



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 24 Meán Fómhair 2015

Thursday, 24 September 2015

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Question

Beit Collection

1. **Deputy Seán Ó Fearghaíl** asked the Minister for Arts, Heritage and the Gaeltacht if she will provide an update on her efforts to ensure the paintings in the Beit collection remain here; and if she will make a statement on the matter. [32428/15]

Deputy Seán Ó Fearghaíl: This question is pretty straightforward. It seeks to establish from the Minister what has happened since we last discussed the particular issue around Russborough House, the very valuable and important collection there, previously in the ownership of Sir Alfred and Lady Beit, and the fact the paintings that were to be auctioned at Christie's have been withdrawn. What has happened in the interim and where do we now stand?

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): Last June, the Alfred Beit Foundation took the decision to postpone the sale of the paintings referred to in the Deputy's question in light of a request I had made to it and the emergence of Irish donors who were considering the purchase of some artworks. While conscious and respectful of the independence of the foundation, I welcomed that decision to allow the necessary breathing space to explore other options to keep the artworks in Ireland if possible.

One possible solution could involve the donation of artworks to an Irish cultural institution using tax relief provided under section 1003 of the Taxes Consolidation Act 1997. This tax relief relates to donations to approved bodies of heritage items that are considered outstanding examples of their type and whose export from the State would constitute a diminution of the accumulated cultural heritage of Ireland. Under this scheme, 80% of the market value of the items donated is offset against the current tax liability of the donor. A selection committee chaired by my Department is currently considering a proposed donation of one of the Beit

paintings under this scheme.

I met again with representatives of the Alfred Beit Foundation at the end of July. A number of issues were discussed, including issues regarding taxation and other assistance which the State could offer. At my request, my officials have engaged with relevant Departments and State agencies to consider how best Russborough House could be assisted on a long-term basis. A high-level meeting was held last week between officials of my Department, the Office of Public Works and the Department of Transport, Tourism and Sport, together with members of the Beit Foundation, where it was agreed to maintain contact on a range of issues.

While the foundation deferred the proposed sale of the paintings until later this year, it has indicated publicly that the foundation continues to require a significant endowment to secure its future. This may entail selling paintings to put this in place unless donors become available. I have made it clear that my Department does not have the resources to provide for such a fund. My Department will continue to work with all parties, however, to assist the foundation in any way in managing Russborough House.

Deputy Seán Ó Fearghail: Can we establish with certainty then that what the Beit Foundation says it requires is an endowment of the order of €15 million to be able to continue to operate Russborough House successfully? Is it also the case that the foundation made it abundantly clear to the Minister that the tax relief at 80% was not adequate to attract the level of investment required to secure the future of the art assets held at Russborough House and that tax relief needed to be restored to 100%? One would assume there could be sufficient conditionality attaching to any relief at 100% that would guarantee that the entire benefit of that relief accrued to the people. Is it true, as reported by *The Irish Times* today, that the Minister, Deputy Noonan, has refused the Minister's request to increase the tax relief from 80% to 100%?

Deputy Heather Humphreys: What is important here is that we have to focus on the long-term future and viability of Russborough House and not only around the sale of the paintings. Following a request from the trustees, I wrote to the Minister, Deputy Noonan, regarding the section 1003 tax relief and whether a rate of 100% could be reinstated. The Minister, Deputy Noonan, responded to me to say that it is not his intention to amend the tax relief, noting the fact that 80% of the market value in tax relief is already very generous and that the rate was introduced to ensure there was some philanthropic aspect to donations. Providing tax relief at a rate of 100% on the value of an item would have the exact same impact on the Exchequer finances as if the State were to purchase the item outright. I raised the issue with the Minister and that is the response I got, namely, that the 80% relief is a very attractive tax incentive.

Deputy Seán Ó Fearghail: I was not perhaps great at mathematics but I do not know how the figures the Minister is giving to us could be correct. I suspect that if Russborough House were located in Limerick, we would not be having the particular difficulty we have in this instance. It seems that the Government is quite prepared to allow the Beit Foundation to have to cannibalise itself, in effect, to sustain the house into the future. Will the Minister advise what number of visitors would be required at Russborough House for the foundation to be self-sustaining and to be able to finance itself into the future? I note that something in excess of 1 million people have visited Russborough House since 1978. That does not seem to be an inordinately high number of visitors. The location of Russborough House in the garden of Ireland is quite phenomenal and one would assume that if properly packaged and more effectively marketed by being given the resources by the State, and I am not blaming the foundation for the difficulty, this venue could be far more attractive. It might not be Downton Abbey but it

certainly has enormous potential to attract tourists to the area.

Deputy Heather Humphreys: I want to make it clear that Russborough House is an independent trust set up by Sir Alfred Beit. I absolutely respect that they have made decisions themselves and they have looked at this long-term plan. We have met them. We have offered all the support we can. Late last week a meeting was held between the trustees and the interdepartmental steering group that was established by me. They discussed measures which would help the long-term sustainability of Russborough House, including the development of marketing opportunities for the house in the context of Ireland's Ancient East project. The Alfred Beit Foundation development of a master plan to leverage philanthropic support was also discussed and the OPW is willing to support and advise on this plan. The Department was also updated on the Alfred Beit trustees' talks with potential donors. I do not have the number of visitors to the house every year but there are opportunities in terms of Ireland's Ancient East to increase numbers. It is a question of working with the Department and we will give them all the supports necessary. The OPW is very good at running historic houses. It has a lot of expertise in that area and it is happy to make its expertise available to the Alfred Beit Trust. We will continue to work with it and give it all the help we can. That is what we have to do. It is a joined-up approach to the various supports for house owners. The steering group on historic houses was established earlier in the year. It is a question of trying to work with them. There is a huge financial burden on anyone who owns a historic house. We do want to work with the trustees to try to find the best solution possible. We have met them on several occasions. I respect the fact that it is an independent trust set up by Sir Alfred Beit.

City of Culture Initiative

2. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the reason more than €150,000 of public finances was transferred from three Limerick City of Culture 2014 events to other projects, some of which were not exclusive to the year-long celebrations; and if she will make a statement on the matter. [32372/15]

Deputy Sandra McLellan: Will the Minister explain why more than €150,000 of public finances was transferred from three Limerick City of Culture 2014 events to other projects, some of which were not exclusive to the year long celebrations?

(Deputy Heather Humphreys): In budget 2014, an allocation of €6 million was made to Limerick City of Culture 2014 to be paid through the Vote of my Department. In November 2014, sanction was received from the Department of Public Expenditure and Reform, on foot of an application from Limerick City and County Council, for applying additional funding of up to €1.5 million to Limerick City of Culture from possible savings on my Department's Vote. The additional funding was sought in respect of a range of activities, including international events, commissioning, legacy events, *Made in Limerick* projects and the Special Olympics. In the event, savings of just over €1.1 million materialised and this amount was applied to the project.

While, in general, decisions in relation to individual projects and artistic matters were the responsibility of Limerick City of Culture, all expenditure of public funds provided by my Department was subject to formal agreements with Limerick City and County Council, which are published on my Department's website. I am satisfied that the funding in question was applied in accordance with those agreements.

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Engagement with Limerick City of Culture about the final account for 2014 is continuing and I anticipate that the completed account will be submitted shortly. Overall, I consider that the Limerick City of Culture was a success, both in cultural terms and in enhancing civic participation in the city, and I believe it has left a lasting and positive legacy.

Deputy Sandra McLellan: Limerick City of Culture still requires an extra €400,000 of taxpayers' money to meet a funding shortfall after a spend of almost €11 million. As the Minister stated, €7.1 million was provided by the Department of Arts, Heritage and the Gaeltacht and €3.4 million was raised through sponsorship and donations. A total of €152,000 was allocated to three projects which did not proceed and the funds were moved elsewhere. The cancelled events were among 15 listed events and were funded from an initial Department allocation of €6 million.

An unknown amount was allocated to the project The Shouting Fence and was not recouped. How much was that and was the money simply lost? Limerick City of Culture has to date refused to state how much was spent on that event. The Shouting Fence required up to 300 singers for the performance who were originally to be local volunteers. Due to insufficient numbers signing up, the decision was made to hire performers from the United Kingdom. It is understood contractual payments and a booking deposit were paid for this.

The remainder of the €152,000 was transferred to three events not originally listed on the commission strand's 15 events for public funding, the recent Culture Night, Christmas in Limerick and Limerick Winter Carnival. The organisers have stated they received the Department's permission to transfer the funds. Does the Minister agree that the whole debacle smacks of a total lack of co-ordination and planning and can you explain why scheduled events did not proceed? Is it sufficient to say it was simply a case of poor judgment while spending taxpayers' money?

Deputy Heather Humphreys: I do not agree that the whole thing was a debacle. In fact Limerick City of Culture was a huge success. The Government initially committed €6 million for Limerick City of Culture. Following an application from Limerick City and County Council, the Department of Public Expenditure and Reform last November sanctioned additional funding of up to €1.5 million from savings in the Department of Arts Heritage and the Gaeltacht's Vote. In the event, the savings realised were of the order of €1.1 million and this amount was paid over. In total, €7.1 million was committed and paid. In respect of some of events or projects not proceeding as originally planned, this is something that can happen during the course of any year-long programme. I am satisfied that the projects funded in late 2014 were appropriate and that the additional funding was applied in line with the formal agreements in place between the council and the Department. I am also satisfied that the application of all the Department's funding will be fully transparent and accountable. Information on expenditure on the different city of culture programmes is available on my Department's website. A financial account for 2014 will be completed shortly and submitted to the Department, which is also carrying out an independent evaluation which will be published in due course.

Deputy Sandra McLellan: It is well known that the city of culture ran into serious cash flow problems only weeks before it opened in January 2014. Internal documents from the Department of Arts, Heritage and the Gaeltacht, obtained by *The Irish Times* under the Freedom of Information Act 2014, disclosed that Limerick City of Culture had none of its €6 million State funding in place by the time of the official opening on 31 December. The records show the scale of Limerick City of Culture's difficulties in drawing down funding and the uncertainty it

caused for the project.

Why then did the Government plough ahead with such precarious plans? In this context, and given all that we know now about the cash flow problems in the lead-up to the launch of Limerick City of Culture last year, does the Minister find it acceptable that questions remain unanswered regarding the transferring of €150,000 to other projects as I have outlined? When will the review of Limerick City of Culture conclude and how will we be notified of its findings? Will the Department of Arts, Heritage and the Gaeltacht make up the €400,000 shortfall in payment?

Deputy Heather Humphreys: I accept that there were difficulties initially with Limerick City of Culture. I visited it and have to say it was a tremendous success. It brought a new life to Limerick. It was fantastic to see all the public art projects. I went to see what children got involved in. It really was a great success.

Regarding the Deputy's question on the events she mentioned, during a programme of that nature there are bound to be events that do not go ahead and others come in to replace them. It was ultimately up to Limerick City of Culture to decide. The Department will carry out an evaluation and that will be published in due course. I am aware that Limerick City and County Council would wish to access further Government support and the Department of Arts, Heritage and the Gaeltacht has made no commitment in that matter.

Wildlife Protection

3. **Deputy Michael Fitzmaurice** asked the Minister for Arts, Heritage and the Gaeltacht the action she plans to take to deal effectively with the problem of the population of Asian clams at Lanesborough, County Longford and surrounding areas; and if she will make a statement on the matter. [32355/15]

Deputy Michael Fitzmaurice: There is a problem with the Asian clam in Lanesborough where there is a tourism industry worth €30 million at stake. The buck is being passed from one person to another. Could the Minister confirm that the National Parks and Wildlife Service is taking full responsibility to sort out this problem and what is it doing about it?

(Deputy Heather Humphreys): My Department is responsible for the enforcement of the Wildlife Acts and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011), both of which prohibit the spreading of invasive species. In general, control of invasive species is a matter for landowners, and my Department carries out considerable work on control of such species in national parks and nature reserves.

My Department does not have the resources required to extend such work into the wider countryside, or to provide dedicated funds for such work to other bodies. Control of aquatic species in rivers, lakes and canals is a complex and difficult issue, as many of the species concerned can be very difficult to detect until well established, and thereafter are persistent and may be impossible to eradicate. I am aware of the work of Inland Fisheries Ireland on the Asian clam problem, in addition to a wide range of useful work on invasive species, especially in controlling aquatic and waterside invasive plants. I am also aware of work carried out by various bodies, including county councils, the National Roads Authority, Waterways Ireland and the National Botanic Gardens. My Department will continue to work with these and other

bodies.

Deputy Michael Fitzmaurice: This is a problem on the River Shannon. My question is very straightforward and simple. Is Waterways Ireland or the National Parks and Wildlife Service responsible? My understanding is that, under articles 48 and 49 of the habitats directive, the National Parks and Wildlife Service is the main body responsible for invasive species. Can the Minister confirm that in Lanesborough, Carrick-on-Shannon, Shannonbridge and in the River Barrow, where we have a problem with the Asian clam, her Department is the main body responsible? I have mentioned fisheries bodies and Waterways Ireland. Can the Minister state clearly whether the National Parks and Wildlife Service is responsible in order that the people in the areas affected will know who to deal with? Could she respond with a simple “Yes” or “No”?

Deputy Heather Humphreys: I am responsible for the enforcement of legislation, including the Wildlife Acts and the birds and natural habitats regulations of 2011, prohibiting the release or introduction of listed invasive species, or allowing them to spread. However, responsibility for the control of invasive species normally lies with the landowner. As Minister, I am not responsible for or resourced to control invasive species wherever they arise. In the case of the Asian clam in the River Shannon, it is clear that a collaborative approach involving the expertise of Inland Fisheries Ireland, the ESB and Waterways Ireland, in addition to my Department, is appropriate. That is what is happening, and Inland Fisheries Ireland is at the helm. I must stress that expert scientific advice indicates that the extermination of the clam at this stage may be virtually impossible. There is not a simple solution to this, unfortunately. It is not a problem unique to Ireland. It features across many countries where people are travelling. Species are entering unbeknown to people. In certain environments, species can become invasive because of how they breed. That is the case with the clams in the River Shannon.

Deputy Michael Fitzmaurice: We have been in contact with officials in Europe who say the National Parks and Wildlife Service would be responsible, on land or water, for the eradication of invasive species. However, the Minister has made it very clear that it is not her Department that is responsible for the Asian clam in Lanesborough. Obviously, it must be a matter for Waterways Ireland. I presume it is not a matter for the ESB. I need to determine it is not the responsibility of the Department. The Minister referred to joined-up thinking involving three separate bodies. That is great, but there has to be a captain of a ship and there has to be a captain on a football team. The Minister is saying her Department is not responsible, contrary to the advice we are receiving from Europe.

Deputy Heather Humphreys: In general, the landowner is responsible for control. As with the Noxious Weeds Act, the legislation in question is complex to enforce in practice. In this case, it requires a multi-agency response, and that is what is happening. We have to work together. The problem is serious and I accept that. Some work has been done on it. Following the initial identification of the Asian clam in the hot water stretch and cut areas of Lough Ree at Lanesborough, early action was taken from a fisheries perspective by Inland Fisheries Ireland to close the fishery and erect public warning signs to reduce the threat of further spread. A detailed survey was carried out in the Lanesborough area at the top of Lough Ree involving the deployment of significant resources by Inland Fisheries Ireland. The survey results were scientifically analysed by senior scientific staff of Inland Fisheries Ireland. A trial dredge of material was completed by Waterways Ireland with assistance from Inland Fisheries Ireland. Some 2.5 tonnes of material was removed from the trial site, and this material was bagged and moved to the Inland Fisheries Ireland store in Roscommon for disposal.

We need to work together to find a solution. There are a number of agencies but none is specifically tasked with the control of invasive species. There is no dedicated funding stream, although some very good work has been done. Control measures are local in scale and, by definition, reactive. In this case, as stated, the response has to be a multi-agency one.

Seirbhísí Eitilte

4. D'fhiafraigh **Deputy Michael P. Kitt** den Aire Ealaíon, Oidhreacht agus Gaeltachta céard atá beartaithe aici maidir le haersheirbhís go dtí Oileáin Árann, an bhfuil sí sásta conradh nua aersheirbhíse a thosú; agus an ndéanfaidh sí ráiteas ina thaobh. [32429/15]

Deputy Michael P. Kitt: Táim ag iarraidh freagra a fháil mar gheall ar na pleananna ag an Aire chun aersheirbhís a chur ar fáil go hOileáin Árann. An gcuirfidh an tAire Stáit an tairiscint ar ceal agus an dtosnóidh sé próiseas nua chun aersheirbhís laethúil a chur ar fáil ó Aerfort Chonamara go hÁrainn? Tá an tseirbhís ann le níos mó ná 40 bliain. Is í an cheist is tábhachtaí ná an mbeidh an t-aersheirbhís ann tar éis mí an Deireadh Fómhair.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): Gabhaim mo bhuíochas leis an Teachta as ucht an gceist tábhachtach seo. Mar is eol don Teachta, rinne mo Roinn athbhreithniú a choimisiúnu anuraidh ar an tseirbhís aeir i gcomhréir le rialachán an AE. Léirigh an t-athbhreithniú a rinne EY go raibh cás socheanamaíoch ann don tseirbhís aeir. Léiríodh fosta go raibh sé riachtanach sábháiltí a bhaint amach i gcomhthéacs an mhéadaithe de 136% a bhí tagtha ar chostas na seirbhíse aeir le linn na tréimhse athbhreithnithe ó 2003 go 2013 a bhí faoi chaibidil sa tuarascáil.

Bunaithe ar mholtaí an athbhreithnithe, cuireadh próiseas tairisceana ar bun chun conradh a aontú don tseirbhís aeir don tréimhse ón 1 Deireadh Fómhair 2015 go dtí an 30 Meán Fómhair 2019. Is í an Oifig um Sholáthar Rialtais atá i mbun an phróisis tairisceana a réachtáil thar ceann mo Roinne i gcomhréir le rialachán an AE. Tar éis measúnú a bheith déanta ar na hiarratais faoin bpróiseas tairisceana, fógraíodh an tairgeoir roghnaithe don chonradh seirbhíse aeir ar an 26 Lúnasa. Cuireadh in iúl freisin go raibh bronnadh an chonartha faoi réir chomhlíonadh tréimhse shosa deonáí de 14 lá agus nach gcuirfí conradh ar bith i gcrích go rachadh an tréimhse sosa in éag ar an 9 Meán Fómhair.

I gcomhréir le comhairle dlí a fuarthas, fógraíodh ar an 10 Meán Fómhair go raibh síneadh á chur leis an tréimhse shosa deonach go dtí an 16 Samhain. Tógadh an cinneadh seo le súil is soiléiriú a fháil maidir le hAerfort na Gaillimhe a bheith ar fáil do thréimhse an chonartha ceithre bliana ón 1 Deireadh Fómhair mar atá leagtha amach san iarraidh ar thairiscintí. Chun a chinntiú go leanfar le seirbhís aeir chuig agus ó Oileáin Árann, tá mo Roinn ag plé leis an soláthraí seirbhíse reatha chun teacht ar chomhaontú maidir le síneadh a chur leis an gconradh reatha ar feadh ceithre mhí ón 1 Deireadh Fómhair.

Is é an aidhm a bhí agam ón tús ná a chinntiú go mbeidh seirbhís aeir ann i gcónaí d'Oileáin Árann agus leanfaidh mé orm chun an aidhm sin a bhaint amach feadh mo chumais.

Deputy Michael P. Kitt: Mar is eol don Aire Stáit, bhí cruinniú ag Comhairle Contae na Gaillimhe inné agus níl socrú ann go mbeidh Aerfort an Chairn Mhóir ar fáil d'aon chomhlacht faoi láthair. Caithfidh an tAire Stáit a bheith soiléir faoi seo. Tá an tseirbhís aeir laethúil ann ó Aerfort na Minne á réiteach ag Aer Arann. Dúirt an tAire Stáit go mbeidh seirbhís nua ann ó

mhí Dheireadh Fómhair ach gur seirbhís héileacaptair a bheidh ann ag eitilt ó Aerfort an Chairn Mhóir ar an taobh thoir de chathair na Gaillimhe. Sin iad na rudaí a chuireann inní ar mhuintir na n-oileán. D'iarr an tAire Stáit ar Aer Arann leanacht leis an tseirbhís go dtí deireadh mhí Feabhra. An bhfuil an tAire Stáit in ann a rá inniu go leanfar leis an tseirbhís ag Aer Arann go dtí mí Feabhra? Cén uair a bheidh cinneadh ar an gceist seo? Ní dóigh liom gur thug an tAire Stáit freagra dom ar an gceist a chuir mé air. An mbeidh an tseirbhís aeir ann tar éis cúpla mí eile? An mbeidh sé ann tar éis mí Dheireadh Fómhair?

10 o'clock

Deputy Joe McHugh: Go raibh maith agat arís. Tuigim go raibh cruinniú ann inné ag Comhairle Cathrach na Gaillimhe. Mar atá a fhios ag an Teachta, tá an próiseas i gcónaí beo. Ní mise, ach an OGP, atá freagrach as an bpróiseas, ach tá dualgas orainn uilig maidir leis an ceangal idir an mórthír agus na hoileáin. An chúis is tábhachtaí atá rómhainn ná leanúnachas na seirbhíse aeir chuig na hoileáin agus ó na hoileáin go dtí an mórthír a choinneáil. Sin an fáth go raibh an próiseas ar siúl.

Ar dtús, shíl mé go gcoinneodh muid an Conradh leis an an tseirbhís aeir atá ann faoi láthair, mar sin an cloch is mó. Ach, tháinig an OGP isteach i 2014 don phróiseas úr agus sin an chéad uair a tháinig an próiseas os mo chomhair sa Roinn. Fuarthas comhairle dlí soiléir ansin ón OGP agus ón Ard-Aighne maidir leis an bpróiseas, próiseas neamhspleách atá ar siúl i gcónaí. Tá aontú déanta maidir le cúraimí agus tá aontú déanta fá choinne leanúnachas don tseirbhís do na seachtainí romhainn idir an mórthír agus na hoileáin. Níl mé in ann freagra a thabhairt faoi láthair maidir le cén bealach a thógfaimid anois. Táim ag iarraidh spás agus am a thabhairt do m'oifigigh agus an OGP leis an gcinneadh sin a socrú.

Deputy Michael P. Kitt: An raibh cainteanna ag an Aire Stáit le Aer Arann nó an raibh cainteanna ag oifigigh na Roinne leis maidir le leanúnachas sa seirbhís seo? Mar is eol don Aire Stáit, tá an tseirbhís aeir seo an-tábhachtach mar gheall ar chúrsaí oideachais, sláinte, spóirt, gnó agus gach seirbhís eile atá ar fáil. Caithfidh freagra a fháil ar an gceist seo go luath. An freagra a thug an tAire Stáit don Teachta Derek Nolan ná go raibh costas níos mó ann anois don tseirbhís aeir. Dúirt sé go raibh ardú 136% ann le deich mbliana anuas.

Ní dóigh liom go bhfuil an tAire Stáit ag plé le leanúnachas, cinnteacht agus minicíocht do na daoine ar na hoileáin maidir leis an tseirbhís seo. Níl aon pholasaí fadtéarmach ann. Níl aon rud ráite ag an Aire Stáit faoi sin. Tá daoine ag rá nach mbeidh seirbhís ann tar éis cúpla seachtain eile agus go mbeidh leis an tseirbhís aeir atá ann. Deir cinnlínte sna nuachtáin: "Minister is urged to clarify Aran Islands air service row." Caithfidh an tAire Stáit a bheith soiléir faoi seo mar tá an t-easpa soiléireachta ag cur inní ar mhuintir na noiléan.

Deputy Joe McHugh: Bhí plé idir Aer Arann agus na daoine ag plé leis an bpróiseas. Tuigim na deacrachtaí atá ann, go háirithe do na sealbhóirí éagsúla, mar shampla iad siúd atá i gceannasaíocht ar na hoileáin, iarratasóirí ag cur isteach tairiscintí agus Comhairle Chontae na Gaillimhe. Tá díospóireacht tábhachtach ar siúl agus tuigim na deacrachtaí ag baint le sin.

Arís, níl mise freagrach as an bpróiseas agus sin an fhadhb atá agam. Tá an próiseas neamhspleách agus tá an OGP freagrach as an bpróiseas. Tá suim ag an Aire Stáit ann, ach níl mé lárnach sa phróiseas agus nílim ábalta eolas a lorg ón OGP. Ní bheidh baint agam leis an bpróiseas. Táim ag iarraidh spás agus am a thabhairt don díospóireacht atá ar siúl faoi láthair idir an OGP, an Ard-Aighne agus Oifig an Phríomh-Aturnae Stáit agus oifigigh mo Roinne.

Feicim na deacrachtaí atá ann maidir leis an am gairid atá ann idir seo agus an Chéadaoin seo chugainn, lá deiridh an chonradh reatha.

Turbary Rights

5. **Deputy Michael Fitzmaurice** asked the Minister for Arts, Heritage and the Gaeltacht if she will give an undertaking that the proposed closure of natural heritage area bogs will not proceed until and unless alternative turf-cutting locations have been provided for those who are affected by the closure but who wish to continue their turf-cutting tradition; and if she will make a statement on the matter. [32357/15]

Deputy Michael Fitzmaurice: In light of the fact that there are probably six to seven months, at most, left in the present Government's term of office, will the Minister give an undertaking that the closure of parts or all of the natural heritage area, NHA, bogs around the country proposed for the beginning of 2017 will not proceed unless alternative turf-cutting locations have been provided? We have seen the ongoing debacle with the so-called special areas of conservation, or SACs. Could common sense prevail so that those who want to continue exercising their right to cut turf are allowed to do so until relocation sites beside, near or on part of a bog are available?

Deputy Heather Humphreys: Since the Government came into office, huge efforts have been made to solve the issue of the protection of Ireland's raised bog SACs within the framework of the EU habitats directive. These have included intense and ongoing engagement with turf cutting interests, farmers, non-governmental organisations and the European Commission.

Notwithstanding the complexity involved, progress in relocating turf cutters to non-designated bogs has been achieved in a number of cases. Potential relocation sites have been identified for each of the raised bog SACs where relocation may be required. When relocation sites have been assessed as suitable, my Department has been seeking expressions of interest from turf cutters with a view to them moving to these sites.

The report entitled Review of the Raised Bog Natural Heritage Area Network, published in January 2014, provides detail on future arrangements regarding turf cutting on each of the 75 current raised bog natural heritage areas. The review has concluded that Ireland could more effectively achieve conservation of threatened raised bog habitat through focused protection and restoration of a reconfigured network. This will entail the phasing out of turf-cutting on 36 natural heritage areas by 1 January 2017, including parts of seven sites, and the de-designation of 46 natural heritage areas, including parts of seven sites. The review was undertaken in the context of a commitment in the programme for Government and ensuring compliance with EU law relating to turf extraction within raised bog SACs and natural heritage areas.

The compensation scheme for cessation of turf cutting has been extended to landowners and turbary right holders affected by the curtailment of turf cutting in raised bog natural heritage areas. A total of 216 applications have been received from applicants from these sites. Eleven applicants have expressed an interest in relocating to a non-designated bog.

My Department, together with Bord na Móna, is identifying and assessing sites that may be suitable as relocation sites for turf cutters from these bogs. A number of natural heritage area sites which are scheduled for de-designation may be suitable. Officials from my Department

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are continuing to work with turf cutters on relocation options for the natural heritage areas on which turf cutting is being phased out.

Deputy Michael Fitzmaurice: First, the Minister should tell whoever wrote that reply for her that one so-called SAC site in the country is all that has ever been sorted, and part of another one in Carrownagappul in Mountbellew. The Minister can tell them that, if they do not happen to know it themselves.

Second, I am not talking about so-called special areas of conservation. I am talking about natural heritage areas. We all know that some bogs are to be de-designated, but the Minister should bear one thing in mind. I have been hearing about legislation for a full year, yet every time I ask the National Parks and Wildlife Service about this legislation it seems to be further and further away. Can the Minister confirm when that legislation will be introduced for de-designation of the 45 bogs she mentioned?

One question has been evaded every time I ask it. We know that some people will take compensation, which is their right. The Minister said that 11 people were seeking relocation. However, the Minister can tell the person who wrote the reply that most people are still cutting in NHAs because they are not being asked to come off them until the beginning of 2017. Can the Minister say to those people who want to continue with their tradition, and who are willing to say they will go down the road a mile or up the road a mile or go together in one corner of a bog, that they will not be banned from cutting their turf until the Department, which has basically done nothing with regard to relocation for 15 or 16 years, has a new site for them to cut turf on or congregate them together in the bog? That is all they are asking; they are not saying anything else.

Deputy Heather Humphreys: As I said in my reply, the review of the raised bog natural heritage area network was published in January 2014. It sets out the future arrangements for turf cutting on each of the 75 current raised bogs. There has been consultation on this review and stakeholders were given the opportunity to provide their views. Some people will have to stop cutting on the natural heritage areas from 2017. We have already opened our compensation scheme for those people, and a number of people have taken this up. Others will be told that their bogs are to be de-designated. This happened as a result of a substantial amount of work undertaken to ensure more focused protection. We will designate new natural heritage area bogs, but my Department has given a commitment that these will be mainly from State bogs.

Overall, the approach taken between special areas of conservation and natural heritage areas has been very different. We have taken a very balanced approach with regard to natural heritage areas. We have consulted, published a review and set out proposals. People who will be asked to stop cutting have been given a lead-in time until 2017. Good progress has been made when people engage. I encourage people to engage with my Department and officials because I have a good example of where engagement works out well. People came together in my constituency of Cavan-Monaghan, worked together, adopted a co-operative approach and found a solution that they are very happy with.

Deputy Michael Fitzmaurice: To bring the Minister up to speed on that, I was at the back at Lough Sheelin bog for the search. The Minister mentioned 1 January 2014, but we are heading for 1 January 2016. This has been going on for two years and no legislation has been introduced yet. Some people in the National Parks and Wildlife Service, whom I do not blame, have

admitted openly that no de-designation legislation has been introduced. This is a worry. People around the country are worried. Before the election comes around, the Minister is saying that the Government is not rowing back on the bogs it says will be closed on 1 January 2017, and I take that point.

Deputy Heather Humphreys: What I am saying is that there is a group of natural heritage areas that are already de-designated. We are already engaging with the people who will have to stop cutting by 2017, and we have opened a compensation scheme to them. Some designated sites will be de-designated and we will designate new sites that will be mainly on State lands. We are trying to ensure that there will be a good sample of natural heritage area bogs and that the impact on people is kept to a minimum. In fairness, there has been widespread acceptance that this is a good way forward.

In respect of the assistance given, I was involved in the process in Cavan and I know that the Deputy met me on one occasion. A lot of work took place after that meeting; my officials engaged with turf cutters in Cavan and we found a solution. Many people are involved, and I know Deputies Connaughton and Feighan and a number of other Deputies have been involved in trying to find a solution. That is what it is about. It is about working together to find the right solution, hearing people's views and getting the right result at the end of the day.

Other Questions

National Library

6. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht in view of the recent merger of the Chief Herald function and the genealogical function at the National Library of Ireland into a new division and the fact that family researchers account for the single biggest user group at the National Library of Ireland, her plans to offer greater resources to the National Library of Ireland to assist in this function and take advantage of efficiencies offered by the merger to allow the National Library of Ireland to generate more user-derived income; and if she will make a statement on the matter. [32178/15]

Deputy Catherine Murphy: This question relates to the resources available to the National Library. Fairly recently, the Office of the Chief Herald was amalgamated with the genealogical function. Essentially, it has been looking at significant efficiencies. I think it is "efficienced out" at this point, and it is down to the core function. The single biggest user group is family researchers, which is a very positive thing. It is about looking for resources in the context of the budget to support that.

Deputy Heather Humphreys: While my Department provides funding to the national cultural institutions, the management and board of each institution are responsible for all operational matters and I do not have a statutory function in this regard. It is the responsibility of the management and the board of each institution to determine the spending priorities for their individual institutions, based on the resources available to them.

I am aware of the reorganisation of the management structure in the National Library. As part of this, the heraldic responsibilities of the Office of the Chief Herald and the genealogi-

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cal services now constitute a single business area. I understand that the library considers that bringing genealogy and heraldry services together better acknowledges the connection between these areas and highlights the unique offering of the library as both a centre for genealogical research and the home of the heraldic authority for Ireland.

Indeed, I note the success of the library's recently launched Parish Registers website, which has had almost half a million visitors since its launch. The digitisation of those records will be of great assistance to those who wish to research their family history and will have a particular resonance for the Irish diaspora, which until now has faced significant difficulties in easily accessing this type of information.

I am aware of the pressures faced by the National Library, along with the entire public sector, given ongoing fiscal constraints. In that context, I was pleased to ensure there would be no reduction in funding for the arts and culture areas of my Department for 2015 and I secured an additional €2 million in funding for the national cultural institutions, including an increased allocation in 2015 of €600,000 for the National Library. The future funding needs of the library will be carefully considered, having regard to the resources available to my Department in the context of the ongoing budget and Estimates process.

Deputy Catherine Murphy: At its peak in 2007, the National Library had €13.2 million, taking into account capital and current amounts. This was reduced to €6.3 million in 2014, again based on capital and current amounts. I acknowledge that there was an improvement this year, but there were extra demands because of that new service, which is more than welcome. I salute the library for its efforts in respect of the church records. It has been forced to scale back on many of its operations. The largest number of requests are from family research groups, which means there is a role in terms of tourism. Once people find their connections, they will visit the area, so it has a definite return. Things that are not being done include the national collection, only 1% of which is conserved to international standards. I have told the Minister on several occasions that there is a fire risk associated with the collection. It is the kind of thing in respect of which we need to learn lessons from our previous history.

Deputy Heather Humphreys: I acknowledge that there are issues at the library and I am very aware of them. I am conscious of that and want to see investment in the library increase in the year ahead, but we are working within major budgetary constraints. The economy is doing well, but it is fragile and there will be difficulties. The Deputy can rest assured that I will be putting the case forward for the library. I have always said that as the economy continues to improve, I would like to be in a position to give more funding to our cultural institutions. Major constraints are still out there. Budget negotiations are under way. Of course, it is my hope that I will be in a position to increase funding for the library next year, but I must await the outcome of the budgetary process.

Deputy Catherine Murphy: I wish to make a comment on returns. Currently, there is a 9% VAT rate on the hospitality sector and some of that is welcome but does McDonald's and other such companies need a 9% VAT rate? Could it not be more targeted? If there is not going to be a rowing back on this, could the money not be found for something that actually delivers a return to a particular sector, even the tourism sector in the context of the National Library? Can the Minister make that kind of input into the budget?

Deputy Heather Humphreys: The VAT rate is a matter for the Department of Finance. I hear what the Deputy says but it will be a decision for the Minister for Finance. I hope I will

be in a position to increase funding but I have to work within major constraints in terms of the budget.

Dr. Sandra Collins was recently appointed director of the library. Sandra is a very welcome addition and I wish her well in her new role. The Deputy is aware that the library is an essential part of our cultural infrastructure and there has been a very positive increase in visitor numbers. The digitisation project has been very successful and will play an important role in the 2016 commemoration. I was at the library a number of weeks ago and launched its annual review of 2014. There is a great sense of enthusiasm and the new services it is providing, such as the digitisation of the Catholic parish registers, have been a huge success. I accept that there are challenges but I will continue to work with the library and provide whatever support I can.

Cultural Policy

7. **Deputy Seán Ó Feargháil** asked the Minister for Arts, Heritage and the Gaeltacht the progress being made in the development of Culture 2025; and if she will make a statement on the matter. [32193/15]

Deputy Seán Ó Feargháil: This simply seeks to establish from the Minister the progress being made on the publication of Culture 2025. I commend the Minister on her commitment in bringing forward that piece of work. Does she see herself being in a position to have the policy in place before the general election, given that it may not be until spring next year according to what the Taoiseach has suggested on many occasions?

(Deputy Heather Humphreys): The aim of Culture 2025, Ireland's first national cultural policy, will be to set out the high-level aims and policies of the Government in this area in the period up to 2025. To help inform the public consultation process, I launched a discussion document on the proposed cultural policy on 7 August last. That document was informed by a colloquium of cultural stakeholders organised by my Department, in association with the Royal Irish Academy, on 25 May last.

My Department is currently undertaking a series of regional public meetings around the country on the development of this policy. I hosted the first meeting in Cavan last week. These meetings provide an opportunity to hear directly from local cultural organisations throughout the country. In addition, I am inviting everyone to submit written observations on the discussion document and the specific questions which it poses. Details of the public meetings and the postal and e-mail addresses for submissions are available on my Department's website. I also announced last week that the deadline for submissions is being extended to 31 October 2015.

Culture 2025 will reflect the important role culture plays in our daily lives and will help integrate cultural policy within broader social and economic goals. It will explore how culture can contribute to building an inclusive society, provide avenues for expression for our citizens, drive innovation and contribute to our societal growth and economic well-being. The final policy document to emerge from this process will be submitted for the approval of Government and it is envisaged that the new policy will be published in early 2016.

Deputy Seán Ó Feargháil: That is a bit of good news. I hope the document and the policy will address the obvious disconnect that exists between national and local policy. The Minister has clearly engaged the local authorities and their arts officers who are doing a fine job, but

from the funding streams coming down the line, we see that the Arts Council has, in a number of regional and local venues and initiatives, reduced funding as it is of the view that local authorities should be putting up the money. There is a disconnect. Will the policy the Minister is bringing forward address that or do we need to wait for the publication of Culture 2025 to see the obvious difficulty being addressed? It is a difficulty that needs to be addressed urgently.

Deputy Heather Humphreys: I am aware of this and the short answer is “No”. The development of our first national culture policy provides an important opportunity for everyone to have their say on what we want to achieve in terms of our arts and culture over the next decade. Setting out high-level aims up to 2025 will help to protect and promote our culture and encourage new cultural forms to flourish. The development of Culture 2025 provides us with a chance to reflect on the important role culture plays in our life. It will also create a platform to bring together cultural bodies and groups at local, regional and national level.

I agree with the Deputy that arts officers in local authorities have a huge role to play in this, because they are at the coalface and engage with local arts organisations. I want them to be part of it and I also want artists to join in the conversation. We are going to a number of different venues and I hope to attend a number of them personally. I am going to Galway next week for consultation and we will extend the deadline for submissions until 31 October. I want to hear from heritage organisations because heritage is also very much part of our culture and I want to encourage as many people as possible to get involved in this consultation document.

Deputy Seán Ó Feargháil: We look forward to the symposium in Dublin, which should be worthwhile. I am struck by the fact that the Minister and I grew up in an Ireland that was, to a large extent, a monocultural place, while we are now multicultural. I was talking to Deputy Kitt about the Carole King song “Tapestry”, in which she sings of a “tapestry of rich and royal hue”. How will the Minister ensure that, in this Culture 2025 document, the rich and royal hue of the tapestry that is now Ireland can be reflected in order that the multicultural nature of the society we have become can be reflected in Government policy and can be responded to by arts officers and others involved in arts and heritage and all the myriad aspects of the cultural life of a country?

Deputy Heather Humphreys: I absolutely agree that we have become a multicultural society and we want to engage with other cultures because that diversity will continue to enrich our culture. We want to protect our own culture but, at the same time, embrace new cultures. We are also going to be looking at new technology because that is going to have a huge impact on our culture as well. I have put out these areas as headlines to get people’s ideas on how to bring together all the richness we have.

Locally there are a number of different cultural events. In my own county of Monaghan new communities have celebrated their culture and we have celebrated our different cultures together. By bringing them together, our own culture will develop into a richer culture and how we do that will be part of the discussion. I want to encourage as many people as possible to make their views known on how we should move forward because culture is so much a part of what we are as a people. Everyone who leaves this country talks of our culture so it is important we protect it and allow it to grow and flourish.

Wildlife Conservation

8. **Deputy Michael Fitzmaurice** asked the Minister for Arts, Heritage and the Gaeltacht if her Department has reviewed the regulations regarding grass cutting and hedge cutting on roadsides here; her plans to extend the dates on which grass cutting and hedge cutting can proceed or if it is her intention to allow such work to proceed all year round; and if she will make a statement on the matter. [32058/15]

Deputy Michael Fitzmaurice: Over the past five or six months the Minister has looked for submissions on verge trimming and hedge cutting throughout the country. This has become a major problem since April from the point of view of road safety and access on the byroads of Ireland. If one travels the byroads of the country, it is horrendous to see the amount of grass and hedges that are hanging out. Councils, perhaps through lack of funding or whatever, did not have the required resources to deal with the issue. I welcome that in some parts of the country some community schemes are in place - I know of some in Cork and Clare. Will the Minister change the regulations to allow this to be facilitated for a longer period of time, all year around or whatever?

Deputy Heather Humphreys: Section 40 of the Wildlife Acts 1976 to 2012 prohibits the cutting, grubbing, burning or destruction of vegetation, with certain strict exemptions, from 1 March to 31 August during the nesting and breeding season for birds and wildlife. Vegetation such as hedgerows and scrub is important as wildlife habitat and needs to be managed in the interests of farming and biodiversity. As a result, a review of the current legislation was initiated to ensure that it remains effective and balanced.

Stakeholders had sought an opportunity to input their views on the operation of section 40 of the Acts, and last year I announced a consultation process which provided that opportunity. The submissions received have been published on the website of my Department's National Parks and Wildlife Service at <http://www.npws.ie/legislation>.

Following the end of the public consultation period, I established a working group, comprising officials from my Department, to consider the submissions received and to report back to me with a range of proposals. I expect to announce the outcome of the review in the near future. Any changes to the closed period for cutting, grubbing, burning or destruction of vegetation, as provided for in section 40 of the Wildlife Acts, would require amending legislation.

Deputy Michael Fitzmaurice: I thank the Minister. It is welcome that a working group has been established, but I understand from the reply that it comprises officials from the Minister's Department. Is that correct? Balance is needed from a working group.

When one considers Northern Ireland, it seems as though we live in two Ireland's. Verge and hedge trimming is done in the North throughout the year. It seems that it is in a different EU to the one we are in. There have been €5 million in insurance claims for car transporters around the country because the windscreens of cars being transported have broken. Everyone believes in making sure the nesting season is looked after, but there are health and safety issues. We cannot have grass growing on the sides of the road, which puts people's lives at risk. It is like many things in this country; we have to use a bit of common sense and cop-on.

Deputy Heather Humphreys: I thank the Deputy. I am fairly familiar with the dates in Northern Ireland, which are the same as ours. They were changed from the end of July to the

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end of August. I fully understand the need for health and safety considerations, but councils have the authority to cut hedges where there are health and safety issues and I would encourage them to do so. I live in the country and understand that when hedges are growing into the middle of the road, it is very dangerous.

The issue is complex and many submissions have been received from farming organisations, contractors, BirdWatch Ireland and other groups. I met different organisations and there are diverse views. I am considering the issue and my officials are working on it. I am trying to find the best way to get the right balance between accommodating hedge cutting while at the same time protecting habitats.

Irish Language

9. **Deputy Terence Flanagan** asked the Minister for Arts, Heritage and the Gaeltacht if she will provide an update on the lifting of the derogation for the Irish language to be recognised as an official language in the European Union; and if she will make a statement on the matter. [31987/15]

Deputy Terence Flanagan: I ask the Minister of State, Deputy McHugh, for an update on the derogation for the Irish language. I raised this issue previously and preparatory work is taking place to ensure that the Government makes a decision. The clock is ticking on this matter.

Deputy Joe McHugh: I thank the Deputy for raising this question again. I acknowledge his consistent approach. He shares my approach in that he sees opportunities.

The Irish language was given full official and working language status in the EU from 2007. However, because of recruitment and resource concerns, temporary derogations were put in place to cover the periods 2007-11 and 2012-16. A unanimous decision by the Council of the EU is required on whether to end, amend or extend the derogation from 2017.

The Government places major importance on Irish becoming a full working language of the EU institutions and is committed to ending the derogation. The Government, however, is also conscious of concerns about the recruitment of sufficient numbers of Irish language translators, lawyer linguists and translation assistants, and the associated resource implications during a period of adjustment by the EU institutions. It is in this context that the Government is seeking agreement at the Council of the European Union for a Council regulation extending the derogation for another five years, with a view to the derogation ending on 31 December 2021. An incremental approach to the provision of additional services is also being proposed so as to narrow the scope of the derogation in the interim.

In tandem with this approach, the Government is also taking significant steps to create the circumstances in which a sufficient number of qualified graduates are in place to meet EU recruitment needs. Following a review of the advanced Irish language skills initiative, which is funded by my Department, new arrangements for relevant third level courses are currently being implemented by my Department in conjunction with the Department of Education and Skills and the Higher Education Authority.

These new arrangements, which include an increased focus on competence in three official languages, are currently being implemented in third level institutions from the start of the

2015-16 academic year. These arrangements are aimed at improving the success rate in EU recruitment competitions and at better equipping graduates for employment in EU institutions.

Deputy Terence Flanagan: I thank the Minister of State for his response and acknowledge his commitment in this area. He made dealing with this issue a priority, but it is very disappointing to hear that the derogation is being extended and we do not have the requisite number of translators in place in order to ensure that Irish becomes more than an official language in name only and operates as an official language.

As the Minister of State knows, jobs and job creation have been central tenets of the Government's record. It is, therefore, disappointing that when it knew this was coming down the track more emphasis was not placed on the issue. The Minister of State is not long in the Department, but previous Ministers did not see ensuring that we had the requisite people with specialist knowledge to take up these jobs as a priority. It is important for the future of the language that we all use it on a more regular basis.

Deputy Joe McHugh: I again acknowledge the enthusiasm and dedication of the Deputy to this area. At the moment there are 50 posts in Europe. There is potential for approximately 185 posts. My message to leaving certificate students and to the secondary school students in the Gallery is that if they have three languages and two of them are our first language of Irish and Béarla and the third is French, German or Italian, there will be opportunities for them at the end of 2021. Before that, there will be an incremental approach which will involve extra posts before 2021. My message today, along with that of the Deputy, is that there are opportunities. We do not have responsibility or control over the decision on the derogation; it is an EU Council decision. We make the recommendation, and we have made a very strong recommendation. We are putting our money where our mouth is and providing additional resources for courses in the likes of King's Inns, LYIT in Letterkenny and NUI Galway. My message today to the students in the Gallery and throughout the country is if they have three languages which include Irish, English and a third language, there will be opportunities. After they leave secondary school and if they go to university, they could be living in Strasbourg or Brussels and they would have a nice lifestyle. They could come over and back because it is not too far away.

Deputy Terence Flanagan: I thank the Minister of State and I welcome his enthusiasm and encouragement for the students, particularly those in the Gallery. I thank him for his response and his interest in ensuring this will happen incrementally and will provide new opportunities for encouraging the development of the Irish language.

EU Directives

10. **Deputy Michael Fitzmaurice** asked the Minister for Arts, Heritage and the Gaeltacht if the habitats directive is under review in the European Union; if that review is taking place, her plans to make a submission regarding the problems that have arisen as a result of the habitats directive; and if she will make a statement on the matter. [32059/15]

An Ceann Comhairle: Deputy Fitzmaurice should buy a lottery ticket today as he has done very well.

Deputy Michael Fitzmaurice: I understand the habitats directive is under review in various countries. What plans is Ireland making to review the habitats directive, given the massive

problems it has caused for people living in rural Ireland? Every one of us loves wildlife and loves promoting it, but the sad reality of the habitats directive is that it puts a snipe ahead of a human being and is driving people out of rural Ireland. What submissions has the Government made to balance the weighing scales?

Deputy Heather Humphreys: I thank the Deputy for raising all these issues today. The European Commission published a mandate for a fitness check on the EU birds and habitats directives in February 2014. Its purpose was to examine progress in the implementation and integration of the directives across the member states of the EU, the costs of implementation and of non-implementation of the legislation, and opportunities for improving implementation and reducing administrative burden without compromising the integrity of the purpose of the directives. The Commission's State of Nature in the EU report was a central document in the process. Earlier this year my Department and the Department of Agriculture, Food and the Marine were invited to make submissions via a detailed questionnaire. I understand that IBEC and an environmental NGO were also invited to respond to the questionnaire. A public Internet consultation was also held, ending in July this year.

I understand that a dedicated conference will be held on the fitness check in Brussels in November, where draft results of the evaluation will be shared and discussed with member states and key stakeholder groups. The Commission is to publish its report on the results of the fitness check in 2016.

Deputy Michael Fitzmaurice: I do not know whether we are dealing with unelected people in Brussels, and I know it may be hard to get through to them at times, but in the UK the massive problems are widely acknowledged, be it where people are moving out of town to build in new areas or the flooding of rivers throughout the UK. EU officials had to be escorted through parts of Cyprus by the police or army because of a row. I encourage Irish officials and the Minister to talk to the British and the people in Cyprus. They should talk to the countries having problems because stuff cannot continue to be rammed down a person's throat if other countries are having problems. I have spoken to people in Poland who are having massive problems. This is not why the habitats directive was introduced. It was to encourage and help different countries, but at present it is tormenting them. Will the Minister forge links with all these countries having problems to highlight the difficulties involved and drum a bit of common sense into unelected representatives in Europe?

Deputy Heather Humphreys: I have spoken to Commissioner Vella and met him earlier this year. I have highlighted the difficulties we have with some of these directives and there is no doubt about this. I welcome the review which was initiated by the incoming Commission. The Department has engaged at official level and there is much further work to do in the process. We all need to engage in this, including our MEPs and public representatives as well as the Government. We must all engage in this process and make our views known. A total of 520,000 responses have been received from member countries and it is open to anyone to make a submission, but it is up to the Commission to assess these responses. We will continue to engage in the process. It is at an early stage and a conference will be held later in the year and a paper will be prepared. I encourage people to make their views known and make submissions because we should not leave it up to other people. We should all get involved in the process.

Deputy Michael Fitzmaurice: I thank the Minister.

Written Answers follow Adjournment.

Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015: Second Stage

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move: “That the Bill be now read a Second Time.”

The establishment of an independent policing authority represents a key element of the Government’s comprehensive programme of justice reform and delivers on the commitment I made when I assumed my present office to deliver a sea change in the oversight of policing in the State. The overall objective of the programme is to bring forward necessary changes in order that the high quality and respected service the Garda Síochána has provided for almost a century is continued and enhanced to better meet the realities, requirements and expectations of 21st century policing and to ensure the very important confidence of the public in An Garda Síochána is maintained.

Deputies will be aware that significant progress has been made in the delivery of the reform programme, which is being overseen by the newly established Cabinet committee on justice reform. We have had an independent selection process for the position of Garda Commissioner. We have enhanced the role of the Garda Síochána Ombudsman Commission, GSOC. A commission of investigation, being chaired by Mr. Justice O’Higgins, has been established and is examining matters in the Cavan-Monaghan Garda division. Its terms of reference are fully in line with what was recommended in the Guerin report. The independent review mechanism, consisting of a panel of counsel, has examined approximately 320 complaints and is progressing. Comprehensive responses are going out to complainants and this is being overseen by Mr. Justice Roderick Murphy. We now have the Protected Disclosures Act 2014, and the Freedom of Information Act 2014 extends to the Garda Síochána. The Garda professional standards unit report on the operation of the fixed charge processing system, or penalty points, was published and Judge Matthew Deery, former President of the Circuit Court, has the new position of independent oversight authority for the fixed charge processing system. It is fair to describe these changes as a sea change.

In November 2014, the Garda Inspectorate published a comprehensive report on crime investigation which we are implementing. This will not happen overnight, as the Garda Inspectorate itself stated. It stated the report contains recommendations for the short, medium and longer term. The Central Statistics Office has initiated a review of crime counting rules in order that the public can have confidence in the statistics published, which is very important. A data quality team has been established in An Garda Síochána. We have also had the reorganisation and amalgamation of Garda national units, including a new amalgamated drugs and organised crime bureau, which is important, and a new national child protection, domestic violence and human exploitation unit. We have a criminal justice steering group to provide greater co-ordination between all bodies operating in the criminal justice system. That was an important recommendation from the Toland report and we can see the need for it from other reports. We have the establishment of a new Garda incident recording process, which was mentioned in the inspectorate report, and it needs to be implemented across the country. We will also have a victim support office in every local Garda division, which will be an important new initiative, given that we have the victims directive, which must be signed this year.

Reforms being introduced are not limited to the Garda Síochána. We have also had the Toland report, which set out a series of reforms to be implemented in my Department over a

two-year timeframe. There is a departmental programme for change, which is also addressing issues most recently identified in the Fennelly report. Many of these matters were originally identified in the Toland report. We have initiated change in terms of the management board and daily interactions and briefings, as well as management instructions and the implementation of internal mobility transfers at assistant secretary level.

I will not labour the point this morning, but Deputies are aware that I have focused on resources for An Garda Síochána. Templemore is open again and we will have another 150 recruits entering the college next month. This is important so that gardaí can be assigned or reassigned to communities across the country that need Garda resources. I promised seamless ongoing recruitment and that is what this Government has delivered and intends to continue to deliver throughout 2016. This ramped-up recruitment underscores the determination of the Government to deliver an effective and responsive police service to protect our communities, as community safety is critical. I opened a conference this morning by launching the Irish Association for the Social Integration of Offenders, IASIO, report and I stated that we must ensure that serious and serial offenders can be put in prison; equally, with first-time offenders, where there is a possibility of rehabilitation, we need to focus on those groups. We have also seen civilianisation in Dublin Airport, which is progressing on schedule. There is also investment in Garda vehicles, of which Deputies in this House are well aware, as well as the beginning of change in ICT matters, which I know must continue. I hope that with the support of colleagues in the Government over the next few weeks, we will be able to move to the speedy implementation of the ICT strategy that resulted from the group I put together encompassing representatives of the Department of Public Expenditure and Reform, the Garda Síochána, the Department of Justice and Equality and the information technology sections within the Government.

The establishment of an independent policing authority is at the core of the Government's reform programme and represents the most far-reaching reform of the Garda Síochána since the foundation of the State. The authority will provide a new, independent and dedicated forum for the public oversight of policing services in Ireland. It will also provide a new engine to drive reforms of the policing system and practices to ensure that the Garda Síochána is fit to address the ongoing and emerging challenges of modern policing. It is quite a task for the new policing authority.

The new authority will have extensive functions, outlined in the Bill, which are currently exercised by the Government or the Minister for Justice and Equality. In particular, these functions will be concerned with overseeing the governance, structures and performance of the Garda Síochána in the policing area. The Bill before the House proposes that the authority will, in particular, have responsibility for the following tasks. People should not underestimate the importance of these tasks and the radical change they represent. The authority will oversee the performance by the Garda Síochána of its policing functions under a broad range of headings, including nominating persons for appointment by the Government to the posts of Garda Commissioner and deputy Garda Commissioner; appointing persons to the ranks of Garda superintendent, chief superintendent and assistant commissioner and removing them for reasons related to policing services; appointing persons to senior positions within the Garda civilian staff; determining Garda priorities for policing services; approving the three-year Garda strategy statement and the annual Garda policing plan; establishing a Garda code of ethics; and promoting and supporting the continuous improvement of policing in the State. The Bill also enables the authority to request the Garda Síochána Ombudsman Commission and the Garda Síochána inspectorate to initiate an inspection or inquiry or to examine Garda practices or pro-

cedures. That is an important responsibility that the authority will have an option to exercise.

The legislation has been developed taking into account the outcome of an extensive process of consultation. This included the Government consultation process in May 2014, a seminar hosted in Farmleigh and consideration by the justice committee, which I thank for its efforts. The provisions of the Bill are generally in line with the general scheme, which was published in November 2014 and which was broadly welcomed by the joint committee in the course of its pre-legislative scrutiny. The proposals have been prepared in very close consultation with the Office of the Attorney General, taking full account of the requirements of the Constitution. In this jurisdiction, we must take account of the Irish Constitution and our legislation must clearly reflect that. In particular, consideration has been given to the fact that under Article 28, as interpreted by the courts, there are restrictions on the extent to which it is open to the Government to delegate important functions relating to the executive power of the State to another body. In recognition of the constitutional position of the Executive relating to policing, the Bill provides that a number of authority functions will require the co-agreement of the Minister. Overall, the proposals in the Bill are designed to strike the right balance between the exercise by the authority of effective and meaningful oversight of the policing functions of the Garda Síochána and the retention by Government of essential residual powers relating to policing. There is no doubt we will have discussions on that, but I have tried very hard to strike the right balance between meeting the constitutional requirements, which are essential, and empowering the authority to be as strong as it can be.

I will turn to the security issue. National security is a vital function of the Government, and the Garda Commissioner will continue to account fully to the Minister and the Government on security matters. The Bill, for the first time, contains a definition of security services. The purpose of this definition is purely to determine which functions of the Garda Síochána will be overseen by the Minister for Justice and Equality and the Government rather than the policing authority. It is important to bear in mind that the Bill does not seek to confer any further security-related powers or functions on the Garda Síochána. The definition contains an exclusion, which has been welcomed, for lawful advocacy, protest or dissent. The definition was carefully considered in close consultation with the Office of the Attorney General. The definition encompasses, among other matters, functions linked to offences under existing legislation, including offences under the Offences against the State Acts 1939 to 1998 and the Criminal Justice (Terrorist Offences) Act 2005, and also espionage and sabotage.

I will now deal with the membership and chair of the new authority. Following a process undertaken by the Public Appointments Service seeking expressions of interest, the Government has nominated Ms Josephine Feehily as the chairperson designate of the authority. I thank her for agreeing to take up the position, as she has had a very distinguished career in public service in Ireland. She has the confidence of the public in her independent role as chair of the police authority, overseeing the development and progression of the work of the police authority. I thank her again for assisting in the preparations for the establishment of the authority. Deputies are aware that the selection process for the eight ordinary members of the authority is currently under way and is being progressed by the Public Appointments Service. The intention is that the authority will, in line with a recommendation of the joint committee, operate in shadow format and will be able to commence its operations as soon as possible after the Bill is enacted in the House.

I will now turn to the specific content of the Bill. The Bill comprehensively amends the Garda Síochána Act 2005 - the principal Act - to incorporate the authority into the existing

Garda legislative framework.

11 o'clock

To facilitate Deputies, I arranged in June for the circulation of an unofficial consolidation of the principal Act, which includes the amendments proposed in the Bill. I hope this has been of assistance in understanding the proposed changes.

Part 1 of the Bill is the standard provision. Section 4 contains a definition of security services. It is important to provide clarity as to what “security services” comprehend. As I have said, it does not expand the powers of the authority.

Part 2 of the Bill gives the authority a very significant role in the appointment and removal of senior Garda personnel. Sections 8, 9 and 12 of the Bill deal with this. In particular, under sections 8 and 9, the Government will make appointments to the ranks of Garda Commissioner and Deputy Commissioner solely on the recommendation of the authority. The Government will be obliged to accept the authority’s recommendations but may, only in exceptional circumstances and for substantial and stated reasons, request the authority to nominate another person in respect of an appointment. Under section 12, the Authority will make appointments to the ranks from Garda superintendent to Assistant Commissioner. Sections 10, 11, 13 and 14 deal with removals. While the Government will retain the power to remove the Garda Commissioner or a Deputy Commissioner, the authority will be able to recommend a removal from these positions on grounds relating to policing services. The authority will also be able to remove an Assistant Garda Commissioner, chief superintendent or superintendent on grounds relating to policing services. The Garda Commissioner will be required to obtain the consent of the Authority for the summary dismissal of a member of the Garda Síochána not above the rank of inspector.

Section 15 continues the current arrangements for the recruitment of reserve members, with a requirement for consultation with the authority rather than the Minister. Section 16 requires the authority to publish, within 12 months of its establishment, a code of ethics for Garda members and civilian staff. That is an important timeframe. People would expect that to be there at present. It is a big job to do in the first year. Section 17 requires approval for the number of appointments of Garda civilian staff to be given by the authority. Also, the authority will directly appoint Garda civilian staff equivalent to or above the rank of chief superintendent.

Part 3 of the Bill sets out the roles that will be undertaken by the Minister, the authority and the Garda Commissioner. There can be areas in which this is quite difficult to determine, but this was all subject to a great deal of discussion in the consultation, which was very helpful. Under section 18, the authority will, subject to the prior approval of the Minister, determine, and from time to time revise, priorities and performance targets for the Garda Síochána in performing its functions in respect of policing services. It also inserts a new section 20A into the 2005 Act to allow the Minister to set priorities and performance targets for security services. Given the challenging international situation at present, for example ISIS and the range of security challenges that are currently being thrown up across Europe, it is very important that this is now in the 2005 Act. Sections 19 and 20 make provision for the authority, with the consent of the Minister, to approve the three-year strategy statement for the Garda Síochána and the annual Garda policing plan, respectively.

Sections 21 and 22 make provision for the three-year report on the efficiency and effec-

tiveness of the management and deployment of Garda resources and the yearly report of the Garda professional standards unit, respectively, to be submitted by the Commissioner to the authority, rather than the Minister. That is extremely important because the issue of the effective management and deployment of Garda resources is raised again and again. We now have a police authority with a specific obligation to get reports on that and for the Commissioner to report to it. The Garda Inspectorate identified the need to match deployment with crime trends, because these do change. Crime can go down in one area and increase in another, and it is important to have a swift deployment of resources to deal effectively with what is happening in a particular area or with any change in a particular type of crime. For example, there are mobile gangs targeting particular areas, and the Garda Síochána needs to be able to deploy resources swiftly where they are needed. This section gives the authority a role in examining how that is being done. Clearly, that is linked to the development of an efficient and effective ICT system. Section 24 modifies the functions of the Garda Commissioner, as set out in section 26 of the principal Act, to reflect the relationship between the Garda Commissioner and the authority in relation to policing services. In particular, the Commissioner will be required to assist and co-operate with the authority in the performance of its functions. Once the authority is up and running, later this year and early next year, a relationship will be developed over the following years between the Garda Commissioner and her staff and the new Garda authority. It is not going to happen overnight, no more than the various reforms that have been recommended in the Garda Inspectorate report, but the framework is now there for this to develop, for responsibility and authority to rest with the Garda authority and for the Commissioner to report to it in the variety of ways I have outlined.

Section 25 provides a role for the authority in seeking the views of the public in respect of matters concerning policing services. This authority is all about engaging effectively with communities and giving the public and communities an opportunity to give their priorities to the authority and to be part of policing. We have seen this development in other countries and we already have it with local authorities and policing committees at present, but this is another aspect of community involvement. Section 26 amends section 32 of the principal Act to facilitate the appointment by the Minister of an Assistant Garda Commissioner to perform the functions of the Garda Commissioner where the Commissioner or a Deputy Commissioner is not available.

Part 4 makes provision for amendments to sections 35, 36 and 38 of the principal Act to transfer to the authority the functions of the Minister in relation to joint policing committees, as I have just mentioned, and the establishment of CCTV schemes for the purpose of securing public order. Many communities around the country want to see more CCTV schemes. There is no doubt that they will be part of the fight against crime as we go forward, and the policing authority will have a role in that.

Part 5 contains amendments to sections 40, 41, 42, 44, 45 and 46 of the principal Act dealing with the accountability of the Garda Commissioner for the exercise of his or her functions. In particular, the amendment to section 40, provided for by section 32 of the Bill, specifies that the Commissioner will report to the authority with regard to policing services, a key element of the Bill.

Part 6, which contains amendments to various sections of the principal Act, provides a role for the authority in relation to the appointment and secondment of personnel between the Garda Síochána and the Police Service of Northern Ireland.

Part 7 inserts a new Part 2A into the principal Act to provide for the establishment of the authority, its membership and its functions. I will summarise the key provisions involved. Section 62C provides that the authority will comprise nine members, to be appointed by the Government. The chairperson will be appointed directly by the Government and the other eight ordinary members will be appointed by the Government from a panel following the holding of a selection competition run by the Public Appointments Service. Importantly, a resolution of both Houses of the Oireachtas agreeing to the appointments will be required. We will have a debate in this House about the chair and the members of the authority. It also makes provision for ordinary members designate of the authority to be the first ordinary members of the authority.

Within the Department and An Garda Síochána, and with the assistance of the chair designate, we have set up a group that is examining all the relevant issues around this transition because this, as I have said, is a significant change in the history of An Garda Síochána. There is much work to be done on the transition issues that arise.

Section 62G provides for the removal by the Government of a member from the authority following detailed and stringent procedures, including a resolution passed by both Houses of the Oireachtas. Deputies have made a point of emphasising how important it is that this House has a role in relation to the various issues that I have just discussed. That brings another layer of accountability and public scrutiny in the Dáil, first, into the appointments, and, second, to any changes that could take place.

Section 62H sets out the functions of the authority and section 62J makes provision whereby not less than four meetings per annum between the authority and the Garda Commissioner can be open to the public and broadcast by the media so that the public will get a more immediate sense of the discussions between the Garda Commissioner and the Garda authority.

The next sections provide, as one would expect, for the chief executive of the authority to account to the Committee of Public Accounts in respect of the authority's expenditure and to other committees of the Oireachtas in respect of general administrative matters. The advertisements have been placed and the competition is under way for the appointment of the CEO. It is an entirely independent process and that decision will be taken by the Garda authority.

Part 8 includes amendments to the provisions of the principal Act relating to GSOC and the Garda Inspectorate to take account of the establishment of the authority. The key amendments in the various changes within GSOC include, for example, a requirement in section 45 for GSOC to promote mediation and informal resolution of appropriate complaints. This is an important initiative that many have been speaking about as necessary to ensure a more effective and efficient resolution of complaints made by the public to GSOC. A provision in section 48 will enable the authority to request GSOC to investigate any matter relating to policing services that gives rise to a concern that a member of the Garda Síochána may have committed an offence or behaved in a manner that would justify disciplinary proceedings. A provision in section 49 will enable the authority, subject to the consent of the Minister, to request GSOC to investigate any behaviour of the Garda Commissioner in the context of his or her functions relating to policing services that leads it to believe that the Commissioner may have committed an offence or behaved in a manner that would constitute serious misconduct. There is further detail in that regard, which, I am sure, will emerge on Committee Stage, in relation to the change in GSOC's powers. Part 9 contains miscellaneous provisions.

In conclusion, I reiterate that the overall objective of the Government's programme of justice reform, of which the authority is a key element, is to bring forward necessary changes to improve policing services in the State and to maintain public confidence in the Garda Síochána. The establishment of the policing authority will, I believe, bring about a fundamental change in the area of policing and, as I mentioned earlier, give effect to the Government's commitment to deliver a sea change in the oversight of policing in the State. People should not underestimate the sea change that is involved in the establishment of the Garda authority given the history over the decades of An Garda Síochána reporting to the Minister. I believe that the changes provided for in the Bill are prudent, necessary and will, in the future, benefit not only the public, but also the men and women of the Garda Síochána. I commend the Bill to the House.

Deputy Niall Collins: The Fianna Fáil Party fully supports the establishment of a new independent policing authority to oversee the policing service provided by An Garda Síochána. This authority has been deemed necessary following a number of revelations as to how the Garda Síochána has operated, the resignation of the Garda Commissioner following an intervention from the Taoiseach as shown in the Fennelly commission interim report and the failure of the Government and senior Garda management to respond to internal criticisms of malpractice within the Garda force.

To date, the Fine Gael Party's running of the Department of Justice and Equality has been farcical and has resulted in unprecedented scandals, mismanagement, investigations and resignations in the justice sector. In fairness, I acknowledge the Minister, Deputy Fitzgerald's commitment to improve this situation. The independent policing authority should go some way towards restoring the public's confidence in how An Garda Síochána operates following a number of chaotic years.

Even the introduction of this Bill has not been without controversy. The policing authority was due to begin operating in December 2014 but it still has not begun its work in full. Despite the Government appointing a chair designate of the authority, a comprehensive budget to run the new body has yet to be agreed. Without a proper budget and without proper resources, this authority will be toothless and unable to do the job required. I hope the Minister can outline when a full budget and staff will be agreed for the authority and when it will be fully operational. It is almost a year after the authority was supposed to be fully operational and we all deserve clarity in this matter.

There is also increasing commentary that this Bill has been watered down to reduce the Garda Commissioner's accountability to the authority, that human rights will not form part of the authority's remit and that it has reduced powers surrounding oversight as to the resources of the Garda force. The Government continually states that this legislation will result in the most fundamental change in how An Garda Síochána operates since the State's foundation. I hope the Minister and the Government are willing to make these reforms stick. We have seen how the legal services Bill has been watered down and delayed for the past two years. I hope we are not witnessing a similar rolling back of reforms in the Bill now before the House.

We must ask ourselves whether this Bill will stand the test of time or if further reform will be necessary in the years to come. We must all learn from the example of the Garda Síochána Act 2005 which failed to prevent the malpractice which has been witnessed in certain quarters of An Garda Síochána over the past three years. We need to ensure that this Bill will last. I believe the jury is still out on the legislation in this regard.

24 September 2015

I must raise also the question of the unity of senior Garda management at present. Recently, it was reported that a significant number of assistant commissioners arranged their own meeting in Portlaoise to discuss issues of concern. Notably, no invitation was issued to the Garda Commissioner. I am not sure who was aware of that meeting. This is a concerning and unprecedented development and the Minister should outline why she believes this meeting took place, if she considers it appropriate and if she believes it is conducive to the workings and management of the Garda.

If the national police service is to operate effectively to keep the people safe and to tackle crime, it must act in unison in its cause. Senior management have a duty and responsibility to focus on their roles and strategic areas to guarantee a fully functioning police force. One of the most obvious failings of the Garda force, as outlined in the Guerin report, was the total failure of senior Garda oversight of what was happening in the Cavan and Monaghan area. I hope the new Garda authority will address this failing of oversight which may still exist in many parts of An Garda Síochána. We need to ensure that the trust the public currently has in the Garda is maintained. In this regard, the Bill will play a vital role.

The justice sector has a long road to travel to restore full confidence in its operation. One legacy of recent controversies is the failure to fill senior justice positions. I question why we still have not seen the appointment of a deputy commissioner to the Garda force. The Garda website still names the current Commissioner, Nóirín O'Sullivan, as the deputy commissioner for operations of the force. Given the importance of this role, I question why this is the case, given the fact the Garda Commissioner has been in her position, acting or otherwise, since March 2014. There seems to be great difficulty in appointing new personnel in the justice sector as a result of the scorched earth left in justice by the Minister's predecessor. The Minister has yet to appoint a Secretary General, which must result in the undermining of the performance of the Department, which is one of the most important in the State. The Minister might update us on the process.

The swift establishment of the Garda Authority must be a priority, given that a number of matters require urgent attention from Government, the Garda and the Garda Authority. The scourge of burglaries in particular needs immediate attention. I have raised the matter in the House several times this week and it is a theme of discussion at the National Ploughing Championships. I raise it again today out of frustration. We have witnessed, over the summer, some of the most violent crimes committed against elderly people who have been burgled in their homes. The elderly lady who was burgled in Bray, 90 years of age and assaulted and dragged around her own home, is a case in point. It is outrageous that there is not a more comprehensive response from the Government.

This week, I stated ironically that there were more gardaí outside Leinster House at midday to police a phantom protest than there were in rural communities across Ireland. This shows the Government's priorities when allocating Garda resources. Burglary is up 8% in the latest CSO crime statistics. There were 28,583 recorded burglaries in the 12 month period ending in the first quarter of 2015. Yet nothing seems to be done. For months, the Government denied that there was a problem. It hid behind the fact that the CSO had stopped publishing crime statistics. It cannot deny that there is a crisis. The Minister has promised legislative reform in burglary law and bail law. When will this legislation be enacted?

Specifically looking at our bail laws, 8,077 burglaries were committed by people who were on bail in the period from 2011 to date. As I have already said, this is outrageous and shows

that our criminal justice system is working for the criminals, not for the ordinary decent people of our country. It is time the Government woke up to the crisis and spent more time acting to end the burglary crisis than on press releases and photo shoots.

Fianna Fáil has already published a number of pieces of legislation to address the crisis, all of which have been ignored. We have already stated that our first priority in justice is to ensure the Garda Síochána has the necessary membership and technology to provide a first-class police service. We will not let rural Ireland go unprotected. We will make the criminal justice system work for our ordinary, law abiding citizens again. We will listen to local communities' concerns when they say they live in fear in their homes. We will act. We will not over promise and under deliver, as we have witnessed from the opposite side of the House. We will not sit on our hands. While I welcome the Bill, questions remain surrounding the Government's commitment to comprehensive reform and its full implementation.

Deputy Pádraig Mac Lochlainn: It is nice that the Bill has come before the House at long last. The Bill was a central part of the "urgent reform" promised by the Government following the Garda crisis over a year ago. The whole area of administration and application of justice in the State has had a disturbing recent past. As a result, public confidence has been undermined and is slow to recover. The recovery has been hampered by unnecessary delays and a lack of urgency by this Government. That is, until the Taoiseach published the findings of the Fennelly report. I am glad to see the Bill before the House in the wake of the findings of the Fennelly commission. The Taoiseach tried to fight the Fennelly fire by selectively reading the findings and trying to convince himself that he was, somehow, vindicated. We all know that this is far from the truth. No amount of spin can cover up the fact that the report found that the sending of Mr. Brian Purcell to the home of the Garda Commissioner was the "immediate catalyst" for his decision to retire, and furthermore that this was a decision which the Commissioner was right to think was what he was being asked to do.

The actions of the Attorney General, which left Mr. Justice Fennelly puzzled and perplexed, only added to the debacle and were testament to what Sinn Féin was saying all along, namely, that the Government did not have a handle on affairs and was at a loss to know what to do. The actions of those involved in the entire debacle were terrifying for those of us looking on. The people who were meant to be in charge of justice were not up to the job. It was a remarkable display of incompetence and definitely did not inspire confidence among the Members of these Houses or, more importantly, the citizens. This is exactly why we need an independent policing board with proper powers to oversee the administration of justice. I repeat: this is exactly why we need an independent policing board with proper powers to oversee the administration of justice.

Sinn Féin has been consistently calling for an independent policing authority. We believe such an authority is central to the reform of policing in this State. An independent policing authority was an integral part of our reform document that we published last year, following our experiences of all submissions made in this State and the experiences of our team who negotiated the changes to policing in the North. The establishment of a policing authority is, therefore, welcome and a number of provisions in the Bill are commendable. The consultations and co-ordination with joint policing committees, in particular, is welcome. The creation of Garda performance targets is also a commendable action, as is the establishment of a Garda code of ethics. The overall objective in relation to the holding of the Garda Síochána to account and providing effective oversight is what is needed.

However, unfortunately, the Bill has a number of missed opportunities which should have ensured that the policing authority was truly independent in its functions. Contrary to what the Government is advocating, the authority, as proposed in the Bill, is not independent, nor does it have the necessary powers and functions we need. The authority, as the Government proposes, would not, if it had been established, have had any impact on the shambles of events as they unfolded during the period the Fennelly commission investigated.

Under the Bill, the Garda Commissioner will still be accountable to the Minister, as was the case when the former Commissioner was effectively sacked. This is not in any way independent and Sinn Féin will seek to amend this so that the Garda Commissioner is accountable to the authority. Continuing with the theme of independence, I am concerned regarding the limited independence of the authority in the appointment of the Garda Commissioner and the deputy Garda commissioners. We support the recommendation from Transparency International that the authority should have the unrestricted ability to appoint and remove senior officers of the Garda Síochána, irrespective of their rank. An independent member of the Judiciary appointed by the Chief Justice, not by the Minister, should be responsible for the final determination of disputes as to whether a particular matter relates to policing services or security services. We will also seek to amend this aspect of the Bill.

In general, the Bill should be amended in a number of areas to remove the requirement that the authority seek the consent of the Minister before exercising a particular function. The requirement that the authority seek the consent of the Minister before approving the annual report, as well as the Minister's, as opposed to the Garda Commissioner's, involvement in setting the Garda priorities limits the independence of the authority and undermines its very purpose. I note the flaws relating to membership of the authority. Sinn Féin has called for a 21 member authority to allow for a diverse membership that is representative of society. This authority would comprise 12 ordinary members, who would come through the public appointments process and would be representative of society, and nine political members, who would be elected using the d'Hondt method. The chairperson should also be elected by the 12 ordinary members, as opposed to being appointed by the Minister. I believe the absence of political representation on the authority is a mistake. Political representation, as in the North, would ensure public accountability and help to develop confidence in the policing authority. The composition of this political representation that has been proposed by Sinn Féin would not compromise the independence of the authority, as it would ensure an in-built majority of 12 independent ordinary members at all times.

I note that the authority's functions relating to the monitoring of human rights have been tampered with since the original general scheme of the Bill was first published. The human rights monitoring function is now entirely absent. Sinn Féin believes the authority has a central part to play in the monitoring of Garda compliance on human rights standards. The proposal to remove this function from the authority is unacceptable. Sinn Féin will seek to amend the Bill to re-insert this function.

While we welcome the establishment of the policing authority, the remaining challenge is to ensure the authority is truly independent in the exercise of its functions. Sinn Féin believes in a new beginning for policing, similar to that in the Six Counties. We want an open and transparent policing service that is representative of everyone residing in this State. Such a service should be strengthened, sustainable and capable of delivering on the needs of a modern force. It should help to rebuild public confidence in our justice system. This Bill goes some way towards creating such a service. As I have outlined, there are a number of ways in which

the authority could be strengthened, particularly with regard to its independence and oversight responsibilities. Sinn Féin will seek to do this on Committee and Report Stages.

It is important to assert that despite the travails of recent years, the overwhelming majority of the men and women of An Garda Síochána who are serving today and have served over the decades are honourable, decent and patriotic. They deserve the full support of this State. We merely want to have a police service that does them justice. Such a service should be a genuine meritocracy in its appointment of sergeants, inspectors and superintendents. This applies right up to the Garda Commissioner, who should be appointed through an independent meritocratic process that is fully accountable to the new independent policing authority. That is where we want to get to. It is important for those of us who have known members of An Garda Síochána during our lives - we may have played football with them or served on community committees with them - and have spoken to them about the roles they play to reassert that the overwhelming majority of them deserve the loyalty and respect of these Houses. Unfortunately, the overwhelming majority of officers have been failed by the Garda Síochána's structures and systems and by a minority of their colleagues. That is the important message today. We are not seeking to sap the morale of gardaí or undermine the work they do. We want to make things better, stronger and more accountable. We want to boost and lift the morale of gardaí by giving them a professional policing service with some of the best standards in the world. It is important for gardaí to be able to get up in the morning and feel proud to be part of the force. That is the key challenge for us in these Houses.

Deputy Mick Wallace: I would like to share time with Deputy Paul Murphy. I will take 20 minutes and he will take ten minutes.

Acting Chairman (Deputy Derek Keating): Is that agreed? Agreed.

Deputy Mick Wallace: Hello, Minister. How are you?

Deputy Frances Fitzgerald: Hi.

Deputy Mick Wallace: I would have liked to have an hour. Before the summer, we did a great deal of work on this legislation and went through the various sections. I will have time to cover just a few sections today. Generally speaking, I consider that the proposed authority is much weaker than the one we proposed in our Bill. It is clear that ministerial and political control over the authority, the Garda Síochána and the Garda Commissioner is to be retained. The proposed authority will be a weak and toothless body tainted by Government and ministerial influence. It will not have the capacity to provide adequate oversight and monitoring functions over An Garda Síochána and the Garda Commissioner. It will not have the capacity to hold the Garda Síochána and the Garda Commissioner to account.

The Government seems to have missed the point completely regarding the primary function of the authority, which is to provide democratic accountability. A policing authority should be a way for the citizens to hold the Garda to account through a more direct form of democratic accountability than is currently provided for through parliamentary accountability of the Garda through the Minister for Justice and Equality in the Dáil. Membership of the authority is to consist of Civil Service representatives and people with legal and human rights backgrounds. There is no mention of representation of civil society groups or minorities, who are most at risk of Garda malpractice, as we had proposed. The Bill permits the authority, subject to the consent of the Minister, to ask the Garda Síochána Ombudsman Commission to investigate any

behaviour of the Garda Commissioner in the context of his or her functions relating to policing matters that leads it to believe the Commissioner may have committed an offence or behaved in a manner that would constitute serious misconduct. How can the authority be expected to hold the Commissioner to account when it cannot investigate the Commissioner without the Minister's consent? The Commissioner remains under the political protection of the Minister.

The issue of national security remains one of the over-riding issues in the proposed legislation. Uniquely in Europe and other common law countries, An Garda Síochána has responsibility for both policing and national security issues. Conor Brady, who is a former GSOC commissioner, has noted that the invoking of national security by An Garda Síochána to prevent full investigation is already a huge obstacle. Under the proposed legislation, the Minister is the final arbiter if there is disagreement on whether an issue is considered a policing or a security one. As the Minister may be self-interested in this categorisation, it is illogical to consider this a safeguard of any sort. The proposed definition of national security includes "acts intended to subvert or undermine parliamentary democracy of the institutions of the State but not including lawful advocacy, protest or dissent unless carried on in conjunction with any of those acts." It is clear that the current Government would consider the May Day and Shell to Sea protests, and more recently the water charges and water installation protests, to come under this national security heading. This would allow the Minister to retain full and direct control. Therefore, the authority would have no role to play in any policing issue arising.

Deputy Frances Fitzgerald: That is ridiculous.

Deputy Mick Wallace: I have mentioned some of the issues in Part 1 - sections 1 to 7 - of the Bill, so I will not go back over them. Part 2 of the Bill relates to the personnel and organisation of the Garda Síochána. On the appointments issue, section 8 of the Government's Bill sets out that the Garda Commissioner and any deputy Garda Commissioners are to be appointed by the Government and the Government shall accept the nomination of the authority. However, the authority can only nominate in accordance with the recommendation of the Public Appointments Service, PAS, which will provide it with one name only. The authority will have to seek the prior written approval of the Government before it can ask the PAS to undertake a selection competition. It will also have to get the approval of the Minister before agreeing the selection criteria and process with the PAS for the competition. Furthermore, the Government may veto the authority's nomination in "exceptional circumstances", a phrase that is not defined.

Section 8 also sets out that if the Garda Commissioner or any deputy resigns, he or she will have to address his or her letter of notification to the Minister, and the Government will notify the authority later that the Commissioner or the deputy has resigned. Under the Government's new Bill, removal from office may be by Government decision alone, with only a duty to consult the authority if the reason relates to policing services. This is for the same reasons set out in the 2005 Act. The authority can only recommend to the Government that the Commissioner or deputy be removed if the reason relates to policing services. In any event, the Government is obliged only to consider that recommendation and not to act upon it.

This Bill also provides that both the Government, for policing and State security reasons, and the authority, in terms of policing services, have the power to remove assistant commissioners, chief superintendents and superintendents. It also proposes that the Ministers for Justice and Equality and Public Expenditure and Reform will determine the number of appointments to assistant Garda Commissioner, chief superintendent and superintendent but that the authority may make these appointments, subject to a selection competition and any regulations that may

be made. As this means the system under the 2006 and 2014 regulations will remain in place, it will not be a question of selection by the PAS. Instead, the promotions advisory council and the promotions advisory board, controlled by the Garda Commissioner and the Minister, will decide the candidates that the authority will be asked to rubber-stamp. The power of the authority has been weakened since the proposed heads of the Bill in November, in which the authority alone had the power to remove assistant Commissioners, chief superintendents and superintendents from their positions. Now, both the Government and the authority have that power.

It is difficult to see how An Garda Síochána can be expected to function as a cohesive and disciplined body when, depending on one's rank, one can be removed by, and thus answerable to, one, two or even three different bodies, namely, the Government, the authority and the Garda Commissioner. Further confusion arises where one body appoints and another has the power to remove, for example, in the case of assistant Commissioners, chief superintendents and superintendents, where the authority makes these appointments - at least nominally, with the Minister deciding how many appointments are to be made - but both the authority and the Garda Commissioner can remove such appointees.

The authority should have full power of appointment of the Garda Commissioner, subject only to consultation with the Government. It is unfair and irrational to ask the authority to be responsible for systemic issues and policies and performance issues when it cannot appoint or remove those responsible for implementing those policies and priorities, in other words, the Garda Commissioner and the deputy Commissioners. Given that the assistant Commissioners, chief superintendents and superintendents all work in a hierarchical structure under the Commissioner and deputy Commissioners, who are appointed by the Government, giving the authority the power to appoint and remove them is meaningless. Furthermore, this power of the authority is largely circumscribed by existing regulations regarding promotion, which will continue. Through these regulations the Minister and the Commissioner will continue to make these decisions through their proxies on the promotion board. It is also unfair and irrational to expect the authority to be responsible for resources, budgets and staffing if it has no part to play in deciding the number of appointments to be made to senior management ranks, for example, assistant Commissioners, chief superintendents and superintendents.

On the code of ethics, the Bill now proposes that the authority shall, within 12 months, establish a code of ethics that includes standards of conduct and practice for members and internal whistleblowing provisions. However, the authority is obliged to consult more bodies than the Minister would have had to consult had she ever drafted the code of ethics. For example, the authority will have to consult the Garda unions whereas the Minister would not have had to do so under the 2005 Act. The authority also has to consult the Ministers for Justice and Equality and Public Expenditure and Reform. In addition to European policing standards, the authority must also have regard to the policing principles when drafting the code of ethics. The clause regarding a breach of the code of ethics being a breach of discipline which was in the heads of the Bill in November is not in the finalised legislation. Similarly, the code of ethics as guidance for gardaí in carrying out their functions was included in the very important new policing principles but has been removed. Currently, the 2007 discipline regulations ensure a breach of the code of ethics, if it existed, would be a breach of discipline. However, the regulations are only secondary legislation and can be revoked at any point by the Minister and regulations, when drafted or being revoked, never go before the House to be debated as they are just the exercise of Minister's executive power. Therefore the authority will bring in a code of ethics with great fanfare but breaching it will not be a breach of discipline because of the changes in this Act.

There will be no sanction for breaching the code, rendering it meaningless.

The introduction of the trade unions as one of the bodies the authority is required to consult is curious as the Minister would not have been required to consult the unions if she had ever gone ahead and drafted a code of ethics. There is a requirement to consult the Garda Commissioner as representative of an Garda Síochána and this really would have been sufficient. It is curious also that there is a requirement to consult the Minister for Public Expenditure and Reform, as setting standards of conduct and policing practice cannot be considered an industrial relations issue. There is no reference to the code of ethics or the Garda code being published. The biggest problem with the newly proposed legislation is that there will be no sanction for breaching the code of ethics which makes it meaningless. This is even weaker than the position under the current 2005 legislation, where we have no code of ethics because no Minister ever went ahead and drafted one.

On the roles of Minister, the authority and the Garda Commissioner, the Bill now proposes that section 20 be amended in order that the authority, with the written approval of the Minister, shall determine the priorities of the Garda Síochána and establish performance targets and can only determine or revise them following consultation with the Garda Commissioner. The Minister will lay these priorities before the House on receipt from the authority. The Commissioner must inform the authority of measures taken to achieve the objectives of the priorities determined and performance targets established and supply that information within the time specified by the authority. Regarding security services principles, the Commissioner shall follow the same procedure but just be answerable to the Minister.

Section 21 sets out that the strategy statement shall be submitted by the Commissioner to the authority rather than to the Minister for approval but removes from the authority the power the Minister had to set the form and the manner of the statement. The Commissioner is required to have regard to Government policy, the priorities determined by the authority regarding policing and the Minister regarding security. The Garda Professional Standards Unit, GPSU report under section 24 shall now be submitted by the Commissioner to the authority and not to the Minister. The Minister's power under section 25 to issue directives to the Commissioner remains solely with the Minister and the authority may only recommend to the Minister that he or she issues a directive. The Bill provides a new power to the Minister to issue directives to the authority also. The Commissioner is still required to have regard to any relevant policies of the Minister or the Government and any ministerial directive issued to him or her when performing his or her functions, along with the new policing principles, as per section 5.

The authority cannot be considered independent from the Minister if it is in a linear hierarchical relationship with the Minister, as is demonstrated by the power in the amended section 25 which permits the Minister, on the approval of the Government, to give written directives to the authority regarding any of the authority's functions under the Act and the authority shall comply and shall also inform the Minister of the measures taken by the authority to comply. There is limited usefulness in severing the Commissioner's linkage with the Minister if it is intended to restore this linkage at the authority level. It is no use just sticking the authority in between the Minister and the Commissioner if the authority itself answers to the Minister and so becomes just an extra link in the same chain. As argued by the Irish Council for Civil Liberties, "if it is to break the historic cycle of unwholesome ministerial influence on policing, Ireland's new authority must be fully independent". Furthermore, the authority is not given any power to issue directives to the Commissioner. The authority can only recommend to the Minister that a directive regarding policing be issued to the Commissioner from the Minister.

The Minister's power under the 2005 Act to give directives to the Commissioner, that is, to give direct orders to the Commissioner, remains the same and is not even shared with the authority. Thus there is no change in the potential for direct ministerial influence on the Garda Commissioner's operational control of an Garda Síochána. The Irish Human Rights and Equality Commission, IHREC, emphasised that the independence of the police service from Executive control is central to the credibility and capacity of the police service to protect human rights, yet An Garda Síochána remains under direct Executive control under the new proposals. There is also no change to section 26(3) which makes the Commissioner directly accountable to the Minister in the performance of his or her functions and those of An Garda Síochána. This accountability provision has been criticised by Professor Walsh as reinforcing ministerial control powers by rendering the Commissioner statutorily accountable to the Minister for the first time in the history of the State.

On the issue of accountability, Part 5 now proposes no change to section 40 which sets out that the Garda Commissioner shall account fully to the Government and Minister through the Secretary General for any aspect of his or her functions, including the duty to provide any document. Clearly, the Commissioner remains accountable to the Minister and Government only. The new Bill just adds a section setting out that the Commissioner shall report to the authority with regard to policing services to facilitate the performance by the authority of its functions under this Act and extends the duty of Commissioner to provide documents to the authority also. The wide breadth of communication between Minister and Commissioner remains under section 41 and a clause is added to set out that if and in so far as a report by the Commissioner to the Minister relates to policing services, the Minister shall inform the authority of those matters. The Minister does not even have to provide the authority with a copy of the report. Furthermore, there is no comparable duty on the Commissioner inserted to keep the authority informed on significant developments relating to policing, for example, peace and public order, but only to keep the authority informed of matters relevant to the authority's functions.

No change is proposed to section 47 to provide the authority with crime statistics. Surely crime statistics should now be reported to the authority and not the Minister, or at least to both. It will be difficult for the authority to deal with policy issues if it is not entitled to the full statistical data that are available. There is no change to section 40 regarding direct accountability to the Government and Minister nor to section 40(2) and the all-encompassing duty on the Commissioner to provide any document or statement in the possession of An Garda Síochána that the Minister requests, for example, documents relating to Deputy Paul Murphy's arrest, which Professor Dermot Walsh has referred to as an "alarming provision". The Bill, as published, rows back on commitment in the heads of the Bill to make the Garda Commissioner fully accountable to the board alone regarding policing matters. As with the 2005 Act, the Commissioner is to remain solely accountable to the Minister and Government. This is a fundamental change to the proposal in the heads. What is the point of having a Garda authority if it is not being asked to hold the Commissioner to account and if the Commissioner remains lawfully accountable to the Government and Minister? The Commissioner's duty to provide updates regarding policing continues to be owed to the Minister rather than the board, which is also a departure from the proposal made in the heads.

According to the legislation, the first eight members of the Garda authority will be directly appointed by the Government following advertisements that were placed in June. The first authority will set the tone for the relationship between the authority and the Garda Commissioner and Garda Síochána. This is a negative step for an authority that is supposed to be strong and

independent and mark a departure from politicised policing.

Membership of the authority is to be drawn from Civil Service representatives and individuals with a legal or human rights background. The failure of the Bill to make reference to representation of civil society groups is a major disappointment. In addition, the Garda authority should include some political representation, albeit not a majority, with the Opposition and Government being given equal representation. This would be in line with a recommendation made by the Irish Human Rights and Equality Commission, Dr. Vicky Conway and Professor Dermot Walsh. In an effort to retain Government control over the authority, the proposals do not allow for any political representation or membership, perhaps because to do so would require Opposition involvement.

The chairperson-designate of the Garda Authority is a career civil servant who was appointed without an interview process, having resigned as head of the Revenue Commissioners one month prior to her appointment. This was clearly a set-up and means of exerting and re-channelling ministerial influence through the chairperson by having, as it were, the Minister's man on the inside. The process used amounted to an interference in the independence and impartiality of the Garda authority before it has been even established. Moreover, Josephine Feehily was involved the selection of the new Garda Commissioner in her first indirect wielding of political power over policing.

Acting Chairman (Deputy Derek Keating): I ask the Deputy to refrain from naming individuals in the Chamber.

Deputy Mick Wallace: No problem. As the Minister will be well aware, Deputy Clare Daly and I introduced Garda Bills in 2013 and 2014. The Garda authority proposed in our legislation is unrecognisable in the authority proposed in the Bill before us. I do not know how the Minister can claim the authority is independent when it clearly has the paws of the Government all over it.

Lack of speaking time means I have only referred to some sections of the Bill. That this legislation does not stand up to serious scrutiny with regard to independence is a major disappointment. The Minister had an opportunity to do things much differently and God knows that is needed. I do not mean anything personal in expressing serious disappointment with the Bill as I do not know how much control the Minister or her officials had over the final document. I wish things were different and we had a policing authority that bore some resemblance to the authority proposed in our Bill.

Deputy Paul Murphy: The context of the discussion of this Bill is the damage done to the image of the Garda Síochána by various scandals, including the whistleblower and penalty points scandals, and ongoing and blatant political policing. What we have is an attempt to make policing look like something that it is not and giving the impression that we have some form of independent and democratic control and accountability of the Garda. The Bill does not propose significant change.

When I state that we have political policing in this State I am not making paranoid accusations or claiming that all gardaí are against all of us on the left but pointing out that policing in this State operates to protect the interests of the 1% - the establishment and elite - when its interests are challenged. Despite the snorts of derision that come from establishment politicians and the media when this issue is raised, the examples of political policing are very stark at this stage.

To take the example of water meter protests, massive Garda resources are being used to impose water meters on working class communities which do not want them and are protesting against them, yet the same communities are unable to access Garda resources when they need them. Almost a year ago, incredible numbers of gardaí were deployed in Clare Hall and Limewood to force water meters into housing estates. When we fast-forward to yesterday, we learn that six people were arrested in Waterford at anti-water charges protests. A YouTube video of the incident that is circulating on social media suggests policing at the protest was heavy-handed. These are regular occurrences that are no longer newsworthy because people are arrested on almost a daily basis for protesting against water meters being installed in their estates.

Acting Chairman (Deputy Derek Keating): I am advised that the Deputy is straying beyond the scope of the Bill. I ask him to confine his remarks to the subject of the legislation.

Deputy Paul Murphy: My comments relate to the Bill. The point is that we do not have democratic accountability for the Garda, nor is such accountability proposed. If we are to avoid the types of incidents I have highlighted, we must have democratic accountability at a national and community level. This means having working class communities and ordinary people take charge of policing resources and priorities through their democratic representatives. That issue is related to the Bill.

The arrests of 27 people in Jobstown were unquestionably heavy-handed and completely unjustifiable in terms of the number of gardaí involved and the style of arrest used, etc. When the leaking of information about these arrests was raised on Leaders' Questions yesterday, the Taoiseach did not appear remotely bothered. That persons have been named in the national media following a leak that is likely to have emanated from the Garda and are likely to face serious criminal charges which could result in significant prison time is a serious problem. These leaks, which were very likely to have come from the Garda, were an interference in the right of privacy of the individuals in question and the administration of justice. They were also an attempt to shape public opinion and terrorise a community, some of whose members are facing serious charges.

The same Garda division took a decision to issue summonses to Deputy Joan Collins and 11 other individuals for participating in anti-water meter charges protests. Despite these protests being non-controversial, simple and peaceful, people are facing significant criminal charges. The chief superintendent who is responsible for Crumlin and Jobstown made an incredible decision - this, too, is relevant to the Bill - to refuse a permit to a democratically organised political party to collect money, which it has done in the past and which other political parties are doing at present. The justification for this decision was given in a letter, which states that "previous protests in my division ... have resulted in persons being arrested for Public Order offences". The presumption of innocence has been thrown out the window. The letter continues:

The collection permit has been refused because I believe the proceeds of the collection or a portion thereof would be used to facilitate protests sponsored by the Anti Austerity Alliance. I believe any further protests within my Division would see further Public Order offences being committed.

This incredible decision chokes off access to fund-raising opportunities for a political force which does not accept money from big business or developers and relies on ordinary people and the types of collections for which it applied. The decision strangles the ability of a political group to function on the basis that it may organise protests. It is another clear example of the

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political policing that is taking place. It is not accidental that the person responsible for this decision is also the person responsible for policing in Jobstown and Crumlin and, I presume, for the decision as to the nature of the arrests the decision to serve summonses.

Another point on which I was given short shrift by the Taoiseach yesterday relates to Operation Mizen. According to a report in a national newspaper, this is a special investigation unit which has spent six months “monitoring protestors, compiling profiles and gathering intelligence on their whereabouts”. It also notes that: “Anti-Austerity Alliance TD Paul Murphy, who was arrested in conjunction with the notorious Jobstown protest, is understood to be among those being monitored.”

12 o'clock

It is a very serious situation whereby there are reports in the media, which is not the only source I have heard it from, that people are being spied upon and surveilled by gardaí on the basis of their participation in protests against a key Government austerity policy.

Debate adjourned.

Topical Issue Matters

Acting Chairman (Deputy Derek Keating): 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 Brendan Smith - the need to discuss the response to the humanitarian and political crisis in the Middle East and north Africa and the actions being taken by Irish Aid; (2) Deputy Jim Daly - the need to publish the review of the Protection of Employees (Employers' Insolvency) Act as a matter of urgency; (3) Deputy Joe Costello - the need to reassess the policy of a VAT reduction on services provided by the hospitality sector; (4) Deputy Thomas P. Broughan - the need to include the Malahide Road bypass at Clarehall-Belcamp in the 2016 capital programme; (5) Deputy Helen McEntee - the need for a toll exemption on the M3 for Meath River Rescue; (6) Deputy Seán Ó Feargháil - the condition of National Ambulance Service vehicles; (7) Deputy Eamonn Maloney - the need to discuss the increase in the level of homeless families; (8) Deputy Mick Wallace - the need to discuss the independent review mechanism; (9) Deputy Clare Daly - the need to discuss the independent review mechanism; and (10) Deputy Barry Cowen - the need to discuss progress made in reducing social housing waiting lists.

The matters raised by Deputies Eamonn Maloney, Seán Ó Feargháil, Jim Daly and Thomas P. Broughan have been selected for discussion.

Leaders' Questions

Deputy Michael McGrath: We are in the midst of a full-blown national housing crisis. It is a crisis which needs to be tackled with determination and a real sense of urgency. As the Tánaiste knows, rents are soaring. Up to 130,000 applicants are on social housing waiting lists and housing supply is minimal. The rent caps in the rent supplement scheme are so out of line with market rents that they are little more than a fantasy. The Central Bank deposit rules have made it incredibly difficult for first-time buyers in major urban areas and many of those who

are looking to trade up are, in effect, trapped by the 20% deposit rule. Mortgage interest relief is gone for home buyers and banks are leaning on indebted landlords who have good tenants to force them to push rents towards market rents. Banks are repossessing homes with increasing zeal and do not even have to comply now with the code of conduct on mortgage arrears before proceeding with the repossession of a home. The cruellest face of the housing crisis is the scandal of homelessness with people sleeping rough on our streets and 1,500 children living in emergency accommodation.

With each passing day, we are treated to another leak about what the Government intends to do to tackle the crisis. Today's instalment is tax breaks for landlords if they accept tenants on rent supplement or the housing assistance payment. That proposal will simply not work, primarily because it will not add a single new unit to housing stock. Second, if a landlord has the option of accepting rent of €1,400 a month in the private market or taking €800 per month under the rent supplement or HAP scheme, he or she would want one hell of a tax break to choose the latter. Every Deputy is inundated day after day with housing related issues. The elephant in the room is the lack of housing supply. The consistent message we are all getting from the construction sector is that it is simply not viable to build. There are a number of steps the Government needs to take urgently. First, it must examine why it costs so much to build a home in Ireland today. It must examine the State controlled costs which are an important part of those input costs, including development levies and the Irish Water connection which I am told is adding €3,000 to €4,000 to the cost of building a new home. It must make finance available so that residential construction can get underway. In July, a €500 million was announced through the Strategic Investment Fund, but it is not yet up and running. It will be towards the end of the year at the earliest before it is operational and I am told that the cost of borrowing from the fund will be in the region of 14%, which is absolutely mad at a time when the State is borrowing at record low interest rates of between 1% and 2%.

Within the Tánaiste's own Department, she needs to lift the rent caps immediately to bring some sense of reality to the rent supplement and HAP schemes and to introduce a level of rent certainty. This is a crisis in the here and now. It is all very fine to talk about grandiose plans for billions of euro to build thousands of houses, but the reality is that tonight 1,500 children in Ireland will sleep in emergency accommodation. There are 130,000 families on the social housing list. It is a scandal, it is not acceptable and it is not going to get any better without major intervention. There is no building and there is no supply and the problem is only going to get worse. What is the Government going to do about it?

The Tánaiste: Notwithstanding the general economic recovery that is under way and that, thankfully is getting stronger every day, I accept that as a country we have a legacy issue in relation to housing arising, as Deputy Michael McGrath well knows, from the collapse in the building industry. Leaving that aside, I note the following on rent supplement which I am not sure people like the Deputy particularly understand. Through rent supplement, we provide housing and homes for 65,000 individuals and families. It is one of the largest suppliers of rental accommodation in the country. What we do and have been doing for some time is to negotiate rents on an individual basis with landlords. The 65,000 homes in question constitute approximately 30% of the entire rental market in the State and our concern as a major player in the private rented market is about what will happen if we simply follow the demands of some landlords who, I have to say, are excessively greedy. The Deputy referred to it himself and let us not put a tooth in it. They are excessively greedy and they are looking for more and more money every couple of months to a scale that is not particularly justified on economic grounds.

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We can understand that they may be looking to recover losses from the crash, but what we are exploring as a Government currently is the provision of rent certainty. In other European countries where the rental model works quite well, rents are stable over a three-year period or longer in relation to the tenancy agreement.

Coming back to rent supplement, I will give the Deputy the figures to the end of September. We have negotiated new rental agreements which have generally involved significant increases in rents on a case-by-case basis. Working with the family or individual concerned, we have negotiated almost 2,700 agreements through the new, improved community welfare service that the Department of Social Protection offers since we took over the service from the HSE a couple of years ago. The Deputy will know that we work on a protocol with Threshold and a number of other agencies, including Simon on a smaller scale, and have actually negotiated over 1,200 agreements on that basis. That means that we have negotiated this year. Of the 65,000 people and families in rental accommodation, many of their landlords do not regularly raise rents, but there is a cohort of landlords who do and often ask tenants to leave houses, frequently because a returning emigrant child is going to use the family property. That is fine and valid.

I just want the Deputy to be sure. I want to send out the message to people on rent supplement - we text over 40,000 such customers on a monthly basis, but I want all Deputies to hear this and pass the message on to people who attend their clinics with difficulties - that, if they contact the community welfare service, not only can we negotiate rent successfully, but we will, as the statistics show. This should assist families. The one-to-one contact is also a way of reaching out for more detailed assistance in a variety of other areas, for instance, helping individuals or families into education, training and employment. It is a different kind of in-depth service.

In June 2012, we raised rents across the board by an average of €12,000. Two months later, landlords were back looking for another 10% to 20%. What I want-----

Deputy Dessie Ellis: Introduce rent controls.

Deputy Finian McGrath: The Government sorted out those landlords, but what about the ones who are selling their houses?

Deputy Dessie Ellis: The Tánaiste is talking a load of waffle. Introduce rent controls.

An Leas-Cheann Comhairle: The Tánaiste has the floor.

The Tánaiste: Some 65,000 people on rent supplement-----

Deputy Dessie Ellis: I do not know whether the Tánaiste realises that there is an emergency.

The Tánaiste: -----and getting good homes from landlords is not waffle.

Deputy Dessie Ellis: It is waffle.

The Tánaiste: That shows the level of Sinn Féin's cynicism about our country.

Deputy Dessie Ellis: Cynicism. I do not think that the Tánaiste is even on the ground. She is on another planet. She does not know what is happening.

An Leas-Cheann Comhairle: Order, please. The Tánaiste to conclude.

The Tánaiste: Sinn Féin denied-----

Deputy Catherine Murphy: The Tánaiste is denying.

The Tánaiste: -----this country over and over again. It shows an appalling level of cynicism that Sinn Féin would decry-----

Deputy Dessie Ellis: This shows the Tánaiste's level of understanding.

The Tánaiste: -----65,000 families and individuals being assisted through rent supplement with housing-----

Deputy Dessie Ellis: For God's sake. This is ridiculous.

The Tánaiste: -----that, for the most part, is good. I just want to send out the message to Deputy Michael McGrath-----

Deputy Finian McGrath: The majority are suffering.

Deputy Brendan Smith: What about prefabs?

The Tánaiste: -----that we are doing this on an individual basis. It is in addition to the investment of €3.8 billion in building and acquiring homes and refitting those that have been closed. Deputies know that the practice of voids in county councils around the country, particularly Dublin where it has been a major problem, is being brought to an end. Those houses are being given out this year in their hundreds-----

Deputy Dessie Ellis: That is all gone.

Deputy Finian McGrath: When? We have been hearing that for years.

Deputy Dessie Ellis: There is no supply.

The Tánaiste: -----to families that require housing. Houses are being built as well.

Deputy Finian McGrath: Out of touch.

Deputy Michael McGrath: People want to hear solutions to this crisis.

Deputy Bernard J. Durkan: That is right.

Deputy Michael McGrath: If the rent supplement-----

Deputy Bernard J. Durkan: They wanted them ten years ago but did not get them.

Deputy Michael McGrath: If I may, Deputy, please.

Deputy Finian McGrath: Do not talk, Deputy Durkan.

Deputy Emmet Stagg: Fianna Fáil privatised social housing by handing it over to the private sector.

An Leas-Cheann Comhairle: Could we have order, please? Deputy Michael McGrath has the floor.

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Deputy Finian McGrath: Deputy Durkan's party has had power for four and a half years.

Deputy Michael McGrath: People want to hear-----

Deputy Emmet Stagg: Fianna Fáil privatised the whole system.

Deputy Bernard J. Durkan: Ten years ago, Deputy Michael McGrath signed up to-----

(Interruptions).

An Leas-Cheann Comhairle: Listen, Members.

Deputy Michael McGrath: Will the Leas-Cheann Comhairle stop the clock, please?

An Leas-Cheann Comhairle: Deputies, we cannot hear.

Deputy Ray Butler: Fianna Fáil did not build social housing.

Deputy Emmet Stagg: It was Fianna Fáil that caused the problems by privatising the system.

Deputy Ray Butler: Fianna Fáil only built nine social houses in Trim over 14 years.

Deputy Emmet Stagg: It did not build many social houses during the boom.

(Interruptions).

An Leas-Cheann Comhairle: Will Members settle down, please, while Deputy Michael McGrath asks a supplementary question?

Deputy Michael McGrath: I have clearly touched a nerve.

Deputy Ray Butler: Deputy Michael McGrath touched no nerve but his own.

(Interruptions).

Deputy Michael McGrath: This situation has gone out of control.

Deputy Aodhán Ó Ríordáin: Fianna Fáil touched a nerve with the Irish people.

An Leas-Cheann Comhairle: I am sorry, but Deputy Michael McGrath has the floor.

Deputy Michael McGrath: Let me tell the Government Deputies a few home truths.

Deputy Finian McGrath: I thought that Fine Gael members were landlords.

Deputy Michael McGrath: If the rent supplement scheme is so flexible and accommodating, why are people becoming homeless?

Deputy Finian McGrath: Yes.

Deputy Emmet Stagg: The Deputy's party was there for years.

(Interruptions).

Deputy Michael McGrath: We are all practising politicians. We know what is happening

on the ground.

Deputy Emmet Stagg: And we know what caused it as well.

An Leas-Cheann Comhairle: Deputy, please.

Deputy Michael McGrath: The level of flexibility that the Tánaiste talked about is not there.

Deputy Emmet Stagg: Fianna Fáil privatised social housing.

A Deputy: Deputy Finian McGrath was a part of-----

(Interruptions).

Deputy Michael McGrath: Deputy Stagg does not like listening to the truth.

Deputy Emmet Stagg: Fianna Fáil handed it over to landlords. Money was coming out of its ears.

(Interruptions).

Deputy Finian McGrath: There are many more homeless now.

Deputy Bernard J. Durkan: The chickens have come home to roost.

An Leas-Cheann Comhairle: Deputy Durkan, please.

Deputy Bernard J. Durkan: I am sorry, but I get upset when I hear that kind of nonsense.

An Leas-Cheann Comhairle: Deputy Michael McGrath has the floor.

Deputy Finian McGrath: Bernard is upset.

Deputy Bernard J. Durkan: Not for the first time.

Deputy Finian McGrath: Throw him out.

Deputy Ray Butler: Never in government.

Deputy Michael McGrath: The truth of the matter is-----

Deputy Emmet Stagg: Fianna Fáil handed the whole thing over to private landlords and is now complaining about it.

An Leas-Cheann Comhairle: Deputy, please.

Deputy Finian McGrath: Throw him out, a Leas-Cheann Comhairle. Deputy Stagg is harassing Deputy Michael McGrath.

An Leas-Cheann Comhairle: This is Leaders' Questions, Deputy Stagg.

Deputy Michael McGrath: People want to hear solutions.

Deputy Finian McGrath: Hear, hear.

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Deputy Michael McGrath: They want us to debate rationally-----

Deputy Emmet Stagg: We will not get that from you.

Deputy Michael McGrath: -----what is a major crisis facing the country.

Deputy Emmet Stagg: Fianna Fáil handed it over to private landlords.

Deputy Michael McGrath: All we will get from Deputy Stagg is a rant, obviously. It is pathetic.

Deputy Patrick O'Donovan: An apology would be a good start.

Deputy Dessie Ellis: It would nearly-----

Deputy Michael McGrath: People are homeless, and all that Deputy Stagg is doing is throwing mud across the floor. It is pathetic.

Deputy Finian McGrath: Hear, hear.

Deputy Ray Butler: Get-out clauses for landlords.

Deputy Michael McGrath: Deputy Stagg sums up the arrogance of the Government on this issue. He will not even listen to the truth. The reality is-----

Deputy Emmet Stagg: We know the truth. Fianna Fáil privatised social housing and handed it over to landlords.

Deputy Ray Butler: Deputy Michael McGrath is in denial.

(Interruptions).

An Leas-Cheann Comhairle: Deputies, please.

Deputy Michael McGrath: In my constituency, the rent cap for a family with two children is €725. There is not a house to be had-----

Deputy Emmet Stagg: The landlords are Fianna Fáil's buddies, to whom it handed over the sector.

Deputy Michael McGrath: -----for less than €1,200. That gap is not being bridged on a day-to-day basis by the community welfare officer, CWO. The Tánaiste is referring to the tenancy protection scheme that is in place in Dublin city-----

Deputies: No.

The Tánaiste: Not at all.

Deputy Michael McGrath: -----and Cork city.

The Tánaiste: I will pass the Deputy the details.

Deputy Michael McGrath: It is not happening on the ground, Tánaiste. That is the truth.

The Tánaiste: Here are the figures.

Deputy Peadar Tóibín: You are the biggest cause of homelessness.

The Tánaiste: Does Deputy Michael McGrath accept that-----

An Leas-Cheann Comhairle: The Deputy has a question, please, Tánaiste.

Deputy Michael McGrath: Lashing out at landlords will not solve the problem. They will charge what they can. That is the reality.

Deputy Emmet Stagg: Fianna Fáil knew that when it handed the sector over to them.

A Deputy: How many landlords are there in the Labour Party?

The Tánaiste: Was Deputy Michael McGrath encouraging that?

An Leas-Cheann Comhairle: Deputies, please.

Deputy Emmet Stagg: Fianna Fáil handed it over to them lock, stock and barrel.

An Leas-Cheann Comhairle: I am sorry, but this is not a debate. This is Question Time.

Deputy Michael McGrath: We support rent certainty.

(Interruptions).

Deputy Michael McGrath: Deputy Cowen has produced a comprehensive document on the issue. If Government Deputies wish to discuss the record, the reality is that, in 2009, some €670 million was given to local authorities for social housing investment. Last year, the figure was €88 million. There are 4,000 local authority homes still boarded up. I know my own area best. In Cork city and county, there are approximately 700 voids. Under the great announcement from the Minister, Deputy Kelly, this summer, there will be enough funding to bring 200 of those to the market.

Deputy Bernard J. Durkan: There were 2,000 when Fianna Fáil left office.

Deputy Michael McGrath: Two hundred out of 700. That is the truth.

In her response, the Tánaiste ignored the issue of supply, to which I dedicated much of my time when putting my questions to her. Will we examine why the cost of building in Ireland is so high and the funding model? The State's response has been abysmal. At €500 million, it is a Mickey Mouse fund and is still not available. I am being told that it will cost 14% at a time when the State is borrowing at between 1% and 2%.

An Leas-Cheann Comhairle: The Deputy is over time.

Deputy Michael McGrath: It will not work. It is making non-viable projects even less viable. Let us give people some hope. Let us discuss solutions-----

Deputy Bernard J. Durkan: It is a bit late in the day for that.

Deputy Michael McGrath: -----and what can be done with the rent supplement scheme, rent certainty and increasing supply. There are bottlenecks. The situation is only going from bad to worse. It will not improve. Leaking this, that and the other everyday about what the Government is considering doing is of no consequence or use to people who are facing into

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homeless, are homeless or have been ten years on local authority housing lists. Let us deal with solutions.

Deputy Finian McGrath: This is on the Government's watch.

The Tánaiste: The Deputy's question was long on analysis, but I do not believe that I heard a single suggestion from him.

Deputy Michael McGrath: The Tánaiste did.

Deputy Finian McGrath: He made approximately six of them.

The Tánaiste: He said that landlords could charge what they liked.

Deputy Michael McGrath: I said that they would charge what they liked. That is the reality.

An Leas-Cheann Comhairle: Please, Deputy.

The Tánaiste: Fianna Fáil, in its previous incarnation,-----

Deputy Finian McGrath: Here we go. Get out the violins.

The Tánaiste: -----set the tone for how landlords learned to behave.

Deputy Peadar Tóibín: Skip the history lesson and give us some solutions.

The Tánaiste: That was because Fianna Fáil decided sometime around 2000, in conjunction with many local authority managements-----

Deputy Patrick O'Donovan: And Deputy Finian McGrath.

The Tánaiste: -----that the solution to housing supply issues in Ireland lay almost entirely with the private sector. I do not-----

Deputy Seán Ó Fearghail: That is not true.

Deputy Michael McGrath: The Government cut funding by 70%.

An Leas-Cheann Comhairle: Please, Deputy.

The Tánaiste: I am sorry, but the evidence-----

Deputy Michael McGrath: The Tánaiste is talking through her hat. The Government cut funding by 70%. That is the truth.

The Tánaiste: The evidence is there.

Deputy Michael McGrath: The evidence is that this Government cut funding by 70%.

An Leas-Cheann Comhairle: Please, Deputy. You asked a question. Do you want a reply? The Tánaiste has the floor.

The Tánaiste: The Deputy just said that landlords could charge what they liked.

Deputy Michael McGrath: That is not what I said, and the Tánaiste knows it.

The Tánaiste: Does Fianna Fáil agree with that?

Deputy Seán Ó Fearghail: That is not true.

Deputy Emmet Stagg: It is what the Deputy said.

Deputy Michael McGrath: I said that they would charge what they wanted and that we supported rent certainty. That is the truth.

The Tánaiste: I am sorry, but it is what the Deputy said.

(Interruptions).

An Leas-Cheann Comhairle: Please.

The Tánaiste: That is what the Deputy said.

An Leas-Cheann Comhairle: Sorry, Deputy. Resume your seat.

The Tánaiste: The Deputy said landlords can charge what they like.

Deputy Michael McGrath: That is not what I said.

The Tánaiste: I suggest that Fianna Fáil send a message to landlords who think they can charge what they like, regardless of people at work who are renting-----

Deputy Michael McGrath: They will charge what those in the market will pay. The Tánaiste knows that.

An Leas-Cheann Comhairle: Please.

The Tánaiste: Sorry-----

Deputy Michael McGrath: They will charge what the market will pay.

An Leas-Cheann Comhairle: Sorry, Deputies.

The Tánaiste: We have learnt a lot about markets since people like the Deputies acted as cheerleaders for the banks, which caused the banks to collapse, and with it the construction industry.

Deputy Peter Mathews: The banks collapsed themselves.

The Tánaiste: What is happening at present is that the Government is allocating, out of a recovering economy, a significant amount of capital funding to do a whole series of things. First, it is to reopen the void properties-----

Deputy Peadar Tóibín: When?

Deputy Dessie Ellis: It is not happening.

Deputy Michael McGrath: Four thousand.

The Tánaiste: -----and second, it will build new houses. There are announcements and allocations to both the Deputy's own local authority and to local authorities nationwide.

Deputy Peadar Tóibín: One hundred and twenty in County Meath.

The Tánaiste: Third, approved housing bodies will build houses, and fourth, local authorities will buy houses on the private housing market to house people. It is a four-part solution.

As for the Deputy's specific question about the strategic investment fund, yes, half a billion euro has been allocated to housing in that regard. While I cannot give the Deputy a response now on the exact rate of return required by the strategic investment fund, I will get that information for the Deputy. Because those deals have not commenced, that information has not been available to me or generally available in the public domain. However, I welcome Fianna Fáil's conversion to the notion of rent certainty because, in respect of making progress on policy in Ireland, I refer to getting an agreement from all of the parties in this House to opt for a model based on our experience. Many Members have travelled to or lived in countries such as France and Germany, where there are models.

Deputy Finian McGrath: Do it, so, and we will support the Government.

The Tánaiste: In addition, there are countries such as Austria, a small country like Ireland, from which models of rent certainty are available. I welcome Fianna Fáil's commitment to put manners on landlords who think they can charge what they like.

Deputy Gerry Adams: For most of the lifetime of this Dáil, Sinn Féin has been raising concerns about the sale of NAMA's loan books, including its Northern loan book. There is now a growing scandal around the revelations that an illegal £15 million fixer's fee was to be paid as part of the sell-off of this Northern loan book. As the Tánaiste may be aware, this matter was brought to NAMA's attention by PIMCO, a potential US bidder. It also advised NAMA that the proposed recipients of this fixer's fee included Frank Cushnahan, a member of NAMA's Northern advisory committee. Mr. Cushnahan originally was appointed by Fianna Fáil and was reappointed by the present Government. NAMA initially claimed that its Northern advisory committee was not privy to confidential information regarding this sale. However, it since has been disclosed that this committee discussed potential purchases on at least two occasions before the loan book was sold at a huge loss to Irish taxpayers. Mr. Cushnahan was present at these meetings. He later acted as an adviser to a bidder in the sale of the Northern loan book. Has the Tánaiste been briefed on these matters? Has she raised them with the Taoiseach and the Minister, Deputy Noonan? Is it acceptable, in the light of these disturbing revelations, that the Minister, Deputy Noonan, continues to protect NAMA from public scrutiny? NAMA is an arm of the State and I hope the Tánaiste agrees that it should be accountable. When will the Minister, Deputy Noonan, come before the Dáil and make a statement on these serious issues of public interest? Moreover, as I have requested, along with Deputy Pearse Doherty and others, will the Government establish a commission of investigation into the management and operations of NAMA?

The Tánaiste: First, I am advised that the loan sale was executed in a proper manner. There has been much confusion and conflation in the coverage of this matter. Much of the commentary has come in detail from various sources within Northern Ireland. My understanding is that there is an ongoing examination of a wide variety of statements and allegations made by different individuals in the North by a committee at Stormont. The second point is that the loan portfolio was sold for €1.5 billion because that is what the properties securing the loans were worth. In this regard, one has a constant comparison of pre-crash values with post-crash sales. I believe Deputy Adams has told Members previously that he owns a residential house, as well

as a holiday home, and I do not know whether he has another house in the Republic. However, I would argue strongly that before the crash, quite a lot of houses rose to heights of being worth approximately half a million euro, certainly in the Dublin area. I do not know whether the Deputy has a house there.

Deputy Peadar Tóibín: Dublin which?

The Tánaiste: Subsequent to the fall, those houses ended up being worth €200,000 to €300,000 in some cases.

Deputy Peter Mathews: As a result of the banks. The banks caused that.

The Tánaiste: Subsequently, in terms of the recovery-----

Deputy Peter Mathews: The banks caused that.

The Tánaiste: Subsequently, in terms of-----

Deputy Peter Mathews: The banks caused that.

The Tánaiste: In terms of the recovery-----

Deputy Peter Mathews: The banks caused that.

An Leas-Cheann Comhairle: We got that, Deputy.

The Tánaiste: -----there was an improvement-----

Deputy Peter Mathews: The Government does not understand that. The banks caused that.

The Tánaiste: There was an improvement in those values.

Deputy Ciarán Lynch: The Deputy has got a bit stuck.

The Tánaiste: The Deputy is arguing that a loan portfolio that was worth €5.7 billion at the top of the boom and was sold for a lesser value-----

Deputy Peadar Tóibín: A loss.

The Tánaiste: -----when we had a very deep crash and NAMA was responsible for getting the market going again-----

Deputy Peter Mathews: They call it negative equity. The banks call it negative equity.

The Tánaiste: This fall in value of course represents a fall in value to the taxpayer, but it was caused by the banking crash and by the collapse in values.

Deputy Peadar Tóibín: It was a fire sale also.

The Tánaiste: Let us be clear about that.

Deputy Peter Mathews: They call it negative equity. The absurdity.

An Leas-Cheann Comhairle: The Tánaiste has the floor. Please.

Deputy Peter Mathews: It is absurd.

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The Tánaiste: Consequently, there is no reason in particular to refer to the pre-crash value, other than perhaps as a cause of great regret that the fall was indeed so great and so substantial.

Deputy Peter Mathews: A credit pyramid caused by the banks.

The Tánaiste: NAMA paid no moneys and-----

Deputy Peter Mathews: It was a credit pyramid caused by the banks.

The Tánaiste: -----had no relationship with any party on the loan sale against whom allegations of wrongdoing now are being made. The loan portfolio was sold after an open process to the highest bidder for what it was worth. As I stated, attempting to put NAMA into what is a highly complicated Northern tale is not necessarily, I suggest to Deputy Adams, giving the full picture. NAMA did not appear before the Northern Ireland Committee for Finance and Personnel. What NAMA has done is to appear before committees of this House and speak in detail, because NAMA is an entity established by the Irish Government. NAMA does not have a responsibility in respect of the Northern Executive.

Deputy Peadar Tóibín: For the loss to Irish taxpayers.

The Tánaiste: What NAMA has done is to appear before committees of this House and answer questions. All the questions and briefings are available both on the website of this House and, I understand, on the NAMA website. The Northern Ireland committee submitted a list of questions to NAMA regarding the sales process. NAMA responded to that on 4 September with detailed responses to the questions, running to several hundred pages, which also are available on the website. They also are available on the website of the Committee of Public Accounts, to which NAMA is accountable on behalf of Irish taxpayers in this House.

Deputy Gerry Adams: The Tánaiste stated that this is a Northern tale. She stated that it was being dealt with by a committee of the Assembly. She then conceded that the Government is not co-operating with the Northern Assembly committee - that NAMA has refused to appear before it, as has the Minister. I received, as a result of a freedom of information request, the briefing pack for Ministers on this issue. It states that the conflation of the issues involved in this is dangerous. It also states, and the Tánaiste has ignored this although it has been the main thrust of my question and the main thrust of our concerns, that the concern was that fees were to be paid to a Mr. Cushnahan who was a former member of NAMA's Northern Ireland advisory committee and that this would constitute a clear conflict of interest and would cause reputational damage to all involved. That is the core it. Fixer's fees of £15 million were to be paid and this person has been named as one of those who was to be a recipient.

The chairman of NAMA, Mr. Frank Daly, says he briefed the Minister for Finance, Deputy Noonan, in full on this £15 million fixer's fee, yet the Minister, Deputy Noonan, failed to suspend the sales process. He failed to inform the Office of the First Minister and the Office of the Deputy First Ministers. Apparently, these matters were also brought to the Taoiseach's attention in a letter in February 2014. Yesterday, the Taoiseach refused to confirm this. Can the Tánaiste confirm it? The businessman, Mr. Gareth Graham, has testified that he possesses thousands of recordings of phone calls by Mr. Frank Cushnahan, exposing inappropriate and, possibly, illegal conduct. This is, as the Tánaiste said, being investigated by the Assembly finance committee and the police. The US Department of Justice is also investigating it. The Irish Government is defending it despite the move by all these agencies to address these matters.

The Tánaiste is the second most senior member of the Government. We know there is a crisis in housing and a crisis across a range of matters that are pressing down on citizens.

Deputy Eric Byrne: There is a crisis in Northern Ireland too.

Deputy Gerry Adams: We also have this sell-off, with the allegation of an illegal fixers' fee of £15 million being paid. The Tánaiste says the Labour Party is in government to keep Fine Gael in check and so she must have a view on the Minister for Finance's handling of these issues. I would like the Tánaiste to answer the following question directly. Has the Tánaiste asked the Minister for Finance, Deputy Noonan, and the Taoiseach about this? Surely, as Tánaiste and leader of the Labour Party she would agree, in the light of all these disclosures which are not Northern matters because, as has been said, NAMA is a national body and the money involved, in terms of the loans that are being sold, is taxpayers' money, that there is enough evidence to justify a series of investigations. Would the Tánaiste support the establishment of a commission of investigation into the management and operations of NAMA?

The Tánaiste: Is there anything in the Republic of Ireland that Deputy Adams regards as being good?

Deputy Gerry Adams: Yes, lots of things, but mostly the people whom the Government is letting down.

An Leas-Cheann Comhairle: Deputy Adams, please, you have had a good innings.

Deputy Gerry Adams: The Tánaiste asked-----

The Tánaiste: Deputy Adams told us previously that he did not need to know about economics.

Deputy Gerry Adams: I did not say that to the Tánaiste.

The Tánaiste: I note that the other day the Deputy, in an interview, said he knows a lot about economics.

Deputy Paul Murphy: What is the Tánaiste's point?

Deputy Pádraig Mac Lochlainn: We might get an answer to the question now.

The Tánaiste: I suspect Deputy Adams also knows a lot about governance-----

Deputy Finian McGrath: The conservation grant.

(Interruptions).

The Tánaiste: -----including of organisations of which he was never even a member, but that is another issue.

Deputy Peadar Tóibín: That is a scurrilous sneer.

The Tánaiste: This is being inquired into. It is a Northern matter.

Deputy Gerry Adams: It is not a Northern matter.

(Interruptions).

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The Tánaiste: Everything Deputy Adams has said relates to various individuals within the Northern business community or, indeed, individuals from other communities who have come forward-----

Deputy Gerry Adams: But nothing to do with the Government.

The Tánaiste: -----to suggest there was something untoward in relation-----

Deputy Peadar Tóibín: To the fire sale.

The Tánaiste: -----to how property matters were dealt with-----

Deputy Gerry Adams: The briefing concedes it, Tánaiste.

The Tánaiste: -----in respect of the North of Ireland and distressed assets in the North of Ireland which, unfortunately - and I agree with Deputy Adams on this-----

Deputy Gerry Adams: I will have to examine my conscience.

Deputy Eric Byrne: The Deputy never had one.

The Tánaiste: -----have ended up being sold-----

Deputy Peadar Tóibín: At a loss to NAMA.

The Tánaiste: -----way below the values attributed to those assets at the height of the boom. That is my point about economics.

Deputy Dessie Ellis: Many of these are people's homes.

The Tánaiste: I share the Deputy's distress on that. Does Deputy Adams agree, given that he at all times talks about Northern institutions-----

Deputy Gerry Adams: Please answer the question.

Deputy Peadar Tóibín: Is the Tánaiste not curious?

The Tánaiste: Can Deputy Adams not allow the Northern Ireland institutions, which are investigating this matter-----

Deputy Gerry Adams: The Government will not co-operate with them.

The Tánaiste: -----including the Police Service of Northern Ireland and agencies from the UK that deal with fraud and serious crime issues-----

Deputy Gerry Adams: The USA.

The Tánaiste: As I understand it, those different organisations, including some organisations from the US-----

Deputy Gerry Adams: Except here.

The Tánaiste: -----are inquiring into this. Does that not suggest that Deputy Adams lacks confidence in the Northern Ireland institutions to make inquiries that could lead to a conclusion of those investigations?

(Interruptions).

The Tánaiste: I believe Deputy Adams is engaging in a game of charades.

Deputy Dessie Ellis: The biggest charade is what the Tánaiste is doing.

A Deputy: We are talking about hundreds of millions of taxpayers' money.

(Interruptions).

The Tánaiste: It is extremely important-----

An Leas-Cheann Comhairle: Order, please.

The Tánaiste: The suggestion is that a substantial sum of money was to be awarded to a number of parties involved-----

Deputy Gerry Adams: Awarded?

The Tánaiste: I am reading in the newspapers about the allegations being made by different people-----

Deputy Gerry Adams: Does the Tánaiste not talk to the Taoiseach?

The Tánaiste: -----that a substantial sum of money was potentially going to be given, shared, awarded - whatever term the Deputy wants to use - to particular individuals involved in particular deals. Rightly, the policing authorities are examining this.

Deputy Gerry Adams: The Government is not.

The Tánaiste: I would suggest, Deputy, that that is the proper-----

Deputy Peadar Tóibín: What about transparency?

The Tánaiste: -----issue that needs to be addressed. If it is being suggested, as it seems to be, that sums of money were being paid to individuals in a particular way, then it is right that the policing authorities should investigate that.

Deputy Peadar Tóibín: And that NAMA answer questions.

The Tánaiste: It is right that the other agencies should investigate it and also that the Northern Ireland committee should investigate it-----

Deputy Pádraig Mac Lochlainn: Should the Government fully co-operate in those inquiries?

The Tánaiste: -----and should produce answers. In regard to the Minister, Deputy Noonan, he is available to the Committee of Public Accounts and to all the other committees of this House-----

Deputy Gerry Adams: Will he come in here?

The Tánaiste: The Deputy Leader of Sinn Féin, Deputy McDonald, is a member of the Committee of Public Accounts.

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Deputy Gerry Adams: Will the Minister for Finance, Deputy Noonan, come into the Dáil Chamber?

The Tánaiste: I suggest that if Deputy Adams sees further merit in committees of this House, or members of Sinn Féin who are members of the Committee of Public Accounts, examining the matter further, they should do that.

Deputy Gerry Adams: They are going to do that.

The Tánaiste: They should do that because it is important in terms of governance and integrity of practices in the North.

Deputy Gerry Adams: They are going to do it.

Deputy Peadar Tóibín: But the ECB should not appear before the banking inquiry because it is in a different jurisdiction.

An Leas-Cheann Comhairle: Deputy Wallace.

Deputy Bernard J. Durkan: It has not been a good day at the office for Deputy Adams.

Deputy Pádraig Mac Lochlainn: Listen to Comical Ali over there.

An Leas-Cheann Comhairle: Order, please. I have called Deputy Wallace.

Deputy Mick Wallace: I am a little taken aback by the position which the Tánaiste is taking on NAMA. I raised this issue with her before the summer recess, when I marked her card that all was not well with NAMA. I told her that it would do her no favour to do nothing about this. Since then, a lot more questions than answers have been thrown up. At a meeting of the Committee of Public Accounts on 9 July, the CEO of NAMA, Mr. Brendan McDonagh, argued that the sale of the Project Eagle portfolio represented the best commercial option for NAMA as, according to him, there had been little or no investor interest in acquiring either Northern Ireland assets or the associated loans. This is not consistent with statements contained in the NAMA Northern Ireland advisory committee's minutes of the meeting of 7 October 2013. At that meeting representatives of CBRE gave a summary of the Northern Ireland real estate market. NAMA was represented at that meeting by, among others, Mr. Frank Daly. CBRE said that, positively, rent and yield forecasts across the commercial property sector were predominantly stabilising or strengthening and added that US investment funds were showing interest.

Cerberus has been able to sell loans for double what it paid for them in a very short period. Why could NAMA not do that? If due diligence with NAMA in Dublin for Project Eagle cost €1.8 million, can the Tánaiste explain why the same work in the North should cost €21 million? That is what Cerberus paid over for four weeks' work. NAMA had to do more work on due diligence than the people working for Cerberus, including those in Brown Rudnick and Tughans. NAMA sold Project Eagle to Cerberus for approximately 27p in the pound. The missing 73p has been picked up by the Irish taxpayer, those in the South, not the North - this is not just a Northern problem.

Deputy Gerry Adams: Hear, hear.

Deputy Mick Wallace: This is a seriously Southern problem. Cerberus went to some of the major developer players. Before it bought the portfolio, a group of individuals went around

to the big developers and asked them whether they would buy their loans back for 50p in the pound. What happened? They jumped at it. However, they had to pay a fixer's fee. The £7 million in the Isle of Man that we have been talking about was only for openers. A total of £45 million has been paid to fixers.

Deputy Gerry Adams: Come on, Tánaiste.

Deputy Mick Wallace: Given that Cerberus is under criminal investigation in two countries for Project Eagle, why has that company not been disqualified from Project Arrow? How, in God's name, can the Government tolerate that? This is a portfolio with a par value of €7.2 billion which NAMA is threatening to sell for something in the region of €1 billion. Some 50% of the portfolio is residential in Ireland, in the South, and we have a housing crisis. How can the Government allow Project Arrow to go ahead? It looks like Cerberus is going buy it.

NAMA has made out that Frank Cushnahan was not privy to sensitive information or anything that was confidential with regard to Project Eagle. There was a meeting on 7 October 2013. Project Eagle was discussed in detail. This included external member feedback. If the external members, who included Frank Cushnahan and Mr. Rowntree, were given feedback, how is this consistent with the proposition that they had no confidential information? It was interesting that the chairman added that he wanted to remind members that the matter was extremely politically sensitive and that absolute confidentiality was required. It is nonsense to suggest that Frank Cushnahan did not have confidential information regarding Project Eagle. It is nonsense for NAMA to suggest that the problems are all about the purchase. There are serious problems about the sale of Project Eagle by NAMA to Cerberus and it stinks to the high heavens.

Is the Government prepared to look at this? Too many questions have not been answered. It is a serious concern for the public because it has cost them dearly. Is the Government prepared to investigate it and initiate an independent investigation? It is seriously required.

The Tánaiste: I thank the Deputy. I can understand that he has considerable detailed knowledge of this matter as he raised it on a previous day. As has been said, it is being investigated by the Police Service of Northern Ireland, the agencies dealing with serious crime and fraud in the UK and the Northern Ireland Committee for Finance and Personnel.

Deputy Gerry Adams: But not by the Government.

The Tánaiste: Does Deputy Wallace not believe that, in the first instance, he should give the information he has in his possession? Perhaps he could go to the committee and set out the information that he knows of in open session.

I believe it is important in terms of the Northern Ireland committee-----

Deputy Gerry Adams: The Tánaiste does not.

The Tánaiste: -----that if Deputy Wallace possesses such detailed information - as he has indicated - then perhaps he should give some consideration to doing that. I am unsure whether Deputy Wallace has done it in private. I am not aware that he has done it in public because I have not seen any reference to it.

Deputy Gerry Adams: The Government would not let NAMA go.

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The Tánaiste: Alternatively, the appropriate committee that deals with NAMA in this House is a cross-party committee, including members of Sinn Féin, chaired by the Opposition, properly, and including Independent Members.

Deputy Peadar Tóibín: The Government is limiting efforts to get to the truth on purpose.

The Tánaiste: I put it to Deputy Wallace that if he wants further examination of the detail of what he is describing-----

Deputy Gerry Adams: We want a commission of investigation.

The Tánaiste: -----and his opinions on the matter, then perhaps he should look to speak to the Committee of Public Accounts, either in private or in public. It is the committee that deals with NAMA.

As Deputy Wallace is aware, NAMA was set up under fairly extraordinary legislation following a series of through-the-night meetings in this Chamber when it was established by the late Brian Lenihan, the then Minister for Finance. It was specifically structured - I am saying this to Sinn Féin Members as well - so that politicians would not be involved actively in any way in the management. More than almost any other structure, when it comes to legislation that this Dáil has passed, any active involvement, even at ministerial level, was actually precluded from the structure, such was the sensitivity of the case and the desire of the late Brian Lenihan, the then Minister for Finance, to avoid any direct involvement of politicians, office-holders or others in the affairs of NAMA.

I was the Labour Party finance spokesperson in the Dáil at the time. While I disagreed with the then Minister on many issues about NAMA - I see other people who were there at the time - I actually agreed that it was quite important that serving politicians were not involved in the business of NAMA. That was the structure put in place by the Dáil to avoid the situation that arose previously, leading up to the crash, when there had been an unhealthy and close connection between some politicians and the housing and development market and, perhaps, with banking institutions and all of that. We still have to hear from the banking inquiry, but I imagine it is the view of many people that many of those connections were unhealthily close. They led to bad decision-making and very bad outcomes, as Deputy Wallace has just said, for Irish taxpayers, something about which we are all extremely concerned.

I strongly suggest to Deputy Wallace that, if he has information, he should make that information available to the authorities and the committee in Northern Ireland investigating the matter. In respect of NAMA, Deputy Wallace clearly has a list of significant questions he wants to put to the agency. I strongly suggest that he uses the mechanism of the Committee of Public Accounts and the other committees of this House to progress his questions.

Deputy Peter Mathews: It is the Government's duty to do that.

Deputy Mick Wallace: The Tánaiste comes from an accountancy background and she is the leader of the Labour Party. I cannot believe that she is happy for all this stuff to be simply tossed around here between ourselves in committees. This requires a proper independent investigation, preferably by people from outside the country.

In the contribution sent in by Cerberus, whose representatives refused to go before the Northern Ireland committee, the firm stated:

The terms of Brown Rudnick's engagement by Cerberus included the payment on a success fee only basis. Brown Rudnick agreed to share the success fee with Tughans. The involvement of Brown Rudnick, their involvement of Tughans (and their respective payments on a success fee basis) were known to NAMA in advance of Cerberus being selected as the preferred bidder and its acquisition of the Project Eagle portfolio.

NAMA cannot wash its hands of what has happened with Project Eagle.

Deputy Peter Mathews: Hear, hear.

Deputy Mick Wallace: It just does not stack up.

Deputy Peter Mathews: Hear, hear.

Deputy Mick Wallace: The proceeds of the sale of Project Eagle are the proceeds of crime and the Criminal Assets Bureau should now get involved. CAB could get an interim freezing order in the High Court within a few days and stop the profits being taken offshore. We know, for example, that Cerberus staff were forcing borrowers to pay them back loans urgently and were telling frightened borrowers to talk to Cardinal Capital, another American hedge fund, as it had been lined up for the refinancing side of the loans which had been legally taken over by Cerberus. We will not get the truth of this until the Government is happy to initiate a proper independent inquiry. I ask Tánaiste please not to leave as part of her legacy the fact that she did nothing about NAMA's workings.

Deputy Peter Mathews: Hear, hear.

Deputy Mick Wallace: They are rotten. NAMA has behaved in a rotten manner.

Deputy Bernard J. Durkan: That is a serious allegation.

Deputy Mick Wallace: I know, and I would not make it lightly.

Deputy Eric Byrne: Excellent public service.

Deputy Mick Wallace: The whole NAMA process requires serious independent scrutiny. I am sure the Tánaiste does not have the answer to my final question, but she might look for it for me. What role did NAMA's Ronnie Hanna, head of asset recovery, play in the sale and purchase of Project Eagle?

An Leas-Cheann Comhairle: You should not be naming people like that, Deputy. Are you concluding now?

Deputy Mick Wallace: I am only asking for some information. We are not going to find it in this House or the committees. The Government will not get answers from NAMA; it will have to investigate it.

The Tánaiste: Without labouring the point, this House decided, in establishing the NAMA legislation, to have the strictest barriers between politicians' contact with NAMA, including office holders. The rules were stricter than those in place in any previous legislation of which I am aware. The record will show that I did not particularly care for the NAMA model, which was brought forward by Fianna Fáil. However, the former Minister for Finance, Brian Lenihan, set out a mechanism whereby politicians would not be involved in the works and doings of NAMA.

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I refer to the mechanism we use in the Dáil. Deputy Wallace has made a series of allegations and I do not know their total significance in the scheme of things. He referenced a number of people, organisations and committees and actions by CAB. I am not in a position to give him any kind of judgment on those issues or the facts he put forward. I suggest that perhaps he first make that information known to the investigating authorities, in particular the police in the North, and the UK authorities, and perhaps, if relevant, to the American authorities which are making inquiries.

Deputy Peter Mathews: Is the Tánaiste interested in it?

The Tánaiste: Deputy Wallace might also be in a position to assist the Northern Ireland authorities. It is a matter of judgment for him as to whether he is prepared to do that.

An Leas-Cheann Comhairle: That concludes Leaders' Questions.

Deputy Peter Mathews: Is the Government interested?

Deputy Mick Wallace: I have been to the Garda and the National Crime Agency. We need an independent inquiry here.

Deputy Peter Mathews: Hear, hear.

The Tánaiste: I suggest that Deputy Wallace think seriously about using the availability of the Committee of Public Accounts. To be perfectly honest, he is suggesting another commission of inquiry without having established the broad level of facts. If a commission of inquiry was announced tomorrow, how long will it take and where will the public debate and examination take place? Commissions of inquiry have become a political go-to that we need one to decide whether it rained in Dublin today or yesterday.

Deputy Clare Daly: Check the record. It was not even mentioned.

The Tánaiste: A commission of inquiry would follow after the Committee of Public Accounts has had an opportunity to seriously examine the issues.

Deputy Mick Wallace: We need the truth.

Deputy Peter Mathews: Are we afraid of the truth now?

Deputy Finian McGrath: Yes.

The Tánaiste: Simply reaching for that has become an automatic default response of the Opposition and, to be honest, it has not done the preliminary work. Deputy Wallace should offer his insights to the investigating authorities in the North and the UK.

An Leas-Cheann Comhairle: Thank you. That concludes leaders questions. Shortly we will go on to the Order of Business. The bells have already rung for the Order of Business.

Order of Business

The Tánaiste: It is proposed to take No. 1 - Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015 [Seanad] - Second Stage.

An Leas-Cheann Comhairle: There are no proposals to be put to the House today. I call Deputy Michael McGrath on the Order of Business.

Deputy Michael McGrath: I want to raise two issues with the Tánaiste. She may be aware that last May a Supreme Court decision effectively struck down the code of conduct on mortgage arrears as a barrier to repossessions - in other words, banks no longer have to comply in full with the contents of the code of conduct on mortgage arrears before proceeding with repossession action in the courts. In essence, this makes repossessing homes easier for financial institutions. In his judgment in May, Mr. Justice Clarke strongly signalled that the Oireachtas should respond to this and that only it could close the loophole. I do not see any such measure in the legislative programme published by the Government. Does it intend to close what is an unintended loophole? We brought forward proposed legislation which will be moved in the Dáil next week.

I want to raise the scandal of the Volkswagen emissions testing which could have an impact in Europe, as it has had in the United States. I understand news is emerging that the 11 million vehicles involved do not just relate to America, but also to Europe. Is the Minister for Transport, Tourism and Sport taking any steps to assess the possible impact of that scandal on motorists in Ireland? As the Tánaiste knows, since 2008 the motor tax system has linked the amount of tax paid to the CO2 bands and emissions from vehicles. Can she comment on that?

The Tánaiste: On the Supreme Court judgment, the Attorney General is examining the judgment on behalf of the Government and we will await that detailed analysis and advice. It is the policy of the Government to help families to stay in their homes. As the Deputy knows, the number of solutions for families to stay in the family home has increased. The Government policy is dedicated to continuing to do that in the most effective way possible, in particular for families who could be at risk of losing their homes.

On Volkswagen, the last two cars I bought over the past ten or 12 years were diesel. I am not great on cars, so I ask the Deputy to bear with me. Like most consumers, I am extremely concerned that cars bought in order to reduce emissions could, it appears, be doctored in a particular way to produce false and misleading results. It says a whole lot about how effective modern regulation is, which consumers, in particular, have come to rely on and trust. It is very worrying. I am sure the Department of and Minister for Transport, Tourism and Sport will examine the matter. There is some conflicting evidence as to whether the same mode of testing applies to the European market as appears to apply to the American market. It is extremely disturbing. I will come back to the Deputy on the matter and will ask the Minister to revert to the Deputy when more information is available.

1 o'clock

Deputy Jonathan O'Brien: The legislative programme was published yesterday and I want to inquire about legislation which the Minister of State, Deputy Aodhán Ó Ríordáin, indicated he will bring before the House. This is on dedicated injecting sites for heroin users. Will this legislation be brought before the House in this session or, if not, will it definitely be brought before the House during this term of government?

The Tánaiste: My understanding is that it will be brought before the House this year. What is under consideration in the Dublin area, and perhaps in other locations, is a centre where this could happen. I want to be clear that nobody is envisaging a very widespread number of

centres. This is to address a very specific issue on the recommendation of experts, doctors and organisations dealing with people who are battling drug addiction issues. If we are speaking about such centres, I envisage that there would be one for Dublin city and county.

Deputy Bernard J. Durkan: I wish to ask about two Bills, namely, the health (miscellaneous provisions) (No. 1) Bill and the health insurance (amendment) Bill. The first refers to amendments to a number of Acts in line with an EU directive and the second refers to risk equalisation credits. When are they likely to come before the House? Have the heads been cleared? Will they pass through the House in this session?

The Tánaiste: My understanding is both will be before the House this session.

Deputy Paul Murphy: I wish to ask about the Equality (Miscellaneous Provisions) Bill 2013 which is to deal with section 37 of the Employment Equality Act. At the time of the successful marriage equality referendum, the Government made reference to dealing with this. When the Anti-Austerity Alliance Private Members' Bill passed Second Stage, it was mentioned that this would be prioritised. The Minister of State, Deputy Ó Ríordáin, is quoted as stating it would be through and finished by September but we are at the end of September. I notice it is in section D of the Government's legislative programme for the autumn. Will the Tánaiste provide information on when we can expect to see it before the House?

The Tánaiste: As the Deputy probably knows, the legislation has completed its passage through the Seanad. I anticipate it will be before the House this session. As I understand, there is general all-party support for the particular section. I anticipate it should have a reasonably rapid passage through the House.

Deputy Seán Ó Feargháil: Domestic violence continues to be a major problem in the country, and the Tánaiste will accept that, unfortunately, in many instances the family home transpires to be a very unsafe place for women and quite a number of children. Many of the practitioners in the area doing the best they can to tackle the particular problem look to the Government's ratification of the Istanbul Convention as a step in the right direction and an indication the State will, for once, prioritise the challenges that exist. Will the Tánaiste tell us when might we expect to see the Government ratifying the Istanbul Convention given that it came into force internationally on 1 August? The reformed and consolidated domestic violence Bill is listed at No. 60. Is this part of the preparation for the ratification of the Istanbul Convention? No. 114 on the legislative list is the family court Bill. The establishment of a family court was part of the programme for Government. Will the Tánaiste give an undertaking that the Istanbul Convention will be ratified and the family court system will be in place before the Government goes out of office?

The Tánaiste: With regard to the domestic violence legislation to which the Deputy referred, the heads were cleared by the Government on 14 July so work is under way on it. It is anticipated to be in the House early next year. We also anticipate family courts and the Istanbul Convention next year. I will ask the Minister to come back to the Deputy more specifically on the Istanbul Convention.

Deputy Peadar Tóibín: Ba mhaith liom ceist a chur ar an Tánaiste mar gheall ar an international protection Bill and the McMahon report. Last June the Taoiseach said to our party he would facilitate a debate into the McMahon report and the direct provision system. Since June we have all seen the horrific images of tens of thousands of people making their way from war

zones in the Middle East throughout Europe. We have seen the horrifying images of children drowning in the Mediterranean, families having to walk hundreds of miles and Hungarian security forces using violence against these individuals. The Government has stated it will allow for 4,000 people to come into the State. Yesterday the Taoiseach was in Europe to speak about the much-needed financial resources that will be provided. However, there is great fear in society that what we will get is direct provision mark II, and that is a shocking, disgraceful and unjust system. Will the Government agree to a full, urgent and proper debate with regard to refugees in this State and the McMahon report? When will the international protection Bill be published?

The Construction Contracts Act was introduced as a Bill in 2010, 2,000 days ago, but only in 2015 was the chair of the adjudication panel selected. Many workers and subcontractors throughout the State are finding it very difficult to live and make ends meet with regard to getting paid for the work they have done and the products they have supplied. What is the status of the adjudication panel?

The Tánaiste: On the last point, I understand the expert with regard to chairing and provisioning the panel was appointed recently.

Deputy Peadar Tóibín: In May.

The Tánaiste: That work is under way. It is very specialised work for the reasons the Deputy outlined. I understand the Minister is anxious to get somebody who is an outstanding international expert but who also has experience of the Irish construction sector. I understand this has been achieved in the person appointed so the work of the panel has commenced.

With regard to the international protection Bill, beidh an Bille sin os comhair an Tí an bhliain seo. With regard to asylum seekers or refugees coming in the context of the current European crisis, the Deputy may be aware that people will come into orientation and reception centres where they will be identified. Any assistance, including medical assistance, will be given and identified if necessary, and fingerprinting and identification for various purposes will be done. This period should be relatively short because the people will be coming via a European Commission-led programme. Other people have already come from Syria via the UNHCR programme. I was the author of Ireland's first Refugee Act, when I was Minister of State with responsibility for development. I cannot say exactly how long the reception and orientation period will be, but in the case of people coming from places like Bosnia, it was up to six months. This was the last significant group of refugees that we took in on an arranged basis. We have organisations such as the Red Cross, local organisations, parishes and the faith communities offering very strong assistance to people in this particular case. All of this will, as far as possible, be utilised. We also want to emphasise, in order to help people integrate, that once those coming to Ireland have undergone reception and orientation, we would like to assist them, particularly with English language skills. In my long experience of dealing with this area, the key point for success in integration is language, as it allows people to get a job. My understanding is that people are generally interested in getting employment but much of it is dependent on having a working knowledge of the local language. Fairly advanced arrangements are in place at Government level, but the discussions involving the European Commission about the arrangements are still ongoing. That is what we are aware of at the moment.

Deputy Michael Fitzmaurice: I looked at the legislative programme sent in the past few days and I saw a reference to a Bill relating to drinking or alcohol. I spoke to the Minister for

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Health, Deputy Varadkar, about this issue. At the moment, right across the country, drinking at home is becoming a major problem. If a person decides to keep drinking for a week, nobody can bring the person somewhere to treat the issue. I have personally heard about and seen this happening. Has the Government any intention of tackling this problem, which is widespread? It involves mothers, children and fathers around the country. Has the Government any intention of facing up to the problem that is evident right around the country?

The Tánaiste: I understand the legislation is expected before the House this term. Without getting into a debate on the detail of the Bill, people are entitled to drink at home. There are a couple of issues related to the Deputy's comments. There is public health education, but is the Deputy referring to minimum pricing of alcohol? I understand he is concerned about people drinking excessively.

Deputy Michael Fitzmaurice: I have no problem with anyone taking a drink. Will the Bill include provisions to tackle a problem that is arising around the country where, if a person has a real problem with drinking - perhaps drinking for seven days in the week without stopping - nothing can be done? That person will either die or decide to stop drinking.

The Tánaiste: It is an important point and, honestly, I do not have the answer. We all wish that anybody who drinks will do so responsibly, and that will form part of the debate. There should be public health education from school about the dangers of excessive drinking. There will also be some examination of pricing issues around drinking.

Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015: Second Stage (Resumed)

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

Deputy Paul Murphy: I was speaking about the reportage of the so-called Operation Miz-en within the Garda surveillance of anti-water-charge protestors. The issue seemed so serious to us, as the Anti-Austerity Alliance, that in the context of the Dáil not sitting, we wrote to the Minister for Justice and Equality to ask a number of questions. For example, we asked if she was aware that the Garda unit was in operation or if she was consulted about its foundation or operation. We asked if a report was made to the Minister or the Department by the Garda Commissioner or any authorities in the Garda on the operation of the unit; how many individuals - including public representatives at council or Dáil level - were the subject of surveillance, and if they were, whether they would be named; and other questions seeking an answer, because we felt them to be of fundamental public interest, particularly as the Dáil was not sitting. We received a response from the Minister but it was a one-line reply that acknowledged receipt of the letter. There is a clear public interest in knowing what is happening in terms of surveillance of anti-austerity or anti-water-charge protestors, and the Minister should detail what she is aware of.

Political policing is the rule rather than the exception. That is not in the sense that policing of a traffic light or a traffic offence amounts to political policing but, rather, that when movements develop which threaten the interests of the capitalist class in the country or when the interests of the State are perceived to be challenged, gardaí, against their own wishes in many circumstances, are used to enforce the interests and wishes of the 1%, as opposed to the 99%. The examples are legion, including the kind of policing that happened around the Shell to Sea

campaign, the Rosspoint five, Ms Maura Harrington, the 23 jailed bin charge protestors and the role of policing around the bin charges movement. There was also the arrest and jailing of Margaretta D'Arcy. The examples go on and include many industrial disputes, particularly in the building industry.

It is not a revelation that this exists, but the fact that it is laid bare is an indication of how the interests are challenged. This fundamentally relates to the role of mass civil disobedience, and particularly the mass non-payment of water charges and how that has shocked and rocked the establishment, broadly speaking, with the result of such blatant political policing. This is precisely what should be dealt with and it is part and parcel of a struggle to transform our society and take power economically, for example, out of the hands of the 1%. We also need a different kind of State and, as part of that, a different kind of police force. It should be democratically accountable to the communities it is meant to serve. On one hand, it requires on the national level a genuinely independent and authoritative policing authority, but it also requires, at a local level, real community control of gardaí. That would amount to Garda resources being used in the interests of communities, as opposed to how they are unfortunately sometimes used, which is against the interests of those communities.

Deputy Alan Farrell: I wish to share time with Deputy Kyne.

An Leas-Cheann Comhairle: There are 20 minutes in the speaking slot.

Deputy Alan Farrell: I will endeavour to keep going until I am advised to do otherwise. I thank the Minister for presenting the Bill. As a member of the justice committee, I have had a great deal of discussion and input on the fundamentally required reforms of both An Garda Síochána and other associated bodies in providing oversight to the operation of the Garda. I will refrain from engaging in the type of discussion that we heard before I took to my feet. If an individual is accused of wrongdoing in this State, gardaí are perfectly entitled to investigate such matters.

Deputy Paul Murphy: That is no problem.

Deputy Alan Farrell: Until a person is proven guilty in a court of law, very little should be said in this House about it. The allegations made in the House by Deputy Murphy are reprehensible, and I find it appalling that he has absolutely no respect for the rule of law-----

Deputy Paul Murphy: What allegations?

Deputy Alan Farrell: -----or those who fulfil a vital role in our State.

Deputy Paul Murphy: Does the Deputy believe the leaks to the media were appropriate?

Deputy Alan Farrell: I was not referring to that. I refer to the allegations of breaches of the peace, etc., and false imprisonment.

Deputy Paul Murphy: The Deputy spoke about being innocent until proven guilty.

Deputy Alan Farrell: Deputy, I can watch YouTube like you. I have seen about 40 videos online, which I am sure An Garda Síochána is currently investigating, but I am not going to-----

Deputy Paul Murphy: Deputy Farrell just said I was innocent until proven guilty.

Deputy Alan Farrell: Deputy Murphy has a particular position in this House and using

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this House as an opportunity to vent his displeasure at having allegedly been caught doing something-----

Deputy Paul Murphy: Read the transcript. That was not what I was doing.

Deputy Alan Farrell: I was listening very carefully. I thank the Deputy.

An Leas-Cheann Comhairle: Please keep the debate through the Chair.

Deputy Alan Farrell: The establishment of the new independent policing authority is a fundamental part of the Government's justice reform programme and the policing authority will, of course, fulfil a vital role in overseeing the governance and structures of An Garda Síochána and monitoring its performance. The Bill marks a significant reform in the way our justice system works and it is of the utmost importance in ensuring we have a 21st century Garda Síochána and in supporting the Garda in the difficulties it faces on a daily basis. Over recent years, we have seen An Garda Síochána's morale at an all-time low, due primarily to the reduction in Garda numbers when Templemore was closed, but also to more practical issues, such as pay and the investment required across the Garda Síochána station network to ensure the facilities gardaí were working in were up to standard. From the 2010 National Development Plan the budget has been increased across the board by the present Government and I commend the Minister and the Cabinet on doing so.

The policing authority will have important functions in our overall justice system, particularly in terms of overseeing the performance of An Garda Síochána. Providing this level of public oversight of our police force is important to ensure An Garda Síochána works efficiently and that we develop a greater level of accountability in our justice system.

The policing authority will play an important role in recommending persons to the Government for appointment to the roles of Garda Commissioner and Deputy Garda Commissioner, and it will have responsibility for the appointment of persons to the ranks of Garda superintendent, chief superintendent and assistant Commissioner. That is a welcome departure from the usual practice over the last few decades. The policing authority will also have the power to remove these persons from their position for reasons related to policing services.

Furthermore, the policing authority will approve, with the agreement of the Minister, the annual policing plan, which comes before the Committee on Justice, Defence and Equality for discussion each year. This is a welcome move as it is important that the public representatives of this House are given the opportunity to quiz the Commissioner on certain aspects of this. I have found the Commissioner's engagement with the committee to be excellent over recent months and I thank her for her constant availability to the committee whenever we have asked her to appear before us. The authority will be responsible for establishing a Garda code of ethics and promoting and supporting the continuous improvement of policing. The independence of the policing authority is of critical importance here. The nine members and the chair will be persons from diverse backgrounds, who will submit themselves through the Public Appointments Service. I welcome this.

A number of recommendations made by the Committee on Justice, Defence and Equality were taken up in this process and the policing authority itself will most likely review others once it is established. That is an important part of the development of the authority. I understand that there is a possibility of a review of the establishment after a period of time, which the Minister has mentioned previously. This is important in ensuring we get it right. Having

visited Northern Ireland and Scotland with the committee, along with Deputy Finian McGrath, we have seen the difficulties in establishing a new policing authority and how long it takes for it to get to grip with its role. It would be naive for us to assume that such an authority would instantaneously get it right every time, because international examples prove that it takes time, which is to be expected. There are great benefits in that because it is a learning experience for the authority and the expertise brought on board by the membership of the authority will be beneficial both to An Garda Síochána and to the public.

We have spoken about the necessity for Garda reform across the State, but one of the most important aspects of policing in this country is manpower. If we look at the closure of Templemore by the previous Government, its reopening last year and the recruitment of more than 550 Gardaí up to the end of this year, that accelerated recruitment programme is essential if we are to meet the demands of a modern 21st century Ireland. Crime rates are, I hope, plateauing and it is a matter for An Garda Síochána to ensure it uses modern policing techniques to tackle those issues. Our role in this House is to support them by the provision of suitable legislation.

I would particularly like to mention the legislation that will be brought forward to tackle prolific burglars, which I welcome. It is essential that we prevent prolific individuals and roving gangs, which have been mentioned in the papers, from engaging in such activity by ensuring that they face suitable punishment when they are caught. By increasing sentence times and issuing guidance to the judiciary, we will, I hope, dissuade such individuals from continuing in their practices. With regard to the ability of the Garda to tackle such crimes, particularly since many of them are in vehicles, driving around the country on our motorway network and dipping in and out of certain towns, it is essential we provide the Garda with sufficient vehicles to do that. As has been mentioned on a number of occasions, the Government has invested an additional sum of just under €30 million to the provision of more than 370 Garda vehicles this year. That is an essential component of providing gardaí with the level of equipment they require. There are also other issues, such as technology, including the Garda database, PULSE. We must ensure we sufficiently fund that so that it can meet the demands of An Garda Síochána.

I mentioned earlier the legislation regarding burglars. That will impose consecutive jail sentences and will also allow the court to refuse bail in cases where the offender has a previous conviction for domestic burglary with two or more pending charges.

I am pleased that the Government is now in a position to establish the policing authority, which will fulfil an essential role in policing in Ireland. However, this is only one aspect of the justice reforms and supports being implemented by this Government, and is being strengthened by the introduction of further legislation, continued recruitment and greater resourcing to support the hardworking men and women of An Garda Síochána in their daily duties.

Deputy Seán Kyne: This Bill represents a very important reform for our country in terms of justice. For the first time ever we will have a new policing authority, which will be independent and will oversee the structures and performance of An Garda. I concur completely with the Minister's observation that the establishment of the new policing authority is "the most far reaching reform of An Garda Síochána since the foundation of the State".

An Garda Síochána was established in 1922 but for several decades there was no external scrutiny of the force. The Garda Complaints Board set up in 1984 was the first attempt at providing for external scrutiny. However, it was not until the Garda Síochána Act 2005 that we saw the establishment of the Garda Síochána Ombudsman Commission and the Garda Síochána

Inspectorate. The intervening decade has provided the time to reflect the institutions tasked with the external scrutiny of An Garda.

It must be remembered that the relationship between the police service, the public it serves and the Government is not an issue that is unique to Ireland. These matters are challenges for all democratic states and it is healthy for a democracy to conduct periodic reviews of the relationship to identify what works well and, perhaps more importantly, what is not working.

Within this Bill, I believe, are measures which will restore confidence in An Garda Síochána and draw a line under misdeeds by a very small number of the force which involved issues such as penalty points, investigations into crimes and the recording of telephone calls. Significant work has been invested in the preparation of the Bill. It is important to note that the Bill draws on the comprehensive report of the independent review group of the Department of Justice and Equality in areas of relevance to the Garda. It also adopts some of the recommendations made by the Oireachtas Joint Committee on Justice, Defence and Equality in October last in that committee's review of the Garda Síochána Act 2005.

The powers to be ascribed to the new authority are substantial. The authority will, for example, appoint Garda superintendents and assistant commissioners and, conversely, will have the power to remove such personnel for reasons related to policing services. The authority will also have a number of important roles in conjunction with the Minister for Justice and Equality, including the ratification of the annual policing plan and the three-year Garda strategy, as well as determining the priorities for the policing service.

Part 5 of the Bill is of considerable importance. These sections deal with accountability and set out in no uncertain terms the obligations concerning the communications of the parties involved, such as the Minister for Justice and Equality, the Garda Commissioner and the head of the authority. Setting out obligations in such minute detail may be viewed as unnecessary by some, but I believe it is essential if the new policing authority is to operate effectively and if we are to avoid the miscommunication and confusion of the past.

Another interesting section of the Bill is section 29, through which the new authority will take responsibility for the establishment and maintenance of joint policing committees, JPCs. I served on the joint policing committee for County Galway and I am currently a member of the JPC for Galway city. In my view, the JPCs are undervalued in how they provide a forum for issues of public concern to be raised. The committee meetings are regularly monitored by media and provide an excellent platform for consultation and co-operation on policing matters at community level.

Like others, I acknowledge the increase in resources for An Garda Síochána, in terms of both Garda numbers, with the reopening of Templemore and the hiring of Garda recruits, and investment in Garda vehicles. Obviously, that was most necessary to maintain the force and retain proper vehicles to allow the force to police effectively. I note there is much concern, particularly in rural areas, about the visibility of the Garda. It is imperative that the force be out and about. Vehicles are seen as a deterrent to crime.

This Bill setting up the new independent policing authority should not be viewed in isolation. It forms part of a number of important, but often overlooked, measures that the Government has passed. These include the Protected Disclosures Act 2014, which provides a framework for whistleblowers to raise issues of importance or concern. This has relevance for An

Garda Síochána, but also for civil society, business and other areas. Another important reform is the Freedom of Information Act 2014, which brought An Garda Síochána under the remit of the freedom of information legislation for the first time. Freedom of information legislation is widely acknowledged as being essential for transparency and openness. These reforms and the far-reaching reforms contained in this Bill provide an opportunity for change that will enhance the police service and assist members in their important work but also provide for greater transparency and accountability, which are measures I would hope everyone in the House and outside support. I commend the Minister for her work on this important landmark Bill.

An Ceann Comhairle: I believe Deputy Finian McGrath is sharing time with Deputy Fitzmaurice.

Deputy Finian McGrath: If the Deputy is not here, if is okay with the Ceann Comhairle, I will keep going.

First, I thank the Ceann Comhairle for the opportunity of speaking on this important debate on a new piece of legislation, the Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015. I welcome this debate, as I feel strongly that this out-of-touch Government does still not get it in relation to policing, Garda reform, gaining the trust and respect of the public, violent crime, gangland crime and the intimidation of individuals and communities. It is an opportunity to look at these issues in the wider society. This debate should be about a wake-up Bill. What I say is, “They need to wake up and listen.” The Government needs to wake up to what is happening on our streets, in our communities and in the broader society. However, they do not seem to get it. Our people are crying out for help and a properly run and resourced Garda service.

We all need to focus on the following issues: reform, trust and accountability. That is the direction in which we should go. Then we can all have a Garda Síochána that looks to the future and that has the support and respect of our people, which is the key issue. The Bill, and this debate, should focus on these core issues.

When one looks at the details of the legislation, the principles of which I strongly support, one can see that the main purpose of the Bill is to provide for the establishment of a new policing authority, “the Authority,” to oversee the exercise of the Garda Síochána’s policing functions. The second key issue is that the authority will perform a wide range of functions, many of which are currently exercised by the Government or the Minister for Justice and Equality. These are the two key elements in the legislation. These are principles that every Member of this House should support, but Members should also come up with constructive ideas for building and developing a policing service that we all admire and trust.

Many of us have many friends and family who have served in An Garda Síochána, and they have also expressed concern to us that we need to get back to the traditional ideas of public service, of which we should not be afraid in modern Ireland. If one is so employed, one has the honour of being a member of An Garda Síochána, one is a public servant and one works in the interests of the public. Such principles are very important.

Part 2 - sections 8 to 17, inclusive - contains ten sections and amends Chapter 2 of Part 2 of the principal Act, dealing mainly with the appointment and removal of members of the Garda Síochána. It also contains provisions for the establishment by the authority of a Garda code of ethics. That is linked to my point on public service. If we are building this code of ethics and

this public service, sections 8 to 17 are important.

Let us dig down deeper into the legislation. Section 12 amends section 13 of the Principal Act to provide that the authority will appoint assistant Garda commissioners, chief superintendents and superintendents. Section 12 is an important section because we need to get away from the cronyism and the allegations of political interference that have gone on in the State since its foundation, and we need to appoint men and women in the Garda Síochána on merit and ability. I do not know how many times I have listened over the past 20 years to the stories of high-quality policemen and women who were not promoted because they did not mix in the right circles or play golf with the right senior management of the Garda. In a modern police force, that should not be acceptable. I know many high-quality gardaí, men and women, throughout my constituency who are part of what I call the new brigade, who have a sense of good, a sense of justice, a sense of public service and a sense of assisting their local communities, but often they are not taken seriously and they are not rewarded enough. I would say, if there is a good young man or woman, we should develop the good ones and bring them into management levels. There are also sections within policing that are treated more seriously than others. A good community garda in any community is very valuable and such gardaí should be respected. When I say “valuable,” I mean they are valuable in relation to crime prevention, which often is not taken seriously. It is always the murders, robberies and knife crimes that become the big cases on which gardaí can make their careers, whereas the good-quality gardaí on the beat in the service, preventing crimes, dealing with anti-social behaviour and dealing with families in crisis often do not get the recognition they deserve. As somebody who worked in a disadvantaged area long before I became a Deputy, I am familiar with the work that some of these gardaí do on the ground and the number of individuals and families they kept out of prison, which is an important consideration. I refer to the work of juvenile liaison officers, JLOs, in crime prevention, and the number of children aged ten, 11 or 13 whom many of us thought were lost. The JLOs sat down, they worked with the social workers, they worked with us as the local teachers and they worked with the gardaí on the ground to develop and save these children, and they are saving the children from ending up in Mountjoy. Therefore, section 12 is very important.

Section 15 amends section 15(4)(a) of the principal Act to provide a role for the authority in relation to the training, powers and duties of reserve members of the Garda Síochána. This is another group of people who are making a major contribution, and some of them join the mainstream Garda service. If people want to volunteer and give their time, it is important we provide them with proper supervision, regulation and training. If they are that interested and dead keen, we should encourage them.

Section 16 substitutes a new section 17 of the principal Act to require the authority to establish a code of ethics for the Garda Síochána within 12 months of its establishment. It is important we get into this immediately. The code, or specific provisions of the code, will apply with any necessary modifications to the civilian staff of the Garda Síochána. Section 16 deals with the issue of civilians working in the police service. We need to free up gardaí and develop and trust civilians to get on with the bureaucracy of running a police service.

We are talking about trust, accountability and proper supervision and regulation. In my world, as any good garda on the ground will say, one does not get trust from a community; one earns trust. In the 1980s, the drugs squad in the north inner city went out and earned the trust of the local community. The current Commissioner was part of the unit and I knew many of them. There was a major problem with drugs during the heroin epidemic in the 1980s. The

young members of the drug squad went into the most disadvantaged areas, worked with the families and earned the respect of the local community. We must not be ashamed to say that old-fashioned public service earning respect is something of which we can be very proud. This is very important.

I mentioned the drugs issue because, in this debate on reforming the Garda, we must acknowledge that we have a crisis and that a major addiction problem is leading to much crime, including “petty” crime. I do not describe any crime as “petty”. If a drug addict breaks into a senior citizen’s house, it is not a petty crime. Recently, in my constituency, I met a lovely senior couple whose house was broken into and much of their jewellery and a small amount of cash was taken. Although it was deemed a small crime, to the family it was not a petty crime. It was also drug related. We need to broaden our minds. The justice committee is examining many drug related issues. We visited Portugal recently, where we saw the emphasis on health rather than on the criminal justice system. The idea, again, is prevention. When dealing with the drugs issue, we must have a broader mind.

We have the more serious issue of the gangland crime and killings that are happening in our city. Over recent years, human life has become very cheap in Dublin city. It is frightening that people can be shot down for owing a drugs debt of €1,500 or €80, and the dealer has got another unfortunate to do the crime because he owes €1,000. We must focus on this and we need the Garda to focus on these particular people. I also have concerns about the power of gangland leaders in society. People who live in nice, smug, wealthy areas do not understand that a gangland leader living in a community can dominate the whole community, threaten families and dominate whole streets. I have seen it at first hand. People who are afraid to go to the Garda about certain people have come to my clinics and when I talk to the gardaí, I raise the issues. The people will not come to the Garda because they fear they will be burned out, shot and killed. We must deal with gangland crime very strongly and we must devise new, radical ideas to assist the Garda and develop services. The Oireachtas justice committee is doing this. We are working very closely on a report and will, hopefully, publish it before Christmas. We will bring recommendations to the Minister and I hope she will listen to them.

The Minister is dealing with the issue of knife crime. It is unacceptable. I do not buy people carrying knives. I do not accept it. Anybody with such a dangerous weapon in a civilian or social place should be nicked and jailed, with no debate. We need to have trust and confidence in policing. I will say something unpopular: we must be very careful about political policing. My colleague, Deputy Paul Murphy, has raised it. We must be very careful that politicians stay out of policing and gardaí stay out of politics. We are going down a dangerous road, given some of the statements and activities I have heard about. The Minister must be very careful not to politicise the police force, who are public servants and serve the public. We must be very careful when people put on a red light and there is a warning. We are talking about democracy. Regardless of whether one agrees with somebody, everybody has the right to peaceful and democratic protest, in any democracy, and I emphasise “peaceful”. We must be very careful we do not get involved in any kind of political policing.

We must be careful regarding the standards of certain police officers who leak stories to the media about Dáil Members such as Deputies Mick Wallace or Clare Daly, because they disagree with them. It is unacceptable, regardless of what people think of political views. We all know it has happened, and we have dealt with it. Recently, we had a debate on the Fennelly interim report on policing, the Garda Commissioner and other issues. We must be very decisive and strong to defend our democratic values and ensure the Garda Síochána keep their noses out

of politics and the politicians keep their noses out of the Garda Síochána. It is very important.

I mentioned community policing and crime prevention and I have pointed out that we need to deal with these issues. I mentioned gangland crime and we had a major debate on legally and illegally held weapons in Ireland. It is a modern situation and we must be very careful. We must ensure that anybody who has a legally held shotgun or rifle is a responsible person. We cannot give out permits and permission willy nilly.

Section 19 of the Bill amends section 21 of the principal Act to enable the authority to approve, with the consent of the Minister, the three-year strategy statement for the Garda Síochána. Section 19 is common sense, given that, when one discusses a strategy, one refers to plans and a three-year programme for the management, structure and strategy statement for the Garda Síochána. If we are discussing accountability and public service, we must have issues such as those in section 19 implemented. We cannot allow the service to go stale, given that if it does, issues come in that cause many difficulties regarding it. I welcome to the House the Chairman of the Oireachtas Joint Committee on Justice, Defence and Equality, Deputy Stanton. We have done much work cross-party work on many of these issues.

Section 25 amends section 27 of the principal Act to enable the authority, as well as the Garda Commissioner, to make arrangements to obtain the views of the general public about matters in relation to policing services. Before making any such arrangements, the Garda Commissioner will require the approval of the authority. Section 25 is all about accountability, transparency and involving the public. If we want to involve the public and have a police service that has the public's trust and respect, section 25 is the way to go. I warmly welcome the section. The views of the public about policing services matters can be very valuable. The Oireachtas Joint Committee on Justice, Defence and Equality has received such submissions. People came in and made statements on drugs and gangland issues. They gave a community view and sensible proposals we can bring to the Minister. We can bring our recommendations. We will not blind the Minister with science. We will bring six to ten good, sensible recommendations representative of all our committee and we urge the Minister to consider them seriously.

Part 6 of the legislation contains five sections - sections 39 to 43 - and amends Chapter 8 of Part 2 of the principal Act relating to the appointment and secondment of personnel between the Garda Síochána and the Police Service of Northern Ireland. I have very strong views on these sections, which I welcome. We need more North-South co-operation. My personal opinion, in the context of the run-up to the 1916 commemorations, would be to have an all-island police service - I am trying to get away from the word "force" - some day. At the moment, such a service does not exist on this island. I think there is huge potential for good and sensible co-operation in this regard.

Section 40 of the Bill amends section 53 of the principal Act to allow the authority, with the approval of the Government, to approve the secondment of members of the PSNI to a rank in the Garda not above assistant Garda Commissioner and not below superintendent. The authority will be able to terminate such secondments with the approval of the Government. Section 41 provides a role for the authority in the procedures to deal with breaches of discipline by members of the Garda Síochána seconded to the PSNI. These sections of the Bill will enable the PSNI and the Garda to work closely. We need to have closer co-operation. Many of the reforms that were introduced in the North would be very worthwhile here as well.

I assure the gardaí on the ground, who can sometimes be a bit sensitive when one speaks to

them, that this is not about having a go at them. It is about having public servants in the Garda Síochána who will serve the public and enjoy the trust of the public. If gardaí have the respect and trust of the public, they will get more support and more co-operation. I firmly believe this would lead to less crime in society. That is the important thing. Criticism and debate are good for democracy and for a reformed Garda Síochána. The good men and women of the Garda on the ground who have a sense of public service will not be afraid of reform and change. As we wait for that reform and change to happen, the members of the Garda will continue to deserve our support and respect.

Section 62N, towards the end of the Bill, will require the authority to prepare a strategy statement. This is another example of the onus being put on the authority to do things. I have a single small whinge in this context. This wonderful Government is great at talking about the chaos in the Opposition's figures and numbers. However, I note that the explanatory memorandum concludes:

The proposed arrangements under the Bill will provide for a new oversight regime for the Garda Síochána. Currently, it is not possible to quantify the full extent of the resources that will be required and the matter is being actively pursued.

We need to have the sums in relation to this authority. We need to have the figures. The Government is always coming after the Opposition by saying that we need to get our figures and asking us for accountability etc. I suggest the flaw in this Bill is that it is a little open-ended. We need accountability. We need to have an idea of approximately how much this policing authority will cost. If we are going to provide services, we need to know the cost of them as well. I firmly believe the sustainable economy that is necessary should deliver services in a fair and equitable manner. That is the way forward for this country.

Overall, I welcome the legislation. There are many things that I would like to add to it. If we implement many of the recommendations, a whole breath of fresh air will come into the policing service.

Deputy David Stanton: I would like to share time with Deputy O'Donnell.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy David Stanton: I will be quite brief. As Chairman of the Joint Committee on Justice, Defence and Equality, which did some pre-legislative scrutiny on this legislation, I should have spoken earlier in this debate. I apologise for being unable to do so. I was detained elsewhere.

As we know, policing is an important matter. The more I look at it, the more I am impressed to note the huge myriad of tasks performed by An Garda Síochána as our police service. Gardaí are called out for all kinds of activities. They deal with traffic and all kinds of crime and public order issues. They look after public events. They do everything and anything one can think of. We owe them an awful lot. I acknowledge Deputy Finian McGrath's suggestion that we need to start thinking more about a police service rather than a police force. I think that is a crucial mind change that we need to bring about.

When the joint committee was asked to do some work on this legislation, it decided to consult in Scotland and Belfast. I thank the authorities in Northern Ireland and Scotland for facilitating us and meeting us. We are establishing a new authority, but we must bear in mind

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that we already have GSOC, the Garda Inspectorate, the Garda Commissioner, the management team in the Garda Síochána, the Minister and the Oireachtas committee. There are six bodies or groups involved here. The Department is involved as well. It was emphasised repeatedly in Scotland in particular that it is important for all of these groups and organisations to work together in a professional manner and have good professional relations. That does not mean there will be no tensions between them; possibly, there should be constructive tensions in this area. I call on the management of all of these organisations to ensure, as a priority, that there are proper professional working relationships between them.

It has struck me over the years that the role of the Garda Commissioner has possibly been a lonely one up to now. Many decisions have rested with the Garda Commissioner, who has been responsible for many things. One of the things we picked up in Scotland and in Northern Ireland is that the authorities there work in a way that oversees the work of the police, but also supports the work of the heads of the policing services in both jurisdictions. I would like that to happen here as well with the advent of the new authority. I believe it should work to support the work of the Garda Commissioner.

The committee recommended that the authority should be responsible for promotions above the rank of chief superintendent. The Minister has gone further by making it responsible for promotions from superintendent up. I welcome that. I call on the Minister to ensure the authority has a responsibility to oversee all promotions in An Garda Síochána, including to the ranks of sergeant and inspector etc. and is empowered to do so. This is crucially important. I do not feel the current promotion arrangements are satisfactory. I do not have time to go into the details, but I am not too happy with them.

I welcome the Minister's clarification in her speech that the authority will be established in shadow format initially. This was recommended by the joint committee. The Minister might let us know how long that will take. It was emphasised to us that it is very important for this to be done. The authority should not go live, as it were, until it is ready to do so. If it goes live too quickly, teething problems could arise and other things could go wrong.

I am pleased that a code of ethics will be established and put in place. I welcome the extensive consultation that is to take place with various bodies in respect of that. That process is open-ended.

A number of matters arise in the context of the proposed new section 62S of the Bill. It provides that the chief executive who is to be appointed "shall, at the request in writing of [an Oireachtas] committee, attend before it to give account for the general administration of the Authority." I think we need to go further than that. This provision should apply not just to the "general administration" of the authority, but also to the work, policies and procedures etc. of the authority. I think we need to widen that out.

I would like to mention another aspect of this section, which appears as a default in many Bills. I am aware that it has been taken out of some legislation. Section 62S(9) provides that "in carrying out duties under this section, the Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy." We might need to soften that a bit. I suggest it needs to be more openly provided for that when the chairman of the authority comes before the Oireachtas committee, he or she should be able to have an open discussion with members of the committee. I think that would be quite important.

The role of information technology in An Garda Síochána is another issue that arises in the context of this legislation. I welcome what the Minister said in her speech in this respect. We need to expand on our efforts in the area of numberplate recognition. As the Garda Inspectorate said in its report earlier in the year, there is a particular need to expand the role of information technology.

The issue of security is a sensitive one.

2 o'clock

The Bill actually manages that quite well in that it recognises that the authority must take note of it but that, ultimately, it is a matter for Executive, and under the Constitution that is the case. I also welcome the fact that the authority can call on GSOC or the Garda Inspectorate to carry out investigations and inspections as required, which is important. I am not clear whether, if such a call is made, those bodies are obliged to do so, and perhaps the Minister will clarify that point.

On the issue of civilian staff, I welcome the fact that a lot of gardaí are freed up by the hiring of civilian staff and I note that the authority will be responsible for the appointment of such staff over the rank of chief superintendent or equivalent. However, the issue of civilian staff is one that we must revisit, and perhaps both the authority and the Minister will do that. Redress of wrongs, for instance, is something that arises. I asked a question recently about the number of civilian staff who have asked to transfer out of An Garda Síochána but I was not able to get a response. My information is that quite a number have sought a transfer and I am quite concerned about morale, procedures, practices and protocols in that regard. That is an issue that we must examine further.

Garda morale is very important and is something of which the authority should take cognisance. Perhaps we should include that somewhere in the legislation as part of the remit of the authority. Another issue which arises frequently is the number of gardaí being assaulted while on duty. I have called recently for serious sanctions to be put in place in this context because An Garda Síochána is one of a number of State bodies whose members put their lives at risk for all of us. If a garda is seriously injured on duty it is incumbent on us to ensure that the message goes out that this is not acceptable. Every sanction available to us should be used, including the withdrawal of social welfare payments. I do not see why we should be paying people to assault gardaí. It is a very serious matter. Furthermore, if a garda is injured on duty, one way or another, we should put in mechanisms to ensure that adequate compensation is provided. I know legislation is due in that regard and I urge the Minister and the Department to fast-track it.

I could say a lot more on this legislation but my colleague wishes to contribute. We have done a lot of work on it already and I know the Bill will return to the Select Committee on Justice, Defence and Equality shortly. I commend the Bill to the House and thank the Minister and the Department for the work they have put into it to date.

Deputy Kieran O'Donnell: I commend this Bill to the House and welcome the fact that the Minister for Justice and Equality is in the House today for this debate. The fact that the Minister is establishing a new independent policing body is extremely important. It will enhance the role of An Garda Síochána, whose members do fantastic work on the ground, and it all comes back to policing services on the ground.

I want to draw the Minister's attention to issues that have arisen in my own constituency of

Limerick in recent weeks, and particularly in rural east Limerick, an area that I represent. Mr. John O'Donoghue suffered a heart attack when a burglary was being committed in his home. He was living in Toomaline, Doon, and his death has shocked the community in the greater Doon, Cappamore and Murroe areas of east Limerick. Burglary should be tackled with a three-pronged approach. Number one, it is an issue of policing, and this is particularly true in east Limerick and the villages of Cappamore, Doon, Murroe, Pallasgreen and Oola. Historically, Oola and Doon were under part of the Tipperary district, which is geographically much closer, but with the realignment of geographical areas, they are now under Bruff, which is a longer distance away, with the main district headquarters based in Bruff itself. This is a problem that the Minister inherited from the previous Administration, which closed Templemore in 2009, resulting in no Garda recruitment for several years. I very much welcome the fact that the Minister has now fast-tracked Garda recruitment in the last year, with 550 new recruits in Templemore. I also welcome the fact that the Minister has made a commitment to continue recruiting new gardaí in the coming years. Indeed, I would urge that, finances permitting, the numbers be increased. Due to a combination of gardaí being out sick and retiring, east Limerick in particular is down in terms of the number of gardaí on the ground. I would like to see extra gardaí in east Limerick. There is a need for at least one or two additional gardaí on the ground. I have spoken to the chief superintendent in Limerick and acknowledge that the gardaí are doing fantastic work on the ground. I would hope that extra gardaí can be deployed to the Limerick district and particularly to the east Limerick area, encompassing Oola, Doon, Cappamore, Murroe and Pallasgreen.

The Minister will be bringing the Criminal Justice (Burglary of Dwellings) Bill 2015 before the House next week, which I very much welcome. Data shows that 75% of burglaries are committed by 25% of criminals. That is borne out both anecdotally and in fact. The aforementioned Bill needs to be very strong, with increased sentences for repeat offenders and a tightening up of the bail laws. I will be involved in the debate on the legislation next week and I feel we must send out a strong message to burglars that if they are caught they will serve serious time and may face the withdrawal of their social welfare benefits. In recent weeks I have met people in the rural and urban areas of east Limerick whose houses have been broken into. In many cases they are elderly people living on their own. Burglars are targeting jewellery and cash at the moment and in many cases they are specifically targeting the elderly. When one meets such burglary victims they speak of the invasion of privacy, their loss of confidence and the fact that homes they have bought or built and lived in for many years have been violated. It is just not on, and that is why I welcome the forthcoming legislation. It needs to be very strong in telling burglars that if they are caught they will pay.

I am aware that a review is currently under way of the regulation of cash for gold businesses. While there are lots of respectable jewellery shops in operation, cash for gold businesses mean that burglars are targeting gold. The regulation of such businesses is not tight enough. Jewellery is being stolen and brought to certain premises and is gone within a couple of days, effectively. We must regulate this area by requiring formal identification, thus enabling goods to be traced back. Otherwise, the job of An Garda Síochána is virtually impossible because they cannot trace the origin of stolen goods. That legislation needs to be fast-tracked. While I accept that there may be difficulties with regard to legitimate businesses, that should not deter the Government from enacting legislation which ensures that if people steal goods they will be tracked down and put in jail. It is very simple and I am very strong on this issue because of the people I have met.

I wish to refer again to the issue of extra gardaí on the ground. I live in Castletroy, which is an urban area. There have been numerous burglaries there recently, in many cases involving elderly people. The key issue is that we need gardaí on the ground who know their beat. It comes down to manpower. I understand that the Minister is working against the backdrop of no Garda recruitment since 2009. That decision should not have been made. People strongly value law and order. Everyone should be able to sleep at night without fear of a break-in. I know of elderly people who will not go home or cannot sleep at night because of this fear. I know people with businesses in rural villages who close their business at 10 p.m. because they are afraid their premises will be burgled or visited by people who will cause them hassle. My primary role is to represent people in Limerick city and east County Limerick and I am sending out a message, loud and clear, that people have had enough, especially elderly people living on their own.

The legislation to be introduced next week is a great development. I will peruse it to ensure it covers all bases. Persons engaging in burglary must know they will serve time for the crime. Victims must be placed at the centre of the system and have their rights vindicated. People must not be afraid to go to sleep at night. Deterrents must also be introduced. For example, burglars would be deterred if stolen goods could not be off-loaded quickly and without trace. Proper tracing mechanisms are needed and regulations must be introduced for cash-for-gold shops. I have met people who have had wedding and engagement rings stolen. Such items are extremely precious to people. Burglars are targeting elderly people in urban and rural areas.

I hope the Minister receives financial support in the upcoming budget to allow her to invest additional resources in Garda recruitment. She must be able to increase the number of recruits in Templemore and deploy gardaí on the ground. A minimum of one garda is needed in rural east Limerick covering the areas of Cappamore, Doon, Murroe, Pallasgreen and Oola. This would provide assurance that burglars would be tracked and gardaí on the ground would observe exactly what is happening. First and foremost, however, is the need to place victims centre-stage.

I commend the Bill, which encapsulates what policing is all about. I have spoken about local issues but this is an urban and rural issue. Gardaí must be visible on the ground in rural east County Limerick and additional gardaí must be deployed throughout Limerick city, including in areas such as Castletroy, in order that people feel safe.

Deputy Lucinda Creighton: I welcome the decision of the Minister to establish an independent policing authority. This step is long overdue and while I do not underestimate the challenges it will pose and have some concerns about the Bill, it is a welcome development overall. This debate provides us with an appropriate reminder, if one were needed, of the sequence of scandals and reports which have led us to this point, the most notable of which have been the Guerin and Toland reports and, most recently, the interim report of the Fennelly commission. All of the events which led to these reports and their findings are matters of deep and existential concern which strike at the heart of our democracy. If we cannot have faith in the ability of the police or the security of the State and if we cannot have confidence that the duties of the police force and justice Minister will be conducted in an efficient, transparent, honest and open fashion, our democracy has a serious problem. Good administration and management of justice and security go to the core of democracy in all states.

The policing authority has been a long time coming. A proposal to establish one has been on the table since the summer of 2014 and, as I indicated, I welcome its establishment. However, I

note a tendency at the highest levels of Government to point to its imminent arrival as if it will solve all the problems in the justice system and Garda Síochána. Such an assumption would be wrong because a policing authority is only part of the solution and anyone who believes otherwise is seriously mistaken.

The fundamental question facing us and the Minister in performing her tasks is whether the establishment of a Garda authority will restore public confidence in the national police force. Following recent events, there is no doubt that public confidence in the Garda is at an all-time low. In 2014, the Toland report recommended that “The Minister for Justice, through the Department, needs to hold An Garda Síochána accountable as a critical and resource intensive public service, while respecting their operational independence”. I fully acknowledge that this is difficult and a tricky balance to strike. Previous speakers referred to the need for the concept of public service to be instilled at the heart of policing and I fully endorse that sentiment.

It has been 15 months since Mr. Brian Purcell left his position as Secretary General of the Department and he has not yet been replaced. How can members of the public have confidence in the Department’s ability to hold the Garda Síochána accountable, as required by the Toland report, when the Department is unable to fill one of its key leadership positions? This is a cause of significant concern and must be addressed by the Minister as a matter of absolute priority and urgent importance.

The Minister informed the House that one of the changes that has taken place in the Department in response to the Toland report is that she now formally meets her Secretary General on a monthly basis. I find it hard to understand that any Minister could, would or should run a Department without meeting his or her Secretary General much more frequently than monthly.

Deputy Frances Fitzgerald: We meet almost daily.

Deputy Lucinda Creighton: In fairness to her, I fully accept that the Minister did not assume the justice portfolio until just before the Toland report was published. Regular meetings should be standard practice in all Departments. From my experience, that is not always the case.

If the position of Secretary General is occupied on an interim basis, what value are these meetings in the context of developing a long-term strategic direction and vision for the Department? I accept that the absence of a long-term permanent occupant of the position places the Minister in a difficult position, but the matter must be addressed urgently if the Department is to undergo the root and branch reform that has been promised and which was recommended by the Toland report. The public deserves this reform. The current scenario and absence of a leader is illustrative of a Department which is viewed by members of the public, in the words of Kevin Toland’s review group, as being beset by a “closed, secretive and silo driven culture.” Mr. Toland’s report also found “Significant leadership and management problems” and “Ineffective management processes and structures to provide significant leadership and management oversight to key agencies both to hold them accountable and to ensure their effectiveness is maximised.”

The Toland report has been strongly corroborated in the past fortnight by the interim report of Mr. Justice Fennelly, which again exposed a complete absence of efficient communication and transparency in the Department. This is an issue of significant concern in a modern, developed democracy. The question I ask of the Minister, which she will no doubt endeavour to

answer, is this: who is leading this promised root-and-branch reform of the Department? Without a permanent Secretary General of the Department, it is very hard to see how it can happen.

I note that Deputy Niall Collins earlier expressed his hope that the Bill will maintain current levels of public trust in An Garda Síochána. On this point, I disagree. As I said at the outset, current levels of public trust in An Garda Síochána are very, very low. It is incumbent upon the Minister, her Department, her Secretary General, when he or she arrives, and the Garda Commissioner, Nóirín O'Sullivan, to show leadership by taking active steps to restore a relationship of confidence between the Irish public and An Garda Síochána. That will take time. Deputy O'Donnell has highlighted very clearly the major issues of concern, which I accept are absolutely acute in rural Ireland. However, they are not exclusive to rural Ireland. They exist throughout the country. There is huge concern, particularly among elderly people and people living alone. They feel isolated and have lost confidence in the policing of the State. That is partly because of the scandals that have emerged but also because of the resourcing issues in rural Ireland. These are significant challenges that face the Minister, and I wish her well, genuinely, in trying to tackle them.

An issue has come to light in recent weeks which really illustrates that things have not changed and that the culture that led to the vilification of whistleblowers within An Garda Síochána just 18 months ago is still there. The problems and that culture are still there. Recent whistleblower revelations show that many of the most serious cultural problems still exist and have not been rooted out, despite lofty statements by the Garda Commissioner and the Minister. We saw a very recent case in which two whistleblowers found that when they made complaints about a senior member of An Garda Síochána, the person within the force assigned to investigate was actually connected to the person complained about. That is completely inappropriate and shows that the systems are not changing. With those systems, unfortunately, the culture remains largely unchanged. This is something that must be prioritised. It will require a huge effort and co-ordination between the Minister, the Garda Commissioner and the new policing authority. It is imperative that this culture is rooted out of An Garda Síochána; otherwise, the public will not have confidence in its ability to discharge its duties.

A further question that arises is the following. What aspects of this Bill would have stopped the events described in the interim Fennelly report from happening? The sacking of the Garda Commissioner was a clear abuse of power. It was an abuse of power for cynical, self-preserving and base political reasons and nothing has happened in relation to it. The Government has closed ranks and denied any wrongdoing and there is no facing up to the very clear findings in the Fennelly report and the huge contradictions in the evidence given by the various people who surrounded the hazy events in which the Garda Commissioner was constructively dismissed. Given that An Taoiseach, supported by his Cabinet colleagues, including the Minister for Justice and Equality, continues to stick to the barely credible version of events which purports that Martin Callinan retired from his position entirely of his own volition rather than at the behest of An Taoiseach, it is clear that the events of March 2014 could easily be repeated, notwithstanding the contents of this worthy Bill. That is a matter of grave concern. What aspects of this Bill or a new Garda authority would address the highly worrying state of affairs that allowed the former Commissioner, Martin Callinan, to destroy between eight and ten bags of documents on the day of his resignation? That is something the Minister must address urgently. A decade ago, the Morris tribunal recommended specifically the introduction of sanctions for the destruction of any papers or journals by any member of An Garda Síochána. This recommendation remains utterly not implemented. That sits in neat parallel with the failure of the Garda

Commissioner to respond in any meaningful way to my letter of complaint in relation to Mr. Callinan's destruction of such a substantial number of documents. The Minister has been very quiet on this - disappointingly so. She has the power to launch an inquiry into what happened to that documentation to establish what was contained in it and whether it included sensitive materials pertaining to cases that the former Commissioner was involved in or aware of. It is essential that the Minister confront the issue and recognise that changes such as those proposed in the Bill will not achieve anything if they are not accompanied by cultural changes in her Department and within the police force, as outlined in the Toland and Guerin reports. We have a long way to go before those recommendations are implemented.

I welcome the Minister's commitment to having a debate in the House on the appointment of the members of the Garda authority and to require a resolution of both Houses to make such appointments. However, it is regrettable that such parliamentary oversight of a State body is an anomaly in the context of the Government's failure to fundamentally and substantively reform the way in which appointments to State boards are made. That remains the case. Nothing has really changed. The establishment of the Public Appointments Service has not removed the influence of political patronage from the appointment process across the board and the Government continues to repeat the cronyism of its predecessors. The slight anomaly in the legislation which allows the Government to make the initial appointments to the first board is a mistake. The Minister should start as it is intended to go on. It should be a completely open and transparent process in which people apply, are selected completely independently of the Government and are then ratified or otherwise by the Dáil and Seanad. That would be a much better way to start. It would be a better start for the authority itself and would lend credibility to the Minister's stated intention of having an completely independent policing authority. That slight caveat in the legislation is a shame, and perhaps the Minister might consider accepting or putting down an amendment on Committee or Report Stage to change that.

Finally, I turn to political involvement in An Garda Síochána, which is something that has been deeply controversial in the last number of years. The issue of the authority's membership forms part of a wider issue raised by the Bill - namely, the role of politics and politicians in the administration of policing. It is clear from the proposed legislation that the Government will retain a role in policing, most notably in its capacity to appoint or remove a Garda Commissioner and in its appointment of the members of the authority. There is no easy answer to this. I mean that genuinely. A balance must be found between depoliticising policing and maintaining democratic accountability in the area of justice. In the case of the HSE, we have seen an utter failure to achieve that balance. The lessons of the HSE underscore the dangers or potential risks of removing the administration of a major arm of Government from the direct control of a Minister and placing it with an outside authority. The Minister must be really cognisant of this, as must all of us as parliamentarians, as the Bill goes through the Houses and as we review its performance over the coming years. It will not be acceptable for a Minister to come to the Chamber, as we have seen with successive Ministers for Health, and say "It has nothing to do with me; it is a matter for the policing authority." It is essential that the Minister of Justice and Equality remain a central figure in terms of being accountable to the House and, therefore, the people for policing policy and the administration of justice. It is a balancing act.

I am concerned that the fingerprints of the Labour Party are evident in the Bill, given the bizarre obligation of the new authority to consult trade unions in the formulation of a code of ethics for the Garda. It is unclear whether a trade union could have a meaningful role in this process, but the unions' inclusion under section 16 once more reminds us of their disproportion-

ate influence over the affairs of the Government, most recently demonstrated by their shameful exclusion from the requirements placed by the Minister, Deputy Howlin's, lobbying Act. This shows that there is one rule for every other organisation and a special rule for trade unions, obviously at the behest of their friends in government. It is bizarre and disappointing that such vested interests continue to wield influence over all aspects of governance, notwithstanding the promise of a democratic revolution just four and a half short years ago.

I urge the Minister, Deputy Fitzgerald, to take into account the legitimate issues that have been raised about the Bill by Deputies on all benches. Deputy Stanton, the Chairman of the justice committee, made a number of pertinent points. His committee has given great attention to the Bill and made significant recommendations, some of which have been included in the Bill but many of which have not. I hope that there will be genuine engagement by the Minister. It is in everyone's interests that we restore confidence in her Department and the Garda and restore the people's faith in the administration of justice. It will not be an easy task or be achieved by this Bill alone, but if the Minister is willing to work with Members from all sides of the House so that the Bill does what it sets out to achieve, that is, ensure a strong, robust and independent policing authority that can hold senior levels of Garda management to account and create a genuine sea change in the culture within the Garda, many Deputies will work with her to that end.

Deputy Clare Daly: It is something of an indictment of the Government's handling of the situation in the Garda that, while everything is different, it remains the same. There has been a sea change over the course of the Government's lifetime in the population's attitude towards the Garda, a greater consciousness and understanding of its role and, probably, a greater demoralisation within the service itself than at any time before. The issues were not new, having been brewing for decades. They surfaced initially in the horrendous findings of the Morris tribunal, with the idea of a few bad apples in a part of the country being mooted, until it suddenly became clear that this was not just a case of a few bad apples, but of a systemic problem in the Garda's functioning, the blue wall of silence that resulted in gardai being set apart from the general population.

A number of activities that I will discuss emerged during the course of this Government's lifetime, and it had the opportunity to do something about them. Instead of taking that opportunity, we now have a fig leaf, an attempt to derail the public attention that has been placed on this issue. The genuine demand for a police service that is accountable to the population has been scuppered. "Fig leaf" is the most flattering phrase I will use. I could be more insulting, but I will not be in polite conversation.

We must consider the Fennelly report because the Taoiseach, in his defence of his role in the sacking of the former Garda Commissioner, pointed to the "great" measures that the Government had taken to reform the Garda and highlighted this legislation. Many people have claimed that the report seems contradictory. In some ways it is, but it is also an incredibly thorough report put together by an able individual. The circle can only be squared in light of the terms of reference. Mr. Justice Fennelly was asked to consider the visit to the former Commissioner's house in the context of the tapes controversy. Upon considering what happened, though, it is clear that there is no way that the Commissioner jumped because of the tapes. Ironically, that was one area in which he performed and acquitted himself perfectly well. He stopped the practice as soon as he was made aware of it, accounted for the tapes, gathered and secured them and sought advice from the Attorney General and Departments. He was found negligent in his failure to notify the Minister, but he was awaiting information on the matter. Everything else was okay.

It is clear from the report that the Commissioner had become toxic and his role was untenable. That is no news to us, as we had been calling for his departure long before he jumped. The problem is the manner in which this was done. The Commissioner had to go because of the major problems within the Garda, which were made public through the heroic stance taken by the whistleblowers. It might be all well and good now for everyone to bandy around criticisms of the Garda and so on. Every media report of a problem is readily accepted in the House. When we first raised such concerns on behalf of the whistleblowers though, they were not accepted. We were criticised in the media and this House. How dare we raise a question about the heroic men and women of the Garda?

Everything has changed substantially. The revelations about wholesale malpractice in penalty point operations blew the lid and proved to people what they had long suspected, namely, that there were problems within the Garda. This gave many others the confidence to come forward and discuss their problems with the Garda's functioning, including the horrendous cases of injustice that resulted in the formation of the independent review mechanism. Hundreds of cases have been buried in that mechanism, with people no nearer to achieving justice. Their issues have been kicked down the road.

The wanton indiscipline in the Garda that Judge Peter Smithwick referred to is still there. We have a new Commissioner and Minister, but life goes on pretty much the same. The experience of current whistleblowers is dim. When a garda complained about a senior garda, information about the complaint was leaked to the latter. Subsequently, the new Commissioner appointed the person who had leaked the information to carry out disciplinary action on the senior garda, his friend. One could not make this stuff up, but it is live and current inside the Garda.

People refer to political policing. Political policing is not about picking on a particular party, whinging about feeling victimised and so on. It goes hand in hand with capitalism. It is a system whereby a state relies on the police to promote and defend the interests of the wealthy at the expense of the majority of citizens. The purpose of this debate is not to whinge about that situation, but to consider how to improve it. As a result of the great actions taken by whistleblowers during this Government's lifetime, the public has come to understand that this is not the type of police force that they want. Rather, they want a modern service that operates to human rights standards and is accountable to and serves the community. This is also what most people who join the Garda for the right reasons want. It is in everyone's interests that we achieve that end.

A key nugget along the way is the delivery of an independent Garda authority, but that is not what the Government is proposing. This legislation is an utter insult. When compared with the Bill introduced by Deputy Wallace that already has gone through Second Stage here, it is incredibly weaker. That Bill provides for an independent police service but in this Bill, political control over the authority and the Garda Síochána is being retained by the Minister. That unquestionably is a fact. There have been many fanfares around this issue. The Taoiseach told Members in March 2014 that this so-called independent policing authority would be up and running by the end of 2014. Members now are being told it will be up and running by the end of 2015, which is highly unlikely.

The reality is that under this Bill, ministerial and Government control of the authority and the Garda is maintained at every turn with perhaps the exception that it can do a bit of CCTV on its own. However, the authority must consult the Minister on everything else. The heads envisaged a model in which there was a division of accountability between security and polic-

ing work of An Garda Síochána. While accountability is directly to the Minister in respect of security issues, as for accountability on policing matters, on the one hand it is to the Minister alone but on the other hand, sometimes reporting responsibilities on policing matters are to both the Minister and the authority. Moreover, sometimes they are to the authority, which then is responsible and accountable to the Minister. It is an absolute fudge. It is chaotic, it is not clear and is a recipe for blame games and the type of flustering around that was experienced in respect of the controversy with the Garda Síochána Ombudsman Commission, GSOC.

An examination of head 24 really exposes how this Bill does not provide for an independent policing authority. As the Minister proposes it, the authority can only ask GSOC to investigate the Garda Commissioner if it believes the Garda Commissioner may have committed an offence or behaved in a manner which would constitute serious misconduct if the Minister consents to that happening. What is that about? How in God's name could the authority be considered to be independent if it cannot even investigate the Commissioner without the Minister stating it is allowed to so do? The Commissioner is remaining under the political protection of the Minister, which was the very nub of many of the problems discerned in the course of the present Government.

One talks about consultation in this process and these issues have been raised by the public. However, the consultation process that was embarked on was an utter sham. The proposed authority before Members is incredibly weaker than any of the proposals that were put to the Government by the Irish Human Rights and Equality Commission, IHREC, the Irish Council for Civil Liberties, ICCL, and the experts on policing. It is incredibly weaker than what exists in the North or in Scotland or than what was put together by the Committee on Justice, Defence and Equality. Laughably, in light of what Deputy Creighton stated, it is completely different from what the Labour Party states it thought an independent police authority would be. This watered-down version is a pale shadow of any of those things. When Deputy Wallace put together his Bill, which I reiterate has passed Second Stage, we engaged in extensive research and consultation with a massive number of stakeholders in its preparation. We consulted Justice4All, all the GSOC commissioners, the ICCL, Transparency International and all the academics in this area. We made lengthy submissions to the Committee on Justice, Defence and Equality and so on. The aforementioned Bill is meant to be on Committee Stage but obviously it will be trumped by this watered-down version and I do not believe that to be good enough.

It is ironic when Deputy Creighton talks about trade unions, as if the trade unions must be laughing themselves sick to think their agenda has been furthered by the present Administration, when many of their members have been disenfranchised massively by it. However, the reality is that the Labour Party's proposals on this issue, published in 2014, recommended that the authority would appoint the Garda Commissioner and other senior staff through open competition. This is not being done in this Bill. It recommended the authority would hold the Commissioner to account, which has not been done in this Bill and that the authority would prepare a policing plan with measurable targets. None of these recommendations is in this legislation. It is a poor step that the Minister would be required to consult the Garda Representative Association, GRA, or the Association of Garda Sergeants and Inspectors, AGSI, which I would not count in any way as trade unions or representative of the decent gardaí inside An Garda Síochána, given the disgraceful conduct of those organisations in trying to stifle transparency and open debate.

This legislation fails. It deals with performance targets and I would have a severe concern if the Government is pushing for target-driven policing on a legislative basis. Does that mean we

will have a repeat of the doctoring of the crime figures that was evident in the Garda Inspectorate report? The Bill talks about budgets. The heads provided that the authority would ensure Garda resources were used to maintain the highest levels of efficiency and effectiveness, but this now has been changed “to provide advice” to the Minister before each financial year. That is absolutely meaningless and if one compares it with the real independent policing authority in Scotland, for example, that authority has 13 members. It is funded from a 10% portion of the overall policing budget and has a budget of more than £110 million, as well as approximately 60 staff. The authority in Northern Ireland has 20 members, a staff of 55, three directors of service and a £1.2 billion annual policing bill. In Ireland, we are proposing eight members plus a chairman and half a million euro to set it up. The Irish Human Rights and Equality Commission gets €6 million and GSOC get €9 million. As I presume the Minister is not suggesting the new commission will get half a million, how much will it be funded to deliver this new policing board?

We can learn from other countries. Sometimes, there are good examples and we should be repeating what is best in other countries. We need not reinvent the wheel and under the Northern Ireland Policing Board, a clear primary function of the board there is to hold the Chief Constable and the police service publicly to account in the exercise of their functions, including compliance with human rights standards. When one scrapes it all away, is that not really what the people want, namely, to have the police force or police service accountable to the population? However, they are not getting it through this board. They know they do not get it through the Minister at present. I do not mean the Minister personally but the ministerial position. The only way in which to deliver it effectively is through an independent board. The difference in the North of Ireland is that the Northern Ireland Policing Board has strong monetary and supervisory functions. It is interesting if one considers the wording of this Bill that there is only one mention of monitoring. Although it was mentioned often in the heads of the Bill, it has been taken out at this Stage. It now has been replaced with “keeping under review”, which means an entirely different thing. Consequently, there is no real reference to supervision in this regard. Obviously, I do not have time now but I certainly intend to table massive amendments to this legislation and there should be many such references.

The key question here is what should it be and I believe that were the Government serious, it would scrap this legislation. It would return on Committee Stage and examine the comprehensive Bill put together by Deputy Wallace because what should have been is that the role of the Minister, who is maintaining control in this Bill, should be transferred to the authority. That is the first thing that needs to be done if this is to be a real independent body. However, that is not being done. The authority must be able to draw up policing plans, to take account of priorities, identified of course by the Government and the Minister, but to oversee that. Moreover, the authority must be the body that monitors compliance with those plans as otherwise it is not independent; it is just a complete and utter joke. In addition, it must have access to a budget. The authority must have the responsibility for the appointment of the Commissioner, absolutely with the approval and the input of the Minister. However, the authority should call the shots in this regard and it should have the power to request the Commissioner to retire, particularly given the recent controversies we have experienced. However, that is not what is being proposed in this legislation.

This is really regrettable and represents a serious lost opportunity. As Dr. Vicky Conway said in one presentation on this issue, GSOC should be in a position to make the Commissioner accountable. The Commissioner should not be a political appointee and there needs to be wider criteria for disciplinary regulations. As she says: “An Authority which is not given specific

powers such as the setting of policing plans, the determining of budgets and the appointment of the Commissioner, could on the other hand be a retrograde step for Irish policing.” That is what I consider this Bill to be. It is not even merely half a good step forward. It actually is a step back because it is giving the pretence that the Government is doing something when in fact, it is not. As Dr. Conway stated:

In that scenario [which is the scenario we are now in] we create the semblance of independence and accountability without the reality, just as was done with the creation of GSOC in the last decade. That would be a disservice to Irish society and to the members of An Garda Síochána.

Indeed, we have met many of them and we stand over that statement. This Bill is a disservice to the loyal members of An Garda Síochána and citizens of this State. The Irish Human Rights and Equality Commission and all NGOs in this area made submissions on the Bill, all of which have been ignored. In their view, the authority should have a disciplinary role in relation to senior management. Given the air of indiscipline that exists within An Garda Síochána, I believe that is very necessary. However, that is not being provided for here, although it is in the North.

Deputy Wallace spoke earlier about membership of the authority. The fact that the initial board will be made up of all appointees is a joke and sets the tone for the future. Membership of the board should include representatives of minority communities and those whose paths cross with the Garda and will be most affected by measures when the Garda do not serve the public appropriately.

This is a substantial enough Bill, about which there has been a significant amount of discussion. There is a genuine desire among the population for something different in this area. There are many people in An Garda Síochána who would also like to see something different. This Bill does not provide that. It is not even a pale shadow of the heads of Bill which the Government put forward. It is a diametrically watered down version of the heads of the Bill. It bears no resemblance to it. It bears no relation to what exists in the North or in Scotland and it is an insult to the Bill which has already passed Second Stage in this House. That Bill would deliver an independent policing authority, which is key to ensuring democratic accountability inside the service, and would bring to an end the era of erosion of confidence, in terms of the Morris tribunal and the whistleblower revelations, in An Garda Síochána and address the allegations of malpractice, injustice and cover-up culture that prevails in that organisation.

This legislation presents an opportunity for a clean sweep and a breath of fresh air inside our service but, sadly, it is a lost opportunity and in that, as Vicky Conway said, it does a disservice to all of us. It is worse than doing nothing; it is a step back.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank all Deputies who contributed to today’s debate on the Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015, which establishes the new policing authority that is at the core of the Government’s reform plans and represents the most far-reaching reform of the Garda Síochána since the foundation of the State.

Any detailed reading of the Bill will show that the new authority will have extensive functions, many of which are currently exercised by the Government or Minister for Justice and Equality. Many functions have been transferred to the new authority. As I have already out-

lined to the House, the Bill proposes that the authority will have responsibility for a range of areas. The previous speaker has completely under-estimated what is in this Bill and does not appear to have read the detail of what the new authority will be responsible for. It will oversee the performance of An Garda Síochána in terms of its policing functions. It will nominate persons for appointment and will have the authority and power to recommend removal of people right up to the top position. The previous speaker in particular completely ignored the fact that it is the norm for governments all around the world to have ultimate responsibility for appointment to top level police positions. That is the reality. We also have constitutional and executive function considerations to take into account. It is the case that the police authority in this country, An Garda Síochána, has responsibility for security and policing. In drawing up this Bill, all of those factors had to be taken into account. That is why I said when I introduced the Bill that I believe the appropriate balance has been struck, after careful consideration and having taken account of the constitutional issues.

A careful balance has been struck between what is the role of a Minister for Justice and Equality and the functions given to the new independent policing authority. It is an extremely important step forward. It is a reforming step forward and to deny that is the case is to do a disservice to what is happening here. Far from this being a disappointment to members of An Garda Síochána, the public and NGOs, it is a real opportunity for a new stage of reform in relation to An Garda Síochána. This is landmark legislation in terms of the change, compared with the type of situation that has existed over the decades in terms of the relationship between An Garda Síochána and the Department of Justice and Equality or, indeed, a Minister for Justice and Equality. This legislation is a statement which, I believe, is an extremely important one in terms of transparency, involvement of the public and the independence of the authority. It provides a real opportunity for the public to know more about policing and provides the Garda Commissioner with an opportunity to speak before the authority, made up of an independent chairman and eight members. The appointments process in terms of the appointment of those members is already being addressed by the Public Appointments Service. This Bill presents an opportunity to strengthen Garda oversight in terms of the introduction of the independent forum for the public oversight of policing services in Ireland. It is a new engine to drive policing reforms.

The reports from the Garda Inspectorate outlined the range of reforms needed. Nobody is denying that cultural change is needed and that administrative technical oversight is needed. Nobody is denying that the Garda Inspectorate report did not say that some of those reforms could be implemented immediately, with others being required in the medium or long term. The Government and I, as Minister for Justice and Equality, have begun that process. I believe the new Garda Commissioner, Noírin O'Sullivan, is also working to that agenda. I have no reason to doubt that management of An Garda Síochána are working to address the issues starkly identified in recent reports as requiring attention. The new authority is one of the key mechanisms to allow that oversight develop. Again, this will not happen overnight. This legislation is a real statement by this Government that we want to see reform, more public accountability and more independent oversight of An Garda Síochána. That is what is being done through this Bill.

No doubt we will have an opportunity on Committee Stage to discuss further the balances that are in the Bill, and balance there must be, because there are constitutional imperatives and issues around executive authority. To the Deputies who raised some of these issues, including Deputy Creighton, I have no doubt that in the time ahead Deputies will want me as Minister for Justice and Equality and future Ministers to come to this House and to be held to account on

policing. Deputies will want an opportunity to question the Minister of the day as a member of the Government. They will want to check whether that Minister is fulfilling his or her constitutional role on policing. Let there be no mistake about it that this will be a requirement in the future. In developing the independent Garda authority, due note and regard must be taken of that constitutional role. As I said, the Oireachtas will certainly want to hold the Minister of the day to account in relation to policing.

I do not believe that when Deputies spoke about the types of balances they wanted to see in this Bill they meant that a Minister for Justice and Equality should not be held accountable in this House on policing.

3 o'clock

There are constitutional limitations on the extent to which it is open to the Oireachtas, by way of legislation, to delegate the Government's ultimate responsibility in respect of policing to another body. However, we want an independent police authority. In the provisions, we have had to deal with the various nuances to which I have adverted. There is a strong role in the Bill, which some Deputies have mentioned, although others have not, for the Oireachtas, the Dáil and the Seanad, to oversee the various decisions that arise in respect of the work of the authority, whether they relate to the appointment of the members of the authority or the question of the removal of a commissioner as well as other issues.

I believe that the balances are in place. I repeat that this is reform. It is important reform in respect of the oversight of An Garda Síochána. It is certainly going in the right direction in terms of public scrutiny. It adds to the body of reform that has been undertaken by An Garda Síochána, me and the Department of Justice and Equality in the past year. I am grateful for the support that has been expressed by Deputies.

I intend to enact the legislation. Indeed, I hope Members of the Dáil and Seanad will support me in enacting this legislation quickly in order that we can get on with appointing the independent police authority. Recruitment for the chief executive of the authority has commenced. The final round of interviews will take place in early November. Staffing sanction has been received from the Department of Public Expenditure and Reform. Some €500,000 is in the budget for this year for the initial start-up. Naturally, in the Estimates this year there will be an independent and appropriate Vote and an appropriate budget. Of course the Garda authority needs a budget to get on with its work. As I have said to the House, we have already established a policing authority transition group charged with doing its work. It began work in May of this year. The Vote will be established and discussions are ongoing with the Department of Public Expenditure and Reform on the matter. The authority has new premises, which is being organised at present. It is anticipated that the independent chair and her team will be in the new premises in mid-October. Everything is well under way in the establishment of the new Garda authority. Given that the decision was taken by Government only last year to establish a new Garda authority, by comparison with the establishment of other independent bodies the process has certainly moved ahead quickly and efficiently. I look forward to the new Garda authority being established within months.

I commend the Bill to the House. I intend to move some amendments on Committee Stage to sections 19, 44 and 48.

Question put:

<i>The Dáil divided: Tá, 62; Níl, 11.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Daly, Clare.</i>
<i>Buttimer, Jerry.</i>	<i>Flanagan, Terence.</i>
<i>Byrne, Catherine.</i>	<i>Fleming, Tom.</i>
<i>Byrne, Eric.</i>	<i>Healy, Seamus.</i>
<i>Carey, Joe.</i>	<i>Higgins, Joe.</i>
<i>Conaghan, Michael.</i>	<i>McGrath, Finian.</i>
<i>Conway, Ciara.</i>	<i>Murphy, Paul.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Pringle, Thomas.</i>
<i>Costello, Joe.</i>	<i>Ross, Shane.</i>
<i>Cowen, Barry.</i>	<i>Wallace, Mick.</i>
<i>Crowe, Seán.</i>	
<i>Daly, Jim.</i>	
<i>Deasy, John.</i>	
<i>Deenihan, Jimmy.</i>	
<i>Doherty, Pearse.</i>	
<i>Doherty, Regina.</i>	
<i>Donnelly, Stephen S.</i>	
<i>Donohoe, Paschal.</i>	
<i>Dowds, Robert.</i>	
<i>Doyle, Andrew.</i>	
<i>Durkan, Bernard J.</i>	
<i>Farrell, Alan.</i>	
<i>Feighan, Frank.</i>	
<i>Ferris, Martin.</i>	
<i>Fitzgerald, Frances.</i>	
<i>Hannigan, Dominic.</i>	
<i>Harris, Simon.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lyons, John.</i>	
<i>Mac Lochlainn, Pádraig.</i>	
<i>McConalogue, Charlie.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>Maloney, Eamonn.</i>	

<i>Mitchell, Olivia.</i>	
<i>Murphy, Eoghan.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Brien, Jonathan.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>Perry, John.</i>	
<i>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Shatter, Alan.</i>	
<i>Smith, Brendan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tóibín, Peadar.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Joe Carey and Emmet Stagg; Níl, Deputies Clare Daly and Mick Wallace.

Question declared carried.

Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015: Referral to Select Committee

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

That the Bill be referred to the Select Committee on Justice, Defence and Equality pursuant to Standing Order 82A(3)(a) and 126(1) of the Standing Orders relative to Public Business and paragraph (8) of the Orders of Reference of Select Committees.

Question put and agreed to.

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Topical Issue Debate

Homelessness Strategy

Deputy Eamonn Maloney: I thank the Office of the Ceann Comhairle for selecting this matter. I begin by referring to a previous debate in the House on the same subject matter, not last month or the previous month but in December last year. During that debate I stated emergency legislation to freeze rents was required immediately, and this was almost a year ago. During the debate I, among others, made the point the situation of families becoming homeless would inevitably get worse. It is unprecedented because we have never been in this situation in the history of the State. Historically, when we have thought about homelessness we tended to think about individuals who are homeless but this has all changed. This is one of the legacies and part of the fallout of the so-called Celtic tiger, when the people on the opposite side of the House, who are not here, ceased building houses for social housing and did not fund it for years. They promoted the idea that everyone could be a private home owner and one could build here or there and that if one wanted to be a landlord one could build two or three houses and rent them out. This is what got us to where we are now and the situation is getting worse.

With regard to families becoming homeless, it is predominantly an issue that relates to the private rental sector. Everyone in the House knows rents have gone through the ceiling and the private rental sector can charge whatever it wishes. Rents continue to increase and I see this in my constituency. It is a big problem. One of the new features of homelessness is that it is not people who are out of work and unemployed who cannot afford private rents, we now have cases where families with two breadwinners are affected because the landlord continuously puts up the rent and these families are priced out of it. This is happening on a very large scale and is why we have the stories we speak about almost daily regarding the number of children who are homeless.

This is preventable. Unless someone else has a solution to it, I hold to the view I took last December that we need to take control of the increase in the private rental sector. The only way to do this is with a rent freeze for a period of two years to allow the Government to start to build social housing again and to allow the private sector to commence the construction of private homes. It is the only way to do it.

There are good and bad landlords, and I have met both types as, I am sure, have other Members of the House. Not all landlords are necessarily bad. However, I must say the vast majority of them are exploiting the present situation where there is not sufficient availability of rented homes. Rents continue to increase and will continue to do so unless the Minister and I as legislators do something about it.

I raise this issue again so the Government will make some commitment to introduce emergency legislation to stop this continuing problem of families and people who never thought they would be homeless ending up homeless.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I am taking this matter on behalf of my colleague the Minister, Deputy Alan Kelly, who is unavoidably unable to take the matter. I thank Deputy Moloney for raising the issue.

The Government is fully committed to addressing the issue of homelessness. There has

been a focused and co-ordinated approach to tackling homelessness across Government Departments and agencies. The homelessness policy statement makes explicit the commitment to end involuntary long-term homelessness by the end of 2016. The Government is fully committed to achieving this target, though it remains challenging given the continuing numbers of those presenting as homeless.

A range of measures is being taken to secure a ring-fenced supply of accommodation to house homeless households and mobilise the necessary supports in order to deliver on the Government's 2016 target. These measures have been identified in the Government's implementation plan on the State's response to homelessness and in the action plan to address homelessness.

These plans represent a whole of Government approach to dealing with homelessness, and the implementation of measures identified in these plans is being overseen by a group of senior officials drawn from key State agencies dealing with homelessness. Progress in implementing both of these plans is reported directly to the Cabinet committee on social policy and public service reform.

The long-term solution to homelessness is to increase the supply of homes. A range of measures is being progressed under the Government's Construction 2020 strategy which is designed to support an increase in housing supply generally. In addition, in November 2014, the Minister, Deputy Kelly, launched the Government's Social Housing Strategy 2020. This six-year strategy sets out to provide 35,000 new social housing units at a cost of €3.8 billion and restore the State to a central role in the provision of social housing through a resumption of direct building on a significant scale by local authorities and approved housing bodies. In addition, the strategy envisages delivering up to 75,000 units of long-term quality accommodation to meet housing needs through local authority housing support schemes. In the interim, while the delivery of these units is ramping up, a range of complementary measures is being implemented across Government agencies.

The Department of Social Protection continues to exercise discretion on a case by case basis for rent supplement clients who are at risk of homelessness as a result of demands for increased rents from landlords. Under its interim tenancy protocol and national tenancy sustainment framework, "uplifts", or in other words, increases in the level of rent supplement normally allowable, have been granted to more than 3,500 households. A number of complementary awareness campaigns have been initiated to increase public knowledge with regard to tenant and landlord rights and responsibilities and where to access services and advice. The Dublin local authorities have been campaigning extensively in their region and the Department of Social Protection has been engaging directly with its clients. The Private Residential Tenancies Board has been overseeing national print, online and broadcast media advertising.

Local authorities are implementing a significant programme of returning void units to productive use, especially in the Dublin City Council area, where approximately 500 units have been brought back into use to date in 2015, with further works being progressed. The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, is committed to the continued funding of this programme, with the expectation that the city council will have every lettable unit in its ownership returned to use in the short to medium term. Furthermore, the Minister has issued directions to key local authorities to prioritise homeless and other vulnerable households in the allocation of tenancies under their control. He recently extended this direction and it will apply until 31 January 2016.

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The Government keeps the housing market and housing supply issues in particular under review and further measures, including those relating to rent certainty, are under consideration. Intervention in housing market issues raises many complex economic and legal issues and any measures proposed must be balanced and have the desired effect on the rental market while being fair to landlords and tenants alike.

Deputy Eamonn Maloney: I thank the Minister for his detailed reply. The number of families becoming homeless will continue to increase unless some form of emergency legislation to freeze private rents gets priority from this House. If a rent freeze is not legislated for immediately, many families now in the private sector will be forced from their homes. Many landlords, as I already stated, are exploiting the fact that the demand for rented premises is outstripping supply. In reality, most landlords are increasing their rent without any link to the cost of living index. The sector has gone crazy and landlords have free rein, if I can use that phrase again.

It is worth reminding the House that it is our function in this Dáil to legislate for the common good. It is not the function of this House to allow landlords free rein when misery is created for families who are turfed out of private rented accommodation. We have a role in this and we should be here for the common good rather than the protection of one sector of landlords who can charge what they like. On 28 February, a motion in my name at the Labour Party conference called for a two-year rent freeze. The motion was passed unanimously, making it party policy. If the threat of additional families becoming homeless, and the misery associated with that, is to be halted, only prioritised legislation - the freezing of private rents - can be effective.

Deputy Paschal Donohoe: I have listened to the main points from Deputy Maloney in response to the contribution from the Department of the Environment, Community and Local Government. I will make three points in return, based on my personal experience of the matter and the input I can give through the Cabinet.

The first point is that I agree entirely with the Deputy's argument that we should be governing with a mind to the common good. I can think of few examples which are more threatening to the common good than the number of families, in particular, now facing homelessness and the larger number which face the risk of homelessness. I have dealt directly with the matter through my constituency work and I know the incredible misery and stress this can cause. I also know the measures being taken to provide other forms of accommodation for people, including hotel accommodation, although that is an emergency action that is, in turn, unsustainable for families in the long run.

A second point is that we must examine additional measures to bring forward quickly a supply of housing stock in the short term. The Minister, Deputy Alan Kelly, has outlined all the measures likely to improve significantly this matter in the medium to long term as housing stock increases but that is no comfort to anybody who is homeless tonight or worried about being homeless before Christmas. We must contemplate how we can quickly bring about different forms of accommodation that will offer respite to people, as we face a darkening position.

I have spoken to the Minister, Deputy Kelly, about my third point and I am sure he is aware of the Deputy's view on the matter. I will relay it to him in any case. We must now examine measures relating to certainty of rents and what rents could look like in future. I know the Minister, Deputy Kelly, is working on that now. I thank the Deputy for raising the matter and I will ensure the Minister is made aware of these issues at our Cabinet meeting next week.

Employment Rights

Deputy Jim Daly: I thank the Ceann Comhairle for allowing me to raise this issue. It is not new and the matter has been ongoing for two years. It involves 12 families in the town I am privileged and honoured to serve, Clonakilty. Two years ago, Hood Textiles, a factory in the town, closed without any notice. On that day, the 12 workers turned up for work and found the doors locked, and from that day to this, those people and their families have been trying to get what is owed to them. To add further injury to the injustice of the 12 workers, the company is in receivership but has not been liquidated. If it had been liquidated, the workers would enjoy the same rights as any other worker who has been unfortunate enough to lose a job. The 12 families have not just experienced the terrible trauma of having their livelihood terminated without any notice, with a lock placed across the door, but the further injury is that the 12 families feel a double grievance because they are owed money by the employer for holiday pay and other terms and conditions that all workers enjoy.

There was a recent, very high profile case in Dublin involving 500 workers at Clerys but I argue that the 12 workers in Clonakilty are every bit as valuable to the community and their families are equally impacted. There were no cameras or headlines for the 12 families to assist them or promises of Government action but I have been doing my duty as a public representative over the two years and met those people numerous times. They do not have the financial resources to take the legal steps, although they have engaged at some level legally. They do not have the resources to take a case like this to the High Court to get justice.

I have raised the matter with the Minister and the Department for two years through parliamentary questions and correspondence but I have been getting the same answer. I have been told that a review is taking place and it is expected to end shortly. The families are getting tired and fed up, as they have lost their livelihood, which is difficult to take. There is a further loss and grievance as the Government and the State are also turning their backs as well. They now regret that they did not do what many other workers did and stage a sit-in, commanding the attention of the State and the media, at the time. They took the hit very gracefully and did what they could themselves. I have done my bit for them but I am reaching an end point now. We owe it to these 12 families, and this is not just about those 12 families in Clonakilty. There are numerous other families the length and breadth of this country who have had the misfortune to lose their job and to have this grievance added to it. I look forward to the Minister of State outlining any plans to complete that review so we can finally get justice for these 12 families and all the other families in the country as well.

Minister of State at the Department of Social Protection (Deputy Kevin Humphreys): I thank Deputy Daly for raising the issue of the review of the Protection of Employees (Employers' Insolvency) Act. I have circulated a response but I would rather have a conversation with him than read a scripted response on this. As a member of a trade union for many years, I understand the Deputy's and the families' frustration at not being able to get the repayment that I also believe they are entitled to. The response outlines the legislation we are working through. I will not read it for the Deputy because it might be a bit insulting as he has been arguing this point very strongly for the last two years and there is a level of frustration.

I reassure him that my Department has been reviewing the situation. It has been consulting with a range of interested parties, including the Office of the Director of Corporate Enforcement; the Department of Jobs, Enterprise and Innovation; and the Revenue Commissioners to

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establish what, if anything, can be done to progress payments to individuals in this situation. To date, officials from the Department have had one formal meeting with various parties mentioned above in connection with the issues and it continues to engage with relevant parties to try and progress the matter. Given the difficult legal issues that need to be addressed, I am not in a position to indicate when this review will be completed. However, I will take this up.

Deputy Daly has articulated very clearly his concern for these 12 families and many other families and I will be happy to meet with him to see if we can progress this further. The finishing line for this Government is early next year and I believe the Deputy is anxious that we are able to resolve it for these families and many others. I am happy to sit down with him and my officials, give him an up-to-date report and see whether we can make progress on this very important issue. I was not aware that the Deputy was going to raise the individual case. If I was, I would have come much better prepared to respond to the situation of those people in Deputy Daly's constituency and many more who are caught in that situation.

It is a very complicated situation in respect of legislation. There are many Acts involved, as illustrated in the circulated response. Deputy Daly is correct in raising the issue today. Let us see whether we can work together over the next five months to bring this to a speedy resolution. I thank him for raising an important issue. Sometimes members of the public believe that those who shout loudest get the most, but we must ensure that everybody is treated equally, whether the television cameras are on the case or not. These 12 families are as important as those who were affected by what happened with Clerys and I am happy that we can work out a resolution in some way to speed up the case.

Deputy Jim Daly: I am very disappointed with the response because it is the same one I have been getting and the Department has all the details of the case I have been raising. It is exactly the same response I have been getting for two years. If I am frustrated, the Minister of State can imagine how frustrated the 12 families are. Notwithstanding that, I appreciate his sincerity and I know he is very genuine in his response. I appreciate that and it gives me a great deal of comfort. I appreciate that there are difficulties in moving this on and there are many different Acts but, as one of the family members said to me, this review is going on so long and there is nothing there for us: how long does it take to review nothing twice?

I will take the Minister of State up on his offer. I will meet with him and his officials in the coming weeks and we will try to progress this not just for the 12 families in Clonakilty, who are my paramount concern, but also because there is an equality issue here. What I appreciate most is that the Minister of State grasped this. Every citizen is entitled to equal dignity and for the State to shine the same light on them. That is what is at issue here above and beyond everything else. The trauma of losing one's livelihood is so severe and so difficult, but then to feel one is treated unequally in the eyes of the State and not afforded the same attention when the media takes such an interest in the conditions of others who are in the same position compounds that. I thank the Minister of State for his offer, which I will take up, and I thank the Chair for allowing me to raise this issue in the Dáil. I look forward to making progress with the Minister of State and his officials in the Department.

Deputy Kevin Humphreys: I will be in touch with the Deputy in the coming weeks to organise that. He can brief his 12 families on this. There is nothing more shocking and upsetting than to lose one's job. Getting the redundancy payment and holiday benefits to which one is entitled can sometimes help to alleviate the financial problems, but there is nothing worse than when a company becomes insolvent and then one cannot get one's holiday payments, statu-

tory notice or redundancy settlement. I can very much understand the frustration felt by the 12 families in Clonakilty and by other families that have gone through this. Let us sit down and see where the blockages are in respect of the review. I assure the Deputy that the officials in my Department take this very seriously. It is not just in high visibility cases such as Clerys that this has an impact. We will work together. I am aware that we have a finishing line. Deputy Daly is as anxious as I am to make sure issues like this are resolved before we face an election next March and I will work with him to get a resolution to the issue.

Road Projects

Deputy Thomas P. Broughan: As the Minister knows, master plans for the north fringe of the Dublin City Council area and the adjoining south fringe of the Fingal County Council area were first drafted around 15 years ago by the planning departments of the two councils and a new urban district of 10,000 to 15,000 people and ancillary commercial development was planned, providing for a future population of 40,000 plus. Unfortunately the crash of 2008 brought much of the development to a halt and the discovery of high pyrite levels in foundation infills and insulation and other construction problems have greatly delayed the much-needed completion of the core of the north fringe.

The spine of the new city region is a main street or boulevard running from Clare Hall-Burnell on Malahide Road, Dublin 17 across Belmayne, Priory Hall and Clongriffin to Clongriffin town centre, which is alongside the planned town centre in the coast development of Fingal's south fringe. A number of key road improvements are a prerequisite for the development of this master plan for the north fringe-south fringe district. These include the Hole-in-the-Wall Road-Moyne Road improvement scheme now being addressed by Dublin City Council and Fingal County Council, the proposed Northern Parkway strongly linking the Dublin city and Fingal parts of this region and finally, and most importantly, the Malahide Road re-alignment or bypass at Clare Hall-Burnell which is a joint project of Dublin City Council and Fingal County Council.

The Malahide Road re-alignment was a key roads improvement objective in the 2005-11 Dublin city development plan, which I helped design. Dublin City Council road design and construction engineers and the north central area management teams held widespread consultation on this project, especially with Fingal colleagues, and produced detailed plans for the proposed re-alignment. Traffic on the very busy Malahide Road was to be diverted to the west at Darndale Belcamp and over a new bridge and across the N32, now known as the R139, through Belcamp College lands and then moving back eastwards to re-join the Malahide Road near the Moyne Road junction. In the Dublin city development plan 2011 to 2017 at section 5.1.4.8 under "Road Capacity Improvements" the construction of the Malahide Road re-alignment is named as a key objective. The re-alignment's importance is underlined in many reports since 2008 to the north central committee of Dublin City Council and to the North Fringe Forum, a residents' and stakeholders' group which meets quarterly to review progress on the north-south fringe. At our recent north-fringe forum, which took place on Tuesday last, the north central area manager, Mr. Dave Dinnigan, highlighted efforts by Dublin City Council to encourage well planned development at a key site on the junction of the Malahide Road - R139 - and Clare Hall Avenue. This is the site of Clare Hall town centre and an earlier effort by the local authority to develop the centre was stymied by the withdrawal and collapse of Stanley builders. However, the critical public infrastructure necessary to create the environment of the new

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Clare Hall town centre is the urgent funding and construction of the Malahide Road bypass or realignment. The bypass will take the considerable north-south traffic out of the location and, with other measures to ease the east-west traffic flows, would permit a true urban retail and services centre to develop where the Tesco Clare Hall shopping centre and the Hilton hotel are the flagships of a commercial development at present.

The last detailed report we received from DCC engineers put a cost of €50 million on the project a couple of years ago, but as a key measure to enable the sustainable completion of the north fringe-south fringe region, capital expenditure on this realignment would be a valuable investment. Many thousands of new homes, services and businesses are needed in the region and, in addition to addressing our catastrophic housing crisis, this road investment would be a significant boost to the public infrastructure needed to complete the north-fringe urban region. I urge the Minister to ensure the National Transport Authority makes the project a priority for the 2016 capital programme.

I noted the Minister's recent announcements. Incidentally, I hope his recent reconsideration of metro north is not merely a general election ploy and he is sincere about this. As the Acting Chairman, Deputy Farrell, will be aware, it would be devastating for the north side if the Minister, who himself is one of our region's Deputies, dangles this carrot in front of us and then does not help to follow through on it. I hope that reconsideration is real. In the announcements, there are many important road improvements. I note the N11 New Ross bypass and the road connecting Sligo and Donegal - the north-west region - and I am a strong supporter of all those. However, for our region, and I think the Acting Chairman would support this 100%, we should do the Malahide Road realignment.

Deputy Paschal Donohoe: I thank Deputy Broughan for raising this matter with me. As the Deputy would expect, I am familiar with the area to which he refers. There is a response that will be circulated to him but I will pick up on a few points in response.

Deputy Broughan will be aware of the overall position on road funding. From a height of almost €3 billion in 2008, this year the level of funding available to me for road construction or maintenance is €760 million, which is a decrease of almost two thirds. Alongside that, there is considerable pressure on the money I have available to fund a range of different projects. The Deputy referred to some of the national projects elsewhere for which there is a great need. He also touched on some of the speculation about metro north. I will not get into what the proposal will be because I must get Cabinet approval for it, but I assure the Deputy that whatever proposal goes forward with, I hope, Cabinet approval, it will be one we are confident we can make happen because I am aware of the number of times different plans have emerged, some of which have happened but many of which have not.

On the road project to which Deputy Broughan referred, the funding position of Fingal County Council, Dublin City Council and the other Dublin local authorities is that, in view of their implementation of the local property tax, each is now in a surplus position in terms of their overall finances and is in a position to self-fund services, including road expenditure. On the particular proposal Deputy Broughan made for the Malahide Road bypass near Clare Hall, to date my Department has not received a proposal from any of the local authorities for that road. That may be for different reasons in terms of examining the proposal or its cost, and the Deputy may well be aware of them, but I have not received a proposal for that road.

A capital plan will be published, I believe, next week. That will refer to some projects that

will be progressed, but I anticipate that other projects could be deployed out of the funding that local authorities themselves will have available to them. At this time, neither I nor my Department has received a proposal for that road. Perhaps Deputy Broughan might be able to offer a perspective on that because I am aware, given that I know where he is referring to, that there is a need to look at the road infrastructure in that part of the north side of Dublin city.

Deputy Thomas P. Broughan: On that point, there were detailed plans in 2012 or early 2013. The Minister's predecessor would have received some outline requests for support because it is a project that encompasses two local authorities and it needs that kind of background support.

I have advocated for many years for a strategic development zone in the north fringe - the south fringe from a Fingal perspective - which would be a massive new city region. If we had an SDZ in the region, which we should have and which is something the Minister could take to Government, we would have key infrastructure such as roads, schools and services going in as occupants moved in. We have had a terrible time with the north fringe and south fringe, and the Acting Chairman can back me up in every word I say, because of the pyrite problem, which was an horrendous imposition on young families, men and women who had struggled to save and were paying mortgages. We also had insulation problems and all types of other problems.

There is the example of other countries. For example, when the north fringe was first mooted, some city councillors may well have visited Stockholm. Stockholm, like Dublin, has four local authorities and in the northern part, where they were building a new north fringe, they tried to put all the integrated services in together. That certainly included roads. It included taking major traffic out of the new centre, a place called Hammarby Sjöstad in north Stockholm. They also examined other EU capitals where there was major town development, but the roads were part of creating a new urban district.

Obviously, there will be significant changes in south Fingal and the north part of Dublin city. In particular, the county manager envisages Swords becoming a major regional centre. It is the fifth or sixth largest city in the country already - the fifth or sixth anyway. It is a major regional city. We hope to have major services in terms of education, health and so forth encompassing the population back to Dublin Bay North, which is mostly in the city area. A key part of progressing this is to look seriously at this road project.

Acting Chairman (Deputy Alan Farrell): I thank Deputy Broughan.

Deputy Thomas P. Broughan: On a final point about metro north, when the former Rail Procurement Agency held substantial consultations in 2008, it had three corridors for the new metro north, or metro-heavy rail, one which would have gone through the western part of Dublin Bay North, coming up through Coolock from Drumcondra. Eventually, the RPA decided on the alignment that is being discussed in press statements and elsewhere in the context of the Minister's reconsideration of the project. People felt the north-west had to be brought into this and the result was the western part of Dublin Bay North was left out of the equation. We are fortunate to have the DART in Malahide and Portmarnock on the eastern side of our region. Therefore, we need some major public transport capital infrastructure as well and the Malahide bypass-----

Acting Chairman (Deputy Alan Farrell): I thank Deputy Broughan. His time has expired.

Deputy Thomas P. Broughan: I have one last line. I thank the Acting Chairman, who is

very generous.

Acting Chairman (Deputy Alan Farrell): I am.

Deputy Thomas P. Broughan: On the last point, I want to bring the Malahide Road to the Minister's attention. I do not know what will happen when we have the general election in a few weeks or months time and who will be sitting behind the Minister's desk. If Deputy Donohoe is still there, in whatever circumstances, I hope he might remember the Malahide Road realignment and help our engineers in both counties to bring it to pass.

4 o'clock

Deputy Paschal Donohoe: I heard the two different points the Deputy made. My priority is to find a way to significantly improve public transport access on the north side of our city in a way that will benefit many of the communities to which the Deputy referred. This means there are other initiatives that I, or any future transport Minister, will not be able to do for some time, given that it will require investment to put in place new public transport access for the north side of Dublin.

Regarding the Malahide Road, my Department has not received a proposal on it, although some costings or work may have been done a number of years ago. I will soon meet the two local authorities regarding other transport matters and I will raise it with them and see where the matter stands. I know that part of the city well and, while there is a need to improve our public transport access overall, I am familiar with the quality of some of the roads to which the Deputy referred. I thank the Deputy for raising the issue.

The Dáil adjourned at 4 p.m. until 2 p.m. on Tuesday, 29 September 2015.