



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Leaders' Questions	2
Ceisteanna - Questions	10
EU Meetings	10
Order of Business	21
An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Uisce faoi Úinéireacht Phoiblí) (Uimh. 2) 2016: An Chéad Chéim	28
Thirty-fifth Amendment of the Constitution (Water in Public Ownership) (No. 2) Bill 2016: First Stage.	29
Dublin and Monaghan Bombings: Motion	29
Ceisteanna - Questions (resumed)	44
Priority Questions	45
Child Benefit Payments	45
National Internship Scheme Review	46
Departmental Legal Cases	48
National Internship Scheme Review	51
Social Insurance	53
Other Questions	55
Labour Activation Measures.	55
Child Benefit Eligibility.	59
One-Parent Family Payment.	61
Social Welfare Benefits	64
Jobseeker's Allowance.	66
Dublin and Monaghan Bombings: Motion (Resumed)	68
Adjournment Debate Matters	71
Dublin and Monaghan Bombings: Motion (Resumed)	71
Commission of Investigation (Certain Matters Relative to the Cavan-Monaghan Division of An Garda Síochána) Report: Statements	74
Domestic Water Charges: Motion (Resumed) [Private Members]	113
Adjournment Debate	139
Autism Support Services	139
Speech and Language Therapy Provision	142
Hospital Services	144

DÁIL ÉIREANN

Dé Céadaoin, 25 Bealtaine 2016

Wednesday, 25 May 2016

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Leaders' Questions

An Ceann Comhairle: We will now take Leaders' Questions under Standing Order 29. I call Deputy Micheál Martin.

Deputy Micheál Martin: Yesterday, in response to the barbaric murder of Gareth Hutch, the latest in a series of callous murders across the capital city, the Taoiseach said initially in his response that he could do nothing to stop the killings. Also, one senior Garda said there was no immediate end in sight. An interpretation of what the Taoiseach was saying essentially is that the State is almost powerless to stop this and turn the tide against the criminal gangs and the drug overlords controlling parts of our city and country.

I put it to the Taoiseach that there is a need for the State to really get into the face of these criminals, assert who is in charge of our country and ensure that crime does not pay. The 2009 legislation is in place and its full implementation is required. It created new offences in terms of directing a criminal organisation and participation in organised crime, invokes the Offences against the State Act and the utilisation of the Special Criminal Court, and depends greatly on intelligence the Garda has built up over time. The Garda and the full armoury of the State need to meet these criminals head on and be constantly in their face in terms of ensuring they do not reign with the apparent ease with which they do at the moment when they can run up and murder people in cold blood and in broad daylight. Therefore, the full implementation of the 2009 Act is called for.

Second, with regard to the proposal for a mini criminal assets bureau, I know that in a recent reply the Minister for Justice and Equality, Deputy Fitzgerald, was careful to avoid any commitment to its establishment and drew a distinction between the new unit profiling people in Store Street and the establishment of locally based criminal asset bureaux that would, again, get in the face of criminals on the ground-----

An Ceann Comhairle: We need a question, please.

25 May 2016

Deputy Micheál Martin: -----who have unexplained wealth in various localities and who are running the scenes there. That is now in the programme for Government, but there is no real sense of any commitment to it. The community groups we met last week were clear that they got no sense of any commitment to establish mini-CABs. The term “mini” is used, but these would be locally based CABs that were on the ground targeting these individuals and their wealth and making life extremely uncomfortable for them.

Thirdly, if I may-----

An Ceann Comhairle: Does Deputy Martin have a question?

Deputy Micheál Martin: Yes. I have put two to the Taoiseach already with regard to the 2009 Act and the mini-CABs, because the sense is that the national CAB is removed from the streets now. Its influence is not there.

An Ceann Comhairle: All right. Thank you, Deputy. The time is up.

Deputy Micheál Martin: The third question, if I may, concerns the Misuse of Drugs Act, which I put to the Taoiseach yesterday. This has been going on for quite some time. The main issue on the streets in the north inner city concerns tablets and Z-drugs, as they are called. A change of regulations is required. The signing of regulations is required to criminalise that activity and to give the Garda the power it requires to arrest those who are distributing tablets across the city. Those powers are not there and, incredibly, the Garda is not in a position to move effectively on that particular phenomenon, which is a huge source of revenue to the drug lords and which is damaging young people in those communities.

The Taoiseach: First of all, what I said yesterday was that this was a murderous feud between two rival families. We have had experience of this in the past. Pleas to the McCarthy-Dundons, the General and the Gilligan gang did not do anything until intelligence, personnel and investment in resources and capacity were able to take these people off the streets and put them behind bars, and the same applies here now. At least in those cases, in different years, the criminal gangs were based here in Ireland. There is now a strong international connection, with hits being ordered from abroad. This is as much about sending signals internationally about the so-called status of criminal gangs as it is about power and money and misery here. The sending of people to carry out or to attempt killings for what are in some cases very small sums are really signals from those who live with the trappings and shallowness of wealth abroad and do their dirty business from abroad. I say very clearly to Deputy Martin and everyone else in this House that the Government will not back down in the face of this. We have had experience in different counties over the years, and it takes a long time to deal with these things.

In respect of local resources, the Minister met with all the communities, as did Deputy Martin, quite recently. I intend to meet the leadership of the communities and all the public representatives myself when it is appropriate. However, as of 31 March, 598 gardaí are assigned to the Dublin Metropolitan Region - North Central, of which 251 were assigned to Store Street and 186 to Mountjoy, while 33 newly attested gardaí have been assigned to the north Dublin region also.

As Deputy Martin knows, Operation Hybrid has been put in place to manage the recent increase in violence and these murderous activities by gangs. More than a thousand lines of inquiry are being pursued, a significant number of statements and exhibits have been gathered and widespread searches have been carried out. Arms are being seized, people are being brought

before the courts and cases prepared, and the courts will do their duty. As I said yesterday, more than a thousand extensive armed checkpoints have taken place since February, which is more than 80 a week, and no more than 500 patrols and 400 searches have been conducted under this operation across the Dublin region. Those checkpoints and patrols are significantly supported by armed support groups such as the emergency response unit and the regional support units.

An Ceann Comhairle: I need the Taoiseach to conclude, please.

The Taoiseach: A significant amount of CCTV and mobile phone traffic is being examined and every investigation is overseen by a dedicated team and investigating officer. Arrests have been made, including on 24 May in connection with the shootings of Eddie Hutch Senior and Gareth Hutch, respectively. This situation is reviewed on a weekly basis. I have asked the Minister for Justice and Equality, the Garda Commissioner and the assistant commissioner to come at 7 p.m. this evening for a full security briefing, particularly in respect of the extra facilities and resources being made available in the north inner city to deal with this issue. I will inform the House of the ongoing activity. Believe me, Deputy Martin, the State and the Government will not lie down in front of this intimidation.

An Ceann Comhairle: We have one minute for a supplementary question from Deputy Martin.

Deputy Micheál Martin: I thank the Taoiseach for his response. I point out that, notwithstanding that huge effort - I accept the bona fides of the Garda in everything it is trying to do - and notwithstanding everything the Taoiseach has said, there have been seven murders within 100 days in our capital city. That says it all about the state we are in right now and the degree of power that these people are currently wielding on our streets. The Taoiseach did not answer the questions I put to him. Under the 2009 Act there is stronger capacity to really make life uncomfortable for many of these criminals, who are well known to the Garda from intelligence work and so on.

Is the Taoiseach really committed to the excerpt in the programme for Government dealing with the establishment of locally based Criminal Assets Bureau units? They could really get stuck in to people on the ground, including the lower and mid-level drug pushers who have unexplained wealth, obviously from the proceeds of crime, and who are ruling the roost in their local communities. They are giving up to €200 or €300 to 13 year olds and 14 year olds to distribute tablets on the streets.

An Ceann Comhairle: Will you conclude, Deputy, please?

Deputy Micheál Martin: That is what is going on in the streets of the north inner city. Young children can earn a fortune. They are told to bring a packet to a certain place and they will then get €200. They are telling the other children that they are mugs not to be involved because it is lucrative and so on. We have to listen to the people there. That is most important.

I did not get a reply today or yesterday to a third issue. Deputy Shortall raised this question as well. The Garda needs powers to arrest people who are selling prescription drugs on our streets. The Minister for Health needs to sign in to law new regulations under the Misuse of Drugs Act. That is why I called for a multi-agency approach yesterday. It is not all about security.

An Ceann Comhairle: Thank you. Deputy, you need to conclude.

25 May 2016

Deputy Micheál Martin: When can we expect this legislation to come on-stream to give the additional powers that the Garda needs? We are being told by community activists that gardaí are saying to them that the force does not have the power to tackle this particular issue.

Does the Taoiseach agree that there is a need for a multi-agency task force to be put in place involving the local public representatives in the areas as well as community activists? Does he agree that we need to take a multi-faceted approach, above all, to make life extremely uncomfortable for those who are ruling the roost at the moment?

The Taoiseach: The last point Deputy Martin raised has been discussed with the Minister for Justice and Equality and all of the groups in the communities. This is very important. Some of the groups have been in existence in different parts of the country for many years. They may need to be reinvigorated in terms of the work they do and so on. That issue is under discussion.

Let us be clear on this point. These gangland crimes and killings, including the orders and attempts to kill, are not being done on a whim or decided in the corner of some kitchen in inner city Dublin. They are being directed from international sources. There needs to be a far greater connection and far more vigilant operation with international police forces and intelligence in respect of such gangs. I will make the point again. What is happening internationally is as much a signal being sent to other international criminals about the status of a gangland crime from Ireland, involving the Kinahan gang or whatever, and about what they can do. These gangs are intent on retaliatory killings in Dublin. My concern is for the people living in these communities and their children in particular. A school had to be locked down yesterday.

Deputy Martin made a number of other points. The Misuse of Drugs Act deals with licensed tablets. We need primary legislation to deal with an extension of the provisions. That is being prepared by the Minister for Health.

Deputy Micheál Martin: This has been going on for years.

The Taoiseach: We cannot introduce the regulations until we have the primary legislation. There was a particular case.

An Ceann Comhairle: You need to conclude, Taoiseach.

The Taoiseach: When it comes, I hope the House can agree to deal with this.

Deputy Micheál Martin: It is a scandal in itself that it has taken this long.

The Taoiseach: Deputy Martin asked about the mini Criminal Assets Bureau units. The Garda Commissioner has appointed local investigators in different parts of the country to deal with this issue. They act as mini CAB units in different locations throughout the country. I will meet the Garda Commissioner this evening at 7 p.m. for a full security update, including what is being provided and whether the Garda Commissioner and the police force need other resources to deal with this issue. I intend to meet all the public representatives and community leaders when it is appropriate to do so in respect of dealing with it. I expect we will get support from all Members because the issue affects everyone.

Deputy Gerry Adams: Last Tuesday, Teachta McDonald and I, along with several hundred citizens of Dublin's inner city, took part in a public vigil at the monument in Buckingham Street against criminal violence. The Taoiseach may recall that a memorial was erected in 2000 to remember the 150 people from that community who died during the previous 20 years from

heroin and other drugs. I commend the organisers of this act of solidarity for a community that has suffered grievously from significant violence and criminality.

A total of seven men have been murdered as part of a so-called criminal feud. People are living in fear. Whatever else we may disagree about in this Chamber, it is important for us to state clearly that the small minority of criminals involved do not represent the communities we serve. These are not ganglands; these are wonderful communities victimised by criminal gangs. They are caring communities that deserve better. They need social and economic regeneration. In particular, they need the Government and An Garda Síochána to allocate resources and personnel to achieve this end and put those responsible behind bars.

This lack of resources did not happen by accident. The Fine Gael Government, during its last term, closed Garda stations, as did Fianna Fáil. In the north inner city of Dublin, there are now 140 fewer gardaí than in 2010.

Deputy Willie O'Dea: Who was arrested yesterday?

Deputy Gerry Adams: In the south inner city, there are 160 fewer gardaí. I commend An Garda Síochána on the work it does in difficult circumstances, but additional gardaí are needed, as is funding for projects and a comprehensive plan for the community in respect of jobs, councillors, children, in particular, teachers, addiction services and youth groups. A range of community services that intervene with young people at risk or those with drug addiction have had resources cut. That did not happen by accident either. The Fine Gael Government and Fianna Fáil did that as well. Will the Government commit now to increased funding and an integrated plan for the social, economic, educational and community development of the north inner city?

The Taoiseach: I agree with Deputy Adams in that the people who live in these inner city areas have every right to have at their disposal proper facilities and opportunities for their children. I agree with Deputy Adams about their commitment to make that opportunity available for their children and families. Why not? I saw and felt as much when I was at the funeral mass of Martin O'Rourke. People came up to me and made the very point Deputy Adams has made, and I agree with it completely.

It is a fact of life and I have said this already. I intend to see that, in so far as this Government can, with the help of everyone, we turn our face towards dealing with social disadvantage and unfairness. The children growing up in these areas are at a serious disadvantage to others in many places throughout the country. We have a position whereby the economy is in a position to deliver better than before. Really and truly, I hope to make progress by meeting with the community leadership and giving the Garda the resources and facilities to do its job in dealing with gangland crime. It is exceptionally labour-intensive, costly and a drain on the taxpayer, but it is necessary for the safety, protection and opportunity of communities throughout the country. We intend to stand by that, and I know Deputy Adams and Sinn Féin will support us in that regard.

It is distressing to read of the lock-down of schools and the fears of parents, who are afraid of what is going to happen to their children. Perfectly innocent young people have been gunned down in the madness of inter-gangland, inter-family rivalry and feuding. The people who organised the procession the other day did a superb job. The day before, the Minister for Justice and Equality met the communities and their leadership for over two hours to hear their concerns, feel their anxiety and see whether together we can put in place a process that will deal

25 May 2016

with this. As Deputy Adams is well aware, it took years to deal with the McCarthy-Dundon gang. It took years to deal with Gilligan. It took years to deal with The General. It does require information, resources, capacity and courage from young people who join the Garda. That is why Templemore has been opened. That is why there will be increased numbers of young gardaí coming through. That is why I was glad when the Commissioner mentioned to me that the application for the armed unit had been very much oversubscribed by people who have a real opportunity here and a real commitment to dealing with this. After this evening's meeting with the Commissioner, the assistant commissioner and the Minister for Justice and Equality to get the update on what extra is being put in here, what facilities are available and the capacity of gardaí to do their job, I want Government to be able to work with those communities and others throughout the country to deliver for their children and their cities in a way that we could say Government will not be intimidated by this kind of murderous feuding, that it will not lie down in the face of that, and that it will deliver for the people and the resources will be there for gardaí to protect those communities and people. That is our duty and our responsibility.

Deputy Gerry Adams: We need to go beyond fine words and empower these communities. Yes, we need new tough legislation to deal with the illegal trade in prescription drugs, but the report of the first ministerial task force on drugs, published 20 years ago, highlighted the link between drugs, crime, poverty and social and economic deprivation. It called for increased investment not only in front-line policing but also in education, treatment and prevention. Twenty years later, the Clondalkin drugs task force a few weeks ago published a report entitled Outcomes: Drug Harms, Policy Harms, Poverty & Equality. It is the same old story. This report is a damning indictment of 20 years of failure by successive governments and it accepts, despite the huge amount of work done by local community workers, addiction counsellors and other key workers, gardaí, teachers, sports coaches and residents, that things are getting worse. We need increased funding for gardaí but also for drugs task forces whose funding like that of the one in Clondalkin has been cut by 45%.

This is not only a Dublin issue. In my constituency of Louth and east Meath there is a serious underfunding of addiction services. None of this happened by accident. It is a direct result of Government policy. Will the Taoiseach commit to bringing forward a plan which will mean there will be a Government-led task force involving local communities to carry out a comprehensive multi-agency strategic plan to reclaim these communities, empower their citizens and regenerate these brilliant communities made up of decent, sound people?

The Taoiseach: I do not want merely to deal with words. I know of few people in this country who speak with the voice that the Minister of State, Deputy Catherine Byrne, does about social disadvantage and what can be done about it. She is the newly appointed Minister of State with responsibility for drugs and will lead on the drugs strategy. She will liaise with the local drugs task forces. There will be proper public consultation. There will be a proper strategy for drugs before the end of the year and that involves consultation.

The first period of the previous Government was spent dealing with an unprecedented economic catastrophe. We have now moved to a different place. We need to have the resources to invest in communities and people. That is why we have been able to put more into the facilities for gardaí to do their job which had been neglected for a very long time. It is not where it should be but it is better than it was. In answer to my questioning about the level of resources being given to the Garda Commissioner and the assistant Garda commissioner, they tell me they have what they need. I will deal with that again at 7 p.m. today. Now I am interested in seeing that those children, parents and young people are given some sense of aspiration, hope and confi-

dence. We can only do that by working together. That is why the new Minister of State with responsibility for drugs has my full support in the way that she knows, as a public representative and a former Lord Mayor of the city, what it takes and will take to get communities focused on where we know they can be and remove that social disadvantage. Yes, it will take investment, consultation and community leadership, but that is all there and those ingredients are there if we only apply ourselves in a way that I know we can and, I hope, will.

Deputy Brendan Howlin: I express my solidarity and that of my party with the people of the inner city of Dublin who perceive themselves to be under siege because they are under siege. The first duty of everybody here for the people who feel like that in their own communities is to understand that this House and every Member in it not only stands with them but is determined to solve the problems they face.

I listened with some care to the Taoiseach's words. It is our common analysis that crimes and feuds like this do not exist in a vacuum. There are criminal gangs based in our city and country, and some based offshore, who thrive like parasites on the deprivation and desperation of communities like this. Words are not enough today. There needs to be two approaches. One is immediate, and we are agreed on that, which is a policing response that is intelligent and effective. It worked in the past in Limerick and other places when there was solidarity across this House in the mid-1990s when Ruairí Quinn brought in the Criminal Assets Bureau, CAB, legislation. We were determined to do whatever was necessary. We need the people of the north inner city to hear that absolute sense of unity and purpose today.

Second, in respect of the social disadvantage that Deputy Adams and others have spoken about and to which the Taoiseach has responded, what specifically are we going to do? I have great faith-----

Deputy Róisín Shortall: What was the Deputy doing for the past five years?

Deputy Brendan Howlin: In the past five years we were trying to pick up the pieces of a broken country-----

Deputy Róisín Shortall: The Government cut social welfare payments.

Deputy Brendan Howlin: -----that Deputy Shortall walked away from.

An Ceann Comhairle: Let us have one speaker, please, and the speaker needs to conclude.

Deputy Brendan Howlin: This is not about any Member of this House or scoring points.

Deputy Róisín Shortall: No it is not.

Deputy Brendan Howlin: It is a question of a community under siege. Instead of dividing, we should unite in common purpose. I hope everybody will join in common purpose and not see this as something that we can score points on. Can we have an agreement to have a dedicated task force to deal with this community? Will the Taoiseach indicate who will lead it, who will be involved in it, its timescale and what resources will be deployed?

The Taoiseach: I share Deputy Howlin's view and thank him for his comment that it is important that everybody sends out a very clear message, and not only that but shows by action that we stand with these communities and this community in particular. The Deputy is right to say that crimes do not exist in a vacuum. The difference between this situation and ones that

25 May 2016

applied in previous years is the international offshore connection where those who have gained vast proceeds from dealing in drugs live very different lives, with the shallowness of that ill-gained wealth, and give their directions from abroad.

In the meantime, the response now is to focus on intelligence, prosecution, the courts system and getting people behind bars for criminal activities. As the Deputy well knows, that is a labour-intensive situation. The Limerick situation he mentions was different because of the international connections now. I welcome the resolve of everybody in the House to deal with this. When I have a full briefing from the Commissioner in respect of what is there now and what is required, I will share that with the leaders of the groups here.

11 o'clock

I can confirm that a task force will deal with the local situation in the inner city. I can confirm to Deputy Howlin that an action-based national strategy to deal with drugs will be put in place and that there will be consultation with local drugs task forces and communities.

Deputy Róisín Shortall: The Government tried to close them down three years ago.

The Taoiseach: Beyond that, we need to examine the broader facilities available to those communities, which in many respects are grossly inadequate, in order that the leaders in those communities can work with young people, families and children to give them a sense of what investment in communities can deliver, namely, the opportunity and hope that they can have a better life.

In the meantime, the response is now on the street to assure people that, despite the murderous activities and attempted killings, the Government and all of us as representatives stand with these communities. I do not just say that; I will prove it. We will engage with them, hear their views, anxieties and concerns and deliver on them. In the immediate, medium and longer term, I assure everybody in the House that we will follow through diligently with these actions.

Deputy Brendan Howlin: I welcome the commitment of the Taoiseach to the twin-track approach to which I referred. We want it to be immediate and include effective policing with the degree of determination that this House showed in the mid-1990s. I welcome the fact the leaders of the Opposition parties will be briefed after tonight's meeting.

The Taoiseach's second announcement was as important as the first. I welcome the announcement that there is to be a task force. We need to know and have input into its terms of reference. Who will lead it? What sort of resources will be deployed? We should not focus on this issue simply because it is now in the public eye. Rather, we should have a medium and long-term strategy that will resolve the issue in order that these parasites cannot recruit vulnerable people in communities to do their vicious will again.

The Taoiseach: I agree that the leaders of the parties in opposition should have the right to have an input into the terms of reference of a local task force. These discussions have already started. I would be happy to ask the other leaders and groupings for their views on how we can do this in the best way possible. The social inclusion units of the Departments of Social Protection and Health are important entities and will form part of the process.

I hope, arising from what we now propose to do, that we get coherence and a strategy in order that the communities affected will be able to see what will happen in the immediate, me-

dium and longer term. This is a partnership operation that affects everybody. I hope the Dáil can show the communities affected that we are serious about acting in their interests. Dealing with criminal activities requires resources but, more importantly in the longer term, we need to allow those communities to have a life and be able to thrive, move on and provide the opportunities for their children, families and older people to which they are properly entitled.

Deputy Róisín Shortall: Community services have been savagely cut over the past five years.

The Taoiseach: That involves dealing with some of the issues raised by Deputy Howlin.

Ceisteanna - Questions

EU Meetings

1. **Deputy Micheál Martin** asked the Taoiseach if he has met with or spoken recently to the Chancellor of Germany, Ms Angela Merkel, and if he discussed the migrant issue with her; and if he will make a statement on the matter. [9985/16]

2. **Deputy Micheál Martin** asked the Taoiseach his views on the recent resignation of the pro-European Turkish Prime Minister, Mr Ahmet Davutoğlu, and the impact this will have on the European Union migrant deal; and if he will make a statement on the matter. [9988/16]

3. **Deputy Micheál Martin** asked the Taoiseach the status of the last European Council meeting, including if he contributed on any issue; and if he will make a statement on the matter. [9989/16]

4. **Deputy Micheál Martin** asked the Taoiseach if he has had bilateral meetings with European leaders since the start of March 2016; and if he will make a statement on the matter. [9990/16]

5. **Deputy Gerry Adams** asked the Taoiseach to report on the European Union meeting of Heads of State on 7 March 2016 with Turkey; and if he will make a statement on the matter. [10019/16]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised the issue of Ireland's housing and homelessness crisis at the most recent meeting of the European Council; and if he will make a statement on the matter. [10150/16]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach the discussions he had with the British Prime Minister, Mr David Cameron, at the most recent meeting of the European Council; and if he will make a statement on the matter. [10151/16]

8. **Deputy Richard Boyd Barrett** asked the Taoiseach the issues he will raise at the meeting of the European Council in June 2016; and if he will make a statement on the matter. [10155/16]

The Taoiseach: I propose to take Questions Nos. 1 to 8, inclusive, together.

I met Chancellor Merkel at the European Council on 17 and 18 March, and while I spoke to

25 May 2016

her, we did not have a formal bilateral meeting. I last held such a meeting with the Chancellor when I visited Berlin on 3 July 2014 following her visit to Dublin that March. I have had no scheduled bilateral meetings with my European counterparts since the start of March, although I did of course see and engage with them at the 7 March summit with Turkey and at the later European Council meeting of 17 and 18 March. Several of them have written to me since my re-election as Taoiseach.

As to the joint statement, the implementation of the measures agreed between the EU and Turkey in March continues, although this process poses challenges for all sides. In assessing whether the measures are working, it is worth recalling that the core intention of the joint statement was to break the so-called business model of people smugglers profiting from the suffering of the vulnerable and to stop migrants attempting to cross the Aegean Sea. The latest reports indicate the numbers using this migratory route have reduced very considerably since the implementation of the measures began, which is to be welcomed.

However, the realities of dealing with a crisis this profound and complex cannot be ignored, and in some areas implementation of the agreed measures has been very slow. I share the recent assessment of the European Commission and others that progress on the relocation and resettlement of asylum seekers is unsatisfactory. From Ireland's perspective, in September last year the Government established the Irish refugee protection programme, under which we have agreed to accept 4,000 people in need of international protection. This allowed us to opt in to various EU measures in solidarity with our partners.

I am pleased that we are on track to meet our resettlement commitment. To date, 263 people have arrived in Ireland and the balance of 257 individuals to be admitted under the programme have been selected following a mission to Lebanon in January and should arrive in Ireland by the end of September. Progress on relocation has been much slower. Only ten people have arrived in Ireland to date in spite of our best efforts to fulfil our overall commitment. These delays are due to factors outside our control, in particular the establishment of emergency hotspots in Greece and Italy, and have been experienced by all other member states. We are working closely with our EU partners to address these issues. The delivery of commitments in regard to international and European law is rightly undergoing scrutiny and there is close co-operation between the European Union and the UN High Commissioner for Refugees.

Member states on the front line of dealing with the crisis remain under pressure. It is essential that all partner countries assist them in managing the practical realities of supporting the significant number of migrants and refugees who have arrived in their countries. To that end, Ireland's contribution to the overall response, in terms of humanitarian assistance and technical support, are important.

On the wider situation in Turkey, recent developments there have given rise to heightened concerns about respect for human rights, freedom of the media and the rule of law. I also note the resignation earlier this month of the Turkish Prime Minister. It remains to be seen what impact these developments might have on the delivery of commitments under the EU and Turkey March statement, including visa liberalisation for Turkish citizens entering the Schengen area.

Therefore, while some of the measures have had an immediate and positive impact, it is important to maintain momentum if the overall package is to make a long-term contribution to tackling the migration crisis throughout the entire region. We also know that pressures continue on other migratory reroutes. I was very pleased that the Government agreed last month to the

deployment of the *LE Róisín* in support of the humanitarian search and rescue efforts of the Italian authorities in the Mediterranean, repeating the valiant efforts of our Naval Service last year which rescued 8,592 men, women and children. The *LE Róisín* will spend ten weeks in the Mediterranean assisting the Italian authorities. She commenced search and rescue missions on 12 May 2016 and since that date has rescued almost 400 men and women. On behalf of the people, I extend my appreciation and warm wishes to her and her crew for the duration of her mission.

The migration crisis rightly and necessarily remains an issue of the highest priority. There will be a further discussion of these issues at the June European Council and I will report back to the House afterwards.

I made a comprehensive statement to the House on 22 March on the meetings of the European Council in February and March and on the two EU summits with the Turkish Prime Minister, both in March. The conclusions agreed in February and in March have been laid before the House. To give a brief recap, the two main areas addressed at the meetings were the EU-UK relationship, and the discussions with Turkey on the migration crisis.

In February, the European Council also addressed a range of economic issues. There was a commitment to further implementation of all aspects of the Single Market. That includes delivering on the Commission's Single Market and Capital Markets Union strategies but also, on a point which is key for this country, and at our insistence, on the Digital Single Market. Conclusions were adopted on Syria and Libya.

The European Council on 18 March also adopted conclusions on climate and energy, recalling the need to reinforce energy security and to sign and ratify the Paris agreement as soon as possible, as well as on agriculture and on the steel sector.

I met Prime Minister Cameron bilaterally at the European Council of 18 to 19 February. Following my re-election as Taoiseach on 6 May, he telephoned me to express his congratulations. I said that I would do whatever I could usefully do to help in the run-up to the UK referendum on EU membership on 23 June. I expect to meet him soon, when our schedules permit.

The issue of Ireland's housing and homelessness crisis was not on the agenda of the March European Council. I did not raise it at the meeting, therefore, nor is it generally the practice of the European Council to discuss domestic issues in the 28 member states.

The current draft agenda for the June European Council, as it stands, includes migration; jobs, growth and investment; external relations; and the outcome of the UK referendum, which will have taken place five days earlier. The last item will feature more or less prominently depending on the result.

The European Council will review the situation on migration in all its aspects. In particular, it will look at the external aspects of migration, assess progress in strengthening EU external borders, and take stock of the implementation of the EU-Turkey statement.

On jobs, growth and investment, the European Council will endorse the country-specific recommendations as they stand following Council consideration and conclude the 2016 European semester, assess the first results of the European Fund for Strategic Investments, EFSI, and draw operational conclusions for its future, endorse an agenda for the implementation of all aspects of the Single Market with a view to exploiting in full its untapped growth and produc-

25 May 2016

tivity potential, address the issue of economic and monetary union, and take stock of ongoing action to fight tax fraud, tax evasion and money laundering.

On external relations, the European Council is likely to discuss developments in a number of countries. There may well also be an exchange on EU-NATO co-operation in advance of the NATO summit in Warsaw in July. I will, as usual, make statements to the House both before and after the meeting.

An Ceann Comhairle: Might I suggest, to be helpful, that we would take statements from each of the three offering Deputies and then go back to the Taoiseach for a response? Are Members happy with that arrangement? We might get a second round of supplementaries if we do it that way. Are Members happy with the arrangement?

Deputy Micheál Martin: Is the intention that we would make general comments?

An Ceann Comhairle: Yes, each of the three Deputies would make general comments and the Taoiseach will reply and then we will go back to each Member for a second round of questions.

Deputy Micheál Martin: Is it the case that the Taoiseach would respond to the three of us together?

An Ceann Comhairle: Yes.

Deputy Micheál Martin: Yes, but given the Taoiseach's-----

An Ceann Comhairle: All right.

Deputy Micheál Martin: Given his dexterity at answering those questions he wishes to answer, he might forget to answer the ones he might not want to deal with.

An Ceann Comhairle: If it is not agreed, it is not agreed.

Deputy Micheál Martin: No, we will give it a shot. I only speak in jest.

The Taoiseach: A Cheann Comhairle, if the Deputies want, they could make a general statement and then I will answer individual questions from them if they wish.

An Ceann Comhairle: There will be a round of three. Deputy Martin has the floor.

Deputy Micheál Martin: There are approximately four items covered.

The Taoiseach: The Deputies can make a statement, then ask a general question or two and then I will take questions individually.

Deputy Micheál Martin: Questions Nos. 1 to 8, inclusive, cover the European Council, Angela Merkel, Turkey, migration and housing. There are a lot of issues involved. We must be fair to everybody. I am open to the approach outlined but the discussion could become very general.

One of the defining challenges of our time across Europe is the growth of populist extremism. The ideals of free democracies are under attack and democracy generally is under very significant attack across the globe. Democracies are under attack in Europe in particular. The defeat of the far right candidate in the Austrian election is extremely welcome but it went far

too close. The European Union is flawed and it often fails to apply its own founding principles. Those who spend their time attacking it for that reason ignore the much worse, more extensive and more aggressive policies of other countries. Will the Taoiseach give an assurance that he will oppose any efforts to soften the European Union's position in defence of Ukrainian sovereignty and if he will support increased support for civil society and human rights organisations operating in countries bordering the European Union, many of which are under a lot of pressure?

I welcome one development in recent years, namely, the European Endowment for Democracy which supports democracy and human rights activists in many countries. Unfortunately, Ireland is not a contributor to the fund and in a recent vote in the European Parliament, Irish Members of the main far left group either opposed or refused to support the fund. Will the Taoiseach agree to reconsider Irish funding for the European Endowment for Democracy?

Discussions on the restructuring of Greece's debts are still ongoing with the European Union. There is no doubt whatsoever that Greece needs a significant improvement in terms of its debt, in both the duration and cost of the debt. Given how much Ireland has benefited from previous deals negotiated between the European Union and Greece, will the Taoiseach confirm that Ireland is supportive of Greece and is not just blindly following the damaging hardline stance of some of the other countries?

I listened carefully to the Taoiseach's comments on Turkey. Question No. 2 relates to the replacement of Prime Minister Ahmet Davutoğlu and a clear change in both culture and behaviour within the Turkish political world. When we discussed the outcome of recent summits, I said the deal with Turkey, in particular relating to the migrant crisis, is not one of which we can be proud, and it is not one we can be confident will stay in place. The Taoiseach referred to recent developments. In recent days there has been a dramatic disimprovement in the political situation with a move to prosecute the majority of opposition MPs, thereby giving the ruling party a majority big enough to change the constitution. Many of the alleged crimes involve so-called "giving offence to the President". This is a final move effectively to criminalise dissent. We must end the pretence that this is behaviour compatible in any way with democratic practices or that it is acceptable for a candidate country. I want the Taoiseach to call this in a very direct and straight way. He said in his reply that it remains to be seen what will happen. It is quite obvious what is happening in Turkey and that has been the case for some time. There has been a move away from the democratic norms and values that the European Union has always said had to underpin any relationship with Turkey, and in particular in terms of visa liberalisation to the Schengen area and in terms of opening a negotiating chapter pertaining to Turkey's application for European Union membership. The European Union negotiated at a very weak moment for the Union in terms of its incapacity to deal with the migration crisis. As the Taoiseach said in his reply, the European Union is now dealing with a regime that has a lot of questions to answer in terms of the very basic issues pertaining to human rights, the freedom of the media and the rule of law. What is the European Union going to do about it and, more important, what is the Government's position on developments within Turkey and, in particular, on the recently negotiated deal with Turkey?

In terms of the migrant crisis, the stories emanating from Calais are appalling. It is an absolute scandal the condition in which thousands of people are living in the Port of Calais alone, notwithstanding the wider issue of migrants coming across Europe. In the Irish context, the Taoiseach stated we had accepted or agreed to take 4,000 people. He should correct me if I am wrong and might clarify this point again but he stated that only ten people have arrived.

The Taoiseach: In resettlement, yes.

Deputy Micheál Martin: In resettlement. Is it the position that approximately 200 had arrived prior to that? Yet the Taoiseach stated we are on target for the figure of 4,000 people. He might outline to me whether somewhere within the Department of Foreign Affairs and Trade, the Department of Justice and Equality or wherever there is an actual timetable or programme putting flesh on the bones of the language, the rhetoric and the commitments that get articulated consistently.

The Taoiseach: Yes.

Deputy Micheál Martin: Is it known when, where and how all of this will happen?

Deputy Gerry Adams: I wish to concentrate on what is the biggest crisis since the Second World War and on the response of the European Union and the Government to it. The International Organization for Migration, IOM, estimates that between the beginning of 2016 and 25 April, a total of 196,325 emigrants and refugees have arrived in Europe, mostly by sea. This is a huge number of people who have landed in Italy, Greece, Cyprus and Spain. During the same period, 1,359 people died or were lost at sea. That number is the size of the population of an average small town and the IOM estimates that, last year, more than 1 million people arrived. One core response to this humanitarian crisis has been the EU-Turkey agreement. Sinn Féin has been clear and has criticised this agreement. It is against and has spoken out against this agreement and I have raised it here many times with the Taoiseach since it was brought into being. Turkey is a country with a deplorable human rights record and a history of discriminating against minorities. As it is clear that Turkey is not a safe country of origin, the European Union should not be deporting vulnerable people to that place. Human Rights Watch has stated the deportations that already have occurred were rushed, chaotic and violated the rights of those deported. Oxfam has accused the EU of trading human beings for political concessions. Here is the rub. The Government went along with this measure. This is not something distant that is happening away over there; the Government agreed to it.

The Government announced the plan to take in 4,000 refugees and Sinn Féin supported this measure. However, only a handful of people, a family of ten, have been relocated in this State under this scheme with 31 people expected to arrive in the coming weeks. In the North, as part of our involvement in the British Government's vulnerable persons relocation scheme, 108 people have been relocated. While I do not wish to compare these two states on the island, there is a disparity. It is not good enough in that 51 people came last December, while 75 arrived in the Six Counties at the end of April. There are more to come and arrangements have been made for the next group to arrive in the coming months. However, the response of the State and the EU in the face of this major appalling human tragedy has been disgraceful. Given our history and our memory of coffin ships and of forced exile, the Government's response is shameful. It is much like the ongoing treatment of citizens in direct provision across the State. These men, women and children are fleeing devastating war and oppression to get asylum in the EU and yet, with smiles and handshakes, the EU has decided that vast numbers of them will be sent back to Turkey. The Government should demand that the EU agreement with Turkey be suspended. I appeal to the Taoiseach to do this. We should continue to press for real support for the humanitarian work that is being carried out in refugee camps. We also should increase urgently the relocation of refugees here and should continue the work for humanitarian solutions. The people, the ordinary citizens, are much further ahead than the Government in this regard as there have been 800 pledges to the Irish Red Cross to house incoming refugees. More than 60%

of these were offers to share accommodation, while 30% offered vacant houses and apartments.

I will conclude by noting that another consequence of the EU's deal with Turkey is that people are starting once again to attempt to cross from Libya to Italy, which is a much more dangerous sea journey than is the journey from Turkey to Greece. Members should think about how in this month alone the United Nations has estimated that 500 people have drowned. That is going on and tomorrow it will be more, while the day after that it will be more again. I welcome the work of the Irish naval vessels and commend the men and women who work on these vessels. They are a credit to the service and I welcome in particular the deployment of the *LE Róisín*, which was sent there at the beginning of May. On 16 May, its crew rescued 365 people who were in difficulties, which is wonderful work. However, I warn that we should have no part in the military actions that are being contemplated, such as the destruction of boats. No such action should be part of our remit and instead we should do what these men and women have done so well, namely, to save people on these difficult and dangerous journeys. I ask the Taoiseach to raise these concerns, which are shared by many other Members of the Dáil and within the EU itself. I appeal to the Taoiseach to demand that the EU agreement with Turkey be suspended.

Deputy Richard Boyd Barrett: I also wish to raise what I believe to be the utterly shameful approach of the European Union when it comes to dealing with migrants attempting to get into the European Union. Since the year 2000, some 22,000 people have died while attempting to get into Europe and that number has escalated dramatically. The blood of those innocent people is on the hands of European Union and every single leader, including the Taoiseach, in so far as they have co-operated in developing the policy of fortress Europe, the most shameful example of which is the EU-Turkey agreement. To be absolutely clear about this agreement, the European Convention on Human Rights states that "Collective expulsion of aliens is prohibited". There is no equivocation; it is prohibited but the Taoiseach and other European leaders have signed an agreement that states that "All new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey". Ireland has signed an agreement that commits explicitly to the collective expulsion of aliens, which is counter to the European Convention on Human Rights. Consequently, we are engaging in what is, in human rights terms, illegal action that from a moral point of view is shameful and murderous. There simply is no other way to describe it and this situation is getting worse. All the measures, including Operation Triton despite the humanitarian gloss put on it, are about push-back. The policy now is one of push-back, that is, preventing them from getting in and the Taoiseach stated as much in his opening comments when he spoke of stemming the flow of migration. That is the policy now - push them back and if they drown, tough luck. They are drowning in huge numbers. The more Europe ramps up its border controls, which it is doing, the more people will die.

What is particularly hypocritical about all this is that the number of people who are trying to cross in this manner represents a tiny proportion of the number of so-called illegals in Europe. I think the term "illegals" is shameful because, in my opinion, no human being is illegal. However, in so far as one defines illegality when it comes to human beings, the vast majority of so-called illegals are people who arrive on planes with work visas. When their work visas run out, they become technically illegal. Their numbers dwarf the number of people who are trying to cross from desperate situations in Syria and north Africa, yet all the focus is on them.

Deputy Adams mentioned the numbers that have come in as 190,000. Some 110,000 people came into this country alone in 2007, which was almost as many as the so-called flood trying to get into Europe. It is not a flood. The crisis is created by the EU's push-back fortress policy.

25 May 2016

The numbers are absolutely tiny but political cynicism and self-interest are killing those immigrants. It has to stop. The EU-Turkey deal is utterly shameful in that regard. We should demand that the deal be suspended and abandoned, particularly given the utterly shameful human rights record of Turkey in the treatment of its own population.

Did the Taoiseach raise the housing and homelessness emergency with his EU counterparts? In what has to be the supreme exercise in irony and hypocrisy, the EU Commission staff working document recently criticised the Government here for failing to invest sufficiently in infrastructure. That is unbelievable seeing as it was the same troika that demanded and insisted on savaging the capital investment programme as part of the EU-IMF bailout. Nonetheless, they do point to the fact that despite the Government's claim that it is going to do something about housing, the capital investment programme this year will be less than next year's. With all the talk from the Minister, Deputy Coveney, about dealing with the housing and homelessness crisis, he is still using the same figures in terms of the direct provision of council housing as his predecessor, Deputy Kelly. There is no change.

Will the Taoiseach take the advice of the Housing Finance Agency which said that we need to significantly ramp up the level of investment in housing? If that requires increasing our debt or deficit we need to go to the European Union and say that it is right, that we have an infrastructural deficit, specifically in housing, and we want the fiscal rules suspended, or with flexibility in them, so that we can borrow the necessary money to develop a housing programme that will deal with what is an emergency. Is the Taoiseach making that argument with the European Union about our need for a dramatic ramping up of investment in social housing?

An Ceann Comhairle: I call the Taoiseach to reply. There were a lot of questions there.

The Taoiseach: Yes, indeed.

An Ceann Comhairle: Hopefully we will get back for a second brief round from everyone.

The Taoiseach: I think we need to look at the structure of the way we do questions here. I thank the Ceann Comhairle for his intervention.

I agree with Deputy Martin that the growth of populism has created significant challenges for democracy in all its forms in many countries. I see that reflected in the arguments around the European Council table. We will strongly defend the right of Ukraine to its sovereignty and have done so at every opportunity. We will equally support and stand by the sovereignty claims of neighbouring countries. Many of these, as Deputy Martin is aware, are under pressure for a variety of reasons, particularly since the annexation of Crimea by President Putin.

I will look at the question of the endowment for democracy. I am not sure of the reasons for the decision that was made here. Ireland is and will continue to be very supportive of Greece. I have spoken with the Greek Prime Minister, Mr. Tsipras, on every occasion at the European Council meetings. Obviously we have come through a pretty torrid time ourselves. I am glad that an agreement was reached at the ECOFIN meeting in respect of Greece. The Greek people face a challenge for the next 20 years, but at least they are now beginning to move in the right direction and pay their way.

Deputy Martin mentioned human rights in Turkey. It has been raised by me and other leaders at the European Council meeting in the presence of the former Turkish Prime Minister when he attended that Council. The central point of the argument was that the core of this problem is

in Syria with the Assad regime. As a result of that and the war that is going on there, we have had this massive disruption into southern Lebanon, Turkey and across the Mediterranean. That is the cause of it all. When one considers the different forces globally, Russia and Iran are supportive of the Assad regime, while the United States and Europe support the opposition. The difficulty is compounded when leaders say that 200,000 people have arrived on their shores in a short time and want to move through to Germany.

The main intention of all those people was to move to Germany. As has been pointed out, many of them are professionals moving with their families across different countries. I understand that 10,000 children have gone missing. What is happening in Calais is appalling. We are not part of the Schengen area, though we voluntarily made our contribution both for resettlement and relocation. They set up the so-called hot spots in Greece and Italy, but when people arrived there they tended to leave immediately with the intention of getting to Germany. That is one of the reasons only a very small number of people were able to be approved to come here. I will get the figures as to where we are on that schedule. As regards the difference between resettlement and relocation, and the 4,000 we said we would take, I will provide Deputies with more accurate information in that respect.

The real argument at the European Council was because of the endless flood of people coming from Turkey, in particular, due to its proximity to Greece. Be they from Afghanistan, Pakistan, Syria or elsewhere, these people have paid large amounts of money to get on inflatable rafts. It is fine until one hears the Prime Minister saying that they are loaded onto these boats and as soon as they are out on the sea and the first ship appears, in many cases the inflatables are knifed and sunk so they end up in the water and have to be rescued. That is why there is a NATO operation under way off Turkey. It has been successful to an extent but not in the way it should be.

The reason for the European deal with Turkey in the first place was because they wanted to focus on dealing with people smugglers. One can deal with them in an effective way by patrolling offshore while being able to return people entering Europe illegally to where they came from, whereas others who have arrived in Turkey and are based in camps but who wish to be relocated to a European country have whatever the categorisation might be to say they want to be legitimately recognised as refugees or asylum seekers and they want to live and go to Europe. Those who have paid money to people smugglers and are sent across the short distance to the Greek islands do not have the same intent, whether they are in a camp in Turkey or wherever.

When the Turks came with their requirements for acceleration of the accession agreement, liberalisation of visas and a further €3 billion by the end of 2017, the money being paid by the EU was to go towards the provision of school, health, maternity and other facilities in the camps. That expenditure was to be supervised by the EU. In other words, it is not the case that a cheque has been paid into the Turkish exchequer, with everybody just leaving it at that.

Deputy Boyd Barrett made a point about the agreement in the context of the European Court of Human Rights. People were conscious of eliminating people smuggling, which is difficult to do. The vast majority of refugees intend to get to Germany. Chancellor Merkel made it perfectly clear that she wanted to accommodate as many as possible in Germany, but they had to go through other countries to get there. When Prime Minister Orbán put up the first fence in Hungary and others followed, with difficulties arising because of the sheer weight of numbers coming through Austria, this exemplified the point made by the Deputy about populism on the right wing in respect of the numbers of migrants. In 1939, when the Sudetenland was invaded,

one ship with 800 or 900 refugees was sent to the US and turned back. Another was sent to Turkey and most of those on board drowned. The position here is appalling, but the central feature is the war in Syria. The vast majority of Syrian people who have been interviewed would love to go back to their own country. They are educated, intelligent, sophisticated people and they want to live their lives normally, but the bombing patterns by the opposition and so on have destroyed much of the country.

There will be no military action in respect of the *LE Róisín*. I have been clear on this. The Naval Service works in tandem with the Italian authorities and the function of the men and women on the ship is purely humanitarian - search and rescue. They follow in the wake of the other ships, which have rescued more than 8,000 people.

The Deputy is correct in respect of the numbers who have drowned. Many of them paid big money on the basis of trusting people that they would be brought to Europe for a better life, and that, obviously, did not turn out to be the case. Until the root cause of all this is addressed, there will not be a sense of permanent peace. I understand a couple of hundred thousand people on the shores of Libya want to cross into Europe as well but there is no plan at all for them. Many of them have travelled from Mali, Somalia and Eritrea up through the Horn of Africa. The Deputy referred to the 110,000 refugees who came to Ireland in 2007. Many of them were from EU member states and were entitled to come here under the freedom of movement principle, while some came from countries outside the Union.

The agreement between the Union and Turkey will not be suspended. It was carefully considered from a legal point of view as not being in contravention of the ECHR, to which the Deputy referred, because there are people on the Turkish mainland who have been there for quite a while and they want to legitimately seek their right to come to Europe, whereas others being sent across the short distance to the Greek islands were loaded onto boats by people smugglers and told they were out of there. While others have a longer-term ambition of coming to Europe, the reason the agreement came about in the first place was to eliminate the so-called business model of people taking big money to smuggle refugees into Europe.

I referred earlier to the fact that issues of great importance domestically are not generally raised at Council meetings and, for that reason, the housing crisis here was not the subject of discussion formally at a meeting. However, the Deputy can take it that we have set up the Cabinet sub-committee. We have had two meetings and next week we will have a presentation from the Departments of Finance, to be followed by the Departments of Social Protection, Health and Transport, Tourism and Sport. We will have a comprehensive strategy with the facilities provided in law and through whatever are the requirements for the Minister for housing, planning and local government to deal with this. Supply is the key. I note the Deputy's point about the capital programme. It is extensive, covering many years, and will cost €42 billion, €27 billion of which will be provided by the State, with a review in 2017-18. The Government's greatest priority is to deal with the housing crisis. It is not satisfactory in many forms. Other member states have national problems that they would like to discuss at Council meetings as well but, generally, the agenda is focused on a more European level. We will deal with the issue here and report to the House on the progress we are making.

Deputy Micheál Martin: I thank the Taoiseach for his lengthy reply, but I did not hear his views on what is happening in Turkey and his assessment of it in terms of the erosion of democratic norms through the harassment of the opposition, with the arrest of its members and attempts to change the constitution. To do this, opposing parliamentarians are being taken out

to facilitate the vote. The country is moving in an unsatisfactory direction, which raises serious questions for the EU and for our country in terms of our approach to this and with regard to freedom of the media, the rule of law and the application of human rights in that jurisdiction, particularly in the context of its citizens enjoying greater visa liberalisation with Schengen area countries and the country's application to the EU and the opening of negotiations on various chapters relating to accession.

The Taoiseach mentioned that 10,000 children have gone missing. Is that in Calais alone or generally?

The Taoiseach: Generally.

Deputy Micheál Martin: I mentioned the Calais experience. I was moved by a brilliant article written by two Norwegian journalists, which won the top journalism award in Norway, entitled "The Wetsuitman". It relates to human remains in wetsuits found on two beaches in Norway and the Netherlands. It is a riveting article that traces the details of what happened both individuals. They were young people who left normal, average families in Syria because of the war, persecution and so on. They travelled all the way to Calais, where they purchased wetsuits in a local shop in the misguided belief that they could swim the English Channel. It is a sad story. Those who have different views on migration and what motivates migrants, particularly the fearmongerers, should read the article to get some understanding and feel for the complexity of what is afoot and the terrible human tragedy resulting from the war in Syria, which has given rise to the greatest refugee crisis we have experienced since the Second World War. A dramatic upscaling of effort by European leaders is needed. The situation that currently pertains in places such as Calais should not be acceptable in the EU in terms of our basic commitment to human rights and to humanity.

I appreciate that others would like to contribute and, therefore, I will leave it at that. I would appreciate it if the Taoiseach could forward the figures and schedule I asked for earlier.

Deputy Gerry Adams: I welcome the Taoiseach's assurances that naval vessels will only be used for search and rescue missions. I reject his assertion that the deal between the EU and Turkey will not be suspended. That may be the case but I ask him to demand that it be suspended. I want to make it clear that he is not acting in my name when he agrees to a deal that has seen 500 people drown this month as a consequence. Will the Taoiseach be a dissenting voice - even if it is a lone voice - against this human and humanitarian crisis, which is not happening by accident? It is happening by dint of policy.

An Ceann Comhairle: We will conclude. I ask the Taoiseach to submit correspondence to the Deputies in respect of the outstanding questions.

The Taoiseach: I will respond to Deputy Micheál Martin. Obviously, Damascus still functions and the root cause of this is Syria. I agree with Deputy Adams that 500 people have drowned. The intention here was to limit the numbers of people getting into the water in the first place and to deal with the people smugglers. I will respond to both Deputies in writing at their request.

Order of Business

The Taoiseach: It is proposed to take No. *a5*, motion re Dublin and Monaghan Bombings, and No. 7, statements on the report of the O'Higgins Commission of Investigation. It is proposed, notwithstanding anything in Standing Orders, that the proceedings relating to No. *a5* shall, if not previously concluded, be brought to a conclusion after two hours and the following arrangements shall apply: the speech of the Taoiseach and of the main spokespersons for Fianna Fáil, Sinn Féin, Labour, AAA-PBP, Independents 4 Change, Social Democrats, the Green Party, or a Member nominated in their stead, and a non-party Deputy, shall not exceed ten minutes in each case and such Members may share their time; the speech of each other Member called upon shall not exceed five minutes in each case and such Members may share their time; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes. The following arrangements shall apply in respect of No. 7: the statement of the Taoiseach and of the main spokespersons for Fianna Fáil, Sinn Féin, Labour, AAA-PBP, Independents 4 Change, Social Democrats, the Green Party, or a Member nominated in their stead, and a non-party Deputy shall not exceed 30 minutes in each case, and such Members may share their time; the statement of each other Member called upon shall not exceed ten minutes in each case and such Members may share their time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes. Private Members' business which shall be No. 14, motion re domestic water charges, resumed, to conclude at 8.30 p.m. tonight, if not previously concluded.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with No. *a5* agreed? Agreed. Is the proposal for dealing with No. 7 agreed? Agreed.

Deputy Micheál Martin: The Taoiseach may be aware that staff at the Central Remedial Clinic, CRC, were called to a meeting last Friday where they were informed that the CRC had dissolved its pension plan effective from Wednesday, 18 May 2016. About 50 staff attended the meeting. They have an average of at least 20 years dedicated service with the CRC. A total of 50 long-serving staff are on the old private pension plan as well. These are HSE-sanctioned posts and their salaries are funded by the HSE. I know that when the Minister for Social Protection was appointed, he made very strong statements about pension provision. Will the Government intervene in this situation and, in particular, liaise with the officials in the HSE and the Department of Social Protection in order for them to directly intervene to assist staff in the CRC? An immediate decision was taken by management to wind up the pension scheme and it illustrates the vulnerability of many people in respect of many pension schemes.

There is a commitment in a programme for a partnership Government to review the existing proceeds of crime legislation. It states that the Government will ensure that adequate resources are provided to support the work of the Criminal Assets Bureau, CAB, and that it will examine how communities can better engage with CAB on suspected local use of the proceeds of crime and the potential establishment of a smaller criminal assets bureau to target regional assets. That kind of language in a programme for Government can be interpreted in many ways. I suspect that Independents or people from various constituencies suggested that this should happen. It is a demand from many of the communities at the coal face of the drug trade and the crime lords who are ruling the roost. Their view is that mini criminal assets bureaus would have a huge impact. Is this a commitment to establish criminal assets bureaus in communities to target local drug pushers or is it language that means nothing will happen because it could be interpreted that way as well? Could the Taoiseach clarify when that legislation will be reviewed

and when we can expect the review and actions emanating from it?

The Government announced proposals for the reform of the budget process. At the end of the statement from the Ministers for Public Expenditure and Reform and Finance, it says that the Ministers will make themselves available to the Select Committee on Arrangements for Budgetary Scrutiny to discuss the proposals. The first meeting of the committee is expected to take place in the coming days. Our Whip contacted the office of the Chief Whip to be told that this is not imminent and that it all is part of the Dáil reform programme.

We were hopeful that the Government would have learned the lessons of indulging in spin over substance or taking an element of the Dáil reform package negotiated by all parties, re-packaging it and spinning it as a Government commitment or decision on Dáil reform. The Government needs to cease this practice fairly quickly. Can the Taoiseach clarify the position with regard to this committee in respect of budgetary scrutiny? The statement says a meeting will be held in the coming days but to the best of my knowledge, nobody is clear about that, at least from our side in terms of being notified of it. Can the Taoiseach tell the House when the legislative programme for this session will be finalised and made available?

The Taoiseach: I am not sure whether the CRC pension scheme is a private scheme but I will look at it and come back to the Deputy.

In respect of the budgetary process, it is intended to change the way budgets are prepared and presented. There will be far more involvement from all Members of the House and far more opportunity for them to make their cases. The first thing is to set up a budgetary scoping committee. The Minister for Public Expenditure and Reform has commented on this. This is a short-term committee that will evolve into a full Oireachtas budgetary committee that will deal with all the issues surrounding Votes in general and the overall allocation of money available.

Deputy Micheál Martin: Does the Taoiseach accept that the Dáil has spent about a month discussing all of this?

The Taoiseach: The timetable is also set out for everybody, both in terms of the spring statement, the early provision of Estimates, the overall allocation for 2017 and the engagement through each of the sectoral committees of the Dáil with this committee so that there is far more involvement for everybody in the budgetary process. It will be very different from what it used to be.

Deputy Thomas Byrne: We decided that in the Sub-Committee on Dáil Reform - not the Government.

An Ceann Comhairle: We have had Leaders' Questions.

The Taoiseach: The Government approved the detail of the presentation of the budgetary strategy at its meeting on Tuesday. That will be made available to all Deputies so that they will understand the timescale and provisional dates for the different segments of it. I think Deputy Micheál Martin asked a third question.

Deputy Micheál Martin: It was about the Criminal Assets Bureau.

The Taoiseach: The Criminal Justice (Amendment) Act 2009, the Criminal Justice (Surveillance) Act 2009 and the Criminal Justice (Miscellaneous Provisions) 2009 have been worked to the full.

12 o'clock

I mentioned earlier the Misuse of Drugs (Amendment) Bill. There will be primary legislation to deal with enhanced provisions in respect of legalised drugs. The Commissioner has already appointed Garda personnel to work in individual areas on the basis of operating as mini-CABs. What we are now looking at is how we can engage with communities in the provision of information on suspected local use of the proceeds of crime and the potential of smaller CAB units being established to assist on a regional basis where criminal activity is taking place.

Deputy Micheál Martin: Is the Taoiseach saying they have been established already?

The Taoiseach: The Commissioner has already appointed Garda personnel to work on the basis of operating as smaller CAB units in individual areas.

Deputy Micheál Martin: I do not think so.

The Taoiseach: I will supply Deputy Martin with the detail of that.

Deputy Micheál Martin: On that point-----

An Ceann Comhairle: No, there is only one opportunity.

Deputy Gerry Adams: Go raibh maith agat, a Cheann Comhairle. Tá trí cheist agam faoi chlár an Rialtais. Tá ceann amháin faoi thuairisc McMahon, ceann eile faoi chearta mhuintir na Palaistíne agus an ceann deireanach faoi chearta an lucht oibre. I put the question about the McMahon report to the Tánaiste last week and did not get any sort of satisfactory answer. The draft programme for Government contained a commitment to implement the McMahon report into direct provision but it was removed from the programme that was published. The Taoiseach may recall that Uachtarán Higgins raised his concerns last weekend about direct provision. He described the McMahon proposals as reasonable and practical and said if they were implemented it would mean considerable progress. Mr. Justice McMahon described the refusal to allow asylum seekers the right to access the labour market as absolutely heart breaking and immoral and he described their treatment by the Government as narrow and mean and urged an amnesty for those who are here for more than five years. I have visited the direct provision centre in Mosney several times. No one should live there for months, never mind years, yet some children have lived their entire lives in that place. Will the Taoiseach consider a one-off amnesty and will he reinstate the commitment on the McMahon report to the programme for Government?

The Taoiseach will be aware there will be a strike tomorrow by Tesco workers. The company is trying to force long-serving workers to accept a new contract with less money and worse conditions of employment. Will he acknowledge that the programme for Government fails to defend the rights of workers and their families and will only assist unscrupulous employers that want to make bigger profits? There is no mention of a living wage. There is a vague commitment to tackling the problems caused by the casualisation of work but nothing about “if and when” contracts. Will he consider introducing fair hours legislation as recommended by the ICTU?

There is a programme for Government commitment to recognise the state of Palestine as part of a lasting settlement of the conflict but in December 2014 the Oireachtas voted in support of the right of the Palestinian people to self-determination. That was a substantial and very

positive development. It was unconditional because people either have this right or they do not and this Oireachtas believes that the people of Palestine quite rightly have that right. The peace process has been very limited and there has been no real progress. The UN has reported the killing of 25 Palestinian children in the last three months of 2015. By the end of December 2015, 422 Palestinian children were imprisoned and since October 2015, 204 Palestinians and 28 Israelis have been killed. We can assist the process and the minority Government can accept the will of the Oireachtas by formally recognising the Palestinian state by doing what many other Governments have done, by upgrading the Palestinian mission in this State and add our moral support to the need for a peace settlement in that region.

The Taoiseach: I will repeat that the political reform committee established the budgetary scoping committee which will set the terms of reference for the budgetary committee. The Minister outlined his road map in that regard. I note the point Deputy Adams makes about the McMahon report. I do not want to get into any conflict here, either with Deputy Adams or anybody else, but I have appointed a Minister of State, Deputy David Stanton, to deal with immigration, migration and the question of direct provision. Just because it is not mentioned in the programme for Government does not mean the Government does not have every intention to follow through on it because it has. The Minister of State at the Department of Justice and Equality will deal with this. It is a case of understanding that the programme for Government contains 600 to 700 commitments and, obviously, one could put another 1,000 along with that if one wanted to. We are committed to the implementation of the McMahon report.

Deputy Gerry Adams: When?

The Taoiseach: The Minister of State will comment on that. He will have his programme of work which includes that and which is very challenging. In fairness to Mr. Justice McMahon, he did great work in a relatively short time and presented a very clear report for implementation.

In respect of the Tesco position, it is principally a matter for the company involved to resolve the issues with the workers and their unions.

Deputy Gerry Adams: Workers have to have rights.

The Taoiseach: The State, as Deputy Adams knows, made available all the industrial relations facilitates to help the parties come to an agreed solution. I understand the talks at the Workplace Relations Commission aimed at resolving that dispute adjourned on 19 May after 14 hours without agreement. More discussions took place between Tesco and Mandate in the Workplace Relations Commission on 23 May into the morning of 24 May. I am informed that those discussions adjourned without agreement so that both parties could go away and consider the position. I implore both parties to return to the WRC to resume talks before this escalates any further. I heard some comment on it this morning. I hope it will be taken up and that they will both return to the Workplace Relations Commission to sort this out. Obviously the pay claim by Mandate and SIPTU was brought to the Labour Court in early 2016, so the facilities are there. I am glad the Minister of State, Deputy Stanton, will be challenged by his requirement to deal with a whole range of challenging areas including the McMahon report.

An Ceann Comhairle: Deputy Brendan Howlin.

Deputy Gerry Adams: Chuir mé ceist ar an Taoiseach faoin bPalaistín agus ní bhfuair mé freagra.

The Taoiseach: We had a motion here. I was there the day the Palestinian flag flew outside the United Nations. Work is progressing arising from that motion in the Department of Foreign Affairs. I will come back to the Deputy at an early time on that issue.

Deputy Brendan Howlin: I will turn briefly to the point made on the McMahon report. The Minister of State, Deputy Stanton is present. The Taoiseach makes light of the fact it is not in the programme for Government because not everything can be. The issue is that it was in the draft programme for Government and was dropped. Why was it dropped? Does it indicate that the 173 recommendations of Mr. Justice McMahon, which are really important, will be implemented or are to be reviewed or modified? As the Taoiseach knows, each Department takes the programme for Government as its working bible. If it is not in there, it is not part of the working bible. Is the report and its 173 recommendations to be implemented in full or reviewed? In the new programme the Government has decided to abandon the previous Government's policy of developing new technological universities through the amalgamation of existing institutes of technology. The mandatory mergers are now to be reviewed. That has caused grave disquiet in the south east. The amalgamation of Waterford Institute of Technology and Carlow Institute of Technology is, as the Taoiseach knows, finally being advanced after many speed bumps. Will the Taoiseach give clarity to both institutions today that it is the Government's intention to proceed with the establishment of a technological university in the south east, as the previous Government envisaged, based on the amalgamation of Waterford and Carlow Institutes of Technology?

The Taoiseach: The Deputy can take it that the McMahon report is a central feature of the brief of the Minister of State, Deputy Stanton. While it is not in the programme for work, I give the Deputy that commitment now.

Deputy Brendan Howlin: Why did the Taoiseach take it out of the programme?

The Taoiseach: While I was not involved in all of the negotiations, I know it was included in the draft along with many other items. We commissioned the former justice to produce that report. It is all about people, and some of them have been in the direct provision system, as the Deputy is aware, for 15 years. When the Minister of State, Deputy Stanton, chaired the justice committee, he reported extensively on that over a period. He is very well acquainted with the report and I expect it will be a central feature of his work.

In respect of the establishment of a technological university in the south east, this was one of the first decisions the previous Government, of which the Deputy was an esteemed member, made following the closure of TalkTalk. There were quite a number of difficulties along that road. The Government is fully committed, as the previous Government was, to the establishment of a technological university for the south east. I am glad that at long last, after all the difficulties, Waterford and Carlow are getting their act together to establish a technological university with the standards that apply there. There are other technological institutions in the country that do not want to amalgamate with other institutions and instead want to proceed as technological institutes on the basis of the individual entities.

Deputy Brendan Howlin: That legislation is being continued with?

The Taoiseach: Yes, it is being continued.

An Ceann Comhairle: Six Deputies are offering, and if Members are brief I might be able to accommodate all of them. I call Deputy Danny Healy-Rae.

Deputy Danny Healy-Rae: I ask the Taoiseach and the new Minister for Health, in light of the very disturbing article in yesterday's newspapers which highlighted that disabled and elderly persons' applications for home help would be delayed until later in the year, that this issue be dealt with in a proactive fashion, because elderly and disabled people do not have much time on their side. When they need help to get out of bed they need it immediately; it cannot be delayed. The programme for Government provides that a review of the operation and funding of national home help services is to be undertaken. I ask that this be dealt with urgently.

Operations and serious medical interventions and procedures are being delayed at Cork University Hospital and Mercy University Hospital in Cork due to a lack of beds. Surgeons are ready and waiting to undertake operations but they do not have beds available for patients after their operations. I ask that these two matters be dealt with urgently.

The Taoiseach: In respect of the case of disabled people which Deputy Healy-Rae rightly raises, I am not sure whether he is referring to the disabled person's grant from the local authorities-----

Deputy Danny Healy-Rae: No. I am talking about home help for these people. It is in the programme for Government.

The Taoiseach: -----or the home help service. They are often related, depending on the nature of the application, in terms of what is the best package for each individual person. I do not see why those applications cannot be followed through speedily. As the Deputy rightly pointed out, in many cases the people do not have much time left and they deserve to have the best facilities made available to them as quickly as possible. I will take up the issue with the Minister for Health.

The number of cancellations is a small percentage of the number of operations carried out. The Minister is about to carry out a review of bed capacity nationally in the hospitals. That work will be under way reasonably soon.

Deputy Louise O'Reilly: I read the briefing notes given to the new Minister for Health and I have some questions arising from that. First, under the section dealing with the tobacco and alcohol control unit, which, bizarrely, has responsibility for issues in respect of abortion, has the Taoiseach any plans to bring forward legislation to facilitate a referendum on appealing the eighth amendment? Second, with regard to the same section, what is the status of the Health (Miscellaneous Provisions) Bill 2016, which I understand is delaying the introduction of plain packaging for cigarettes?

The Taoiseach: The Health (Miscellaneous Provisions) Bill is one Bill that will be restored to the legislative agenda. This agenda will be produced in the next couple of weeks when each Minister and Secretary General comes forward with the legislation he or she really does require, as distinct from a long list of what they might require or wish to discuss. I have committed to setting up the citizens' convention within six months. There will not be any politicians on that. Citizens will be selected in an independent way and they will deal with the question of examining a number of legislative and constitutional issues, including the eighth amendment.

Deputy David Cullinane: I ask the Taoiseach if there is any intention on the Government's part to amend the Industrial Relations (Amendment) Act 2015, which was the collective bargaining Act? It does not allow for trade union recognition. It is a form of yellow-pack collective bargaining. To mention the Tesco dispute, about which the Taoiseach responded earlier,

25 May 2016

one of the problems the Mandate trade union officials have is that they are denied the right to access any of the shops which would allow them go in, negotiate and deal with the workers. That is no way to ensure we have proper workers' rights. We want proper right of access for qualified trade union officials who have a job to do in representing their members in the workplace. That will only happen if we strengthen workers' rights, as Deputy Adams said earlier, and if we amend the Industrial Relations (Amendment) Act 2015 to allow for the right to access, the strengthening of collective bargaining provisions and trade union recognition. Is that the Taoiseach's intention?

The Taoiseach: The Act in question was amended in 2015 after a great deal of discussion. It was accepted and passed by the House. That should be tested fully. Trade unions and their officials have their rights, as indeed have companies. The Bill was drafted on the basis of discussions about that very issue, and it should be tested to the full in the first instance.

Deputy Mattie McGrath: Page 97 of the programme for Government contains many aspirations regarding Garda resources and policing. A very unsavoury incident happened in Corofin, County Clare, last week, and such distasteful incidents occur regularly. Members of An Garda Síochána accompanied men in balaclavas and an agent of a sheriff-----

An Ceann Comhairle: I am sorry, but that is not appropriate to the Order of Business.

Deputy Mattie McGrath: -----in an unmarked car with the number plates blocked out.

An Ceann Comhairle: Is this matter relevant to the Order of Business?

Deputy Mattie McGrath: It is relevant to the legislation set out in the programme for Government.

An Ceann Comhairle: What legislation is that?

Deputy Mattie McGrath: The legislation to strengthen the role of An Garda Síochána. The incident in question certainly is not strengthening the role of the An Garda Síochána but, rather, constitutes a waste of Garda time. It was a very unsavoury incident, and such incidents are taking place.

An Ceann Comhairle: I would suggest that the Deputy is taking liberties.

Deputy Mattie McGrath: No. We want to strengthen and support An Garda Síochána, which I always seek to do, but not when gardaí accompany masked men in a car belonging to an agent of the sheriff, with the number plates blocked out and no tax or NCT certificate displayed on the windscreen. It was a car similar to that used in the gangland crimes committed in Dublin. That was disgusting and scandalous, and it should be investigated by the Minister for Justice and Equality. Putting gardaí in that position when trying to evict a person from a family home is not appropriate.

An Ceann Comhairle: Does the Taoiseach feel compelled to respond?

The Taoiseach: I do not think this is about legislation.

An Ceann Comhairle: I do not think so.

The Taoiseach: I will get a response on that for Deputy McGrath from the Minister for Justice and Equality.

Deputy Mary Lou McDonald: I welcome the fact that the Taoiseach proposes to establish a task force for the north inner city. Can he set out a timeline for the production of terms of reference or an initial draft of the form that might take? As the Taoiseach will understand, people in the north inner city, particularly in and around Cumberland Street and Avondale House, are extremely distressed today. It has come to their attention that media outlets such as *The Irish Times*, the *Irish Independent*, *The Irish Mirror* and others have placed footage of the fatal attack on Gareth Hutch online. I call on them to take it down and I would like the Taoiseach to join me in that call.

Deputy Louise O'Reilly: Hear, hear.

Deputy Mary Lou McDonald: It has created increased stress and distress in the community and it serves absolutely no useful purpose. I ask the Taoiseach to join me in that appeal.

Mr. Victor Stevenson, a man who campaigned long and hard on behalf of the survivors of the Bethany Home and the Westbank orphanage, has died very suddenly and he will be laid to rest tomorrow. Sadly, Victor died without having seen truth or any justice for his personal case and experiences, and there are many more like him. Is the Taoiseach agreeable to meet campaigners from Westbank orphanage and a number of the other institutions that remain outside the remit of the commission of investigation into mother and baby homes?

The Taoiseach: I regret that good man's death. I will ask the Minister to discuss the matter with Deputy McDonald. This was the subject of discussions here and of Dáil questions over a long period, with answers given as to why Bethany Home was not included in the original facility.

In respect of the task force, discussions have started and I am anxious we do this quickly. As I stated earlier, I would like people in the House to have the opportunity to have an input into the terms of reference. We will consult with everybody quickly. Perhaps the Deputy was not here when I said it but I am meeting the Garda Commissioner and assistant commissioners this evening.

Deputy Mary Lou McDonald: I know that.

The Taoiseach: There will be a full briefing and I will report to the leaders of parties and groups on that. We will set out quickly the terms of reference for a local task force, how it is to be resourced and what it is supposed to do. We will get Deputies' input in respect of the terms of reference.

Deputy Mary Lou McDonald: What about the media footage of the killing?

The Taoiseach: I have not seen it but the murder took place just yesterday and media now have an instantaneous response. I think it probably should be taken down.

An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Uisce faoi Úinéireacht Phoiblí) (Uimh. 2) 2016: An Chéad Chéim

25 May 2016

**Thirty-fifth Amendment of the Constitution (Water in Public Ownership) (No. 2) Bill
2016: First Stage**

Deputy Joan Collins: Tairgim:

Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht chun an Bunreacht a leasú.

I move:

That leave be granted to introduce a Bill entitled an Act to amend the Constitution.

The Bill reads for itself and seeks to amend Article 28A of the Constitution. The text set out in Part 1 of the Schedule shall be inserted after Article 28A.2 or 28A.4. The text states: “The Government shall be collectively responsible for the protection, management and maintenance of the public water system, and the Government shall ensure, in the public interest, that this resource remains in public ownership and management.”

This emanates from the mass campaign of non-payment and resistance to the water charges and Irish Water. It comes from the Right2Change and Right2Water movement and is signed by 29 Deputies. Those who did not sign would have liked to have done so but they had not done so by the time we had to put in the Bill at 3 p.m. yesterday. This would have cross-party support and I have heard Members of the Fianna Fáil Party saying they support a referendum and public ownership of water. I have heard similar statements from the Labour Party and other groups in the Opposition.

An Ceann Comhairle: Is the Bill opposed?

The Taoiseach: No, it is not opposed.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members’ Bill, Second Stage must, under Standing Orders, be taken in Private Members’ time.

Deputy Joan Collins: Tairgim: “Go dtógfar an Bille in am Comhaltaí Príobháideacha.”

I move: “That the Bill be taken in Private Members’ time.”

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Dublin and Monaghan Bombings: Motion

The Taoiseach: I move:

That Dáil Éireann:

recalling the motion it adopted unanimously on 10 July 2008 which:

— noted ‘the interim and final reports of the sub-Committee of the Joint Committee on Justice, Equality, Defence and Women’s Rights on the report of the Independent Commission of Inquiry into the Dublin-Monaghan Bombings and the three related Barron reports, including the Inquiry into the Bombing of Kay’s Tavern, Dundalk, and commends the sub-Committee on its work’;

— urged ‘the Government of the United Kingdom of Great Britain and Northern Ireland to allow access by an independent, international judicial figure to all original documents held by the British Government relating to the atrocities that occurred in this jurisdiction and which were inquired into by Judge Barron, for the purposes of assessing said documents with the aim of assisting in the resolution of these crimes’; and

— directed ‘the Clerk of the Dáil to communicate the text of this Resolution, together with copies of the aforementioned reports, to the House of Commons of the United Kingdom of Great Britain and Northern Ireland, with a request that the matter be considered by the House of Commons’;

recalling the motion it unanimously adopted on Wednesday, 18 May 2011 which:

— noted ‘that the question of obtaining access to information held by the British Government on the bombings has been pursued for many years’;

— requested ‘the Government to continue to raise the matter with the British Government and to press it to comply with the request of Dáil Éireann and reaffirms the support of Members on all sides of this House’; and

— acknowledged ‘that the co-operation being sought is taking place in the context of transformed relationships on this island and between Ireland and Britain based on mutual respect, on partnership and on friendship’;

notes that Tuesday, 17 May 2016 marked the forty-second anniversary of the Dublin-Monaghan bombings; and

requests the Government to continue to raise the matter with the British Government, and directs the Ceann Comhairle, the Clerk and the chairs of relevant committees when appointed to do likewise with their respective British counterparts, in order to actively pursue the implementation of the 2008 and 2011 all party motions.”

I thank all the party leaders for agreeing this motion and welcome their participation in the debate. I welcome the representatives of Justice for the Forgotten who are here as visitors today. I commend them on their tireless efforts in seeking truth and justice for the victims of the Dublin and Monaghan bombings. The date Tuesday, 17 May marked the forty-second anniversary of the Dublin and Monaghan bombing. Some 42 long years have passed for families affected by this atrocity. There were 34 lives lost and a further 300 injured, the highest number of casualties on any single day during the Troubles, with lives blown apart and shattered on that terrible Friday evening. I express again on behalf of the Government our condolences to all of the families of those who were killed and to those injured in these bombings. I know the people directly caught in these tragic events and their families have had to bear great personal loss and grief over that time. Despite the passage of time, I know the resulting pain and suffering remains with them to this day. They still mourn loved ones, they still bear the scars of injuries

sustained and they still quest to know what happened.

I was honoured and privileged to speak at the fortieth anniversary of the bombings in Talbot Street in 2014, when I assured those present that those they loved and who died on that day will never be forgotten. We will do all we can to make sure they will have the justice that is their right and that their loved ones so rightly demand for them. I remain committed to helping the families get to the truth behind what happened on that terrible day. Today's motion reaffirms the shared will and determination of the Thirty-second Dáil to secure progress on the Dublin-Monaghan bombings. It also renews the all-party mandate from the House to the Government to actively pursue the matter with the British Government and to seek the implementation of the 2008 and 2011 all-party motions. The Government is strongly committed to doing that and this is reflected in the new programme for Government.

I also acknowledge the work of the Barron inquiry, the Oireachtas joint sub-committee that examined the Barron report and the work of the commission of investigation under Mr. Patrick McEntee, SC. Over the years, each inquiry has revealed more and progressed our understanding of what happened and brought us to the important point now where there is strong all-party consensus on what needs to be done to establish the full record. I have raised the Dublin-Monaghan bombings with British Prime Minister Cameron on a number of occasions. In doing so, I have emphasised the Government's continued support for the motions of this House, calling for access by an independent international judicial figure to all original documents. The Minister for Foreign Affairs and Trade also continues to raise the issue with the Secretary of State for Northern Ireland.

I met a number of the families and survivors of the 1974 Dublin and Monaghan bombings in Government Buildings in July 2013 and heard at first hand how their lives have been affected by the bombing. I have been deeply moved by their stories and the impact of these awful events on so many people who had simply been going about their normal business on that day. I met Ms Margaret Urwin of Justice for the Forgotten, who I commend on her activities, last year when we had some further discussions on the lack of response of the British Government to our repeated requests on this issue.

This is the third all-party motion on the Dublin and Monaghan Bombings and follows those of 2008 and 2011, which call on the British Government to allow access by an independent international judicial figure to all original documents in their possession relating to the Dublin and Monaghan bombings. In July 2008, all political parties co-operated to ensure the passage of an all-party motion endorsing the Barron reports. The motion calls on the British Government to release all original documents. A further all-party motion was agreed in May 2011. This endorsed the 2008 motion and again requested the Irish Government to continue to raise the matter with the British Government. The Government has worked consistently to implement the previous all-party motions. The full efforts and engagement of the new Government will be devoted to seeking and supporting conditions that would realise the implementation of the Dáil motions at the earliest opportunity.

Access by an independent international judicial figure to all original documents related to the Dublin and Monaghan bombings would bring substantial progress to the investigation of the atrocity so far. It would give the families of victims and the survivors the surety at least of transparency and full disclosure. Without that, those affected understandably cannot come to terms with the suffering inflicted on them. I firmly believe that cases, such as the Dublin-Monaghan bombings, must be adequately addressed if we are to achieve a genuinely reconciled

society. Successive Irish Governments, in our ongoing bilateral relations with the UK and through the European Court of Human Rights at Strasbourg, have consistently raised with the British Government the obligation to ensure effective investigations of such cases, including in instances of alleged collusion. Many families continue to deal not only with the awful pain of losing a loved one, but also with the struggle for answers decades after these traumatic events. That is why addressing the needs of the victims and survivors is at the core of the Government's approach to dealing with the legacy of the past in Northern Ireland. The establishment of a new comprehensive framework for dealing with the past, as envisaged in the Stormont House Agreement, is a priority reflected in the programme for Government. The Government believes that the legacy institutions agreed under the Stormont House Agreement offer the best hope of helping the thousands of families impacted by the Troubles. While significant progress was made, final agreement could not be reached on legacy issues in the talks that led to the Fresh Start agreement last November. The Government is committed to building on the progress that was achieved in those talks to establish the new institutional framework on the past. Over the past number of months, the Minister for Foreign Affairs and Trade and his officials have met a range of victims' groups from across the affected communities, to hear their perspectives on how best to progress the establishment of the legacy institutions and to listen to their views on possible solutions to outstanding issues, including the issue of onward disclosure and national security. These consultations proved valuable and will inform the Government's approach in seeking an agreement on addressing the legacy issues. We are hopeful that a way forward can be found to establish these bodies in the near future.

Following the Assembly elections in Northern Ireland, the Minister for Foreign Affairs and Trade, Deputy Flanagan, is working on behalf of the Government to secure the necessary political agreement to get the legacy bodies established and up and running as soon as possible. On a visit to Belfast last week, and in Derry today, the Minister is holding discussions about the possible route to a final agreement on legacy issues. I understand that he will be engaging further with the new Executive in Northern Ireland and with the Secretary of State for Northern Ireland on this vitally important issue. The Government acknowledges the suffering endured by those whose loved ones were killed or injured as a result of the Troubles, and recognises that there are many people suffering who feel they have been forgotten by society and forgotten by the authorities in the midst of all the violence and suffering.

To all those who lost loved ones or who are suffering as a result of the violence of the Troubles, I want to put on record that this Government hears them and is determined to achieve progress on the establishment of the institutions for dealing with the legacy of the past. I assure everybody that this Government is committed to continuing its role as co-guarantor of the Good Friday Agreement, to supporting the consolidation of peace in Northern Ireland, and to ensuring that we never return to the days of violence. We will continue to support and sustain a lasting peace on this island and will work hard to find an agreement on establishment of institutions for dealing with the legacy of the past, for the benefit of victims and survivors and for society as a whole. That is why we were able with some difficulty to send up files that were held here by the Garda to the coroner's inquest into the Kingsmill massacre. Whether or not they will add greatly to the stock of information about what actually happened there, it is symbolic of our willingness to co-operate in providing that information to the coroner in Belfast.

If Stormont is to work in practice as it is supposed to work in theory, the files that are held by the British establishment in respect of the Dublin-Monaghan bombings should be made available. That is where the urgency is in respect of setting up those institutions dealing with

the legacy of the past. That was the understanding when we discussed these matters in Belfast. Reaching that agreement would also help us to honour the lives of the 33 people who were killed so tragically in Dublin and in Monaghan 42 years ago. Today's motion makes clear the shared and undiminished will on all sides of this House to seek and establish the full truth of the Dublin-Monaghan bombings. It is a positive statement and a positive signal to the British Government. We will convey this message to the British Government faithfully and seek full implementation of the motion. We believe that a shared understanding can be reached with the British Government on this, as we have found together on many other issues that stem from the Troubles, in support of genuine and deepening reconciliation on this island, North and South. We will continue to work tirelessly to that end.

Deputy Micheál Martin: Is ceart agus is cóir dúinn uilig an cheist seo agus an tubaiste uafásach seo a phlé arís i mbliana. I welcome the opportunity to support this motion, which draws on previous all-party motions in July 2008 and May 2011. I extend my gratitude to the ongoing work of Justice for the Forgotten in continuing to shine a light on this dark moment in our past. I can assure those relatives gathered here today in the Gallery or at home that it will not be forgotten here in this House.

The events of 17 May 1974 occurred against the backdrop of the pitch black horizon of sectarian conflict. Even in the shadow of the brutal violence that was consuming Northern Ireland, the Dublin-Monaghan bombings were the darkest of hours. Thirty-four people, including an unborn child, perished as a series of explosions tore through the city centre and Monaghan town. On an ordinary May evening, with the summer stretching before it, the streets were full of life. Ordinary workers were making their way home after a long day in the office, pensioners trundled along the way to the shops, parents dragged children in their wake. These lives were ruthlessly ended in an indiscriminate slaughter. Entire families were extinguished, lives abruptly taken away or irrevocably changed. The repercussions of the bombs are still being felt today in silent homes across the country. The fabric of family life was ripped apart for dozens of households. Strands of life were cut off for ever. It was the single bloodiest day of the Troubles which have so deeply scarred this island.

The bombs erupted in the fraught political context of the Unionist revolt against the Sunningdale Agreement. As that fragile process was torn asunder by mass strikes, the attacks on our State sent a clear message about the cost of North-South engagement. It is clear from the evidence that loyalist paramilitaries undertook the bloody deed. However, the sophistication and co-ordination of the attacks raises serious issues around the potential orchestration of the explosions by elements of British security forces. The bombs form part of other similar attacks on Dublin, Belturbet, Dundalk and Castleblayney and the savage murder of the Miami Showband during the bleakest period of the conflict. It is important we acknowledge the men and women impacted by those tragic moments of absolute violence.

The work of Mr. Justice Hamilton, Mr. Justice Barron and the McEntee Commission have revealed serious concerns regarding the non-co-operation of the British authorities. This is why the families of those who lost their lives demand and deserve full disclosure by the British Government on the issue. It is an issue that Fianna Fáil has continually raised with the Secretary of State for Northern Ireland, Theresa Villiers, on her visits here. It is important that this motion keeps the issue alive for all parties in this House. The ongoing refusal of Prime Minister Cameron to release the relevant documents is a fundamental barrier to achieving real closure. How long do we have to wait for a meaningful response from the British Prime Minister on the issue? It cannot just be about conveying messages to the British Prime Minister and then feeling that

we have done our duty. I ask the Taoiseach to raise this in his next meeting with the British Prime Minister. He should not do this just in a formal manner, but should seek some concrete response to the unanimous views of this House and the need to get a resolution to this, and then report back to us on the actual response of the British Prime Minister to the request to release those documents and files and to facilitate access for an international person of repute. There are a number of outstanding issues on the British-Irish agenda that have been there for quite a number of years and are not getting advanced in any meaningful way. Some new initiative and momentum is needed to break the logjam on this and on other issues and to get some concrete response from the British Prime Minister, rather than the stonewalling we have experienced to date.

The Troubles claimed some 3,600 lives and destroyed countless more. The poisonous legacy of violence has seeped deep into the roots of many communities. It has stunted the growth of a peaceful society in Northern Ireland. The reach of the past is still pulling at the future. Today's motion deals with one tragic moment from that turbulent period, but it is one among many. Only this week we saw the opening of an inquest into the Kingsmill massacre. On a desolate stretch of road deep in south Armagh, ten workmen were raked with machine gun fire, murdered solely because of their religion. Their families, too, remember the profound dread of the policeman's visit to tell them of their loved one's death. The bloody chronicle of the past is littered with such terrible moments. This is why the failure of the Fresh Start agreement to reach a comprehensive consensus on how to confront legacy issues needs to be addressed. The relatives who still struggle with the long aftermath of the Dublin-Monaghan bombings share the same strife with countless others. All across our island there are individuals and families still wrestling with violent events that irreversibly changed their lives. What is needed is not simply half the truth or a partisan approach to uncovering a shared past. A divided approach will only serve to exacerbate old wounds and allow historic grievances to fester and grow. To move on and stop the corrosive rot of the past, we need a clear mechanism to bring closure. These things cannot be swept under the political carpet. They will always re-emerge to haunt us.

The Eames-Bradley Commission, the Haass talks and the original Stormont House Agreement all came forward with clear proposals to deal with these divisive and painful issues. Innovative ideas have emerged to date such as the creation of a historical investigations unit to inquire into killings during the Troubles, a commission to enable people to learn privately how their loved ones were killed, and the creation of an oral history archive where experiences of the conflict could be shared. These measures provide a clear path forward to confront and address the painful inheritance of the Troubles.

I am concerned that we risk falling into a divided approach to dealing with the past. We are mired in a sterile debate where both sides call on the other to come forward while showing no willingness to engage themselves. We are trapped on a roundabout of selective memories with no exit. To break that perpetual circle there needs to be a clear route to grapple with the dark days bequeathed by the past. The Irish Government, the British Government and the Northern Ireland Assembly should revisit the ideas of Eames-Bradley to come forward with fresh proposals. We need a renewed focus and energy behind our collective efforts to address the past and build for the future.

Today's motion is one aspect of that. The British Government should take the lead and open up its files to an independent international judicial figure. As part of a holistic, comprehensive process, the whole truth is needed, not a partial or biased account that fails to recognise the depth and scale of the conflict from all perspectives. It would be useful to know, and it is a pity

25 May 2016

that the Taoiseach did not put it on the record in his speech today, where the British Government currently stands in relation to our requests. I sincerely hope that today's motion marks a step forward and not simply a reiteration of old positions. This cannot be allowed to fall into tired, rehearsed expressions of sympathy.

In the aftermath of today's statements it would be useful if the party leaders met to see what could usefully be done to advance this agenda with the British Government in the weeks and months ahead and to try to facilitate a move forward. It is important we have these statements annually and agree this motion, but it is equally important that we are seen to make some progress. If our relationship with the British Government is to stand for anything, a unanimous resolution of the House should be responded to in a meaningful way and the responses to date have not been meaningful or far-reaching enough. Much more is needed if we are to close this black chapter of history and assuage those for whom the hurt is still all too raw. The families, friends and communities tragically touched by heinous acts of violence like the Dublin-Monaghan bombings deserve to know, deserve to remember and deserve to move on. Let us give them the opportunity to do that.

Deputy Gerry Adams: Ba mhaith liom an rún uile-pháirtí seo a mholadh os comhair na Dála. I welcome the fact that, once again, all parties in the Dáil have agreed to a motion calling on the Government actively to seek the release of information held by the British Government relating to the Dublin-Monaghan bombings and the three related Barron reports. These include the inquiry into the bombing of Kay's Tavern, Dundalk in which Jack Rooney and Hugh Waters were killed, and the murder of Seamus Ludlow. I also welcome the commitment in the new programme for Government to pursue the implementation of the Dáil motions calling on the British Government to do what is right.

However, achieving this will require more than rhetoric. This Government, like the last Fianna Fáil-led Government, is actually in breach of its obligations, particularly in the case of Seamus Ludlow. The Ludlow family have been compelled to take legal action to force the Government to act on the Barron recommendations following the failure of two Governments to do this. The Taoiseach acknowledges the work of the Barron Commission and today he declares that addressing the needs of victims and survivors is at the core of the Government's approach. Despite this, the Government refuses to act on Mr. Justice Barron's recommendations.

The Dublin-Monaghan bombings were catastrophic. Thirty-four citizens died, 27 of them in Dublin and seven in Monaghan. I extend my solidarity and sympathies to the victims and survivors of all those incidents covered by the Barron commission reports and to all those who lost their lives or who were injured in the course of the conflict. There can be no hierarchy and every one of them deserves justice and truth. I especially commend the Justice for the Forgotten campaign, the Pat Finucane Centre and Relatives for Justice on their hard work on behalf of victims, and I welcome the advocacy groups to the House today. They have our full support. The British state has never been open or honest about the role its intelligence services played in Unionist death squads that engaged in the murder of innocent victims. However, it is now an accepted matter of fact that collusion was policy and administrative practice. This was also acknowledged by the sub-committee of the cross-party Oireachtas Joint Committee on Justice, Defence and Women's Rights. Despite this, the British Government has consistently refused to co-operate. This is not only in respect of murders that occurred in this State but also those that occurred in the North. This is the 25th anniversary of the murder of Councillor Eddie Fullerton, who was a very good friend of mine. Again, I express my continued solidarity to his wife, Dinah, and their family. The British Government refuses to give information, which is in

its possession, into the murder of Eddie. The Irish Government has been remiss in supporting the family in their quest for justice.

The British Government has also failed to establish the public inquiry, as agreed at Weston Park in 2001, into the murder of human rights lawyer Pat Finucane. The British Government is also thwarting efforts by the Lord Chief Justice in Northern Ireland to hold legacy inquests. This is not just a passive British Government, this is an active policy to thwart efforts to get to the truth. This needs to be matched with positive outreach by the Irish Government. The refusal to fund legacy inquests or to fund investigations are all in clear breach of the Government's international human rights obligations. There are also efforts to block the families' access to files which are held in the public archives. The Government in London closes them down.

As a co-equal guarantor of the Good Friday Agreement, the Irish Government must use all of its resources, all of its diplomatic services and its access to scores of international bodies, including the United Nations, to exert pressure on the British Government. In all honesty, I have no great hope that this motion will have any impact whatsoever on the British Government. Like those that have occurred before, this debate will be ignored. However, and I have said this many times to the Taoiseach and to previous taoisigh going back a long time, a consistent strategic engagement by the Government with the British Government and the use of the political media and international opportunities available to it can make a difference. For example, has the Government made arrangements for an initiative with the media in Britain on the back of this particular motion? Has that even been done? It is time for us to act, as the rhetoric which is often used when we debate these issues implies. We need action and not just rhetoric.

Deputy Seán Crowe: I extend a céad míle fáilte to the members of Justice for the Forgotten, the bereaved families and survivors of the Dublin-Monaghan bombings who are present in the Gallery. I am one of the Oireachtas Members of the cross-party group on victims of the conflict and we meet them regularly. Their struggle and search for justice has been a long and difficult one for the families involved and this continues to be a case of justice delayed by the latest British Government. The so-called new relationship with Britain does not appear to extend to transparency and the release of the files on the Dublin-Monaghan bombings. This is all part of a pattern, as the British Government remains the singular obstacle to resolving many legacy issues such as the public inquiry into the killing of Pat Finucane, the killing, as mentioned, of our colleague, Sinn Féin councillor Eddie Fullerton, and the activities of the so-called Glenanne gang.

Tuesday, 17 May 2016 was the 42nd anniversary of the Dublin-Monaghan bombings, and on that day I placed a motion on the Order Paper of the Dáil. I welcome that the Government recognised this initiative and drafted today's motion. We know that in 2008 and 2011 the Dáil unanimously passed motions on the Dublin-Monaghan bombings calling on the British Government to release any relevant files it held on these attacks and calling on the Irish Government to press the British Government again to comply with this reasonable request. I believe it is important that this Thirty-second Dáil reiterate and agree again a proactive approach on this issue.

We know that the Dublin-Monaghan bombings were carried out by loyalists and British agents with logistical and technical support from British security personnel. The co-ordinated no-warning bombs were designed to kill and resulted in the highest amount of deaths and casualties of the conflict. No one - absolutely no one - has ever been brought to justice. The British Government, for its part, maintains its public position of silence and repeats its worn-out and rehearsed words of denial. It refuses to release the files and information it has on the attacks

that killed 34 innocent people, including an unborn child, and injured and maimed almost 300.

I welcome the fact that the Minister for Foreign Affairs and Trade, Deputy Flanagan, attended a commemoration ceremony and wreath-laying at the Talbot Street memorial on the 42nd anniversary last week. I was struck by Alan McBride's speech at this year's commemoration. Alan lost his wife and father-in-law in the Shankill Road bomb. His speech was emotional and moving. He appealed for honesty and dialogue and for truth and justice for all victims of the conflict.

This will and does involve uncomfortable conversations, not just with friends or those who have a similar outlook, but with those who are enemies and who may have tried to kill or did kill people's loved ones. There is an imperative on us all to try to move beyond the hurt, acknowledge our collective failure, make politics work and begin a process of truth and real reconciliation. The Irish Government has an important part to play in that process. Up to now, the British Government has shown a complete lack of empathy for the victims and a complete disregard for the mandate of the Dáil and successive Irish Governments by ignoring previous all-party motions. The British Government has also ignored the calls of An tUachtarán Michael D. Higgins.

I welcome the fact that the Government included a commitment to actively pursue the implementation of previous motions in its programme for Government. I believe it will find the full support of all Deputies in this regard, but Sinn Féin and I will be closely tracking how this Government follows through on actions arising from today's motion. Every avenue must be explored and every opportunity used. The Government owes that to the 34 men, women and children that were killed, the hundreds that were injured and the families bereaved in these bombings. The people sitting in the Gallery today demand and deserve truth and justice. Let us collectively give them our support and assistance in achieving that in the very near future.

Deputy Sean Sherlock: We support the motion before the House and acknowledge wholeheartedly that after 42 years we seem to be no closer to the truth, despite the best efforts of Barron and MacEntee and the best efforts of this House as articulated in its report of 2004 and the subsequent motions of 2008 and 2011. Now, here we are again seeking to speak for the victims and articulate on a cross-party basis and in a manner which speaks for all of the people within the 26 counties that we want to assist the victims and their families in seeking truth. I worry sometimes when I stand before this House speaking on this issue. It has taken 42 years of debate, cajoling and efforts on the part of the victims and their families, and I hope we will not let another generation go by before we do finally seek truth on this matter.

I read a speech by the UK Secretary of State, Theresa Villiers, recently. It was given on 11 February 2016. In the speech she stated, "The Government fully recognises that it will be much more difficult to achieve our objective of building a genuinely shared future for everyone in Northern Ireland unless and until we can find some way of coming to terms with a divided past." She went on to say:

Where there is evidence of wrongdoing it will be pursued. Everyone is subject to the rule of law.

However, it would appear that not everyone is subject to the rule of law. Why is it that we are still talking about this 42 years later, in an era of supposed transparency, where we are trying to deal with the legacy of the past and have been through two iterations of talks? I was party to those talks in 2014 and 2015 and it seems to me that there is a hunger among the victims and

survivors for simple truth and that the issue of reconciliation and moving on as a society will never be attained fully until such time as truth reigns supreme. In this era, when Anglo-Irish relations are extremely positive and evolving in a positive sense, I do not see why we cannot facilitate people who want that basic and fundamental right to justice.

It is worth noting that the Oireachtas sub-committee examination of the Barron report, which dates back to 2004, states:

(ii) ... in all probability most if not all of the perpetrators came from Northern Ireland.

(iii) That in all probability information which identifies and which concerns the perpetrators still exists in Northern Ireland and Great Britain.

(iv) That in all probability most of the information touching on collusion in relation to the Dublin and Monaghan bombings is in Northern Ireland and/or in Great Britain.

They are three very pertinent points and I do not think the situation has changed between 2004 and 2016 in that regard.

I know that successive Governments have raised this issue with successive British Governments and I know, having served as Minister for North-South co-operation, that this has been raised very recently by the Minister for Foreign Affairs and Trade, Deputy Flanagan. I also know, to be fair to the Minister, that he constantly raises this very specific issue, among others, with the Secretary of State.

I believe strongly that this is a worthy motion. Diplomacy is very effective, whether it is economic or political diplomacy. It is important that this House send a message to the British Government on behalf of the Irish people, which is that we will continue to press for justice and truth and that we will allow access by an independent international judicial figure to all original documents in their possession pertaining to these bombings.

I o'clock

These issues need to be tackled if we are to fulfil better relations from an Anglo-Irish and North-South perspective. I believe strongly that this motion is worthy of support on a cross-party basis.

I am keen to acknowledge the work of Justice for the Forgotten. I know those involved are in constant contact with officials in the Department of Foreign Affairs and Trade. I wish to acknowledge their role as one of many organisations in the Six Counties that continue to advocate for victims. The legacy issues were not dealt with sufficiently in the last iteration of the Stormont talks. There is an important role for this House to play now on a cross-party basis. We must ensure that we continue to press for the legacy issues to be dealt with. Society, North and South, will not fully move on until these issues are dealt with. We have a duty of care to people within the Six Counties to continue to press these issues with the British Government.

Deputy Ruth Coppinger: I will be sharing time with Deputy Bríd Smith. I welcome the relatives of the victims of the Dublin and Monaghan bombings to the Gallery today. I wish to express the support of the Socialist Party and the Anti-Austerity Alliance for the relatives in their ongoing attempts to get answers and justice for their loved ones, who were killed so many years ago, as well as for victims of all the other atrocities carried out during the course of the Troubles.

25 May 2016

The bombings in Dublin city and Monaghan town on Friday, 17 May 1974 were absolutely barbaric. They were designed to kill and seriously injure as many innocent civilians as possible. The events of that day resulted in the biggest loss of life in the Troubles. The families of the victims and the Justice for the Forgotten group are to be commended on their ongoing work in seeking justice and answers to what took place on that day as well as the other terrorist attacks in the period. These included the Dublin bombings in December 1972 and January 1973, the atrocity in Belturbet in December 1972, the atrocity in Dundalk in December 1975, the atrocity in Castleblayney in March 1976 and the killing of the Miami Showband in July 1975 as well as many other deaths that took place at the time.

The families never got a proper Garda or RUC investigation into these events. The authorities on both sides of the Border appear to have taken the attitude that these bombings and killings were simply part of the Troubles and that proper investigation was not warranted or required. The families were left not knowing the full information and were not satisfied with the investigation that took place. This compounded the grief they have had to endure at the loss of their loved ones.

My Socialist Party colleague, Joe Higgins, raised this issue in the Dáil on numerous occasions. I dug out some transcripts today. It is incredible that 15 and 16 years ago the same questions were asked in this Chamber but there has been no movement whatsoever. On one occasion he questioned Bertie Ahern, who was the Taoiseach at the time of the Barron and McEntee inquiries. He called on the Government of the day to take a strong position and demand access to files and documents held by the British authorities. At the time, Tony Blair was the British Prime Minister. Clearly, it was a different era, yet we are still seeking answers and there has not been co-operation on the part of the British Government. Even Mr. Justice Barron concluded that it would not be fanciful to say there was a level of collusion between elements of the British State security services and loyalist paramilitaries. This is why there is a particularly strong need for the files and documents held by them to be made available immediately for a full investigation.

All of the victims of the Troubles and their relatives deserve truth and justice. The demands of the Justice for the Forgotten group need to be supported. I am also aware of the campaign work of the victims of the Ballymurphy and Kingsmill massacres as well. We also support the demands of these victims and relatives for investigations in order that truth and justice can be delivered for them as well. We need this not only for the relatives and victims, but to learn the lessons of the past, the extent of State collusion and what the State is capable of in these circumstances.

Deputy Bríd Smith: I want to talk about something that is fresh in our memories. All of us will be aware of the high level of emotion, joy and relief felt by the families of the Hillsborough disaster recently when, finally, they got closure on the case of a cover-up by the South Yorkshire police, a case they had been fighting since 1989. Not only the community in Liverpool and Britain, but the whole world felt a sense of sadness, relief and joy - all manner of emotions - for that community when they finally got closure after such a long time. It is true to say that the same happened in Derry when the British Government issued an apology to the crowd at the Guildhall in Derry some 38 years after Bloody Sunday. These people have had to wait for long periods to get closure on issues that have deeply affected their lives and communities, in particular, their ability to be able to get on with their lives in a full, meaningful and healthy emotional way.

On the forty-second anniversary of the Dublin and Monaghan bombings, it is crucial that a strong statement comes from the Houses of the Oireachtas. The motion is clearly supported across all parties. It is fairly innocuous in the sense that it shows support for the people who have done a great job in keeping this issue on the agenda over the years. Sometimes, I wonder how they keep doing it after all these years and how they stick with it. Many generations stick with it; it is not only the same individuals all the time. I admire them for it and believe it is important that they continue to do so. The heart of the matter is that behind the cover-up of the Dublin and Monaghan bombings is years of deep co-operation between the State and nasty sectarian forces in Northern Ireland. What is referred to as the Troubles was marked by pockets of serious incidents, including killings and attempted killings, directly linked to this collusion.

Recently, I shared a platform with Bernadette Devlin, or Bernadette McAliskey, as she is now known, at the celebration of Gerry Carroll's victory in west Belfast for People Before Profit. She reminded us of the time she lay under her bed with 20 odd bullets in her body. She almost died in hospital at the time. That was clearly an incident of collusion between the British Government and loyalist paramilitaries, as was the murder of Pat Finucane and many others.

It is politically important for the families to pursue this issue. Obviously, it is personally important for those involved but politically and historically it is important to understand the nature of the northern state, the nature of British-Irish relations and to correct the historical record.

Justice for the Forgotten will continue to establish a mechanism that can persuade the British Government to provide the documentary evidence. I know that the Minister for Foreign Affairs and Trade, Deputy Charlie Flanagan, has recently reaffirmed his commitment to continue to call on the British Government to release the necessary documentation that can give closure and openness to this process.

Although the motion is good in its content and it has widespread support, we should really question our diplomatic methods. It is a little like the definition of insanity as the action of someone who keeps doing the same thing but expects a different result. Perhaps when we pass this motion - not "if," but "when" - in this new Dáil, we should go at it in a different way. Instead of asking the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, to call on the British Government to co-operate, we should raise the stakes. The Taoiseach, and perhaps even the President, should raise their voices and call on the British Government to deliver justice for the forgotten. This is important in a year when we have seen closure on a very sad period of history for people in Britain. It is now time for the British Government to give closure to people in this country on an extraordinarily sad and tragic time in their lives. As well as passing the motion, we should up the stakes. The Taoiseach and the President, Michael D. Higgins, should lend their voices, loud, clear and strong, to the British Government to give these people closure and open up the documents that are necessary to give us the truth of what happened on those days.

Deputy Caoimhghín Ó Caoláin: Last week on 17 May we marked the 42nd anniversary of the Monaghan and Dublin bombings. Thirty-four lives were taken by no-warning bombs placed in busy streets. This was the largest single-day loss of life over some 30 years of the Troubles. I extend my continuing sympathy and solidarity with all the survivors and the bereaved of that terrible day.

These and other British-sponsored bombings have never elicited the release of critical documentation held by the British Government, its armed forces and North-of-Ireland-based agen-

cies. This is despite the efforts of Mr. Justice Henry Barron, who conducted an inquiry into the atrocities and whose report, when considered by the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights, prompted that all-party committee to conclude that "we are dealing with acts of international terrorism that were colluded in by the British security forces". Television programmes broadcast by BBC and RTE last year showed the pervasiveness of collusion, a practice of the British Government and its security forces, the consequences of which are felt by families and survivors across Ireland today.

Collusion is not an allegation that can be dismissed as propaganda. It is a fact of the conflict. It was committed on a large scale and with impunity. There is clear evidence that points to collusion being not only practice but policy. It was planned and directed with full political authority. This is no more evident than in the Dublin and Monaghan bombings. The demands contained in two all-party motions adopted unanimously in the Dáil speak volumes of the chasm between the Irish and British Governments on the matter. The Irish Government collectively demands justice on behalf of the victims and in the name of the people of Ireland, but the latter claims national security reasons for its non-co-operation and even on occasion denies that any such documentation exists. There are many aspects to engaging with this legacy, but central to the Sinn Féin approach has been the facilitation of information disclosure, truth and justice for families. The British Government's blanket veto on providing information to the families of victims of the conflict is unacceptable and remains the biggest single obstacle to dealing effectively with the legacy of the past.

The Taoiseach has failed to uphold the rights of families of Irish citizens killed and injured through acts of collusion. He has failed to hold the British Government to account for its refusal to fully co-operate with the inquiry into the Dublin and Monaghan bombings. This is the case despite the fact that he and the Minister for Foreign Affairs and Trade have a strong mandate from the Oireachtas to pursue this issue with real determination with the British Government. The Irish Government is not a minor player in the peace process. It is a co-equal guarantor and partner in that process. The Irish Government must not let the British Government walk away from its role and responsibility in the conflict. It must secure the right to truth for all citizens and ensure the mechanisms agreed as part of the Stormont House Agreement are implemented.

I also note and welcome the fact that at last week's commemoration on Talbot Street, which I attended, the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, called for full British Government co-operation in order that the truth could be established and those responsible pursued, if that were still possible. Actions speak louder than words. I call on the Taoiseach and this Government to pursue the full realisation of the demands of these all-party motions and to raise the matter again, urgently and with real resolve, with the British Government.

I acknowledge once again the tenacity and courage of the campaigning group Justice for the Forgotten, and Margaret Urwin in particular. I wish to conclude by remembering all the victims of the Dublin and Monaghan bombings and not least those who lost their lives in my home town of Monaghan on that fateful Friday in May 1974: Archie Harper, Peggy White and Jack Travers, all of whom I knew personally, Patrick Askin and Thomas Croarkin, whose families I know well, and Thomas Campbell and George Williamson. May the Lord have mercy on all their souls and grant peace and justice to their grieving and campaigning relatives and friends.

Deputy Mary Lou McDonald: I acknowledge and welcome in the Visitors' Gallery the families and campaigners for Justice for the Forgotten. They are most welcome here again. I pay tribute to their great work and their tenaciousness in pursuing truth over these long years.

Any progress that has been made in the search for justice is due largely if not exclusively to their efforts. They are to be commended on that.

We have just commemorated the 42nd anniversary of the Dublin and Monaghan bombings. I remember the time; I was a child in this city. Three bombs exploded in Dublin and a fourth in Monaghan, killing 33 civilians and an unborn child and injuring almost 300 people. Those killed were aged from five months to 80 years. One of the deadliest bombs exploded in Talbot Street, in the heart of my constituency in the north inner city. Many people and families today bear the physical and emotional scars of that day. For them, this is not about the past; it is very much in the present. The bombings claimed by the UVF had the fingerprints of the British Army and British intelligence all over them, most obviously in respect of their agents and informers, those whom they ran within the UVF and other Unionist and loyalist proxy organisations. In his report on the bombings in 2003, the Irish Supreme Court judge Mr. Justice Henry Barron pointed his judicial finger at the most likely involvement of the British military and intelligence services in those bombings. There is no question, for those who care to examine the case, that this was a matter of collusion. My colleague, Deputy Adams, unfairly said he had little hope that the passing of another all-party motion in this House would have any real effect on the British Government. It is understandable that his view would be tinged with some cynicism.

The first question we have to ask is whether the passing of this motion will have an impact on our Government in Dublin. Sadly, unlike Deputy Sean Sherlock, who commended us and the Government on doing our best, I do not believe that is the case. We should be and are very critical of the British system for shutting down access and avenues to truth and justice. That is its form, and there is no sign of that form changing. We also need to be equally honest about the effort, or lack of effort - the lack of determination - from the Dublin Government. The Taoiseach, and not alone he, has been passive and has largely paid lip service to this particular campaign for justice. With another joint motion, it would be intolerable if he were to yet again sit on his hands. When inquiries are made of the Taoiseach as to the position of the British system and Prime Minister on these matters, he routinely responds in the Chamber that he has raised the matter with the Prime Minister. It is not sufficient simply to raise the matter with the British system in some kind of box-ticking exercise.

The Fresh Start agreement negotiations were very revealing on a number of counts, in the first instance in terms of where the British position now rests. Republicans and Unionists cobbled together an agreement to deal with legacy issues, and in came the British system citing matters of national security. This was entirely spurious and without foundation. It was given avenues to address any genuine concerns it might have had in this regard, but of course it had no interest in that. What was equally revealing was the passivity of the Dublin system when faced with that British intransigence.

I do not recall any serious effort by the Minister for Foreign Affairs and Trade, Deputy Charlie Flanagan, or by anybody else within the Administration to face down and challenge the blanket denial of truth, information and justice. If this motion is to mean anything, if the fine words of the Taoiseach are to amount to anything and if those in the Gallery are to have any real prospect of getting the truth and justice they deserve, the first thing that needs to change is the position, attitude and inactivity of the Dublin Government.

Deputy Jim O'Callaghan: It is now 42 years since the Dublin and Monaghan bombings. Although nobody has been brought to justice for those terrible crimes, it appears highly probable that the murders were carried out as a result of collusion between certain sections within

25 May 2016

the British state and loyalist paramilitaries. We know that the Glenanne gang, that in the 1970s was based in Armagh and comprised a group of Northern loyalists who were involved with the UDR, the RUC and certain sections within the British security services, was responsible for a significant number of murders committed in Northern Ireland at the time. It carried out sectarian murders against Catholics. The sectarian murders for which it was responsible were just as heinous and sectarian as the campaign carried out by the Provisional IRA at the same time.

The bombs in Dublin and Monaghan were not simply an attack on the unfortunate people who were murdered that day; they were also an attack on the State. They were sectarian attacks that were committed at a time when this State and the North could have regressed into sectarian civil war between loyalist Protestant and Nationalist Catholic groups. The actions of the people within British intelligence who promoted and colluded in the crime actively encouraged and sought to promote such a conflict, and that needs to be condemned unreservedly.

We will never overcome the legacy of the past unless the participants from the past decide to admit what happened, and that applies to everyone on all sides of the conflict. Unfortunately, it appears that is not going to happen. Part of the reason there will not be an admission as to the wrongdoing of the past is because it is a source of extraordinary embarrassment and an admission of murder. It is a recognition that what happened in the past was completely wrong. Why did all those young people in Northern Ireland have to die and what was achieved? Why did so many people in Dublin and Monaghan have to die 42 years ago and what was achieved?

Acts of collusion between the British state and loyalist paramilitaries may have started in the 1970s and continued throughout the 1980s into the early 1990s. It was an illegal response to the equally repulsive campaign being carried out on behalf of the Provisional IRA at the time. I regret to say, however, that history teaches us that the likelihood is that the British state will not face up to its responsibility in respect of collusion.

The House previously passed a motion seeking the appointment of a judge to examine the documents available to the British and which could throw some light on these heinous crimes. We should recall that in Weston Park, the agreement between Ireland and Britain a number of years ago, there was similar agreement that there would be a public inquiry into the killing of Pat Finucane. To date we have received no public inquiry from the British state. Instead, we have had the De Silva inquiry which, while illuminating, is not the public inquiry for which we entered into an agreement.

It is also instructive to note what happens to people within the British state who seek to expose collusion on the part of certain sections of the British military. In the 1980s, John Colin Wallace was an intelligence officer in Northern Ireland. He, along with Fred Holroyd, another British Army officer, exposed serious wrongdoing and illegality on behalf of the British forces in Northern Ireland. He was subsequently prosecuted and convicted of murder, but the conviction was quashed by the Court of Appeal in the United Kingdom in 1996.

John Stalker was deputy chief constable of the Greater Manchester Police and was asked by the British Government to look into reports of a shoot to kill policy. He was removed from the inquiry after allegations were made against him, allegations which have long since been shown to be false.

John Stevens was a senior police officer in the Metropolitan police who was asked to investigate certain allegations of collusion. It is sometimes forgotten that he reached the finding that

there was collusion involved in the murder of Pat Finucane. It is instructive to note what happened to Mr. Stevens the night before he planned to arrest an individual involved in the heinous crime. His office in the RUC base in Carrickfergus was burnt down.

I do not wish to give up hope in respect of Dublin and Monaghan, and I commend the people in the Gallery, and the families of those who were murdered, on their perseverance. It is important we continue to seek the truth in respect of this matter. I can assure the House and the families that Fianna Fáil will continue to pursue that, notwithstanding the fact it may be the case that we will not get co-operation from the British state.

Deputy Seamus Healy: I welcome Justice for the Forgotten and representatives of bereaved families to the Gallery and thank them for keeping this issue to the fore and being so tenacious in raising it over recent years. As other speakers have said, it is now 42 years since the horrendous bombings of Dublin and Monaghan in which 34 people died and 300 were injured. There were three bombs in Dublin and one in Monaghan about an hour and half later. A number of people from County Tipperary were killed in the bombings. In a previous bombing in December 1972, a Tipperary resident, George Bradshaw, who was a bus worker from Fethard, died.

One would wonder why over the past 42 years we have not been able to get to the truth and get justice and answers for those who were bereaved. It is now clearly and widely accepted that British state security forces were involved in the bombings. The evidence for that comes from the mouths of former members of the British security forces. The Joint Committee on Justice, Defence and Equality indicated that it is believed that the bombs were an act of international terrorism involving British state forces. In his report Mr. Justice Barron criticised the Garda Síochána investigation and said it was stopped prematurely. He also criticised the Fine Gael and Labour Party Government of the day and said British security forces were, in his view, involved in the bombings.

Since then we have been unable to get co-operation from the British Government on this issue. We have sought files and papers to be made available, but that did not happen. The Government asked that an independent international judicial expert be allowed to view the relevant papers, but that has not happened. There were all-party motions in 2008, 2011 and again today.

Debate adjourned.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna - Questions (resumed)

Priority Questions

An Ceann Comhairle: We will proceed with Questions to the Minister for Social Protection. Question No. 26 is from Deputy Willie O'Dea. I call on the Minister to respond. We are operating under the old rules.

Deputy Willie O'Dea: The question is self-explanatory.

An Ceann Comhairle: I am afraid the Minister must give the answer first and then Deputy

O'Dea can respond.

Child Benefit Payments

26. **Deputy Willie O'Dea** asked the Minister for Social Protection if he will provide assurances that receipt of child benefit will not be dependent on school attendance, as outlined in the programme for Government; and if he will make a statement on the matter. [11887/16]

Minister for Social Protection (Deputy Leo Varadkar): Child benefit is a universal payment to help families with the cost of raising children and plays an important role in tackling child poverty. It does not rely on a means test or social insurance contributions and is paid to the parents of qualified children up to the age of 18 years. It is paid to approximately 623,000 families for 1.2 million children with estimated spending of more than €2 billion by my Department this year. Child benefit is not linked to school attendance for children under 16 and the Social Welfare Acts do not require monitoring of school attendance for children aged under 16. There is no power in the Act to do so. For older children aged 16 and 17 years, an annual declaration is required from parents, signed by their school, that their children attend school or that they have a disability.

The monitoring of children's attendance at school is an important child welfare issue but is beyond my remit as Minister for Social Protection. The attendance of children at school is monitored by Tusla under the Education (Welfare) Acts on a statutory basis on behalf of the Minister for Children and Youth Affairs. Any issues concerning school attendance, including the operation of the monitoring systems, are a matter for Tusla and the Department of Children and Youth Affairs.

My Department operates control programmes on all departmental schemes, designed to ensure that payments cease where there is no longer an entitlement. Child benefit operates a very effective and efficient control programme, ensuring that payment is only paid to families who continue to have such an entitlement.

Deputy Willie O'Dea: What I sought to ascertain when I tabled the question was an assurance from the Minister that we would not change the current system and link the payment of child benefit to school attendance. I do not detect any such assurance in his reply. Unless I misunderstood the Minister, he has suggested it is a matter for another Department. Many people are worried about the issue. They are worried about the statement in the programme for Government that indicates there would be a link between school attendance and payment of child benefit. The Minister is familiar with the statement in the programme for Government which he negotiated with some of the Government's Independent supporters. Could he explain what exactly the statement in the programme for Government means and what its implications will be?

Deputy Leo Varadkar: I am happy to give further clarity to the Deputy on this matter. Child benefit is a payment that is not means tested and is not taxed and I have no intention of changing that. The payment will remain un-means tested and it will not be taxed. Child benefit for children aged under 16 is not linked to school attendance but children aged 17 and 18 do have to be attending school or have a physical or mental disability. Controls are in place to make sure that is the case.

I had discussions last week with the Minister for Children and Youth Affairs, Deputy Katherine Zappone, and the Minister for Education and Skills, Deputy Richard Bruton, and the common view of the three Ministers is that those who are involved in educational welfare and monitoring truancy do not believe giving them a further tool with which to enforce school attendance by withholding child benefit payments for children aged 16 or younger would be useful. As that is a matter for them, I see no reason to change the law given that, in their view, the tool would not be useful, but it is the case for 17 and 18 year olds that the payment is linked to school attendance.

Deputy Willie O'Dea: I thank the Minister for that assurance. It would appear that the long answer is “No” and the short answer is also “No”, so we are happy with that.

Deputy Leo Varadkar: On foot of what is in the programme for Government, what is there and what is intended for it is better co-operation. Tusla has a system, the Department of Education and Skills has a system and the Department of Social Protection has a system of registering children in school.

Deputy Willie O'Dea: Data.

Deputy Leo Varadkar: Yes, data. We will be sharing more and better data to perhaps identify children who are not attending school or children whose parents have left the country and are no longer entitled to the payment, but the basic principle that child benefit is universal, not means tested and not taxed remains and I have no intention or plans to change the law in that regard.

National Internship Scheme Review

27. **Deputy John Brady** asked the Minister for Social Protection if he has completed the review into the JobBridge scheme; and if so, the reason he has not published it. [11889/16]

Deputy Leo Varadkar: A commitment was given in Pathways to Work to develop and implement a programme of evaluations to assess the impact of the Pathways to Work initiatives. One of the first schemes selected for evaluation was JobBridge. The aim of the evaluation is to assess the effectiveness of the scheme in terms of its key objective of improving employment outcomes for unemployed jobseekers. The evaluation involves a number of elements including surveys of host organisation and participants to capture their perspective on and experience of JobBridge; an assessment of whether JobBridge might be displacing paid employment in the economy; and a comparison of employment outcomes of JobBridge participants matched to a control group of non-participants. The research is currently well advanced and I expect to receive an interim progress report towards the end of June and the final report in September.

The JobBridge scheme has been an effective labour market intervention to date. Some 15,000 interns went directly into paid employment immediately following a JobBridge internship. Independent research indicates that rose to 29,000 interns, or 61% of all participants after five months, compared to an average of 34% for comparable programmes in other European countries, so it is almost twice as effective.

I know people who took part in JobBridge and have benefited from it, but it was very much a scheme for its time, and I am planning to replace it with a more appropriate scheme. Job-

25 May 2016

Bridge was launched at a time of massive economic uncertainty and widespread unemployment. Companies were simply not hiring because they could not afford to recruit, and in many cases insisted on a minimum level of experience. However, large numbers of recent graduates and people who lost their jobs in the recession could not get the relevant workplace experience they needed to get a first or a new job. That crisis is now over, the economy is growing and employers are hiring again. The labour market has changed and new graduates are once again finding work.

Unemployment has fallen below 8% for the first time since the crash. Although the evidence is largely anecdotal, I am concerned at reports that some employers might be using JobBridge as an alternative to hiring new employees.

Additional information not given on the floor of the House

On the other hand, I am very conscious that there are still many people who lost their jobs in the depth of the recession who are struggling to break back into the labour market and schemes like JobBridge can provide a valuable pathway to such citizens, in particular in instances where it is associated with a training programme. The Indecon review in September will provide an evidential basis upon which to consider what changes should be made to improve outcomes for jobseekers and value for money for the State.

Deputy John Brady: I welcome the news that JobBridge will be scrapped. That needs to be done with immediate effect. We should not wait until September. It needs to be done barring those who are already on the scheme.

When I looked at the website this morning, I saw new, fresh positions being advertised. There was an advertisement for an internship as a deli assistant. In my day such a position required probably a couple of days training to gain experience but the Minister is asking people to work 40 hours a week over a nine-month period for €50 extra on top of a social welfare payment to train as a deli assistant. Does the Minister agree that the scheme has fundamentally failed and that it has displaced work? That is quite clear. The scheme depressed job creation, facilitated wage avoidance and normalised work for little or no wages. It has put good employers at a competitive disadvantage. Does the Minister agree that JobBridge has resulted in the exploitation of workers by some individuals?

Deputy Leo Varadkar: First, as the Deputy is or at least should be aware, the scheme is entirely voluntary on the part of both the employers and those taking part in it. No one was ever required to take up a JobBridge internship. When I was at the Department of Transport, Tourism and Sport, we had JobBridge interns, some of whom went on to full-time jobs. It is important to ask people who have taken part what they think of the scheme, and 65% of those who took part stated that they would recommend it to a family member or friend, while 89% stated that it had given them new skills. These are people who actually took part, and it is more important to listen to them than to the activists - who of course have their views, to which they are entitled.

However, it was a scheme for its time and it is outdated. I intend to either abolish it altogether or replace it with a more targeted scheme in September. However, I do not wish to throw the baby out with the bathwater, and I wish to allow Indecon to finish its work in order that it can help inform me on what scheme should or might replace it. I certainly am open to suggestions from Sinn Féin as to what it considers should replace it.

Deputy John Brady: When businesses advertise JobBridge internships in which they seek applicants such as fully qualified architects or, as in a more recent example, a fox hunting organisation advertises for the position of first whipper-in, it is clear that the scheme has been and continues to be abused. What will replace JobBridge? The Minister stated that he would look forward to proposals from Sinn Féin. Last year, Sinn Féin produced the document I have to hand, *Displacing JobBridge*, which would see tailored internships as opposed to the one-size-fits-all approach that is part of JobBridge. Will the Minister examine this document? Will he examine the primary legislation proposed by Sinn Féin within this document to provide safeguards for internships? I have to hand a copy of this document, which I will gladly hand over to the Minister for him to examine so that he can consider the items contained therein.

An Ceann Comhairle: I thank the Deputy. The Minister to conclude.

Deputy Leo Varadkar: An independent review already is under way, commissioned by my predecessor as Minister, Deputy Burton. It is important to wait six or seven weeks to get that review in order that it can be considered fully. I certainly will take a look at Sinn Féin's paper with regard to its proposals on what should replace JobBridge. As stated previously, it was a scheme that was established at a different time, a time when employers, and small employers in particular, could not afford to take on people. It was at a time when people could not get any work experience. What happened was that when people took up internships to get work experience, they lost their jobseeker's benefit. It was a real problem at the time that those who wished to take up work experience lost their jobseeker's benefit, but how else were they meant to get work experience? It was a double jeopardy for them, and that is why the JobBridge scheme evolved and why it was welcomed initially by many people who subsequently came to oppose it. However, it is now out of date and I wish to abolish it entirely or replace it. I certainly am open to suggestions on how it can best be replaced.

Departmental Legal Cases

28. **Deputy Willie Penrose** asked the Minister for Social Protection to commit to initiating a legal case under section 599 of the Companies Act 2014 in an effort to recover moneys paid by the State to cover the statutory redundancy entitlements of the former workers of Clerys department store who were made redundant in June 2015; and if he will make a statement on the matter. [11890/16]

Deputy Leo Varadkar: My Department is responsible for compensating employees for the loss of their jobs where their employer is unable to pay statutory redundancy due to financial difficulties or insolvency. Payments are made from the Social Insurance Fund, essentially from the PRSI contributions paid in by those in employment, employers and the self-employed.

Following the liquidation of Clerys in June 2015, more than €2.5 million was paid under the Department's redundancy and insolvency payment schemes to 134 former employees. Arising from the Clerys liquidation, the Department of Jobs, Enterprise and Innovation initiated a twin-track examination of protection law for employees and unsecured creditors to ensure in particular that limited liability or company restructuring were not used to avoid a company's obligations to its employees and creditors. The Government recently published one of these reports, by Nessa Cahill and Kevin Duffy. It is my firm view that employers must adhere to the letter and spirit of both company and employment law.

25 May 2016

My Department is currently considering how the provisions of the Companies Acts, including section 599 of the Companies Act 2014, might be used to recover the moneys expended from the Social Insurance Fund. Consideration of legal action by my Department must take into account a number of factors, including the burden of proof required, the likely costs and duration of a legal action, and the level of assets, if any, that might be recovered if an action were successful. Officials from my Department are discussing this approach with the Attorney General's office and with senior counsel to seek legal advice, as there is no precedence in Irish case law on this specific provision.

Deputy Willie Penrose: As the Minister is aware, the significance of this case is due to the fact that the insolvency was preceded by a company restructuring which involved a separation of the trading business that employed the staff from its major asset, namely, the Clerys building. The operating company was then declared insolvent and went into liquidation. The employees lost their entitlements without notice or consultation and without payment of their statutory redundancy, but that was fixed up. In effect, what happened was that a situation was engineered in which people's entitlements and the payment to them of €2.5 million was placed onto the shoulders of the Department and the taxpayers and in which the company got away scot free. This is not good enough, and workers who had given their lifetimes were dismissed without leave or consultation or anything else.

Section 599 comes from the 1990 Act and was repeated verbatim in the 2014 Act. It is about bringing assets of a connected company into a liquidation on the grounds of fairness and equity. It is used in New Zealand, from where we borrowed it, but has never been invoked. This is the area on which there should be a focus. The provision is designed and custom-built for the purpose that arose at Clerys. It is time the shackles were thrown off and the legislation was used to pursue the issue that has arisen. If the advice from the Attorney General comes through - and I understand it could be positive - will the State invoke the legislation to ensure this money is recovered?

An Ceann Comhairle: Thank you, Deputy. The time has elapsed.

Deputy Leo Varadkar: As Deputy Penrose has described it, the €2.5 million that was required to pay the statutory redundancy to the employees who were entitled to it had to come from the Social Insurance Fund - that is, it came from the contributions of others rather than from the company. Section 599 is a mechanism by which it might be possible to recover those funds either from the company or from connected companies. However, key to this prospect will be the advice of the Attorney General. If the advice is that we have a good chance of winning the case and that there is a good chance of recovering the money, then of course it would be my intention to proceed with that legal action. However, I must bear in mind the undesirability of exposing the taxpayer to a further loss by pursuing a case that may not be successful or one against a company that may not have the €2.5 million to repay to the Social Insurance Fund. These are the factors that must be taken into account - namely, whether there is a reasonable chance of the case being successful, and, if it were successful, whether the companies concerned have the money to pay back to the Social Insurance Fund.

Deputy Willie Penrose: With all respect to the Minister, that reflects the conservatism within the bureaucracy. Section 599 has never been used. It is on the Statute Book for a good reason and it should be used. If the Government, with the backing of the deep pockets of the State, cannot use it, how can a small business or small company owner use or exploit it? Let us go for it. The Government should carry the loss, and if the courts hold against it, Members

can amend the law to ensure this situation never occurs again. This is happening too often; too many companies are getting away with passing the buck and engineering matters to place the bills onto the shoulders of the Minister. It is important that this action be pursued, and the time to so do is overdue. People outside the House make the point to me that if the Department were owed €20 or €200 or €2,000 by an ordinary person - an overclaim, perhaps, or on foot of an inadvertent action - that person would be pursued with vigour. I ask the Minister to pursue this matter with vigour. I would be surprised if the Attorney General did not give the green light to pursue this action. What is the sense of having legislation on the Statute Book if it is useless and toothless?

An Ceann Comhairle: I thank Deputy Penrose.

Deputy Willie Penrose: If it is, the legislation should be brought back before the Dáil, where Members can amend it to make sure it has teeth.

An Ceann Comhairle: The Minister to conclude.

Deputy Leo Varadkar: Deputy Penrose is as familiar with the Attorney General and her office as I am, and a conservative she is not. She is----

Deputy Willie Penrose: I did not say the Attorney General was conservative.

An Ceann Comhairle: No, Deputy. Let the Minister respond, please.

Deputy Willie Penrose: The Minister should not pull that one on me. I know who is conservative.

Deputy Willie O'Dea: It is the bureaucracy.

Deputy Leo Varadkar: It certainly was what the Deputy implied.

Deputy Willie Penrose: No. It was the bureaucrats, and she is not a bureaucrat.

Deputy Leo Varadkar: One thing about which I hope my bureaucrats are conservative is saving taxpayers' moneys. As a result of this, €2.5 million already has been lost----

Deputy Willie Penrose: Exactly. Let us try to get it back.

Deputy Leo Varadkar: -----and I certainly am not going to risk losing millions more on a case that may not be successful or on a case against a company that might not have the funds to pay back the money. That would be throwing good money after bad. However, if there is a strong case to be made, then I believe it should be pursued. As I stated, my officials are in consultation with the Office of the Attorney General in this regard, and even pursuing the case may have a value in itself, in respect of the message it may send to other companies. However, I am not going to wilfully expose taxpayers to the further loss of funds. That would only enrich barristers at the expense of taxpayers.

National Internship Scheme Review

29. **Deputy Willie O'Dea** asked the Minister for Social Protection his plans to reform the JobBridge Scheme given the number of criticisms that have been levelled at it; and if he will

make a statement on the matter. [11888/16]

Deputy Leo Varadkar: As Members of the House will be aware I have already announced that I plan to replace JobBridge with a more targeted scheme later this year. I believe that economic and labour market conditions have changed for the better since the scheme was introduced in 2011, and that the time may now be right for a more targeted scheme.

JobBridge was developed in 2011 in response to the unemployment crisis to serve a dual purpose. First, to help jobseekers to secure work experience vital to enhancing their employment prospects and break the vicious circle of “no experience no work, but no work no experience”. Second, it was to support employers in taking the first step in recruitment at a time when access to finance was limited and business risk was high.

JobBridge also addressed the anomaly in the social welfare code whereby unemployed jobseekers who voluntarily undertook unpaid work experience or internships lost their entitlement to a jobseeker’s payment. Under JobBridge, participants retain their jobseeker’s payment and, in addition, receive a top-up towards the cost of work of €52.50 per week.

JobBridge has been successful in meeting its objectives over the past five years. It has helped about 19,000 mainly small employers to provide valuable work experience to nearly 48,000 unemployed jobseekers. An independent evaluation of JobBridge published in 2013 found that overall satisfaction levels with the scheme were high. Two thirds of participants would recommend the scheme to a friend or family member, and levels of abuse of the scheme by employers were relatively low. Most notably, the evaluation found that about 61% of participants progressed into paid employment within a short period of completing their internship. This is a high progression rate and suggests that JobBridge has been instrumental in helping about 30,000 jobseekers to secure employment.

Notwithstanding these achievements JobBridge has been subject to a high level of criticism, much of which is based on small-scale surveys by various interest groups.

Additional information not given on the floor of the House.

I intend to respond to these criticisms in the design of a new scheme. It is however important that the design of a new scheme be informed by the best evidence possible. It is for this reason that I intend to await the results of a second large-scale evaluation of JobBridge currently underway. The results of this evaluation, which is again being undertaken by Indecon, are expected in September and I will announce my proposals for a new scheme shortly thereafter.

Deputy Willie O’Dea: I must apologise as I forgot to congratulate the Minister on his new appointment.

I would be the first to concede that JobBridge has done a lot of good. Will the Minister agree, however, that interns have been exploited? For example, is he aware of a newspaper study which reached the following conclusions and threw up the following statistics? The largest user of the scheme over its five-year period was the HSE, which used it 399 times. The HSE used the scheme to fill 67 assistant psychologist posts. The ESB recruited a solicitor, two industrial economists, three quantity surveyors, a geological data analyst and a legal executive - all very qualified individuals - via JobBridge.

Interns interviewed during the study complained about bullying, working more than 40

hours per week, being forced to work outside their job description, and inadequate monitoring. Does this not smack of exploitation? Why did the Government renege on its commitment to have a regular monitoring of JobBridge? It did one report in 2002, but nothing for the last four years.

Deputy Leo Varadkar: I am aware of the NUI and Impact surveys on JobBridge, but I am not aware of the one to which Deputy O'Dea has specifically referred. It was a scheme for a particular time and I have no doubt that there has been some degree of displacement. That is something that I want to ensure changes in any replacement scheme, but any scheme will cause some degree of deadweight or displacement. That is the nature of any intervention that occurs in the labour market. Unfortunately, in any workplace, even in a fully paid normal contract job or permanent post, one will find people who complain of bullying, exploitation or being required to work beyond their job description. In fact, I would say that a huge number of employees in all fields of work may feel that they are asked to work beyond their job description. I do not think that those things in themselves mean that one can condemn an entire scheme.

Deputy Willie O'Dea: Two wrongs do not make a right. The Minister will be aware that 86 companies were struck off the JobBridge scheme because, quite frankly, they were abusing it. Nevertheless, they were restored because it was found that the procedures adopted to strike them off were unfair. In other words, they were restored on a technicality. Does the Minister regard it as reasonable that five years into the operation of a scheme involving tens of thousands of people, we still do not seem to have a robust method of monitoring it and punishing people who offend? Will the Minister change the policy to which his predecessor rigidly adhered, of not publishing the names of companies and individuals who have been struck off? A list of tax-defaulters is regularly published in the national press.

When I asked the Minister's predecessor why this rule was not applied to companies that were struck off from using JobBridge, I was told that it was for commercial reasons. I imagine that if some businessman is named as a tax defaulter it will have some commercial impact on him.

Deputy Leo Varadkar: The Deputy has answered his earlier question. There is a monitoring system and had there not been, those 80 firms would not have been suspended from JobBridge.

Deputy Willie O'Dea: They were restored.

Deputy Leo Varadkar: That is 80 out of 19,000 in total.

Deputy Willie O'Dea: Yes, and they are back.

Deputy Leo Varadkar: I will look into it again out of my own interest. The reason why they cannot be published or named and shamed in the way a tax defaulter would be, is that where they have been suspended from a scheme it is being done on an administrative basis. It is not that a finding has been made against them in the way a finding may be made against somebody who defrauded the State of their taxes. It is not that anyone who gets audited is named and shamed when it comes to tax. They must have a finding against them that would stand up in court. Needless to say, the Department does not want to start naming and shaming companies that would then go to court and sue successfully for having their good name impugned without due process.

25 May 2016

Deputy Willie O'Dea: The Minister refers to people going to court because their good names are impugned. If somebody is disqualified from being involved in the JobBridge scheme because they have been found to be exploiting young people who want to get into employment, and those who are long-term unemployed, surely they deserve to have their names published. The Minister is using a different excuse than his predecessor, who used the excuse of commercial sensitivity. I would have thought that if some business person is listed as a tax defaulter, it would have some commercial impact on his business.

First, can the Minister give me an assurance that in the new scheme he will introduce, he will carefully examine the question of naming and shaming? That would serve as a deterrent to would-be abusers. Second, can the Minister give an assurance that under the new scheme, whenever it is introduced, he will have a proper monitoring system to ensure that interns get the experience and skills they have signed up for?

Deputy Leo Varadkar: The Deputy will understand, more so than most in this House, the potential consequences of impugning the reputation of others. That is definitely something I do not want to be a party to or responsible for. What has been determined in the interim-----

Deputy Willie O'Dea: On a point of order, what does the Minister mean exactly by that statement?

Deputy Leo Varadkar: Exactly that.

An Ceann Comhairle: I am sorry but Deputies cannot raise a point of order in the course of question time.

Deputy Willie O'Dea: The Minister should answer the question he was asked.

Deputy Leo Varadkar: I will answer the Deputy's question. In a small number of cases, as a result of on-site inspection processes, the Department formed the view that non-compliance by certain organisations warranted a decision to terminate the internship concerned or to suspend them from future participation for a period of time depending on the nature of the transgression. In the cases concerned the decisions were taken on an administrative basis by individual inspectors. The host organisation had no recourse to any review of the decision, which is very different to tax cases. However, it has now been determined - and this is relevant to any future scheme - by the Office of the Information Commissioner that, in future, names of host organisations found to be non-compliant should, and can, be made available.

3 o'clock

Social Insurance

30. **Deputy Willie O'Dea** asked the Minister for Social Protection his plans to change the PRSI system to extend benefits to the self-employed; and if he will make a statement on the matter. [11905/16]

Deputy Leo Varadkar: The new partnership Government aims to create an additional 200,000 jobs by 2010, including 135,000 outside Dublin. This will be achieved by continuing

and enhancing a supportive environment for enterprise and employment.

In particular, the role of entrepreneurs and the self-employed will be central to this ambition. The new programme agreed with our partners in Government contains a commitment to introduce an improved PRSI scheme for the self-employed. In addition, we will also ensure that the earned income tax credit available to the self-employed will match that available to employees, over a number of budgets. This process commenced in budget 2016 with the introduction of a €550 tax credit for the self-employed.

I want to ensure that appropriate sustainable supports are available to the self-employed in the event of certain contingencies arising. The self-employed already have access to the State contributory pension, the contributory widow's, widower's or surviving civil partner's pension, the contributory guardians payment, maternity benefit and adoptive benefit on the same basis as employees. It is also my intention that they will also gain access to the new paternity benefit, which will be introduced later this year. They can access jobseeker's allowance on a means-tested basis. However, unlike the position with employees, they are not covered for certain contingencies such as long-term illnesses or disability and may not avail of treatment benefit. The former Advisory Group on Tax and Social Welfare published a report in 2013 which examined the options for extension of cover to the self-employed. This is a valuable contribution to the issue, and my Department will be examining all of the available options in the coming months. This examination will have to include the level of appropriate additional contribution the self-employed may have to make for additional benefits. I look forward to making progress on this issue in the next few months.

Deputy Willie O'Dea: I take it from the Minister's reply that he is endeavouring to introduce a safety net for self-employed who fall ill or whose businesses collapse in the same way as employees have the jobseeker's benefit or illness benefit. The tenor of the reply appears to indicate that he will do this on a compulsory basis. I acknowledge that is what the advisory group recommended but I disagree respectfully with the recommendation. However, is the Minister aware that countries such as Denmark, Germany, France, and Spain and even recent EU entrants such as Lithuania and Romania have a voluntary system whereby if self-employed people wish to pay additional contributions, they will be included and nobody is compelled to enter the scheme? There is not a compulsory additional tax on the self-employed as a whole but those who want to sign up to the scheme are allowed to do so.

Deputy Leo Varadkar: There is an under-used voluntary scheme in existence in Ireland, the class P, under which people can make voluntary contributions but very few do. That is often the difficulty with voluntary contributions. Only small numbers will contribute and the contributions often have to be high to cover the inevitable risk that occurs. When something is voluntary, those who are most likely to avail of it are the ones who are most likely to contribute. That is why universal schemes generally work better and that is why PRSI for employees is not voluntary. I imagine many employees would love it if PRSI were voluntary and they did not have to pay into the fund but the effect of that would be to make contributions much higher for those who do and there would be a risk issue in that those more likely to avail of it would be more likely to pay into it. The point could be reached that contributions would be so high that nobody would make them.

I was self-employed and I took out voluntary income protection, which is expensive.

Deputy Willie O'Dea: I am aware of that. I am also aware of the position as it pertains to

25 May 2016

employees. On the basis of conversations I have had with a number of self-employed business people and their representatives, I noted they would love the option if the contributions were reasonable. We have produced figures on this. The report the Minister mentioned estimated that to bring in a scheme for illness benefit and then gradually extend it to jobseeker's benefit for the self-employed would require an additional PRSI contribution of approximately 1.5% across the board. According to our figures, in so far as we can calculate them, an additional 4.5% to 5% would be required if the scheme were voluntary. We are examining how this operates in other countries. Will the Minister confirm that he intends to proceed to bring in a protection system or safety net, particularly for self-employed people who fall ill? Will he confirm that he will give equal consideration to both options?

Deputy Leo Varadkar: I have asked my officials to draw up an options paper immediately. I want to publish a proposal before the recess and I want to consult the 300,000 people who are self-employed to ask them what they think. I am conscious that this is part of the agreement between the Deputy's party and mine and, therefore, I want to do this. I will seek the Deputy's support in doing this because that will be necessary to get the legislation through. Perhaps we will meet about it again when I have something more solid.

There are different benefits and I am considering both compulsory and voluntary options. It may be the case that some benefits could be extended on a compulsory basis and others such as jobseeker's benefit might be done on a voluntary basis. It is not even an either-or but I have asked for an options paper. I intend to publish proposals, ideally before the end of July, with a view to consulting fully with people who are self-employed and other parties because legislation will require a majority in the House.

Other Questions

Labour Activation Measures

31. **Deputy Ruth Coppinger** asked the Minister for Social Protection for further information on how the fit for work programme will relate to other labour activation measures such as JobBridge; and if he will make a statement on the matter. [11837/16]

Minister of State at the Department of Health (Deputy Finian McGrath): The recently agreed programme for a partnership Government provides for a range of actions that are designed to improve the quality of life for people with disabilities. That is the vision and an example of the changes that will come up about under the Government. One of these actions is a proposal for the Departments of Health and Social Protection to work together to pursue a fit-for-work programme to support more people with an illness or disability to get back to work through early intervention.

The fit-for-work proposal is based on the findings of a pan-European study, which examined the impact of musculoskeletal disorders, MSDs, on an individual's ability to work. The Irish module of this study was progressed by a coalition of key stakeholders and was led by Arthritis Ireland. The Irish College of General Practitioners, ICTU and the Health and Safety Authority also contributed to the study. It was a broad representative group.

Early interventions and developing return-to-work practices in the case of people with musculoskeletal incapacities is consistent with my Department's approach to illness-disability income support, which aims to reduce the number of people progressing to chronic disability and long-term social welfare dependency. To this end, my Department issued a set of certification guidelines for GPs in 2015, which sets out defined periods of recovery for common medical conditions, including MSDs.

The certification guidelines build on the Renaissance project, which has been an initiative of my Department since 2003. This has shown that early intervention reduced the incidence of progression from the acute simple low back pain to chronic disability in 64% of claimants. While specific proposals for a fit-for-work programme require further development and scoping out, I assure the Deputy that such proposals will be in line with the wealth of evidence that shows that, generally, employment is good for one's mental and physical health and well-being and, conversely, that unemployment is damaging.

Deputy Ruth Coppinger: Can the Ceann Comhairle clarify how much time I have?

An Ceann Comhairle: The Deputy has a minute for each supplementary.

Deputy Ruth Coppinger: I thought I had 30 seconds to ask a question first.

The reason we tabled the question is a mysterious line appeared in the programme for Government committing to the introduction of a fit-for-work programme co-ordinated by the Departments of Health and Social Protection. It immediately rang alarm bells among the Anti-Austerity Alliance because a similar scheme is operating in Britain at the moment and other elements of the programme for Government were copied and pasted from the Tory Party handbook. I would like the Minister to clarify the nature of the scheme. Despite the nice words he just used, the same comments were made about JobBridge when it was introduced. It was intended to support and help people and it turned out to be an exploitation scheme. This scheme has huge potential to be even worse because it relates to the most vulnerable people with physical and mental disabilities.

An Ceann Comhairle: I thank the Deputy and call the Minister.

Deputy Ruth Coppinger: A range of questions have been set by the disability sector. It would be good if I could put one or two of them.

An Ceann Comhairle: I am sorry; the Deputy cannot. The same time limit applies to everyone.

Deputy Ruth Coppinger: What happened to the 30 second introduction?

An Ceann Comhairle: It is a different set of Standing Orders. We can talk about it afterwards.

Deputy Finian McGrath: When people raise this issue, one must be concerned and I will be vigilant on this issue. It is not copied from the Tory handbook or any Conservative policy in England. This plan is completely different from the one used in the UK. There are many positive elements to this plan, including the involvement of groups like Arthritis Ireland which came on board on this issue. The key difference between this plan and the one in England is that our plan does not assess people. It is about early intervention and treatment. This is very important because the objective is to ensure that disabled people get an opportunity to enter the

workforce. There are many talented people out there with a disability and we want to ensure they are given the opportunity but there is no compulsion involved compared to other projects in England.

Deputy Ruth Coppinger: Will the Minister of State get a grip on reality? This is a labour activation scheme. It is not an early intervention scheme with people who are unable to work. It is an adult scheme. My question, which comes from the Disability Federation of Ireland, which held a press conference this morning, relates to who will carry out the assessments regarding whether or not someone is fit to work. Will it be the HSE or will it be a private company, as has been done in Great Britain? The Government used a private company in its other labour activation schemes like Pathways to Work. What will the assessment entail? Will it be a medical assessment or a functionality assessment? For many people with disabilities, it is not a question of whether they are necessarily fit to work on a particular day but whether they can sustain a job and have the supports they need to carry on in a job.

The big danger relates to mental health. It is very clear that people who do not have a physical disability can easily be forced into jobs they are not fit for. It is very unfortunate that there has not been time to put the questions.

An Ceann Comhairle: Everybody has the same amount of time.

Deputy Ruth Coppinger: This scheme has not yet been raised in the Dáil.

An Ceann Comhairle: That is not my fault.

Deputy Ruth Coppinger: In the form of the Minister, Deputy Varadkar, we have a case of the fox in charge of the chicken coop in terms of the social welfare budget-----

An Ceann Comhairle: Will the Deputy resume her seat?

Deputy Ruth Coppinger: -----but I hope that the new Minister of State for disability issues will not sit by and let disabled people be forced into schemes for which they are not fit or able.

An Ceann Comhairle: Question time has run out.

Deputy Ruth Coppinger: This is simply an activation measure. The Minister cited one disability organisation that he met with in respect of it. I think he is covering his tracks.

An Ceann Comhairle: Will the Deputy please resume her seat?

Deputy Finian McGrath: I totally reject the Deputy's comments. If one looks at the details of the UK project, one can see that it was all about savings. Our scheme is not about that. Our scheme is about trying to help people with a disability or an illness related to a disability to enter employment. I said it was about early intervention and supports. Next week, the chief medical officer will again meet with Arthritis Ireland to hammer out these issues.

Deputy Ruth Coppinger: Will the Minister of State answer the question as to who will carry out the tests?

Deputy Finian McGrath: The answer to the question is very simple. There is no way that I, as Minister of State for disability issues, would stand over any exploitation of people with disabilities. I will do my damndest to defend and protect people with disabilities. If there are people who want the opportunity to enter employment, I will do my best. I have a vision over

the next three or four years relating to employing people with disabilities. At the moment, most organisations aim for 3%. I aim to get every Department, and I said it at yesterday's Cabinet meeting, to go from 3% to 5% so the answer is that there will be no exploitation.

Deputy Ruth Coppinger: Will the Minister of State answer the two questions I asked?

Deputy Finian McGrath: It will be about care, intervention and supports.

An Ceann Comhairle: Will the Minister of State conclude?

Deputy Finian McGrath: We will do our damndest to ensure that these people get some kind of employment and supports.

Deputy Ruth Coppinger: We get one minute to ask questions. Can they at least be answered? The Minister did not answer on who will carry out the assessments. He will not even answer the question. The Ceann Comhairle is meant to make him answer the question.

Deputy Finian McGrath: I mentioned the chief medical officer.

An Ceann Comhairle: Will the Deputy please resume her seat and respect the order of the House in respect of how questions are dealt with?

Deputy Finian McGrath: I said the chief medical officer.

Deputy Ruth Coppinger: The Minister of State did not answer one of the questions. Who will carry out the assessments?

Deputy Finian McGrath: I did. The chief medical officer.

An Ceann Comhairle: Will the Minister of State desist please? The procedure relating to dealing-----

Deputy Finian McGrath: But, a Cheann Comhairle, I answered the question.

Deputy Ruth Coppinger: The procedure is that questions are answered.

An Ceann Comhairle: The procedure relating to dealing with questions is set down and applies to every Deputy equally.

Deputy Ruth Coppinger: Will the Ceann Comhairle enforce it?

An Ceann Comhairle: There are no exceptions to be made for Deputy Coppinger or anybody else.

Deputy Ruth Coppinger: Will the Ceann Comhairle at least enforce it?

Deputy Finian McGrath: I did try to answer the question.

Deputy Ruth Coppinger: We get a minute to ask a question and the Minister of State will not answer it.

An Ceann Comhairle: Deputy Coppinger is using up other Deputies' time.

Deputy Ruth Coppinger: The Minister of State did not answer. Who will carry out the assessments?

25 May 2016

Deputy Finian McGrath: The chief medical officer.

Child Benefit Eligibility

32. **Deputy Frank O'Rourke** asked the Minister for Social Protection to review the age criteria under the child benefit scheme and link this payment to children who are still in full-time education which in some cases can be children over 17 years of age up to 19 years of age; in the case of third level education, if he will link this payment to students who qualify on means for the Student Universal Support Ireland grants up to 22 years of age; and if he will make a statement on the matter. [11807/16]

Deputy Leo Varadkar: Child benefit is a monthly payment to assist with the costs associated with raising children. It is paid to families with children in respect of all qualified children up to the age of 16 years. The payment continues to be paid in respect of children up to their 18th birthday who are in full-time education or who have a physical or mental disability. It is currently paid to around 623,000 families for 1.2 million children with an estimated spend of over €2 billion by my Department this year. Child benefit is an important source of income for families and in budget 2016, the Government increased child benefit by €5 per month at a cost of €72 million.

The cost of extending child benefit to 18 year olds in second level education is estimated at €62.5 million. Obviously, it would be a multiple of that to extend it to young people into their twenties in education. As child benefit is a universal payment, any such proposal would not target those most in need of help from the State.

Families on low incomes can avail of a number of provisions to social welfare schemes that support children in full-time education until the age of 22, including an increase for a qualified child with primary social welfare payments, family income supplement for low-paid employees with children and the back to school clothing and footwear allowance for low-income families, which is paid at the full-time second level education rate.

In addition to this scheme, the main financial support available to students attending post-leaving certificate or higher education courses is the statutorily based student grant scheme. This scheme, which is administered by SUSI, offers a means-tested grant scheme that provides maintenance and-or fee support to qualifying disadvantaged students. The combined effect of these schemes provides effective targeted assistance directly linked with household income and thereby supports low-income families with older children participating in full-time education.

Deputy Frank O'Rourke: Like my other colleagues, I congratulate the Minister on his appointment. I understand the sentiment in his reply. The reason I tabled this question is because of a number of people who came to my clinics over the past number of weeks and possibly months. They were isolated cases who would have had 19 year old children doing the leaving certificate and as a result, they would be above that threshold about which the Minister spoke. It would not be a large-scale extension of the scheme. It would affect families with children of up to 19 years of age doing the leaving certificate. Once they fall out of the scheme, they are unable to avail of the different options. It is extremely difficult for families to obtain family income supplement and it is a lengthy process. There are families on very low incomes or social welfare who are really struggling and all of it is associated with school. They find very difficult and expensive to make ends meet.

Deputy Leo Varadkar: I understand the point the Deputy is making. I have to double check this but if I remember correctly, child benefit is paid to 16 and 17 year olds but not to 18 year olds. There would be many 18 year olds in leaving certificate year at this stage, not just 19 year olds, so I do not think we could extend it to 19 year olds but not 18 year olds. I see the case for it. When the scheme was introduced, fewer children would have taken transition year so there it would have been far less common for children aged 18 to be doing the leaving certificate whereas it is now quite common. In the context of the budget, I will certainly examine the possibility of extending it to 18 and 19 year olds who are still in sixth year. However, resources are always limited and this might be money that could be better targeted at the back to school clothing and footwear allowance, the fuel allowance or supports that target those most in need. It is certainly something I will look at.

Deputy Frank O'Rourke: I thank the Minister for what seems like a positive response, namely, that he will, at the very minimum, examine it. This would be important because while quite a number of families have children aged up to 18 doing the leaving certificate, there is a reduced number with 19 year old children doing the leaving certificate. As the Minister can appreciate, it is extremely difficult and expensive for families. I know it all relates to financial budgets and constraints but it is important that the Minister reviews it and looks to extend it, even on a phased basis, so they can get support. Families are trying to put their children through school at 18 and 19 years of age, which is common for the leaving certificate, and it is hugely expensive and difficult for them. It would make a big difference to them if it was possible to extend it. I hope the Minister will be able to do something in that regard and perhaps have some part of it put in place by the next budget. Perhaps the Minister will consider the other part of the question on the SUSI grants. I do not know if that is worth examining into the future in the second phase of the question. It is relevant and important for those families because they are means tested.

Deputy Leo Varadkar: Given the costs to the taxpayer that are involved, I might look at the first part of the question first and the second part at a subsequent stage. I can certainly see how an anomaly might arise where a child in school turns 18 in sixth year and loses their child benefit, subsequently qualifies for a student grant when they get into college or a post-leaving certificate, PLC, course later that year and there is a gap in between where there is no financial support from the State. It is certainly something that I commit to examining between now and the budget but with the caveat of the obvious fact that there are potentially other areas of need that also have to be accounted for.

An Ceann Comhairle: I thank the Minister for dealing with those questions so succinctly.

One-Parent Family Payment

33. **Deputy Willie O'Dea** asked the Minister for Social Protection to publish the report by a person (details supplied) on the impact on one-parent families of the changes to the one-parent family payment scheme; and if he will make a statement on the matter. [11768/16]

35. **Deputy Bríd Smith** asked the Minister for Social Protection when he will publish the report his Department commissioned and which was prepared by a person (details supplied), given that it was due to be published by August 2015; the reason for the delay; and if he will make a statement on the matter. [11752/16]

25 May 2016

Minister for Social Protection (Deputy Leo Varadkar): I propose to take Questions Nos. 33 and 35 together.

Research on activation measures for lone parents was commissioned at the request of my Department through the Irish Research Council, IRC, in 2014. The theme suggested by my Department was how best to engage and support lone parents from an activation perspective. The IRC sought expressions of interest from relevant academics to carry out independent research on this theme. Following the IRC tender process, a proposal put forward by Dr. Michelle Millar of NUI Galway was successful. The topic of Dr. Millar's research is Lone Parents and Activation, What Works and Why: A Review of the International Evidence in the Irish Context. It is not an impact assessment of the reforms to the one-parent family payment and is not intended to be. The aim of this research is to identify best practice and innovation for activation, nationally and internationally, that creates good outcomes for lone parents. The report was tasked with recommending responsive and appropriate measures in the Irish context.

There has been ongoing engagement between my officials and Dr. Millar on her research. The first draft report was shared by Dr. Millar in September 2015. A second draft was forwarded earlier this year and I understand that there was an initial delay in responding because of staff changes within the Department. My officials will shortly provide feedback to Dr. Millar on the latest draft. Research shows that being at work reduces the at risk of poverty rate for lone parents by three quarters compared with those who do not work. The reforms to the one-parent family payment were introduced to reduce long-term social welfare dependency and enhance access to the Department's Intreo service to lone parents, which is essential in facilitating their progression into employment. The Department will work with Dr. Millar on this research, including future publications by her. It is intended that this research will inform how best to engage with lone parents and the future design of education, training and employment support programmes aimed specifically at improving outcomes for lone parents and one-parent families.

Deputy Willie O'Dea: I want to remind the House of what the Minister's predecessor, Deputy Joan Burton, said in the Dáil on 18 April 2012 on changes to the lone parent allowance:

[S]even is too young for anyone to seriously contemplate any of these things without there being a system of safe, affordable and accessible child care in place, similar to what is found in the Scandinavian countries whose systems of social protection we aspire to. That is why I am undertaking tonight that I will only proceed with the measure to reduce the upper age limit to seven years in the event that I get a credible and bankable commitment on the delivery of such a system of child care by the time of this year's budget.

That was in April 2012 but we have seen no Scandinavian child care system put in place in the interim. Somebody said the nearest one would get to a Scandinavian child care system in this country is the car park in Ikea. The Minister said that the Millar report will not be a study on the financial impact of the changes for lone parents, particularly working lone parents who are cruelly penalised as a result of these changes. Will the Minister commission such an impact statement, which would be very relevant and which we would all love to see?

Deputy Bríd Smith: The Minister talks about these measures aimed at reducing poverty outcomes in families and the measures to support lone parents, but all of the measures introduced by the previous Minister, Deputy Joan Burton, show that poverty increased in the families of lone parents. I will not read out the statistics here but what is absolutely clear is that

the measures to activate employment for lone parents forced more of them out of employment. When one talks about reducing poverty, one has to look at it in an holistic way and look at the provision of child care and housing supports in particular. Housing is in a massive crisis and rents are soaring through the roof. Tomorrow, there will be a strike in Tesco nationally which is the type of low-paid job that many lone parents are being forced into. They are forced to seek more hours in those kinds of jobs which pay very badly. There is no point in talking about pushing lone parents into work and out of poverty unless one looks holistically at the sort of supports that are put in place for them, including child care, housing and the rate of pay they can expect to get in employment, including the low level of the minimum wage at the moment.

Deputy Leo Varadkar: On Dr. Millar's report, I have not seen any of the drafts yet but it is definitely not an impact assessment. That is not what was commissioned. It is supposed to be advice on best practice and best examples from other countries. That is the work that was asked for.

I recall Deputy Burton's comments but not exactly the time they were made. It was perhaps before the jobseeker's transitional payment came in, which is for lone parents whose youngest child is between seven and 14. It does not require that they be in full-time work. Part-time work or education is enough. It is accepted it is only when the youngest child is 14 or older that it is expected that lone parents take up full-time work. When it comes to Nordic and Scandinavian countries such as Denmark, which are the models I am most interested in, activation starts much younger. It starts at two or three, which is impossible in Ireland given the cost and lack of availability of child care. I absolutely agree with Deputy Bríd Smith's point that one must look at it holistically and take into account child care pay rates and housing supports if we are serious about getting people off welfare and into work, but these things should not be used as an excuse to do nothing ever.

Deputy Willie O'Dea: The statistics that Deputy Smith adverted to are very simple. The latest figures show that 22%, which is more than one in five, of children of lone parents are living in permanent poverty. It also shows that almost 60% of children of lone parents, which is three out of five, are suffering deprivation. They are deprived of some of the things that make up a decent standard of living. All the experience, both anecdotal and otherwise, shows us that the net effect of the changes introduced by the former Minister, Deputy Joan Burton, is that lone parents, especially working lone parents, are worse off so there is a direct link between the rising rate of child poverty among lone parents and these changes. Will the Minister do a financial impact study? A number of organisations, such as SPARK, have done very good financial impact studies that show the impact of those changes. What is the rationale? His predecessor said it was to get more lone parents out to work. How does one get more people out to work by ensuring that when they go out to work, they will get less income?

Deputy Bríd Smith: Prior to the measures taken by the previous Minister, Deputy Joan Burton, in 2012, 60% of lone parents were in some form of employment, but not necessarily full-time employment. By 2014, that figure had dropped to 36%, precisely because it was costing lone parents more to go out to work than to stay at home and be lone parents in the home. The measures taken by the previous Minister did not fit the bill for what is required. When we talk about equality proofing in the budget, we will need equality proofing on the programme for Government, because the programme talks about a new work and family payment. We have gone from the one-parent family payment to a new payment which includes being able to collect family income support, and now in the programme the Minister is talking about changing that again to a working family payment. What we are arguing here is that he should not even

25 May 2016

dare to move to that until Dr. Millar's report is published and we have a chance to examine its findings. The Minister said they are not about comparisons and that that is not an excuse to do nothing, but it certainly is not an excuse to make the same mistake again and drive more lone parents, and their children, further into poverty. As the statistics show, one in five children of lone parents lives in chronic poverty.

An Ceann Comhairle: Thank you, Deputy.

Deputy Bríd Smith: We are asking the Minister not to do anything in terms of a new payment until the Millar report is published. We want to have a chance to study that report and consider the best methods of paying and supporting lone parents.

Deputy Leo Varadkar: I repeat that the report, the draft of which I have not seen, is not supposed to be an impact assessment. That is not what was commissioned and that is not its title. The report will be published in due course. One of the best aspects of the Department of Social Protection is that we have so many statistics in this area and there has been so much academic study in these areas, albeit, in some cases, from the point of view of a particular ideology. None the less, it should be taken into account and listened to. I wish I had had access to such statistics in the Department of Health, because it would have been easier to make informed decisions, but the Deputy has to understand how these statistics are collated. It is interesting to see how they are collated, how things are measured and how the way something is measured can give-----

Deputy Bríd Smith: We all know that lone parents are in deeper poverty now than they were before these measures were brought in.

Deputy Leo Varadkar: -----a totally different answer. If the Deputy wants to talk about statistics, the most recent we have are from the Survey of Income Living Conditions, SILC.

Deputy Bríd Smith: Talk to the lone parents about the statistics. The reality is that they are in deeper poverty.

An Ceann Comhairle: Minister, your time is up.

Deputy Leo Varadkar: I would like to answer these questions, but you know how it is.

An Ceann Comhairle: It would have been useful if you were not interrupted.

Deputy Leo Varadkar: I know.

Social Welfare Benefits

34. **Deputy Mick Wallace** asked the Minister for Social Protection if he will restore the social protection payments which have been cut over the past seven years, given the impact of rising inflation during this period; and if he will make a statement on the matter. [11650/16]

(Deputy Leo Varadkar): My Department's allocation for 2016, at over €19.6 billion, is almost €2 billion, or 10.7%, higher than expenditure in 2008. That is a 10.7% increase in eight years. Inflation over the seven years to April 2016 was 2.9%, with inflation falling over the past two years. In the year to April 2016 we had no inflation. In fact, we have had deflation of 0.1%, as measured by the consumer price index in the past year.

After a series of very challenging years, improvements for people in receipt of social welfare payments began in budget 2015 and continued in budget 2016. This included increases in the weekly rates of payment for pensioners and the living alone allowance. In addition, new initiatives aimed at helping families were introduced, such as the back to work family dividend and a paternity benefit scheme which will commence payment later this year.

Looking ahead, the new Programme for a Partnership Government contains a number of significant commitments to enhance the welfare system in the years ahead. This includes increasing rent supplement limits by up to 15% and above-inflation increases for pensioners and in the living alone allowance. The programme also supports rate increases for people with disabilities and carers. As I mentioned earlier, the Government also has plans to extend social insurance benefits for the self-employed and to improve the treatment benefit scheme for all PRSI contributors.

I want to make progress on these commitments in the forthcoming budget and will seek to do so within the additional resources that will be available. I also look forward to engagement and input from my colleagues in the Oireachtas on this matter. I will be holding a pre-budget forum on 22 July next to which I have invited 40 representative organisations. I look forward to that engagement and will listen carefully to the views of the organisations attending.

Deputy Mick Wallace: The Minister said inflation had been low in the past year or two. That is true, but there has been inflation since 2010 and basic social protection payments have been cut by 8% since then. There have also been cuts to secondary welfare supports for people of all ages and family types, along with a tightening of the conditions for accessing jobseeker's benefit. In addition, between 2008 and 2013, the proportion of citizens experiencing deprivation almost trebled to 29%, and over one third of children and one in five working people were classified as experiencing deprivation. These are stark statistics.

I reckon I knocked on 20,000 doors during the election campaign, and the level of deprivation I saw in Wexford was frightening. I was truly shocked. The Minister can tell me that things are not quite so bad-----

An Ceann Comhairle: Thank you, Deputy Wallace. Your time is up.

Deputy Mick Wallace: -----but the reality is very different on the ground.

Deputy Leo Varadkar: It is the case that there has been some inflation since 2009. The changes that happened in social welfare in the past five years can be placed in two categories: those that were part of a reform system designed to encourage more people to become included in society and the economy by taking up work, and others that were done to save money. In the next couple of years I want to start reversing the ones that were done just to save money. To reverse them all would cost somewhere between €3 billion and €4 billion, which is an enormous amount of money, but perhaps we can start doing that and restoring some of the basic weekly payments at the rate of inflation or above over the next couple of years. That is something I would very much like to do.

We touched on statistics when I mentioned the SILC data. As the Deputy will be aware, the most recent data we have are only from 2014, but they did indicate that basic deprivation rates were starting to fall. They fell between 2013 and 2014. We do not have the 2015 figures yet-----

An Ceann Comhairle: Thank you very much, Minister.

25 May 2016

Deputy Leo Varadkar: -----but so much of that is down to the way it is calculated. The Deputy will be surprised to learn that there are issues such as the fact that a pay increase for one person can make another person more deprived, even though he or she is not any worse off.

Deputy Mick Wallace: I too wish the Minister well in his job, and I hope he takes a more rational approach to dealing with issues than what we have seen in the past five years. The argument has been made that the Minister is almost trying to protect young people, and people in general, from welfare dependency. The Minister said we could all come up with research results that suited us. Most research shows that young people, and people in general, want to work, but it is the lack of available jobs more than the lack of motivation that is the reason so many of them are not in work. SOLAS and FÁS carried out a survey on their training schemes and found that young people as a group were particularly willing to participate in training schemes and that only 36% in the 15 to 24 age group had found work. I do not expect the Minister to create jobs out of nowhere, but until we can find jobs for people, we need to actively keep them out of poverty by introducing measures to do that.

Deputy Leo Varadkar: I thank the Deputy for his kind remarks. I intend to make as good a go of this as I can, and while some people may wish to characterise the Deputy in a particular way, I know he has a more open mind and I hope he will give me a chance to do some of the things I believe both of us would like to do, because nobody wants to see poverty or deprivation in our society, and he can be sure that there is plenty of it in my constituency in West Dublin. I am very aware of it.

Not everything that happened in the past five years is a reason to be proud, but unemployment has almost halved, from 15% to under 8% now. More jobs are becoming available. We need to make sure that those who do not have work are able to get into those jobs. We need to make sure that those jobs pay by increasing the minimum wage, as we will again, abolishing the universal social charge for those on low pay, which we have started already, and extending to people the kind of benefits that may assist them in staying in work, such as health benefits and dealing with the cost of child care. These issues are major disincentives to work. There are a small number of people who perhaps do not want to be in work, and a different approach is required in that sense.

Question No. 35 answered with Question No. 33.

Jobseeker's Allowance

36. **Deputy Mick Wallace** asked the Minister for Social Protection if he will restore the jobseeker's allowance for persons under 26 years of age to pre-2014 levels, given calls from a number of groups such as the Free Legal Advice Centres, which has stated that this cut in particular is pushing people into homelessness; and if he will make a statement on the matter. [11649/16]

(Deputy Leo Varadkar): Reduced rates for younger jobseeker's allowance recipients were first introduced in 2009. Budget 2014 further extended the reduced rates to recipients under 26 years of age.

This is a targeted measure aimed at preventing young people from drifting into welfare dependency. To guard against the development of welfare dependency, it is necessary to pro-

vide young jobseekers with a strong financial incentive to engage in education or training or to take up employment. If a young jobseeker in receipt of the reduced jobseeker's allowance rate participates on an education or training programme, he or she will receive a higher weekly payment of €160. Young jobseekers who lose work and have an insurance record of paying PRSI receive jobseeker's benefit at the same rate as others.

Youth unemployment rose rapidly in the recession to over 30% in 2012. According to the Quarterly National Household Survey for quarter 1 of 2016, which was published yesterday, youth unemployment has fallen by almost half since then and now stands at 16.9%.

The Youth Guarantee sets a medium-term objective of ensuring that all young people receive an offer of employment within four months of becoming unemployed. The main plank of the guarantee is assistance to young people in finding and securing sustainable jobs through earlier and enhanced engagement processes. My Department also offers a range of supports and services aimed at assisting individuals who are exiting homelessness or are at risk of homelessness. Last year my Department made available 2,500 rent deposits and rent in advance payments at a cost of almost €1.5 million, of which almost 590 payments, equating to €315,000, were made to persons aged under 26 years. That was to ensure they could get accommodation. At the end of 2015 there were approximately 4,900 rent supplement recipients under 26, representing approximately 8% of total recipients receiving support under the scheme.

Additional information not given on the floor of the House.

These payments, including exceptional needs payments, can be made at the discretion of the officers administering the supplementary welfare allowance scheme on a case-by-case basis and subject to the individual's specific needs. This range of supplementary supports is available to all individuals, including those who are under 26 years of age, with the aim of assisting these individuals in securing and retaining their own accommodation.

Deputy Mick Wallace: The Minister mentioned the unemployment figure. The national figure is approximately 17% for those under 25, while the national figure for general workers is at the 8% mark. Sadly, in Wexford, the rate is over 20% for the general workforce and over 30% for those under 25, which is absolutely frightening. I do not want to go on a parish pump rant, but I must say this. People were talking about targeting the deprivation in Dublin's inner city on Leaders' Questions, and that should be done. I am not one to blame the Taoiseach, the Government or the Garda for people being shot lately in the inner city, but the levels of deprivation in places such as Dublin's inner city and, sadly, Wexford deserve direct targeting for action. There are some areas that are particularly problematic and probably need very direct action from the Government.

Deputy Leo Varadkar: The rate of youth unemployment has halved in the past five years, so somebody must be doing something right. The Deputy is correct that it is still roughly double the unemployment rate for the entire population. It is fairly typical, based on comparisons with other countries, for youth unemployment to be roughly double the rate for the entire adult workforce. That is very much related to the fact that large numbers of young people are in education. Going back to statistics, when we look at them in a different way, there is a very different figure. The fact that youth unemployment is double the average adult rate is very much related to the fact that so many young people are in education or doing other things. Any young person taking up education or training receives a higher payment. It is important that an incentive exists.

25 May 2016

The Deputy is correct in speaking about the north inner city, as targeted action is required in the area similar to the action taken in Limerick in the past, which may well also be needed in Wexford and parts of my own constituency. It will be about much more than just increasing welfare payments; there must be a more holistic approach.

Deputy Mick Wallace: The core point is that the maximum rate for those aged between 18 and 24 with no dependent children is currently €100. Those who are 25 are getting €144, down from €188. The poverty line is around the €200 mark per adult per week, and expecting people to survive on half of that is not a runner. As we are discussing youth unemployment, I will add that I met a couple of young people in the past few weeks, aged around 22 or 23, who are leaving the country. They are not even on the live register, although they have no work. They are not allowed any assistance because their parents have been deemed well off enough to look after them. Even for those people who qualify, the rules have moved a bit in the past few years and figures have been massaged in that respect. The core point remains that nobody can survive in Ireland on €100 per week. The cost of living in this country is too expensive for that.

Deputy Leo Varadkar: The maximum rate is €100 if the person does not take part in education or training or take up a work placement. If a person takes up one of those options, it is much higher. We should not have people coming out of school being given €188 per week without any requirement or expectation to take up education, training or work. The €100 is paid to people who do not take up education, training or a work placement. These things are readily available, and any person should be offered such an option within four months. I am not sure where the people the Deputy met were going, but it would be worth taking a look at the rates in Northern Ireland or Britain, for example. It is a feature of welfare systems across Europe that there are lower rates of social welfare for people under 25, for very good reasons. Generally speaking, the rate is lower than in Ireland, or there are more stringent conditions. Unless the people to whom the Deputy referred are going overseas to take up employment-----

Deputy Mick Wallace: Exactly. They are not going to get welfare payments.

Deputy Leo Varadkar: I would prefer it if they got employment here.

Written Answers follow Adjournment.

Dublin and Monaghan Bombings: Motion (Resumed)

The following motion was moved by the Taoiseach on Wednesday, 25 May 2016:

That Dáil Éireann:

recalling the motion it adopted unanimously on 10 July 2008 which:

— noted ‘the interim and final reports of the sub-Committee of the Joint Committee on Justice, Equality, Defence and Women’s Rights on the report of the Independent Commission of Inquiry into the Dublin-Monaghan Bombings and the three related Barron reports, including the Inquiry into the Bombing of Kay’s Tavern, Dundalk, and commends the sub-Committee on its work’;

— urged ‘the Government of the United Kingdom of Great Britain and Northern Ireland to allow access by an independent, international judicial figure to all original

documents held by the British Government relating to the atrocities that occurred in this jurisdiction and which were inquired into by Judge Barron, for the purposes of assessing said documents with the aim of assisting in the resolution of these crimes’; and

— directed ‘the Clerk of the Dáil to communicate the text of this Resolution, together with copies of the aforementioned reports, to the House of Commons of the United Kingdom of

Great Britain and Northern Ireland, with a request that the matter be considered by the House of Commons’;

recalling the motion it unanimously adopted on Wednesday, 18 May 2011 which:

— noted ‘that the question of obtaining access to information held by the British Government on the bombings has been pursued for many years’;

— requested ‘the Government to continue to raise the matter with the British Government and to press it to comply with the request of Dáil Éireann and reaffirms the support of Members on all sides of this House’; and

— acknowledged ‘that the co-operation being sought is taking place in the context of transformed relationships on this island and between Ireland and Britain based on mutual respect, on partnership and on friendship’;

notes that Tuesday, 17 May 2016 marked the forty-second anniversary of the Dublin-Monaghan bombings;

and requests the Government to continue to raise the matter with the British Government, and directs the Ceann Comhairle, the Clerk and the chairs of relevant committees when appointed to do likewise with their respective British counterparts, in order to actively pursue the implementation of the 2008 and 2011 all party motions.

Deputy Seamus Healy: The final point I wish to make is that after 42 years, three all-party Dáil motions and the Barron and McEntee reports, the British Government still refuses to make files and papers available. It has also refused to allow an independent international judicial figure to consider the files. At this stage, the families are entitled to know the truth and have answers and justice. The Government must make this issue an absolute priority and ensure it is solved sooner rather than later. It must be taken seriously and be a priority for the Government. We must be proactive and canvass international support, particularly from the US, to ensure these files and papers can be made available and we can know exactly what happened. The families should be able to get answers to their questions. The other issue that must be raised by the Government is the referral of these matters to the European Court of Human Rights. We are at that stage now, as we have gone for 42 years without any answers. I want to see the Government taking the matter seriously and solving it once and for all by canvassing international support and taking it to the European courts.

An Ceann Comhairle: There are approximately 50 minutes left to debate the motion, and three Deputies have indicated their wish to contribute.

Deputy Brendan Smith: I take this opportunity to congratulate Deputy David Stanton on this appointment as a Minister of State, as it is a well-deserved reward. I wish him well in his

25 May 2016

work. I commend the work of Justice for the Forgotten, which has been a strong and effective advocate on behalf of many victims and families of victims. Over the years I have worked closely with Margaret Urwin and her colleagues, who have been very effective representatives and advocates for families of the bereaved. We know very well that the process of trying to get justice for many families has been absolutely frustrating and painful and the result has been totally unacceptable.

For our country to truly move forward, we must put in place mechanisms for dealing with the legacies of the past. Victims and survivors of atrocities, whether in the North or South, have a basic entitlement to the truth. The most evil of crimes, including large-scale murder, were witnessed on this island, perpetrated by paramilitary organisations. Some British State forces were also involved in the most heinous of crimes. For the families concerned, the truth must be forthcoming.

I join other Members of this House in calling again on the British Government to remove all obstacles to full and proper investigations into the bombings and murder of innocent people in Monaghan and Dublin in May 1974. Over the past number of years, I have had meetings with the Secretary of State for Northern Ireland, Ms Theresa Villiers, and her predecessors, and also with the British Ambassador.

I raised each time with them the need for the British Government to respond positively to the unanimous call of Dáil Éireann for British co-operation with a full and proper investigation of the Monaghan and Dublin bombings. I took the opportunity consistently in this House to raise these issues and to raise the total non-response by the British Government to the unanimous motions passed here in May 2008 and in 2001 regarding the Dublin and Monaghan bombings and the need for an eminent legal person to have access to the papers and files pertaining to them.

We are all aware that in the period known as the Troubles there were many days of terrible anguish, suffering and murder on this island, caused by paramilitary groups, some masquerading as so-called republicans and some masquerading as so-called loyalists. Unfortunately, many people were murdered through the collusion of the British state forces as well. I think of the Dublin and Monaghan bombings and of the bombing in Belturbet in my own county in December 1972. Again, we have the British Government trotting out the lame excuse of national security considerations in regard to the details that might become available to the institutions that were proposed in the Stormont House Agreement more than 12 months ago. It is essential that the methods proposed in that agreement would be advanced and that the British Government would co-operate fully and not put a road block in the way of those institutions, which could be so beneficial if they were established.

As has been mentioned many times in this House earlier today, we are all aware that unfortunately in May 1974 some 34 people were murdered in Dublin and Monaghan and 300 people injured. Nobody has been brought to justice for this. Those atrocities resulted in the highest number of casualties on any one day during that difficult era commonly referred to as the Troubles. The UVF, a loyalist paramilitary group, claimed responsibility for the bombings, but there are credible allegations that elements of the British security forces colluded with the UVF in those bombings. There have been many incidences in which nobody was brought to justice for horrific crimes.

It is important that we constantly remind ourselves of the very good work carried out by

Anne Cadwallader in her publication *Lethal Allies: British Collusion in Ireland*, in which she refers to 120 murders committed by loyalist paramilitaries and the clear evidence that some of them were armed from UDR depots. Only one person of those 120 had an association with a paramilitary group; one person was a member or was associated with the IRA at that time. The rest were all innocent people, involved in the GAA, the SDLP and other general community groups. They were murdered by loyalists and in many instances those loyalists were armed from UDR depots. It is appalling that no progress has been made in bringing about justice and having a thorough, necessary and genuine investigation into the murders. I also want to quote today, as I did previously, another extract from Anne Cadwallader's book.

In between the Dublin Bombings of 1st December 1972 and the 20th January, 1973, Fermanagh-based members of the UDR and UVF carried out three bombings within an hour - Clones (County Monaghan) Belturbet (County Cavan) and Pettigo (County Donegal) - all on 28th December 1972. Two teenagers, Geraldine O'Reilly (aged fifteen) [from Belturbet] and Paddy Stanley (aged sixteen) [from Clara, County Offaly], were killed in Belturbet.

I am very glad that the Tánaiste and Minister for Justice and Equality is here. She will recall that on numerous occasions I have raised the case of the Belturbet bombings and the need for a full investigation into the horrific murder of two teenagers on that fateful December day. We need to have the co-operation of the Northern Ireland authorities. People on the street will talk about who was responsible for those murders. That is no good to the families of those two young teenagers who were murdered on that night. Again, the Government, through An Taoiseach and at Government level, must insist that the British Government respond magnanimously and positively to the unanimous call of this House in May 2008, in May 2011 and again today. It is well beyond time that the victims get the truth, which is the least they deserve. Unfortunately, that has not been forthcoming.

Debate adjourned.

Adjournment Debate Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 23(3) and the name of the Member in each case: (1) Deputy Thomas P. Broughan - provision of full local day services for young school leavers on the autism spectrum in Dublin Bay North and Fingal; (2) Deputy David Cullinane - health and safety defects in homes in Ceol na Mara in Kill in County Waterford in relation to statutory fire obligations, the need for remedial works and supports for residents; (3) Deputy Pat Buckley - the higher rate of incidences of cancer in Cobh in County Cork; (4) Deputy Lisa Chambers - the status of the N5 Westport to Turlough road project in County Mayo; (5) Deputy Dara Calleary - delays in accessing speech and language therapy services and associated audiology services in Ballina, County Mayo; (6) Deputy Dessie Ellis - funding of the youngballymun project; (7) Deputy Alan Farrell - the need for the Competition Authority to investigate the insurance industry; (8) Deputy Anne Rabbitte - the need for the Health Service Executive to expedite the appointment of a paediatric diabetic specialist at University Hospital Galway; (9) Deputy Thomas Byrne - reintroducing the modern languages in primary schools initiative; (10) Deputy Mattie McGrath - the removal of a child from the care of grandparents by Tusla, the Child and Family Agency, on the grounds of age; (11) Deputies Clare Daly, Mick Wallace,

25 May 2016

and Gino Kenny - the incursion of two peace activists onto the runway at Shannon Airport in County Clare on 25 May 2016 to inspect military aircraft of the United States of America; (12) Deputy Barry Cowen - the phasing in of the new pay-by-weight bin charging regime over a longer timeframe by local authorities than the current 1 July 2016 deadline; (13) Deputy Bernard J. Durkan - the need to approve the tenders for Maynooth Post Primary School and Maynooth Community College in Maynooth, County Kildare; (14) Deputy Willie O'Dea - engagement with Citizens Information Board to ensure funding is restored to the Limerick Money Advice & Budgeting Service; (15) Deputy Jackie Cahill - the crisis in the dairy industry, with Glanbia Ingredients Ireland paying 20.98 cent net per litre, which is evidence of below-cost production and will result in farmers going out of business; (16) Deputy Robert Troy - the provision of funding to small groups, such as one in Athlone in County Westmeath, where volunteers are working together to support job creation with no State support; (17) Deputy Brendan Griffin - the need for additional investment in home help hours which will save money for the health service; (18) Deputy Catherine Connolly - given the clinical director's recent confirmation that capacity is the number one issue on the risk register at University College Hospital Galway and that a new hospital on the Merlin Park grounds is urgently required, to ask the Minister to clarify what immediate steps are being taken in this regard and if the Minister has met with the clinical director and the Saolta group on this matter; (19) Deputy Mick Barry - tomorrow's scheduled strike at Tesco; and (20) Deputy Mary Lou McDonald - the violence and fear in the north inner city and the Government response to it.

The matters raised by Deputies Thomas P. Broughan, Dara Calleary, Catherine Connolly, and Alan Farrell have been selected for discussion.

Dublin and Monaghan Bombings: Motion (Resumed)

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recalling the motion it adopted unanimously on 10 July 2008 which:

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notes that Tuesday, 17 May 2016 marked the forty-second anniversary of the Dublin-Monaghan bombings;

and requests the Government to continue to raise the matter with the British Government, and directs the Ceann Comhairle, the Clerk and the chairs of relevant committees when appointed to do likewise with their respective British counterparts, in order to actively pursue the implementation of the 2008 and 2011 all-party motions.

Deputy Niamh Smyth: I welcome the opportunity to support this all-party motion on the Dublin-Monaghan bombings, in which 33 people and an unborn child were murdered in a series of devastating explosions which mark 17 May 1974 as the single bloodiest day of the Troubles. I extend my gratitude to Justice for the Forgotten for continuing to carry the torch regarding this very dark moment in our past, particularly in Monaghan town in my constituency.

Previous inquiries by Mr. Justice Barron have raised serious concerns over non-co-operation by the British Government, with efforts to uncover who was responsible. Relatives of the victims continue to campaign to have their claims of state collusion with paramilitaries fully explored, with complete access to British files. These families and the relatives of the 3,500 victims of the Troubles deserve the truth through a clear, reliable mechanism. Prime Minister David Cameron has previously refused to release all the files on the issue, stating that all appropriate materials have been released. The Fianna Fáil Party has consistently supported the relatives and raised the issue of full access to the files at every available opportunity when meeting with British officials and politicians. The failure in the Fresh Start agreement to agree on the best mechanism to deal with the past must be addressed.

Families who have lost loved ones in the Troubles on both sides deserve the truth. On 17 May 1974, two car bombs exploded in the centre of Dublin. They were detonated simultaneously and timed and placed to cause the maximum level of carnage and disruption, while leaving escape routes free for the attackers. Some hours later a fourth bomb, apparently intended to divert police and security forces from individuals trying to cross back from the Republic into the North of Ireland, exploded in my own constituency, in the border town of Monaghan. Twenty-seven people were killed in Dublin and six in Monaghan.

There needs to be a clear route to address the outstanding legacy of those dark days of the Troubles. Today’s motion is one aspect of that. The British Government should take the lead and open their files to an independent investigation. The families and communities devastated by these atrocities deserve the truth.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I have listened with interest to the contributions from all Deputies to this debate. Their contributions reaffirm to the House the deep and lasting effects of the Dublin and Monaghan bombings even after 42 years. I also recognise the members of the families who are here with us today. These bombings were callous and unjustifiable acts of brutality against innocent and defenceless people. They were acts of violence that were offences not only against the victims, but against all right-thinking people. These were terrorist atrocities in the truest sense of that chilling phrase which, tragically, became all too familiar to us over the course of the Troubles. As contributors to the debate on this motion have stated, the families of those killed and injured have borne the grief of those terrible events and the resulting pain is still being felt by them. Their suffering has not gone away and the memory of their loved ones lives on with them.

4 o'clock

As has been noted already, the late Mr. Justice Henry Barron carried out a detailed and painstaking inquiry into these awful events and, indeed, a number of other tragic atrocities that took place between 1972 and 1976 in which many other people lost their lives. The Barron report provided some of the answers that the families and the public had sought about the bombings. The subsequent hearings of the Oireachtas joint committee provided the families with a very important opportunity to have their voices heard and to tell their stories.

However, all of those families and, indeed, all of us still have some unanswered questions about what happened, why it happened and how it happened. The Government and this House have already clearly and unequivocally urged the British Government to allow access to its documents relevant to these events. The Taoiseach, as he has outlined, has raised this issue directly with the British Prime Minister. The Minister for Foreign Affairs and Trade has also consistently raised the issue with his counterpart, the Secretary of State for Northern Ireland, and it will remain as a top priority agenda item to be discussed between them. I reassure the House that the Government will continue to press for a response. The priority attached to this issue is reflected in the clear commitment set out in the programme for Government. Dealing with the legacy of the violence of the troubles is not an easy task. There is, unfortunately, no simple formula of words or actions that can put right such grave wrongs that were suffered.

The Good Friday Agreement recognised the need for a particular acknowledgement of the position of victims, and in remembering the victims and their families we should be strengthened in our determination to construct a changed society in the spirit of the Good Friday Agreement. The Government is strongly committed to continuing to work in partnership with our colleagues in the British Government and in the Northern Ireland Executive to develop and establish effective ways to address the legacy of the Troubles. The Government is fully committed to implementation of those measures agreed in the Stormont House Agreement and I earnestly hope that they may provide opportunities for the families of victims to access further information.

As we make progress to a better future for all who share this island and those who live on the neighbouring island, we must not forget all of those who died in the violence of the Troubles, those who mourn them and those who were injured. This motion sends a message of continued strong solidarity to the families of those who were so tragically killed in Dublin and Monaghan and, indeed, to the families of all those who lost their lives. I thank the Deputies who contributed to the debate and I respect the sincerity of everyone who spoke with evident passion and feeling. I commend the motion to the House.

Question put and agreed to.

Commission of Investigation (Certain Matters Relative to the Cavan-Monaghan Division of An Garda Síochána) Report: Statements

Acting Chairman (Deputy Alan Farrell): I understand the Taoiseach is sharing time with the Tánaiste, Deputy Frances Fitzgerald.

The Taoiseach: I welcome publication of the report by Mr. Justice Kevin O'Higgins and the opportunity to speak about it in the House today. Mr Justice O'Higgins covered his terms of reference in a thorough and timely fashion. I thank him for his comprehensive report. Although the matters that gave rise to the commission are well known, I think it would be worthwhile to recap briefly the main points.

Sergeant Maurice McCabe was serving as a sergeant at Bailieborough, County Cavan, when he became concerned about the force's handling of suspected criminal offences in late 2007. His concerns were primarily about policing practice and standards relating to the quality of investigations in the Bailieboro district. In addition, he expressed concern about compliance with proper internal Garda procedures in specific Garda investigations. He was also concerned about the manner in which his complaints were treated. Sergeant McCabe made a series of complaints directly to his superiors in the Garda, to the human resource management in An Garda Síochána, to the confidential recipient and to the then Minister for Justice and Equality, former Deputy Alan Shatter.

Subsequently, in February 2014, Deputy Micheál Martin gave me a dossier containing a note by Sergeant McCabe on a large number of different matters about which he had concerns. I immediately brought the matter to the attention of the Government and the Government appointed senior counsel Seán Guerin, to conduct an independent review of the allegations. In his report, which was published in May 2014, Mr Guerin recommended the establishment of a comprehensive commission of investigation. Mr. Justice O'Higgins was subsequently appointed as the commission's sole member. As Deputies are aware, the commission's report was published on 11 May 2016. The report has been referred to the Garda Commissioner for examination and to indicate what further measures might be taken to try to prevent the type of difficulties outlined in it arising again. It has also been referred to the Policing Authority given its statutory role in the oversight of An Garda Síochána.

As the House is aware, the former Minister for Justice and Equality, Mr. Alan Shatter, resigned following publication of the Guerin report in 2014. I am very pleased to acknowledge that the O'Higgins report has found clearly that the former Minister acted properly at all times in relation to the handling of allegations made by Maurice McCabe. In response to a request from the former Minister, I would also like to take the opportunity to correct the Dáil record of 7 May 2014. I am happy to state on the record that the former Minister, in resigning, did not in fact accept responsibility for criticism made in the Guerin report of the adequacy of the Department and Minister for Justice and Equality in responding to allegations made by Sergeant McCabe. The former Minister set out his reasons clearly in his letter of resignation.

In recent correspondence, the former Minister, Mr. Shatter, has raised a number of other

25 May 2016

serious issues regarding the Guerin report. These relate to ongoing litigation in the courts. For that reason, it is not possible for me to respond to these points until that process has been completed. The Government will respond when that litigation is resolved, taking account of the relevant court judgements.

Mr. Shatter also made a number of suggestions as to how any future preliminary or scoping investigations should operate. I believe that these suggestions merit further examination and consideration.

I would like to emphasise, as I did at the time of his resignation, that Alan Shatter was an exceptionally hard-working, radical and reforming Minister who has left a positive legacy across the wide range of areas for which he had ministerial responsibility. As Taoiseach, I again thank him for his service, both as a Minister and as a Dáil Deputy over many years.

The O'Higgins report highlights many significant failings in relation to the incidents it investigated and makes a series of recommendations for change. While it is important that we debate these findings, we must always remember to keep the focus on the victims of crime, many of whom were not well served in the cases examined by the commission. It is also important to put on record that a significant programme of reform has been under way since these events took place. Most important, a new independent Policing Authority has been established to oversee the performance by An Garda Síochána of its functions relating to policing services. I believe the new Policing Authority will prove to be the key structural change to ensure modernisation and reform of An Garda Síochána in the months and years ahead.

For the first time ever, the previous Government held an open and independent selection process for the position of Garda Commissioner. Legislation was enacted in early 2015 to strengthen the role and remit of the Garda Síochána Ombudsman Commission, including the power to investigate complaints against the Garda Commissioner. The Protected Disclosures Act was part of the previous Government's comprehensive approach to protect whistleblowers. It provides a new mechanism for disclosures relating to An Garda Síochána. Now a Garda member may make a protected disclosure to GSOC, which, if it believes it is in the public interest to do so, may investigate such a complaint.

The last Government also established an independent review mechanism which has made recommendations on 320 allegations of Garda misconduct or inadequacies in the investigation of such allegations. The Garda Inspectorate has also published a number of reports recommending substantial reforms to Garda operations. Taking together previous reports of the Garda Inspectorate and the recommendations of the O'Higgins report, as well as those of previous inquiries and commissions of investigation, we now have a huge agenda of reform being progressed.

I understand that the Garda Commissioner has recently finalised a new transformation programme for An Garda Síochána which takes account of many of these recommendations. To support the reform process, the Government has also committed to significant capital investment in the Garda fleet, ICT infrastructure and building projects. I believe the previous Government made significant progress in ensuring that issues of the type that gave rise to the Guerin report and other controversies do not happen again.

I wish to assure the House that this Government will build on the progress being made. The programme for Government commits to a strong and visible police force in every community.

We aim to bring Garda numbers to 15,000, to double the Garda Reserve and to increase civilianisation to free up gardaí for front-line policing. Other reforms we have committed to include measures to increase public confidence in policing, enhancing the work of the Criminal Assets Bureau, reviewing the boundaries of Garda districts and the dispersal of Garda stations, tackling crime gangs, stopping repeat offenders, and modernising our courts and legal system. The Government has re-established the Cabinet committee on justice reform to oversee progress on this reform agenda.

The O'Higgins report is further confirmation of the need for fundamental modernisation and reform of policing in Ireland. I believe that we now have the structures, resources and policies to make that reform happen. This Government, under the leadership of the Tánaiste and Minister for Justice and Equality, will focus our energy on delivering a police service fit for Ireland and its people in the 21st century.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I welcome this opportunity to debate the report of the O'Higgins commission. Mr. Justice O'Higgins is a distinguished retired judge of the High Court, and I take the opportunity to formally record my thanks and appreciation to him for his thorough, thoughtful and clear report on matters which, as we know, were far from clear when this process started. We were fortunate to engage the expertise, experience and wisdom of a man with decades of immersion in the judicial system and all the insights derived from that. The O'Higgins commission was conducted to the highest professional standards and the O'Higgins report is clear and unequivocal.

Last Saturday I attended, with An Taoiseach, a ceremony in Dublin Castle commemorating the 88 members of An Garda Síochána who have fallen in the line of duty. Inevitably, it was moving to be there, and all the more so when collectively we tried to comfort those who had recently been bereaved by the loss of the young garda lives taken away by very evil individuals. It struck me that whatever controversies arise in An Garda Síochána, whatever the problems that need to be addressed, we should never fail to show our support and appreciation for the work they do. Since its foundation, An Garda Síochána has served this State well. We in this House are not the people who put our lives on the line to keep our communities safe.

Yesterday, we saw yet more bloodshed in a gang feud that is being carried out with unprecedented ruthlessness. This House will have other opportunities to discuss gangland crime in more detail, but I want to make one thing clear: whatever resources are needed and however long it takes, the activities of these gangs and others will be confronted head-on. Of its nature it takes time, but the Garda has defeated gangs and others who believed themselves untouchable before, and they are determined to do so again.

I want to express my full support for An Garda Síochána at every level for the work it is doing to confront these gangs and for meeting the daily concerns of ordinary people in trying to keep them safe. That, of course, does not mean An Garda Síochána should be immune from criticism. The importance of the work the Garda does makes it all the more vital that it be done right. However, I believe it is important that the criticism should have a clear aim: to bring about the improvements that will make An Garda Síochána the world-class policing service that we all want it to be.

The O'Higgins commission report sets out real problems which quite simply have to be addressed. My priorities are clear. We need to do everything we can to ensure victims are not let down again in the way that is detailed in the report and we need to ensure that where wrong-

doing by members of An Garda Síochána is reported, it is dealt with properly and the persons alleging wrongdoing are protected. We often talk of drawing a line under bad episodes in the work of An Garda Síochána. I do not buy that for a moment. It is not about drawing lines under anything. Instead, it is about rooting out bad practice and establishing proper, durable and sustainable policies and procedures to prevent a recurrence. Reform must be the watchword of the organisation, and reform can never stop.

Since its publication, much of the debate on the report has been overshadowed by controversy about what may or may not have been said during parts of the proceedings of the commission. I could devote much of this speech to repeating at great length the arguments I made here last week. We entrusted a commission of investigation with the task of looking into all these matters, and that is exactly what the commission did. The Commission was held in private session for a very good reason. In any such examination of the behaviour or misbehaviour of individuals at any level within a State body, it was and always will be vital that witnesses can give testimony and be questioned about it in a safe situation, where they can tell the truth as they believe it, without seeing their evidence in the newspapers the following day. That protection of witnesses is pivotal - it is crucial - to the establishment of commissions of inquiry in the future. I will not remind the House of the debates we had here in respect of tribunals versus commissions and why we had the commission of inquiry legislation.

I believe the right thing to do is to accept fully Mr. Justice O'Higgins's report. It is hard to see how any public interest is served by seeking to re-run its work. I do, of course, understand the concern that has arisen in respect of some of the matters that have been reported, and I believe it is in the public interest to address these matters within the constraints that apply. I said in the House last week that, despite the difficulties, I was sure the Garda Commissioner would try to put further information into the public domain if it proved feasible and legal to do so. This morning she has done so, and I have arranged for each Deputy to receive a copy of that statement for information purposes. I believe she has made a genuine attempt to deal with these matters as fully as possible, given the very real constraints under which she is compelled to operate.

I welcome the fact that there is a meeting of the Policing Authority with the Garda Commissioner tomorrow and, although I do not wish to interfere in any way with the independence of that authority, it is of course open to the authority to address these matters, within the constraints which apply, at a public meeting at some stage in the future. It is only recently that the Oireachtas set up the authority as an independent oversight mechanism for An Garda Síochána, and it should be allowed an opportunity to do its work. I want to emphasise that I continue to have every confidence in the Garda Commissioner. She faces the same challenges faced in the transformation of any large organisation and the particular challenge of doing so while meeting the daily demands, as we see today, placed on an organisation charged with protecting the people and the State from crime.

The statement from the Garda Commissioner speaks for itself, but there are two matters arising from it that I want to mention to the House. The Commissioner has asked me to use the legal powers available to me to ask the Garda Síochána Ombudsman Commission to investigate matters alleged to have occurred in respect of a meeting in Mullingar involving certain officers. I want to tell the House that I intend to do this and I am consulting with the Attorney General about the precise nature of such a referral. I welcome the fact that the Commissioner has requested this action and I recognise, as I am sure other Deputies do, that this issue has led to significant public concern. It is right that we try to establish the truth of the matter.

I also want to address the broader issue of whistleblowing. No one should underestimate the difficult issues confronting any organisation when whistleblowing takes place, which include balancing the rights of those making allegations with the rights of those against whom allegations are made. There is no point in pretending that these difficulties are not of their very nature all the greater in an organisation such as An Garda Síochána. When a person's job can involve great dangers and she has to confront people who will not hesitate to harm her, she needs to know that those she works with support her in these difficult tasks. That is human reality. However, what can be a great virtue in some circumstances can become a great vice in others. While ranks have to be closed against those who pose dangers to the community, they should never be closed against the truth, however unpalatable that truth is.

The lesson from the O'Higgins report is clear. An Garda Síochána can only benefit from taking seriously allegations of wrongdoing by its members, valuing them and supporting those who bring these matters to light. We never again want to see the situation in which Maurice McCabe found himself, nor do we want to see people having to live for long periods under the shadow of unfounded allegations.

We have changed the law. The former Minister for Public Expenditure and Reform, Deputy Howlin, brought in the Protected Disclosures Act to ensure a sea change in the options open to those who want to report wrongdoing. Now any garda can have complaints independently examined by the Garda Síochána Ombudsman Commission, GSOC, and that is already happening. Of course everyone in the House will recognise that laws of themselves do not change culture. This requires a relentless reinforcement of the values of the organisation led from the top. While I believe there has been clear progress, it is in the interests of An Garda Síochána and in the public interest to get independent verification of that. Therefore, I can tell the House today that I will be using the powers available to me under the legislation establishing the Policing Authority to ask the authority to conduct a detailed examination of the procedures and policies around whistleblowing in An Garda Síochána and to prepare a report on the matter to include any recommendations necessary to ensure those arrangements operate to best practice. We have the law now. We need to look at the culture and the implementation of that law.

Policy is only part of the approach to whistleblowing. Talk of change must be matched by evidence of real cultural change. This is how trust in An Garda Síochána will be maintained and safeguarded.

I will touch on the background to this report. The genesis of this report was a number of serious allegations made and well-publicised relating to Garda investigations. The Taoiseach asked Mr. Seán Guerin to review the action taken in respect of those allegations made by Sergeant Maurice McCabe. Mr. Guerin reported in May 2014. His review was an initial non-statutory examination of these matters. The principal conclusion of the Guerin report, accepted at the time by the Government, was that a full commission of investigation should be established with all of the statutory powers available to such inquiries in order that everyone would know exactly what had taken place. The Government accepted this recommendation and agreed to establish the O'Higgins commission of investigation. As a result of the decision taken by the Government at the time in this regard we now know from the commission that there were serious failings and shortcomings in how some of these investigations were conducted. That is something that I, as Minister for Justice and Equality, and the Government take seriously.

Mr. Justice O'Higgins presented his report to me on 25 April. I published the report on 11 May following legal advice from the Attorney General and engagement with the Director of

25 May 2016

Public Prosecutions, GSOC and the Garda Síochána to ensure there was nothing in it which might prejudice any criminal proceedings pending or in progress. The Government and I accept the conclusions of the O'Higgins report and will act on them.

I very much appreciate that the events outlined in the report have been traumatic for many people who have been affected by them. It would be an injustice to those who brought matters to light in the public interest and those who have lived under their shadow for a long time if we did not take on board the lessons from these events. It is worth reminding ourselves of the balanced findings of Mr. Justice O'Higgins. He described Sergeant McCabe as a man of integrity who had performed a genuine public service at considerable personal cost. He is due the gratitude not only of the public but of An Garda Síochána and this House.

The report is clear on serious failings in certain investigations. Again, we have to recognise the public service performed by having brought these to notice. However, it cannot go without comment that the report also found certain allegations of corruption against senior officers not to be true. Indeed, with regard to former Garda Commissioner, Mr. Callinan, the report makes this point: "It must be stated clearly and unambiguously that there is not a scintilla of evidence to support an allegation of any type of corruption against the former commissioner."

In the case of other senior officers, the commission found that what the judge described as hurtful complaints of corruption were unfounded and pointed out that the people involved had to live for many years under the strain of these allegations. It is important to put on the record that the report has shown that my predecessor, the former Minister, Mr. Shatter, and the officials in the Department of Justice and Equality acted properly at all times in handling the issues that came to them. We should recognise the contribution Alan Shatter has made to public life and in particular the many achievements, especially in the legislative sphere, of his time as Minister for Justice and Equality. Far from finding the slightest fault with the approach of Alan to any of these serious matters, the report uses descriptions such as "appropriate" and "entirely reasonable" to characterise his behaviour in all the matters involved.

The report must be considered carefully in its totality. As I have said already, we must all learn the lessons from it. The report identifies cases where victims of crime were failed by An Garda Síochána. That is as unacceptable as it is disheartening and we must take all actions open to us to ensure these shortcomings are not repeated.

I met Mary and George Lynch on Monday. Mary's bravery both on the night of her attack and since then in telling her story is an absolute inspiration to us all. I can say as much from having spoken to her and her husband and having listened to her recount her entire experience to me over this period. Her experience as a victim should be heard by every new and current member of An Garda Síochána. Mary told me she had lost trust in An Garda Síochána.

We must re-establish that trust between victims of crime and the Garda. Victims must be at the heart of the Garda service. In the past, the needs of victims of crime have sometimes been overshadowed by a focus on apprehending and prosecuting perpetrators. I have said repeatedly that we need a sea change across the entire justice system in the approach to victims. We must ensure our response to criminal behaviour is comprehensive while putting the needs of victims at the forefront.

The Taoiseach has outlined a number of reforms that have taken place already and I will refer to some of these briefly. Many are relevant to the findings in the report and the matters it

addressed. We have the new independent Policing Authority. It has already held its first public hearing. We have the Protected Disclosures Act 2014. We have the Freedom of Information Act that was extended under the previous Government to include An Garda Síochána. We have had the Garda Inspectorate comprehensive report on crime investigation published in 2014. I do not have time to go into the details of the actions that have been taken already in this regard. Suffice it to say that a series of reforms have been undertaken, including the Central Statistics Office, CSO, carrying out work on the figures released by An Garda Síochána as well as a range of other areas. There is a commitment to increase the numbers in the Garda and the Garda Reserve and investment in CCTV.

It is worth reminding ourselves about the investment the previous Government made in An Garda Síochána, including well in excess of €200 million in ICT, an area that had been shamefully neglected but which has now been brought up to date. This will allow the force to deal with the demands a modern police force faces nationally and internationally. The purchase of 1,300 new Garda vehicles is being facilitated by a major investment of €34 million. A total of 720 new vehicles have come on stream since the start of last year. We have seen the powers of GSOC enhanced. We have seen how the role and remit of the ombudsman commission has been strengthened, including the power to investigate complaints against the Garda Commissioner. This is a significant new departure and should serve to increase confidence in the accountability of the Commissioner and the force as a whole. I believe these initiatives, in particular, the legislative reform, the new authority, the strengthened legislation and the new investment, have helped to increase both the confidence we want to see in An Garda Síochána and accountability as well.

As I said at the beginning of my contribution, there is no doubt that more remains to be done. However, I will return to a point I made earlier. There is no end to reform. This is an ongoing journey of practical and cultural change. I have emphasised throughout my contribution the need for that cultural change. It is one thing to have policy and law and another to have implementation and the kind of cultural and values change we are speaking about today. As our country and society change, so too must An Garda Síochána continue its journey as an organisation that faces outward, embraces change and protects whistleblowers. I imagine that is what everybody in this House wants to see. In most cases, An Garda Síochána depends on moral persuasion instead of armed force. Moral persuasion depends on public trust and public trust is earned by professionalism, high standards, honesty and openness. That is what we expect, and that is what I expect, from An Garda Síochána.

The first Garda commission envisaged an unarmed force dependent on moral suasion. That requires that every member of the force, every day, wins the trust of members of the public, because trust is the currency of our police service. I, gardaí and the Garda Commissioner accept that there were failings and there must be change. I and the Government will do everything possible to support the ongoing reform of the force and I look forward to working with everyone in this House, particularly the new committee on justice and spokespersons on these matters. Victims must always be at the heart of the Garda service.

Deputy Micheál Martin: I would like to share time with Deputy Jim O’Callaghan.

I welcome the opportunity to speak on this important report. I thank Judge O’Higgins and his team for their thorough, meticulous and comprehensive, detailed work. It is important to point out that there was a cynical, selective leaking of the document in the weeks before its belated publication. Such efforts to colour and dominate the debate around the findings of the

25 May 2016

commission are deeply unhelpful and threaten to undermine the lessons to be learnt from the report. Spin can never replace substance. There was an attempt to do that in advance of the publication. I cannot point fingers in any direction, and I am not doing so, but it is very clearly evident. Subsequent to publication of the report, there was selective leaking of transcripts of evidence given before the commission which caused a public controversy and debate about issues that were not addressed in the report.

I note today's statement from the Garda Commissioner confirming that "An Garda Síochána legal team was not at any stage instructed to impugn the integrity of Sergeant Maurice McCabe or to take a case that he was acting maliciously". I welcome that. It was important that the Garda Commissioner addressed the allegations that were made in the public interest. In her statement, the Commissioner has also referred to the two senior officers who interviewed Sergeant McCabe in Mullingar in 2008 and she has "requested the Minister for Justice pursuant to her powers within the Garda Síochána Act to refer those aspects to the Garda Síochána Ombudsman Commission (GSOC) for the purpose of investigating it in the public interest". I welcome that too and the Minister's decision to ask the Attorney General for advice on that. It would appear that if Sergeant McCabe had not produced his tape of the Mullingar interview, the outcome of this commission report might have been very different. This is not acceptable and should be investigated.

In the selective spinning in advance of this report's publication there were attempts made to undermine the entirety of the Guerin report. Mr. Guerin is very straight and he says particularly in his conclusion and recommendations that "It should be recorded here that the Byrne-McGinn report found that: 'No malice on the part of Sergeant McCabe is established in the making of his various complaints'". He added that all his interviews with Sergeant McCabe led him to "no different conclusion". He then quotes the testimony of the men and women who worked with Sergeant McCabe. Chief Superintendent Gabriel McIntyre said: "I found Sergeant McCabe to be very positive and energetic in his position. He displayed a strong work ethic with a strong emphasis in community policing and to providing a high standard of policing to the community." Detective Superintendent Eugene Corcoran said: "I found Sergeant McCabe to be capable and enthusiastic in his approach to his duties." Retired Superintendent Liam Hogan said: "I considered Sergeant McCabe to be an excellent Sergeant and member of An Garda Síochána. He offered 200% commitment and was my one of my most reliable members in the District." Superintendent M. Larnihan said: "I found [Sergeant McCabe] to be efficient, flexible and committed." That is important in the context of all the controversy there has been in recent weeks.

While I accept that everybody has to be tested in their testimony to a commission, if one decodes some of the language in the Garda Commissioner's statement today, there is a strong sense that there was an adversarial approach taken to Sergeant Maurice McCabe in his testimony by the Garda counsel, as opposed to an inquisitorial one, which was advanced to us here the previous week. That is my sense of a particular paragraph in the Commissioner's statement.

The contents of the O'Higgins commission report raises issues of the utmost concern to every citizen and also to the victims of crime. I urge people to read the full report because it is quite shocking. The report also makes important recommendations on victim impact statements. The Minister is correct in her description of Mary Lynch as being an invaluable witness for articulating the degree to which a victim was let down by An Garda Síochána in this incident. I have met the siblings of Sylvia Roche-Kelly who were left out of the loop for quite a long time in respect of the murder of their sister by Jerry McGrath. Even though there is a right to furnish a victim impact statement in all courts, it is not always availed of in practice.

The commission rightly recommends that “a victim impact statement where relevant should be furnished in all courts”. The commission also recommends that Directive 2012/29/EU dealing with the rights of victims be implemented as soon as possible. This should be possible if there is all party agreement to introduce same in the interest of our citizens.

There is no more important or fundamental role for the State than the protection of its citizens. The people depend on the Garda Síochána to feel safe in their communities and to uphold the rule of law. We all recognise that gardaí have endured dark and difficult days, standing against profound threats to our State. On a daily basis, they face immense personal risk. A total of 88 gardaí have given their lives in the line of duty. Their work and sacrifice is the cornerstone of a safe and secure society. That is why it is so important for the national Parliament to hold the force to account and ensure we achieve and maintain the highest possible standards.

The O’Higgins commission report raises concerns that need to be addressed to secure that goal. The report is 362 pages long and its contents are quite shocking. Its establishment was recommended by the Guerin report and I believe the commission of inquiry was very necessary as there were too many accusations and too many attempts to sweep very serious issues under the carpet. This report vindicates the central recommendation of the Guerin report. There is a net issue between Mr. Guerin and Mr. Justice O’Higgins in terms of the former Minister for Justice and Equality, former Deputy Alan Shatter, and his decision not to go beyond Byrne-McGinn. Byrne-McGinn’s report and its inadequacies are fairly significantly highlighted in the O’Higgins report in several areas. Given the details around Jerry McGrath’s murder of Sylvia Roche-Kelly and the sequence of events that led to it, people should have gone more deeply into this case than they did. That is my personal opinion. It is an arguable point but I make it strongly. It jumped out at me when I read the dossier and what happened. We have to learn lessons about communication and lack of communication. The Guerin report did not cause the resignation of the former Minister. The Taoiseach made clear to the then Minister what had to happen when he presented him with the Guerin report. The former Minister has focused too much on saying that the Guerin caused his resignation. That is not what happened. Even before we discussed the Guerin report in this House, the Minister had resigned, saying he was doing so for political reasons because of the forthcoming local elections.

The administration of justice has been assailed by a series of controversies since 2014. There has been deep frustration amongst ordinary rank and file gardaí, as they are demoralised by the onslaught of cutbacks and a series of revelations and issues. I am also very worried that the cultural change needed in the Garda Síochána to deal with whistleblowers or any staff member who highlights the need for change is too slow and in some cases non-existent. This has to change rapidly. It is vital that we draw on the lessons contained in this report to renew and re-build the central role our police force plays in our communities.

Gardaí need to be allocated proper resources and given proper training to do this. There is an urgent need to improve morale.

This report is one of many over the past number of years. It cannot be condemned to the administrative gulag of the top shop. At the heart of this commission of investigation are a number of serious cases, ranging from savage attacks on people to a brutal murder. These cases altered lives, devastated families and damaged communities. Behind this voluminous report victims are still struggling to patch the torn fabric of their lives back together. We owe it to them to ensure the recommendations in the report are fully implemented. The victims need to receive more support to deal with what has happened to them. Our debate on this matter should

not lose sight of that or descend into petty point-scoring. How we respond to the tragic impact these cases have had on the victims and their families will be the ultimate measure of our success in dealing with this report.

In early 2014 I approached Sergeant Maurice McCabe, who had a dossier chronicling a series of fundamental problems in the Bailieborough district. The scale and depth of the issues raised pointed towards systematic failings in the area. I found Sergeant McCabe to be a decent, honourable and reliable witness. On that basis, I raised the issue on the floor of the House. I discussed the issue with others. I submitted papers and the dossier to the Taoiseach so that Sergeant McCabe's concerns and allegations could be investigated properly. At that stage, I called for a commission of investigation. This was not a partisan political attack or crude agenda-driven stunt. Rather, it was due diligence and the responsible thing to do. The detail covered in the report of the commission over some ten chapters illustrates the gravity of the difficulties in the Cavan-Monaghan division, and I understand the Taoiseach came to the same conclusion, having read the dossier. Policing in the area was critically undermined by myriad errors and inaction. A cocktail of poor to non-existent supervisory structures, an over-reliance on probationary gardaí and a lack of communication with the victims led to profound failures, including a failure to properly investigate crimes and the murder of Sylvia Roche-Kelly. The judge commented on the various lines of communication that were not full or comprehensive enough between gardaí in different stations and the courts.

The frequency and seriousness of the endemic problems uncovered vindicates the recommendations of the Guerin report that a formal commission of investigation be established. The lessons to be drawn extend beyond the geographic area covered by the report. The entire force must ensure that the misconduct and failure of performance charted in the report does not occur again. Furthermore, the findings of the commission underlined the staunch reliability of Sergeant McCabe and exonerate the former Commissioner Martin Callinan, which is important and which I welcome.

It should be noted for the record of the House that the report found that Sergeant Maurice McCabe performed a genuine public service at considerable personal cost, and for this he is due the gratitude not only of the general public but also of An Garda Síochána. We must always remember that dissent is not disloyalty. Sergeant McCabe had the common good at heart in his actions. He has endured a turbulent personal period in pursuit of what he believed was right. His dogged commitment to uncovering the corrosive practices that were eroding the integrity of the force in his area have set a precedent. His example is one that will be seen by whistleblowers elsewhere, not just in the Garda but in industries, companies and sectors across the country and economy.

There were some internal attempts to demonstrate that Sergeant McCabe was an untrustworthy character, but they had no basis. There was a lot of innuendo at the time, which was unacceptable. People sidled up to Sergeant McCabe and said things about his character. There were sinister efforts to pin the blame for the issues in Bailieborough, such as the missing computer in the Father Molloy case, on Sergeant McCabe. I understand Mr. Justice O'Higgins was quite strong on that, but wondered aloud why Sergeant McCabe was the only individual brought forward for disciplinary action. That particular chapter is required reading for everybody. These attempts were rightly exposed in the report. An earlier section of the report deals with the GSOC investigation into the Mary Lynch case. Again, were it not for the fact that Sergeant McCabe recorded the conversation, he would have been put in the frame for doing something he did not do.

Such petty and damaging accusations send a clear and chilling message to whistleblowers that they will be systematically targeted and undermined. This cannot be tolerated in any workplace, particularly An Garda Síochána, which has a responsibility to uphold the law. Against that backdrop, support and backing from the hierarchy is vital to facilitate whistleblowers in calling out problems in their organisations. I welcome the statement of the Minister in that regard today, which added to the Commissioner's statement on the action that she is taking on the issue. The chasm between the private and public accounts we have discussed matters. In the Commissioner's statement today, she confirmed that a protected disclosure manager will be appointed within the Garda, which is welcomed, as is what the Minister said today. The Commissioner also confirmed that a dedicated team which will be appropriately trained to oversee all matters relating to whistleblowers will be appointed.

Efforts to reform and improve the Garda are dependent on the Commissioner's strong and committed leadership. In the absence of that, moves towards a culture shift will fall on barren ground. We need real transparency on this issue in order to drive reform.

Media reports over the weekend pointed out other prominent examples of whistleblowers in the force and further highlighted what is at stake. The sheer weight of the claims involved strikes at the core of the operations of An Garda Síochána. It is critical to the long-term integrity of the force that whistleblowers be facilitated and their claims fully and fairly investigated. We cannot allow future whistleblowers to be intimidated by the prospect of a methodical and comprehensive effort to undermine their character. The Commissioner is capable of delivering on that and continuing to take the lead on reform. It is a fertile period for reform in An Garda Síochána. There have been some 41 separate reports into the force in the past decade and almost 800 recommendations. The establishment of the Policing Authority in January this year represents a fundamental shift in the governance of the force. It offers a mechanism and opportunity to help to bolster public trust in the Garda and revitalise its structures and personnel. I welcome the statement that the authority will conduct a detailed examination of the procedures and policies around whistleblowing.

The Policing Authority is not a panacea. We need to be careful and keep it under constant review in terms of the impact it will have. Just because we have set it up does not mean everything will change dramatically overnight. We have to make sure it has the resources and breadth of remit to bring about change and improvement in An Garda Síochána and, above all, to bring back confidence and self-belief to rank-and-file gardaí. Despite all of the commentary from the Government about the provision of resources, if one spoke to gardaí the length and breadth of the country they would say the opposite: they would say there is one car for a particular district, or sometimes no car at all. The recommendations of the O'Higgins report give us a fresh set of measures to implement.

In facilitating the minority Government arrangement with Fine Gael, we were very conscious of ensuring that the explicit commitment to ramp up An Garda Síochána numbers to 15,000, which was in our manifesto, be given effect, because it is absolutely essential to give the Garda some chance of dealing with the major challenges it faces.

Deputy Jim O'Callaghan: I want to start by thanking Mr. Justice O'Higgins for the comprehensive report he produced. It is worth noting that this commission of investigation was established on 3 February 2015, yet he was able to conclude his investigation and produce a report for the Minister by 25 April 2016, a total of 15 months. He had to do a lot of work. As we know from the report, he interviewed 97 witnesses, and there were a considerable number

of serious complaints regarding wrongdoing in respect of serious criminal investigations conducted by the Garda.

It is worth pointing out that the commission of investigation procedure under which Mr. Justice O'Higgins carried out his work was a procedure introduced by the House in 2004. The reason the Oireachtas introduced such a method of investigation was that we wanted something cheaper and quicker than traditional tribunals of inquiry, which can go on for too long. It is important to point out that the primary difference between the tribunal of inquiry procedure and the commission of investigation procedure is that, in respect of the latter, the evidence and hearings are held in private. That may be an advantage or disadvantage. By opting for a commission of investigation we got a cheaper and quicker investigation, but we did so at the expense of ability of the public to see all aspects of the evidence produced before the chairperson of the inquiry.

It is instructive to recall what would have happened if a tribunal of inquiry had been held. The public would have been able to see the evidence given by Sergeant McCabe and his cross-examination, the other witnesses and the victims who came forward. People in this House may be appalled by that but we should remember that it is highly unlikely that we would be in this Chamber after 15 months discussing this report had we gone down the route of a tribunal of inquiry. For that reason, commissions of investigation are the way forward so that this House can produce quick and cheap investigative reports.

I am conscious that most people in the country will not have read this report. It is important, therefore, that the public has an understanding of what the report is about. It is also important that we as public representatives are aware of our function when it comes to looking at the failings identified in the report by Kevin O'Higgins. As Deputy Martin mentioned, the report reveals a series of inadequate investigations by An Garda Síochána in the Cavan-Monaghan region. The only reason those matters came to light was because of complaints that had been made by Sergeant Maurice McCabe. It is important to note and to put on the record of this House that the report largely corroborates the complaints made by Sergeant McCabe. It is also important that we note that what Kevin O'Higgins said about Sergeant McCabe is that he was "a dedicated and committed member of An Garda Síochána" who "has brought to public attention certain investigations where the public was not well served."

Although Sergeant McCabe is an important figure in the report produced by Kevin O'Higgins, he is not the most important person. The most important people referred to in the report are the ordinary citizens of Ireland who made complaints to An Garda Síochána and who were entitled to have those complaints adequately and competently investigated. Any citizen who goes to the Garda with a criminal complaint is entitled to be confident the complaint will be properly investigated. Without that, we do not have an adequate justice system. Unfortunately, the criminal complaints that feature within the pages of the report were not properly investigated. The victims of crime referred to in the report can therefore, unfortunately, legitimately say that they did not receive justice. Everyone in this House knows that where an innocent person is wrongly convicted, that is a miscarriage of justice but, similarly, it is a miscarriage of justice when guilty people are not convicted. That appears to be the implication of what is in the report from Judge Kevin O'Higgins.

It is also worthwhile mentioning on the floor of this House some of the events that were investigated and reported upon by Kevin O'Higgins so that the public will get an indication of the inadequacy identified in the report. In the case of the Kingscourt bus incident there was clearly

a failure on the part of the investigating garda to take statements from witnesses, a failure to take adequate notes, a failure to interview suspects, a failure to inquire whether the suspects had criminal records and a failure to complete an adequate report. However, what stands out most in respect of that chapter, and it is apparent in other chapters as well, is that the investigating garda who was responsible for the investigation was a young probationer guard. There was a clear absence of supervision of the young guard in respect of the investigation he was conducting. One of the most important issues that can be extracted from the report is that the Garda must implement a new system of supervision so that young, probationary gardaí, or whoever is in charge of a Garda investigation, is adequately supervised. It is not tenable that one can have a garda investigating a serious criminal complaint without the garda being adequately supervised. It is also unfair on young gardaí coming into the force if they are left on their own without adequate supervision in respect of what they are doing.

Other speakers have referred to the chapter on Ms Mary Lynch, an extremely tragic chapter. What the report indicates is that the vicious assault to which she was subjected on 30 April 2007 by Jerry McGrath should have resulted in a charge against him under section 3 of the Non-Fatal Offences Against the Person Act, as opposed to a charge under section 2. That might seem a minor misclassification but it was not; it was a very serious misclassification. The detail of the assault against Ms Lynch, to which the Minister previously referred, was horrific. It was a serious assault. However, by charging Mr. McGrath under section 2, the summary offence, as opposed to section 3, the alleged crime was misclassified on the system as being a minor offence. We do not know what might have happened in different circumstances, but what we do know is that Mr. McGrath appeared before the District Court in Tipperary in respect of another offence on 30 October 2007 when he sought a bail application, and he was granted bail. However, as Judge O'Higgins outlined, had it been the case that the judge in the District Court at the time had been informed that Mr. McGrath was charged under section 3, making it a serious offence, which he was not, that might have affected the decision of the court to grant bail. Tragically, we know that on 8 December 2007, while Mr. McGrath was out on bail he murdered Ms Sylvia Roche-Kelly.

There was also the incident in Cafolla's Restaurant, which involved a complaint by the owner of a fish and chipper about the fact that some men had come in and emptied the bottles of vinegar and replaced them with urine. She went to the Garda. She was entitled to have her complaint adequately investigated. The report, unfortunately, records that the gardaí thought the incident funny. However, even if they did think it funny, it was essential that they carry out a proper investigation. Ms Cafolla was entitled to have her complaint investigated and she was entitled to be told honestly what was happening to the investigation and not to be told that the file had gone to the DPP when that was not the case.

We also know in respect of the assault in Cootehill, to which Kevin O'Higgins devotes another chapter, that there was a very serious offence in which a 17-year-old girl was assaulted when she was walking home. Again, that criminal investigation was fundamentally flawed. There was inordinate delay in the investigation, no identification parade even though there was a suspect, the investigation file was incomplete with sergeants failing to provide statements and again, the notes were inadequate.

The incident in connection with Crossan's public house involved a man being assaulted outside a pub and sustaining injuries to his head. Citizens who are subjected to such assaults are entitled to know that we have a justice system that will seek to bring the perpetrators of those crimes to justice. We cannot get justice unless the Garda conducts the investigation of those

criminal complaints in a competent and adequate manner. We know from Kevin O'Higgins' report that the investigating garda simply did not investigate this criminal complaint. He then went out of his way to cover himself by asking the complainant to withdraw the complaint, and the complaint was then withdrawn, but it should have been properly investigated, and there was an inordinate delay on the part of the Garda in doing so.

Finally, there is the case of the Fr. Michael Molloy investigation, which involved a complaint by a man that his son had been sexually abused by Michael Molloy. The investigation had major flaws in that search warrants were defective, there was a failure to have the computer forensically examined and then the computer itself was lost. As Deputy Martin mentioned, it was surprising that the only person who was subjected to a disciplinary inquiry in respect of the loss of the computer was Sergeant McCabe, even though he was not even the exhibits officer in the case.

The reason I have referred to those examples from the report of Kevin O'Higgins is that we in this House must recognise that those victims of crimes were badly let down by An Garda Síochána, and they were badly let down by the State. Our concern is that such errors might extend beyond the region of Cavan-Monaghan. It is our job as legislators, and it is the Government's job as the entity responsible for the political direction of the force, to ensure that proper management structures are instilled and installed into An Garda Síochána. It is not tenable that An Garda Síochána can continue as it is without there being a fundamental reform in the management and supervision within the force. The absence of supervision and proper management is unfair to young gardaí joining the force. Every young person who starts a job is entitled to be properly trained. However, it is most unfair to the people of Ireland, particularly those who may be subjected to a criminal attack. They are entitled to the protection of the State and that protection cannot apply unless the Garda Síochána adequately investigates offences.

A lot of public attention has centred on what the Commissioner's senior counsel said to Sergeant McCabe. One of the sacrifices the House makes when it opts for a commission of investigation is that we do not get to see the cross-examination and the evidence of the witnesses. The benefit is that we get the result much quicker. However, it is worth pointing out that the question about Sergeant McCabe's integrity was answered conclusively in the report. Kevin O'Higgins viewed him as being "never less than truthful in his evidence". It is clear that Sergeant McCabe was a man of integrity. That question has been answered. I also welcome the statement made by the Garda Commissioner today in respect of the issue, which did give rise to public disquiet and concern last week and the previous week. In particular, there is the issue as to what happened in the meeting in Mullingar in 2008.

5 o'clock

That matter must be resolved, not by looking at transcripts and evidence at which Members are not legally entitled to look, but by having a proper, quick inquiry and investigation into it. I appreciate that the Minister has now directed the Garda Síochána Ombudsman Commission, GSOC, to conduct such a short investigation.

Members also must recall that over the past 15 years, there has been a series of tribunals and commissions of investigation into Garda Síochána wrongdoing or malpractice. Members frequently consider the Garda Síochána in the shadow of allegations that have been made and investigated. The Government and Members must ensure they try to provide a mechanism whereby management structures in An Garda Síochána are changed and a proper system of

supervision is put into An Garda Síochána. It is necessary to have an assessment plan as to what management direction the Garda Síochána must take. While there are many fine men and women in An Garda Síochána, its major failing is that there is an absence of management in the force and this report demonstrates there is an absence of supervision in the Garda. The people of this country need An Garda Síochána, as they have nothing else to protect them from crime and without it they are not safe. Members must legislate and the Government must decide as to what is best to ensure the people have such protection.

It is also important to recognise the role played by whistleblowers within An Garda Síochána. Dissent should not be regarded with suspicion. When whistleblowers come forward, they should have an entitlement to have their complaints investigated. They do not have an entitlement whereby everyone must automatically believe immediately everything they say. All that a whistleblower is entitled to is to have his or her investigation and complaints examined adequately. That is all Sergeant McCabe sought. He got that and he was vindicated and he was corroborated by Mr. Justice O'Higgins. It should be the objective of all Members of this House, all legislators and the Government to ensure the culture of An Garda Síochána changes in order that it can become a more professional force that accepts and encourages criticism in the knowledge that such criticism will achieve improvement in the force.

Deputy Gerry Adams: It is important to recap on some of the events which led to the establishment of the O'Higgins commission in late 2014 and early 2015. The commission was established to investigate in detail the serious allegations made by Garda Sergeant Maurice McCabe into Garda malpractice in the Cavan-Monaghan division and Garda investigations into serious crime. This followed months of controversy and a refusal by the Government to deal properly with allegations that crimes were not properly investigated. As the O'Higgins report has found, the crimes which were not properly investigated were of the most serious nature, including false imprisonment, assault, murder and sexual assault. Mr. Justice O'Higgins finds that investigations into these crimes were deficient and it is the victims of these crimes who have been let down the most and who deserve Members' utmost sympathy and solidarity in the furore that has ensued following the report's publication.

The publication was mired by almost two weeks of selective and disruptive leaking in advance of its release by the Minister for Justice and Equality, as well as further leaking of transcripts associated with the commission's work. The media management of a report of this importance is entirely unacceptable, as was the leaking of the papers that were part of it. Will the leaking of the report be investigated properly? Has the Minister considered this and, if so, who will conduct the investigation? Such action undermines the culture of openness, transparency and accountability that is required in the operation of the policing and justice systems.

It is worth noting that following the publication of the Guerin report, the Taoiseach told the Dáil there was a need for a root-and-branch analysis of the administration of justice and I agree with that statement. Sinn Féin has been critical of the unhealthy relationship between the offices of the Garda Commissioner and the Department of Justice and Equality over the years. In the aftermath of numerous controversies, we called for a new dispensation for the depoliticisation of oversight and the establishment of an independent policing board similar to that established arising from the Patten commission in the North. Under such a process, the Garda Commissioner would have been accountable to an independent policing authority with full powers to hold the Garda to account. While that is what Sinn Féin proposed, that is not what the Government produced. Although there is a Policing Authority, the most senior Garda, namely, the Commissioner, remains accountable to the Minister for Justice and Equality. Would it not be far

better for the Commissioner and for the Minister for Justice and Equality - any Minister for Justice and Equality - if this was not the case? In this case, it is a Minister for Justice and Equality who refuses to answer questions in the Dáil put to her by the Opposition, whose job it is to hold her to account. The Taoiseach has also refused to answer the same questions when I put them to him. I must also state it is bizarre and unacceptable that just as the Policing Authority was about to assume responsibility for the most senior Garda appointments, the Government pulled the rug from underneath it yesterday and appointed four assistant Garda commissioners. There can be no justification for this action. The Government's appointment of the four new assistant Garda commissioners subverts the role of the very Policing Authority it established and, again, such action does not bode well for a more open and accountable culture in the administration of policing and justice. Why then did the Government make these appointments? Why not permit the Policing Authority to do this?

Just before the eventual establishment of the O'Higgins commission, the Taoiseach intervened and played a central role in all these matters, when the Attorney General informed him during a telephone conversation that she did not trust the integrity of her telephone and needed to speak to him in person in respect of a particular matter. She alerted the Taoiseach to the issue of the taping or tapping of telephone calls in and out of Garda stations and after months of telling the Dáil there was nothing to see, the Taoiseach acted in an entirely unorthodox and unacceptable way. Moreover, I said this at the time. This all happened in the run-in to the events which led to the unprecedented resignations of the Garda Commissioner, the confidential Garda recipient, the then Minister for Justice and Equality, Mr. Alan Shatter, and the Secretary General at the Department of Justice and Equality. Mr. Shatter of course was central to the difficulties which emerged arising from the whistleblowers' revelations about practices in the upper echelons of the Garda. The Garda whistleblowers were smeared and bullied. There was a clear attempt to smear Sergeant Maurice McCabe's good name through the calculated leaking that emerged in the weeks before the publication of the O'Higgins report. Such attacks on his good character are extremely worrying and no doubt will make other potential whistleblowers think twice before coming forward - this is what happens to one when one does what he did - and this could contribute to what the O'Higgins report concluded was the closing of ranks.

The O'Higgins report vindicates Sergeant McCabe as a man of integrity and a highly competent garda committed to the good of the force, and yet accusations have emerged about how the Garda Commissioner briefed her legal team for the O'Higgins commission. This afternoon, the Garda Commissioner issued a statement. It provides very little clarity to the issues I and others raised with the Tánaiste and the Taoiseach. Despite there being no legal impediment to the Commissioner providing full clarity, the statement fails to provide the full detail of her instructions to her legal team. Of concern is the fact that she states that her legal team was not "instructed to impugn the integrity of Sergeant Maurice McCabe", but further on she suggests it would not have been unreasonable or improper for such a strategy to be pursued. In the light of the contradictory claims being made about the Commissioner's instructions to her legal team, this comment lends weight to the belief that Sergeant Maurice McCabe's integrity really was at stake. The Commissioner's legal counsel had already confirmed that he had challenged the "motivation and credibility" of Sergeant McCabe. How does one logically question someone's motivations and credibility without also impugning his or her integrity? Such semantics do not instil confidence in the Commissioner's capabilities to oversee the root-and-branch culture change so badly needed within An Garda Síochána.

I understand from the Commissioner's statement that the two senior officers who inter-

viewed Sergeant McCabe are to be investigated by GSOC. Perhaps the Minister will enlighten Members as to when this referral was made. Was it simply made because of the mounting public disquiet or was it when the Commissioner received the report?

The O'Higgins report contains a number of important recommendations and it is vital that these be implemented in full without delay. The problem is that it is the Commissioner who has to do this, yet the Minister has not held the Commissioner to account with regard to the questions that I and others have asked concerning her instructions to her legal team. The Dáil has not been given a satisfactory explanation. The Minister has not yet told the Dáil whether she has asked the Commissioner about this so here we are, almost ten days since we asked these questions, and the Minister has not even told us whether she asked the Commissioner about these issues of controversy. Unfortunately, this debate is not the end of the matter, and the Commissioner's statement today is not the end of the matter either. Despite the efforts of the Fianna Fáil and Fine Gael parties to close ranks in defence of the Commissioner, Sinn Féin will continue to press for full disclosure in respect of her role in the Sergeant Maurice McCabe affair. This requires the Minister for Justice and Equality to hold the Commissioner to account and to answer legitimate questions in the Dáil about how she does it.

Deputy Jonathan O'Brien: In due course, I will come to the statement released by the Commissioner earlier today, but it is important first to look at the O'Higgins report and exactly what it contains. We know that it was a recommendation from the Guerin report, and on 19 November 2014 the Government decided that the matters were of such public concern that they warranted a commission of investigation. A resolution approving that commission was passed by both Houses of the Oireachtas in November 2014.

The commission of investigation looked into allegations of malpractice in the Cavan-Monaghan division of An Garda Síochána from 2007 to 2010. There were 12 matters specified in the terms of reference. These predominantly concerned specific investigations by gardaí into alleged offences, but also included the manner in which the complaints of Sergeant McCabe were dealt with by An Garda Síochána, the then Minister for Justice and Equality, the Department of Justice and Equality and the Garda Síochána Ombudsman Commission.

The report was 360 pages long and I have read all of it. It goes into a detailed analysis of the incidents. In fact, chapters 4 to 11 outline all the individual cases that came before the commission. Some of them were touched on by Deputy O'Callaghan in his contribution. They include the Kingscourt bus incident, the Lakeside Manor Hotel assault, the incidents involving Jerry McGrath, an incident in Cafolla's restaurant, an assault in Cootehill, a dangerous driving incident at the Lakeside Manor Hotel, an incident at Crossan's public house, and the Michael Molloy investigation and the issue of the missing computer. It is important to state that in all of those cases, which are outlined in chapters 4 to 11, it is clear that the victims of those crimes did not receive justice. They did not have their allegations and complaints properly investigated, and we failed them. Those victims were failed not only by members of An Garda Síochána but also by us as legislators and by society. It is incumbent upon all of us, regardless of our political persuasion, to ensure that this type of behaviour never happens again.

Chapter 12, which is also fairly detailed, deals with incidents concerning the PULSE system. While that chapter does not indicate that any corruption took place, it may be justified depending on the case, and there were many incidents in which the timing of updates was a factor. It makes particular reference to the driving licence and insurance production system, and traffic incidents after which PULSE updates took place. Many of the points about the PULSE system

have been debated here previously.

Chapter 13 describes the investigation by An Garda Síochána, the Minister and the Department of Justice and Equality of the complaints by Sergeant McCabe. While the report does find that there was no basis to any of the allegations of corruption, obviously it found that many of the complaints were upheld. Chapter 14 deals with the conduct of policing in Bailieborough itself. The report found that while there were issues of management and resources, ultimately, the failures investigated by the commission were at a human level, caused by poor individual performance and in many instances poor supervision.

All of that leads to chapter 15, which contains the recommendations. It is worth noting that while it was not incumbent on the commission to make recommendations, neither was there anything prohibiting it from making them. The fact that we have a large number of recommendations from the commission of investigation goes to show the level of concern the judge had about the incidents in Cavan-Monaghan. One would have to surmise that if we have cases of a lack of supervision in one particular district, this may be replicated in other districts. It is important, therefore, that the recommendations be taken on board and implemented in order to ensure that such matters do not recur, not just in Cavan-Monaghan but also in other areas throughout the State.

Deputy Micheál Martin mentioned some of the recommendations with regard to victim impact statements and their use, as well as the computer crime division and ensuring it is properly resourced. I note from the Commissioner's statement today that she has already set about the task of implementing those recommendations. She has asked one of her assistant commissioners to examine that matter. I also know that the Minister has had discussions with her concerning the recommendations.

It is unfortunate that in the lead up to the report's publication there was some selective leaking of its contents. I completely agree that this should not have happened. Maybe that forced the Minister's hand in publishing it when she did, but once it was published, unfortunately, the Minister had to leave the country. I am not saying that was-----

Deputy Brendan Howlin: Directly connected.

Deputy Jonathan O'Brien: -----by design or directly connected, but it was certainly an unfortunate timing of events. Perhaps there are lessons to be learned from that. Maybe the Minister's hand was forced by some of the selective leaking. If it was not, then I think it was a poor judgment on the Minister's behalf to see the report published and then to leave the State and not be available to make statements on it.

Everyone will recognise the difficult job that gardaí have. They work on the ground with limited resources and they are under immense pressure. They do deserve all of our support, and particularly support from their superiors and those tasked with ensuring that the organisation operates in an accountable manner.

I am disappointed by the delay in the Garda Commissioner's response to the public outcry surrounding the publication of leaked transcripts from the commission, which appeared in the *Irish Examiner*. She refused to address what was being circulated and widely discussed, and chose to hide behind a misinterpretation of the legislation underpinning the inquiry. Her lack of action and clarity was unsatisfactory. Unfortunately, that leads to questions concerning her credibility in making progress on the change agenda that arises from the report by Mr. Justice

O'Higgins. Restoring public confidence in An Garda Síochána, which has to happen, must come from a leadership level. The fact that the Commissioner has been involved in some of this controversy in recent days and weeks is not helpful in ensuring that confidence will be forthcoming. We also acknowledge the carefully crafted statement issued by the Commissioner earlier. Unfortunately, it failed again to provide the clarity necessary in respect of the direction she gave her legal counsel during the commission of investigation. This is not about going after Nóirín O'Sullivan or trying to get a head on a plate - far from it; this is about ensuring the most senior member of the force, the Garda Commissioner, who will be responsible for leading a culture change within the force has the confidence of the public, of us as legislators and, indeed, of rank and file gardaí. Clarity is needed regarding the issues that have arisen in recent days.

Depending on the legal opinion one listens to, some state the Commissioner is legally precluded from clarifying the reports within the transcripts while others say she is not. It is our belief that she can make a statement in respect of the advice given to her legal team as it was not evidence given before the commission. Certainly, evidence given before the commission could not be disclosed publicly and could not be discussed but legal opinion can be clarified. It was not given to the Commissioner as a private individual; it was given to her in her role and in her capacity as the Garda Commissioner. It is the Minister's job to hold the Commissioner to account. It is a straightforward request that she would speak to the Commissioner in this regard and ask exactly what legal advice was given. There is an onus and responsibility on the Minister considering Ms O'Sullivan was acting in her capacity as the Garda Commissioner and not just as an individual.

In her statement earlier, the Commissioner stated that "at no time was there any direction to her legal team to question or try to impugn the integrity of Sergeant McCabe" but we know her legal counsel has corrected the record. There was an allegation that he was to question the sergeant's integrity and that has been corrected to say that he should not have used that word and that he was to question the motivation and the credibility of Sergeant McCabe. It is not feasible to question people's motivation and, particularly, their credibility without questioning their integrity because by questioning their motivation and credibility, their integrity is also being questioned. Even if the word "integrity" was not used, that does not mean that is grand. It is not credible to suggest that Sergeant McCabe's motivations and credibility could be questioned in the absence of also questioning his honesty and that is at the core of what the transcripts state. Later in the Commissioner's statement, she suggests "it would not have been unreasonable or improper" for such an approach to be taken; that it is to say it would not have been unreasonable to question the credibility and motivation. It simply boils down to her stating, "I did not do it but even if I had, it would have been okay". It would not have been okay and it is not acceptable.

The Commissioner is playing with words. She first used the legislation as a shield to state that she could not clarify the issue and then when she issued a statement today, it was full of even more contradictions. That leaves the fundamental question of whether the Commissioner is the most appropriate person to oversee the changes and improvements in how whistleblowers are dealt with within the Garda. I do not believe she is. Will the Minister explain to us and, more important, to potential whistleblowers who may wish to come forward with malpractice allegations within the force how they could have full confidence in the Commissioner given everything that has transpired in recent days and, in particular, the treatment of previous whistleblowers?

I welcome the Commissioner's statement that she has met Transparency Ireland regarding

how to deal with these issues in the future. That is correct and I also welcome the Minister's statement regarding the two gardaí who alleged that Sergeant McCabe stated to them that he was acting out of malice with a gripe against a senior officer. One would have to question if the sergeant did not have tape recordings to refute those allegations where we would be today. That is telling. The commission of investigation stated what was on the tape recordings did not tally with the allegations made by the two officers. One can only assume the reason they were not included in the final report is there was no foundation to them. If that is the case, serious questions must be asked. While it is correct that GSOC should investigate this, the Commissioner cannot have it both ways. She cannot say she fully accepts the findings of the commission and then, on the other hand, state that to dispel public disquiet in respect of the two members of the force who made those serious allegations, further investigation is needed.

It is important that the Government moves quickly to implement the commission's recommendations. I presume the resources needed to implement them will be forthcoming. I agree with Deputy Martin that the Policing Authority will not be the panacea to all our problems. While the legislation was welcome, we stated when it was going through the House that it was flawed in the sense that the Garda Commissioner still remains accountable to the Minister for Justice and Equality. While the Minister can request an investigation to be initiated against the Commissioner, the legislation falls short of giving that power to the authority. If it is to be truly independent, serious consideration needs to be given to amending the legislation. If we are to have this new culture of reform within the Garda, then it has to be ensured everything done within the force is fully transparent and accountable. We owe it to rank and file gardaí to ensure that happens because their morale is on the floor following the many reports into Garda misbehaviour such as the Barr tribunal, the Abbeylara, Rossport and Guerin reports and this commission of investigation.

It is essential we do everything possible to ensure morale within the force is enhanced but we must also ensure the officers themselves do not fall outside the law, are held to account and take responsibility for their actions. If we can work on that, part of which involves amending the Policing Authority legislation, we would be well on our way to doing that. I reiterate my own position and that of my party, which is that, unfortunately, given the serious nature of the allegations relating to Nóirín O'Sullivan and her handling of the legal advice, she is not the best person to bring about that culture change. Therefore, we believe her position is untenable. We encourage the Minister to have a very stark conversation with the Commissioner and to ask her those questions and request that she clarify matters, which we believe she can, because it is important.

Deputy Brendan Howlin: Like others, I begin by thanking Mr. Justice Kevin O'Higgins for this report. It is clear, comprehensive and stark. In the words of the Tánaiste and Minister for Justice and Equality, Mr. Justice O'Higgins has produced a thoughtful and thorough report which deserves the most careful consideration. I also agree with the Tánaiste that we must not lose sight of one central fact. The report identifies a number of cases in which victims of crime were not well served by those we entrust to protect all of us and investigate crime in this country, namely, An Garda Síochána. As she put it, that is as unacceptable as it is disheartening. It is not, however, surprising. Some time ago, I was involved with events leading up to the Morris tribunal, in which Mr. Justice Frederick Morris concluded that there was corruption among a small number of gardaí operating in the Donegal division. Mr. Justice Morris said that the situation could not have flourished and gone unchecked if the leadership of the Donegal division had not behaved negligently and slothfully. This was a long time ago. He warned that there was

no reason to think that what he uncovered in Donegal was confined to that county.

Mr. Justice O'Higgins was not investigating serious corruption on anything like the scale of what happened in Donegal, but he uncovered serious shortcomings in the standards of professionalism that we and, above all, the victims of crime are entitled to expect from our national police force. Again, the same point arises. There does not seem to be any reason to think that Cavan-Monaghan is unique. It seems that the only difference is that there happened to be a brave whistleblower in Cavan-Monaghan. While the events investigated by Mr. Justice O'Higgins are more recent, some of them go back almost a decade.

It is almost a decade ago that I, as the then Labour Party spokesperson on justice, published our party's policing policy document, which we called *Better Policing for Safer Communities: A Programme for Partnership and Accountability*. In that document of June 2006, I wrote that when the Garda Síochána was founded in 1922, Ireland was a rural, close-knit society. The crime rate was low and anti-social behaviour was sparse. Policing was simpler back then and it remained relatively uncomplicated for most of the 20th century. However, with the rapid transformation from a rural farming society to an affluent urban society, it was inevitable that severe social and policing problems would arise, as they have done everywhere in the world. We now have more crime, more drug and alcohol abuse, more public order offences and more anti-social behaviour, making life a misery for many citizens. Additionally, we now face a situation in which human life has become incredibly cheap, as armed drug gangs wage war on each other and put not only the lives of members of those gangs but the lives of innocent citizens at risk. The quality of life of whole communities, including some of the most marginalised communities in the country, has suffered due to lawlessness, vandalism and anti-social behaviour. Criminal and anti-social behaviour inflicts misery, particularly on the inadequately policed urban parts of this city. I wrote back then that there was insufficient appreciation at political or senior Garda level of the corrosive effect of crime and lawlessness on these besieged communities. Sadly, I think this is still the case a decade later. The Labour Party argued a decade ago that Ireland's policing structures, having remained virtually unchanged since the foundation of the State - the rural landscape I described - are now far removed from what is internationally recognised as best practice. I have had these discussions with the Tánaiste; she knows my views and I think she shares many of them. It has taken a series of reports from the Garda Inspectorate almost a decade later to confirm that this diagnosis is still valid. We said back then, and I now repeat, that the need for a radical shake-up of existing controls and oversight mechanisms within An Garda Síochána is beyond question.

I also repeat another conclusion from a decade ago, which is that An Garda Síochána continues to be overly defensive about itself. This trait is not unique to An Garda Síochána. Faced with any external or internal criticism, many organisations close ranks, deny and resist. An Garda Síochána is too slow to admit to serious structural and procedural problems within the force and it is even slower to actively do anything about them. The real risk now is that the relationship between gardaí and local communities, which has been problematic for some time in particular areas, will continue to deteriorate. The more the Garda is hindered from participating in the community, the more isolated the entire police force will become. There will be less understanding of public sentiment, less exercising of discretion, more public irritation, less sympathy for the police and an increase in downright hostility and further isolation. We can see examples of this happening already when members of An Garda Síochána think, "If that is the way we are treated, that is the way we will react," as though it were not an integrated entity involving community and policing.

I believe it is vital to rebuild confidence in the relationship between police and community. We need, in short, to reconnect police and community. An important part of our response must be to redouble the commitment to real community policing, and by that I do not mean simply exclusively designating a small cohort of gardaí as community policing officers. Real community policing is not an add-on to the “proper” police force. It should be intrinsic to a genuine local community partnership approach among all gardaí and it should pervade the entirety of their work. We believe that neighbourhood policing should be at the core of police work and that the structure of the entire police service, the staffing arrangements and the deployment of resources should be organised accordingly. If one positions community policing as the core function of An Garda Síochána and the core function of every Garda station, this has implications for structure, management, culture and training. This point was touched upon by every speaker in this debate so far. It would radically change the organisation and the way it thinks about itself. It would define the interface between the individual citizen and the local community Garda as the prime focus of activity to which the rest of the organisation becomes a support mechanism. It is happening; such models do exist. I repeat our central point. If the community is not engaged with, if there is not real and substantial participation by the community and if the community does not have and feel an ownership stake in policing, we will suffer an ongoing and increasing disjunction between our policing service and a growing number of our citizens.

Just as importantly, back in 2006, we also called for community-oriented policing delivered by a service that was accountable to the community it served, and we said that accountability must extend to the very top of our policing structures. That is why the Labour Party’s long-held commitment to real community policing has always been clearly and inextricably linked to our commitment to establishing an independent Garda authority. That is something I tried to legislate for a decade ago, but it was not until the Labour Party returned to Government that we could do it.

The community policing approach requires a devolution of power within the Garda, the decentralisation of authority to gardaí on the beat and a far greater emphasis on collaboration between gardaí and community, as I have said repeatedly. It seemed clear enough to us ten years ago - it is even clearer now - that such a reorientation of the Garda Síochána cannot be delivered either by the Garda itself or by the Department of Justice and Equality. Transparent and accountable policing, in partnership with communities, is not achievable without civilian oversight. The Garda authorities overseeing themselves cannot provide this and neither can the Minister and her Department. That is why I and the Labour Party have been so committed to the establishment of an independent Garda authority, representative of civic society, to stand between the Commissioner and her officers, on the one hand, and the Minister and Department on the other. Unless power is devolved within police structures and through civilian involvement and engagement, as well as through oversight of policing, then the gardaí will remain both centralist and distant from the communities they need to serve.

While the details of the individual cases of wrongdoing dealt with in the O’Higgins report are of great concern, what must concern us most, as representatives of the public gathered here in Parliament and as legislators, is the need to have structures that are robust and right for the future, to make sure the Garda Síochána behaves professionally and accountably. That was very far from the case when the previous Government came into office. We were faced with a breakdown of public trust in the ability of the gardaí to properly police themselves and their own members. We inherited a system, which the Tánaiste will remember, involving a confidential recipient, which was shown to be manifestly unfit for purpose because people did not know

where the confidential recipient was or how he or she could be contacted. As the Tánaiste put it, the system for dealing with reports of wrongdoing within the force by members served no one particularly well - not the people making the reports, not the people who were the subject of those reports, not the Garda Síochána, and, above all, not the people of Ireland. We were faced with an absolutely poisonous relationship between the Department of Justice and Equality and the Garda Síochána, on the one hand, and the Garda Síochána Ombudsman Commission on the other. That was self-evident; we could see it. We were faced with persistent allegations of Garda malpractice and with claims that these allegations were not being investigated. We took swift and decisive action. We appointed a series of statutory inquiries. We appointed a new Garda Commissioner following the first open international competition in the history of the State. I and my colleagues delivered on an extensive programme of reform, including legislation to protect whistleblowers and to extend the freedom of information provisions.

The Protected Disclosures Act, which was the overarching legislation to protect whistleblowers, enhanced the protection available to whistleblowers across the board and provided a new mechanism for disclosures relating to the Garda Síochána. Now, a Garda member may make a protected disclosure directly to GSOC, which has all the powers needed to investigate any complaint. We committed to the reform of Garda oversight and accountability, including delivering on the Labour Party's long-standing policy of establishing the independent Garda authority. Overwhelmingly positive changes to our policing landscape were made in the last few years. I acknowledge the commitment and ability of my former colleague, the Minister, Deputy Frances Fitzgerald, in delivering this change agenda quickly, but I remain to be convinced that her Department and the force will do all that needs to be done to ensure that Garda resources are deployed effectively and efficiently. For example, modern policing requires personnel to be deployed in front-line policing services. The Garda Inspectorate has called for this in the two reports. It says that real civilianisation could release an additional 1,000 gardaí to front-line duties, which means that all obstacles to the employment of qualified civilian personnel must now be removed in order to free up those 1,000 gardaí. In the current circumstances, it should be an immediate task of the new policing authority to ensure there is a rigorous programme of civilianisation of all jobs that do not require Garda powers, training or Garda experts. We do not need trained police officers doing clerical and back-up work, stamping passports and all the rest of it. Exceptions should be made only where it is demonstrated that there is a compelling reason for a garda to carry out a function. The commitment to, and implementation of, a real programme of civilianisation will be a touchstone of officialdom's commitments to the implementation of the reform agenda. We fully support the Garda Inspectorate's recommendations on reform of organisational structure, governance and culture and on workforce modernisation and technology, and we look forward to working with the Tánaiste in implementing these.

Sergeant McCabe has now been confirmed as a dedicated and committed garda who brought to public attention cases in which the public was not well served by the Garda Síochána. The concerns he highlighted were legitimate and the bulk of the conclusions of the O'Higgins report fully justify the belief that the people were not getting the police service they deserve and that oversight of policing was entirely inadequate. The report describes poor policing, incompetence and wrongdoing. It also describes institutional hostility to anyone who identified a problem. I am happy that the reforms we insisted on in government go a long way towards addressing those defects, but there remains more to be done. There is a whole series of recommendations for change made by the Inspectorate and under the Haddington Road agreement. It remains to be seen whether the force and the Department of Justice and Equality will deliver on those reforms.

I welcome a great deal of what the Garda Commissioner, Nóirín O’Sullivan, said in her statement earlier today. I welcome her clear acceptance of the core fact that the O’Higgins report presents inescapable lessons for the Garda Síochána based on its shortcomings in a number of critical areas, including its dealings with whistleblowers. I welcome her commitment to radical and pertinent, permanent change. I am less happy with the continued insistence that there are clear constraints around the question of making public comment about the Commissioner’s approach to Sergeant McCabe and his evidence at the O’Higgins commission. I query first, as I have done publicly, the fine distinction the Commissioner and her advisers are seeking to make between what she did and did not instruct her lawyers to do. The Commissioner seems to me - and I would suspect, to a great many laymen and women - to be trying to make a distinction without a difference. It is highly artificial to say that the case against Sergeant McCabe was that he had a grudge against a senior officer which coloured his motives and that his evidence against that officer should therefore not be accepted as credible but, notwithstanding this serious claim, that Sergeant McCabe’s character and integrity were not put at issue. Both of those cannot stand. I am not sure that many lawyers would understand that particular argument. Second, I remain convinced that the law does not prevent the Garda Commissioner from clarifying the instructions she gave to her legal team at the Commission. I note from the transcript extracts published in the *Irish Examiner* that I have the same interpretation of the Act as the now Senator Michael McDowell SC, who I recall in a previous capacity was the man responsible for drafting the legislation and steering it through this House. Our interpretation is that, while the law prohibits the disclosure of evidence given by a witness, it is clearly the case that lawyers are not witnesses and their statements are not evidence before the commission, so the prohibition in section 11 of the Act does not apply. There is no provision in the Act that restricts a person from commenting on the statements of lawyers before a commission. In particular, there is no bar preventing a party from explaining the statements their lawyers made under the instructions of their clients. Someone has been briefing journalists to the effect that there is such a broad definition of “evidence” in the legislation that it would also cover exchanges between the lawyers and the judge. It is perfectly plain from the body of the Act, for example, section 14, which spells out the form and manner in which evidence is to be given to a commission, that the evidence includes only statements made by a witness, either orally or on affidavit and either on oath or affirmation. The only reason for the extended definition of evidence in the Act is to allow for opinion evidence as well as factual evidence to be given by witnesses, which is a departure from the strict rules that would apply in a court, as distinguished colleagues who operate in the lovely courts buildings on the river will know full well, but it has nothing whatsoever to do with including as well the submissions made by lawyers, unless one agrees with Humpty Dumpty when he told Alice that “When I use a word, it means just what I choose it to mean”.

It is clear from the report of the judge that he set out at the outset and throughout the hearings to stress that his hearings were inquisitorial and not adversarial. At paragraph 2.02 he states: “This non-adversarial method was generally followed by all legal teams, although there were a few isolated aberrations from this approach.” What we are dealing with here seems to be one of these aberrations, where lawyers were instructed by their client to cross-examine a witness with the intention of undermining their credibility. The serious problem is that this adversarial approach seems to have been adopted when the public stance of the Commissioner to Sergeant McCabe was quite different. She told a Dáil committee that Sergeant McCabe had the full support of Garda management. It is even more serious if the lawyers’ instructions had been changed mid-stream, but only when a tape recording turned up that undermined the story their clients were going to tell the commission.

The reason the exchanges between lawyers and the judge arose in the first place is that matters had reached a stage where the judge wanted clarity about the case the lawyers were seeking to make, and it seems clear that those lawyers were initially quite clear about their client's instructions. They said they were instructed to seek to undermine Sergeant McCabe's evidence by questioning his motives, his credibility and his integrity. The lawyers were instructed to do this in the context of introducing evidence of a conversation, except that when Sergeant McCabe produced his own recording of that very conversation, the plan was dropped and the lawyers now said the sergeant's integrity was not at issue. They said it never had been in issue.

What would have happened, and others have posited this question, if Sergeant McCabe had not recorded that conversation? How did the false admission of malice find itself in the instructions of the commission's lawyers? We need to be blunt about this. If this issue is not properly resolved, the suspicion will be that there was a plan prepared by Garda witnesses to put sworn testimony on the record that was materially false and misleading, that this plan was only dropped when it was discovered that the false evidence could not be stood up.

This is an extraordinarily serious matter. It deserves to be treated seriously and not brushed under the carpet of the claim of confidentiality or lawyer-client privilege. The Garda Commissioner's decision to request the Minister to refer this issue to the Garda ombudsman is a recognition that the matter needs to be investigated and resolved to public satisfaction - I hope quickly - but if the authorities do not change their attitude to legal privilege, will the Garda Síochána Ombudsman Commission run into exactly the same set of difficulties? Will the two senior Garda officers not say that their dealings with the Garda Commissioner's lawyers about their proposed evidence to the O'Higgins commission are covered by the same legal professional privilege that Commissioner O'Sullivan is relying upon today?

On the issue of privilege, I accept that the Commissioner is as entitled as anyone else to have lawyer-client privilege, but legal privilege is not absolute. It belongs to the client, not to the lawyer, and it can always be waived by the client. Importantly, we as public representatives must insist that there is a difference between a holder of public office and a private citizen. The private citizen is entitled always to have regard only to their own private interest but the public officeholder holds a position in public trust, and their only legitimate concern can only ever be to serve the public interest. So while public bodies have legitimate reasons for relying on legal privilege, they can never confuse their own personal or institutional interest with the larger public interest.

Generally speaking, I agree with the Garda Commissioner that in regard to communications with her legal team, it is important that privilege is protected so as not to impact adversely on the workings of the Garda Síochána and its entitlement to seek and obtain legal advice on a confidential basis, but I do not believe that privilege can or should be used as a shield to prevent an investigation into an alleged scheme by public servants to plant false or misleading evidence on the record of a public sworn inquiry. I make no bones about asserting plainly and unequivocally that the holder of a public office should not be entitled to shelter behind legal privilege if that is contrary to clear public interest. In this case, where a vitally important public office is concerned, the public interest demands a public explanation.

I should make one other point because it struck me, in the context of this, that people might not be aware of it. When we were crafting the whistleblowers legislation, the Protected Disclosures Act, we looked at the British model. In the British model, motivation was one of the issues that could be taken into account in discounting a whistleblower's claim. We deliberately

did not transpose that into Irish law because often, whatever the motivation, the allegations can actually be true, and that was so in one of the cases in Donegal in terms of one of the witnesses, whose motivations one might be suspect about but who was motivated to bring the truth to light.

I want to take this opportunity to make it clear that neither I nor any of my Labour Party colleagues ever had any reason to question the former Minister, Alan Shatter's ability or integrity in government. We were satisfied when he, properly and fairly, apologised and withdrew the claim he had previously made in the Dáil that the whistleblowers had not co-operated with Garda investigations. It is true that I and Labour Party colleagues, along with at least some of our Fine Gael colleagues in government, were unhappy to see revealed what Mr. Justice O'Higgins refers to in his report as institutional "instinctive hostility towards whistleblowers". Members will recall this culminated in the whistleblowers being referred to by the Garda Commissioner at a Dáil committee as "disgusting" – a description that took some time to be retracted.

We were not party to the events that led to the resignations of either the former Commissioner, Martin Callinan, or the former Minister, Alan Shatter. The reality is that the O'Higgins report is not a report into Alan Shatter or his dismissal by the Taoiseach, Deputy Enda Kenny. Mr. Justice O'Higgins was given terms of reference that asked him to investigate 12 distinct matters, just one of which referred to Alan Shatter.

A further reality is that Sergeant McCabe had been banging his head against a brick wall until his claims were made public and until the O'Higgins commission was tasked with examining them thoroughly. I fully accept, and I never thought or claimed otherwise, that there was no impropriety or malpractice on the part of either the former Minister for Justice and Equality or the former Garda Commissioner. It nonetheless remains the case that the McCabe allegations were not properly investigated on their watch.

Sergeant McCabe has now been confirmed as a dedicated and committed member of An Garda Síochána, with very many legitimate concerns. The conclusions of the O'Higgins report show we were not getting the policing service the people deserve, and that oversight of our policing was inadequate. Garda Commissioner O'Sullivan accepts that dissent is not disloyalty, that the service must learn from this experience and, importantly, that whistleblowers are part of the solution to the problems facing the service. The reforms we insisted on in government will endure for the public benefit.

The Garda Síochána is entitled to the support of the Government and of all public representatives, but citizens too are entitled to expect that we make sure that gardaí behave both professionally and accountably. In a democracy like ours, people expect and are entitled to live in peace in a law-abiding community. Effective and efficient policing is a basic prerequisite for that. To sustain effective and acceptable policing, the links between communities and gardaí are of fundamental importance. The job of the Minister, the Commissioner and the Policing Authority now is to establish a new partnership, and to get police and communities back working together with a common sense of purpose.

6 o'clock

Deputy Mick Barry: I wish to share time with Deputies Coppinger and Boyd Barrett. Deputy Coppinger and I will take 15 minutes and Deputy Boyd Barrett will take the remaining 15 minutes.

Garda Commissioner Nóirín O'Sullivan stated today: "I can confirm that An Garda Síochána

chána's legal team was not at any stage instructed to impugn the integrity of Sergeant Maurice McCabe." The *Irish Examiner* has revealed the following exchange between Mr. Colm Smyth of Commissioner O'Sullivan's legal team and Mr. Justice O'Higgins at a private meeting last year. Mr. Smyth stated: "my instructions are to challenge the integrity certainly of Sergeant McCabe and his motivation." There was a bit of back and forth between them at that stage. The transcript continues:

Mr. Justice O'Higgins: ... he made these allegations not in good faith but because he was motivated by malice or some such motive and that impinges on his integrity. If those are your instructions from the Commissioner, so be it.

Mr. Smyth: So be it. That is the position, Judge.

Mr. Justice O'Higgins: Those are your-----

Mr. Smyth: Yes, as the evidence will demonstrate, Judge.

It continues:

Mr. Justice O'Higgins: Those are your instructions from the Commissioner.

Mr. Smyth: Those are my instructions, Judge.

Mr. Justice O'Higgins: Very good.

Mr. Smyth: I mean this isn't something that I am pulling out of the sky, Judge, and I mean I can only act on instructions.

In other words, not once or twice but on five separate occasions the leader of the legal team made it clear that his instruction was to challenge the integrity of Sergeant McCabe. It is clear, at least from the words of Mr. Colm Smyth, that his instructions were to go very hard on Sergeant McCabe. This resulted in a position where, according to many reports, Sergeant McCabe was virtually put on trial during the hearings. Serious allegations against Sergeant McCabe's integrity by a superintendent and a sergeant were subsequently disproved by Sergeant McCabe.

Mr. Colm Smyth then corrected the record to indicate his instruction had been to challenge the credibility and motivation of Sergeant McCabe but not his integrity.

In her statement today, the Commissioner argued that she had the right to interrogate and cross-examine the evidence of Sergeant McCabe, as might be done with any other witness or person coming before such hearings. However, whatever conclusions can be drawn from these events - whether they are benign or maligned - it is quite clear the treatment of Sergeant McCabe by the Commissioner's team was not on a par with the treatment of others at the hearing. Another question arises from today's statement. It is now a full year since a Garda superintendent and sergeant allegedly presented false evidence against their colleague, a whistleblower. This is a matter of grave concern, so why has the case only now been referred by the Commissioner to the Minister for Justice and Equality and the Garda Síochána Ombudsman Commission, GSOC, a full 12 months on? Is she acting entirely freely? She is certainly under pressure from events.

Recent events in Dublin's north inner city clearly demonstrate the need for an effective police service in the State but an effective police service must be fully democratic and account-

able. Clearly, there are problems relating to democracy and accountability within An Garda Síochána. This is not, first and foremost, to do with the approach of this or that individual. In the last analysis, it is to do with the fact that An Garda Síochána, as an arm of the State, is ultimately an organisation serving to protect the interests of a capitalist elite at the expense of the majority of the people. It is not in the nature of such an organisation to be run in a way that can be described as fully democratic and accountable.

This undemocratic and unaccountable role has been seen clearly in multiple instances recently. In the 12 months between November 2014 and November 2015, An Garda Síochána made 188 arrests at community-based protests against water metering. Per head of population, that would be equivalent to more than 2,500 arrests in the UK. If more than 2,500 persons were to be arrested in the UK for participation in a popular community-based campaign, I suspect there might be some Deputies in this House who are silent on what was done here by An Garda Síochána but who may speak in terms of human rights abuses across the water. In addition, what happened during the anti-water metering protests was not an exceptional circumstance. In 2006, some 200 gardaí descended on the community of Rosspoint in County Mayo, with strong-arm tactics employed to force the Shell refinery on local people. Despite 111 complaints of alleged Garda violence and intimidation submitted to GSOC, not a single garda was disciplined as a result of those complaints. In November 2010, only a few hundred metres from here, a cohort in a 40,000-strong protest by students was attacked by gardaí on horses and by police dogs, as the students protested an increase in university fees. A police force funded by the community and, in theory, charged with defending that community should not act in such a way. These events all point to the need for democratic community control over policing services.

If the Garda Commissioner is found to have been complicit in an attempt to frame Sergeant McCabe, she should go, of course. It should not be a case of resigning and she should in that instance be sacked. I listened with interest in the House last week to a passionate speech from a Deputy who has done much to highlight abuses within An Garda Síochána, Deputy Mick Wallace. Deputy Wallace argued that we will not change how we do policing in Ireland until we change the hierarchy. However, booting out one hierarchy within a police service designed to serve the interests of the 1% and replacing it with another hierarchy within the same force will not address the fundamental issue. That will only be addressed when policing hierarchies are ended altogether and policing comes under democratic community control.

In every district community policy committees should be established, filled by democratic vote of the people in that district. Such committees should have the power to decide where and how Garda resources are deployed within a district. If we leave aside the issue of water protests, if such democratic community policing structures had been in place in Cavan and Monaghan, I doubt very much there would have been a need for an O'Higgins report in the first place. Such committees should also have the power to investigate and discipline members of the force who abuse their power. On a national level, An Garda Síochána must also be brought under democratic control. For example, there is no reason a national meeting of delegates from local community policing groups could not elect a national board to oversee the work of the police. In such a way, the basis could be laid for a policing service that serves the 99% and not the 1%, and which is thoroughly democratic and accountable to the people.

Deputy Ruth Coppinger: There are many disturbing aspects to the O'Higgins report, such as the fact that the documents were not passed over for many months to the commission. We have not heard much comment about that. There was clear bullying and victimisation of Sergeant Maurice McCabe when he exposed poor investigation and wrongdoing. There was

clearly a culture within that district, emanating from the top, as otherwise why would low-level gardaí relative to Garda McCabe feel they had the confidence to accuse him, wrongly, of wrongdoing and try to get him into difficulty? Nobody is held responsible after this report. It concludes that there was a corporate closing of ranks, but that it was not done consciously and there was no question of bad faith. Investigations like this should not be done by people who are part of the legal system; they should be done by outsiders.

The theme I want to take up with the Minister, which I hope she might be concerned about, is one that has not been brought to light from the cases I studied in the commission's report, that is, the issue of violence against women. Surely the Minister must be disturbed by three cases in particular where women were the victims of violence or potential violence and nothing was done about it. We should be screaming from the rooftops about that, because I see some similarities in bad attitudes among these gardaí. I have seen it in my own district as well.

Let us take the Kingscourt bus incident, for example. This was the case of a female bus driver, who, by the way, is not prone to be scared easily and had said herself that she had worked as a bus driver and a taxi driver in some of the toughest areas of Dublin. This woman ended her night hiding in a hedge after what she had experienced, such was her level of fear. The gardaí took no statements. They discouraged any pursuance of the incident by constantly telling her that she had no case, that it was up to her if she really wanted to bother and that there would be a lot of difficulty. The woman ended up being offered a €150 meal voucher as compensation for the terror she had been put through that night. Does the Minister think it is acceptable that anyone - I do not care if it was a probationer - could think that was acceptable? Let us look at that case in particular. In the Byrne-McGinn report, which looked into the case, they said the claim that there was a sexual assault was grossly exaggerated. Actually two sexual assaults took place on that bus that night. One woman leaving the bus was groped and sexually assaulted and in respect of the other woman, what would the Minister call it when men grab a woman by her clothing, she is screaming and is not let off the bus? I would call that a sexual assault as well. We all know it was not taken seriously in any way. The woman who was driving the bus turned down the meal voucher, thankfully, and ended up getting €150 in compensation. What does that tell us about attitudes to the sexual harassment of the women on the bus that night and to violence against women?

In the case of the assault on Mary Lynch, which has been well publicised, we know the assault was eventually downgraded and that Mary Lynch was not told to attend court. I had to laugh when I heard her husband was rung on a couple of occasions. Mary Lynch was ringing the Garda station at the time, but the garda did not see fit to ring the woman who was the actual victim. The commission concluded that there was an agreement that her husband would be the point of contact. It is a bit like something out of the 1930s. The constant get-out clause throughout is that the gardaí were new, they were not being supervised, they were probationers. What does that say about Garda training in Templemore in respect of attitudes to violence against women?

To give the Minister an idea of the savage attack that took place on Mary Lynch in that taxi, the woman was first brought deliberately to a secluded location. She was pulled by the head and told to get out of the car. Lumps were pulled out of her hair. The man had his zip open. He tried to pull her out of the car, kicked her repeatedly in the stomach for a number of minutes, bit her shoulder and verbally abused her. Would that not suggest that this man might just be a danger to women, that he might repeat that pattern again? The gardaí in Cavan-Monaghan do not seem to think so. I do not know whether that is just that area or whether it is a prevalent

thing, but the Minister should be asking questions about the attitudes to women among gardaí.

The case gets listed for mention and nothing is said about the judge in the cases, which the Minister should also be concerned about. My reading of it is that the case got disposed of without the person being there, which is a breach of the Criminal Justice Act in that a victim is meant to have the right to give evidence of violence or a threat of violence and the judge did not see fit to question that. The commission concluded it was all very regrettable. There are myriad disturbing features about that case and we know this man went on to abduct a child and to brutally murder another woman. I am not saying every man who attacks a woman might do that, but there is a pattern. Does the Minister not think gardaí should be educated about this area, because they seem to have a very flippant attitude?

I do not have time to deal with it, but I would like to mention the attack that took place on a 17 year old girl. I do not know about the Minister, but if a 17 year old is walking home at night and a man grabs her, covers her mouth and tries to drag her somewhere, I think that is also potentially a sexual assault. It is certainly unlikely to be an attempt to rob a young girl who is unlikely to have very much money. For the investigations to conclude that a sexual motive was unlikely is just ridiculous. That was done by Superintendent Clancy.

I am just trying to bring out aspects that I have not heard being brought out much in the media. This raises a general issue about the confidence woman would have in the police taking attacks on and threats to them very seriously and I would like to hear what the Minister has to say about it.

Deputy Richard Boyd Barrett: I have not followed all of this as keenly as some Deputies, notably Deputies Daly and Wallace, who have done the State a great service in how they pursued the matter regarding Sergeant Maurice McCabe and whistleblowers generally and serious problems within the Garda, both in terms of how they conduct or fail to conduct proper policing and in how they deal with whistleblowers. However, the statement today by Garda Commissioner Nóirín O'Sullivan and the response of the Minister to the events surrounding the O'Higgins report are not satisfactory at all.

There is a glaring contradiction between Commissioner O'Sullivan's statement today to the effect that there was no attempt to impugn the integrity or credibility of Sergeant Maurice McCabe and the leaked transcript of what the senior counsel for the Commissioner, Colm Smyth, said to the judge. As Deputy Barry has already said, when questioned by Mr. Justice O'Higgins, Colm Smyth repeatedly indicated that he had got instructions about challenging the credibility and integrity of Sergeant Maurice McCabe. There is a glaring contradiction there. That also raises very serious questions over the commitments and assurances that Commissioner O'Sullivan is giving in the same statement about a new regime when it comes to dealing with whistleblowers. The O'Higgins report clearly vindicates Sergeant Maurice McCabe and indicates what tremendous service he did the State and the public in blowing the whistle on serious failings in the Garda in Cavan-Monaghan. Mr. Justice O'Higgins at least acknowledges that "there was a corporate closing of ranks" by the Garda in the face of the whistleblowing efforts of Sergeant Maurice McCabe, although frankly I think that is an understatement of what Sergeant Maurice McCabe was put through. We all hoped and imagined that with the ascension of the Garda Commissioner Nóirín O'Sullivan, and after all the controversy surrounding the stepping down of the former Garda Commissioner, Mr. Martin Callinan, and the former Minister for Justice and Equality, Mr. Alan Shatter, we might have a new regime to deal with things in a different way. Instead it appears that the new Garda Commissioner is carrying on in precisely

the same way as the old regime carried on in failing to deal in a proper way with whistleblowers to give them the proper protection and support they deserve for highlighting problems, failings and shortcomings within An Garda Síochána. It would appear that two gardaí were preparing to perjure themselves by giving evidence to the O'Higgins investigation by saying that Sergeant Maurice McCabe had indicated malice in his allegations against gardaí in the area. They were unable to do that because, thankfully, Sergeant McCabe had recorded the conversation and showed there was no such malice demonstrated. The fact that two gardaí were willing to perjure themselves, the effect of which would have been to undermine and malign the credibility and integrity of Sergeant Maurice McCabe, is incredibly serious.

Only now, after all the furore, complaints and protests about it, we hear that Commissioner Nóirín O'Sullivan is going to refer this to GSOC. However, that does not satisfy me at all. When will GSOC report on the issue and has its record on these matter been such that one would have confidence that it would get to the bottom of what is an incredibly serious issue? It would appear that two gardaí were prepared to tell lies to Mr. Justice O'Higgins to malign Sergeant Maurice McCabe. The O'Higgins report clearly indicates that Sergeant McCabe had performed a genuine public service at considerable personal cost and had acted out of genuine and legitimate concerns. The response to this is gardaí who were planning to perjure themselves and lie about Sergeant McCabe's integrity. Luckily, they were caught out because of Sergeant McCabe's forethought.

One could say that all of this is past history but there is still a glaring contradiction between what the Garda Commissioner Nóirín O'Sullivan is saying and what appears to be the case. These events might be considered in the past but the same thing seems to be happening again with other whistleblowers. I have not had as much contact with whistleblowers as have Deputies Daly and Wallace but earlier this week I had an extended conversation with Garda Keith Harrison. Before attending the Chamber now, I spoke with him about his thoughts on what was being said. It indicates that nothing at all has changed. Here is another garda with a very serious story, which I will recount. Garda Harrison arrested a senior garda on suspicion of drink driving, which he pursued following the arrest. He was faced with obstacles and resistance by senior Garda management in Donegal. Garda Harrison then started to experience bullying, harassment and victimisation by senior management in the Donegal area, gardaí who were actually supposed to be pursuing the person who was arrested and to serve justice on the senior garda against whom other very serious allegations were also being made by Garda Keith Harrison. Garda Harrison told me that he went to the confidential recipient, a commission of investigation was set up and information from the affidavits he gave to that investigation team were then leaked to the people against whom he had made allegations. This is very serious.

Garda Keith Harrison has written on four occasions to Commissioner O'Sullivan and has received nothing but perfunctory acknowledgements with no serious follow-through, no protection, and no support. I understand that he wrote to the Minister for Justice and Equality in December, and has written to her again this week. He has received from her only a perfunctory acknowledgement of his December correspondence with no real response to the contents of his letter, an account of his treatment when he tried to blow the whistle on very serious failings in the Garda in Donegal.

Garda Harrison tells me that Garda cars drive past his home on a regular basis in what appears to be some sort of low-level intimidation of him and his family. He has been on sick leave since May 2014 and from this week he has no income whatsoever. He has had no support from the Garda, financially or in any other regard. He is getting no support from the Minister or from

Commissioner Nóirín O’Sullivan. Despite the very serious allegations he has made, despite everything that has happened and despite the vindication of Sergeant Maurice McCabe and Deputies Daly and Wallace - who have championed these issues and the cause of the whistleblowers - nothing seems to be changing. All we get today is another statement that appears to be the Commissioner trying to cover her tracks. It appeared that finally something was going to be done but the evidence suggests that right up until recently they were in fact trying to undermine Sergeant Maurice McCabe, and we have that on the word of their own legal counsel. Consider also the treatment of whistleblowers such as Garda Nicky Keogh. I do not know much about the Garda Nicky Keogh case but apparently it covers very similar concerns.

Given what has happened, how she treated - or tended to treat - Sergeant Maurice McCabe in order to undermine his integrity and in her complete failure to respond to, support and protect whistleblowers such as Garda Keith Harrison, it would appear that Commissioner O’Sullivan simply has no credibility. The Tánaiste and Minister for Justice and Equality knows all of this and I do not understand what she is doing and why she is allowing this to stand. I would hope to hear from the Minister that she is not satisfied with the Garda Commissioner’s explanations. It would be good to hear an explanation as to what the Minister intends to do to protect whistleblowers like Garda Keith Harrison and others. Simple rhetoric about protecting whistleblowers that in reality is not matched with visible change, and other Sergeant Maurice McCabes are coming forward, suggests that at best the Government is just playing politics with this issue. The Government was just playing politics when former Commissioner Martin Callinan and former Minister Alan Shatter stepped down. In fact, the Government appears to be doing what the senior gardaí hierarchy seems to be engaged in - the closing of ranks and self-protection, with no serious effort to bring about the needed reform and not following through on its commitment to protect and support whistleblowers. I do not think any of the serious questions that have been raised regarding Sergeant Maurice McCabe or the whistleblowers have been answered, and a very radical change in attitude is necessary from the Government if it is to regain any credibility on these matters.

Acting Chairman (Deputy John Lahart): I call Deputy Mick Wallace. Are you sharing your time, Deputy?

Deputy Mick Wallace: I am sharing my time with Deputy Clare Daly. We will take 15 minutes each. Both Deputy Daly and I have read the reports in full and it would have been nice to have an hour each to address the many issues in them. However, to bring it back home first for a while, in the Tánaiste and Minister for Justice and Equality’s press statement on the publication of the O’Higgins report, she would have us believe that the incidents detailed in the O’Higgins report could not happen now. She stated that “[the] situation has been significantly transformed” and lists, as an example, the new whistleblowing mechanism under the Protected Disclosures Act 2014 now permitting a serving garda to make a protected disclosure to GSOC for investigation. Although investigation by an independent body such as GSOC is an improvement on the internal investigations preferred by An Garda Síochána and the Government, an approach which does not pass constitutional muster due to the perception of bias, GSOC investigations into whistleblowing allegations suffer the same handicap as GSOC investigations into any citizen’s complaint of Garda conduct, that is, GSOC cannot take an action or impose any sanction based on the conclusions of its investigations. The report of GSOC’s investigation is referred right back to the Garda Commissioner for internal disciplinary action, if any.

The Minister, in that press statement, also refers to “an unprecedented programme of Garda reform” and the eventual introduction of the Policing Authority has been lauded as an example

of this, despite the fact that the Government rubbished the need for such a body when we introduced a Private Members' Bill to establish an independent police board a year previously. The Minister states that she is forwarding a copy of the report to the Policing Authority and the authority has released a press statement stating that it "expects that matters which are within its oversight remit will be discussed further with the Garda Commissioner and her senior team in the Authority's ongoing engagement with the Garda Síochána".

The final legislation which established the current Policing Authority represents a significant row-back on what was originally promised by the Government in the wake of the Garda controversies and in their own heads of a Bill published in November 2014. The Policing Authority we now have is a much weaker version than its counterpart in the North or the board we envisaged in our 37-page Bill. Significantly, there is no role at all for the authority in Garda discipline, particularly in respect of Garda discipline and underperformance at management levels and senior rank. How can the authority be expected to oversee anything relating to the report of the O'Higgins commission when the Government's legislation did not give it the power to supervise or discipline, as recommended by other groups and as per the functions of the Northern Ireland Policing Board? Both of these issues - Garda indiscipline and underperformance at management levels and senior rank - were identified by both the Guerin report and the Garda Inspectorate report in November 2015 as fundamental issues within An Garda Síochána requiring urgent action.

The conclusions of the O'Higgins report reconfirmed these two fundamentals along with the other serious issues detailed in the Garda Inspectorate report of 2015, which is now gathering dust in the Minister's office. These issues include poor investigation techniques and detection rates, the absence of proper record or note taking, the absence of proper supervision and training, the appalling treatment of victims of crime and the massaging of figures and PULSE records by gardaí. The O'Higgins commission refers to evidence given that a new performance management system is about to be introduced in An Garda Síochána, suggests that it be implemented immediately and states that a systematic approach to management of performance for members and officers should be part of the culture of An Garda Síochána. Will the Minister please provide details on the proposed performance management system?

The Irish Human Rights and Equality Commission recommended that the Policing Authority discipline, appoint and dismiss all senior gardaí, including the Commissioner, and highlighted the need to align breaches of discipline and criminal offences identified by GSOC with disciplinary procedures within An Garda Síochána. In contrast to the Policing Authority in the Republic, the Northern Ireland Policing Board has a clear disciplinary and supervisory role provided for it in its legislation. Garda discipline remains an internal matter only for rank and file gardaí, to be doled out behind closed doors.

The Minister's press statement concludes by saying she has asked the Garda Commissioner to "indicate... what further measures might be taken to try to prevent the type of difficulties outlined in it in relation to An Garda Síochána arising again". I ask the Minister to commit to updating the House in this regard. I also ask the Minister to consider issuing a directive or an order in accordance with section 25 of the Garda Síochána Act 2005 requesting a full explanation of the allegations now in the public domain regarding her privately expressed views of Sergeant McCabe's motivation, credibility and, possibly, integrity. The Policing Authority does not have the power to issue a directive to the Garda Commissioner and so cannot be expected to satisfactorily address this issue.

25 May 2016

I certainly would not take any comfort from the carefully worded and crafted earlier statement of the Garda Commissioner when she said that she does not and never did regard Sergeant McCabe as malicious. This statement clearly sidesteps the issue of whether or why she gave instructions to her counsel to submit to the O'Higgins commission that Sergeant McCabe was motivated by malice in his complaints when her public statements of support for McCabe were at that time directly at odds with any such instructions. What action, if any, has been taken by the Commissioner or the Minister with regard to the leaks that two members of An Garda Síochána were allegedly prepared to perjure themselves in their evidence to the O'Higgins commission in order to falsely impugn Sergeant McCabe's motives? This would have been a criminal offence under section 18 of the Commissions of Investigation Act 2004 but for the providing of a recording by Sergeant McCabe which resulted in the alleged withdrawal of these witnesses. It must be emphasised that Commissioner O'Sullivan had a very specific and personal role in this when acting in her capacity as assistant commissioner of human resources and chapter 13 of this report questions the decision she made in respect of the investigation sought by Sergeant McCabe.

In an effort to provide objective and independent clarification of this leak once and for all, in the interest of transparency and in order to prove a real sea change in Government attitude to Garda whistleblowers, will the Minister now confirm the accuracy or otherwise of the leaked transcript? Section 43 of the Commissions of Investigation Act 2004 sets out that she must now be in possession of the transcript and all evidence given and the O'Higgins commission is now dissolved. Will the Minister also commit to the publication of the relevant parts of the official transcript to the House?

In any event, section 40 of the 2005 Act, as amended by the 2015 Act establishing the Policing Authority, restates and reiterates that the Garda Commissioner is accountable solely and exclusively to the Government and the Minister and not to the authority. Furthermore, the Policing Authority has no ultimate role in respect of the hiring and firing of the Commissioner. There is a clear absence of any real sanction or power to compel compliance. The authority does not have either the carrot or the stick. Therefore, the referral by the Minister of the report to the Policing Authority would appear to be a cynical effort to kick the political football to touch and to an organisation that has been provided with no real legislative power to properly deal with or address the very serious issues that arise from this report. Unfortunately, it seems that, similar to GSOC, the new Policing Authority is at risk of becoming a convenient scapegoat for this Fine Gael Government's cowardice and reluctance to take political responsibility for real Garda reform.

I agree with the final part of the Minister's press release on the publication of the O'Higgins report when she states, "It would be an injustice to those who brought events to light in the public interest and those who have lived under the shadow of these events for a long time, if we do not take on board the lessons from these events". The O'Higgins commission noted in its conclusions that it is "glad to note the coming into effect of Directive 2012/29/EU in November, 2015 dealing with the rights of victims", given the appalling treatment of the victims of crime and the incidents in the report.

Before the Government and the Minister take credit for this development, it should be noted that the welcome protection set out in this directive has been imposed by the EU since the directive was adopted in 2012 but due to the absence of any domestic implementing legislation in the two-year time period, the protections only became available to Irish citizens by default in November 2015. This Government has still not drafted the necessary implementing domestic

legislation to provide fully for these protections. This is the priority the Government provides to victims of crime in this country; it must be dragged kicking and screaming by the EU to protect its own citizens.

Sadly, the emergence of the allegations in respect of the Garda Commissioner, the questionable reliance on legal duty to avoid political responsibility, the delay and selective leaking of the report, the resistance of the Garda Síochána to outside investigation, as noted in this report, and the diluted and superficial reform undertaken by this Government leave little hope that the poor quality policing and the tragedies detailed in the O'Higgins report will not be repeated or that there is any reliable and satisfactory system of transparency in existence to investigate them when they recur.

Let us consider the Commissioner's statement today. Essentially, she admits that she gave instructions to challenge the credibility and motivation of Sergeant McCabe. The distinction she draws between challenging his credibility, which she admits, and his integrity, which she denies, is unreal. A lawyer cannot attack someone's credibility, that is, whether the person is telling the truth, without also attacking that person's integrity at the same time. Moreover, the Commissioner has now referred the two gardaí to GSOC for investigation. Her statement does not clearly indicate that she was not aware these two gardaí were planning to perjure themselves or provide false evidence to impugn Sergeant McCabe's motives until a recording was produced. It is incumbent upon the Garda Commissioner to clarify this for the record in light of the seriousness of these allegations, the question mark over the Commissioner's role and involvement in the investigation of Sergeant McCabe, as per chapter 13 of the report, given the treatment that Sergeant McCabe has endured in the past ten years and to reassure any future potential whistleblowers of her commitment in this regard.

The two people the Commissioner refers to are Superintendent Noel Cunningham and Sergeant Yvonne Martin who were at the meeting in Mullingar. The transcript was leaked. In it, Mr. Smyth says: "I appreciate that but my instructions are to challenge the integrity certainly of Sergeant McCabe and his motivation". Mr. Justice O'Higgins then says, "The integrity?", and Mr. Smyth replies, "His motivation and his credibility in mounting these allegations of corruption and malpractice". Mr. Justice O'Higgins then says: "In other words that he made these allegations not in good faith but because he was motivated by malice or some such motive and that impinges on his integrity. If those are your instructions from the Commissioner, then so be it", to which Mr. Smyth replies: "So be it. That is the position, Judge."

Mr. Justice O'Higgins then asked him whether these were his instructions from the Commissioner. Mr. Smyth replied: "Those are my instructions, Judge." The legal team for Sergeant McCabe insisted that Mr. Smyth go outside the room, contact the Commissioner and check whether this was definitely the road he wanted to go down, whether that was what he was really saying. He came back in and said: "Those are my instructions, Judge." He further said: "I mean this isn't something that I am pulling out of the sky, Judge, and I mean I can only act on my instructions."

Clearly the Commissioner thought she was going to get away with throwing Mr. Smyth under the bus on the integrity issue. However, she is not getting away with the fact that she found out in May from the recording of the fourth day that the evidence being put forward by Superintendent Cunningham and Sergeant Martin was totally false. What did the Minister do about it at the time? I will tell the Minister what she did: she did nothing about it. Is the Minister going to let that slip? Is the Minister going to allow the Commissioner to stay in her position?

25 May 2016

It beggars belief. She does not have a leg to stand on.

There are so many aspects to this and I do not really have time to go into the report. In the past two years myself and Deputy Clare Daly have raised issues 18 times about how the Department and the Commissioner have dealt with whistleblowers. Garda Nicky Keogh wrote to the Minister last week. He made allegations on 8 May 2014 to the confidential recipient, Judge Pat McMahon. After that, he said he was subject to five internal investigations and relentless harassment. He said he has been driven out and has been out sick since 26 December. He also says he has got no protection. The Minister will know this from the letter she received.

His letter went on to say that further to his letter dated 25 July 2015, he had made a protected disclosure to GSOC in respect of a flawed Garda criminal investigation into a conspiracy to supply heroin involving a member of An Garda Síochána in contravention of section 21 of the Misuse of Drugs Act 1977. He said he believed this was no more than a deliberate and unmitigated cover-up by the Deputy Commissioner, Donal Ó Cualáin. He said he believed that the investigation was similar to the internal Garda investigations into Garda misconduct in Donegal in the 1990s. He went on to say that the protection offered to him as a whistleblower under the terms of the protected disclosures legislation was completely disregarded and ignored by the Garda Commissioner, Nóirín O'Sullivan. In fact, he believes that as with other senior gardaí who have met the confidential recipient, Judge McMahon, on the question of Garda misconduct in Athlone, every effort has been made to break him mentally and financially. He said this orchestrated harassment could not have been done without the full knowledge and support of the Garda Commissioner, Nóirín O'Sullivan.

Sergeant Maurice McCabe would be buried by now if he had not taped the conversation. The Commissioner should be buried by now but the Minister is holding her afloat. I put it to the Minister that she is on a sticky wicket.

Deputy Clare Daly: The real story of the O'Higgins report can be summed up by saying that Sergeant Maurice McCabe was right. This is essentially what Mr. Justice O'Higgins was able to establish although almost a decade of Garda reports have stated the opposite. Even that statement alone says a great deal. A person would not have gathered that if she had listened to the coverage given by RTE's Paul Reynolds two weeks ago, following which anyone would have thought the O'Higgins report was entirely different altogether.

We have been visited by the ghost of Ministers past pulling the Taoiseach's hands. This has happened in the form of the former Minister, Mr. Shatter, bleating that he has been exonerated by these proceedings. That is utterly ludicrous. The former Commissioner, Mr. Callinan, and the former Minister, Mr. Shatter, were not exonerated by this commission. In fact, they were bit players, nothing more than a sideshow. They are referred to in 30 pages out of 370. The only matter dealing with the former Garda Commissioner was a complaint which happened to be taken under the Garda Síochána Confidential Reporting of Corruption or Malpractice Regulations. The complaint was that he misused his position with the inappropriate appointment of an officer. He was exonerated for that. That was the only point under investigation. The former Minister, Mr. Shatter, seems to be taking great comfort from the O'Higgins report statement that he was within his rights to rely on the reports of the Commissioner and internal Garda investigations. However, I put it to Mr. Shatter that being within his rights and being right are two very different things. In fact, the former Minister, Mr. Shatter, was wrong. His conclusion that there was nothing to see here was not the right answer. There was plenty to see but he chose not to look at it.

Overwhelmingly, the O'Higgins report is an appalling account of lawlessness, indiscipline, perjury, incompetence and laziness inside An Garda Síochána in Cavan and Monaghan. Certain behaviour which was never disciplined caused enormous consequences to the victims of crime. Were it not for the timely intervention of Sergeant Maurice McCabe, in many instances that behaviour would have led to cases being statute-barred.

When I read the report I was reminded of the first time I met Sergeant Maurice McCabe over five years ago. The Minister has seen Sergeant McCabe. He is an incredibly mild-mannered gentleman. He told the stories of being a sergeant in that district and trying to deal with the type of indiscipline that has been revealed so well in the O'Higgins report. He was laughed at, mocked and ridiculed. There is mention in the O'Higgins report of a campaign on social media about Maurice the rat. I remembered that and I looked up the pictures, some of which I have before me - the Minister may wish to look at them. The pictures are of gardaí off duty in a pub with pints doing what they would like to do with Maurice the rat, which is a plastic rat. It is quite inappropriate for me even to mention it, but the Minister can imagine what they are doing to the rat. These are gardaí. When I read the report I was reminded of these people. How many of the people in these photographs are among the named gardaí in the reports? I do not know but I imagine some of them are. I found the whole thing sickening. More shocking is the fact that ten years down the road these people have learned nothing. In case after case before Mr. Justice O'Higgins, he repeatedly rejected the evidence of sworn gardaí in the course of the tribunal, while lavishing praise on the victims of crime, including, for example, Majella Cafolla, whose word was taken over the word of Garda Kelly and Garda McCarthy; the word of the victim and her father in the Cootehill assault case taken over the word of Garda Martin; and the rejection of the evidence of Garda O'Sullivan who tried to blame Sergeant Maurice McCabe for Mary Lynch not being told about the court case or Garda Killian who tried to hold him responsible for the taking of the computer. It goes on.

Does it not strike the Minister that these are people who go into courts every day of the week and give evidence before judges about cases, prosecutions and so on, on behalf of the State? This is indeed an appalling vista and shame on those individuals. They absolutely have to take account of their actions but on one level could they be blamed when the attitude that perjury is okay is being set at the very top of An Garda Síochána? Unless that is dealt with, we will never reform the force as we know it. The corporate cover-up will continue as will the blue wall of silence. The culture has to be changed. The biggest problem with the O'Higgins report is that there is an almighty chasm after his findings, which are very clear, and then nothing. Nobody will be held accountable for any of this and we are left with an incredible feeling of not being satisfied by it.

One of the linchpins is the Byrne-McGinn report. O'Higgins makes many references to it, saying it was a considerable understatement, it was inaccurate, and the gravity of the issues was not addressed in the report. He found it difficult to understand and surprising. In multiple reports, he found that Byrne and McGinn, at the highest echelons of An Garda Síochána, missed the key point in the complaint. In the one on the Lakeside Hotel assault, they did not deal at all with the unacceptable method of investigation used by the garda who tried to trick the suspect. He found it strange that they expressed the view that the CCTV was delayed when there was no CCTV involved at all. He found it surprising that they did not question Superintendent Clancy on why there was no ID parade. In respect of the Crossans pub assault, he says that Byrne and McGinn said the complaints were largely unfounded when in fact they were largely justified, but he leaves it there. This was a pivotal moment for Sergeant Maurice McCabe, the first time

25 May 2016

he had taken his complaints to the hierarchy of An Garda Síochána who did not uphold them and tried to blame him. These are complaints that O'Higgins says were largely upheld. To make matters worse, their report was sent to Deputy Commissioner Rice who said Byrne and McGinn were professional and impartial and carried out their work with propriety. He said Commissioner Callinan agreed with him.

Back at the base in Cavan-Monaghan, where the boys went out drinking and put up a picture of Maurice the rat, Chief Superintendent Rooney put a notice on the notice board about the confidential revelations of Sergeant McCabe, saying that it was found that there were no systemic failures identified in the management and there was no evidence to substantiate alleged breaches of procedure, that the findings of Assistant Commissioner Byrne vindicated the high standards and professionalism in the district. Then he thanked them all and their families for the very difficult time they had been put through over these terrible revelations. All of these people were wrong and many of them are still serving officers.

What they did to Maurice McCabe would have floored a weaker man. I do not accept that no one should be called to account for that. It is not good enough for Mr. Justice O'Higgins to say it was okay for the Minister for Justice and Equality to rely on what he clearly says are flawed reports. That is not good enough because in that type of approach nobody is held accountable and if nobody is accountable, bad practice continues. That is precisely why we are in the mess we are in today because, correctly, pressure over policing issues led to the departure of the Minister's predecessor and the former Commissioner. Now the dogs on the street know what we have been telling her for two years: nothing has changed. It has just been an illusion. As Deputy Wallace said, we have come in here 18 times over the past two years and given the Minister detailed specific information about the horror being endured by current Garda whistleblowers, not to mind the written questions we have tabled to her, and she has done nothing. She said in her speech that she never again wants to see the situation that Maurice McCabe was in, but that situation is here now. It has been here for the other people and she knows it. She referred to a sea change. There is no sea change.

Deputy Boyd Barrett referred to Garda Keith Harrison. We are being told there is a new dawn here, that everything will be great for these whistleblowers. It is not great for them and the legislation the Minister lauds is not fit for purpose. GSOC is incapable of playing the role of Garda confidential recipient. Garda Harrison went to GSOC first on 13 September 2014. He met Simon O'Brien, who was still around at that time and who took the complaints very seriously. He came back in November and said that if a scintilla of what Garda Keith Harrison said was true, it was a very serious complaint. He put two officers in charge of it, but Garda Harrison heard nothing until April 2015 after Deputy Wallace raised the issues in here - I know Simon O'Brien departed but it is a big organisation. That man has been through hell, even to the point of taking a legal action to stop the Garda invoking a disciplinary procedure taken 14 months after an alleged complaint against him was closed. The State defended that action for almost a year before the courts, at what cost, until Christmas. Now Garda Harrison is off the payroll. The Bill is not fit for purpose. Garda Nicky Keogh made allegations of gardaí being involved in the drugs trade. His papers have been with GSOC and the time for the protocols for that information being handed over by the Garda expired approximately three months ago. The Garda has not furnished the papers to GSOC. It is an organisation that cannot deal with this area.

The Taoiseach talked about the independent review mechanism as a barometer of change, that it made recommendations in 300 cases. Apart from 20, the recommendation was that no

action be taken. That is not a great harbinger of things changing. To pretend that the new Policing Authority is dealing with all of this is a sleight of hand because the new authority was deliberately constituted and watered down to prevent the type of independent oversight that is necessary. The Minister is legally the only person who can sort this out. The power rests with her and it will be her legacy if she does not take up what is in front of her on this. It is way past the time for the Commissioner to go. Her statement today was an utter insult. It was very cleverly worded, stating counsel was not “instructed to impugn the integrity of Sergeant Maurice McCabe”. Funnily enough, they were the words used by Mr. Colm Smyth. The Chinese wall between his credibility and his motivation is utter rubbish, as other Deputies have said.

The testimony of other people at the commission is that it was quite adversarial and that Sergeant Maurice McCabe was being put on trial. Does the Commissioner really expect us to believe that putting out a statement saying that GSOC will look into the conduct of these two senior officers will kill this story? These two serving officers were prepared to give false testimony on the record to discredit Maurice McCabe and the idea that Commissioner O’Sullivan, who was aware of this fact on day three of the commission, almost a year ago, did nothing about it until it became a major story is reason enough for her to go. She is trying to tell us that the two officers were flying solo and she did not know anything about it. If she did not know about it at the start of the commission, she did know about it on days three and four. If she did not know about it and these are solo runs, has she initiated a complaint to the Law Society about the conduct of Mr. Colm Smyth because he was quite clear that he was instructed to undermine the credibility and motivation of Maurice McCabe? Of course she has not done that because the strategy could not have happened without her involvement, and the Minister legally is the only person who can deal with this.

Public trust is and has been broken for many around the country and this report has reopened many wounds. A retired garda in my constituency has been in contact with the Minister. He was one of the investigating officers in the Baiba Saulite case involving a young woman who was murdered and he alleges, very much like Maurice McCabe, that if police work had been done properly previously, that young woman would not have died. Many have been the victims of crime in the same situation. There are enormous systemic problems in An Garda Síochána and those in the last Government did not address them.

It now has a very limited window in terms of how it can respond. Deputy O’Brien said the Minister should have a stark conversation with the Commissioner. It is well past time for that. I strongly recommend that the Minister initiate the legislative powers she has to investigate the behaviour of the Commissioner and that she releases the transcripts, which she has now that the commission has been dissolved, in order to clarify this matter which is the subject of significant public debate. There can be no reform or moving on without it.

The victims in Cavan and Monaghan for whom she has expressed her sympathy and the heroic efforts of Maurice McCabe and John Wilson, who has been in the Gallery for the entire debate, will not be remembered or properly recognised unless we take the necessary steps forward. The Minister has been warned about this for the past two years, but the clock is ticking and there is very little time left.

Debate adjourned.

7 o'clock

Domestic Water Charges: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Eoin Ó Broin on Tuesday, 24 May 2015:

That Dáil Éireann:

notes that a majority of Deputies elected to the Thirty-second Dáil made clear pre-election pledges to end water charges;

and calls on the Government to:

- immediately abolish domestic water charges;
- establish a public water and sanitation board to deliver water on the basis of need; and
- set a date for a referendum to enshrine the public ownership of water services in the Constitution of Ireland.

Debate resumed on amendment No. 2:

To delete all words after “Dáil Éireann” and substitute the following:

supports the need for significant investment in upgrading Ireland’s public water and waste-water systems and improving the on-going management of the public water resource;

notes:

— that Irish Water will be retained as a single national utility, in public ownership, with responsibility for the delivery of public water and waste water services; and

- the improvements made by Irish Water since its establishment as a national utility, in:
 - increasing capital investment, with some €550 million to be invested in 2016;
 - prioritising the elimination of boil water notices;
 - placing a greater focus on reducing leakage;
 - the over 39 million litres of water per day already being saved as a result of the ‘Free First Fix’ scheme and domestic customer repairs;
 - the 500 kilometres of pipework repaired or replaced over the past two and a half years;
 - increasing Dublin’s spare water capacity; and
 - dealing with issues arising from lead pipes identified as part of the metering programme;
- welcomes the commitment of the Government to establish:
 - an expert advisory body on a statutory basis to advise on measures to improve the trans-

parency and accountability of Irish Water and to give quarterly reports on its performance in relation to its business plan to an Oireachtas committee; and

— an expert commission to make recommendations for the sustainable long-term funding model for the delivery of domestic water and wastewater services by Irish Water; and

notes that the Minister for the Environment, Community and Local Government will shortly introduce a Bill to suspend domestic water charges for a period of nine months from the end of the current billing cycle; this will be extended by the Government if this is required and requested by the special Oireachtas committee established to consider the recommendations of the expert commission, to facilitate the completion of its work and consideration of, and voting upon, its recommendations by the Oireachtas.

-(Minister for the Environment, Community and Local Government)

Deputy Bríd Smith: I wish to share time with Deputies Michael Fitzmaurice and Gino Kenny.

Acting Chairman (Deputy Robert Troy): Is that agreed? Agreed. The clock is ticking.

Deputy Bríd Smith: The clock is ticking for the Government because it seems as if it has given up on trying to pursue the question of water charges. It is to be hoped that after this debate we will well and truly bury the question of Irish Water as well.

It is unfortunate for the public that the motion before the House was not, as per normal democratic processes, brought to the floor of the House 12 weeks ago when we were elected. It was brought to the floor but was ignored for a long time despite a lot of protestations. Deputies in the House tried to make sure that democracy had its day and the more than 90 Deputies who were elected to vote for the abolition of water charges in the Dáil did not get the chance to do so until today. We now have our chance and we will see how things pan out in terms of the mishmash of coalitions, arrangements and loyalties that have been established in the House since the formation of a Government.

There is no doubt that those of us on the Opposition side of the House are absolutely committed to seeing through the principle of the abolition of water charges and Irish Water, as we fought for that and represented the voices of tens of thousands of people who marched and boycotted the charges. Many of them came up against pressure and bullying from the law on the streets and were coaxed and cajoled into paying bills. We are now at a point where that resistance has been met by the election of a majority of Deputies in the House who are opposed to water charges. That is why this motion is terribly important.

Those of us on this side of the House who advocated for the abolition of water charges and have helped to build a widespread movement from Donegal to Dingle to represent that sentiment among people are not opposed to the water infrastructure and environment in the country being significantly improved through dealing with the water and sewerage infrastructure. The problem is that successive Fianna Fáil and Fine Gael Governments, in coalition with the Green Party and the Labour Party, have over the past 12 to 14 years totally ignored the investment that is required for water infrastructure. We want to see things turned on their heads and improved, not by penalising people who did not cause the problem, namely, the ordinary people of the country. We do not want them to be penalised unfairly.

It is always the poor who end up paying the most when stealth taxes and service charges are applied. Instead, the Government should implement a fair and progressive taxation system that ensures those at the very top of society pay more of the share of what is required to deal with society's problems. A tiny minority of people at the top have the most and they need to understand that it is time that they coughed up in terms of taxes on corporations, wealth and financial transactions to release the required resources to deal with water infrastructure.

In the long-term we hope that, starting with this Government, a progressive system of retrofitting for homes and buildings with the sort of facilities that will ensure the saving of clean treated water will be introduced. There is no point flushing the jacks with clean treated water. There is no need to wash one's body with clean, treated drinkable water. There are other ways and means. The modern world is well capable of separating water through the retrofitting of buildings, dual flush toilets and grey water collection. There are many ways to improve the environment. It must be said that most water wastage happens through negligence of the infrastructure and the leakage of clean, treated water through the system. The biggest consumers of water are not individual consumers like the people in this House and those outside it watching the debate, but big industry and agribusiness. One should watch this space because we are going to come under pressure through various means from industry, privatisation and the Transatlantic Trade and Investment Partnership, TTIP, to bring fracking into this country, which is the biggest waste of water that has been seen on the planet. We must resist that and link it to resistance to water charges and the privatisation of water. I thank the Acting Chairman for bearing with me. I am sorry for being late.

Acting Chairman (Deputy Robert Troy): There is only five minutes remaining in this slot and there are two speakers left. To be fair, Deputy Gino Kenny missed his five minutes at the beginning and Deputy Fitzmaurice was listed as the third speaker in this slot. If they wish to share two and half minutes, they may do so.

Deputy Gino Kenny: It will be difficult.

Acting Chairman (Deputy Robert Troy): It is between the speakers to decide.

Deputy Michael Fitzmaurice: I will share time with Deputy Gino Kenny.

Deputy Gino Kenny: I will not be able to say it all in just two minutes. I need four or five minutes.

Acting Chairman (Deputy Robert Troy): Someone needs to start because the clock is ticking. There are only five minutes remaining.

Deputy Michael Fitzmaurice: When Irish Water was set up there were major problems. There is no point in anyone saying there were not. Things were done wrongly and we must learn from that. Every week, I attended the clinics held by Irish Water and things began to improve bit by bit. Progress was slow and at times I pulled my hair out. I come from an area where there were many boil water notices, especially in Roscommon. After 14 months, thankfully the people in Williamstown can now drink the water. We must learn from the mistakes that were made. I will not get involved in the blame game but what was done was not thought out at the time. We should have opted to have a referendum to make sure the people always have a right to water because there are €16 billion worth of pipes in the ground that we must ensure are held in the public interest.

People might give out to me for saying it but I worked with Irish Water on a weekly basis on the problems in my area and, in fairness, I saw the situation improve on a step-by-step basis. I am chairman of a group water scheme at home and I am aware that we must ensure water quality is right because the EU has introduced regulations that have significantly increased the standard. The charges are gone but whether one pays with the right hand or the left hand, the cost of providing water will be paid with some hand. Whether it comes out of Exchequer funding or through billing people, the money will have to be paid. We must put infrastructure in place because there are problems with sewerage systems around the country. The sum of €50 per house was taken off the subvention for group water schemes and that money should be restored this year rather than kicking the ball down the road until next year because such schemes are running at a loss. Schemes are run on a voluntary basis around the country.

I remember going to the well for water with a milk can. We have come a long way since then, but it was the local people who put the infrastructure in place with the help of Government funding in order to provide a water supply in rural areas. We must learn from the mistakes that have been made. A commission is to be set up and we must be realistic and honest with people. The water charges are gone and that is fine, but five or six years down the road we must ensure funds are in place to deal with sewage treatment plants because the EU will come down heavy on us with fines. I am no admirer of the EU. I have no time for it, but this is what we signed up to in terms of water quality and septic tanks. The people who have said we could not do this, that or the other will have to answer for it in five or six years' time. Let us be honest with people and say that straight out.

We must ensure that we have good quality water throughout this country - north, south, east and west. We must put infrastructure in place. Water charges are gone but we must be honest with people and accept that the money for the infrastructure must come out of some purse. We must increase the current level of funding to ensure that we turn around the situation, be it in Dublin, Galway, Donegal or in the south in order that we have both the sewerage infrastructure and the water infrastructure that is required because I have seen what one has to do now to comply with the various EU regulations. We must invest heavily and whether people like it or not, that is the reality. I hope we do not regret what has happened. We accept what has happened. We are all politicians and we must move on. The water charges are gone, but I have seen in the past where two councils were not able to join pipes together but at least the entity of Irish Water ensures one body is overlooking the situation and ensuring the system is working.

Deputy Gino Kenny: Could I give the shortest speech probably ever heard in the Dáil?

Acting Chairman (Deputy Robert Troy): The Deputy has just 30 seconds.

Deputy Gino Kenny: That is just too little.

Deputy Sean Sherlock: I am happy to give five minutes to my colleague if he wants to eat into Labour time.

Acting Chairman (Deputy Robert Troy): Is that agreed? Agreed.

Deputy Gino Kenny: I thank Deputy Sherlock very much. Deputy Sherlock will need a doppelganger.

Deputy Bríd Smith: It is a charm offensive.

25 May 2016

Deputy Gino Kenny: We are all God's children, as the saying goes.

Acting Chairman (Deputy Robert Troy): The Deputy has five minutes.

Deputy Gino Kenny: It is with great pleasure that I support this motion to abolish water charges and Irish Water, and to call for a referendum to safeguard water resources by securing them in public ownership.

I am here today in no small part due to the historic water charges movement which demolished the Fine Gael Government's attempt to privatise the water service. From the beginning, Fine Gael shaped Irish Water as the precursor to a for-profit private enterprise. It did not want a utility that would provide clean and safe water efficiently. It did not want to fix the antiquated water infrastructure. It did not want to conserve water or limit the amount of treated water used. It just wanted to set up a billing operation so that when payments were successfully forced on the population, it would be ripe for selling off to the highest bidder.

We can see this in the order of the party's priorities. Did we see Fine Gael quickly move to fix and replace pipes or to upgrade water and sewage treatment plants? Did we see it roll out grants to retrofit water-saving devices and plumbing in peoples' homes? Instead, we saw the scandal of paying millions to consultants, the introduction of expensive billing procedures, but most of all, there was an attempt to try to force meters onto every home in Ireland to ensure the money started flowing, whatever about the water.

The masses of Irish people who made sacrifices to bail out the banking system had simply had enough. They were weary but determined that they would defeat the Government by protesting against the installation of water meters, by refusing to pay the charges as double taxation and by taking to the streets in their tens and hundreds of thousands in demonstrations up and down the country.

The collapse in income for Irish Water, a fall of 21% in the last quarter, shows that the retreat of the Government has turned into a rout, as those who were coerced into paying have joined the boycott and also refused to pay. While the Fianna Fáil and Fine Gael parties have threatened to pursue people for unpaid water bills, the reality is that those are uncollectible debts for money squandered on overpaid consultants and useless meters. Instead, we should consider pursuing the former Ministers, Phil Hogan, and Deputy Alan Kelly, for recklessly wasting the money poured down the Irish Water drain over the past five years.

Water charge bills and penalties should now be cancelled and those who have paid should be reimbursed with an apology for any duress. One of the greatest social movements in history has shaped the political landscape forever. The voice of people power is clear, as is their victory. We should abolish Irish Water and abolish the water charges.

Deputy Sean Sherlock: I move amendment No. 1 to amendment No. 2:

To insert the following after "its recommendations by the Oireachtas":

"believes that those who have paid their water charges in accordance with law should not now be unfairly disadvantaged compared to those who have not;

considers that, if the ongoing liability to pay is suspended, there would be no practical reality to pursuing outstanding unpaid charges;

concludes that in such circumstances the only fair approach would be to make a full refund to all those who have paid their water charges; and

agrees in principle to a referendum on a Constitutional amendment that commits to maintaining our public water supply and treatment systems, and our electricity and gas transmission and distribution networks, in public ownership.”

I wish to reiterate some points we made in this House on 27 April when we had statements on Irish Water. Some of those points are pertinent to tonight’s debate. Law-abiding people who did pay will have to get their money back. That will mean Irish Water will have to reprocess well in excess of 2 million financial transactions.

Regardless of whether the charge is to be suspended or abolished, the Labour Party believes the Government must tell people how and when it will give them their money back. It may not suit political discourse at present but it is a matter of fact that Irish Water’s investment has delivered 34 new treatment plants, 26 of which are for wastewater and eight for drinking water, as well as 73 upgrades involving 51 wastewater and 22 drinking water facilities. A further 47 water conservation projects have been completed and 452 km of pipe has been remediated. If there is a proposal to revert to the local authorities whereby funds would be divested solely through the Exchequer through those local authorities, one need look no further than County Roscommon as an example of where the old model simply did not work. I believe Deputy Fitzmaurice already has made reference to this point. I need not remind Members of the improvements it has made the lives of more than 17,000 people in County Roscommon who were on boil water notices. The residents of Castlerea, for example, were subject to a boil water notice from November 2009 to June 2013. If the proposal is that it would revert to the local authorities, which is gaining credence in some circles, and that funding would come from the Exchequer and that people are already paying for water through their taxation, why then is it that these issues were not addressed at that time?

The Labour Party amendment and the addendum seek to speak for those who did pay their water charges. We believe that those who have paid their charges in accordance with the law should not now be unfairly disadvantaged compared with those who have not. We believe that if the ongoing liability to pay is suspended, there would be no practical reality to pursuing outstanding unpaid charges and that in such circumstances, the only fair approach would be to make a full refund to all those who have paid their water charges. Moreover, the Labour Party agrees in principle to a referendum on a constitutional amendment that commits to maintaining Ireland’s public water supply and treatment systems, as well as its electricity and gas transmission and distribution networks in public ownership. The Labour Party has already tabled a Bill in this regard.

Acting Chairman (Deputy Robert Troy): I now move back to Sinn Féin’s time and I understand a number of Deputies intend to share this 30 minute slot. I will go through the names to ensure accuracy. They are Deputies Connolly, Pringle, Joan Collins, Donnelly, Pearse Doherty, Crowe, Buckley, Ó Caoláin, Ó Laoghaire, Ellis and Brady.

Deputy Eoin Ó Broin: As Deputy Connolly spoke yesterday, it should be Deputy Seamus Healy.

Acting Chairman (Deputy Robert Troy): I apologise, as the Deputy had said that. However, when Deputy Connolly returned to the Chamber I thought there was some change. Does

Deputy Pringle wish to start?

Deputy Thomas Pringle: As Deputy Healy is not yet in the Chamber, if he arrives perhaps he can contribute later. As a signatory of the motion being debated, I welcome the opportunity to contribute to the discussion on the abolition of Irish Water. As has been stated previously, this motion is simple. It meets all the language that was included and that Fianna Fáil espoused in its election manifesto about the abolition of Irish Water and of water charges. It is straightforward and it should be a simple matter to have this motion passed this evening given that a majority of Deputies in the House support the wording of it.

However, we are in a time of new politics, about which much has been said, and in these new politics the Fianna Fáil-Fine Gael Government has decided to suspend water charges into the future and therefore, they will combine together to vote down this motion and make sure it does not see the light of day. I wonder about this because if Fianna Fáil agreed that the suspension of water charges should go ahead, the rest of the motion does not interfere with Fianna Fáil policy at all and an amendment could have been tabled that would set a date for a referendum to take place to enshrine public ownership of water services in the Constitution that I imagine would have been acceptable to Fianna Fáil as well. This is what Members should be doing.

On listening to this debate one might think nothing ever happened in water services before 2014, when Irish Water miraculously came into existence and rode in on its white horse to save water services nationwide. The reality is that most of the plans in place regarding the County Roscommon boil water notices had been in place under Roscommon County Council but the Government withheld the funding to allow them to proceed. That was the history of water services across the country as successive Governments held a noose around the necks of local authorities. They held the purse strings and drip-fed funding to allow water services and infrastructure to be improved. This is the reason water services did not work and it has nothing to do with Fine Gael's previous brainchild, the establishment of Irish Water to save water services. In addition, people always have paid for water and both the present Government and its predecessor would like them to pay twice. I wonder what is the idea and motivation behind the suspension of water charges because everybody knows what this expert committee will say. It will state that water charges should be maintained and practically any Member could write that report for it. What will happen is Members will not wait for two years for Fianna Fáil to get the cover to ensure charges will continue.

Deputy Joan Collins: I am proud to have signed my name to this Private Members' motion. The coalition Government of Fianna Fáil, Fine Gael and the Independents must understand clearly that any attempt to rescue Irish Water or water charges or to keep open the door for future privatisation will be doomed to failure. This is the third attempt by the establishment to commodify the country's water and it has been defeated three times through mass opposition and people power. In 2015, hundreds and thousands of people came out, not to reduce water charges but to abolish them. In the election in 2016, the people spoke and elected a majority of Deputies in this Dáil not to send the matter to a commission, but to abolish the charges. It was a privilege today to introduce the Thirty-fifth Amendment of the Constitution (Water in Public Ownership) (No. 2) Bill 2016. It was signed by 29 Deputies from the progressive independent left, that is, by Deputies from Independents4Change, Sinn Féin and Anti-Austerity Alliance-People before Profit, as well as by an Independent Alliance Deputy. The purpose of the Bill is to amend the Constitution through a referendum and when that Bill comes onto the agenda, I urge all those Members who stated tonight they support a referendum to keep water as a public service to support that Bill in order that it will pass.

However, that will not be the end of the matter, because a solution and a proper plan of action are needed to deal with the mess the water services are in due to decades of neglect and underinvestment by successive Governments. The business plan put forward last year by Irish Water is a joke when almost 1 million people are under threat of water contamination, almost 50% of treated water is lost in the system and the water pipes and sewers on average are twice as old as in Europe in general. Irish Water planned to reduce leakage from a rate of 49% to a rate of 38% by 2021. The international norm is 10% and the rate in the United Kingdom is 23%. Reducing leakage to a rate of 38% is not a plan but is more of the same.

As my time is running out, I simply will state that a real plan for investment and a body for oversight of investment in the renewal and maintenance of the system are needed. Irish Water is not that body and a national water and sanitation board could do that. Irish Water must go together with the charges and this is what will happen. It would be better to clear the decks now in order to have a commission to ascertain how to implement the progressive system that must be put in place.

Deputy Seamus Healy: First, I am delighted to support this motion. It is a subject on which Members have been campaigning for a number of years and the Right2Water campaign and the Right2Change movement have created the biggest change ever in this Chamber as a result of the last general election. The issue relating to water and water charges was a lightning rod for austerity of all kinds. It was the straw that broke the camel's back. Everybody felt that the campaign was not only about water but also about austerity in general. It was not about refusing to pay for water because we have always paid for water. It was always about the fact that these domestic charges are an unfair form of double taxation. They were effectively being heaped on ordinary families across the country, devastating many of them. I compliment all of the people associated with that campaign and those who attended the protests. I particularly compliment those who fought Irish Water in their estates, villages and towns. They forced the situation with which we are now faced. There is no doubt that we are on the brink of a major victory with the abolition of these water charges.

I appeal to Fianna Fáil Deputies who talk about new politics and about honouring commitments that were made in the general election. Their amendment is, however, a breach that reneges on the promises and commitments they made in the general election. A majority of Deputies in this Dáil were elected on the basis of the abolition of water charges. That mandate must transfer into an abolition of those charges.

I say "Well done" to all those who turned out during the campaign. These charges must go and Irish Water must also go. We simply cannot allow the privatisation of water. Public ownership of water must be enshrined in the Constitution.

Deputy Stephen S. Donnelly: The Social Democrats are proud signatories of this motion to abolish domestic water charges, end the commercial semi-State model and replace it with a public utility model and hold a referendum seeking to guarantee permanent public ownership of the water system.

The idea of moving from 34 separate bodies to a national water entity is a good one and progress is being made on the engineering front. However, the idea of creating this entity as a commercial semi-State is not a good one because there is always a future risk of privatisation. The Minister, Deputy Coveney, has stated many times that he has no intention of privatising Ireland's water supply. I take him at his word but we have no idea what any future Govern-

25 May 2016

ment might do in five, ten or 20 years. I am not a conspiracy theorist but a look at Jean-Claude Trichet's letter to the late Brian Lenihan in 2010 is very interesting. It is the letter in which Trichet suggests that Ireland needs a bailout and in it he proposes two structural reforms for Ireland. One of them is that we should start charging people for water. No central banker has any business telling any sovereign government the structural reforms in which it should engage. It certainly has no business telling any sovereign government that it needs to start charging for water. One must, therefore, ask why something as specific and localised as that would end up in a letter from Jean-Claude Trichet to the late Brian Lenihan, which referred to an existential crisis for Europe's banks.

The other bad idea is the domestic water charge. The rationale consistently given by this Government is that it is needed to pay for the upgrade. Of course, that is not true. I have provided an analysis, which I have shared with Irish Water and which has been verified by several economists. The analysis shows that the cost of collecting the domestic water charge more or less equals the amount of money that is collected. As a result, none of the money that people are paying out is being used to upgrade the system, nor is it being used to provide them with water. It is being used to cover the cost of taking the money off them. That is all it is doing. Therefore, the rationale that the domestic water charge is somehow necessary to fund an upgrade of the system simply does not stack up. The only way it would stack up is if we doubled the charge - then there would be additional money.

New figures from Irish Water this week show that the total difference in funding required by Irish Water up to 2019 or 2020 - compared to the base case of 2010 that we are all using - to do everything will be approximately €150 million. Is it more efficient, sensible and cognisant of the democratic mandate and the will of the people to raise that €150 million centrally through Exchequer funding - borrow it, if needs be, just as Irish Water is doing - or to proceed with an extraordinarily expensive domestic water charge? I calculate that the cost of collecting the money for the first ten years will be about €1 billion. The political mandate on this is clear. The Irish people want a permanent, public water entity protected by a referendum to change the Constitution. We should do that. The economic case is absolutely clear: the best way to provide the funding required - which, thanks to a lot of the cost reduction going on in Irish Water, is relatively small at approximately €150 million - is through central Exchequer funding.

Deputy Pearse Doherty: I listened to Deputy Dooley's bizarre speech last night in which he said that Sinn Féin should thank Fianna Fáil for all they have done on the issue of water charges. I am not sure whether he was talking about his commitment in 2010 to introduce it, signing the troika agreement that introduced it or voting in favour of legislation under which Irish Water was introduced. As Deputy Seamus Healy stated in the context of commitments made by political parties in general elections, the reality is that Fianna Fáil should thank Sinn Féin and the other political parties and Independents who tabled the motion. We have allowed Fianna Fáil to vote for their policy. Our commitment is to abolish Irish Water and scrap water charges.

The Government's disastrous water policy has seen millions wasted on Irish Water rather than being invested in our water infrastructure. We should stop throwing good money after bad and return the day-to-day maintenance of water services to county councils. "We will ensure that the Irish Water super quango is abolished, proper co-ordinated investment in water, and the removal of water charges". The latter are not my words, they appeared on the Fianna Fáil leaflets delivered to every house in Donegal only three months ago.

What has changed for Deputies McConalogue and Gallagher? What has made them break their promise to the people of Donegal? Indeed, what has made Deputy Cowen break his promise to the people of his constituency?

Deputy Seán Crowe: The Right2Water and Right2Change movements brought hundreds of thousands of people onto the streets right across the State. Ordinary citizens said “Enough is enough”. Tonight’s motion is part of the Right2Water campaign. It has cross-party support and is signed by 39 Deputies. At the heart of the Right2Water movement is not only opposition to an unfair and unjust tax, but a belief that water is a human right that should be provided on the basis of need rather than on that of people’s ability to pay.

As the motion says, a clear majority of Deputies sought and won an electoral mandate to abolish Irish Water and scrap water charges. Our motion relates to the certainty, fairness and abolishing both the unjust charge and Irish Water. It is about following through on election promises. It is not about sidelining the issue, stalling in respect of it or pushing it down the road, it is about ending the charges and the threatening letters. It is also about bringing an end to the employment of consultants, the bonus culture and the waste of scarce financial resources.

Deputy Pat Buckley: Despite the proposed suspension of water charges, the people of east Cork are still receiving their water bills in full, in the boil water notice areas of Whitegate, Cloyne, Ballinacurra and Ballycotton, to mention a few. In recent days, I have received a number of complaints from my constituents in these areas complaining that Irish Water is still issuing bills for water in and water out, despite the fact that residents in these areas were assured they would not be charged for water in. I would say that this is a failure.

In recent days, I have also received two separate answers from Irish Water in respect of a question that I and my Sinn Féin county councillor colleague submitted on behalf of the people of east Cork. It should be remembered that this boil water notice has been in place since January 2016.

Irish Water’s response was: “Regarding water charges, where water is unfit for human consumption, i.e. where a boil water notice has been issued, or where a customer is subject to a drinking water restriction notice linked to the public water supply network, affected customers will receive a 100% discount to the water supply portion of their bill for the duration of the restriction which will be reflected in their next bill.” Why are these customers still being billed for water in and water out? Is this another fail?

Another response from the company stated:

On each occasion advice regarding the Boil Water Notice was issued to local and national media. It was also published on the Irish Water and Cork County Council websites and all of those who are registered with Irish Water as ‘priority’ or ‘vulnerable’ customers living in the area were contacted by our team. Notification was issued to all elected representatives in the area.

Is it now the public representative’s job to work as safety agents for Irish Water? This is another fail.

Deputy Caoimhghín Ó Caoláin: Since its initial proposal, the prospect of water charges has infuriated ordinary people the length and breadth of this country. People came together and revolted against this unjust tax and took to the streets in their tens of thousands. The effective-

ness and the potential of people power in any social movement for change has never been so glaringly demonstrated. Hundreds of thousands of people took their anger to the ballot boxes, and in February this year, the majority of people voted to scrap water charges and to place Irish Water in the dustbin of history. Figures recently released show that 36% of people have not paid their water charges over the past 12 months and Irish Water failed to collect almost 50% of its projected income from the charge. According to information received via a freedom of information request, domestic revenue due for 2015 was €271 million. However, the yield was only €144.2 million, just over half. It is beyond farcical at this stage and such figures are indicative of the mass of people opposed to this unfair tax and who will not pay in any circumstances.

Most of the Members elected in February made pre-election pledges to abolish water charges and to do away with the entity known as Irish Water, even Fianna Fáil. However, in the new deal struck between Fianna Fáil and Fine Gael, the party has only managed to secure a suspension. People do not want a suspension. They want these charges scrapped altogether. Irish Water and water charges are an affront to people across this land. It is time for Government, therefore, to respect the democratic will of the people and to end this shambolic situation once and for all. It should abolish domestic water charges immediately, establish a public water and sanitation board to deliver water on the basis of need, and set a date for a referendum to enshrine the public ownership of water services in Bunreacht na hÉireann. I call on all Deputies to vote in favour of the motion.

Deputy Donnchadh Ó Laoghaire: I listened to some of the Fianna Fáil contributions to the debate last night. They seemed rather sore and their contributions were worthy of pantomime season in the Everyman Theatre or the Gaiety Theatre. We heard of “magic money”, “grandstanding” and “empty rhetoric”. It was all very entertaining stuff but it was part of a vain attempt to distract from the fact that Fianna Fáil will vote with the Government against a simple and clear motion calling for the end of water charges and the end of Irish Water, which will not fool anyone. We heard talk of U-turns. This is after Fianna Fáil, having carried out an Olympic U-turn ahead of the election, moved from being the authors of water charges, to being opposed to them, to turning on its heels yet again and falling behind the Government. This is a sign of things to come.

Fianna Fáil signed up to a confidence and supply agreement. We have been critical of that deal and how it is an attempt to hoodwink the electorate. However, this is not a confidence motion. Fianna Fáil Members are at liberty to vote how they wish on the motion. If they are truly opposed to water charges and if they want rid of them for good, they should vote for it. We heard that the motion has no legal effect. Can I take it then that Fianna Fáil will not in future use Private Members’ business to debate a motion and to give voice to the will of the Dáil on important issues? Ar ndóigh, feicim seacht rún faoi láthair sínithe ag Teachtaí Fhianna Fáil ar riar pháipéir an lá inné ar cheisteanna ar nós tithíocht agus an Garda Síochána. Is ruin suntasacha agus fiúntacha atá iontu agus bheinn sásta tacú leo dá mbeadh díospóireacht ann. Why should the Dáil not express its wish to get rid of water charges and Irish Water? The people have had their say. We committed to ensuring, at the first opportunity on Private Members’ business, that we would ask the Dáil to have a vote on this matter. Deputies have the chance for the first time in this Dáil to vote on water charges and to keep their commitments to their constituents.

Deputy Dessie Ellis: The Government and its predecessor never learned their lesson. Irish Water and water charges are to all intents and purposes dead in the water. If the Government thinks that by setting up an advisory body and suspending charges it will stop the popular uprising that has seen tens of thousands of people on the streets, it is sadly mistaken. The penny just

has not dropped that the Government is on life support due to the opposition to water charges and Irish Water as well as other policies that have inflicted huge hardship on our people. To date, almost €1 billion has been spent on meters and transferring assets to Irish Water with little spent on infrastructure and repairing leaks. A total of €78 million was spent on consultants, legal fees and financial arrangements. Had local authorities received this money instead of being starved of local government funding, many of the serious problems with leaks and contamination would have been sorted out long ago.

Let us get one thing straight once and for all: we have always paid for water. That is what a progressive taxation system is for. It is clear to many people that the plan was ultimately to privatise the service. Anyone familiar with Detroit will know that people are being evicted from their homes over water. Water is a vital service which must and should be kept in public ownership. It is vital to the well-being of all our people. The Right2Water campaign will not go away and will continue to campaign, grow and make life a misery for the Government.

Deputy John Brady: Last night during the debate, the Minister said he wanted to take the heat out of the issue of water charges. However, he clearly has not. Yesterday, two Wicklow men, Sean Doyle and Eamon McGrath, were released from Cloverhill Prison on a technicality, having spent 16 days behind bars for protesting against the installation of water meters. These protests are continuing across the State. Clearly, the heat has not been taken out of the issue.

Water charges have been suspended but they should be put to bed once and for all this evening. I call on Fianna Fáil Members to stand by the mandate they received in the election and ensure that happens. However, we are all aware of the grubby little deal done by Fianna Fáil to put the Minister's lot back into power. The Minister has set up his commission to take the heat out of the issue in order that Fianna Fáil can put Fine Gael back into power. However, I call on him to put an immediate end to water metering. It is possible that there will be no future use for any of the meters that have been installed, never mind the meters that Irish Water continues to install. A total of €500 million has been wasted to date installing water meters and tens of millions of euro more is planned.

Does the Minister expect the protests to end while the roll-out of the water metering programme continues? Will he continue wasting Garda resources by ensuring they act as a private security force to allow Irish Water to install meters? Will he second-guess the findings of his commission or is the outcome written? I am standing by the mandate I received in the election by being a proud signatory to the motion. I ask the Minister to halt the water metering programme immediately. The commission will come back with its own findings in nine months time. I am asking him to halt the metering programme to really take the heat out of this issue.

Deputy Imelda Munster: I will start with a saying with which many of us are familiar, never put off until tomorrow that which you can do today. Why suspend water charges for nine months when we can scrap them right here and now? We have the opportunity before us tonight to scrap water charges, which is what we promised the people we would do. Surely a promise made or a commitment given has to mean something. It does mean something to me. Tonight, I will vote to scrap water charges and abolish Irish Water as I promised the people I would.

Page 38 of the Fianna Fáil manifesto also contained a promise and commitment to, wait for it, abolish Irish Water and scrap water charges. In fairness, Fianna Fáil has a proven track record when it comes to broken promises. However, I will give it the opportunity tonight to redeem itself. I am calling on Fianna Fáil to honour the commitment it made to the people on

page 38 of its election manifesto a mere three months ago. I am calling on Fianna Fáil to abolish Irish Water and scrap water charges by voting in support of this motion. It will also give Fianna Fáil an opportunity to break its cycle of broken promises. Tonight, Fianna Fáil should vote in favour of this motion and honour the commitment it gave to the people. As I said at the beginning, never put off until tomorrow that which you can do today.

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): I will make three points in the time available. Amidst the focus and expectation the country has about the need for new politics and a new way of doing business, there must be evidence of a new attitude and new habits to make it work. If we end up in a Dáil where we have new politics and old habits and old ways of dealing with matters, we will end up with worse results for the people we represent. This general point is relevant to the debate we are having. What is the agreement in place between two parties in the Dáil? The agreement stipulates that in a number of months' time, a process will be put in place that will and should allow a very clear vote on the future of water charging in our country. The debate and vote will take place after a process in which this matter can be better understood and evaluated legally and economically. The vote will happen at such a point. This provides an opportunity for this debate to happen at a point where we will have very definitive conclusions for the future of charging and Irish Water.

The second point to emphasise is the rationale for the setting up of Irish Water. There are two different debates here, although obviously they are politically related. One is the case for charging. A process is in place in respect of this. The second relates to the role of a utility. I know this matter has been debated here and across the country for a long time. If we look at the basic point regarding the setting up of Irish Water as a single body to manage a single piece of infrastructure as a single utility and all the other examples we have of utility models where they are appropriate for the management of infrastructure, are we suggesting that our gas infrastructure be managed in different counties by different local authorities? Would we suggest that our national road or rail networks be managed in that way? The answer to those questions is clearly "No". Alongside the debate that is clearly happening here in respect of charging, there must be a continued appreciation of how a single body with responsibility for infrastructure is the appropriate method of managing infrastructure like this in Ireland.

The third point I make relates to the impact and consequence of the abolition of charging in the future. This is a debate to which we will return in coming months and it is a point I will make then. The opportunity cost of charging not being available to fund water services in our country is not just about water. The money that is needed to deliver that water infrastructure will then be found, as Opposition Deputies are saying, from the Exchequer. This means that the Exchequer will not be able to do other things that it would wish to do. These are very significant and substantial measures. Many of them are things for which Deputy Ellis calls and campaigns for week after week. I will give him an example. The opportunity cost of the suspension of Irish Water charges needs to come out of the Exchequer. The tens of millions of euro involved in that would build more primary care centres, improve the services available in hospitals and deliver the kind of services infrastructure that Deputy Ellis stands up in the Dáil to look for week after week. The reality of this is very clear. If the Dáil takes the decision to go ahead with the abolition of charging, there are other things that the Exchequer will not be able to do as a result of that vote. These are the very things that Deputy Ellis stands up week after week in the Dáil to look for.

I will end where I began. The Sinn Féin Deputies' comments tell it all. This has nothing to do with water and how we provide water services. This is an example of old politics reasserting

itself under the name of new politics.

(Interruptions).

Deputy Paschal Donohoe: There is a clear arrangement in place. The attitude of Deputy Ellis says it all. They come in here looking for debate but all they want to do is shout people down. They come in here looking for a discussion regarding what the future will be but if somebody offers a view that differs from their view, they are not willing to engage with it.

(Interruptions).

Deputy Paschal Donohoe: There we go again. I will conclude where I began. It is the worst of old politics masquerading in here as something new.

Minister for Social Protection (Deputy Leo Varadkar): I rise to support the Government amendment and to oppose the Sinn Féin motion. Picking up on a theme touched on the Minister for Public Expenditure and Reform, it strikes me that, unfortunately, there are two things we discuss when we talk about water in Ireland. One is water policy, which we should talk about, and the other is the old politics, which is very much represented by the kind of water politics we have seen represented in the past couple of years.

If we were to have a rational and evidence-based debate on water policy in Ireland, we would probably all agree on five things. We would agree that it should be managed by a national utility just like electricity and gas. Nobody would suggest that those utilities be broken up among 42 local authorities. Water, sewerage and wastewater do not know county boundaries on their way to or from a river and we would all agree that there should be a national utility. We would probably all agree that it should be in public ownership just like all other major strategic assets, which have remained in public ownership despite the fact that Governments have changed. We would probably all agree that metering is a good idea. Of course, it is a good idea. How else do you know where the leaks occur? District metering tells you in which districts the leaks occur and metering properties tells you exactly where the leaks are occurring on private property. That is the best way we can identify where leaks are occurring.

8 o'clock

One has to identify where they are occurring before they can be fixed. We would probably all agree that charging by volume above a free allowance is the best and fairest way to charge for water. It is the best way to promote conservation. Education can help but the most effective means-----

Deputy Dessie Ellis: Did the free allowance happen with the bin charges?

Deputy Leo Varadkar: -----is charging based on the amount of water people use because if people have to pay for the water they waste or if they use excess water, they are much more likely to conserve it than for any other reason. It is the fairest way to charge. People should pay for the water they use, just as they pay for the electricity, gas and fuel they use and the food they eat. We would never suggest that people should pay for other utilities, gas, electricity, or other essentials like food, based on their income. Nobody would suggest that - it is absurd. Of course the fairest way of paying for water is based on how much one uses. If one does not believe that, surely one should be arguing that food, shelter, gas, electricity, coal and fuel should all be paid for out of general taxation, but Sinn Féin does not argue that because it knows it does not make

any sense. We all believe that we need more investment in our water network and the best way to make sure we have investment in it is to ensure that we have a system of ring fencing money for investment in our water network and water charges provide that. Without that, hospitals and schools and other public goods have to compete with water for limited capital funding. The result of that is there is not enough to go around.

Deputy Tony McLoughlin: I firmly believe in the concept of paying for water. I also believe that Irish Water should be retained, as our country drastically needs a single entity that will remain in full public ownership, in order to invest and upgrade our broken water system after many years of neglect. Over the past two years, Sinn Féin and others have continually called for the abolition of water charges and for the abolition of Irish Water. Yet, to date I have not heard of any concrete proposals from them as to how they want to achieve the much needed improvements to our water infrastructure. They have repeatedly called for its abolition despite the notable improvements already being made by Irish Water. For example, to date, Irish Water has removed over 17,000 people from long-term boil notices nationwide, which the localised system which preceded it, failed to address. It has increased investment in our water infrastructure by 83% since 2013 when local authorities were spending only €300 million on water. In 2016, Irish Water will spend over €550 million on upgrading our water and wastewater networks. It has repaired over 500 km of the worst water mains in the country. Through the introduction of water meters, it has saved 34 million litres of water every day since works commenced while also identifying a further 80 million litres which can be conserved. It has identified and developed the national lead strategy which aims to assist and protect 38,000 homes with lead pipes. These are just a few key examples of the positive work that Irish Water is currently undertaking, of which there are many. Will Sinn Féin and others explain to the House how the country will set about fixing our dangerously outdated water infrastructure without such a public entity? It is estimated that between 2016 and 2021, some €1.6 billion will be needed to develop infrastructure in absence of water charges. Where will the money come from if there are no nominal charges?

Deputy Dessie Ellis: We spent €1 billion already.

Deputy Tony McLoughlin: I did not interrupt the Deputy. He should have some manners.

Acting Chairman (Deputy Bernard J. Durkan): There should only be one voice.

Deputy Tony McLoughlin: What exactly will Sinn Féin do if the independent commission, which will be established shortly, finds that the current model is in fact the best model for the administration of our water infrastructure? Will it still oppose the utility for the sake of it and continue to pander to populism? It is important to remember that many prominent figures in Sinn Féin indicated publicly that they would pay their water charges in 2014.

Deputy Michael D'Arcy: What will Sinn Féin do when the commission reports? It will do exactly what it intends doing which is to vote against it no matter what the commission report says. Sinn Féin had a different position prior to the October 2014 by-election when the current coalition between Sinn Féin and the Socialist Party was not quite in place, when Deputy Murphy became a Member of this House. The Deputy said that one could not trust Sinn Féin on water and one could not. Sinn Féin was moving to the centre and trying to gather more votes for the coming general election. It lost the by-election, changed tack and went to the left. Now, we have high style, old style Opposition, which I find unfortunate. I have listened to Deputy Ó Broin, who I think is an intelligent young Member of this House, but he is prepared to go down

the route of the same old stuff - throw mud and hope it sticks. The old expression is the more it changes, the more it stays the same. I find that unfortunate. If water will be free, it should be free for everybody. It should be free for the group schemes that are paying for water and will be paying for water after this. The State should pony up for everybody in the countryside who provides their own well, sewage and septic tanks.

Deputy Joan Collins: Water was never free.

Deputy Michael D'Arcy: If Deputies want fairness, there should be fairness for everybody. That will cost money, as the Minister, Deputy Paschal Donohoe, has said. There is no point in coming back here and complaining that there is not enough money for mental health services. We cannot have it every way in this House.

Deputy Dessie Ellis: The Government has taken €12 million from it. There was not €12 million.

Deputy Paschal Donohoe: So this is the new politics.

Acting Chairman (Deputy Bernard J. Durkan): There should only be one voice.

Deputy Michael D'Arcy: I did not interrupt anybody, nor will I. I will give the Deputy the opportunity to speak without me shouting him down. The commission will not make any difference because these people have their minds made up. They believe they have popular support.

Deputy Clare Daly: They are called the electorate.

Deputy Michael D'Arcy: Every single person who voted for Sinn Féin or the left did not vote for them because of water charges. They voted for a number of policy reasons. Everybody who voted for us on this side of the House did not vote for us because we were implementing water charges. Unfortunately, I see no change in this House.

Deputy Clare Daly: We see changes.

Deputy Michael D'Arcy: It disappoints me because we are going down the route of grinding politics to a halt. When everything collapses, perhaps the Acting Chairman will be happy with it. I could kick Fianna Fáil and Sinn Féin but I do not see the purpose. We should at least have an honest debate about this and not keep going in the same direction. That is why people are so sick and tired of politics the way we all do it. I accept that we are as bad as those in Opposition but they should accept the same criticism.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Damien English): This motion has given us the opportunity, yesterday and tonight, to hear everyone's views on this issue in a much calmer environment than we had eight to 12 weeks ago and to talk it through. There is much common ground here. If we get tonight's vote out of the way and people do what they have to do, we have nine months ahead in which we can discuss this and see if we can focus in on the common ground, where there is consensus.

Most speakers I have listened to on all sides of the House agree with the concept of having greater and more investment in water infrastructure. It is very clear that we all agree on that point. Everyone agrees it should be in public ownership. There is total agreement in that regard although there are different discussions on whether we should charge for it and who pays for

it. Some are totally against the concept of charges because of genuine beliefs. I totally accept and understand that. Others are against them for other reasons. It is hard to accept that, but that is fair enough. Many people here are against privatisation. I listened to Deputy Gino Kenny. That was not and is not our agenda but I accept that the Deputy believes that it is. There is a bit of work here for us to explain that it is not the agenda and to work on that. That is fair enough and we accept it.

In six or nine months' time, if Deputies want to vote to get rid of Irish Water or water charges, that can happen. The Deputies can have that vote. The process was set out by the Minister, Deputy Coveney, last night. We will have a commission that will assess information. We will share with a committee that reflects the make-up of the Dáil and is not controlled by anybody. All of us have an equal say in it and then we will have a vote in six or nine months' time. Perhaps we could use that time when there will be no charges, because they will be paused in a couple of weeks' time, to analyse the data, go through all this, listen to the experts, both from Ireland and all over the world, listen to our own committee members, listen to new Deputies from all backgrounds and parties, and Independents, and then have a vote on it in six or nine months' time and make a decision then. In the meantime, we should respect each other's position on this and understand we have different views. The shouting and roaring has got us nowhere in the past four or five years. I accept that people oppose this purely on the way the previous Government brought it in. We accept mistakes were made but we should park all that and have the conversation. Is it right or wrong? Has Irish Water provided any useful service? I believe it has and that massive improvements have been made. The facts indicate we are saving nearly €40 million a day because of less leakage. That is a benefit which we should regard as a good achievement by Irish Water. If Members want to say Irish Water has done some bad things, fair enough. We should analyse them but there is a process in place now to bring a shape to this, achieve consensus, get agreement on some parts of it and see where we go in the coming months.

I firmly believe in the concept of a single utility to drive this agenda. Others might not but if we listen to everybody's views, we might find that we all believe in that. I was on a council and the debate was not very functional in terms of who would have water when it came to a county boundary and so on, never mind wastewater and charging. We are talking about counties charging each other to deal with wastewater in a small country like Ireland.

There is a good deal of common ground here, so we should put aside political differences and see if we can get a solution to this because there is an opportunity in terms of whether to charge for water or not but there is also the question of gaining investment. This was not just about making money or privatisation. It was about conserving water and making sure that people think before deciding what to do with their water. I accept most people probably use water in the correct fashion. They do the right thing because it is very expensive. Others choose to wash their car or do other things with it. That is not the best choice to make in terms of using water that is treated by the State using taxpayers' money and other charges. A charging regime might force people to think twice about that. Other countries have no access to water. I want to be clear. We do not charge people for rain water. People are charged only for water that is treated, on which we spend a fortune. In many cases, that water is equivalent to Ballygowan in that the same cost is involved. That is what we charge for.

The final point I would make, and Deputy Fitzmaurice made it earlier, is that one way or another everybody is paying for water, either through direct taxes, indirect taxes or charges. The metering has other benefits separate from charges, so I would defend metering till the cows

come home. One way or another, we are paying and we should not fool people by telling them they are not paying for water because they are and we should analyse that as well.

Members talk about 90% of people voting against Irish Water. They did not. That is an over-simplistic view of the election. People voted for many reasons. People in rural Ireland have been paying for water all their lives. People in rural Ireland did not just vote for this Government, Sinn Féin, Fianna Fáil or Independents. They voted for a mix of us all and yet they are paying for water in most cases. Members should not tell me that people just voted in the election to get rid of Irish Water. That is not a true reflection of the election.

Acting Chairman (Deputy Bernard J. Durkan): Thank you, Minister.

Deputy Damien English: I respect every Member's mandate and the percentage of the vote they got. Anybody who got involved in the formation of this Government had a role in terms of policy influence and so on-----

Acting Chairman (Deputy Bernard J. Durkan): Thank you, Minister.

Deputy Joan Collins: Your time is up.

Deputy Damien English: -----but we had to respect the percentages. We got approximately 25% of the vote - 50 Deputies. Did all of those people vote to keep Irish Water? If the Members opposite believe they voted for them to get rid of it, that is the opposite to what we believe.

Acting Chairman (Deputy Bernard J. Durkan): Thank you, Minister.

Deputy Damien English: Our vote is respected as well. Let us tease out this issue and this House can decide in nine months' time in a normal manner.

Deputy Joan Collins: Will you stop water metering now? Yes or no.

Acting Chairman (Deputy Bernard J. Durkan): Deputies Richard Boyd Barrett, Clare Daly, Mary Lou McDonald and Eoin Ó Broin share 15 minutes. Have they decided how they want to share it?

Deputy Richard Boyd Barrett: Two and a half, two and a half, five and five minutes.

What we need first is respect for democracy and honesty.

Deputy Damien English: It is a two-way thing.

Deputy Richard Boyd Barrett: Yes. Respect for democracy is a very simple matter when it comes to this issue. A majority of Deputies elected to this House gave pledges to get rid of water charges. That is democracy. The Members opposite should accept it. We know their position. They have lost the popular debate. They should accept it. They often say that there are more important issues like health and housing. We agree, so get this issue off the pitch. The people have decided. They debated it for two years. They disagree with their position and they should simply respect democracy.

On the question of honesty, we want the rehabilitation of the water infrastructure and water conservation more than the Members opposite but they are not being honest about their plans. Do they know how Irish Water's investment programme compares even to what was being invested in 2009, and it was not enough then? Even at the highest spend, in Irish Water's plans, it

will be less by €100 million or more than we were spending in 2009. The claim, therefore, that Irish Water had a plan to ramp up the investment in water infrastructure is factually incorrect.

We then consider all the waste, including 29 staff on €100,000 or more a year, 21 on salaries of €90,000 to €100,000, all the bonuses, the money that went out to private contractors like Denis O'Brien's company, all the consultants and so on. Money that should have been going to fix the water infrastructure was instead being used to line people's pockets. We want that money going to the front line. As the Minister rightly said, the people always pay. It was the Members opposite who were saying that someone had to pay for water when they knew we always paid for water and we always will. The issue is whether we pay for it fairly or disproportionately impose the burden on the least well off. That is the effect of water charges.

They were also being dishonest on the issue of privatisation. The EUROSTAT ruling confirmed what we said. In order for the Irish Water model to work, it had to ramp up the charges and reduce State support for Irish Water, leading to privatisation. That is what it said. The Minister should be honest about it.

Deputy Clare Daly: If the platitudes of the Minister, Deputy Donohoe, are new politics, I am very happy to be a dinosaur because there is nothing new in anything he said. In reality, it represents him and the Government again being completely out of touch. He tells us these are complex issues the people would not understand and that we should give them to the commission, which will advise and come back to it. It actually is not complex at all. The people have spoken on this issue. These charges never had a mandate. The previous Government committed electoral fraud by bringing them in. The Minister can test that. They said in the 2011 election that they would not bring them in until there was metering. The Labour Party said it would not bring them in at all. It is a simple fact that the people on this side of the House said, "Vote for us and we will get rid of Irish Water and the other items in this motion", so what are we waiting for?

The Minister, Deputy Donohoe, tells us that if we do not get this money we will not have funding to pay for other areas. How dare he say that when the previous Government stood over the write-off of €400 million to the top 17% of income earners in the budget in 2014 and when the Minister, Deputy Noonan, goes begging for Apple not to have to pay its taxes in this country?

If the Government wants to save money, it should tell Irish Water to stop sending out their stupid letters like the one I got about the extra charges because it will take more than the threat of extra charges or a Minister of State to get people on this side of the House to pay their charges. We are not unique. The overwhelming majority of citizens, if they were conned into paying, have stopped paying now. If the Minister wants to save money, stop the metering.

The Minister, Deputy Varadkar, is correct. District water metering is a conservation measure. Household water metering is a pre-privatisation strategic move.

Deputy Mary Lou McDonald: Hear, hear.

Deputy Clare Daly: That is the only way in which it makes economic sense. I salute the efforts of people like Sean Doyle, Eamonn McGrath and other activists who have been peacefully protesting to stop the installation of water meters because there is a double speak here. The Minister is talking about things being suspended and commissions but on the ground, the infrastructure is going in. If the Minister is genuine, he should call an end to metering and let

us support the motion tonight.

Deputy Mary Lou McDonald: For the delicate and gentle souls on the Fine Gael benches, I want to place on the record that I have impeccable manners, since good manners are now a concern for this brigade.

What have we learned in the course of this debate? The stand out lesson is that Fianna Fáil is on the wrong side of the Chamber. It seems that despite all the talk about new politics, there is a constant in Irish political life and that is that the word of Fianna Fáil means nothing. It carries the dubious distinction of committing a U-turn in that having dreamed up water charges it then resiled from them. They subsequently gave a commitment, black on white, on the abolition of Irish Water and the scrapping of water charges, with a U-turn on that as well. I suppose that might be called a W-turn, something that has been created by the shiny new politics of the Fianna Fáil Party.

If they have any interest in new politics, I suggest to Fianna Fáil Party colleagues that they should at least be up-front. They clearly support the efforts of Fine Gael and their allies to impose an unfair charge that takes no account of ability to pay of low and middle income families across this jurisdiction. Despite their protestations to the contrary, they are intent on establishing an infrastructure in Irish Water that will be ripe for privatisation to line the pockets of various individuals and vested interests. In fairness, these are the very interests they represent in this Chamber.

New politics should mean the voices of the people are heard, and I do not mean that as a cliché. New politics should mean that when people tell the Government it has done something wrong, that they want a different approach and they cannot bear another charge on their already strained household budget, the Government would surely to goodness listen, respect them and not regard itself as so superior and clever that it can simply set such concerns aside. The main reason people in the communities I represent deeply resent this charge is because they want to know now and in the future that they will have a guaranteed supply of domestic water free of charge. They are people who struggle and are on small incomes. Those opposite should try to wrap their heads around that as they pontificate on new politics.

The Minister for Social Protection, Deputy Varadkar, decided to argue on an uncontested point. He gave us a homily on the need for a single public body. That is correct and it is a point of agreement. As I understand it, the only people dissenting, perhaps, from that view are the Fianna Fáil Members. The Government does not have to worry about them as they will do whatever the Government needs them to do. The public body is not Irish Water but rather the mother and father of all quangos. It is a money pit, a waste of money and effort. If the Government imagines for a second that it will rehabilitate Irish Water and make all the bad memories go away, commission or no commission, it will find itself sadly mistaken.

The Minister for Public Expenditure and Reform, Deputy Donohoe, has a brass-iron neck to stand in this Chamber and issue a kind of threat to the population that it is water charges or else. He has suggested that the Government will charge for the water in the tap because if it does not do so then hospital services and the housing supply issue will be affected. How dare he stand here and speak about opportunity costs? Would Fine Gael and Fianna Fáil like to set out the opportunity cost in the abolition of the universal social charge? Do they wish to set out the opportunity cost in constantly cosseting and rewarding the haves and constantly punishing the have-nots? Does that factor in the thinking of the new political dispensation? This might be

old politics but this is truthful and honest politics. This is the politics of standing up for people. It is the politics of keeping one's word. Perhaps it is those old values that might inform a new politics if it were to be truly marked by integrity.

Deputy Simon Coveney: The values of Sinn Féin. We should all learn from them.

Deputy Eoin Ó Broin: I have listened very carefully, particularly to the Government spokespersons yesterday and today. We have learned a number of things, although interestingly, yesterday we learned that Deputy Timmy Dooley does not know much about the geography of Dublin. That is a separate point. I welcome the Deputy to Dublin.

Deputy Timmy Dooley: It is good to be here.

Deputy Eoin Ó Broin: The Minister, Deputy Coveney, spoke about the need for time for a rational debate. We have been talking about this since 2009, when Fianna Fáil and the Green Party first tried to introduce it, and we have spoken about it consistently since. In our view, the time for that debate is over and it is time to decide. The Minister for Public Expenditure and Reform, Deputy O'Donohoe, spoke about the opportunity cost. He seems to forget that the European Commission and EUROSTAT have ruled that Irish Water is on-balance sheet.

Deputy Simon Coveney: Does Sinn Féin not want a commission?

Deputy Eoin Ó Broin: Therefore its expenditure is coming from revenue, so the opportunity cost is no longer valid. It will not be valid for the duration of this Government, however long it lasts.

The Minister for Social Protection, Deputy Varadkar, spoke about the absurdity of providing water on the basis of need. I made a point yesterday - although he was not in the Chamber for it - that if he wants to see why water should be provided on the basis of need and not on ability to pay, he should consider our health system. We have a health system where access is determined by ability to pay so people are denied access to life-saving vital medical treatment. It is on exactly the same basis that we argue for universal health care, free at the point of delivery, and universal access to water, free at the point of access, rather than on the basis of ability to pay.

The key element missing from this debate, particularly on the Government side, is what happens when the provision of water is commodified. I made the point yesterday and I will do so again that the consequence will be water poverty. Increasingly, in countries with regimes of paying for water, water poverty is increasing. This is not just an issue for the developing world. In countries like Poland, for example, which is not so far from here, water poverty is a real issue for as much as 10% of the population.

The purpose of the motion is very clear. It is not proposing a repeal Bill and it cannot result in the automatic abolition of water charges; we know this because we are precluded by Standing Orders from doing that. We are doing what every other political party has done with Private Members' time, which is to put a matter of public concern on the table. We urge Deputies to vote on the basis of the promises made during election campaigns and we are seeking to give expression to the democratic will of the people. By doing so, we will put pressure on those who could to introduce legislation to abolish the charge, to abolish the failed entity that exists and to put in place the start of a process that will create a proper public water and sanitation utility while protecting its public ownership in the Constitution.

We have heard much today about how the old system resulted in the decrepit water system that exists. Our water infrastructure is in such bad shape because parties in this Chamber - and Deputies - have for decades refused to invest in water-----

Deputy Simon Coveney: That is not true.

Deputy Eoin Ó Broin: -----like they continue to refuse to invest in health, education, housing and child care. What does the Right2Water movement want? We want a world-class water service, funded through general taxation and provided on the basis of need rather than ability to pay. If one supports those principles, he or she should vote for the motion from the Right2Water Deputies tonight. If one does not support it, believing that water should be treated as a commodity and people should pay for water today, tomorrow or in the future, and if he or she is willing to take the risk of increased water poverty, that Deputy should side with the Government or Fianna Fáil. I am not supporting the Government motion because I stand by the principles of Right2Water. Abolish the charge, abolish the existing entity, hold a referendum to enshrine the public ownership of water in the Constitution and do what people voted for in the election, which is to abolish an unjust charge.

An Ceann Comhairle: I thank the Deputy for respecting the time limits.

Amendment to amendment put:

<i>The Dáil divided: Tá, 47; Níl, 59.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Bailey, Maria.</i>
<i>Barry, Mick.</i>	<i>Barrett, Seán.</i>
<i>Boyd Barrett, Richard.</i>	<i>Breen, Pat.</i>
<i>Brady, John.</i>	<i>Brophy, Colm.</i>
<i>Broughan, Thomas P.</i>	<i>Bruton, Richard.</i>
<i>Buckley, Pat.</i>	<i>Burke, Peter.</i>
<i>Collins, Joan.</i>	<i>Byrne, Catherine.</i>
<i>Collins, Michael.</i>	<i>Canney, Seán.</i>
<i>Crowe, Seán.</i>	<i>Cannon, Ciarán.</i>
<i>Cullinane, David.</i>	<i>Carey, Joe.</i>
<i>Daly, Clare.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Doherty, Pearse.</i>	<i>Coveney, Simon.</i>
<i>Donnelly, Stephen S.</i>	<i>Creed, Michael.</i>
<i>Ellis, Dessie.</i>	<i>Daly, Jim.</i>
<i>Ferris, Martin.</i>	<i>D'Arcy, Michael.</i>
<i>Fitzmaurice, Michael.</i>	<i>Deasy, John.</i>
<i>Funchion, Kathleen.</i>	<i>Deering, Pat.</i>
<i>Healy, Seamus.</i>	<i>Doherty, Regina.</i>
<i>Healy-Rae, Michael.</i>	<i>Donohoe, Paschal.</i>
<i>Howlin, Brendan.</i>	<i>Doyle, Andrew.</i>
<i>Kelly, Alan.</i>	<i>Durkan, Bernard J.</i>
<i>Kenny, Gino.</i>	<i>English, Damien.</i>
<i>Kenny, Martin.</i>	<i>Farrell, Alan.</i>

25 May 2016

<i>McDonald, Mary Lou.</i>	<i>Fitzgerald, Frances.</i>
<i>Martin, Catherine.</i>	<i>Fitzpatrick, Peter.</i>
<i>Mitchell, Denise.</i>	<i>Flanagan, Charles.</i>
<i>Munster, Imelda.</i>	<i>Griffin, Brendan.</i>
<i>Murphy, Catherine.</i>	<i>Halligan, John.</i>
<i>Murphy, Paul.</i>	<i>Harris, Simon.</i>
<i>Nolan, Carol.</i>	<i>Harty, Michael.</i>
<i>Ó Broin, Eoin.</i>	<i>Heydon, Martin.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Humphreys, Heather.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>Kehoe, Paul.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Kenny, Enda.</i>
<i>O'Brien, Jonathan.</i>	<i>Kyne, Seán.</i>
<i>O'Reilly, Louise.</i>	<i>Lowry, Michael.</i>
<i>O'Sullivan, Jan.</i>	<i>McEntee, Helen.</i>
<i>Penrose, Willie.</i>	<i>McGrath, Finian.</i>
<i>Pringle, Thomas.</i>	<i>McHugh, Joe.</i>
<i>Quinlivan, Maurice.</i>	<i>McLoughlin, Tony.</i>
<i>Ryan, Brendan.</i>	<i>Madigan, Josepha.</i>
<i>Ryan, Eamon.</i>	<i>Mitchell O'Connor, Mary.</i>
<i>Sherlock, Sean.</i>	<i>Moran, Kevin Boxer.</i>
<i>Shortall, Róisín.</i>	<i>Murphy, Dara.</i>
<i>Smith, Bríd.</i>	<i>Murphy, Eoghan.</i>
<i>Tóibín, Peadar.</i>	<i>Naughten, Denis.</i>
<i>Wallace, Mick.</i>	<i>Naughton, Hildegarde.</i>
	<i>Neville, Tom.</i>
	<i>Noonan, Michael.</i>
	<i>O'Connell, Kate.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>Phelan, John Paul.</i>
	<i>Ring, Michael.</i>
	<i>Rock, Noel.</i>
	<i>Ross, Shane.</i>
	<i>Stanton, David.</i>
	<i>Varadkar, Leo.</i>
	<i>Zappone, Katherine.</i>

Tellers: Tá, Deputies Willie Penrose and Brendan Ryan; Níl, Deputies Jim Daly and Regina Doherty.

Amendment to amendment declared lost.

Amendment put:

<i>The Dáil divided: Tá, 60; Níl, 39.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>
<i>Brophy, Colm.</i>	<i>Brady, John.</i>
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>
<i>Burke, Peter.</i>	<i>Buckley, Pat.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Joan.</i>
<i>Canney, Seán.</i>	<i>Collins, Michael.</i>
<i>Cannon, Ciarán.</i>	<i>Connolly, Catherine.</i>
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Cullinane, David.</i>
<i>Coveney, Simon.</i>	<i>Daly, Clare.</i>
<i>Creed, Michael.</i>	<i>Doherty, Pearse.</i>
<i>Daly, Jim.</i>	<i>Donnelly, Stephen S.</i>
<i>D'Arcy, Michael.</i>	<i>Ellis, Dessie.</i>
<i>Deasy, John.</i>	<i>Ferris, Martin.</i>
<i>Deering, Pat.</i>	<i>Funchion, Kathleen.</i>
<i>Doherty, Regina.</i>	<i>Healy, Seamus.</i>
<i>Donohoe, Paschal.</i>	<i>Healy-Rae, Michael.</i>
<i>Doyle, Andrew.</i>	<i>Kenny, Gino.</i>
<i>Durkan, Bernard J.</i>	<i>Kenny, Martin.</i>
<i>English, Damien.</i>	<i>McDonald, Mary Lou.</i>
<i>Farrell, Alan.</i>	<i>Mitchell, Denise.</i>
<i>Fitzgerald, Frances.</i>	<i>Munster, Imelda.</i>
<i>Fitzmaurice, Michael.</i>	<i>Murphy, Catherine.</i>
<i>Fitzpatrick, Peter.</i>	<i>Murphy, Paul.</i>
<i>Flanagan, Charles.</i>	<i>Nolan, Carol.</i>
<i>Griffin, Brendan.</i>	<i>Ó Broin, Eoin.</i>
<i>Halligan, John.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Harris, Simon.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Harty, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Heydon, Martin.</i>	<i>O'Brien, Jonathan.</i>
<i>Humphreys, Heather.</i>	<i>O'Reilly, Louise.</i>
<i>Kehoe, Paul.</i>	<i>Pringle, Thomas.</i>
<i>Kenny, Enda.</i>	<i>Quinlivan, Maurice.</i>
<i>Kyne, Seán.</i>	<i>Shortall, Róisín.</i>
<i>Lowry, Michael.</i>	<i>Smith, Bríd.</i>
<i>McEntee, Helen.</i>	<i>Tóibín, Peadar.</i>

25 May 2016

<i>McGrath, Finian.</i>	<i>Wallace, Mick.</i>
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>Madigan, Josepha.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Moran, Kevin Boxer.</i>	
<i>Murphy, Dara.</i>	
<i>Murphy, Eoghan.</i>	
<i>Naughten, Denis.</i>	
<i>Naughton, Hildegarde.</i>	
<i>Neville, Tom.</i>	
<i>Noonan, Michael.</i>	
<i>O'Connell, Kate.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>Phelan, John Paul.</i>	
<i>Ring, Michael.</i>	
<i>Rock, Noel.</i>	
<i>Ross, Shane.</i>	
<i>Stanton, David.</i>	
<i>Varadkar, Leo.</i>	
<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Jim Daly and Regina Doherty; Níl, Deputies Eoin Ó Broin and Aengus Ó Snodaigh.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 59; Níl, 38.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>
<i>Brophy, Colm.</i>	<i>Brady, John.</i>
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>
<i>Burke, Peter.</i>	<i>Buckley, Pat.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Joan.</i>
<i>Canney, Seán.</i>	<i>Connolly, Catherine.</i>

<i>Cannon, Ciarán.</i>	<i>Crowe, Seán.</i>
<i>Carey, Joe.</i>	<i>Cullinane, David.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Daly, Clare.</i>
<i>Coveney, Simon.</i>	<i>Doherty, Pearse.</i>
<i>Creed, Michael.</i>	<i>Donnelly, Stephen S.</i>
<i>Daly, Jim.</i>	<i>Ellis, Dessie.</i>
<i>D'Arcy, Michael.</i>	<i>Ferris, Martin.</i>
<i>Deering, Pat.</i>	<i>Funchion, Kathleen.</i>
<i>Doherty, Regina.</i>	<i>Healy, Seamus.</i>
<i>Donohoe, Paschal.</i>	<i>Healy-Rae, Michael.</i>
<i>Doyle, Andrew.</i>	<i>Kenny, Gino.</i>
<i>Durkan, Bernard J.</i>	<i>Kenny, Martin.</i>
<i>English, Damien.</i>	<i>McDonald, Mary Lou.</i>
<i>Farrell, Alan.</i>	<i>Mitchell, Denise.</i>
<i>Fitzgerald, Frances.</i>	<i>Munster, Imelda.</i>
<i>Fitzmaurice, Michael.</i>	<i>Murphy, Catherine.</i>
<i>Fitzpatrick, Peter.</i>	<i>Murphy, Paul.</i>
<i>Flanagan, Charles.</i>	<i>Nolan, Carol.</i>
<i>Griffin, Brendan.</i>	<i>Ó Broin, Eoin.</i>
<i>Halligan, John.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Harris, Simon.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Harty, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Heydon, Martin.</i>	<i>O'Brien, Jonathan.</i>
<i>Humphreys, Heather.</i>	<i>O'Reilly, Louise.</i>
<i>Kehoe, Paul.</i>	<i>Pringle, Thomas.</i>
<i>Kenny, Enda.</i>	<i>Quinlivan, Maurice.</i>
<i>Kyne, Seán.</i>	<i>Shortall, Róisín.</i>
<i>Lowry, Michael.</i>	<i>Smith, Bríd.</i>
<i>Madigan, Josepha.</i>	<i>Tóibín, Peadar.</i>
<i>McEntee, Helen.</i>	<i>Wallace, Mick.</i>
<i>McGrath, Finian.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Moran, Kevin Boxer.</i>	
<i>Murphy, Dara.</i>	
<i>Murphy, Eoghan.</i>	
<i>Naughten, Denis.</i>	
<i>Naughton, Hildegard.</i>	
<i>Neville, Tom.</i>	
<i>Noonan, Michael.</i>	
<i>O'Connell, Kate.</i>	
<i>O'Donovan, Patrick.</i>	

25 May 2016

<i>O'Dowd, Fergus.</i>	
<i>Phelan, John Paul.</i>	
<i>Ring, Michael.</i>	
<i>Rock, Noel.</i>	
<i>Ross, Shane.</i>	
<i>Stanton, David.</i>	
<i>Varadkar, Leo.</i>	
<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Daly; Jim and Doherty; Regina; Níl, Deputies Ó Broin; Eoin and Ó Snodaigh; Aengus.

Question declared carried.

Adjournment Debate

Autism Support Services

Deputy Thomas P. Broughan: The Minister of State is aware of the urgent need to provide full local day services for young school leavers on the autistic spectrum in Dublin Bay North and Fingal as we both attended a productive meeting with representatives from the HSE in Swords a few weeks ago which I understand Deputy Clare Daly organised. I, of course, wish the Minister of State well in his appointment to such an important portfolio. Given his knowledge of our shared constituency of Dublin Bay North, I sincerely hope he urgently progresses the commitments already set out in the programme for partnership Government. The programme states that the Government is committed to ensuring that all 18 year old school leavers with intellectual and physical disabilities continue education or training opportunities. However, the programme does not specify that these continued education or training opportunities should be delivered as an immediate follow-on to second level education.

I was informed by way of a parliamentary question that planning for the service provision for approximately 1,500 young people with disabilities and autism who will require continuing health-funded supports on leaving school or rehabilitative life skills training this year commenced in September 2015 but the 2015 cohort of school leavers were left, as the Minister of State knows, without appropriate local full-day services when Gheel Autism Services was unable to provide placements. The parents and children I regularly meet and represent were, and still are, very distressed by this, and I know the Minister of State has also met them.

What strikes me most are the experiences of parents of school leavers on varying points of the autistic spectrum. Many of the parents say their children had previously benefitted from investment in schools, special needs assistants and specialised places in local school services and they had seen improvements in their children's behaviours due to the level of service provided and especially the established routines so necessary for the cohort of young people in the ser-

vice. However, since the upheaval and uncertainty caused by having no local full-day service available to them, many have reported regressions in the children's behaviour since September 2015.

The Minister of State's Department and the HSE informed me that €7.25 million has been allocated from the €1.56 billion health budget to provide services to the estimated 1,500 school leavers concerned. A HSE response stated that 2014 saw significant improvements in the way in which the health service responded to the needs of young people leaving school or exiting rehabilitative training and yet the lived experiences of the families to whom I refer shows otherwise. The reply went on to state that the HSE's mapping exercise identified 1,340 persons requiring a day service in 2015 and that capacity was available to just 508 individuals. This means that 832 young people were then placed in alternatively funded services. I am sure the Minister of State would agree that the number of young adults without a full-day local service is unacceptable and not in line with commitments in the programme for Government. While alternative services were provided, the parents have reported to me that they are wholly inappropriate for the needs of their children in terms of location, the time allocated and the quality of the service provided.

The Minister of State and I heard what the parents had to say about the existing provision, which went nowhere near providing a full-day local service. These families and young school leavers need well-resourced, local and needs-appropriate full-day services. Service providers such as Gheel and Praxis must be properly resourced so they can meet the needs of the families in their catchment areas and forward planning of at least four or five years in advance must be in place to ensure that there is a sufficient supply of places to meet the growing demand.

I understand the parents have outlined a number of issues with the proposed service of Praxis Autism Initiative and Prosper Fingal, including the need for a qualified nurse or a psychiatric nurse in each of the service providers. They have also requested that a floating autism specialist move between each of the service providers to review progress, measure goals, behaviours, etc. A similar initiative is employed by the National Learning Network. Respite services are, of course, required to give families much-needed respite time, as is an out of hours service.

I hope in his reply the Minister of State will specifically address the questions he and I asked our HSE colleagues a few weeks ago. Will he immediately provide more resources to Gheel Autism Services and other service providers and improve planning for future needs? September 2016 is just a few months away. Will all of the 2015 and 2016 graduates have places in their preferred local service providers? The HSE estimate of 1,500 young people with disabilities seems like a low number, given the large number of families I and the Minister of State have represented. A north-east HSE official spoke to us about its strategy for 2021 for a well-resourced provision for these young citizens. Has the Minister of State read the strategy? Would he immediately begin to implement it? Has he had a one-to-one meeting with the Taoiseach to discuss the priorities for the Dáil term?

I have the programme for partnership Government here. Item No. 24 refers to day services for school leavers with disabilities and the programme makes a commitment to address this matter once and for all. I note the Minister of State has only been in office for three weeks and I accept he is settling in and acquainting himself with the many demands his position entails but he now has the opportunity to examine this issue in his new capacity as Minister of State. I hope he hits the ground running, takes urgent action and looks after this cohort of most vulnerable young Irish citizens.

25 May 2016

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputy Broughan for raising this important issue. I am pleased to outline the position on services for young people with disabilities who need continuing support from the health service on leaving school, including young people with autism in Dublin Bay North and Fingal.

The Government is committed to providing services and supports for people with disabilities which will empower them to live independent lives, provide them with greater independence in accessing the services they choose and enhance their ability to tailor the supports to meet their needs and plan their lives.

The commitment to disability services as outlined in the programme for partnership Government is guided by two principles, namely, equality of opportunity and improving the quality of life for people with disabilities. With regard to the provision of day services for school leavers with disabilities, including those with autism, the programme for partnership Government states that the Government is committed to ensuring that all 18 year old school leavers with disabilities have continued education or training opportunities.

I recognise that this transition phase is a time of worry and uncertainty for families and I identified the needs of school leavers as one of my main initial priorities for disability services. I have already commenced meetings with the HSE on this issue. One of the first things I did on taking up office was to meet the HSE to obtain a detailed brief on this and a number of other issues. To ensure that the needs of school leavers are met in 2016, funding of €7.25 million is being allocated by the HSE to provide appropriate services and supports.

Once-off funding of €2 million is also being provided for the refurbishment and fit-out of buildings to provide suitable service locations by September, based on an assessment of the physical capacity within existing services to accommodate the additional numbers. A standardised process for the identification of support needs has been put in place and a detailed picture of each individual has been built up in order to ascertain his or her needs and preferences.

This process is almost complete and letters will be sent to the chief officers of each HSE community health care organisation shortly with details of the resources to be allocated for each individual young person. Notification will also be issued of the once-off funding for building refurbishment and fit-out to enable locations to be ready for September. It is also the intention that all young people and their families will be contacted by the end of May, something with which I strongly agree because we need to have these services planned for and ready by the end of May, with confirmation of the service which will be available to them from September. I have listened to what Deputy Broughan said and I will meet senior HSE officials and the Minister for Health next week to discuss many of the issues he has raised.

Speech and Language Therapy Provision

Deputy Dara Calleary: I thank Ceann Comhairle for allowing me to raise this Adjournment matter and the Minister for Health, Deputy Simon Harris, for coming to the House to take it. I refer to the provision of speech and language therapy services in County Mayo, in particular Ballina. A number of parents have brought to my attention that there is a serious deficiency in the delivery of the service. I tabled a parliamentary question about the same. The difference between the reply received and the reality in Ballina is quite stark. It shows that it is quite often the case that managers in the HSE seem to live in one universe while parents and others have to

deal with the reality of a situation.

The initial response concerned a referral that was made to the speech and language therapy services in March 2015. The child was seen in August but for nine months, there has been no intervention. The parents are frustrated in terms of trying to get a service, access information and receive appropriate care for their child. There has been no intervention and there has been frustration in terms of trying to get service, access information and to get appropriate intervention. As the Minister is aware, early intervention is crucial, especially when one is aged three, as this young child is. There is no backup or service. I understand a staff member was on maternity leave last year and there were other leave issues relating to the Ballina area which added to the waiting list but surely provision could be made in a case such as the one outlined for backup facilities and services to be provided.

When we tabled the parliamentary question we were informed that currently, following initial assessment, the waiting list in north Mayo has 60 cases categorised as high priority and 26 cases categorised as moderate. In north Mayo there have been 101 referrals to the speech and language therapy services up to 17 May, yet there is no full-time speech and language therapist assigned to the Ballina area. The area is covered by travelling practitioners from Castlebar on an irregular basis.

There was a line in the response from the HSE to the effect that waiting times after initial assessment can vary due the number of referrals in a given area and the severity of the cases referred. One would imagine, given that there are 60 high priority cases and 26 moderate cases, and 101 referrals in less than five months, that Ballina would be seen as a priority for a full-time appointment and for a backup service to deal with the list and to assess the groups of 60 children and 26 children and get them into a treatment plan as soon as possible.

There are no audiology services available, so as well as difficulties speaking, many of the children in question cannot hear and cannot avail of support. The service is broken in the eyes of the children on whose behalf we speak and in the eyes of their parents. As one mother told me, she would travel to the moon to get a service, but because she lives in Ballina she is not allowed to access services in Castlebar. Neither can she go to Sligo because her address precludes her from getting the necessary treatment there. That is not good enough in any country, especially not in a republic.

We are either serious about the issue or not. The value of early intervention is crucial. The Minister is aware that if we get early intervention it would save further intervention down the line. Until such time as we get a full-time speech and language therapist and devote full-time attention to dealing with the waiting list, there will be many more children who do not get the necessary intervention who will become dependent on the services. It is no criticism of those working in the service. We need more of them. Parents are taking a stand for their children, their loved ones. Parents are at their wits end in trying to get even basic information. I highlight the difference between a reply to a parliamentary question and the reality on the ground.

Minister for Health (Deputy Simon Harris): I thank Deputy Calleary for raising this very important matter and for presenting the starkness of the difference between what he was informed by the HSE by way of parliamentary question and the reality facing families in the community he represents. It is important that we hear that difference. It is something I will take back to HSE officials.

25 May 2016

I advise the Deputy that each individual that presents to the HSE's speech and language therapy service has an initial assessment to determine their individual need for therapy. The therapist, in conjunction with the parent or carer, will determine the severity of the individual's difficulties and prioritise for therapy accordingly. The level of intervention is in line with clinical policy, age and severity of the diagnosis. The waiting period for intervention is dependent on the nature and severity of the disorder following assessment.

In terms of primary care services nationally, the HSE has prepared proposals to improve access to primary care speech and language therapy services and to address the waiting lists for assessment and therapy treatment. Dedicated funding of €4 million has been provided in the HSE's national service plan to specifically address this issue and details of the new proposals will be announced by me shortly. The HSE has advised me that current waiting times for initial assessment are standard across County Mayo for primary care cases. Clients are screened three times annually - in February, June and October - meaning children wait a maximum of four months from referral to initial assessment.

As I outlined, waiting times after initial assessment may vary due to the numbers referred and the severity of the cases referred. The Deputy quoted the same figures. Currently, following initial assessment, the waiting list in north Mayo has 60 cases categorised as high priority and 26 cases categorised as moderate. To date this year, in north Mayo, I am informed that 139 referrals have been made.

The HSE has advised me that there are no posts affected by sick leave or maternity leave in this area at present and it is continuing to manage and work through the waiting list. Children are entitled to HSE audiology services free of charge. These include screening, assessment, investigations, treatment, rehabilitation and devices. The HSE is conscious that the initial assessment and review of children is vital to ensure that they have the appropriate interventions and aids required for linguistic development and, as a consequence, improved social skills and educational capacity.

The report of the HSE national audiology review group, published in 2011, identified some inconsistencies and shortcomings in audiology services around the country, including unacceptable waiting lists. It made recommendations to address those issues. An integrated audiology programme was put in place and is now addressing the issues. With regard to County Mayo, audiology services to children aged over four years and adults are being provided in Ballina. The service to children under four years is currently provided from Castlebar. Waiting lists in County Mayo were tackled by a time limited overtime initiative last year. Following a procurement process, the HSE has now contracted an external provider and aims to clear the national paediatric waiting list for audiology services this year. A model for assessing and triaging children awaiting hearing testing is currently under evaluation. This model, if validated, will be used by the external provider to assist in reducing the audiology waiting lists for children nationally on a phased basis from the third quarter of this year.

I will continue beyond my script in the time available to me because the point Deputy Calleary made on speech and language therapy and early intervention is crucial. The point he made about the postcode lottery system and the inconsistencies based on where one lives is clearly not acceptable. That is something we have never quite got right in this country. I am informed that the care divisions in the HSE are now doing a detailed analysis of the inconsistencies in waiting times and resource deployment across the country. It is considering validating the waiting lists and standardising the prioritisation system. One cannot have a situation whereby one

gets a better service because one lives in one county or one part of one county than another. We must consider increasing the number of speech and language therapy drop-in assessment clinics; agreeing flexible opening hours in the context of evening and weekend sessions; recruiting additional therapists; providing for maternity leave substitute posts; reviewing existing practice and considering examples of innovation and international best evidence; and agreeing performance monitoring and measurement arrangements.

In 2013, additional funding of €20 million was provided to strengthen primary care services. That comprised more than €18.5 million for the recruitment of more than 260 primary care team posts and more than €1.4 million to support community intervention. Additional funding of €4 million was provided this year specifically for speech and language therapy services and new initiatives. I look forward to developing those proposals and announcing them shortly.

I accept the valid criticism Deputy Calleary made in terms of speech and language services. The current waiting lists are unacceptable. It is something we are going to need everybody in this House to work with. We are going to need to put the resources in place. There are additional resources this year. The current situation is inadequate, but it is not fair that some children in the country receive less of a service purely based on where they are located. Part of the process the HSE is examining at the moment relates to those inconsistencies so that fairness can be provided throughout the country. I will revert to the Deputy on the matter.

Hospital Services

Deputy Catherine Connolly: Táim buíoch an deis a fháil an cheist seo a chur. Tá ospidéal nua thar a bheith tábhachtach do Ghaillimh. I dtús báire, ba mhaith liom comhghairdeas a dhéanamh leis an Aire Sláinte nua, an Teachta Simon Harris. Guím gach rath air ina ról nua.

A new hospital for Galway is something the people of Galway and the region have sought for some time. Since my election to the regional health forum in 2006, I and the other 39 councillors, on a cross-party basis, have recognised the inadequacy of the hospital site in Galway and the acute crisis that exists because of the congested site. The hospital we know as the regional hospital Galway provides a leadership role in acute service delivery, providing regional services for a wide range of specialties and is also designated as a supra-regional centre for cancer and cardiac services serving a catchment area in the region of 1 million people from Donegal to Tipperary north. That is the catchment area the hospital is serving, yet waiting lists in the hospital for every single medical specialty on both inpatient and outpatient waiting lists have repeatedly made local and national headlines, primarily because of lack of capacity on the site, in addition to lack of resources. The waiting lists are damning for ENT procedures and operations, orthopaedic operations, urology, anaesthesia, pain management, rheumatology and dermatology. The list goes on. In addition, we have the repeated cancellation of elective surgeries and procedures due to the input of patients through the accident and emergency department, which is causing great distress and pain to the patients. Moreover, there is a trolley crisis despite the best efforts of staff, nurses and management. There is research to the effect that over a particular age, a person who spends more than two days on a trolley will spend a longer time in hospital, thereby incurring a greater cost to the Exchequer, not to mention the psychological and physical hurt to the patient. I accept that projects are planned and under way, including the construction of a 75-bed ward, a 50-bed replacement ward, a 50-bed mental health unit and a planned emergency department unit. However, the important point is that, notwithstanding

these planned projects, both the clinical director of the hospital and the management of the Saolta group have acknowledged recently that all of these developments on the congested site are simply fire-fighting exercises and that there is an urgent requirement to have a new hospital and to begin planning for such a new hospital as quickly as possible. Furthermore, it has been highlighted that even when all these developments are in place, there will be additional capacity of only 25 beds on that congested site.

It is recognised by everybody in Galway and the region that the University Hospital Galway, UHG, site is congested and cannot cope with the existing demand. Its parking facilities are inadequate and cars must wait for hours to get in. As I noted when raising this matter, the lack of capacity in the hospital was the most worrying aspect when the risk assessment was drawn up to produce the risk register. I refer to this risk and the open, frank and welcome acknowledgement by the management and clinical director that they cannot go on like this. They are doing their best but they need a new hospital. In view of such candour and honesty, I ask the Minister to address whether he has met the management and the clinical director. If not, when will that happen and what steps are being taken to establish plans for a new hospital?

I will conclude by noting there are 150 acres of land on the Merlin Park site. I support fully the residents there who do not wish to see the woods demolished, and they should be preserved. However, on the footprint alone, without touching a tree, a new hospital could be built. There is also another site in Galway if the Merlin Park site does not prove to be suitable - namely, the airport site. I do not mind where the site is located, as what people in Galway want is a new hospital.

Deputy Simon Harris: I wish to take this opportunity to thank Deputy Connolly for raising this matter and for her good wishes. I am pleased to have this opportunity to update Members regarding hospital developments in Galway.

Galway University Hospitals, GUH, which encompasses University Hospital Galway and Merlin Park University Hospital, provide a comprehensive range of services to emergency and elective patients on an inpatient, outpatient and day-care basis across the two sites. UHG has approximately 700 beds and is a tertiary referral centre for the western region. Its emergency department has approximately 62,000 patients attending annually.

The programme for a partnership Government has committed to progressing a new emergency department facility for University Hospital Galway. The development of this new emergency department is a capital priority for the Saolta University Health Care Group. The HSE's capital plan for 2016 includes funding for a full option appraisal and cost-benefit analysis to inform planning and funding requirements for a new emergency department at University Hospital Galway. The cost-benefit analysis with regard to a new emergency department is in its final stages and it is anticipated that this will be completed shortly. If favourable, this then will progress to design stage this year.

While there are no plans for a new hospital to be built in County Galway, as outlined by the Deputy, considerable developments have been ongoing to improve facilities at University Hospital Galway. Pending the development of a new emergency department at the hospital, in order to alleviate pressures and to ensure that patient experience in the existing emergency department is improved, 30 additional beds opened at the hospital earlier this year. In addition, a number of significant projects have been completed at University Hospital Galway in recent years. These include the clinical research facility, the upgrade to the maternity unit and

the cystic fibrosis outpatient department, which was completed in 2014 and is now operational. Furthermore, two major developments are currently under way in Galway. Construction work is ongoing on the new 75-bed ward block, which will provide single-room inpatient accommodation. In addition, a new acute mental health department is under way and is expected to be completed early in 2017. Following the transfer of mental health services to the new acute department, work will begin on the construction of a project under the national plan for radiation oncology for which the Health Service Executive, HSE, already has obtained planning permission. Further investment in individual hospitals must be considered within the overall acute hospital infrastructure programme and the establishment of hospital groups.

As for Deputy Connolly's question on whether I have yet met the hospital group, I have not, but it is my intention to meet all the hospital groups in the coming weeks. At present, I am engaging with all the front-line stakeholder organisations. I had a productive meeting with the Irish Nurses and Midwives Organisation, INMO, today and with the Irish Medical Organisation, IMO, last week. I will have further meetings with more of the front-line union representatives tomorrow. However, I expect to meet the Saolta board-----

Deputy Catherine Connolly: In respect of this issue?

Deputy Simon Harris: In respect of all the health care issues.

Deputy Catherine Connolly: My question was about this issue.

Acting Chairman (Deputy Declan Breathnach): Deputy, please allow the Minister to respond.

Deputy Simon Harris: Obviously, there will be an opportunity for the hospital, through the hospital group structure, to raise whatever issues it wishes to raise with me. This will be a meeting for me to ascertain the priorities of that hospital group in terms of the development of health care facilities in the region.

The Deputy also made a valid point regarding the ongoing need to tackle the trolley crisis, which has shown some signs of improvement this month although, overall, the numbers are still marginally higher this year. I acknowledge that Galway is a particular area of difficulty at certain times. I will attend my first meeting of the emergency department task force, which is co-chaired by the INMO and the HSE, with relevant stakeholders next Monday and I certainly will seek an update on the position in Galway at that meeting. I am happy to keep in touch with Deputy Connolly on these important matters and I hope I have had an opportunity to outline some of the planned service improvements and capital projects. I look forward to having an opportunity to meet the Saolta hospital group in June in order to discuss further its priorities for the region.

The Dáil adjourned at 9.45 p.m. until 10.30 a.m. on Thursday, 26 May 2016.