and including “subject” in line 3 and substitute the following:

“be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject”.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 14: In page 17, lines 27 to 29, to delete all words from and including “be” in line 27 down to and including “subject” in line 29 and substitute the following:

“be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject”.

Seanad amendment agreed to.

Seanad amendment No. 5:

Section 24: In page 21, lines 24 to 26, to delete all words from and including “be” in line 24 down to and including “subject” in line 26 and substitute the following:

“be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject”.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 31: In page 26, lines 26 to 29, to delete all words from and including “be” in line 26 down to and including “subject” in line 29 and substitute the following:

“be subject to such terms and conditions of service, including terms and conditions

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relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject”.

Seanad amendment agreed to.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I thank the Members of the Dáil for their valuable contributions to the Industrial Development Bill which provides for the dissolution of Forfás and related matters. While the Bill is quite technical in nature it is important legislation which will give effect to the decision to integrate the policy and research functions of Forfás into the Department of Jobs, Enterprise and Innovation. Forfás has been of enormous value to the Department and the Government in the development of appropriate policy responses to many enterprise and job related challenges which have confronted the country, particularly during the economic crisis of recent years. Integrating Forfás into the Department will streamline the process between policy development and implementation, serving to strengthen the Department’s role in driving economic recovery. Forfás policy and research functions will form the core of a new strategic policy division in the Department. Our objective is to maintain within the strategic policy division the independent research analysis which is associated with Forfás. The legislation is a valuable part of the Department’s contribution to the public sector reform plan. Combining the strengths of the Department and Forfás will help in our efforts to be a world-class enterprise Ministry and will enhance the contribution the Department makes to economic recovery. I thank everybody involved.

Seanad amendments reported.

Housing (Miscellaneous Provisions) Bill 2014: Report Stage (Resumed)

Debate resumed on amendment No. 38:

In page 63, to delete lines 31 to 34 and substitute the following:

“(2) (a) A housing authority may, if a tenant has refused to pay rent for a specified period of no less than 3 months and has refused to engage with the relevant authority, make a request to the Minister for Social Protection to deduct from net scheme payments the amount of rent payable to the authority by the relevant recipient concerned and to transmit the amount deducted to the authority.”.

-(Deputy Dessie Ellis)

An Ceann Comhairle: Amendments Nos. 38 to 43, inclusive, are related and are being discussed together. Deputy Dessie Ellis was in possession.

Deputy Dessie Ellis: Sinn Féin has tabled amendments Nos. 38, 39, 42 and 43, which deal with methods of deduction, hardship as a result of deduction, refusal of tenants to engage, the notification within ten days of a deduction from a tenant’s social welfare payment and the compiling of a report within six months of deduction. Mandatory deduction from social welfare payments is a fundamental issue. At present it is 15% and Deputy Catherine Murphy has

proposed 5%. A myriad of other charges are being introduced and I am opposed to the idea that someone will not have control of his or her own money. This 15% can be taken from a person on €188 a week. People aged under 25 receive only €100 a week and a deduction of 15% is a huge amount. The ability of the Department of Social Protection to take this percentage from social welfare payments is wrong and this series of amendments has been tabled in this regard.

An Ceann Comhairle: I will allow the Deputy to speak again.

Deputy Dessie Ellis: The Bill contains many good measures but it is my job to point out where I believe it has gone wrong and table amendments.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): I responded to the Deputy on the previous occasion. I reiterate the 15% deduction is the total deduction and includes any social welfare overpayments. I clarified this previously.

Deputy Boyd Barrett gave a very good illustration of why deduction at source is a good idea. Last week he presented a case where a man was not paying rent but the rest of his family thought he was. The family ended up in huge arrears. This will not happen to a family with deduction at source. The intention is to protect tenants from going into very large arrears. It seems to be a sensible provision.

It is standard practice in the Department of Social Protection that no more than 15% of income is taken for any purpose, whether it be overpayments or deduction for rent arrears. Whatever rent is owed will be deducted, but we are specifically discussing arrears, which cannot go to more than 15% of the payment.

Deputy Dessie Ellis: There are cases where people cannot afford it. I understand somebody getting into very serious difficulty with arrears and coming to an arrangement whereby it is deducted from social welfare payments. However, it is wrong to legislate to make this mandatory and that is the big problem I have in this regard.

Question put: “That the words proposed to be deleted stand.”

<i>The Dáil divided: Tá, 67; Níl, 42.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Broughan, Thomas P.</i>
<i>Breen, Pat.</i>	<i>Browne, John.</i>
<i>Butler, Ray.</i>	<i>Calleary, Dara.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Joan.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Niall.</i>
<i>Cannon, Ciarán.</i>	<i>Colreavy, Michael.</i>
<i>Carey, Joe.</i>	<i>Coppinger, Ruth.</i>
<i>Coffey, Paudie.</i>	<i>Cowen, Barry.</i>
<i>Conaghan, Michael.</i>	<i>Creighton, Lucinda.</i>
<i>Connaughton, Paul J.</i>	<i>Crowe, Seán.</i>
<i>Conway, Ciara.</i>	<i>Daly, Clare.</i>
<i>Coonan, Noel.</i>	<i>Doherty, Pearse.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Donnelly, Stephen S.</i>

<i>Daly, Jim.</i>	<i>Ellis, Dessie.</i>
<i>Deasy, John.</i>	<i>Ferris, Martin.</i>
<i>Deenihan, Jimmy.</i>	<i>Halligan, John.</i>
<i>Deering, Pat.</i>	<i>Healy, Seamus.</i>
<i>Donohoe, Paschal.</i>	<i>Keaveney, Colm.</i>
<i>Dowds, Robert.</i>	<i>Kelleher, Billy.</i>
<i>Durkan, Bernard J.</i>	<i>Kitt, Michael P.</i>
<i>Feighan, Frank.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Ferris, Anne.</i>	<i>McConalogue, Charlie.</i>
<i>Fitzgerald, Frances.</i>	<i>McDonald, Mary Lou.</i>
<i>Griffin, Brendan.</i>	<i>McGrath, Finian.</i>
<i>Harrington, Noel.</i>	<i>McGrath, Mattie.</i>
<i>Harris, Simon.</i>	<i>McGrath, Michael.</i>
<i>Heydon, Martin.</i>	<i>McLellan, Sandra.</i>
<i>Hogan, Phil.</i>	<i>Martin, Micheál.</i>
<i>Howlin, Brendan.</i>	<i>Mathews, Peter.</i>
<i>Humphreys, Heather.</i>	<i>Murphy, Catherine.</i>
<i>Humphreys, Kevin.</i>	<i>Naughten, Denis.</i>
<i>Keating, Derek.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Kehoe, Paul.</i>	<i>Ó Fearghail, Seán.</i>
<i>Kenny, Seán.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Kyne, Seán.</i>	<i>O'Brien, Jonathan.</i>
<i>Lyons, John.</i>	<i>O'Sullivan, Maureen.</i>
<i>McCarthy, Michael.</i>	<i>Pringle, Thomas.</i>
<i>McEntee, Helen.</i>	<i>Shortall, Róisín.</i>
<i>McFadden, Gabrielle.</i>	<i>Smith, Brendan.</i>
<i>McGinley, Dinny.</i>	<i>Stanley, Brian.</i>
<i>McLoughlin, Tony.</i>	<i>Tóibín, Peadar.</i>
<i>McNamara, Michael.</i>	<i>Troy, Robert.</i>
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	

<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Pat.</i>	
<i>Shatter, Alan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Aengus Ó Snodaigh and Dessie Ellis.

Question declared carried.

Amendment declared lost.

1 o'clock

Deputy Dessie Ellis: I move amendment No. 39:

In page 64, between lines 21 and 22, to insert the following:

“(e) No single deduction permitted under *subsection (2)* and *(3)* may be made if it would reasonably cause undue hardship or suffering to the tenant concerned or their dependents.

(f) The Minister for Social Protection will as far as is practicable notify the tenant of the authorities request 10 working days before any commencement of deduction.”.

Amendment put:

<i>The Dáil divided: Tá, 44; Níl, 67.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Boyd Barrett, Richard.</i>	<i>Bannon, James.</i>
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>
<i>Browne, John.</i>	<i>Butler, Ray.</i>
<i>Calleary, Dara.</i>	<i>Byrne, Catherine.</i>
<i>Collins, Joan.</i>	<i>Cannon, Ciarán.</i>
<i>Collins, Niall.</i>	<i>Carey, Joe.</i>
<i>Colreavy, Michael.</i>	<i>Coffey, Paudie.</i>
<i>Coppinger, Ruth.</i>	<i>Conaghan, Michael.</i>

<i>Cowen, Barry.</i>	<i>Connaughton, Paul J.</i>
<i>Creighton, Lucinda.</i>	<i>Conway, Ciara.</i>
<i>Crowe, Seán.</i>	<i>Coonan, Noel.</i>
<i>Daly, Clare.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Doherty, Pearse.</i>	<i>Daly, Jim.</i>
<i>Donnelly, Stephen S.</i>	<i>Deasy, John.</i>
<i>Ellis, Dessie.</i>	<i>Deenihan, Jimmy.</i>
<i>Ferris, Martin.</i>	<i>Deering, Pat.</i>
<i>Halligan, John.</i>	<i>Doherty, Regina.</i>
<i>Healy, Seamus.</i>	<i>Donohoe, Paschal.</i>
<i>Higgins, Joe.</i>	<i>Dowds, Robert.</i>
<i>Keaveney, Colm.</i>	<i>Durkan, Bernard J.</i>
<i>Kelleher, Billy.</i>	<i>Feighan, Frank.</i>
<i>Kitt, Michael P.</i>	<i>Ferris, Anne.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Fitzgerald, Frances.</i>
<i>McConalogue, Charlie.</i>	<i>Griffin, Brendan.</i>
<i>McDonald, Mary Lou.</i>	<i>Harrington, Noel.</i>
<i>McGrath, Finian.</i>	<i>Harris, Simon.</i>
<i>McGrath, Mattie.</i>	<i>Heydon, Martin.</i>
<i>McGrath, Michael.</i>	<i>Hogan, Phil.</i>
<i>McLellan, Sandra.</i>	<i>Howlin, Brendan.</i>
<i>Martin, Micheál.</i>	<i>Humphreys, Heather.</i>
<i>Mathews, Peter.</i>	<i>Humphreys, Kevin.</i>
<i>Murphy, Catherine.</i>	<i>Keating, Derek.</i>
<i>Naughten, Denis.</i>	<i>Kehoe, Paul.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Kenny, Seán.</i>
<i>Ó Feargháil, Seán.</i>	<i>Kyne, Seán.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Lynch, Ciarán.</i>
<i>O'Brien, Jonathan.</i>	<i>Lyons, John.</i>
<i>O'Sullivan, Maureen.</i>	<i>McCarthy, Michael.</i>
<i>Pringle, Thomas.</i>	<i>McEntee, Helen.</i>
<i>Shortall, Róisín.</i>	<i>McFadden, Gabrielle.</i>
<i>Smith, Brendan.</i>	<i>McGinley, Dinny.</i>
<i>Stanley, Brian.</i>	<i>McLoughlin, Tony.</i>
<i>Tóibín, Peadar.</i>	<i>McNamara, Michael.</i>
<i>Troy, Robert.</i>	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Eoghan.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>O'Donnell, Kieran.</i>

	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Penrose, Willie.</i>
	<i>Perry, John.</i>
	<i>Phelan, Ann.</i>
	<i>Phelan, John Paul.</i>
	<i>Shatter, Alan.</i>
	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>

Tellers: Tá, Deputies Aengus Ó Snodaigh and Dessie Ellis; Níl, Deputies Paul Kehoe and Emmet Stagg..

Amendment declared lost.

Deputy Dessie Ellis: I move amendment No. 40:

In page 64, to delete lines 22 to 25 and substitute the following:

“(4) (a) A housing authority may if a tenant has refused for a specified period of no less than 3 months to enter into a rescheduling arrangement with the authority, make a request to the Minister for Social Protection to deduct from a relevant recipient’s net scheme payments an amount in respect of rent arrears due to the authority by that recipient and to transmit the amount deducted to the authority.”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Deputy Catherine Murphy: I move amendment No. 41:

In page 64, lines 38 and 39, to delete “15 per cent” and substitute “5 per cent”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Deputy Dessie Ellis: I move amendment No. 42:

19 June 2014

In page 65, between lines 12 and 13, to insert the following:

“(e) No single deduction permitted under *subsection (4) and (5)* may be made if it would reasonably cause undue hardship or suffering to the tenant concerned or their dependents.

(f) The Minister for Social Protection will as far as is practicable notify the tenant of the authorities request 10 working days before any commencement of deduction.”.

Amendment put:

<i>The Dáil divided: Tá, 43; Níl, 65.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Boyd Barrett, Richard.</i>	<i>Bannon, James.</i>
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>
<i>Browne, John.</i>	<i>Butler, Ray.</i>
<i>Calleary, Dara.</i>	<i>Byrne, Catherine.</i>
<i>Collins, Joan.</i>	<i>Cannon, Ciarán.</i>
<i>Collins, Niall.</i>	<i>Carey, Joe.</i>
<i>Colreavy, Michael.</i>	<i>Coffey, Paudie.</i>
<i>Coppinger, Ruth.</i>	<i>Conaghan, Michael.</i>
<i>Cowen, Barry.</i>	<i>Connaughton, Paul J.</i>
<i>Crowe, Seán.</i>	<i>Conway, Ciara.</i>
<i>Daly, Clare.</i>	<i>Coonan, Noel.</i>
<i>Doherty, Pearse.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Donnelly, Stephen S.</i>	<i>Daly, Jim.</i>
<i>Ellis, Dessie.</i>	<i>Deasy, John.</i>
<i>Ferris, Martin.</i>	<i>Deenihan, Jimmy.</i>
<i>Halligan, John.</i>	<i>Deering, Pat.</i>
<i>Healy, Seamus.</i>	<i>Doherty, Regina.</i>
<i>Higgins, Joe.</i>	<i>Donohoe, Paschal.</i>
<i>Keaveney, Colm.</i>	<i>Dowds, Robert.</i>
<i>Kelleher, Billy.</i>	<i>Durkan, Bernard J.</i>
<i>Kitt, Michael P.</i>	<i>Feighan, Frank.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Ferris, Anne.</i>
<i>McConalogue, Charlie.</i>	<i>Fitzgerald, Frances.</i>
<i>McDonald, Mary Lou.</i>	<i>Flanagan, Terence.</i>
<i>McGrath, Finian.</i>	<i>Griffin, Brendan.</i>
<i>McGrath, Mattie.</i>	<i>Harrington, Noel.</i>
<i>McGrath, Michael.</i>	<i>Harris, Simon.</i>
<i>McLellan, Sandra.</i>	<i>Heydon, Martin.</i>
<i>Martin, Micheál.</i>	<i>Howlin, Brendan.</i>
<i>Mathews, Peter.</i>	<i>Humphreys, Heather.</i>
<i>Murphy, Catherine.</i>	<i>Humphreys, Kevin.</i>
<i>Naughten, Denis.</i>	<i>Keating, Derek.</i>

<i>Ó Caoláin, Caoimhghín.</i>	<i>Kehoe, Paul.</i>
<i>Ó Feargháil, Seán.</i>	<i>Kenny, Seán.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Kyne, Seán.</i>
<i>O'Brien, Jonathan.</i>	<i>Lynch, Ciarán.</i>
<i>O'Sullivan, Maureen.</i>	<i>Lynch, Kathleen.</i>
<i>Pringle, Thomas.</i>	<i>Lyons, John.</i>
<i>Shortall, Róisín.</i>	<i>McCarthy, Michael.</i>
<i>Smith, Brendan.</i>	<i>McEntee, Helen.</i>
<i>Stanley, Brian.</i>	<i>McFadden, Gabrielle.</i>
<i>Tóibín, Peadar.</i>	<i>McGinley, Dinny.</i>
<i>Troy, Robert.</i>	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Penrose, Willie.</i>
	<i>Perry, John.</i>
	<i>Phelan, Ann.</i>
	<i>Shatter, Alan.</i>
	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>

Tellers: Tá, Deputies Aengus Ó Snodaigh and Dessie Ellis; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared lost.

Deputy Dessie Ellis: I move amendment No. 43:

19 June 2014

In page 67, between lines 16 and 17, to insert the following:

“(16) The Minister for Social Protection and the Minister for the Environment, Community and Local Government shall on a date no later than 6 months following the commencement of the deduction scheme compile a report on the subject which will be submitted to the relevant Oireachtas Committees for consideration.”.

Amendment put and declared lost.

An Ceann Comhairle: Amendment No. 44 is in the name of Deputies Cowen and Ó Fearghaíl. Amendments Nos. 44 and 45 may be discussed together.

Deputy Seán Ó Fearghail: I move amendment No. 44:

In page 72, after line 31, to insert the following:

“Provision of housing units

59. In the provision of housing units, a local authority shall give priority to persons that have been responsible tenants in leased accommodation under the Rental Accommodation Scheme.”.

This amendment addresses one of the critical aspects of the Bill. It is interesting that this legislation has attracted a lot of public and media attention, which quite rightly recognises that the piece of business before us is very much a mixed bag. There are a number of positive aspects to the Bill to which I alluded in my Second Stage contribution and, together with my colleague, Deputy Cowen, I have attempted to recognise and support them. Effectively, the introduction of the housing assistance payment, HAP, is a positive and constructive development when viewed in isolation. Giving responsibility for HAP is an entirely positive development in circumstances where we hope to see local authorities staffing their housing departments in such a manner as to allow these payments to be made. We take it that housing authorities will provide the level of staffing required to enable the HAP system to operate. The Minister, the Government and the Department would be commended on introducing a system that breaks down the poverty trap that has existed as a result of the rent allowance and we would all shout, “Hooray, this is really good” if that was all that was happening. Rather than having a situation in which we can be entirely positive, we see what is a positive development matched on the other side by an equally negative situation. We are looking at a situation where the Minister of State is effectively extending the rental accommodation scheme, RAS, into a new arrangement which will be called HAP. The amendment seeks to address how local authorities will manage their stock in a manner that serves the best interests of the tenants and, ultimately, of the community.

The Bill explicitly states that a person who gets HAP will come off the local authority waiting list. The Minister of State, Deputy Jan O’Sullivan, stated that explicitly on the last occasion. She said: “No. They will be taken off the housing list but they can go on a transfer list.” To date, we have discovered, from officials in her Department who contacted Kildare County Council, that the local authorities have been told to take all the RAS tenants off the list, and when HAP comes in they will have to take them all off.

Earlier this week the Department’s officials went before the Joint Committee on Environment, Culture and the Gaeltacht and stated, as the Minister of State said here in the House, that

once tenants get HAP, they come off the list. The Minister of State's answer is that she will put them on a transfer list. The difficulty with the Bill is that it provides for the applicants to be taken off the lists that have existed traditionally and which constitute the manner in which local authorities and the State evaluate and enumerate those in the respective areas in need of housing. The Minister of State said she will put them on a transfer list, but there is nothing about the transfer list in the Bill.

Deputy Jan O'Sullivan: There is nothing about any list in the Bill.

Deputy Seán Ó Fearghail: The Minister of State has admitted, and her officials have said, that they are coming off the local authority list because they are deemed to have had their housing needs met. There is nothing of equivalent status in the Bill to state that they will go on some other list and we know from experience, as was alluded to by Deputy O'Brien earlier during Leaders' Questions, that there is a wide variety of approaches to the issue of transfers in local authorities up and down of the country. Over the past couple of days I learned here that in Dublin, for example, one must be two years in a house and one can only be transferred in circumstances where there is extreme ill-health or anti-social behaviour of a high order. In Kildare, when there was a transfer list, there were not many transfers at the best of times but one could only be transferred once one had been one year on the list. For quite a period of time now, however, Kildare County Council has not agreed to any transfers at all. If the Minister of State's theory was to come into play, tenants would go on a list in Kildare, but, unfortunately, the list does not exist because the policy of the local authority is not to facilitate transfers at all. The reason it does not facilitate transfers is because there are costs associated with the transfer of tenants from one unit to another.

To get back to the amendment, it would be in everybody's interest to devise a system where what the Minister of State has in mind would happen. RAS can be an example of that. In Kildare, for example, it would make sense that people who can avail of casual vacancies - all other things being equal and given that they may qualify - should be given preference where they can prove their tenancy in a RAS unit or a long-term lease unit. Such people who are in a position to demonstrate they are good tenants, pay their rent, maintain the property to a high standard and are not involved in anti-social behaviour should logically progress from temporary RAS or HAP accommodation to a permanent local authority house or one provided by a voluntary housing association. If we did it that way, we would be managing housing stock and social housing demand in the most effective possible manner. We would thereby achieve a situation in which estates, which are in fact communities, would comprise people who have demonstrated over a period their commitment to live an orderly life, respect their neighbours and pay rent. Ultimately, that would be good for all of us but that is not how things currently operate. That is what we were trying to achieve by tabling this amendment.

There is an inescapable logic in the amendment before the Minister. It is particularly inescapable when viewed against what the Minister of State says she wants to do in respect of housing assistance payments. She has not made provision in the Bill for what she says she wants to do. This is an opportunity to indicate that this is the direction in which she hopes to go.

Deputy Dessie Ellis: Amendment No. 45 recognises that there is a real problem where RAS tenants are in danger of losing their homes due to an inability to keep up with rents or other issues. When RAS was originally introduced many years ago, people were given a commitment that when they signed up to it they would get another RAS property or would be considered a priority for local authority housing. It was understood that they would never be put out of their

home and would be on a three, four or five-year contract with RAS.

In 2011, further changes meant that people going onto RAS were individually informed by the local authority that if they signed up to RAS they would be removed from the housing list, which is what happened. We have therefore ended up with a situation whereby many RAS people cannot get properties. I have been dealing with people who have been made homeless as a result of RAS, yet they were promised they would get places either under RAS or with the local authority. It is an absolute scandal that this has happened.

Some 30,000 people are currently on RAS. The Minister of State said the building programme will make 6,000 units available next year. Some 1,500 of those units are going to the RAS section so this is not permanent housing. It is not social housing in which people can get on and enjoy their lives. They can be thrown from Billy to Jack in such situations, whether under RAS or the rent supplement scheme. People are ending up out of their areas because they are offered a RAS property on the other side of the city. In addition, such people were removed from the housing list so they lost their time on record.

On the face of it, HAP, the housing assistance payment scheme, looks okay. The problem with it, however, is that people on the housing list will be removed from it. The Minister of State's officials made that clear at the meeting the other day. I specifically asked them if this meant that people who are removed will be deemed to get adequate housing, and they said "Yes". The Minister of State has not been very clear on this matter. She has argued that such people can go onto the transfer list, but according to the local authority rules tenants must be in a property for two years before they can go on a transfer list. The Minister of State is forgetting that rule which applies to all local authorities. Therefore, they go back to square one and still have to wait two years to go there. It is an absolute scandal.

Many people are now in danger of losing their position on the housing list. The problem with HAP will have to be worked out because we know that a lot of people got rental supplement top-ups. Once HAP starts to examine different individuals we will see large discrepancies. I do not know how local authorities or the pilot schemes will deal with it.

Can the Minister of State tell us what is the future of RAS? We have identified that there will be more rental accommodation schemes next year, so what will the future be? It is very similar to HAP. Some people on RAS are still on the housing waiting list, while others are not. Can we get a commitment from the Minister of State at some stage that she will re-examine the HAP scheme as it applies to people on the housing waiting list? We want a definitive answer that they will not be removed from the housing waiting list and will keep their position in the queue. That is very important.

I have had RAS tenants in my office who thought they would never be homeless. Some of them have ended up sleeping in their cars and even in skips or doorways. That is happening on the Minister of State's watch.

This amendment seeks to avoid a situation whereby people in RAS will be put out of their homes or will be denied another RAS place. They should be allocated a priority place, which would make sense. That is what was originally intended, but was never followed through because the rules changed in 2011.

We will have the same problem with HAP if we do not address this matter by establishing rules. We should not punish people who have been on the housing list for many years. We

have to find a mechanism to state that housing is deemed inadequate. At the time, Fianna Fáil and Sinn Féin tabled a simple amendment concerning housing that was not adequate, but the Minister of State did not accept it. She should have done so because it would have solved this problem facing those on the housing list. In that case, local authorities could not claim that housing was adequate.

Under the provisions of the Bill as it stands, local authorities have the ability to put people out of their accommodation and off the list. That is not right.

Deputy Barry Cowen: I am seeking clarity from the Minister of State on the systems she intends to put in place. Unfortunately, the systems to which she referred are not reflected in the legislation before us. That is the kernel of the problem. During our Committee Stage debate, Deputy Joan Collins stated:

I will ask again the question posed by Deputy Ó Fearghail. Is the Minister of State contradicting the officials from the Department of Social Protection who were before the committee today? They indicated that anybody in receipt of the HAP would be taken off the housing list.

The Minister of State replied:

No. They will be taken off the housing list but they can go on a transfer list.

Nothing in this legislation indicates that will be the case. That is all we are seeking. Is the Minister of State aware of any tenant, going back as far as she likes, who was in a rental accommodation scheme and subsequently obtained a house from a local authority? There is none in my county. When people went on RAS, they were taken off the housing list. When they go on a HAP scheme, they will similarly be taken off the housing list. The only provisions for transfer are accompanied by rules and regulations, as determined by individual local authorities. As the Minister of State will be aware, these determinations differ from county to county.

She has an opportunity with this Bill to address our concerns so that all local authorities play on a level pitch and, most important, those who have housing needs will be treated fairly. There should be no differentiation between one list and another. It is right that, in the event of a person moving from RAS or the HAP scheme to a council house, somebody from the list could then move onto the housing thereby made available on the scheme. A weight should be given to an applicant who has proven his or her willingness to adhere to the terms and conditions of an agreement. That could be regarded as an element in his or her suitability for obtaining social housing from a local authority or other housing authority.

It is time that we cut to the chase. We need clarity on the differing interpretations of this legislation reported in the media in recent days. A lot of people in here are determined to work for the betterment of those we are privileged to represent. We see this Bill as an opportunity to address an anomaly that existed under RAS. As we debate the final amendments, even though the Minister of State has not accepted any amendment, we ask her to listen to what is being said. If she believes her own assertions, she should give them the foundation they deserve by inserting adequate provision in this Bill so that all local authorities understand what is expected of them. We should not be comparing the different systems in Dublin, Meath and Offaly. She has the opportunity to introduce uniformity, fairness and equity by accepting these amendments or at least giving a commitment that when she brings the Bill before the Seanad she will amend it to ensure that nobody who accepts a short-term solution will be prevented from being offered

the longer term solutions offered to others.

Deputy Catherine Murphy: When RAS was introduced, I found myself talking people into it because they had no prospect of being housed. Depending on their position on the list, they were required to be renting for 18 months. In many cases, I tried to match a tenant with a landlord to make the scheme work because it offered people some element of security in a rented house. The tenancies were usually for approximately five years. This allowed people to go to work. This Bill is positive in that it attempts to deal with this poverty trap.

As the provisions contained in this Bill were piloted by Limerick City Council, that authority will be most familiar with what the Minister of State wants from the legislation. She worked closely with Limerick City Council on the trial, which is not yet complete. The trial should have been allowed to conclude before we proceeded with the legislation. We should have engaged in pre-legislative scrutiny on the provisions in the Bill but the time available did not allow for that. The Joint Committee on the Environment, Community and Local Government held a number of hearings on the Bill, however, even if they did not constitute pre-legislative scrutiny. I understand why people outside the House might regard this as a spat between the Opposition and the Government but our concern centres on the intentions behind the Bill. As of 2013, some 44,300 rent supplement tenancies were transferred to rental accommodation schemes. We are speaking about a large number of people over and above the 90,000 who are on housing waiting lists. The housing waiting list is, therefore, substantially larger than 90,000 individuals or families. When officials from Limerick City Council appeared before the committee on 7 May, they stated:

The intention behind the formal scheme is that once households are supported by HAP they will be considered to have their housing needs met and will be removed from the housing waiting list. This is a fundamental change to overall housing policy where those in receipt of long-term rent supplement support remain on local authority waiting lists.

This statement is from the local authority which prepared the business case for these changes and which is leading on the new provisions. It is not simply an assertion from an Opposition Deputy. This is a fundamental shift in the way we deal with social housing. The private sector will predominantly be the providers of housing and payments will substitute for the prospect of a long-term home.

RAS is different from the HAP scheme in that under the former the landlord is paid 92% of the market rent. It is a discount but it relates to the market rent. The HAP scheme will be more rigid in that the level of payment will be set annually at a rent below the market rate. The number of landlords coming forward is likely to be lower than is the case with RAS. People are constantly dropping out of RAS. I dealt with one individual who was housed in RAS accommodation which the landlord is now selling. I can provide the name and address of this individual. It is not a concoction but rather a firm case which occurred this week. The argument is there is an obligation to a participant in the rental accommodation scheme but the people affected were told there was no obligation and they needed private rented accommodation. As there was nothing to give them, they needed to apply for rent supplement. Others have similar stories. It does not matter what happens in theory, it is what happens in practice that matters. My concern about this Bill is that there is much in it that is good in theory but the element to make things happen in practice can be missing.

There are no houses to which people can be transferred. In addition to the 90,000 families

on the waiting list there are a large number of people in the rental accommodation scheme, RAS. There will be new obligations applying to the housing assistance payment, HAP, as opposed to RAS, particularly with regard to the number of inspections that will happen. A delegation from Roscommon County Council indicated to a committee on 7 May the many issues that could pose difficulties in practice, including the number of inspections that must be made. With RAS there was one inspection at the start of a tenancy but it seems the inspection will now be an annual event. Authorities do not have the ability or numbers to make those inspections, which indicates there are many elements in practice that will not work.

As Deputy Ó Feargháil and I have said, there is no transfer list in Kildare and a person would just go to the bottom of a list if he or she goes off it for any reason, including not passing an assessment. Does this transfer list entitle people to go back on the list in the position they were when they were removed from the original list?

Deputy Richard Boyd Barrett: It is not possible.

Deputy Catherine Murphy: Will people have to fill out separate forms? Will the transfer list be a new initiative and what vehicle will be used to facilitate it? From the Limerick pilot, does it seem that this is a fundamental change to the overall housing policy, where those in receipt of long-term supplement support remain on the housing list? Has something happened since we started debating this Bill?

Deputy Jan O'Sullivan: No. I have already stated that people will be eligible for a transfer.

Deputy Jonathan O'Brien: There is no transfer list in some counties.

An Leas-Cheann Comhairle: Allow Deputy Catherine Murphy put her questions.

Deputy Seán Ó Fearghail: Put that in legislation.

Deputy Jonathan O'Brien: There is no transfer list.

Deputy Jan O'Sullivan: There is nothing about lists in legislation.

Deputy Richard Boyd Barrett: Even in areas with lists, people will not get a transfer.

An Leas-Cheann Comhairle: Deputy Catherine Murphy has the floor and we only have a short period left for debate.

Deputy Jonathan O'Brien: The Minister of State should wake up.

Deputy Jan O'Sullivan: I am fully awake.

Deputy Jonathan O'Brien: She is not. There is no transfer list in some county councils.

An Leas-Cheann Comhairle: We will be returning to this debate.

Deputy Catherine Murphy: The Minister of State needs to set out, chapter and verse, whether the points system will still apply and whether people will be reinstated to a list in the same position. Is this a shift from direct provision to a system where the exclusive responsibility for social housing will be delivered by the private sector through a market-led approach?

Deputy Jan O'Sullivan: No. It is not a change.

Deputy Catherine Murphy: It is very difficult to reconcile what local authority personnel appearing before committees have told us and the Bill we are debating, which has several identified issues. The officials from the Department are telling us one thing but the Minister of State is saying something else. I cannot see any area within the legislation to clarify the issues.

Deputy Joan Collins: I have seen the experience of RAS from a council perspective since approximately 2006, when the scheme was introduced. Amazingly, in Dublin the private sector increased from 19% in 2006 to 32% by 2011. I have always felt that RAS simply lined landlords pockets again after the 2008 crash and was not able to solve the housing crisis in the city at the time. The scheme was introduced to allow people work and access rent allowance from the local authorities. HAP is very similar to RAS and there are no major differences. In the past two years we have seen a change in RAS and landlords are not buying into it like they have done with local authorities. Dublin City Council, for example, was able to offer tenants RAS accommodation and such people were taken off the housing list.

RAS has security of tenure for four years and a landlord or his or her family can either move back into the property or sell it, which would entail the tenant leaving. In the past two years there has been no other RAS accommodation for transfers. People who could not afford to stay in Dublin before or who moved because of jobs may want to return to an area and they must inform a tenant that they will be returning to their property. The tenant in such cases has nowhere to go and cannot get a property that allows rent allowance. Local authorities are aware that RAS accommodation is difficult to obtain. We are dealing with people from different parts of the social spectrum trying to get a home. It is madness but the local authority has washed its hands of the matter. Issues such as this are not dealt with by the Private Residential Tenancies Board as it is up to the tenant or landlords to deal with such matters.

We have tried to obtain transfers for tenants and I know a particular family with a disabled child in RAS accommodation. In many ways the system is reasonable because properties must have building energy ratings and be habitable. Moreover, a landlord gets his payment directly paid to a bank account. Nevertheless, the overall system is not working because landlords are leaving the scheme because they can get more money from renting privately. They will not touch local authority tenants, which is a problem. The supply of private rented accommodation is also decreasing.

How will the Minister get landlords to buy into the HAP system? Perhaps it will be better known, once the papers pick it up, as the “hapless” system. There is no accommodation out there and landlords will not be interested as they are pulling out of RAS. Rent allowance is not being accepted and landlords will certainly not participate in the new HAP scheme. The Minister of State has indicated that tenants will have to come off the housing lists and potentially go on a transfer list. As people have said, she is living in cloud cuckoo land. She has indicated she can implement a ministerial order to facilitate a transfer list but there is nowhere for people to transfer to. We have a housing supply crisis both in private and local authority housing. This needs to be addressed.

Deputy Jan O’Sullivan: The same issues apply to rent allowance.

Deputy Joan Collins: The Minister of State said in a statement:

This commitment in the Programme for Government followed on-going concerns about the evolution of rent supplement into a long-term housing support; which it was never

designed to be. [Which it was never designed to be, but it was lining the pockets of the landlords for the past ten to 15 years.] It was also one of the key reforms announced in the Minister for Housing and Planning's Housing Policy Statement in June 2011.

At that time I would have expected the Minister of State to be looking to see how to put rent caps on landlords for rented accommodation, identifying areas to build social housing or finding money to try to build social housing. That was two years ago.

Deputy Jan O'Sullivan: We are doing it.

Deputy Joan Collins: This legislation, which is the Government's main idea, is not going to work.

2 o'clock

Will the Minister of State reconsider this proposal and call a meeting of all the Deputies who have spoken here? It is a shame that none of the Government Deputies have come into the House to debate this issue because they will have to deal with it in their constituencies. They will not understand how it will affect people in their local authority areas.

I support these amendments.

Debate adjourned.

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 Eoghan Murphy - the need to move from wood to concrete in the provision of vital utilities infrastructure; (2) Deputy Terence Flanagan - the need for Irish Water to ensure that water meters are fully accessible to those with disabilities; (3) Deputy Martin Heydon - the need for permanent buildings to replace existing prefabs at St. Conleth's infants school and St. Conleth's and Mary's national school, Newbridge, County Kildare; (4) Deputy Martin Ferris - the impact of reconfiguration on services at St. Francis's special school in Beaufort, County Kerry; (5) Deputy John O'Mahony - the need for extra accommodation at Gort Sceiche NS Hollymount, County Mayo; (6) Deputy Simon Harris - the need to provide an update on the provisions to assist primary schools in the teaching of foreign languages; (7) Deputy Aodhán Ó Ríordáin - the discrepancies in the inspection regime put in place to protect vulnerable residents in direct provision centres; (8) Deputy Seán Crowe - the delays wheelchair users are facing when getting their wheelchairs repaired; (9) Deputy Aengus Ó Snodaigh - the decision by Greyhound Recycling to unilaterally and significantly cut the pay of its staff; (10) Deputy Peadar Tóibín - the industrial relations dispute at Greyhound Recycling; (11) Deputy Joan Collins - the lockout of workers at the Greyhound bin collection plant; (12) Deputy Seán Kyne - the need to immediately commence insulin-pump treatment for young persons over the age of five with diabetes in the HSE west region; (13) Deputy Michael Colreavy - the changes to offshore oil and gas tax terms; (14) Deputy Michael P. Kitt - the proposals for the post office at Cappataggle, Ballinasloe, County Galway; (15) Deputy Pat Breen - the need to review the policy which does not allow schools to combine resource and learning support hours in particular for Inch national

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school, County Clare; (16) Deputy Regina Doherty - the loss of a teaching post at a school (details supplied) in County Meath; (17) Deputy Gabrielle McFadden - the position regarding Custume Barracks, Athlone, County Westmeath; (18) Deputy Paul J. Connaughton - the current waiting list for orthopaedic surgery for children at Our Lady's Children's Hospital in Crumlin, Dublin 12; (19) Deputy Charlie McConalogue - the need to amend the proposals for the new GLAS scheme; (20) Deputy Clare Daly - the escalating dispute at Greyhound refuse collection in Dublin City; (21) Deputy Dessie Ellis - the difficulties faced by people seeking properties in the Finglas area which accept rent supplement; and (22) Deputy Thomas Pringle - the need to maintain the shuttle bus service at Glenveagh National Park, County Donegal.

The matters raised by Deputies Aodhán Ó Riordáin, Charlie McConalogue, John O'Mahony and Gabrielle McFadden have been selected for discussion.

Cooke Report: Statements

Minister for Justice and Equality (Deputy Frances Fitzgerald): I welcome this opportunity for the House to debate the findings and recommendations of the report by Mr. Justice Cooke into claims of unlawful surveillance of the Garda Síochána Ombudsman Commission, GSOC. Mr. Justice Cooke's authoritative report assesses, in a balanced and measured way, the evidence for these claims.

As the House knows, *The Sunday Times* on 9 February 2014 claimed that the offices of GSOC had been targeted in a sophisticated surveillance operation which used Government-level technology to hack into its e-mail, Wi-Fi and phone systems. On 13 February 2014, after the publication of this article, GSOC submitted a report to the then Minister on the matter. In its report, which should have been submitted earlier as required by statute, GSOC explained that it had brought in a specialist IT company to conduct a security sweep of its premises in September 2013 which had initially identified two operational surveillance threats, and that a third such threat also emerged. Subsequently, on 8 October, GSOC initiated an investigation into these issues under section 102(4) of the Garda Síochána Act 2005. This provision enables GSOC, if it appears desirable to it, in the public interest, to investigate any matter indicating to it that a member of the Garda Síochána may have committed an offence or behaved in a manner that would justify disciplinary proceedings. The report by GSOC to the then Minister explained that the conclusion of the GSOC investigation under section 102(4) was that it "did not find any definitive evidence that GSOC was under technical or electronic surveillance. It did, however, uncover a number of technical and electronic anomalies that cannot be explained."

The House will recall that *The Sunday Times* claims led to a considerable level of comment and debate, resulting in a statement by the then Minister to this House, plus an appearance by GSOC commissioners and the then Minister before the Oireachtas Joint Committee on Public Service Oversight and Petitions. I will return to that later.

It is entirely understandable that these claims led to serious disquiet, which in turn had the potential to, and indeed did, undermine the continued public confidence in policing and the oversight of policing. That is why the Government decided that it was essential for these claims of unlawful surveillance to be examined in an independent, impartial and authoritative manner. It, therefore, appointed a former distinguished judge of the High Court, Mr. Justice Cooke, to

carry out an independent inquiry into the claims, and this was approved by resolution of this House. I thank Mr. Justice Cooke for his work.

The terms of reference of the inquiry were, in summary, to establish the sequence of events and facts leading up to and relating to the investigation by GSOC into the security concerns; to examine all reports, documentation and other evidence relevant to that investigation; to review and assess any evidence of a security breach or attempted security breach at GSOC's premises; and to make any recommendations relating to improvements to GSOC's security, to legislation or otherwise. They were broad terms of reference.

The key finding of Mr. Justice Cooke is that it is "clear that the evidence does not support the proposition that actual surveillance of the kind asserted in *The Sunday Times* article took place and much less that it was carried out by members of the Garda Síochána". The report by Mr. Justice Cooke also analyses in detail the evidence in relation to the three threats identified by the security sweep of GSOC's premises. Much has since been written and spoken about these threats, and it is important to look at the findings of Mr. Justice Cooke in this regard.

First, it was alleged that a handheld wireless device associated with audio-visual, AV, equipment, located in the area of the GSOC boardroom was connecting and transferring audio data to an external "Bitbuzz" hotspot. This device became known as device 4B. It was further claimed that the device had been reconfigured and it was suggested this was evidence of interference. Mr. Justice Cooke finds as "not convincing" the accounts of device 4B authenticating a connection to the external "Bitbuzz" hotspot, as "Bitbuzz" would have had a record of the MAC address of device 4B if the connection had been made and authenticated. Mr. Justice Cooke found it "highly improbable that the haphazard performance of such a ... device constituted the planned means of covert eavesdropping on GSOC in a sophisticated surveillance exercise by any agency equipped with a capability of 'intelligence-service level'".

Mr. Justice Cooke goes on to add that: "the possibly sinister characterisation attributed to its abnormal behaviour appears now to warrant reconsideration in view of the fact that: a) it was not microphone enabled as had been assumed; and b) its original default password was publicly available and had not been changed." On this last point, Mr. Justice Cooke noted that as the password was publicly available it could have been that a service engineer had, in the past, benignly reconfigured the device as part of checks or maintenance.

The second threat related to the detection on an iPhone of what was considered a "fake" base station displaying a UK mobile phone country or network code operating in the vicinity of GSOC's offices. It was claimed that this "spoofed network" was "good evidence of a localised intelligence-gathering or interception device, symptomatic of something in the nature of a dedicated 3G IMSI grabber or interceptor". Mr. Justice Cooke, in his inquiry, sought evidence from a mobile phone provider who reported that it had been testing new 4G equipment in September and October 2013 in Dublin, including close to Upper Abbey Street. These tests included connecting to the group's test bed in the UK, and the particular detected 5 digit country or network code was one that was allocated exclusively to that test bed. The company considered it likely that these tests may have caused the detection of the code.

Mr. Justice Cooke found that the network which was found to be operating in the vicinity of GSOC's offices was "highly likely" to have been that attributed and generated by the mobile provider testing its new 4G installation; and that "it is clearly more probable that the iPhone scan detection of the country-network code was not caused by the presence in the vicinity of

the offices of an IMSI catcher”.

The third threat was an unexpected reaction to a security test on a polycom unit teleconferencing device in the office of the GSOC chairman. An “alerting test” was conducted on the polycom device, involving playing music down the open phone line. Immediately following the test, at 1.45 a.m. there occurred an anomaly of a “ring-back” to the device. It had claimed that the “likelihood of a wrong number ... at the time of an alerting test is so small it is gauged at virtually zero”. It had been further claimed that the ring-back may have been the result of a response from an “attacker-listening station” which was triggered by the illegal listener hearing the music and then deciding, without thought or consideration, to ring back to test the phone line to ensure it was working. Mr. Justice Cooke challenged some of statements in relation to this matter. He found that “the ‘ring-back’ reaction to the alert test of the Polycom unit remains unexplained as a technical or scientific anomaly”. He observed that “there appear to be some technical factors which cast doubt upon the explanation that there had been mistaken human intervention in the monitoring of a tap upon the phone line”. He concluded that “whatever the explanation may be, there is no evidence that the ring-back reaction was necessarily attributable to an offence or misbehaviour on the part of a member of the Garda Síochána”.

Mr. Justice Cooke made the point that in the “world of covert surveillance and counter-surveillance techniques, it is ultimately extremely difficult to determine with complete certainty whether unexplained anomalies of the kinds identified in this instance were or were not attributable to unlawful intrusion”. He acknowledged that “further tests and investigations might be conducted with a view to finding explanations for the anomalous behaviour” of the wireless device and the Polycom unit. He concluded that “having regard to the absence of evidence that the anomalies in question were in fact exploited for the purpose of illicit surveillance and to the fact that their threat potential has since been eliminated it may be questionable whether such further investigations would be justified”. It is important to emphasise that neither of the other two threats revealed evidence of unlawful surveillance. Mr. Justice Cooke found a perfectly rational and lawful explanation for the detection of a UK mobile network, which was originally depicted as the most sinister of the threats. It was suggested that it involved the use of Government-level technology.

With respect to the actions of GSOC in commencing a public interest investigation, Mr. Justice Cooke found that “it is also clear, however, that the investigating officers and the members of the Commission acted in good faith in taking the steps in question once presented with the ... Report” on foot of the initial security sweep. It is important to be clear that Mr. Justice Cooke expressed satisfaction that the steps taken by GSOC since September 2013, when vulnerabilities were identified, “are adequate to rectify the defects and vulnerabilities and sufficient to enhance the security of the relevant areas and the equipment used in them”. He recommended that “GSOC should more frequently carry out a thorough and suitable counter-surveillance examination of its offices, communication and IT equipment and data storage facilities to ensure that its protection remains adequate and that the risk of new surveillance techniques being deployed against the Commission or its personnel is reduced as much as possible”. These are sensible precautions. It is right that GSOC has already taken action to strengthen its security. Mr. Justice Cooke recommended that in any revision of the Garda Síochána Act 2005, “consideration should be given to clarifying the precise scope of the competence to be accorded to GSOC to conduct investigations of its own initiative under section 102(4)”. He said that in the context of the proposed legislation to establish an independent Garda authority, “it may be desirable to consider simplifying the somewhat complex provisions [in the 2005 Act] governing the mak-

ing, admissibility and investigation of complaints”.

As I have already said, the Government welcomes the publication of the Cooke report and accepts in full its findings, conclusions and recommendations. We are currently implementing a comprehensive programme of reform in the areas of policing and justice. This includes the plan to establish an independent Garda authority by the end of the year. We have committed to providing that future appointments to the position of Garda Commissioner will be made by means of open competition. As part of this programme of change, the Government is committed to the introduction of new legislation to reform, strengthen and clarify the remit and operation of the Garda Síochána Ombudsman Commission to ensure it is fit for purpose and to ensure further that the men and women of the Garda Síochána, as well as the wider public, can have the fullest confidence in its workings. This is extremely important for the force and, as I have said, for the members of the public. An oversight body like GSOC plays a critical role in our democracy. It is also critical in terms of having confidence in the Garda.

The Cooke report will inform how we will proceed with reforms in this area. I refer in particular to the proposed new Bill to reform the workings of GSOC. We need to examine precisely how it is working at present. It is clear that the 2005 Act needs to be amended and further strengthened. There is no doubt that more robust provisions are needed. We will take the point made by Mr. Justice Cooke about clarifying the legal basis for public interest investigations. The question of the thresholds for initiating such an investigation is extremely important. I have been discussing these issues with representatives of a wide range of groups. They have made a range of recommendations about how the actual investigations are handled at present. I believe those recommendations would smooth the process of the work that is done when matters are referred from GSOC back to the Garda. The proposed new Bill will further clarify and strengthen the provisions relating to the preparation and implementation of protocols relating to co-operation between the Garda and GSOC. I understand from the meetings and discussions I have been having that the implementation of the protocols in question, which were put in place by the former Minister, Deputy Shatter, has led to quite an improvement of the various cases by the Garda and GSOC.

The claims made by *The Sunday Times* of unlawful surveillance of GSOC and the subsequent emergence of issues relating to the vulnerability of GSOC's security systems have led to a difficult period for GSOC and the Garda Síochána. I appreciate the disquiet felt by the Garda. I appreciate where GSOC's concerns came from. It is vital now and in the future that the public has strong confidence in the Garda Síochána and in the system of oversight of the Garda Síochána. I believe that confidence demands action on the part of both organisations, not one or the other. I have asked the Garda Síochána and GSOC for their responses to Mr. Justice Cooke's report. I will refer the report to the Joint Committee on Justice, Defence and Equality, where all of these issues can be considered and discussed in detail. I want more than a formal report, however. The interim Garda Commissioner has spoken about the force taking a new attitude to critical friends like GSOC. I want to see evidence of that sooner rather than later. I think Deputies will agree the bottom line is that these organisations are not mutually opposed. Each of them has its own important responsibilities. They are devoted to the preservation of peace and the creation of a context within which individuals can go about their business without fear and in which both systems are trusted by citizens. That is essential.

The claims of unlawful surveillance have been independently investigated. GSOC's security has been reinforced. The relevant law is being clarified and strengthened. There will be further debate on these issues at the joint committee. It is important to learn lessons from what

has happened and take all necessary measures to ensure continued public confidence in our system of policing oversight. The Government commissioned Mr. Justice Cooke to prepare a report to get the clearest possible picture of the events surrounding the allegations of surveillance and the initiation by GSOC of a public interest investigation. At that time, the former Minister, Deputy Shatter, made statements to the House and to the joint committee outlining the facts as he had been given them. Now that we have the Cooke report, I believe Members of this House should reflect on the responses they gave to the then Minister. In light of how significantly *ad idem* the results of the Cooke report are with what the then Minister told this House, we must all consider the advantage of developing a measured and reflective response to significant issues such as these, rather than making an immediate judgment. I look forward to hearing the views of Members of the House on these issues.

Deputy Niall Collins: Fianna Fáil, which has welcomed the publication of the Cooke report, was the first party to propose the establishment of an independent review panel to investigate the entire issue. We argued that this body should be composed of people with technical expertise, a judicial figure and an international police force member. Unfortunately, this model was not pursued. Moreover, the immediate fallout from the Cooke report on unlawful surveillance raises broader concerns regarding the relations between the Garda Síochána Ombudsman and the Garda. Those questions remain to be answered.

In addition, there are serious questions to be answered regarding the possible bugging of GSOC's offices. The Government, however, has put a very successful spin on some of the contents of the report along the lines of, "This matter is now settled, there is nothing more to see here". That is far from the case. In fact, the more we are told, the more questions arise. Commenting after the publication of the report, the GSOC chairman, Mr. Simon O'Brien, stated: "There is still an outstanding anomaly and in the words of the judge, as he says in these rather febrile areas, it's difficult to know whether that could be in relation to unlawful intrusion ... So, question marks still remain." Questions do indeed remain and it is about time we found out the answers to those questions.

With regard to the possibility of bugging, I would observe in response to the report that absence of evidence is not evidence of absence. I expect Mr. Justice Cooke would agree with me on that point, given his references in the conclusions of the report. For example, he stated in paragraph 15: "It is ultimately extremely difficult to determine with complete certainty whether unexplained anomalies of the kind identified in this instance were or were not attributed to unlawful intrusion." In other words, there is no conclusive evidence either way with regard to the bugging of GSOC.

It is important to emphasise that the Cooke report vindicates the actions of GSOC. The investigating officers and members of the commission acted in good faith, the report observes, in investigating the alleged bugging of the offices. This undermines the criticism by the former Minister for Justice and Equality, Deputy Alan Shatter, of the commencement of the investigation. He tried to play the man and not the ball, he sought to undermine GSOC without seeking the full evidence of what was going on, and he dismissed the need for further investigation of the issue when these allegations were published. On 19 February 2014, Mr. Justice Cooke was appointed to review the GSOC bugging scandal. At that time, the former Minister tried to transform GSOC from a victim of this episode into the villain. The fact that GSOC did not report this crime to the former Minister or the Garda is a damning indictment of the gross mismanagement of the sensitive relationship between the force, GSOC and the Department of Justice and Equality. It was a toxic triangle of distrust. I hope the Minister, Deputy Fitzgerald, as someone

who brings a new approach to the Department of Justice and Equality, will work to build the trust which was lost over the past three years.

The report's contents and conclusions are of little comfort to ordinary citizens given the evidence of the dysfunctional relationship and clear lack of co-operation between An Garda Síochána, GSOC and the Department of Justice and Equality. For public confidence to be restored in the role and competencies of GSOC, legislation is needed to strengthen and extend its powers and remit. I hope the Minister will be in a position to bring that legislation before the House as soon as possible. However, the Government's current legislative proposals fall significantly short of what is necessary to ensure a strong and robust ombudsman commission that will protect the rights of both gardaí and citizens. The Protected Disclosures Bill 2013, which is currently progressing through the Houses, deals with whistleblowers generally and is not designed to take into account the specific needs of GSOC. The ombudsman commission needs new powers of inquiry to investigate the operation and administration of An Garda Síochána and not simply complaints made by individuals about individual members of the force.

Turning to the specific findings of the Cooke report, Mr. Justice Cooke describes as "not convincing" the accounts that a wireless AV remote control device for audio and video equipment in GSOC was connecting and transferring data to an external "Bitbuzz" hotspot in a nearby café. This finding has been queried by IT experts. The judge also found that an alleged fake UK 3G network, which was detected on an iPhone as operating in the vicinity of GSOC's offices, was "highly likely" to have been caused by the testing of a new 4G installation by a mobile provider. This finding is in contradiction with Verrimus's original findings.

On the third alleged threat, the "ring-back" to a telephone line in GSOC's offices in the early hours of the morning, the judge found that it was impossible to "categorically rule all possibility of covert surveillance", but said it was clear the evidence does not support the proposition that actual surveillance of the kind asserted by *The Sunday Times* took place. Mr. Justice Cooke made the point that in the world of covert surveillance and counter-surveillance techniques, it was extremely difficult to determine with complete certainty whether unexplained anomalies were or were not attributable to unlawful intrusion. We agree with that assertion. It is clear to us, however, that a number of key questions arising out of the report need to be answered. If these matters are not clarified, questions will remain over what exactly happened at the GSOC offices. I hope the Minister can offer some answers in this regard.

First, it remains to be clarified as to why there was tampering with the media device, named in the report as device 4B, installed in the conference room of GSOC and which sought to connect with a Wi-Fi hotspot in a nearby café. Who installed this device? Verrimus indicated that it exchanged 120 data packets with the Wi-Fi network. Nobody provided Mr. Justice Cooke with any proof of content of these data packets, but it has been argued that the café's Wi-Fi could have been hijacked by a third party and used to gain access to GSOC data.

Questions also remain regarding the possibility of physical surveillance at GSOC's offices. The presence of a white van and two men outside the premises coincided with the fake UK mobile signal which sought to gather data from GSOC's networks. Verrimus only detected this UK mobile signal and data-seeking when the white van was present outside GSOC's offices, which seems like more than a coincidence. Mr. Justice Cooke noted that testing of a 4G installation network was likely to be responsible for this. That was not proven, however, and the judge's methodology has been questioned in this regard. The question remains as to why Mr. Justice Cooke accepted mobile operators' conclusions but not those of Verrimus.

The hands free land-line test by Verrimus on Mr. Simon O'Brien's telephone using music blasts at 1.40 a.m. resulted in someone calling back the telephone at that time. This will seem odd to any objective observer and would seem to indicate that someone was connected to the line. Who made that call and why? Was it to check the line was working after Verrimus's music test? Mr. Justice Cooke stated that there was no explanation for this occurrence. Perhaps the Minister will be able to enlighten us.

One of the most unusual incidents dealt with in the report is the account of the Verrimus staff member leaving Dublin. Why was this individual, having gone through security at Dublin Airport, sought out and photographed by an unidentified individual? It is claimed that this was a tactic by other surveillance operators to show that those carrying out investigations of bugging had been identified and noted by those on the other side. This is another question that is unanswered in the report and dismissed by those briefing the press from the Government side.

One of the most disturbing aspects of the report is its reference to the involvement of the Department of the Taoiseach in seeking to meddle in the Cooke inquiry. On 25 February, a caller alerted Verrimus and GSOC to an alleged attempt to place a member of the security forces on the inquiry team in a bid to manipulate the outcome. Subsequently, there was an unsolicited offer from the Taoiseach's office to place someone who apparently had 20 years security experience on the inquiry team. Questions remain about the role of the Taoiseach and the former Minister for Justice and Defence in any alleged attempt to place a mole on the inquiry team. Who was this man? Why did the Department of the Taoiseach seek to appoint an individual unsolicited to help with the report? In her reply in this debate, will the Minister clarify this matter for the House? It may have been that the Taoiseach was acting in good faith in his actions but in order to ascertain that fact, we must know more about the circumstances surrounding the approach.

One area of criticism I would have of the report overall was the very limited remit of the terms of reference which tied the hands of Justice Cooke. In that sense, it was not an independent investigation into whether GSOC was bugged. The judge was only given the power to investigate the Verrimus report, which had already been conducted, and not to carry out fresh investigation. None the less, the work of the judge is to be commended given the terms of reference put forward by the Government.

The Government, unfortunately, cannot be commended on its approach the Cooke report and the matters which gave rise for the need to investigate the alleged bugging of the GSOC offices. Serious questions remain about the Government's handling of this controversy. Before any investigation was conducted and without any knowledge of whether GSOC had been bugged, the Government made every attempt possible to dismiss the very serious concerns raised by GSOC and others. Instead of seeking the truth, the Government's reaction to this controversy was to dismiss the concerns entirely, undermine the office of the independent Garda watchdog and attempt to manipulate the reporting of this issue.

This Government's approach to resolving the current matters of concern undermining public confidence in the administration of justice is to establish commissions of investigation and not follow through on their recommendations. We are still awaiting Government action on the Guerin report which called into question the deficiencies in Garda management and the Department of Justice and Equality.

In order to fully address the issues raised in the Cooke report, tackle the central allegations at the heart of the matter and restore public trust in the oversight system of the Garda and its

relationship with GSOC, action must be taken now. Reform of An Garda Síochána and the establishment of an independent policing authority are central for improved morale in the Garda force and in the citizens' confidence in its police service. We need an independent police authority to manage the monitoring, supervisory and oversight functions of An Garda Síochána. We need new legislation which increases independence and impartiality of the Garda Síochána Ombudsman Commission. We need honesty from this Government in regard to the contents of the Cooke report which raise further serious questions which remain to be answered. We need a new approach from the Department of Justice and Equality which recognises its failings and acts to address them.

The Minister will be judged as a success or failure in this House on these matters. Fianna Fáil has been vocal in raising concerns surrounding these issues and will be pursuing a constructive approach in supporting reform in our police service. We will support the Minister in seeking to re-establish the public's confidence in our justice system, a confidence that has been shattered over the past three years. I hope the Minister will be brave enough to take the necessary steps to implement that goal.

Deputy Pádraig Mac Lochlainn: In the shadowy world of modern surveillance, it is extremely difficult to definitively prove that surveillance has taken place. As said in various media interviews, it is not like in the old movies where one can unscrew one's telephone and find a bug or take the mirror from the wall and find a bug behind it. It is very difficult to prove but what we can say with certainty is that such was the toxic relationship between the Garda Síochána Ombudsman Commission and senior management of An Garda Síochána, the Garda Síochána Ombudsman Commission entertained the possibility that elements of An Garda Síochána - authorised or unauthorised - had it under surveillance illegally. That is an incredible situation to have reached.

Let us rewind the tape back to the Kieran Boylan affair. Kieran Boylan was a convicted major drug dealer suspected of being responsible for €1.7 million worth of cocaine and heroin discovered by the national drugs unit in a very solid operation in October 2005. He was in custody suspected of being involved in this major drugs find but somehow by July 2008, the charges were dropped against Kieran Boylan without any explanation. There is a range of other issues which give rise to serious concerns about why this was the case. There are suspicions that he was a Garda informer and that situations were resolved for him because of that relationship. It would be quite remarkable if that was the case because usually informers are the small guys who help to bring in the big fish. One could argue that there is a public interest in that type of situation where one gets to the big players by working with the smaller ones. However, in this case, a big player - a major convicted drug dealer - was suspected of assisting gardaí in not only capturing but imprisoning smaller drug dealers. It was a reverse of the usual approach and that is why it caused such huge public concern. If true, it would be absolutely shocking and appalling.

The Garda Síochána Ombudsman Commission initiated its public interest investigation after all of these very worrying developments. It is very clear from its own report that the Garda Síochána Ombudsman Commission was delayed by a lack of co-operation from senior Garda management over a four-year period. We had a situation where all the protocols of senior Garda Síochána management releasing documentation to the Garda Síochána Ombudsman Commission within a 30-day period were, in almost all cases, broken. In one case, documentation was not submitted to the Garda Síochána Ombudsman Commission even after four years. This very important public interest investigation was repeatedly delayed because of the appalling lack of

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co-operation from the senior management of An Garda Síochána.

I understand that GSOC released not only a seven-page summary document of its report to the Department, but submitted a 600-page report on all of this to the office of the former Minister, Deputy Shatter, and to the Director of Public Prosecution. There is a very detailed report around the Kieran Boylan affair, all of the issues and all the concerns in the Minister's office. I ask the Minister to release that report into the public domain, although I appreciate she will have to do so on a redacted basis, because it will be very revealing about the real challenges the Garda Síochána Ombudsman Commission faced in trying to get to the truth of something that was clearly in the public interest. If the concerns prove to be true - I am not saying they are - it would be a major scandal in terms of what was happening. Some of the people who were being asked to co-operate with documentation were suspected of having facilitated this whole arrangement. That was the scale of what we were dealing with at that time.

In its seven-page summary, GSOC stated that it felt - this is very serious - that the lessons of the Morris tribunal had not been learned in terms of the handling of informers, which was core to many of the corruption issues in regard to the Morris tribunal, and the retention of contemporaneous notes. There was no way to see why decisions were made, what happened and so on. GSOC had grave concerns around all of this.

It is incredible that for months after this seven-page summary was published, the former Minister, Deputy Shatter, kept schtum. He did not say a word about the fact that for four years, senior management in An Garda Síochána did not release some documentation and delayed other documentation for years which was crucial for GSOC to do its job in the public interest. Nothing was said about that by the then Minister, Deputy Shatter, for months. Finally, under sustained pressure from the Opposition, protocols were drawn up which I hope will now ensure that An Garda Síochána senior management fully co-operates with the Garda Síochána Ombudsman Commission, GSOC, so that it can be seen to do its job in the public interest. That was the environment that led to the remarkable situation where the three members of the Garda Síochána Ombudsman Commission entertained the potential that elements of An Garda Síochána, either authorised or unauthorised, were surveilling illegally upon them. That is a profound issue.

We know now that GSOC brought in Verrimus following a recommendation from its sister organisation in England. Verrimus is an internationally respected security organisation. Many of its staff have experience in the security world. They know it very well and they understand the techniques and modern technology used as well as the evasion techniques used to cover people's tracks. They know what they are doing. A company of its stature advised GSOC that there were a number of potential threats. I still believe that given the type of expertise involved, in addition to the other issues Verrimus uncovered, given the lack of co-operation, procrastination and resistance GSOC faced from senior Garda management in the new dispensation in which members were being held accountable for their actions, it was justified in setting up a public interest investigation to take matters to the next level.

We will never know for sure what happened. It is difficult to get definitive evidence. However, what we do know is quite alarming. Everyone was waiting for the report last week. As Opposition spokespersons we were all asked by the media whether we were on stand-by to give a response. We said we needed a chance to read through the report or at least to read the conclusions and recommendations before giving a response. We waited and eventually at 8.45 p.m. the report was released on the evening in question. The Minister gave a simultaneous press

release at Government Buildings and she appeared on the “Prime Time” programme to convey the Government’s message on it. Essentially, the message was that there was nothing to see and it was time to move on. I am interested in the latter part of the message because one must learn the lesson and put in place a response.

I am still not convinced there is nothing to see. When I read through the entire report a number of issues gave rise to concern, not least conclusion 15. Reference has been made to it but I will read it into the record because it is useful. It states: “in the somewhat febrile world of covert surveillance and counter-surveillance techniques, it is ultimately extremely difficult to determine with complete certainty whether unexplained anomalies of the kinds identified in this instance were or were not attributable to unlawful intrusion.” Mr. Justice Cooke acknowledged in conclusion 16 that there may be a need for further investigation but he does not recommend it. However, it is not quite a case of there being nothing to see. Despite the media briefings during the day that GSOC was going to have egg on its face, Mr. Justice Cooke acknowledged in conclusion 11 that it had acted in good faith. One could ask what else it was to do when presented with those matters. I acknowledge that he does criticise GSOC’s decision to go ahead with a public interest investigation and he also criticised its failure to inform the Minister when the investigation was completed. GSOC would argue that its interpretation of the legislation is somewhat different.

I draw the Minister’s attention to the reference in the report to the white van with blacked out windows on the street. Many Verrimus operatives are former intelligence agents trained by MI5 or the CIA. They are not greenhorns. They know the techniques of surveillance. They felt it noteworthy to report the van to Mr. Justice Cooke and to put Verrimus’s reputation on the line. I find that intriguing. They also drew attention to the man going into the coffee shop with a bag and an object in a box. What worries me most however is the incident in the airport where a man with a bag over his shoulder sought to take a photograph. The operatives turned away but he took a photograph when they turned around again. That is known as being burnt in the surveillance world; when the opposition sends a clear warning.

Mr. Justice Cooke acknowledged that if spying took place it was on Verrimus not GSOC. I am very concerned about those matters, in particular given the type of people who reported them, because they know what surveillance is and they understand the techniques. That demonstrates to me that surveillance was taking place. Something was going on that was sanctioned by agencies of this State. I do not buy into a low-level criminal interest in GSOC. Somebody sanctioned by this State felt it necessary to be involved in some level of surveillance. That is my view based on what I read in the report. I appreciate that the terms of reference given to Mr. Justice Cooke meant that as a retired High Court judge he could not convict somebody nor could he send someone to prison. He could not press charges based on the evidence he had. The threshold was set high. However, he could clearly not rule out that something had happened. He was in a dilemma and he erred on the side of caution. That is fair enough. I appreciate that he had a job to do, but the terms of reference were somewhat limited.

We will never know for sure what happened but I am giving my tuppence worth. I believe that something toxic happened due to the relationship between senior management of An Garda Síochána and GSOC. Some things had not changed in terms of the culture that was so exposed by the Morris tribunal, one that revealed an abuse of power and that was supposed to have been reined in by GSOC and the new Garda Inspectorate.

The Joint Committee on Justice, Defence and Equality met the Police Ombudsman for

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Northern Ireland in the North last week. Its members have the same security clearance as any police officer. It has a responsibility to look for everything. When it commences an investigation in the public interest it demands full co-operation. There is some conflict with the PSNI about that at the moment but the ombudsman is very clear that its members have access to everything in the course of carrying out investigations. There is no such thing as security concerns or the view that they are not up to the same standard as members of the police force.

One could ask why no Minister or spokesperson on behalf of the Government have said one word in anger about the fact that for four years the former Garda Commissioner refused to hand over documentation to GSOC in a public interest investigation. Concerns were expressed that a major convicted drug dealer got away with €1.7 million worth of heroin and cocaine without explanation because he was working as an informer to pinpoint smaller drug dealers to make some gardaí look good. That is the allegation. That is extremely serious yet when GSOC sought to investigate the matter thoroughly in order to allay public concern it was utterly frustrated over a four-year period. Nobody in government has said a word in anger about all of that. Nobody in government has said it is absolutely outrageous that the senior management of An Garda Síochána did not fully co-operate and give every item of documentation sought in order to reach a speedy conclusion to the investigation. It is clear that GSOC found itself in a situation where it could not do its job. It is deeply worrying that it got to the point that it entertained and still holds the view that it was possibly being surveilled upon by elements of this State. It is clear that Verrimus believes there was physical surveillance, not just Internet surveillance. These are extremely serious matters.

We are discussing a review today, not a commission of investigation, because Mr. Justice Cooke did not have the ability to compel documents or witnesses or make adverse findings of fact. It was merely a review and I accept that he gave it the best he could. There are contradictions in his review. He struggled with having to decide and could not reach the threshold he required. The report raises more questions than it answers and I worry that a person in an agency of the State felt it was acceptable not to co-operate with a public interest investigation by the Garda Síochána Ombudsman Commission, GSOC. Further, this person then felt it acceptable to keep a close eye on the affairs of an independent ombudsman who functions on behalf of the people to investigate our concerns.

Will the Minister release the 600-page report by the Garda Ombudsman into the Kieran Boylan affair? The Minister may take advice from the Attorney General as to whether to redact it but it should be released into the public domain so a spotlight can be shone on the period. The former Minister for Justice and Equality, Deputy Shatter, failed to make a statement expressing a view on how long it took the investigation to receive documentation and the fact that some was never handed over. Will the Minister do so?

We will never know some things but the Government can assist with other things. There is consensus on the fact that the powers of the Garda Ombudsman must be strengthened. We must amend legislation so that all ranks of gardaí, from those on the front desk to the Garda Commissioner, must co-operate fully with investigations carried out by the Garda Síochána Ombudsman Commission. This must be done quickly and without procrastination. We must have an independent Garda authority to hold all gardaí to account. We need a new beginning.

I have played football and served on community groups and committees with members of the Garda Síochána. The overwhelming majority are people of outstanding decency and character, patriots who seek to serve the State. However, a corrosive culture exists all the way up to

top-ranking senior management and it has failed those gardaí. They are demoralised and need a fresh start. I am proud of the vast majority of the men and women of the Garda Síochána and how they have served us through the years but I am ashamed of the behaviour of some of them. I am ashamed of some of the issues that necessitated the investigation carried out by Mr. Justice Cooke. Whatever we do, those issues must be resolved. We must use this crisis as an opportunity for a new beginning. The Garda Síochána is a service, not a force. We must ensure the men and women who join that service can be confident they can progress through the ranks if they have the ability. When they speak out against wrongdoing they must be heard and protected. When members of the public raise issues those matters must be fully investigated by a strong ombudsman that is not blocked in any way. These are the challenges that lie ahead.

Deputy Clare Daly: This discussion reminds me of “The Twilight Zone”. There have been enormous problems in the Garda Síochána and this may be the most serious in many ways. The idea that the Garda oversight body was under the surveillance of the organisation it was supposed to oversee is appalling for the State to consider. Have we dismissed the possibility that this surveillance may not have happened? I think we have not.

The way this report has been handled since publication has been bizarre. The Guerin report consisted of 336 pages of comprehensive analysis and there was massive media interest and analysis. This is a 65 page report that has been thrown into the public realm. Very defined viewpoints have been taken on this immediately to peddle a myth. There has been no media interest and today we discuss it on a Thursday afternoon with only a handful of Deputies present.

The problem is the reality does not reflect the contents of the report. As soon as the report was published, the acting Garda Commissioner told us it exonerated the Garda from any wrongdoing. The former Minister for Justice and Equality, Deputy Shatter, said the report was proof positive he did a brilliant job. I think the Minister for Justice and Equality, Deputy Frances Fitzgerald, echoed those sentiments earlier. The former Garda Commissioner, Mr. Martin Callinan, previously said there was no question of any garda being involved in such wrongdoing. GSOC said it was all right too as it was said to have acted in good faith. The problem is everyone is capable of saying a black page is white but this doesn't make it true.

The roots of the problem lie in how the report was constructed and its terms of reference. Many issues were not explained and this remains the case today. Regarding terms of reference, the Government set an incredibly narrow focus for the investigation. The focus was on whether GSOC acted proportionately and reasonably in initiating a section 102 investigation into Garda misconduct in the public interest. GSOC was only ever lawfully able to investigate wrongdoing by gardaí. Lawful behaviour by gardaí would not be the subject of a public interest inquiry. The report focused on this rather than asking whether attempts were made to bug GSOC and, if so, by whom. This is what the report should have been about. To my mind the report was established in a way precisely to prevent this from happening.

The limited terms of reference were reinterpreted even more narrowly by the former Justice Cooke as he took the allegations in *The Sunday Times* article as his yardstick rather than the section 102 investigation. The Minister's office and press office adopted this approach too and the media ran with it. One of the first quotes from the Department of Justice and Equality on the matter stated that the report concluded “the evidence does not support the proposition that actual surveillance ... took place”, much less that it was carried out by members of the Garda Síochána. Of course the phrase omitted the important qualifying words that were in the middle, that actual surveillance of the kind asserted in *The Sunday Times* article took place. It also

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ignored the fact that Mr. Cooke referred to *The Sunday Times* article as claiming to deal with Government-owned technology when in fact the *The Sunday Times* referred to Government-level technology, which is an entirely different matter. He made a statement based on a false conclusion.

This was taken up by the rest of the media *ad nauseam*. We had significant examples and even *The Irish Times*, the so-called paper of repute, led with headlines stating “Cooke report finds no evidence of GSOC bugging”. In fact the report found it could not exclude the possibility that some form of illicit eavesdropping may have taken place, which obviously is a very different headline. The spin around this is quite incredible and, in some ways, borderline sinister. What is in the report does not reflect what people are saying about it. This point must be made because it means we have a problem and we need to see what the Government will do.

There are many unanswered questions. Mr. Cooke is a former judge so I am not being derogatory in referring to him as mister. I would like to put on record that Mr. Cooke goes to some length in his introduction to emphasise the limitations of the report. He has been much more honest than the Government because he makes this very clear.

3 o'clock

He states he had no authority to make binding findings of fact, much less definitive ones. He states the report does not have the authority to adjudicate on disputes of fact and that he was reliant on the voluntary co-operation of the parties concerned. He is also at pains to point out this is just his personal evaluation and opinion. In other words, the conclusions of the report are not as comprehensive and rigorous as the Minister, Taoiseach and Tánaiste have tried to point out, because the conclusions are not judicial. They were not reached by way of an independent statutory inquiry conducted by a sitting judge with powers of compellability. In fairness, Mr. Cooke has been quite clear on this. It is a non-statutory paper review and exaggerating Mr. Cooke's past employment of being a judge is trying to give the report a veneer of judicial backing when in actual fact it is not. This is a paper review of secondary evidence rather than an investigation based on first principles. We are exactly where we were before the report was published and this matter is not over.

Deputy Mac Lochlainn is quite correct; we must consider this issue in the context of the background of what was going on at the time. I will not repeat the points, but the background comprised the Kieran Boylan affair; inordinate delays, over which GSOC went to the length of holding a public press conference to show the massive level of non-co-operation it was receiving from An Garda Síochána when attempting to call it to account; and hundreds of outstanding cases on relatively minor matters where gardaí were supposed to be disciplined but nothing was taking place. We found out subsequently that around this time the former Commissioner, Mr. Callinan, contacted the four Garda representative organisations and asked them to issue a public statement that they had no faith or confidence in GSOC. This is quite incredible. Two of the organisations, the AGSI and the GRA, did so. The body charged with oversight of the Garda experienced sinister happenings, and this is not disputed, at a time when these issues were in the background. It had a serious responsibility to deal with them because of the huge implications. I must be honest and state we are still none the wiser in this regard.

Mr. Cooke has no technical expertise himself and the world of surveillance is incredibly high-tech. As the former Minister, Deputy Shatter, did before him, Mr. Cooke favoured one so-called expert report over another without any further serious analysis. In this context it is not

surprising he reached the same conclusions more or less as GSOC did, that there was no definitive evidence of unauthorised covert surveillance, but neither is there definitive evidence that there was not. In particular, there is no definitive evidence that it was not attempted. Mr. Cooke did not seem to take any account of this, although it was allowed for in the terms of reference.

The biggest weakness of the report is that no examination of lawful surveillance was done. This was never investigated. Deputy Wallace put this issue to the former Minister, Deputy Shatter, on a number of occasions, as did I, but he never answered. Why was this point not answered? Did the former Minister not ask? Did the Garda Commissioner not ask? How does one know if one does not ask the question?

The Minister is correct to state the report concludes there was no evidence of Garda involvement, but we must ask how much emphasis we can place on this statement when it was made in the backdrop of not investigating or interviewing a single garda. No attempt was made to seek the information, no request was made for a report from the Garda Commissioner to detail the access storage or logbooks of IMSI catchers, and the possibility of rogue gardaí being involved was not analysed. Let us remember that senior gardaí were at the heart of the highly sensitive GSOC investigations into the Kieran Boylan case. Is it beyond the realms of possibility that some of these people might have had a vested interest in surveillance on GSOC? The fact these questions were not asked in some ways is not the fault of Mr. Cooke, but it comes back to the limited terms of reference that were in place. It severely weakens the report in its entirety.

Lawful surveillance was never investigated and let us be clear about this. If one were starting off, surely it would be the first thing one would rule out, because if there was lawful surveillance one would not have to go any further. We know lawful surveillance by the Revenue Commissioners, the Defence Forces and the Garda Síochána is permitted. In most, but not all, cases it must be the subject of a judicial order. Our law allows a situation under section 7 of the Criminal Justice (Surveillance) Act 2009 for senior gardaí to authorise other senior gardaí to conduct surveillance. This is perfectly lawful, could have happened here, and so would have been outside the remit of the Cooke inquiry. We still do not have answers with regard to this situation. There are a huge number of other practical issues which have not been answered by Mr. Cooke. The most significant of these is that of the significant anomaly identified by Verri-mus, namely, the ring-back. Mr. Cooke offers no explanation for this and does not even attempt to put one together. He states it is unexplained. The most significant breach is still unexplained.

This in and of itself is bad enough, but there are still a number of other questions which are unanswered. Other Deputies have referred to issues such as the photographers at the airport. Who were they? Mr. Cooke said they were likely to be members of the Garda security branch. This is who he thinks they were. Is it appropriate that the Garda security branch would be out at the airport taking pictures of an organisation it knew was there to do work on behalf of GSOC? Does this not need further questioning? I think it does. His take on the device in the media room, because he does not really know, is that it the person inside GSOC who leaked the issue to *The Sunday Times* could have been the person who tampered with the device. This is what he states in the report. Does the Minister accept this? Does she think GSOC itself could have been behind one of the anomalies? This is what Mr. Cooke states. He has raised it as a possibility. We have the issue of the identified person who tried to tamper with Verri-mus's evidence to the Cooke inquiry. Who is this person? The person claimed to be acting on behalf of An Garda Síochána. I would like more information on this. All of these instances exist and they all remain unexplained.

Mr. Cooke accepts the information given by the GSOC commissioners that their phones were subject to ambient listening, because the phone batteries were dying within a two-hour period. The batteries of these phones do not die any more. It has stopped. Since the issue came into the public domain the GSOC commissioners' phone batteries do not run down, which is pretty strong proof of an element of surveillance or ambient listening being in place. Mr. Cooke does not seem particularly interested in this and does not give it any attention. This is a huge weakness because he seems to suggest it was Verrimus which was under surveillance. It may be because surveillance is unregulated in Ireland, and in this sense probably lawful, that it was outside the remit of his report. I am not sure. I find it striking he does not seem to appear in any way concerned that Verrimus might be the subject of ordinary surveillance while conducting work for GSOC, or is even curious about identifying those who might have been responsible. To me this is a pretty serious deficit. In fairness to Mr. Cooke, he states this type of examination could only be done as the subject of a statutory investigation. Here we are, back where we started, with the need to conduct a proper statutory investigation in order that we really get to the truth and get to the bottom of all these issues.

Mr. Cooke deals with the GSOC question and states it acted in good faith, although there is a bit of a slap for it. He states section 102 was premature. He absolutely ignores the fact that under section 103 if it felt it did not have to disclose a section 102 investigation in the public interest, it was lawfully entitled not to do so.

He does not in any serious way address that point. He also seems to place emphasis on the fact, nearly suggesting, that in order to be allowed to conduct a section 102 investigation GSOC had to have the evidence, when of course the entire purpose of its investigation was to get the evidence to ascertain whether its suspicion of surveillance was backed up.

I believe he has just done enough in this report to allow GSOC to state there was something in it for the commission but to prevent the option of its being obliged to take a judicial review, because the only way of overcoming this report is by taking such a review and the only body that would have a sufficiently strong legal interest in that is GSOC. There has been an effort in the report to make Verrimus and *The Sunday Times* out to be the demons but I am unsure whether legally they would have enough of an influence or an interest in taking a judicial review.

Unless the Government decides to look at this in a different forum, all the questions I have thrown out here remain unanswered and must be seen in the context of the bigger picture, where there has been a huge amount of recognition of the need to move forward on issues of Garda accountability. Everybody now accepts there will be an independent police authority and a beefed-up GSOC. However, it will not be possible to move on in the future unless the truth about the past is known. How could GSOC work with An Garda Síochána with these issues unanswered? It is not fair to either party that this situation would pertain. In justice to all concerned, Members must go back to the drawing board on this. The only way to find out what really happened is to have a properly constituted commission of inquiry. It also is necessary given the level of the breakdown in trust and the breakdown in procedures that clearly existed. While it was no secret that this was the case with regard to former Commissioner, Martin Callinan, and GSOC, it also is the case with many of the higher ranks inside the Garda. As recently as a couple of weeks ago, representatives of Garda organisations went public to state that GSOC was not a fit body for their Members to approach. There is a huge problem in this regard and it will not be possible to move forward in the manner indicated by the Minister without addressing the issues of the past. This is the living past.

Moreover, Members should remind themselves that they are not dealing with some kind of Mickey Mouse outfit here. Verrimus is a company of serious repute with high credentials and it has stood over its findings and the manner in which it has conducted itself in this situation. In fairness, nothing in this report contradicts that position on its part. When the Minister responds to this debate, I ask her to deal with the issue of lawful surveillance, because there are a number of areas where lawful surveillance could have taken place and Members would be none the wiser. However, they do know with absolute certainty that unusual events were happening, such as attempts to breach surveillance, unusual physical sightings of people who were unexplained, photographers and the like. There still are no answers, and the Minister's new reign, as it were, will be judged on whether she is prepared to rock the boat. My own feeling is that the possibility of vindication of the gardaí who were bugging GSOC would be enough to bring down the Government. Therefore, I am not surprised that the report did not find that, but the questions still remain.

Deputy Alan Shatter: I welcome publication of the Cooke report and the careful and detailed consideration given by retired High Court judge John Cooke into reports of unlawful surveillance of GSOC's offices. These matters, of course, first came to public notice in a revelation in an article in *The Sunday Times* of 9 February 2014. I welcome Mr. Justice Cooke's finding that the article contains misinformation and that "it is clear that the evidence does not support the proposition that actual surveillance of the kind asserted" in the article "took place and much less that it was carried out by members of the Garda Síochána". As Minister for Justice and Equality, I dealt with these matters in a straightforward, truthful and comprehensive way on the basis of information available to me. Both inside and outside this House, the Taoiseach and I were pilloried for referencing GSOC's statutory obligation to report its conducting a public interest investigation to me, as the then Minister for Justice and Equality, and I welcome the conclusion of Mr. Justice Cooke that such mandatory obligation exists, as I informed the Dáil, under section 103 of the Garda Síochána Act 2005.

On RTE's "Morning Ireland", the day after publication of the Cooke report, the chairman of GSOC, Mr. Simon O'Brien, explained GSOC's failure to provide a statutory report until 13 February 2014, four days after publication of the *The Sunday Times* article, on the basis that "events overtook us" and referenced *The Sunday Times* article. I note that Mr. Justice Cooke recounts that on 25 November 2013, Mr. O'Brien recorded in his personal log:

This investigation is now closed. I need to think about reporting. This will be difficult, we have found nothing.

I do not regard the explanation of Mr. O'Brien given on RTE as credible and I believe the only reasonable conclusion to be drawn from the fact that no report was furnished to me was that the finding of "nothing" in the public interest investigation was an embarrassment. What was said on RTE is sadly an indicator that GSOC has not learned from these events.

There of course always will be tensions between a police force and an independent body established to investigate allegations of police misconduct. However, in late September and early October, when GSOC first learnt of two of the alleged technical anomalies, new protocols had only just then been put in place, at my urging, to resolve difficulties that had arisen between An Garda Síochána and GSOC. Its approach to the matter, therefore, should not have been "heavily influenced by the atmosphere of frustration and tension that had arisen ... between GSOC personnel and the senior ranks of An Garda Síochána" as referenced by Mr. Justice Cooke. I believe it also is disturbing that when appearing before the Oireachtas Joint Committee on Pub-

lic Service Oversight and Petitions, the GSOC commissioners were so imprecise and unclear in their presentation as to fuel speculation that my first statement to the Dáil was inaccurate in circumstances in which it was entirely based on their verbal and written briefing. No effective steps were taken by them to correct that perception. The work GSOC does is of crucial public importance and it is essential that there is public confidence in the leadership provided by GSOC commissioners, that they comply with and respect their statutory obligations, that when conducting an investigation they assume those subject to the investigation are innocent until proven guilty and that they truthfully present to the Minister of the day, as well as to the public, actions taken by them. In this context, I believe the conduct of GSOC's commissioners and the narrative and conclusions of Mr. Justice Cooke raise genuine concerns as to GSOC's capacity to undertake and comply with its statutory duties under its present leadership. This is an issue that must be addressed before any additional statutory powers are extended to that body by new legislation.

As Members of the House are aware, the Cooke inquiry was announced on 19 February last. Eight days later, on 27 February, the Guerin inquiry was announced. Each was requested to report "within eight weeks" or "[as] soon as may be thereafter". The documentation, public bodies and individuals of relevance to the Guerin inquiry were far more extensive than those of relevance to the Cooke inquiry. Many more allegations were made by Sergeant McCabe than there were issues to be considered by Mr. Justice Cooke. There was, however, a connectivity between the two reports. The reports and documentation of GSOC, the manner in which GSOC undertakes investigations and reaches conclusions, its statutory role and engagement with An Garda Síochána, its relationship with the Minister for Justice and Equality, the circumstances in which it deems it appropriate to conduct a public interest investigation and its competence and professionalism were of relevance to both inquiries.

There is an extraordinary and stark contrast between the approach of Mr. Justice Cooke and that of Mr. Seán Guerin SC in their dealings with GSOC and in the manner in which they conducted their inquiries. Although the issues to be addressed in the Guerin report were more extensive than those to be addressed in the Cooke report, Mr. Guerin completed his report within a much shorter timeframe - nine and a half weeks - than Mr. Justice Cooke, who completed his in 15 weeks. On 6 May, the Guerin report was furnished, together with a little-noticed letter in which Mr. Guerin expressed his regret for failing to furnish the report within the time period mentioned in paragraph 8 of his terms of reference. An examination of the report illustrates the extent to which he inexplicably focused on the request that he report within eight weeks of 27 February last and ignored the latitude given to him to report "[as] soon as may be thereafter", the latter being language clearly facilitating his taking such time as was required to properly complete his work. I am very puzzled as to why Seán Guerin did not take the additional time necessary to properly complete his work and why he rushed to judgment.

In contrast, Mr. Justice Cooke, in paragraph 5.9 of his report, notes that he did not conclude his inquiry within a period of eight weeks, and explained that "the correspondence exchanged in dealing with conditions, objections and queries raised on behalf of GSOC and of Verrimus as its 'servant or agent' " affected the time required to conduct the inquiry and that the timescale was "prescribed before it was known that GSOC would be simultaneously required to cooperate with two Inquiries". Both reports recount that GSOC instructed Arthur Cox Solicitors to assist them with the inquiries and in the preparation of documentation and statements. Both reports recount that GSOC's lawyers prescribed conditions to be complied with for reading documents regarded as sensitive, confidential or privileged. Judge Cooke had no difficulty in

agreeing appropriate arrangements and in attending at GSOC's offices to access and read all relevant documentation. I do not understand why Mr. Guerin did not do the same.

In addition, to comply with fair procedures, Judge Cooke met with the GSOC Commissioners and their lawyers, raised questions for them to answer and ultimately met with them:

to clarify some points that had arisen during the inquiry and to afford them an opportunity... to comment upon the conclusions to be expressed in the report.

Mr. Guerin's approach to GSOC and others affected by his report could not have been more different. Four days after Judge Cooke had attended at GSOC's offices to examine documentation, Mr. Guerin received a letter from GSOC's solicitors raising what the Guerin report refers to as, "preliminary legal and practical issues" and which stated that GSOC had, "voluminous relevant documents" and "was anxious to cooperate". Bizarrely, for some reason I do not understand, Sean Guerin, in his report states, "there was no practical reality to 'voluminous documents' being reviewed at that late stage". He criticises GSOC for not making relevant documents available to him earlier. He affords no recognition to the fact that GSOC was simultaneously engaged in two separate inquiries and, unlike Judge Cooke, he never met with any member of GSOC. Moreover, in his letter of 6 May to Martin Fraser, Mr. Guerin acknowledges that GSOC's seeking safeguards relating to making documentation available to him was, "not unreasonable". However, in that letter, he complains that he was given no indication of GSOC's concerns, "until the process of drafting the final report was well underway", and that he had, "no opportunity to review such documentation with the care required". This is astonishing. I would like to know why Mr. Guerin thought he had no opportunity to review GSOC's documentation with the care expected; why the drafting of the final report was "well underway" without his having read and considered this documentation without meeting others affected by his conclusions; why he completely failed to observe fair procedures in accordance with constitutional and natural justice. His terms of reference allowed him all the time he needed to properly complete his work. What was his hurry?

With regard to GSOC, Mr. Guerin partially explains his failure by attempting to minimise the importance of GSOC's role and recounts that it became involved in a small number of the cases he reviewed. This assertion is disingenuous. For example, GSOC was central to determining complaints of Garda misconduct with regard to serious offences committed by Jerry McGrath, one of which involved an alleged catastrophic Garda failure which, if it had not occurred, may have resulted in McGrath being held in custody on the tragic day in December 2007 when he murdered Sylvia Roche Kelly.

It was right that Mr. Guerin met with Sergeant McCabe for as long as he deemed necessary. It is a mystery to me, however, as to how he believed he was properly fulfilling his remit and his obligation to observe fair procedures to reach accurate conclusions and make recommendations by meeting for 19 hours with Sergeant McCabe, but meeting with no one else whose good name, reputation and credibility could or would be affected by his report. Unlike Judge Cooke, he made no arrangements to meet with any persons so affected, to raise any questions with them or to give them an opportunity to address any draft conclusions reached by him. There would have been, of course, no difficulty in his doing so; he simply chose not to.

Paragraph 2 of the terms of reference enabled Mr. Guerin to interview not only Sergeant McCabe but also:

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any other such person as may be considered necessary and capable of providing relevant and material assistance in his review... and to communicate with An Garda Síochána and any other relevant entity or public body in relation to any relevant documentation and information and to examine what steps, if any, have been taken by them to investigate and resolve allegations and complaints [referred to him].

I believe most people would regard me, as the then Minister for Justice and Equality, as a person who could have provided relevant and material assistance. I believe that fair procedures and the principles of natural and constitutional justice required that Mr. Guerin should have interviewed me or at the very least, communicated his concerns and questions to me in writing and afforded me the opportunity to address them and also to address his draft conclusions which he had to know would render my continuing in the office of Minister for Justice, Equality and Defence, untenable.

I believe had I been given the opportunity, I could have provided comprehensive information detailing the substantial attention I gave to allegations made by Sergeant McCabe and to use Mr. Guerin's words, my heeding and acting on what he had to say. In doing so, I could have also detailed obstacles and difficulties of relevance that would have shed light on aspects of the background into which he had no insight. I also believe there was no basis for Mr. Guerin's conclusions that there were grounds for concern that I did not understand my independent statutory role, as there was no question, as he suggests, of my simply accepting the views of the Garda Commissioner without question. Unfortunately, I was given no opportunity by him to address these matters and I believe these conclusions reached by him to be substantially outside the remit of his terms of reference. The result of Mr. Guerin's report was to render my continuing as Minister untenable and, as a consequence, I resigned my position. That is done. However, the process involved and the failure to adhere to fair procedures has serious and wider implications.

I believe all of us should be entitled to know that we cannot, by way of any form of inquiry or review or other means, be secretly put on trial; have charges levied against us of which we have no knowledge; be prosecuted without being informed of the evidence and convicted without being given the opportunity to speak or defend ourselves. I believe that the unprecedented approach to this review and examination or preliminary inquiry which was undertaken and conducted must never be repeated. I believe no one in the future, requested to undertake such a task, should be enabled to take onto himself or herself the role of investigator, prosecutor, judge, jury and executioner and to ignore entirely fair procedures prescribed by our courts and which are specifically prescribed for the undertaking of a statutory inquiry under the provisions of the Commissions of Investigation Act 2004.

I do not believe it was ever envisaged that a preliminary inquiry and scoping exercise to determine whether a statutory inquiry should take place could be so utilised as to undermine totally the fair procedures architecture which is a central core of the Commissions of Investigation Act 2004. Preliminary inquiries or reviews should not facilitate the bypassing of essential human rights protections incorporated in the 2004 Act. For my own part, I never anticipated that a practising senior counsel, asked to consider independently the serious issues detailed in his terms of reference, could or would so ignore basic principles of constitutional and natural justice and fair procedures which have been repetitively pronounced upon and endorsed by our courts at the highest level. These principles are crucial to the rule of law and ignoring them places in peril a value system crucial to the well-being of all our citizens and of all who reside in the State. To ignore them is to endorse the creation of kangaroo courts as dramatically depicted

in Franz Kafka's book, *The Trial*.

It is clear from the Guerin report that its author understood what was required in the context of fair procedures. For example, in chapter 5 of his report, he castigates An Garda Síochána for not affording Sergeant McCabe an opportunity to comment on evidence uncovered in an investigation resulting from a complaint he made and references his entitlement to so comment as being an "important procedural right" and the failure to enable him to do so as resulting in, "a fundamental procedural flaw in the investigation." Moreover, he states, in the context of the statutory inquiry that he recommends to examine further Sergeant McCabe's allegations:

[following] an opportunity to hear evidence from the individual members and officers of An Garda Síochána and civilians, including victims of crime, involved in these matters, a different view of the facts could emerge.

The startling omission from his report is an acknowledgement that, "with the benefit of an opportunity to hear evidence" from me, as the then Minister for Justice and Equality, or from some others, "a different view of the facts could emerge" as to my dealing with Sergeant McCabe's allegations and my taking heed of his concerns. Of course, even if this had been expressly stated by him, it would have been no substitute for applying to me the ordinary rules of fair procedure instead of rushing to judgment with obvious consequences.

I believe that I am entitled to an explanation for the approach adopted in the preparation and finalisation of the Guerin report and to an explanation as to why conclusions were reached and a factual finding made that, as Minister for Justice and Equality, I did not heed what Sergeant McCabe had to say, without my being interviewed or a single question put to me or to departmental officials. I believe I am entitled to know, as are Members of this House, why the Guerin report was so hastily and prematurely completed in comparison to the approach and time taken to complete the Cooke report. My accusation is that it is a fundamentally flawed preliminary inquiry and report and an unprecedented rush to judgment. As a prosecuting counsel, Mr. Guerin must know that the manner in which he conducted his role and some of the conclusions reached by him would not withstand court scrutiny.

Unfortunately, I do not have the time available in this debate, to detail all the omissions and inaccuracies in the Guerin report which I could have addressed had Mr. Guerin interviewed me. There is, however, a particular issue to which I wish to refer. Chapter 19 of the report deals with the role of the Department of Justice and Equality. In paragraph 19.89 the report purports to summarise "advice" received from an official in the Office of the Attorney General, of whom I make no criticism, on 18 December 2013. It states:

The substance of the advice related to the three booklets of allegations that were received by the Minister under cover of the letter of 4 September 2012 from Sergeant McCabe's solicitors. The advice was to forward the two booklets relating to complaints of malpractice and corruption to the Minister "without further ado". It was said that, if there was any issue with such a course of action, it was for Sergeant McCabe's solicitors to say so earlier in the correspondence. The advice in relation to the third booklet was that it be returned to Sergeant McCabe's solicitors, in light of the existing proceedings in relation to alleged harassment.

Paragraph 19.90 states: "It is unclear whether or not the documents were ultimately forwarded to the Commissioner."

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Any reading of this extract from the Guerin report could only conclude that officials were advised to furnish two files of documentation to me in December 2013 and that, having received these files, I did nothing. In fact, Mr. Guerin has misquoted the letter, which actually advised that the two files concerned be furnished by officials of the Department of Justice and Equality to the Garda Commissioner and that no copies of the documents be retained in the Department. It makes no reference whatsoever to their being furnished to me.

The first I learned of this letter was upon my reading of the Guerin report and I sought a copy of it following my resignation. As it was at my request that departmental officials sought advice from the Attorney General's office, I do not know why this letter was not furnished to me upon its receipt in the Department, nor was I at any time verbally briefed on its existence or content, contrary to the impression that may have been given by the Secretary General of the Department in his recent presentation to the Joint Committee on Justice, Defence and Equality.

Crucially and inexplicably, Mr. Guerin omitted a substantial portion of the letter from his report. The missing portion leaves no room for doubt that, on 18 December 2013, it was the view of the Attorney General's office that the existing statutory mechanisms for addressing Sergeant McCabe's allegations should be relied upon and no mention is made of the need for a statutory inquiry. Critically, the advice contained in this letter, written approximately two months before Mr. Guerin's appointment, is the exact opposite of the course of action recommended in the final chapter of the Guerin report, a course of action I am criticised in the report for not taking.

I doubt that at the time the Guerin report was furnished to the Taoiseach and he sought the advice of the Attorney General on it, the Attorney General was aware of the full content of this letter. I believe it is probable that all the Attorney General and Taoiseach knew of it was derived from paragraph 19.89, which is open to the mistaken conclusion that I failed in some respects in my statutory obligations as Minister. If the report had accurately and comprehensively detailed the full content of the letter and my background involvement in seeking advice from the Attorney General's office, the letter could not have formed the basis for any such conclusion.

In my letter of resignation I expressed support for the holding of a statutory inquiry, as it is clear from the Guerin report that there existed correspondence, documentation and information that should have been but was not furnished to me as Minister, and there are clearly issues of importance that should be comprehensively and transparently addressed in the public interest. It is important that, prior to the terms of reference being finalised and cast in stone, there be a further opportunity for them to be considered in the House. I am conscious that I do not have the time, nor would it be appropriate, to address these matters in detail today. I merely wish to briefly reference four matters.

If the statutory inquiry is to be comprehensive, it should include all cases dealt with in Bailieborough Garda Station which have given rise to complaint. There is a matter which has been the subject of articles in the *Irish Independent*, which included a report of Deputy Micheál Martin meeting an individual who alleges she was the victim of a sexual assault and her complaint was not recorded on the PULSE system and did not result in a prosecution. I understand from the newspaper report that Deputy Martin was to provide information on this matter to the Taoiseach and I presume he has done so. This case should clearly form part of any statutory inquiry.

It is clear that, in mistakenly finding that I paid insufficient heed to Sergeant McCabe's allegations, the Guerin report substantially ignored the relevance of action taken with regard to

the fixed charge notice issue. This action included seeking and obtaining a report from the independent Garda Inspectorate, fully accepting recommendations made by the Garda Inspectorate and, when new allegations emerged, asking the Garda Síochána Ombudsman Commission to conduct an investigation. The terms of reference should ensure this omission is not repeated, as there is a clear connection between this matter and any consideration of the extent to which I took Sergeant McCabe's allegations seriously.

Sergeant McCabe's conversations and dealings with the Garda confidential recipient are also of relevance if the full background is to be understood, as are any steps taken by the then confidential recipient. It is my view that the terms of reference should be so extended. All of these matters have been in the public domain and it is in the public interest that they be fully examined.

Any recording or transcript made of Mr. Guerin's 19 hours of conversation with Sergeant McCabe should be provided to the statutory inquiry to assist it in its work. I presume such material exists, and this matter should be clarified.

I stand by the rule of law, the personal rights protected by our Constitution and the European Convention on Human Rights, the core principles of constitutional and natural justice and the core values of this State and the European Union, whose objectives include ensuring that justice is not arbitrary and that no body or individual can trample on such rights, including the right of all to receive a fair hearing where allegations are made against them. The issues I have raised today are of a general importance that is far greater than any impact on me personally resulting from recent events.

Deputy Seamus Kirk: I am grateful for the opportunity to briefly comment on the report of Mr. Justice Cooke. On 26 February last, 286 gardaí were operating in County Louth. They cover the entire county and are located in 13 stations, including Dundalk Garda Station, which has 120 staff members, and Drogheda Garda Station, which has 93 members. Before commenting on the Cooke report, I place on record my respect for members of An Garda Síochána, especially those in County Louth who protect and serve our community. The 286 gardaí in the county deserve full respect given the level of work they do to make neighbourhoods significantly safer and their attention and support.

I also wish the Minister for Justice and Equality, Deputy Frances Fitzgerald, well in her new role. She has been appointed to a challenging Department, on which I am sure she will bring her expertise to bear. I hope she is successful in that role and I look forward to working with her to ensure the justice system operates satisfactorily in County Louth and beyond.

I will make a number of points on foot of the publication of the Cooke report. Overall, the Government's credibility in recent months in respect of the functioning of the justice system has evaporated. There appear to be a number of unanswered questions, including the role, if any, the Taoiseach played in the resignation of the Garda Commissioner.

Mr. Justice Cooke states in paragraph 15 of his conclusions: "[I]t is ultimately extremely difficult to determine with complete certainty whether unexplained anomalies of the kinds identified in this instance were or were not attributed to unlawful intrusion." The report also vindicated the actions of the Garda Síochána Ombudsman Commission in stating that "the investigating officers and the members of the [Garda Síochána Ombudsman] Commission acted in good faith" in investigating the alleged bugging of their offices. This conclusion undermines

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the criticism made by the former Minister, Deputy Shatter, of the commencement of the investigation.

The closure of rural police stations, which is a significant worry, constitutes another attack by the Government on rural Ireland. Coupled with the closure of a number of post offices and the lack of support and resources for the Leader programme, it is obvious that there is an urban-rural divide, and rural areas need to be represented and respected.

I urge the Taoiseach and the Minister to respond urgently to the Cooke report by reviewing the role of the Garda Síochána Ombudsman Commission to make it more transparent. It is also necessary to strengthen and extend the power and remit of the Ombudsman.

We have not been given answers to a number of questions. Was the Garda Síochána Ombudsman Commission bugged and, if so, who bugged it and for what reason? Why did GSOC decide not to report the matter to the Minister and Garda Síochána? These questions need to be answered and responsibility for doing so rests with the Taoiseach. I urge and implore the Taoiseach to take action to ensure the Garda Síochána, the Garda Síochána Ombudsman Commission and the Department strengthen their relations and do what they have been appointed to do.

According to the mission statement of the Garda Síochána Ombudsman Commission, GSOC “will be an active driver of ever-improving police accountability”. Greater interaction and trust between the relevant bodies is required and they must work together to achieve the common goal of serving and protecting our communities.

Serious questions remain about the Government’s handling of this controversy. Before any investigation was conducted and without any knowledge of whether GSOC had been bugged, the Government made every attempt possible to dismiss the very serious concerns raised by GSOC and others. Instead of seeking the truth, the Government’s reaction to this controversy was to dismiss the concerns entirely, undermine the office of the independent Garda watchdog and attempt to manipulate the reporting of this issue.

The lack of communication between all parties is quite worrying. Now, more than ever, they need to work together. The security of our towns and villages is of upmost importance. I know from first-hand experience the level of professionalism there is within An Garda Síochána in County Louth. Due to the fact that ours is a Border county, considerable pressure is put on the Garda Síochána’s resources. The level of co-operation between An Garda Síochána and the PSNI is playing a significant role in co-ordinating policing in the Border counties.

Acting Chairman (Deputy Catherine Byrne): The next speaker is Deputy Harris, who is sharing his time with Deputies Martin Heydon, Alan Farrell and John Paul Phelan. All have five minutes each.

Deputy Simon Harris: I welcome the opportunity to contribute to this debate on the Cooke report. In this House, and, indeed, in political institutions in general, we are used to people grabbing headlines and we are used to people making allegations, but what we are not used to is such people stopping once the news cycle moves on to coming back and standing by the headlines that they grabbed and the allegations that they made.

It is important in this debate that we remind ourselves of what exactly were those accusations, allegations and headlines. The first one, that GSOC was being bugged by An Garda Síochána, was clearly found not to be the case. That is not my view. It is conclusion one, on page

48, of the Cooke report. Regarding the second allegation, that Government-owned technology had been used to hack into e-mails, again, the independent Cooke report, on page 52, paragraph 12.2, found that not be the case.

The third allegation was the constant criticism and sneering by some of the Government's assertion that GSOC should have reported to the Minister for Justice and Equality about any public interest inquiry. The leader of Sinn Féin, Deputy Gerry Adams, ridiculed that assertion in this House. In a statement, on 11 February, he stated:

GSOC are not obliged to report to Minister Shatter in the same way as the Garda Commissioner is, and for good reason. The Ombudsman Commission is appointed by the President, not the Government.

Deputy Adams is not here and no representative of his party is here, but I am sure somebody is watching in from a distance. Deputy Adams was wrong. Mr. Justice Cooke found him to be wrong. The Deputy constantly barraged the Taoiseach in this House. He asked the Taoiseach to apologise for ever asserting the truth. The truth is a new phenomenon for Deputy Adams and it is something he is coming to terms with, but he might come in and apologise and correct the record of this House, and correct his public press statement of 11 February which was wrong.

We now find Members of this House stating that while there was no evidence that GSOC was bugged, we also cannot state categorically 110% that it definitely was not. Can we get real? This is getting ridiculous. One cannot live like that, one cannot legislate like that and one certainly cannot hold a rational political debate like that if one refuses to debate the facts and if one refuses to accept the independent findings.

I listened to Deputy Clare Daly and others talking about vans and cameras and I want to make a point as a citizen of this Republic. If there were vans and cameras, has it dawned on anybody that there was a foreign security firm, effectively, a spying firm, operating in this country? Would it have been remiss of the security services in this country not to have been alert to the fact that there was a foreign security firm operating here?

Having made these points and put the debate in context, it is important to note that there are lessons to be learned, both from the Cooke report and from the general debacle and saga that we have had between GSOC and An Garda Síochána and other broader justice issues. I wish to make three points.

On the new police authority - the Minister is having a consultation day in Farmleigh tomorrow - Mr. Justice Cooke refers, on page 53 of his report, to the importance of using the opportunity of establishing that new authority to define and revise the relationships between GSOC, the Garda Commissioner and the Minister. This is a really important opportunity. Those lines of communication, co-operation and clarity need to be clearly established.

Page 50 of the report further outlines this issue when it states that the suspicion which GSOC displayed towards An Garda Síochána was "heavily influenced by the atmosphere of frustration and tension that had arisen in relations between GSOC personnel and the senior ranks of the Garda Síochána". Tension is healthy, and I respect the comments made by Deputy Shatter in that regard, but no tension that leads to such a level of frustration and suspicion can be tolerated. Clearly, there is a need to look at the relationships and the structures between GSOC and An Garda Síochána.

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The security anomalies within GSOC, while not evidence of covert surveillance, also need to be addressed and GSOC needs to be conscious of that. While the report found no evidence of covert surveillance, it found that there were security vulnerabilities.

We also need to look at GSOC, which was established by this House. I heard Deputy Kirk speak on behalf of Fianna Fáil and bemoan the limitations of GSOC. His party, in the previous Government, set it up. They gave it the responsibilities but they did not give it the teeth. They decided that the gardaí could never make a complaint to it. They were the ones who put the structures in place and now they are the ones doing what they always do when in opposition, throwing mud at whoever is the Fine Gael Minister for Justice and Equality. They established it; we are going to fix it. We must not get into this political scenario where we delegate responsibility to organisations such as GSOC which, it is important to note, the report found and the Minister has echoed, acted in good faith. We must support them. We must have confidence in an Ombudsman's commission.

The reforms have begun. Tomorrow, in Farmleigh, is an important day in terms of what a police authority should look like in this country and I ask the Minister to take my suggestions on board.

Deputy Martin Heydon: I am delighted to have the opportunity to speak on the Cooke report here today and I am delighted that the Minister is present.

The detail that came out of the Cooke report and the furore at the time is a good example of how we must be careful to not have trial by media. The establishment of the Cooke investigation that led to this report was crucial. One takes the sting out of the sensational headlines, one has a detailed analysis and the facts with which one ends up, as has been stated here earlier, transpire to be very different from what was portrayed at the time. There is a lot of concern about the damage that has been done throughout that process.

Plenty of commentators in the media attacked any politician who questioned where the leak had come from initially as if we were trying to circumvent or distract from the overall case as they had found it. They acted like judge and jury in the issue and did not even want to look at where it came from. In the light of the details of the Cooke report and the details that have come out, it is now even more relevant where that leak came from and what was the motivation behind it. I do not hear those media commentators being nearly as loud as they were.

The Cooke, Fennelly and Guerin reports are important for us to address issues and deficiencies in how An Garda Síochána is run, in the oversight and in the relationship between the State, the Oireachtas and the force. This period has also been quite damaging from the perspective of the morale of the force and public confidence in the Garda. If there is a need for a cultural change in how we police in this country, then we must address that but the outcome of any changes must be that we have a police force that has the full confidence of the public and is motivated and enthused in the role it plays.

I have a number of close friends who are members of An Garda Síochána. I am taken aback by the sacrifice that they make in their role of public service and how importantly they treat it, and by the bravery they show in protecting the citizens of the State and the sacrifice that they make not only for their personal safety, but on a family basis. Working nights is never nice and is very difficult. In particular, I know one couple close to home where both the husband and wife are gardaí and they meet each other coming in and out the door, taking it in shifts to mind

the children such is the level of sacrifice.

As a public representative, I work closely on the joint policing committees in Athy and Newbridge and the County Kildare Joint Policing Committee. To see the community gardaí working with the State authorities, the local authorities, residents' associations and politicians is a good way of addressing issues and working together to solve problems.

A couple of years ago, a number of Garda stations in south Kildare were closed and I attended one large public meeting where members of the community which lost the Garda station were very upset. I quickly realised they were upset not at losing the building, but at the sense of losing their garda. Everyone seemed to have this local garda's mobile number. He was, and still is, the quintessential local community garda who was available to the community 24 hours a day seven days a week. Their fear was that they would lose him and it was a testimony to the high regard in which he was held. While that station has closed, the garda got a new squad car and does regular policing in the area. He does his patrols and has clinics in the area. While the community would have liked to retain its station, his role in the community is maintained. In any reform, as we look to establish an independent policing authority before the end of this year, we must ensure that we reinforce the supports to such gardaí who have gained the respect of their whole community.

Investment in resources to aid gardaí in their day-to-day role is crucial if we as a Government are to regain their trust, that we are all working together, supporting each other, and proving that our regard for the job that An Garda Síochána does is not just lip-service.

From my discussions with the Minister, I know she understands the responsibility that is now on our shoulders not just to reform but also to embolden the men and women who police this State. I look forward to working with the Minister in delivering a new era of policing, while not losing the strengths of the force.

Fine Gael is the party of law and order. Some media commentators may have thought that we lost out way in this regard, but we certainly have not. As we head into a new period of reform, I have great confidence in the Minister's ability to bring about that change by drawing on the strengths we have.

County Kildare has one of highest ratios of population to gardaí. This has been a problem for historical reasons. The county has seen a huge population explosion and over 200,000 people now live there, but the numbers of gardaí stationed there does not reflect that growth. We need extra Garda resources, including a fair slice of the recruits graduating from Templemore. In addition, we need adequate resources for the existing gardaí. I look forward to working with the Minister to ensure that such resources are delivered.

Deputy Alan Farrell: I welcome the Government's acceptance of the findings and conclusions of former Judge Cooke's inquiry. That inquiry was tasked with examining the sequence of events and the facts which led GSOC to begin a public interest investigation in October 2013. However, Judge Cooke found that "evidence does not support the proposition that actual surveillance ... took place and much less that it was carried out by members of the Garda Síochána."

Before addressing the findings of the Cooke report, I am encouraged that we have had an independent and thorough examination into the serious allegations that GSOC had been under surveillance by members of An Garda Síochána. This was the only appropriate course of action

as anything other than an independent investigation into such issues would not have had such a degree of credibility and certainly would not promote public confidence in the oversight of An Garda Síochána. After all, it is of fundamental importance that there is public confidence in the force in order to allow its members to carry out their duties to their fullest potential.

Earlier today, Fianna Fáil's current justice spokesperson, Deputy Niall Collins, said the inquiry should be composed of a judicial figure, suitable technical experts and an independent international police force member. Deputy Collins will find that, by allowing Judge Cooke to engage the services of professionals in this area, the Government ensured that technical advice was taken into account by Judge Cooke when he considered the evidence before him. Judge Cooke had a broad mandate to carry out an independent investigation in the manner he saw fit, which was given to him in the terms of reference.

Deputy Collins's suggestion that the Government curtailed the Cooke investigation is simply an untruth. It is clear that the Government did no such thing. By stating that the Taoiseach would try, in some way, to manipulate the outcome of the inquiry, is nothing more than an attempt by Deputy Collins to tarnish the office of An Taoiseach once again. It is irresponsible to suggest that the office of An Taoiseach would attempt to place a mole in the inquiry team. This is an example of Deputy Collins mud-slinging for political gain. Perhaps the Deputy could stick to facts in future and acknowledge them.

For the record, the Department of the Taoiseach has stated that Judge Cooke was appointed by the Government to carry out an independent inquiry. The Department of An Taoiseach provided him with administrative assistance in the setting up of that inquiry including the provision of office space. As Judge Cooke's report states, the Department of An Taoiseach received a letter containing an unsolicited offer of assistance as an investigator from an individual whose CV indicated 20 years' experience in the intelligence services as an officer in the Defence Forces. The Department of An Taoiseach acknowledged receipt of the letter, stating that it would be passed to Judge Cooke, which it was without comment or endorsement. As the report also points out, the offer was not taken up. This is yet another example of Deputy Collins getting the wrong end of the stick in attempting to tarnish the Office of An Taoiseach.

Regarding the findings outlined in the report, Judge Cooke found that the accounts which alleged that device 4B - wireless audio and video media equipment, which was installed in a conference room within GSOC - had been connecting to the external Internet hotspot in a nearby cafe, as being "not convincing". In fact, this equipment was not even microphone-enabled as originally thought and, therefore, its capability of actually transmitting information of use would have been very limited in this case.

Furthermore, in relation to the claim that a fake UK 3G network was actually an IMSI catcher, which was being used to track and intercept mobile phones, the report outlines that this was "highly likely" to have actually been a mobile phone company testing its 4G service in the vicinity of GSOC. The likelihood of this being the case was further confirmed by the mobile phone company itself.

Another point which has been outlined in the report as not having any evidence to support its connection to An Garda Síochána is the call-back to the landline teleconferencing phone, following its being subject to an alerting test. While it is not clear as to what caused this call-back, it is clear that, as Judge Cooke said, there was no evidence to link it to "an offence or misbehaviour on the part of a member of the Garda Síochána."

GSOC's public interest investigation of October 2013 concluded that GSOC "did not find any definite evidence that GSOC was under technical or electronic surveillance. It did, however, uncover a number of technical and electronic anomalies that cannot be explained."

I wish to echo the call of the Minister, Deputy Fitzgerald, for a new culture of co-operation between GSOC and An Garda Síochána. I wish to highlight something that came to my attention this afternoon, which I find quite troubling with respect to establishing such a culture of co-operation. When the *Irish Independent* quoted Deputy Niall Collins as saying "Shatter tried to make GSOC villains rather than victims of bugging allegations", I was quite appalled to find that GSOC re-tweeted it. That is highly questionable, given that GSOC's own mission statement says it will provide and promote efficient, fair and independent oversight of An Garda Síochána. It is neither fair nor independent of GSOC to involve itself in the political process. An element of cop-on must be used by the commissioners in that regard, or by the person pressing the tweet button.

I ask the Acting Chairman to allow the remainder of my remarks to be read in to the record.

Acting Chairman (Deputy Catherine Byrne): I will indeed.

Deputy John Paul Phelan: I welcome the appointment of the new Minister for Justice and Equality, Deputy Fitzgerald. I have not yet had the opportunity to do so in the House, so I wish her the best of luck. She was my boss in a previous existence elsewhere in this building. Her character will be well suited to the difficult role she will have to fulfil in the coming period in Government.

I wish to echo what previous speakers have said about the general discussion on the Cooke report and other investigations which have either been completed or are currently ongoing. The ultimate duty of this House and of the Government is to ensure that the public have confidence in the Garda Síochána. It would be remiss not to acknowledge that that confidence has been somewhat shaken over the past few months or even longer.

As Deputy Heydon pointed out, morale within the Garda force has been at a very reduced level in recent months. For the effective administration of justice in any democracy, it is important to have such public confidence in the police force. That is why I welcome the fact that the Minister is committed to introducing reforms in that area, including the establishment of a policing authority. In addition, extra powers will be given to the Garda Síochána Ombudsman Commission which has an important role to fulfil. I fully support and endorse those measures.

As regards the Cooke report, a lot of conspiracy theories have been floated in this Chamber and elsewhere concerning the technical anomalies that were found by the original GSOC analysis of this issue when it first arose. However, GSOC itself has pointed out that it did not find any definitive evidence that it was under technical or electronic surveillance. That was the finding of the initial report carried out by GSOC. It did, however, find a number of technical or electronic anomalies that could not be explained.

4 o'clock

Mr. Justice Cooke stated in his report that the evidence does not support the proposition that surveillance of the kind asserted in the Sunday newspaper article took place or that it was carried out by members of An Garda Síochána. These are the most important sentences in the reports. Surveillance and counter-surveillance is a difficult area in which to determine with

absolute certainty what is going on. Both of the reports that have been prepared independently on this matter point out there was no evidence of electronic or technical surveillance of the headquarters of GSOC. One can have all the smoke and mirror conspiracy theories one wants but these are the two most important sentences as far as I am concerned.

Mr. Justice Cooke stated in his report that the officers of GSOC acted in good faith in their initial investigation because they were trying to get to the bottom of the anomalies they had identified. The investigations failed to show there was electronic surveillance of the type suggested in the original media coverage. It is difficult to prove a negative, however, and that is why certain Members of this House and others are still saying that questions remain unanswered. I do not subscribe to those assertions because it has been shown that the technical anomalies identified in the GSOC headquarters were not of a type that would lead anybody to believe beyond any reasonable doubt that there was electronic surveillance. It is important that the Minister continues her efforts to build a proper relationship between GSOC and the Garda Síochána in order that the public has full confidence in the Garda.

Deputy Ruth Coppinger: When this information first came to light several months ago, the Government's first reaction was to round on GSOC with the spurious excuse that it had not informed the Minister or proceeded in the correct manner. We are seeing more of this attitude today. The Taoiseach stood over the criticism of GSOC, and even though it was the perceived victim, he managed to turn it into the culprit. The suspicion was that somebody in the Garda was eavesdropping on GSOC, but instead of investigating it properly, the Government has continued with the policy of "move along, nothing to investigate". Fine Gael has lost considerable ground on this issue. The collapse in its vote was in large part due to this matter, as well as to economic issues. Why has Fine Gael taken such an authoritarian stance on the Garda? It is partly due to the party's history and the close professional connection between the former Minister for Justice and Equality and the former Garda Commissioner, but it is also because the Government and the establishment rely on senior gardaí to protect their interests, especially in times of austerity.

Contrary to what the previous speaker has said, the Cooke report is an exercise in smoke and mirrors. It was used by some in the media to suggest to the public that the Government has been vindicated. However, its terms of reference were set by the Government to ensure only certain questions would be asked or answered. For example, two possible surveillance operations, one electronic and the other physical, are mentioned in the report but are not examined in any true sense because they fell outside the terms of reference of the investigation. How can the Government claim it has been vindicated and that nothing untoward took place when nobody from the Garda or the Defence Forces was interviewed? There was no investigation of records of surveillance equipment in Garda operations or the stock of equipment. The question of whether legal surveillance was sanctioned was never asked.

Recent months have shown us that we need a Garda force that is democratic and accountable at central and local level. Will the Minister investigate why gardaí were assigned this week to guard a water meter in Edenmore in Dublin city from a peaceful protest among residents? Does she consider that a good use of Garda resources?

I represent a massive urban area in west Dublin with one Garda station for a population of 100,000. It is regularly the case that Garda cars are unavailable to respond to calls from ordinary residents who become the victims of crime. I could cite numerous such cases from the past six months and I have personally witnessed this happening. In some cases involving

serious attacks on women, including muggings and sexual assaults, gardaí did not even attend the scene of the crimes. This is a daily occurrence in the area I represent. I know one woman who was a victim of domestic violence and had obtained a protection order against her husband. Her husband subsequently called to her house and caused problems. I was with this woman on two occasions when she contacted the Garda only to be told there was no Garda car available to help her. Similarly, I have experiences of women who had obtained protection orders and barring orders that were not served by local gardaí in defiance of court orders. I am sure this is happening because gardaí in Blanchardstown are overrun and cannot police the population assigned to them with the resources they have been given.

These types of incidents are encountered regularly by Deputies and councillors. They confirm what I have always believed as a socialist, namely, that the Garda and the Army are part of the State and are used to defend the establishment and the *status quo*, including the right to private property and the system of capitalism, at all costs. However, assisting ordinary men and women experiencing crime and problems arising in their daily lives is not the Garda's top priority. We need a proper investigation of the Garda and what happened in respect of GSOC, with much broader terms of reference and experts in surveillance equipment. However, we also need a democratic police force that is accountable to local communities and at a central level.

Deputy Joan Collins: It is no great surprise that the Cooke report failed to find hard evidence for the bugging of GSOC. It is in the nature of modern electronic surveillance not to leave evidence. The anomaly of the ring-back of the Polycom unit remains unexplained. We are as informed now as we were prior to the report's publication. When the issue arose in February, the reaction of the then Minister for Justice and Equality, Deputy Shatter, the Taoiseach, senior gardaí and their friends in the media was to ignore the possibility that an important agency of the State may have been put under covert surveillance. It was not even on the radar. In a similar manner, the Taoiseach's response to Deputy Clare Daly when she raised the issue of Corrib yesterday was to refer to outsiders and all sorts of distractions. It was a defensive tactic to undermine opposing opinions and the facts. Are these people wrong and should we dismiss the Corrib issue and the way citizens in the area were treated abysmally by the forces of the State? I do not believe so. On this side of the House we raised the issue of whistleblowers but we were dismissed, as we were when we raised the penalty points matter. I was told I was a disgrace and we were nearly run out of the Dáil Chamber. We were treated like pieces of dirt, but because of the persistent approach of Deputies Mick Wallace, Clare Daly and Luke 'Ming' Flanagan and me, we have come to a stage at which, unfortunately, there has been a third investigation in ten years involving the Garda, after the Morris and Smithwick tribunals. We must try to address the issue.

I welcome the Minister's indication she will set up an independent police authority and address the question of appointing a Garda Commissioner and other personnel. Without a strong Opposition, that would never have happened, as the whistleblowers would not have had the stamina to take some of the abuse suffered by Maurice McCabe and John Wilson. Their role has been admitted in this Chamber. This is not just about the Guerin or Cooke reports, as the issue involves events aired over two years in this Chamber.

An accusation was made by the Taoiseach that the Garda Síochána Ombudsman Commission had not informed the Minister of its concerns and had hired specialists to carry out a sweep of its offices. It was erroneously stated in the Chamber that there was a legal requirement for GSOC to report this, and as such the victims were portrayed as culprits. There was much emphasis on the possibility of a mole in GSOC leaking information to the media, but a concern

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in either the Government, the Garda or the media about leaks to journalists is laughable. The report was released by the Government at 8.45 p.m., with certain sources in the media briefed beforehand. The spin was that GSOC was not bugged, although nobody can claim that for certain and we will never know if GSOC was bugged. The real issue is that a body with very limited powers, which by no means had an aggressive approach to investigating complaints against gardaí, felt such antagonism from senior gardaí to its existence that it seriously considered the possibility that it was bugged.

A number of Deputies have praised the role of gardaí, implying that anybody on this side of the House has no respect for the gardaí in our communities. I have worked closely with community gardaí in my area, particularly community garda Paul Leahy when he was beaten up in his home. We took part in a fund-raiser for his cause, and we have also worked closely with gardaí to set up Operation Trident in the Crumlin area. That was an undercover operation which was very successful. I am from a working class community and we have a healthy questioning of gardaí and whom they represent. As a socialist, I see the senior parts of the Garda, the Civil Service and the political establishment as representing the interests of the wealthy in this country and international capitalism throughout the world. There must be transparency and accountability in trying to bring these institutions down to the ground floor, as the further away people are from citizens, the more we see bureaucratic problems and corruption. That is a fact. The more groups and institutions are brought into the community, the more accountable they can be in representing ordinary people.

The Garda is not resourced the way it has been, as Deputy Coppinger noted. In Terenure a German taxi driver who was previously an engineer, and whose skin colour happens to be black, has been terrorised in his apartment over a number of weeks. Last weekend he was nearly burned out, along with the rest of those who lived in the apartment block. The incident was reported in the newspapers but the problem was that gardaí did not arrive in time, and when they came they did not even take statements. There are still many questions to be asked about how gardaí can do their job, if they are meant to take statements, for example, when a person's life has been threatened. My constituency is a working class area and there have been many cases in which we have questioned the role of gardaí or how they approach issues. It is up to us to try to change this and work with the gardaí in the community, on the streets and in other areas. There must be a total change in the role of the State, as well as the question of whom the gardaí represent and support.

Deputy Regina Doherty: At the outset, I wish the new Minister well in her role. She has a heavy task of work to do in the coming months.

Since the foundation of the State there has been great respect from the Irish people for An Garda Síochána. The GSOC bugging controversy set off a chain of events, and political and media responses have served to damage the reputation of An Garda and left GSOC in the invidious position where even the dogs on the street know it is not fit for purpose. I welcome the very detailed consideration and due process given by Mr. Justice John Cooke into reports of unlawful surveillance of the offices of GSOC. As should be the case with any such inquiry, it was of particular importance that Mr. Justice Cooke took the time required to properly conduct his review in accordance with his terms of reference given by An Taoiseach and that he fully engaged with GSOC and applied fair procedures in the conduct of his inquiry. It is clear from the content of the report that he did so.

It is vital that there is strong public confidence in the Garda Síochána and in GSOC. That

is why I found it especially damaging that both the media and the Opposition parties saw fit to consistently point the finger at An Garda Síochána as being the obvious culprit in the alleged bugging scandal. It was repeatedly raised at Leaders' Questions by the Opposition after the leak in February to *The Sunday Times*. That is why it is vital that we had an independent and rigorous examination, especially in circumstances in which it was suggested that such surveillance might have been carried out by the Garda or at a Government intelligence level.

When it comes to enjoying the confidence of people, credibility is crucial. Trustworthiness is paramount and it goes to the root of public confidence that we must have in GSOC. It is fair to say that at this point it is understandable that people might feel disillusioned by some of the actions of GSOC. The report's findings reveal a culture of paranoia operating within GSOC, and the reality is that Mr O'Brien and his fellow commissioners, Ms Foley and Mr. Fitzgerald, launched an investigation into the possibility their offices were being bugged by gardaí when there was scant evidence this was the case. What is important and profoundly disquieting is that trust had broken down so much between GSOC and some senior gardaí that Mr. O'Brien, the chairman of the commission, believed it possible that security had been compromised by An Garda Síochána. It is essential for a culture of co-operation between the Garda force and GSOC and that both the public and the Garda have confidence in the body. Mr. Justice Cooke noted that GSOC was under a statutory obligation to report to the Minister at the time. This did not happen and nobody seems to have asked the commission why not. While Mr. Justice Cooke found that GSOC's commissioners "acted in good faith", it is clear that we only know about the alleged bugging because someone within GSOC leaked it to *The Sunday Times*. The relevant point today is that we still do not know who that person is. What is the status of that investigation? When will we know what progress is being made on it?

An excessively suspicious mindset existed within GSOC which seems to have clouded its interpretation of the findings of its own internal sweep. Allowing for its suspicions, if the alleged bugging was as serious as GSOC believed it to be, why did it not report it to the Minister or the Taoiseach? I am sorry to say that GSOC has sustained reputational damage and has to sort out its internal security. Equally, the Garda Síochána has to understand that independent oversight is not a token gesture. It must cooperate with GSOC in the same way it expects the general public to co-operate with it.

Lessons should be learnt on all sides. I welcome the fact that the new Minister for Justice and Equality is planning immediate legislative action to strengthen GSOC and Garda oversight in general. The Minister has also said she will address an issue raised by Mr. Justice Cooke, who recommended that the precise scope of GSOC investigations under section 102(4) of the Garda Síochána Act 2005 should be clarified. The 2005 legislation has been found wanting. We need bodies that are very robust and trustworthy so that public confidence can be restored, particularly confidence in An Garda Síochána. The mistrust between GSOC and An Garda Síochána did not happen by accident; it happened by design, over years of difficulties arising from the legislation which established GSOC. A formal route must be established for a garda who has been under investigation to have access to some appeal or arbitration when seeking redress if he or she feels the outcome of that investigation was unfair. There must be strong improvements in what GSOC can do in respect of the spirit of its remit while also supporting and respecting An Garda Síochána in its daily duties.

The serious misgivings of some of the members of An Garda Síochána about GSOC are fundamental to the mistrust between the two organisations, and that arises from the legislation establishing GSOC. We need action, not just words, and thankfully that is happening under the

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current Minister. One change the Minister will make in July is that the Commissioner will be subject to oversight by GSOC. Alongside that is the move to establish the policing authority and to strengthen the GSOC legislation, all of which is extremely welcome. There must be obligations on both sides, on GSOC and An Garda Síochána, to work together and share information. This requires more than protocols and legislative change.

It is our fundamental right to trust the force that polices us and it is a fundamental right for that force to have confidence in the entity which regulates the policing structure. The public does not have confidence in GSOC today, but the Government is moving to ensure that we have confidence in both organisations.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank Deputy Regina Doherty for ending the contributions to this debate on that very appropriate note. It is absolutely essential for our society, as a democracy, to have confidence in An Garda Síochána. It is equally important to have confidence in GSOC. I thank all the Deputies who have contributed to the debate today. It has been wide-ranging, with many thoughtful contributions from various Members.

I want to respond to one of Deputy Mac Lochlainn's points, with which I agree. I was glad to hear him say there is an agreed agenda, which everybody supports. He said we have to strengthen GSOC, which is absolutely true. Several Deputies said that the Garda Síochána Act 2005 was not robust enough and was not an adequate response to the Morris tribunal and the various points arising from that. The Deputy spoke about co-operation with GSOC, about people co-operating with investigations and the importance of an independent Garda authority. I believe there is wide consensus on that across the House.

Several Deputies, including Opposition Members, said today that they did not want their recent comments on An Garda Síochána to be misunderstood as meaning that they do not value its work. I welcome that because it is important to have balance in the debate on policing. While pointing out shortcomings, serious difficulties and some systemic issues, and investigating the points made by whistleblowers, we must equally acknowledge the work done by so many members of An Garda Síochána and their defence of the State over decades. The work of policing has to go on while we deal with the many critical issues that have arisen in recent weeks and months. That was a noticeable feature of the debate today.

I have listened with great interest to the contributions. I note that Deputy Coppinger and, I think, Deputy Joan Collins, spoke about Government spin and Government trying to vindicate itself with this report. There is no question of such an approach. The Government's approach in initiating the report from Mr. Justice Cooke was to get at the truth of the alleged bugging of GSOC. We did not set out to vindicate the Government but to get at the truth of the allegations initially reported in *The Sunday Times* and of the investigation undertaken by GSOC. We have a balanced report and evidence. Had I delayed publication of the report I would have been criticised. The report was redacted, there was a Cabinet meeting and I published it immediately after that. I welcome the report.

The claims that GSOC was under surveillance, and the suggestion that members of the Garda Síochána were involved, raised profound concerns of significant public interest. Everybody in this House shared those concerns and wanted and was rightly anxious to know the truth. I again thank Mr. Justice Cooke for a balanced and measured examination of the allegations and the care with which he assessed all of the available evidence. I ask that the response to the

report be equally balanced and measured, and acknowledge his clear findings. Some contributions today did not do that.

The key finding was the report's statement: "[I]t is clear that the evidence does not support the proposition that actual surveillance of the kind asserted in *The Sunday Times* article took place and much less that it was carried out by members of the Garda Síochána". We asked a retired judge to prepare this report and that is what he said. He also analysed in considerable detail the three threats identified in the security checks which were carried out, and no fair reading of this analysis could conclude that there is evidence of surveillance. For example, Mr. Justice Cooke found a perfectly rational and lawful explanation for the detection of the UK mobile phone network, originally presented as the most sinister threat because it allegedly suggested a level of technology associated with Government agencies. The explanation was that a new 4G network was being tested in the vicinity of the GSOC offices. That is a fact that he found out. He also found out that there was no microphone in a particular device, although it had been suggested there was. It is true he concluded that one of the threats - the ring-back reaction to the alert test of the Polycom unit - remains "a technical or scientific anomaly". An anomaly is not evidence, however, and it is certainly not evidence of surveillance. It is very important for all of us to come to evidence-based conclusions about such important matters. It does a disservice to our system of policing and oversight of policing for the most profound concerns to be maintained on the basis of supposition as a substitute for evidence.

It is unhelpful that suggestions that cast wholly unwarranted doubt on the integrity of individuals and bodies have been made without any basis in evidence. Mention was made during this debate of the Department of the Taoiseach's contact with Mr. Justice Cooke in relation to technical investigation. What was put on the record of the House here today is simply not true. As the Cooke report stated, the Department of the Taoiseach received a letter "containing an unsolicited offer of assistance as an investigator from an individual". The Department acknowledged receipt of the letter and stated that it would be passed to Mr. Justice Cooke, which it was without comment or endorsement. As the report pointed out, "the offer was not taken up". Mr. Justice Cooke made it clear in the report that it was not seen as relevant to the points with which he was dealing.

I have to make it clear that another argument we heard, that the report's examination of claims of unlawful surveillance did not deal with the possibility of lawful surveillance, is a complete red herring. Telephone interceptions have to be authorised by the Minister for Justice and Equality. There would be no question of a Minister authorising interceptions in relation to the Garda Síochána Ombudsman Commission. Lawful surveillance does not arise outside very specific circumstances that are governed by statute. It is judicially authorised, except in emergency circumstances. The operation of the law is subject in an ongoing way to judicial oversight.

The Government and I accept in full the findings and recommendations of Mr. Justice Cooke's report. I ask others to accept them too. As I have said, I am referring the report to the Joint Committee on Justice, Defence and Equality, where there will be an opportunity for further debate. I have asked the Garda Síochána Ombudsman Commission and the Garda Commissioner for their responses to the report. Some of the legislative proposals I intend to introduce were recommended by Mr. Justice Cooke in his analysis. He believes the law regarding public interest investigations undertaken by Garda Síochána Ombudsman Commission needs further clarity. I look forward to engaging with Deputies again on these issues. I welcome the opportunity we have had to comment on this important report.

Topical Issue Debate

Direct Provision System

Deputy Aodhán Ó Ríordáin: The issue of direct provision centres has been troubling many people for quite a while. During the recent controversy about mother and baby homes, I came to the conclusion that there has always been a view in Ireland that some children are somehow lesser children. This cannot be dismissed as something that happened in the past. It is clear from the way Irish society views Roma children, Traveller children or poor children in general that it sees some children as lesser children than others. It is very difficult not to agree with this conclusion when one examines the way the State deals with children who are in direct provision centres. As the Minister knows, these centres were designed as a six-month solution for asylum seekers on their arrival in Ireland. We have 35 of these centres in the Republic. Given that three of them were purpose built, it is clear that most of the time we are talking about hostels or other such unsuitable accommodation.

The weekly allowance received by asylum seekers in direct provision centres is €19.10. The payment in the case of children is €9.60. This amount has not changed for 14 years. Some 59% of all residents have been in direct provision for more than three years. I remind the House that the initial intention was that this would be a six-month solution. Some 31% of residents have been in direct provision for more than five years and 9% for more than seven years. The number of people we are talking about - approximately 4,300, some 1,700 of whom are children - is higher than the State's prison population. The inspection regime in these centres is managed by the Reception and Integration Agency, which I understand outsources a substantial number of health and safety inspections to the private sector. I do not think this is good enough. Responsibility for overseeing the health and mental well-being of 1,700 children should be given to an agency like the Health Information and Quality Authority.

It is inevitable that 50 years from now, people will look damningly at this Republic and this Government for the way we have treated and accommodated these children. Do we have a policy on how to move from the current direct provision scandal? Will we commit to putting in place a system that will allow families to move on, for example, by guaranteeing them a definite decision on their status within six months? Why are we overseeing a system that can cause a child to spend seven or nine years in a direct provision centre? Do we view the children who live in these centres, many of whom are Irish born, as members of society and citizens of the Republic? Are they seen as lesser children with lesser rights under this Republic, just as the children in the mother and baby homes were seen back in the day?

Obviously, the Minister has an intimate understanding of this situation due to her previous role as Minister for Children and Youth Affairs. Now that she has been appointed as Minister for Justice and Equality, she is ideally placed to rid this Republic of this scandal. There will come a time when we will know about the long-term damage and mental trauma caused by requiring children to live their lives in this limbo. Articles will be written about this issue and the Dáil record will be investigated. When these arrangements come back to haunt us in years to come, people will ask what this Government did about them. Regardless of what previous

Governments did and irrespective of who established these centres in the first place, deep and challenging questions will be asked about what we did at this time to resolve this situation. I will conclude by repeating my fundamental questions. Are we going to commit to reverting to the six-month understanding? Will we transfer the inspection regime to a more suitable agency, such as HIQA?

Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank Deputy Ó Ríordáin for raising this Topical Issue matter in the Dáil this afternoon. As he has said, there are 4,353 residents in 34 direct provision accommodation centres throughout the State under contract to the Reception and Integration Agency of the Department of Justice and Equality. I visited Mosney last Monday week and met the managers and residents there. I had visited other centres in Dublin previously. I assure the Deputy in the first instance of my interest in the issue he has raised today.

An interviewee on RTE's "Morning Ireland" yesterday said that these centres are not inspected and that people who reach the age of 18 are expelled from them with nothing other than a sleeping bag. I assure the House that neither statement is true. It is surprising that despite numerous responses by previous Ministers over the years to Oireachtas queries on the matter, there remains a belief that asylum accommodation centres are not subject to proper inspection. I could see when I visited Mosney that these centres are inspected. I knew it from visiting other centres as well. All centres are subject to a minimum of three unannounced inspections a year - one by an independent company, QTS, under contract to the Reception and Integration Agency, and two by officials of the agency. Moreover, since 1 October last year, details of all completed inspections are published on the agency's website, www.ria.gov.ie. This adds to the transparency of the system. Anybody - researchers, Oireachtas Members, residents of centres, NGOs and so on - can examine these reports in detail.

Asylum accommodation centres do not exist in isolation. In fact, they are subject not only to inspections by the Reception and Integration Agency, but other State inspections. They are, for example, subject to inspection by fire officers and, in respect of food issues, to unannounced inspections by environmental health officers. RIA centres are occupied on a 24-7 basis and maintenance issues are an ongoing fact of life. Where problems are found as a result of these inspections, they are fixed. This is precisely the purpose of an inspection regime. Of course, some problems need time to fix. In regard to overcrowding, for instance, all RIA centres are subject to the requirements of the Housing Acts 1996 to 2002. Where a family increases in size such that these requirements are no longer met, alternative suitable accommodation is offered by the RIA. Some families decline such an offer, however, because they are settled, in so far as they can be, in the centres.

The RIA takes the issue of vulnerable persons in the system very seriously. All staff in direct provision centres are Garda vetted and there are robust policies in place relating to child protection, sexual harassment and violence. There is a specific unit within the RIA, the child and family services unit, which is headed up by an official seconded from the Child and Family Agency. I have spoken to this official about the importance of being very alert to the issues the Deputy raised. The individual in question has very good clinical expertise in the area of child welfare and protection. Details of the work of this unit can be found on the RIA website. As Minister for Children and Youth Affairs, I met with officials from the Department of Justice and Equality to discuss the child protection policies in place in these centres in order to ensure they were, for example, subject to Children First procedures. I was assured that this is the case. I also made recommendations that the visibility of children in direct provision should be

more evident in all reports and statistics that are gathered. In addition, I wanted to make sure that children in direct provision have access to the early childhood care and education, ECCE, scheme, which they do.

I appreciate the point the Deputy is making regarding the care and welfare of children in direct provision as it is currently operated. The operation of the system is kept under review. I have acknowledged that the length of time residents have spent and are spending in direct provision is an issue that needs to be addressed. I have absolutely no desire for applicants to remain in the protection system any longer than the minimum period it takes to process their cases. Many of the issues the Deputy raised today are on our agenda. The direct provision system is not ideal, but it does facilitate the State in providing a roof over the heads of those seeking asylum, that is, those persons seeking to be allowed to remain in the State on humanitarian grounds. The system is inextricably linked to the surrounding international protection process.

A key priority for the Government in this area must be to bring forward the legislative reform aimed at establishing a single application procedure for the investigation of all grounds for protection and any other grounds presented by applicants seeking to remain in the State. The current system is too complex, with too many different elements to it and various opportunities for judicial review which invariably mean that rather than a decision being taken quickly, applicants are spending many years in the system. I met some applicants in Mosney who have been there for nine years. That is not acceptable. I would like to simplify and streamline the existing arrangements by removing the multi-layered and sequential processes and providing applicants with a final decision in a more straightforward and timely fashion. With that in mind, I am reviewing, in consultation with my officials, the work done to date on the Immigration, Residence and Protection Bill, following which I will decide on how best to progress the implementation of the Government's priorities. In particular, I wish to examine whether amendments to certain sections of that Bill would allow us to expedite the establishment of a single application procedure. Such a reform would transform what has been happening for more than a decade in respect of applicants who arrive in this country.

Deputy Aodhán Ó Ríordáin: I thank the Minister for her reply, which shows she is well aware of the realities of the direct provision system and the challenges they present. The fact that she has visited a centre gives me great hope that she will be in a good position to address the problems in the system. Nevertheless, I hold fast to the view that the subcontracting out of the inspection regime to the private sector does not offer sufficient protections and that it should be brought under the auspices of the Health Information and Quality Authority. It is clear that the Minister recognises what needs to be done to tackle this issue, including the necessary legislative changes. Moreover, she seems keenly aware of the damage caused when children spend years in these types of settings. There is no requirement to for that point to be reinforced.

Will the Minister indicate the type of timeline she envisages for the legislative measures to which she referred? Can she give a commitment that we will revisit this issue in a structured and timetabled fashion rather than discussing it on the basis of media reports or by way of a Topical Issue debate or parliamentary question? Will she give a further undertaking to the House that in the time left to this Government, be it two years or less, reform of the direct provision system will be a priority? We should be able, at the end of our term in government, to say we have made solid progress for the sake of the children and families involved. We should be in a position to point to the steps we have taken and the results achieved.

We should at least be able to say we did that much for these vulnerable children. These

children are not lesser. They are living in this republic, and that means something. After all that has happened in this country, we have a deep understanding of the trauma and long-term damage that can be done to children if there is not a proper focus on their social, emotional and educational needs at this vulnerable time in their lives. To summarise, I am asking the Minister to elaborate on the potential for HIQA to step in as inspector and, second, to give a timetable for nailing down the improvements in this area to which the Minister is clearly committed to driving forward.

Deputy Frances Fitzgerald: In regard to the inspection regime, HIQA is being asked to do a great deal of things at this time. For instance, as Minister for Children and Youth Affairs, I asked it to examine child protection teams, what the benchmarks should be and the progress that needs to be made. That progress is under way. I am not sure HIQA is necessarily the right body for what the Deputy is proposing, but I understand where he is coming from. I will ask my officials to examine the issue to see whether any additional safeguards can be built into the direct provision inspection regime, with particular regard to children in the system.

In regard to the timetable for progress, I will be reviewing the Immigration, Residence and Protection Bill in the coming weeks and will make a decision quite soon as to whether we can move on the protection procedure as a first step. There will be different views on whether we should do that or whether it should continue to be integrated into the larger immigration Bill. I wish to make solid progress on this matter within the timeframe the Deputy outlined. Moving away from the current multi-layered structure could, on its own, be an important initiative from a legislative point of view in order to deal with the issues we are discussing here today.

Agriculture Schemes Eligibility

Deputy Charlie McConalogue: I thank the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Tom Hayes, for taking this matter. As the Minister of State knows, there was a protest outside his Department today by farmers from many counties, especially those along the west coast and the south west, about GLAS and, in particular, the restrictions the Minister of State and the Minister are placing on that scheme by requiring a minimum of 50% of all farmers involved in a commonage to participate in the scheme in order for any one farmer to be involved in it. I know from the response to a parliamentary question I tabled that it has been reduced from a previous threshold of 80% of all farmers participating. However, I would like to highlight some very pertinent figures in respect of the nonsensical behaviour of the Department and the Minister of State and the Minister in trying to put in this threshold and the impact it will have which is that the vast majority of farmers with commonage will be excluded from participating in GLAS.

Nationally, there are 14,929 farms with commonage, which is approximately 11% of all farms. Of that 14,929, 3,500 farmers participated in REPS, which was a 24% take-up by farmers with commonage. Farmers could join REPS individually and it was not dependent on other farmers joining. It also had a maximum payment rate of €12,000. This new GLAS scheme has a maximum payment rate of €5,000. Unlike the previous schemes, farmers cannot join it on their own but can only join if 50% of all other farmers who have use of a commonage join. The experience is that only 24% availed of previous schemes. Unless the Minister of State and Minister reverse this decision, they will block farmers who have commonage from participating in GLAS.

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Many of these farm households have lower incomes compared to average incomes. For example, the average beef farm income last year was €15,000 while the average sheep farm income was €11,000, which was significantly down. Although this new GLAS scheme has a lower income threshold of €5,000, it would represent a big proportion of the income for the average beef or sheep farmer and yet the Minister of State and the Minister, through these proposals, are excluding many of the most vulnerable family farms from participating in this scheme.

Will the Minister of State address those points in his reply? Will he clarify when farmers will be able to get their first payment under GLAS? Is it correct that it will not be until the end of the first year in which case farmers will not be able to get a payment under GLAS until 2016 at the earliest? It is unacceptable, in particular for low income family farmers, to be deprived of an essential payment and part of their income for such a long period of time.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes): I thank Deputy McConalogue for raising this very important issue for many farmers. It gives me the opportunity to clarify many of the issues around the new scheme, GLAS. GLAS is designed around core requirements which all applicants must satisfy. These are that an approved agricultural planner must prepare the GLAS application; a nutrient management plan for the whole farm must be in place before payment issues; the applicant must participate in training courses for specific actions; and proper record keeping will be essential. These are all very basic and essential items.

A tiered approach is being applied to entry into the scheme and these tiers are based on a consideration of priority environmental assets and actions. The tiered approach will give priority access to farmers with important environmental assets, such as Natura sites, farmland habitats, high status water areas or commonage land.

The tiers will operate as follows and it is important for me to outline them. Tier 1 will be farms with priority environmental assets, such as important habitats - privately owned Natura areas, SPA and SACs - important bird species, high status water courses, commonage land or rare breeds; a whole farm stocking rate exceeding 140 kg organic manure per hectare which must be produced on the holding provided they agree to certain related mandatory actions; more than 30 ha of arable crops, again provided they agree to certain related mandatory actions; or what I presume everybody welcomes, registered organic farm status. In the case of commonage owners, priority access under tier 1 is guaranteed if they can achieve an 80% participation level in a collective.

Tier 2 is farms with other key environmental assets; commonage owners who secure a minimum of 50% collective participation; a whole farm stocking rate less than 140 kg livestock manure per hectare; or less than 30 ha of arable crops undertaking key environmental actions.

Tier 3, farms which do not fulfil any of the criteria for tiers 1 or 2 but which commit to a series of general environmental actions, will qualify. As 25,000 to 30,000 farmers are being accommodated under the scheme, in all likelihood, the vast majority of tier 1 and tier 2 applicants will qualify.

The proposed maximum payment is €5,000 per annum with the scheme building up to the inclusion of more than 50,000 farmers with a total envisaged expenditure of €1,450 million over the programming period. It is also proposed that, within budget limits, a GLAS+ payment would be put in place for a limited number of farmers who take on particularly challenging

actions which deliver an exceptional level of environmental benefit. It is proposed that this payment will be up to €2,000 per annum, in addition to the €5,000 already paid under GLAS.

I would like to set out some of the background to our proposals on commonages, which Deputy McConalogue-----

Acting Chairman (Deputy Frank Feighan): Could the Minister of State keep the rest of his speech for the last two minutes?

Deputy Tom Hayes: The rest of it deals with the commonages which the issue is about.

Acting Chairman (Deputy Frank Feighan): The Minister of State has used his four minutes. Deputy McConalogue has two minutes and the Minister of State can respond in the two minutes he has left.

Deputy Tom Hayes: It is important for the Deputy to know what is in the commonage-----

Acting Chairman (Deputy Frank Feighan): I have to abide by the rules.

Deputy Charlie McConalogue: It is unfortunate that the Minister of State has not really dealt with the particular questions I asked.

Deputy Tom Hayes: If the Deputy gives way, I can.

Deputy Charlie McConalogue: Yes.

Deputy Tom Hayes: I thank the Deputy because it is important. I will set out the background to our proposals on commonage. The proposed GLAS scheme must respect the provisions set out in Council Regulation 1305 of 2013 and address key priorities identified at European Union level. Payments under the scheme can only be made in respect of actions going beyond the baseline requirements under the basic payment scheme under pillar 1 of the CAP. In simple terms, this means that a farmer cannot be paid twice for the same commitment under both schemes which is only fair.

Since the introduction of agri-environment schemes in the 1990s the pillar 1 baseline has been progressively raised for each programming period and this challenges us all in putting together schemes that will gain approval at European Commission level. Farmers are required under the basic payment scheme to maintain land in good agricultural and environmental condition and commonage land is no exception to this requirement. We must also remember that the European Commission contributes significantly to the GLAS scheme.

A key element of the new strategy for managing commonages under GLAS is the development of a collective approach, where the majority of shareholders come together to manage the land in the best interests of the broader environment.

5 o'clock

GLAS is an environmental scheme and all measures proposed under the scheme must make a clear contribution towards better environmental management of agricultural land. As I have already explained, a two-tier system is being put in place to guarantee commonage owners prioritised access to GLAS: Top priority will be given to those who can achieve 80% or more participation in the collective, but if a minimum of just 50% participation can be secured, that will guarantee second-tier access to the scheme. I hope that clarifies the position for Deputy

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McConalogue. I believe this concession, which was introduced last month, will significantly ease the burden of securing agreements, while at the same time providing a critical mass for management of the commonage, which can be expanded upon in future years.

Deputy Charlie McConalogue: Unfortunately, the reply does not address a couple of the key concerns I put to the Minister, which farmers raised this morning. They felt they had to come to Dublin to protest. I outlined that the average beef farm income is €15,000 and the average sheep farm income is €11,000. By and large, farmers with commonage attached have small incomes. The key point I made to the Minister is that under REPS and previous schemes, which were much more financially viable for farmers, only 24% of farms with commonage signed up to them. What is required for farms with commonage is that at least half of the farmers involved in the commonage must sign up to GLAS at the same time in order for anyone to be able to participate. Given the history of such schemes that simply will not be possible. The Minister is blocking one tenth of farms across the country from participating in GLAS. A higher proportion of farms in Donegal, Mayo, Galway, Connemara and Kerry in particular will be affected. The farmers will be blocked from participation in a valuable scheme. Unless the Department changes its approach it will defeat the entire purpose behind the scheme. Under previous environmental schemes an individual farmer could apply and did not need 50% of farmers using commonage land to sign up at the same time. Individual farmers could introduce environmentally friendly measures on their farms and on the commonage areas. What will be achieved is blocking any farm with commonage attached from participation in the scheme. Even farms that no longer use the commonage will not be able to apply because they cannot meet the terms of the scheme. The Minister must rethink the scheme and listen to what was said by the farmers who came to Dublin to make their views heard and to get the attention of the Ministers in the Department. Unless the Department completely changes its approach it will cut out one tenth of the lowest income farm families in the country from a very important scheme, which would be instrumental in allowing them to continue in farming.

Deputy Tom Hayes: I wish to be helpful on the matter. I assure Deputy McConalogue that we are open to hearing suggestions on the scheme. Last night at 8 p.m. we met the farmers who were protesting. In the next two weeks we will meet the IFA to discuss the matter. We have agreed on a course of action. The programme has not yet gone to Brussels but when it does it must be acceptable in order to qualify for grant aid. Most of the money for the scheme will come from Europe. We should not send out the message that the scheme is an income-based one. The scheme is an environmental one and it will not be accepted unless we can prove the measures it contains will help the environment.

One cannot compare it with the previous REP scheme to which anyone could sign up. It involved a more simplified approach but we are living in tighter economic times and we must justify the money that is being spent. Deputy McConalogue did not mention the 80% and 50% options. The planner who is required for scheme applications can bring together those who own the commonage. There is a way around the problem from an environmental point of view. We are open for consultation. We will meet the IFA. I will facilitate anyone who wishes to discuss the matter but one must remember that the bottom line is that it is an environmental scheme and it is wrong to send out the message that it is an income-related scheme. It might be treated in that way by some when they are lobbying, which is fair enough, but the reality is that when the plan goes to Brussels it must stand up from an environmental perspective. The measures it contains must be viable for the scheme to be successful. If the scheme is rejected money will not be sanctioned. I hope that clarifies the position. We are open to talk to people in general

and to the farming organisations.

School Accommodation

Deputy John O'Mahony: I thank the Ceann Comhairle for selecting this urgent matter as a Topical Issue debate. I understand the Minister for Education and Skills, Deputy Quinn, is abroad on Government business. Accordingly, I thank the Minister of State, Deputy Kehoe, for responding to the issue.

It relates to Gort Sceiche national school, Annefield, Hollymount, County Mayo, which has applied for additional accommodation because of a big increase in numbers from 26 at present to 44 in September this year, to 53 in September 2015 and it is expected that numbers will grow to 57 in 2017. The junior room pupils will increase from 19 to 26 in September this year and up to 34 in September 2017.

The reason for the sudden increase in numbers is twofold. First, it is an excellent school with the highest standards achieved by staff and pupils both in educational areas and extra-curricular activities. As well as the increasing numbers in recent years it has now emerged that another small school in the locality is closing at the end of June and nine pupils from the school have enrolled in Gort Sceiche national school for September 2014. In addition to the existing increased demographic trend, the situation has been accelerated further because of the closure of the adjoining school which means there is a critical need for additional accommodation.

In its letter outlining the reason for the rejection of the original application, the Department stated, "I wish to advise you that the main focus of the Department is to provide essential classrooms in areas of demographic growth". That is exactly the situation in this case because the school is an excellent one and another factor is the closure of an adjoining school.

The problem comes more into focus when one takes the rapid increase from 19 to 34 in numbers of junior pupils. That would entail 34 students fitting into a 49 sq. m classroom when 80 sq. m is the Department's current accepted standard size for a classroom. I urge the Minister to consider the application again in light of the facts I have outlined.

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): I thank Deputy O'Mahony for raising this very important issue. I am responding on behalf of the Minister for Education and Science, Deputy Quinn, who is on official business in Brussels. It gives me the opportunity to remind the House of the significant challenges facing us in terms of meeting increasing demand for pupil places throughout the country in the coming years and the opportunity to clarify the position in relation to the application for additional accommodation in respect of Gort Sceiche national school, Hollymount, County Mayo.

The Deputy will be aware of the demographic challenge facing the education system in the coming years. Primary enrolments, which have already risen substantially in recent years, are projected to rise by approximately 70,000 pupils by 2019 and post-primary pupils are expected to rise by more than 35,000 pupils over the same period. It is vital that there is sufficient school accommodation in place to cope with these increasing pupil enrolments.

To meet the needs of our growing population of school-going children, the Department must establish new schools as well as extending or replacing a number of existing schools in areas

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where demographic growth has been identified. The delivery of these new schools, together with extension projects to meet future demand, will be the main focus of the Department's budget for the coming years. The Deputy will appreciate that the primary aim at the core of the five-year construction plan is to ensure every child will have access to a physical school place.

With regard to Gort Sceiche, I understand that it is a two-classroom school with a staffing complement of a teaching principal plus one mainstream teacher. The current enrolment at the school is 26 pupils. The school in question advised, as part of its application for additional accommodation, that due to the closure of a neighbouring school at the end of this academic year, it expects a significant increase in pupil numbers. In that regard, the Department of Education and Skills acknowledges that this may result in an increase in enrolments to approximately 35 pupils next September.

In April 2014 the school submitted an application for capital funding for the upgrading of existing classrooms and for the provision of a resource room, a learning support room, a parents' room, a general purpose room and an administrative room. With regard to the request for a learning support and resource room, the Department has sought additional information from the school, and when this is received it will be in a position to consider the matter further.

Gort Sceiche also requested funding for the upgrade of two existing 49 sq. m classrooms to two 80 sq. m *en suite* mainstream classrooms. I wish to advise the Deputy that the difference in size between the classrooms concerned is due to the fact that toilet and wet area facilities are provided separately to the existing 49 sq. m whereas they are provided *en suite* within the 80 sq. m classroom. In that context, the existing classrooms are not considered to be undersized and the existing classroom accommodation available to the school is adequate to cater for its pupil numbers.

As I have already outlined, the Department's overriding objective is to ensure every child has access to a physical school place and that our school system is in a position to cope with increasing pupil numbers. Priority is currently being given to applications for essential mainstream classroom accommodation in areas of significant demographic growth and where additional teaching staff have been allocated. This will continue to be the main focus for investment by the Department in the foreseeable future. As a result of this, the Department is not currently in a position to consider the application from the school on its other ancillary school accommodation.

Deputy John O'Mahony: I thank the Minister of State for his reply. I want to be helpful and I take the point he makes regarding the application for a resource room and the requirement for further information. I understand the Department contacted the school today.

The Department is planning on a year-to-year basis but there is no point building a small room in the short term if it must be rebuilt the following year. The figures given by the school apply until 2017 and major increases are expected in pupil numbers. The school principal can give dates of birth and personal public service, PPS, numbers. Everything is above board.

I ask the Minister of State to convey my points to the Minister for Education and Skills, Deputy Quinn. This matter would represent better value for money if it could be considered in terms of the next two or three years. The situation will be serious at the school this September but it will be critical in September 2015.

In 2011 new pupil-teacher ratios were introduced for small schools and the Minister stated at

the time that schools that amalgamated due to closures would be given special consideration to rationalise school numbers. This school fits in to such a plan and deserves such consideration.

Gort Sceiche is an exceptional school that has won numerous awards over the years. It had the best primary school website in the country and won an award at the film festival for primary schools at the Helix Theatre. The school performed with the Cross-Border Orchestra of Ireland at the Royal Theatre, Castlebar. I have a list of this school's achievements that runs to pages. It is an exceptional school and I am trying to be helpful as I believe what I am suggesting offers value for money. If examined in this context, I believe we can reach a solution. I ask the Minister of State to convey my points to the Minister for Education and Skills, Deputy Quinn.

Deputy Paul Kehoe: I understand the point made by the Deputy in simple terms relating to the need for additional accommodation. He referred to the closure of a neighbouring school that will increase pupil numbers at Gort Sceiche in September 2014. It is important that the Department and the Minister look beyond September 2014. We must prepare for September 2015 and September 2016.

I will ask the Minister to look at this application in the context of increasing numbers at the school in 2015 and 2016. I will ask him to progress the application. The school and the parents of the children went out of their way to make this application and I recognise the commitment of parents and teachers. The school has 26 pupils but this will increase. I will outline the Deputy's concerns and ask the Minister and those employed at the Department of Education and Skills planning and building unit in Tullamore to examine this application in preparation for 2015 and 2016 rather than 2014. I acknowledge the Deputy's recognition of this as an exceptional school. I do not doubt that the school's exceptional work will continue when combined with another school. I will convey the Deputy's thoughts to the Minister as soon as possible and I will ensure he receives a copy of the Deputy's speech.

Army Barracks Closures

Deputy Gabrielle McFadden: This is my first speech in Dáil Éireann and I ask the House to indulge me for a moment to allow me to thank the people of the Longford-Westmeath constituency for placing their trust in me. I am truly grateful to them. I also thank my supporters and my family for their help and encouragement. I am also extremely grateful for the support of my colleagues in Leinster House during my first few weeks here. I am very proud to be here and I wish to continue the very good work of my sister, Nicky, on behalf of the people of Longford-Westmeath. I am grateful for this opportunity.

When the Taoiseach visited Athlone during my election campaign, he gave assurances at the Army barracks about the retention of the number of Army personnel in the town and about the future of the Army barracks there. These assurances were very welcome and I would be grateful if the Minister of State could today reiterate these commitments to the House. Deputies from parts of the country which do not have an Army barracks may not be fully aware of the depth of pride communities such as Athlone, Mullingar and Longford have in them. I understand this pride personally because my grandfather, Jim McFadden, served in Athlone as a sergeant major for many years. Unfortunately, in 2012, Athlone saw the 4th Western Brigade lose its brigade status. Soldiers of the 4th Western Brigade have served overseas with great courage and dignity in the Congo, the Lebanon, Kosovo, East Timor, Liberia and Chad. Men and women have been proud to wear the brigade badge, the sword in hand, wherever they represented our country.

This is not to mention the work Army personnel do on duty in Portlaoise, or the work they do in times of crisis in our communities, as they did in Athlone in 2009 during the flooding.

We still have not been officially told why the barracks was downgraded. If it was for economic reasons, which I believe it probably was, will the Minister of State please inform the House where and how these savings are being made, because the people of Athlone cannot see it? If the downgrading is part of a wider strategic plan, can we be informed of it? Will the Minister of State tell us where the barracks in Athlone fits into this thinking? Uncertainty is now part of the problem. We hear many rumours on a daily basis about the closure of Athlone barracks, including this week, when a local opposition councillor got a headline in a local newspaper in Roscommon regarding new fears for the future of the barracks in Athlone.

We need clarity about the future of Custume Barracks. The withdrawal of barracks status means more than economics to the people of the midlands; it has wounded the pride of an entire community. I would be grateful for answers from the Minister of State.

Deputy Paul Kehoe: I thank Deputy McFadden for raising this very important issue. This was also a very important issue for her late sister, Nicky, who also raised issues with regard to the Defence Forces and personnel in Athlone. I wish Deputy McFadden well as a recently elected Member of the House. I am pleased to reaffirm the Government's commitment to Custume Barracks in Athlone.

The background to recent developments at the barracks and for the Defence Forces arise in the context of the need to achieve a more effective and efficient organisational arrangement. Arising from the comprehensive review of expenditure in 2011, the Government decided to stabilise the strength ceiling of the Permanent Defence Force, PDF, at 9,500 personnel. The three brigade structure then in place had originally been designed in the 1990s, when the strength ceiling of the PDF was 11,500 personnel. At a strength ceiling of 9,500 personnel, stretched over three brigades, those organisational structures were clearly no longer efficient.

In this context, the Minister for Defence initiated a major re-organisation of the Defence Forces, encompassing the consolidation of three under-strength Army brigades into two full-strength brigades. This was to optimise the operational effectiveness of the Permanent Defence Force within the revised strength ceiling and ensure that the Defence Forces could continue to fulfil all roles assigned by the Government.

Key aspects of the re-organisation included the consolidation of under-strength units into a smaller number of full strength units, a reduction in the number of headquarters and the associated re-deployment of personnel from administrative and support functions to operational units. Within the three brigade structure, brigade headquarters were located in Cork, Dublin and Athlone. Following the consolidation of three Army brigades into two larger brigades, it was decided that the two new brigades would have headquarters in Cork and Dublin. This decision was in accordance with recommendations brought forward by the Chief of Staff and the Secretary General of the Department of Defence.

At the time of the re-organisation there was speculation in Athlone that the number of PDF personnel serving in Custume Barracks would be reduced by approximately 400. This was based on an incorrect assumption that 1,400 personnel were based in Custume Barracks at that time. This figure is based on the number of personnel that would have been in Custume Barracks if the PDF strength was at 11,500 personnel. This strength level had not been seen since

the 1990s and, in this context, the figure of 1,400 personnel bears no relationship to the number of PDF personnel based in Custume Barracks in recent years. The Minister for Defence previously stated that following the implementation of the re-organisation, approximately 1,000 PDF personnel would be stationed at Custume Barracks within an overall PDF strength of 9,500 personnel. I have been advised by the military authorities that at 30 April 2014, the latest date for which figures are available, the number of personnel whose home station was Custume Barracks was 920. This was within an actual overall PDF strength figure of 9,110 at that date. However, it should be noted that recruitment to the Defence Forces is ongoing.

The Department is engaged in an ongoing capital building programme designed to modernise and enhance the training, operational and accommodation facilities available to members of the Defence Forces. Under this programme, there has been considerable capital investment at Custume Barracks in recent years. Recent major projects undertaken include the construction of armoured vehicle garaging facilities, a gymnasium and an upgrading of gas and water main facilities, including the provision of new underground services and associated works. In addition to the major capital projects, there are ongoing works to ensure the upkeep and repair of buildings at the barracks.

The reorganisation has maintained the operational capacity of the Defence Forces to the greatest extent possible, within the available resource envelope. It has allowed the Permanent Defence Force to continue to fulfil all roles assigned. This remains a key focus of the Chief of Staff and the Secretary General of the Department of Defence. Custume Barracks continues to be an important operational military barracks following the re-organisation of the Defence Forces and I stress there are no plans to change this. There are no plans to reduce the numbers at Custume Barracks and the commitment figure given will be maintained.

Deputy Gabrielle McFadden: I thank the Minister of State. It pleases me greatly to hear Custume Barracks will not close and that the rumours and the headlines in the local newspapers are incorrect. I acknowledge the considerable capital investment in Custume Barracks and the fact the air ambulance is there, which is a great service for the midlands and the entire country. The air ambulance based in Athlone is a pilot scheme and I hope the Minister of State will confirm today what is its future. I am very pleased to have it put on record that Custume Barracks will remain open.

Deputy Paul Kehoe: The Taoiseach, in his role as Minister for Defence, and I, in my role as Minister of State at the Department of Defence, visited Athlone barracks a number of weeks ago. We saw at first hand the importance of the air ambulance service. We are awaiting a report on the service. It is an excellent service not alone for Athlone, but also for the midlands in general.

Deputy McFadden stated there were rumours in the local newspapers, including last week, about the future of Custume Barracks. Let me state to the local newspapers in Athlone and Roscommon that I hope they will give the same headlines to the statement I made today as they did to the rumours last week. I very much appreciate Deputy McFadden raising the important issue of Custume Barracks in Athlone. I understand and am aware of its importance to the local economy in Athlone. I assure the Deputy that she has my full commitment, as well as that of the Government, that there are no fears or plans to close Custume Barracks, Athlone or to reduce numbers there. Custume Barracks, Athlone plays an integral part within the wider Defence Forces organisation nationwide and the Government has committed to the numbers there. I note Deputy McFadden also mentioned the service personnel from Custume Barracks

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have given on peacekeeping missions abroad. I greatly appreciate this service and have been on ministerial reviews with troops going abroad from Athlone. Moreover, I have met many troops from the greater Athlone area and from Custume Barracks who were based in the Golan Heights, in Lebanon and further afield. I am aware of the excellent job they have done and the commitment they have given, and in return for the commitment they have given to the Defence Forces, the Government has given a commitment back that there are no fears of Custume Barracks, Athlone closing or of a reduction in numbers there.

The Dáil adjourned at 5.30 p.m. until 10 a.m. on Friday, 20 June 2014.