



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 26 Bealtaine 2016

Thursday, 26 May 2016

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

Paidir.

Prayer.

Order of Business

The Tánaiste Frances Fitzgerald: It is proposed to take No. b5, motion re proposed approval by Dáil Éireann of the final report of the sub-committee on Dáil reform; No. c5, motion re Standing Orders 143, 143A, 143B, 143C, 143D, 143E and 143F; and No. 7, statements on the report of the O'Higgins Commission of Investigation (resumed). It is proposed, notwithstanding anything in Standing Orders, that Nos. b5 and c5 shall be decided without debate.

An Ceann Comhairle: There is one proposal to put to the House today. Is the proposal for dealing with No. b5, motion re proposed approval by Dáil Éireann of the final report of the sub-committee on Dáil reform, and No. c5, motion re Standing Orders 143, 143A, 143B, 143C, 143D, 143E and 143F, without debate, agreed to?

Deputy Clare Daly: I have tabled amendments.

An Ceann Comhairle: Yes, we will come to that. Is it agreed to take the motions? Agreed.

I call Deputy Michael Moynihan on the Order of Business.

Deputy Michael Moynihan: I wish to raise a number of issues. First, I understand that in recent days the Tánaiste met with community groups in Dublin Central, as did the leader of the Fianna Fáil Party, Deputy Micheál Martin. One of the issues that has arisen concerns the mini-CAB that has been piloted in some places. In view of the escalating situation and the fear on the streets, does the Tánaiste plan to bring forward a mini-CAB and empower the Garda Síochána with more resources to try to tackle the serious issues on the streets there? Will a task force be established to deal with prescription and other drugs which are freely available? Is there an urgency within all Departments to tackle the escalating crisis in that regard?

Second, there was a general discussion at the Whips' meeting yesterday but from reports we have received from the Fine Gael Parliamentary Party meeting last night, it seems to have been confirmed to that meeting that the House will rise on 7 July this year. Is that set in stone and has it been confirmed? How can that be justified with the amount of work required and the

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amount of business that needs to go before the Dáil concerning a whole variety of urgent areas that I could mention?

Third, one of the recommendations of the O'Higgins commission was to transpose an EU directive that deals specifically with the rights of victims of crime. Can the Tánaiste confirm when the criminal justice (victims of crime) Bill will come before the House?

Fourth, the programme for Government contained proposals for the dairy forum. In light of the crisis in the agriculture industry, when will the dairy forum meet next?

The Tánaiste Frances Fitzgerald: I thank the Deputy for his questions. As regards the development of what is termed mini-CAB, that is in the programme for Government. I can confirm to the House that the Garda Commissioner again confirmed last night that there are already what are called asset profilers operating in the north inner city area, as well as in other areas of the country. This is important because we want to be seen to interrupt drug dealing and give a clear message to local communities that we are supporting them in interrupting this trade. The Garda Síochána is continuing with its prosecutions but is also looking at the assets of drug dealers in that area and in others. I will also urgently examine the legislation underpinning this in order to make it stronger.

Drugs legislation is a priority for the Minister for Health and will be brought forward as soon as possible. The Deputy will appreciate that the reason for a delay was that a Supreme Court case was being heard on the issue. We will also have a new national drugs strategy and work is advanced on that. There will be a lot of consultation on that in the course of the next few months and it will be published this year.

As regards the Deputy's point on the recess, I can confirm that the summer recess is a matter for the Dáil. A new business committee will be established over the next few weeks as a result of recommendations made in the report of the Dáil reform committee, which is chaired by the Ceann Comhairle. The new business committee will seek to work through a process of consensus. I suggest that the Dáil business committee should be given time to consider this issue. Any discussion of dates at the moment is speculation until those discussions are held and concluded.

I can confirm that the legislation on victims' rights is a priority. It will be published this term. In fact, the implementation has already started on the EU victims' rights directive since November last year. The gardaí have established an implementation programme as far as the directive is concerned. As I said yesterday, we need to have a sea change across the criminal justice system concerning victims. Victims need to be at the heart of that system.

I will ask the Minister for Agriculture, Food and the Marine to liaise directly with the Deputy concerning the dairy forum.

Deputy Mary Lou McDonald: Yesterday, the Taoiseach indicated that a briefing would be provided for other political leaders in respect of the Tánaiste's meeting with the Garda Commissioner. Can she please indicate when that meeting is scheduled to occur?

Can she also give us a sense of the proposed terms of reference, or even the process she envisages, for establishing a task force for the north inner city? The Tánaiste will recall that I raised this matter with her some weeks ago. We now need to know how precisely she proposes to go about establishing that and what input local stakeholders and communities will have in that process.

I also understand that the Taoiseach is to visit the north inner city. Can the Tánaiste tell the House when that visit is scheduled as well as any other information or details she has on the matter?

I welcome the fact that the Tánaiste proposes to strengthen the legislation underpinning the Criminal Assets Bureau and local CAB functions, including asset profilers. I have no doubt the ambition is to disrupt drug dealing activities in the north inner city and elsewhere. The truth is, however, that such activities are carried on undisrupted across the north inner city and beyond.

I also wish to raise the issue of the Dáil recess. The date of 7 July has been floated. It seems this came out of a Fine Gael parliamentary party meeting briefing. If it is, as the Tánaiste said, a matter for the business committee, why on earth would her party be briefed on any date? She might clarify that for us.

Having stalled for ten weeks while there were negotiations and no small amount of sham battling between different parties, it would be absolutely unthinkable that the House would rise on 7 July and not return until the end of September. If works need to be done in the Chamber, alternative accommodation should be sourced. Could we perhaps suggest the Round Room in the Mansion House? That would be a most appropriate venue for the Dáil to meet. Business committee or no business committee, we cannot have a situation where we are barely in and just about off to a spluttering start with Dáil business and then we go into recess again. There are too many serious issues to be dealt with to allow that to happen.

An Ceann Comhairle: For the information of the House, no decision whatsoever has been made in respect of when the Dáil will rise. That is a matter for the House to decide and it is my understanding that while there is important work to be undertaken, such work would not require the House to rise on 7 July. What briefings are given or are not given to any political party are not a matter for discussion here on the Order of Business.

Deputy Mary Lou McDonald: I have absolutely no interest in being privy to the inner workings of the Fine Gael Parliamentary Party. However, if this is to be decided by the business committee-----

Deputy Regina Doherty: Yes, it is.

Deputy Mary Lou McDonald: -----it is a matter for the Dáil if the parliamentary party-----

An Ceann Comhairle: No, the Deputy should resume her seat and I will explain.

Deputy Mary Lou McDonald: -----of a party in government is being briefed on a specific date.

An Ceann Comhairle: The Deputy's point is clearly made. It is not a matter for the business committee; it is matter for the House. The business committee may well and probably will make a recommendation. I call the Tánaiste on the relevant issues.

The Tánaiste Frances Fitzgerald: The Taoiseach will be in contact to arrange the briefings. We will do that as quickly as possible once we find a suitable time. We want to ensure everybody is aware of the extensive work being done in the north inner city and the extensive Garda resources that are being deployed there. We had a useful meeting last night with the Garda Commissioner and her senior officers. They are working night and day to deal with the appalling situation that we face in respect of gangland crime. I know they have the full support

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of the House in their efforts. The situation we face is unprecedented and the ferocity, intensity and savagery of the gang members who are intent on killing one another is unprecedented but the Garda has faced down criminal gangs and terrorists successfully. With the resources available, with the determination and motivation of all the gardaí patrolling the streets and with the armed response that is available, they will continue to make every effort to prevent, investigate and prosecute. We have seen some of the successes of their work in recent prosecutions.

I confirm that I discussed the task force when I visited the local community last week and met representatives of various community groups with the Garda Commissioner and senior officers working in the area. We met youth workers and others who are working to prevent problem relating to drugs in the area. We met a wide range of community representatives with whom the Deputy will be familiar and we had an initial discussion about setting up a task force. They highlighted, in particular, the need for the housing authorities and social welfare officials to work together to ensure their services are being used appropriately by people. Locals are concerned that there would not be abuse of those services by people who have assets. There was also a discussion about a task force to deal with the broader socioeconomic issues in the area. The way the Government and I intend to take this forward is to ensure the task force is, in the first instance, Government-led and set up in close consultation with local public representatives and community groups in order that we work through a consultative process to decide precisely the best way to deal with the issues about which the local community is concerned. It will be very much a partnership approach. There is not yet a date. We have just had a recent killing and the Taoiseach will decide the appropriate time for him to visit the area.

The Deputy also asked about resources. Extensive resources are being made available and both the Taoiseach and I made it absolutely clear to the Garda Commissioner and her senior officers last night that whatever resources are needed to deal with the current threat will be made available to An Garda Síochána. That is the commitment and the Government stands by that. We have taken action to ensure whatever overtime, resources and support they need will be provided. There will be legislative change in respect of CAB and other areas. I would welcome input from Members in this regard.

Deputy Jan O’Sullivan: The Tánaiste said legislation would be brought forward in respect of CAB. Will she outline a timeline relating to when that legislation will be brought before the House? With regard to the terrible increase in violent crime, particularly in inner city Dublin, I refer to a commitment in the programme for Government to a new intelligence-led police infrastructure that would help to prevent and detect crime, which would involve modern technology and resources but which would also be underpinned by legislation. When will that legislation be brought forward? While there are clearly resourcing issues, there are also issues about sharing of information and the use of modern technology that will make policing more effective.

The other issue that has been raised by previous speakers relates to when the Dáil will rise for the summer and resume in the autumn. I have referred to two crime related Bills. I acknowledge the Ceann Comhairle said this is a matter for the House but if we finish in early July and come back in late September, we clearly will not have appropriate time for legislation. We have also been promised a new budgetary process in the programme for Government whereby Members and committees of the House will be involved in preparing the budget. If we are going to do that, we need enough time between the summer recess and the announcement of the budget for the House and its committees to do that. I add my voice to the others in respect of not having an overlong recess. As Deputy McDonald said, I understand the work to be done in the Chamber is not major. While other work needs to be done around the House, could we not

sit in the Chamber while this work is being carried out and find accommodation, if necessary, for us in other places?

An Ceann Comhairle: I reiterate there is no compelling reason for the House to rise in early July.

The Tánaiste Frances Fitzgerald: I have stated previously on the Order of Business that successive Governments have introduced a series of robust anti-gangland Bills. This week, I brought a memorandum to Cabinet for which I secured support to ensure the special criminal justice legislation will be in place for this year again as well as terrorist legislation, which is renewed annually. I hope I will get the support of all Members when I seek the renewal of both Acts in the next few weeks. I ask them for their support. This anti-gangland legislation was brought in in 2009. We have strong legislation. As I have made clear, if we need a review of some of the legislation - Deputy Jan O'Sullivan asked about the Criminal Assets Bureau legislation - we will do that as a matter of priority this term. The Criminal Assets Bureau is working extremely well. If one reads its latest annual report, one will see the amount of assets that are being seized. The bureau is being copied by other countries because it is and has been so effective in seizing assets from criminals and interrupting their deadly activities over the past decade. That legislation and other legislation in the criminal justice area will be prioritised for this term.

An investment in ICT of well over €200 million was made by the last Government. This is to allow the Garda to have the type of ICT structure they need, a matter that has been shamefully neglected over the years. I set up the first committee between An Garda Síochána and the Departments of Justice and Equality and Public Expenditure and Reform so that we could identify the ICT needs. We now have a programme of action relating to that which began to be implemented towards the end of last year and will continue at a rapid pace this year.

In respect of the recess, I reiterate a point I made earlier which was also mentioned by the Ceann Comhairle. The summer recess is a matter for the Dáil. We have a Dáil reform programme and a new business committee that will examine this issue and, no doubt, will make a recommendation to the Dáil. There is no date at present.

Deputy Thomas Byrne: The programme for a partnership Government contains a commitment to annual increases in capitation rates for schools. Last week, the Department of Education and Skills published its briefing document for the Minister for Education and Skills. This document was extremely stark and described the serious threat that the low level of funding could trigger school closures due to a lack of heating or insurance cover. The programme for a partnership Government also contains a commitment to allowing schools to hire out their premises to community groups and other groups after school hours. I wonder whether this will be the basis for funding schools into the future. Will schools have to hire out their premises to outside bodies to stay open? That is the worry, and it is not a worry expressed by me; it is a worry expressed directly by the Minister's officials.

An Ceann Comhairle: I am afraid there is no time to respond. The Tánaiste might correspond with the Deputy on the matter. My apologies to those Deputies who have offered, but the time has elapsed.

Deputy Bríd Smith: I had my hand up ages ago and the Ceann Comhairle acknowledged it and then took a second person from Fianna Fáil.

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An Ceann Comhairle: I took people strictly in the order in which they offered. That is what I have done from the start and that is what I will continue to do. The Deputy should be very clear about that.

Deputy Bríd Smith: I am not so clear about it. That is not how it appeared to me.

An Ceann Comhairle: If the Deputy is not clear about it, she might like to come to my office afterwards and we can have a discussion about the matter.

Deputy Bríd Smith: I certainly will.

Deputy Dessie Ellis: I indicated that I wanted to say something about what the Tánaiste said-----

An Ceann Comhairle: Many people have indicated. The time has elapsed. I ask the Deputy to resume his seat.

Deputy Dessie Ellis: I did not get a chance to say what she was talking about-----

An Ceann Comhairle: The Deputy should resume his seat.

Deputy Dessie Ellis: I wanted to say something regarding what was discussed.

An Ceann Comhairle: The opportunity did not arise.

Deputy Dessie Ellis: What does the Ceann Comhairle want me to do - stand up and shout when the Tánaiste is speaking?

(Interruptions).

An Ceann Comhairle: I do not want anyone to stand up and shout. Could we have some quiet, please? We are acting in accordance with Standing Orders-----

Deputy Bríd Smith: Standing Orders-----

An Ceann Comhairle: If I might finish, Standing Orders do not provide for a limitation on the length of time of a Member's question or a Minister's response. When the new Standing Orders are adopted, there will be a clock in operation which will limit the time for both the questioner and the responder, and that will create a situation in which, hopefully, all Deputies offering-----

Deputy Bríd Smith: I have a question for the Ceann Comhairle.

An Ceann Comhairle: I ask the Deputy to resume her seat.

Deputy Bríd Smith: Do Standing Orders provide for groups to be taken in order of their size?

An Ceann Comhairle: We are not here for a discussion on those matters.

Deputy Bríd Smith: I am not looking for a discussion. I am looking for clarification.

An Ceann Comhairle: Will the Deputy resume her seat? We are going to proceed to-----

Deputy Bríd Smith: It is a point of order.

An Ceann Comhairle: It is not in order.

Deputy Bríd Smith: My point of order is out of order. I am just asking the Ceann Comhairle whether Standing Orders allow for groups to be taken in order according to their size. I am just asking the question. Can the Ceann Comhairle answer “Yes” or “No”?

An Ceann Comhairle: The Deputy should resume her seat.

Deputy Bríd Smith: Can the Ceann Comhairle answer “Yes” or “No”?

An Ceann Comhairle: I am not here to be interrogated. The Deputy should resume her seat. If she wants to discuss the matter-----

Deputy Bríd Smith: The Ceann Comhairle is here to clarify and implement Standing Orders.

An Ceann Comhairle: And I will do so without fear or favour and I will not be pressurised.

Deputy Bríd Smith: I am asking the Ceann Comhairle whether Standing Orders allow for groups to be taken in order according to their size?

An Ceann Comhairle: I will not be pressurised by anybody into departing from the provisions of Standing Orders. The Deputy should resume her seat.

Deputy Bríd Smith: Do Standing Orders provide for groups to have a spokesperson according to their size?

Dáil Reform Report: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

That Dáil Éireann approve the Report of the sub-Committee on Dáil Reform entitled ‘Final Report of the sub-Committee on Dáil Reform’, copies of which were laid before Dáil Éireann on 25 May 2016.

Deputy Clare Daly: I move amendment No. 1:

To insert the following after “2016”:

“, subject to the deletion of paragraph IV under the heading ‘Rules re. Formation of Groups’ in page 17, which paragraph reads ‘A party which is a group has precedence over a technical group.’“

Amendment put and declared lost.

Question, “That the motion be agreed to,” put and declared carried.

Standing Orders: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

That, in accordance with the recommendation of the sub-Committee on Dáil Reform under Standing Order 107(1)(a), the Standing Orders of Dáil Éireann relative to Public Business be amended by the adoption of the following new Standing Orders in substitution for Standing Order 143:

‘Groups

143. (1) A group is a body of members in Opposition who may avail of the rights provided for in these Standing Orders for groups.

(2) The minimum number of members required to be recognised as a group is five.

(3) Where members of a registered political party are elected to the Dáil, those elected members are referred to in these Standing Orders as a “party”, and such a party is automatically recognised as a group where it has five members or more.

(4) A body of members which includes any combination of the following categories of members—

- (a) members of a party with five members or more,
- (b) members of a party with fewer than five members,
- (c) non-party members,

may also be recognised as a group, and shall be referred to as a technical group.

(5) A group may not include—

- (i) a party which contains a Minister or Minister of State;
- (ii) a member who is a Minister or Minister of State;
- (iii) some of the members of a party but not the others.

(6) A member of a technical group may not also be a member of another technical group.

(7) There is no limit on the number of groups which may be recognised in a Dáil.

Rights of groups: members may not benefit “on the double”

143A. (1) Groups have the rights assigned to them in these Standing Orders in relation to—

- (i) Leaders’ Questions,
- (ii) Questions nominated for priority,
- (iii) private members’ business,
- (iv) the opening speeches on the motion for the second reading of a Bill,
- (v) the right to make a brief statement opposing a proposal on the Order of Business, and

(vi) such other rights as may be provided for groups in these Standing Orders.

(2) A party which is automatically recognised as a group, and which has joined with other members to form a technical group, may only avail of those rights arising from its membership of a technical group.

Recognition of groups: writing to the Ceann Comhairle

143B. (1) A party with five members or more is automatically recognised as a group, and need not write to the Ceann Comhairle for recognition.

(2) Members who seek to be recognised as a technical group shall send a request in writing to the Ceann Comhairle, signed by each of the members making the request.

Joining a group

143C. The addition of a member to a technical group is recognised where the coordinator of the technical group and the new member sign a notification in writing to

the Ceann Comhairle to that effect.

Cessation of membership of a group

143D. (1) A member ceases to be a member of a group where the Ceann Comhairle is satisfied that the member has severed all connections with the group.

(2) Where a member leaves a party and joins another, he or she is considered part of his or her new political party for group purposes, provided that his or her membership is in compliance with the rules contained in these Standing Orders relating to membership of groups.

Cessation of group status

143E. (1) A technical group shall cease to be recognised as a group where any and all of the remaining members of the group sign a notification in writing to the Ceann Comhairle to that effect.

(2) Any group (including a technical group) ceases to be recognised as a group where the Ceann Comhairle is satisfied that its number has fallen below five. In such a case, the Ceann Comhairle shall write to the group to that effect.

(3) Where the number of a former group (including a technical group) has fallen below five as a result of a casual vacancy or vacancies in the Dáil, the former group shall not lose its rights until the result of any consequential bye-election is known.

(4) Where a former group wishes to be recognised again as a group, all of its former members shall sign a notification in writing to the Ceann Comhairle. Provided that where group status was lost as a result of a casual vacancy, the written notification need only be sent to the Ceann Comhairle in the case of a technical group. Where the former group consists only of a single party, and the new member is elected to that party, it is not necessary to send the written notification. Provided always and in any case that a group shall not be recognised where its membership is not in compliance with the rules set out in these Standing Orders relating to the membership of groups.

Presentation of Bills and moving of motions by members of groups

143F. (1) Each group shall have the right to nominate a member of the group to present a Bill provided that there is not before the Dáil another Bill presented by a member nominated by the group.

(2) Each group shall have the right in rotation to nominate a member of the group either to move a motion standing in his or her name or to proceed with a Stage of a Bill in the Dáil.

(3) The order in which the right under paragraph (2) may be exercised by the various groups shall be determined on the basis of the numbers of members in the groups, a larger group having precedence over a smaller one. In the case of an equality of numbers, precedence shall be determined by lot. Provided that a group which consists only of a single party shall have precedence over a technical group.’”

Deputy Clare Daly: I move amendment No. 1:

In Standing Order 143D(2), to delete all words from “Where a member” up to and including “purposes,” and substitute the following:

“Where a member leaves a party and joins another, or, in the case of a non-party member, where that member joins a party, he or she is considered part of his or her new political party for group purposes.”

I imagine that this amendment will be accepted, as it is perfectly in line with what the Clerk of Dáil Éireann said at the meeting the other day. I do not see any controversy with it.

Tánaiste and Minister for Justice and Equality(Deputy Frances Fitzgerald): Is the Deputy looking for time to discuss an amendment to the Standing Orders?

Deputy Clare Daly: No, I am just asking whether the Government will accept my first amendment, because what I am proposing to do is completely in line with the discussion that took place at the meeting of the Sub-committee on Dáil Reform. We checked with the Office of the Clerk of Dáil Éireann yesterday. It just provides more clarity for a scenario in which somebody leaves a group and joins another. As it was drafted, it allowed for people leaving parties. It is just to make sure Independents are covered.

An Ceann Comhairle: We cannot have a debate.

Deputy Frances Fitzgerald: There was agreement among those attending the committee. What is being presented is what was agreed.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 2:

In Standing Order 143F(3) to delete the last line, which reads:

“Provided that a group which consists only of a single party shall have precedence over a technical group.”

11 o'clock

Amendment put:

<i>The Dáil divided: Tá, 15; Níl, 103.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Collins, Joan.</i>	<i>Aylward, Bobby.</i>
<i>Collins, Michael.</i>	<i>Bailey, Maria.</i>
<i>Connolly, Catherine.</i>	<i>Barrett, Seán.</i>
<i>Daly, Clare.</i>	<i>Barry, Mick.</i>
<i>Fitzmaurice, Michael.</i>	<i>Brady, John.</i>
<i>Harty, Michael.</i>	<i>Brassil, John.</i>
<i>Healy, Seamus.</i>	<i>Breathnach, Declan.</i>
<i>McGrath, Mattie.</i>	<i>Breen, Pat.</i>
<i>Martin, Catherine.</i>	<i>Brophy, Colm.</i>
<i>Murphy, Catherine.</i>	<i>Browne, James.</i>
<i>O'Sullivan, Maureen.</i>	<i>Bruton, Richard.</i>
<i>Pringle, Thomas.</i>	<i>Burke, Peter.</i>
<i>Ryan, Eamon.</i>	<i>Butler, Mary.</i>
<i>Shortall, Róisín.</i>	<i>Byrne, Catherine.</i>
<i>Wallace, Mick.</i>	<i>Byrne, Thomas.</i>
	<i>Cahill, Jackie.</i>
	<i>Calleary, Dara.</i>
	<i>Canney, Seán.</i>
	<i>Cannon, Ciarán.</i>
	<i>Casey, Pat.</i>
	<i>Cassells, Shane.</i>
	<i>Chambers, Jack.</i>
	<i>Coppinger, Ruth.</i>
	<i>Corcoran Kennedy, Marcella.</i>
	<i>Coveney, Simon.</i>
	<i>Cowen, Barry.</i>
	<i>Creed, Michael.</i>
	<i>Crowe, Seán.</i>
	<i>Cullinane, David.</i>
	<i>Curran, John.</i>
	<i>Daly, Jim.</i>
	<i>D'Arcy, Michael.</i>
	<i>Deasy, John.</i>
	<i>Deering, Pat.</i>
	<i>Doherty, Pearse.</i>
	<i>Doherty, Regina.</i>
	<i>Donohoe, Paschal.</i>
	<i>Dooley, Timmy.</i>
	<i>Doyle, Andrew.</i>

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	<i>Durkan, Bernard J.</i>
	<i>Ellis, Dessie.</i>
	<i>English, Damien.</i>
	<i>Farrell, Alan.</i>
	<i>Ferris, Martin.</i>
	<i>Fitzgerald, Frances.</i>
	<i>Fitzpatrick, Peter.</i>
	<i>Griffin, Brendan.</i>
	<i>Halligan, John.</i>
	<i>Harris, Simon.</i>
	<i>Haughey, Seán.</i>
	<i>Humphreys, Heather.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Enda.</i>
	<i>Kenny, Gino.</i>
	<i>Kenny, Martin.</i>
	<i>Kyne, Seán.</i>
	<i>Lahart, John.</i>
	<i>McEntee, Helen.</i>
	<i>McGrath, Finian.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>Madigan, Josepha.</i>
	<i>Martin, Micheál.</i>
	<i>Mitchell, Denise.</i>
	<i>Moran, Kevin Boxer.</i>
	<i>Moynihan, Aindrias.</i>
	<i>Moynihan, Michael.</i>
	<i>Munster, Imelda.</i>
	<i>Murphy O'Mahony, Margaret.</i>
	<i>Murphy, Dara.</i>
	<i>Murphy, Eoghan.</i>
	<i>Murphy, Eugene.</i>
	<i>Murphy, Paul.</i>
	<i>Naughten, Denis.</i>
	<i>Naughton, Hildegarde.</i>
	<i>Neville, Tom.</i>
	<i>Nolan, Carol.</i>
	<i>Noonan, Michael.</i>
	<i>Ó Broin, Eoin.</i>
	<i>Ó Caoláin, Caoimhghín.</i>
	<i>Ó Cuív, Éamon.</i>
	<i>Ó Laoghaire, Donnchadh.</i>

	<i>Ó Snodaigh, Aengus.</i>
	<i>O'Connell, Kate.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Loughlin, Fiona.</i>
	<i>O'Rourke, Frank.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Phelan, John Paul.</i>
	<i>Quinlivan, Maurice.</i>
	<i>Rabbitte, Anne.</i>
	<i>Ring, Michael.</i>
	<i>Rock, Noel.</i>
	<i>Ross, Shane.</i>
	<i>Ryan, Brendan.</i>
	<i>Scanlon, Eamon.</i>
	<i>Smith, Brid.</i>
	<i>Smyth, Niamh.</i>
	<i>Stanton, David.</i>
	<i>Tóibín, Peadar.</i>
	<i>Varadkar, Leo.</i>
	<i>Zappone, Katherine.</i>

Tellers: Tá, Deputies Clare Daly and Thomas Pringle;; Níl, Deputies Thomas Byrne and Regina Doherty;.

Amendment declared lost.

Question, "That the motion be agreed to," put and declared carried.

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

An Ceann Comhairle: Deputy Catherine Murphy has ten minutes.

Deputy Catherine Murphy: Do I not have a longer slot?

An Ceann Comhairle: You have ten minutes, according to my notes.

Deputy Catherine Murphy: I should clarify this as others had 30 minutes. I am sharing with Deputy Shortall.

An Ceann Comhairle: We can check that and let the Deputy know.

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Deputy Catherine Murphy: The O'Higgins report is one in a series of reports. It is important because it brings into context many of the allegations made by the whistleblowers. We are seeing some of the individual failings being played out. It cannot be said often enough that the selective leaking, particularly in managing the perception of what is in the report, has been outrageous.

Tánaiste and Minister for Justice and Equality(Deputy Frances Fitzgerald): Hear, hear.

Deputy Catherine Murphy: Anybody without the report before it was published could not read it and make a judgment about what the report found. It sought to damage Maurice McCabe, which is also outrageous.

The matters considered under the terms of the report have wide-ranging repercussions not just for political organisations and the Garda but for society as a whole. There is a letter from the Garda Commissioner clarifying matters.

An Ceann Comhairle: The Deputy is absolutely correct, there are 30 minutes in the slot.

Deputy Catherine Murphy: Thank you. A section of the letter reads, "I can confirm that An Garda Síochána's legal team was not at any stage instructed to impugn the integrity of Sergeant Maurice McCabe or make a case that he was acting maliciously". There is a bit of a paradox in that if one completely accepts that point - I do not want to second-guess the Garda Commissioner - there are two opposing stories and both of them cannot be right. If this is accepted at face value, one side is being taken. In the absence of other information, that is not the correct action.

It is only natural that people feel suspicious and the whole idea of the report is to start a healing process, find out what went wrong and make recommendations in order to ensure that it does not happen again. If there is a question of a dispute, how will we get to the heart of the mistrust? That must be nailed and people must be confident that something was not being said on the outside on one hand, that the Commissioner had full confidence in and was very complimentary of Sergeant McCabe, but on the other there was a briefing to a legal team suggesting something other than that. Even if that is corrected later, trust will not be built within communities or the Garda unless we have full explanations and understanding. People need to be able to accept what is being said.

The stated intention is one thing but the questions surrounding the briefing given by the Garda Commissioner's legal team are an essential issue if we are to restore confidence. There is no doubt that Sergeant McCabe was a very wise man to tape that meeting. It is appalling that he had to do it but had he not done so, we may well have ended up with a very different scenario for him. The report finds major shortcomings in line with what he indicated. He has done a service in that context.

We have all met people who were subject to crime, particularly violent crime where there was no prosecution. It is only in dealing with them that we realise there is a deep sense of frustration with a crime in itself, with the frustration copperfastened if the crime is not properly prosecuted or there is a failing in its prosecution. We all have people coming to us about such issues. I have met Lucia O'Farrell a couple of times and the first item on the front page of the report she gave me is a picture of her lovely son, who was murdered. She will spend the rest of her life trying to get justice and she is looking at somebody who was part and parcel of some of the failings in the process, although not in the same district. That is completely unacceptable.

The problem is that this is not the first report we have had and we have seen a series of them. There is some similarity in some of the recommendations of those reports and what we are discussing today. They include investment in modern information technology systems, which was included in the recommendations of the Garda Síochána Inspectorate report. Another recommendation was the development of in-service training programmes. Many of these are just replicated. I have no doubt that some of these are being acted upon on foot of other reports, but how many more reports are required to get to a point where we can have confidence in the process? It is not just about public confidence but confidence within the force. It is having a very obvious and understandable impact on morale.

I work closely with gardaí in my area and there is a pretty good working relationship. On nearly all the occasions I have gone to them, I felt I had a fair hearing when something needed to be looked at. We can consider how gardaí are deployed and supervised but less supervision would be needed in somewhere like Kildare because there is not a fair allocation of resources. We have the lowest ratio of gardaí to population. There are some crimes with a low detection rate, such as road traffic offences and some drug offences, not because they do not exist but because we do not have the gardaí to take a proactive approach in detection. There is a deep unfairness about how resources are allocated. That is an issue regarding supervision and how resources are deployed. Every year we get a policing plan and I contributed a report about how gardaí are deployed in areas where disadvantage has been developing. There has been no catch-up in those areas. I have sent it to the new Garda authority because the policing plan has been brought in here every year and for the last five years I have compared one policing plan to the next and it is a cut and paste job. There are a few minor changes, but it does not reflect things like crime rates and demographic changes. If it does not reflect them, it is a case of, as an assistant Garda commissioner said to me, what we have we hold, so we never get the kind of changes we need. We only get those changes in a reactive way where there is a big event, like what we are seeing in the north inner city. Then a reactive approach to policing is taken, rather than a proactive approach. It is only when one starts looking at the supports that have been taken out of some of the most disadvantaged communities that one starts looking at the areas in which this kind of major event will erupt. They do not happen to be dominant in places like south Dublin or some of the more rural constituencies; they will happen in areas where there is a degree of social disadvantage. The housing crisis and the mental health crisis have been added to the reduction of support for communities, such as the reduction in youth activation initiatives, the drugs task force funding, the community development programme, CDP, funding, and diversion funding. All of that is about a price being paid, but the price is paid in a reactive way, rather than a proactive way, which would assist in making sure we do not get to a point where there is a crisis and then there must be a response to it. In the same way we saw this happen in Limerick, we are seeing it in the north inner city of Dublin. Until people start realising this and planning to invest in those communities through that kind of programme, we will keep seeing these cycles of crime, and very serious crime at that.

The conclusions of the O'Higgins report are that the commission found problems at many levels within the Garda regarding the issues examined. One of the key findings of the report concerned the position of the sergeants in charge. Gardaí will always say that is the most important of the ranks. The sergeant is the person who organises and plans the work. In nearly every report that I have seen, that has cropped up as a failing. Some of the reductions in spending on the criminal justice system have been problematic as regards making sure those ranks can be filled. There is a problem in that, for example, there are situations where a sergeant is financially disadvantaged by taking a promotion. They might have to work overtime to make up the

difference. That is a failing: we will not fill the ranks with people unless there is a realisation that it will cost us money to put in the kind of supervision that is required to have a functioning force. Discouraging people from taking roles of responsibility is a recipe for disaster, not least because other findings of the report point to systemic failures of supervision and performance management throughout the force. With such serious failures, how can we legitimately expect the Garda to be capable of dealing with the day-to-day crime in communities throughout Ireland, let alone the murder spree in the capital city?

We need to know the optimum numbers of gardaí in the various tiers. We need a proper debate on that in the context of a budget, but we cannot separate that from the kind of funding that would, for example, go into youth programmes and diversion programmes. That has to be the other side of the same discussion. Other than that, it is a question of intervening to make sure we have a more equal society where we do not have areas where there are high levels of deprivation, so that we get to the cause of crime, as well as reacting to it.

Deputy Róisín Shortall: At the outset, I want to make a point about the very serious question of the leaking of the report. I must say that shades of the beef tribunal come to mind. It is entirely unacceptable that a report of this seriousness should be leaked in a particular way that resulted in us getting a very unbalanced account of what was in the report over a number of nights on RTE news. Action needs to be taken on that. More worryingly, in the reply to a recent parliamentary question I submitted on this issue, the Minister indicated that she was not going to take any action in this area at all. It is not acceptable and it should be addressed.

The O'Higgins report deals with a litany of failings in certain sections of An Garda Síochána. Of most concern is the fact that a woman was killed and undoubtedly official failings played a part. In many instances, victims were not treated properly or professionally. Probationer gardaí were not trained or supervised appropriately, whistleblowers were seriously mistreated and basic yet crucial duties, such as note-taking, checking PULSE records and other regular duties of gardaí, were not performed adequately. The report also serves as a reminder of ongoing concerns about the inadequacy of our bail laws, the frustrations of gardaí with the bail system, and the lack of accountability of the Judiciary in certain cases. It also details, in fairness, some good work undertaken by gardaí at several levels of the force. Overall, though, it draws attention to a number of significant failings of management in relation to the Garda, which must now be urgently addressed by the Minister.

However, the fallout of the O'Higgins report now centres on the actions of the legal team representing the Garda Commissioner at the O'Higgins commission. It has been widely reported that counsel for the Garda Commissioner claimed he was instructed to challenge the credibility and motivation of Sergeant Maurice McCabe during the course of the commission. It would appear that this was confirmed, because he apparently reiterated this after double-checking that instruction during the course of the proceedings of the commission. It was only after counsel for Sergeant McCabe became aware that this was to be the legal strategy of the Commissioner that Sergeant McCabe revealed the recording and blew that strategy out of the water.

I note the statement made by the Garda Commissioner yesterday, in which she states, "An Garda Síochána's legal team was not at any stage instructed to impugn the integrity of Sergeant Maurice McCabe or to make a case that he was acting maliciously". She then appears to admit that the legal team was instructed to challenge the credibility and motivation of Sergeant McCabe. Much has been made of the distinction between integrity and motivation but in most people's eyes questioning Sergeant McCabe's motivation is precisely the same as questioning

his integrity. Several issues arise from this, and the public needs straight answers to straight questions. If the Garda Commissioner did not instruct her legal team to question the integrity of Garda McCabe, then why did this happen, even after counsel double-checked his instruction? Leaving aside the word “integrity,” did the Garda Commissioner instruct the legal team to question the motivation and credibility of Sergeant McCabe? We need to know the answer to that question. If she did instruct her legal team in that regard then why exactly did she do so? On what basis did she take that action? What caused her to take a different view of Maurice McCabe in private from the one she took in public? What evidence had she that Sergeant McCabe’s motivation was not entirely well intentioned? On whose advice did she take this action, or does she believe she was lied to? These questions must be answered sooner rather than later.

From the public’s point of view, there appears to have been a plan to use the proceedings of the commission to again attempt to blacken the name of Maurice McCabe. In a most serious twist, the two gardaí who interviewed Sergeant McCabe in Mullingar were apparently willing to give what amounted to - at a minimum - false evidence against Sergeant McCabe. If Maurice McCabe had not been able to produce a taped conversation to prove that this evidence was false, that attempt may well have proven successful - and then, would we have known anything about what went on behind the scenes?

The public needs to know if the Garda Commissioner was aware of the apparent plan to provide false evidence to the O’Higgins inquiry. This is a fundamental question which needs to be answered. Why is the Garda Commissioner only now referring this episode to GSOC? What disciplinary action, if any, has been taken against the two officers in question? If none has been taken, why on earth has it not been taken? It is almost one year since Maurice McCabe produced the tape that proved he was telling the truth and that the two gardaí in Mullingar had in fact attempted to set him up.

The question must also be asked as to why the Tánaiste did not refer this matter to GSOC before yesterday. Clearly the Tánaiste has questions to answer with regard to that. Perhaps the Minister could also clarify why only the Mullingar meeting was referred to GSOC and not the Garda Commissioner’s legal strategy. Why is the Garda Commissioner’s legal strategy not being referred to GSOC? With regard to the Mullingar meeting, will the Tánaiste confirm that GSOC will be given access to the transcripts of Maurice McCabe’s recording, which is crucial? Will GSOC actually be able to carry out a full investigation into what transpired at that Mullingar meeting? The Commissioner does not have to breach any legal code or requirement to answer the very simple questions that have been asked of her. Whether it was her own doing or not, she has been drawn into this very serious public controversy and only a full explanation will end that controversy. The statement issued yesterday, however lengthy, does not provide a full explanation. It is in both her own interest and the public interest that she provide that explanation as soon as possible.

A significant question also needs to be asked as to why this exchange was not mentioned at all in the O’Higgins report or referred to GSOC by the commission. This is a very serious allegation which has been supported by the tape produced by Sergeant McCabe. Why has that incident not been referred to GSOC, either by the commission or by the Minister? This is a major concern, and it is extraordinary that Mr. Justice O’Higgins concluded that the incident did not warrant a mention. It is very hard to understand how he could possibly have come to that conclusion. One has to wonder what else has been left out of the commission’s report. Surely the whole point of the commission was to lay out the full facts and finally establish the whole truth of the matter. Leaving a very relevant part of proceedings out of the report is completely

unsatisfactory and undermines the entire value of the O'Higgins report.

Separately, it should be noted that the report from the two gardaí who interviewed Sergeant McCabe in Mullingar was apparently forwarded to a chief superintendent. Further to that, the Byrne-McGinn inquiry investigated Mr. McCabe's claims. Clearly, if the alleged McCabe admission of malice had arisen from the Mullingar meeting, it would surely have been highlighted in that report, but there was no mention of it in the Byrne-McGinn report in 2010. It is interesting to note that this report was heavily criticised in the O'Higgins report, yet there is no indication that any disciplinary action was taken in this regard - nor, strangely, is any recommended by O'Higgins.

With regard to the Garda attitude to whistleblowers, either the Garda authorities embrace whistleblowing or they do not. The commission highly commended Sergeant McCabe:

Sergeant McCabe acted out of genuine and legitimate concerns, and the commission unreservedly accepts his bona fides. Sergeant McCabe has shown courage, and performed a genuine public service at considerable personal cost. For this he is due the gratitude, not only of the general public, but also of An Garda Síochána.

Yet these are only words. If there was another Garda McCabe, would he or she have any confidence at all that the culture of secrecy and closing of ranks in the Garda had changed one iota? Would he or she be assured that malpractice had been minimised or that there were consequences for those who seriously neglected their duties? Crucially, would that garda feel that he or she could draw attention to wrongdoing and not end up being excoriated and vilified? How could this be the case?

The Fianna Fáil position with regard to the O'Higgins report is curious, to say the least. Fianna Fáil has studiously dodged the central issue, and I wonder why, but that is just a by-the-way. The responsibility for dealing with this matter falls fairly and squarely on the Minister for Justice and Equality, and she must now address the many issues that arise. There is considerable disquiet and public concern about what is coming out in a drip-feed manner from side reports regarding the O'Higgins report. To date, the Government's response has been wholly inadequate.

While there are good recommendations made regarding Garda practice and so on, the O'Higgins report falls on its statements on the recommendations. It was not asked to make recommendations but it did so. It is extraordinary that the last recommendation made in the report raises more questions than it answers. It says, *inter alia*, "It is hoped that the closing of this inquiry will enable the gardaí in the area to put the unhappy events, the subject matter of this inquiry, behind them...". If that is not the understatement of the year - "the unhappy events" - then I do not know what is. The report speaks about this happening a long time ago and drawing a line under it. That is the implication of that last recommendation. Crucially, it states, "Bearing the foregoing in mind [which is that it was a long time ago and the Garda wants to put the unhappy events behind it], and in the very particular circumstances pertaining, the commission considers that the institution of any disciplinary proceedings, which might conceivably arise out of its findings, would not be helpful." That is not why the commission was set up. It went beyond its remit to make recommendations when the principal recommendation was that we should draw a line under this and move on.

An Ceann Comhairle: The Deputy needs to conclude, please.

Deputy Róisín Shortall: It is not on to do that. There is considerable public concern about the issues that arise here. We will not be able to move on or restore confidence in the Garda Síochána and, crucially, we will not be able to restore any kind of confidence in the ability of the Minister for Justice and Equality-----

An Ceann Comhairle: Please conclude, Deputy.

Deputy Róisín Shortall: -----to run the justice system unless those key questions are answered.

An Ceann Comhairle: I thank the Deputy for her co-operation. Deputy Eamon Ryan has 30 minutes.

Deputy Eamon Ryan: I will only take half of that, a Cheann Comhairle, if that is okay.

An Ceann Comhairle: That is okay.

Deputy Eamon Ryan: I very much appreciate the chance to speak on the O'Higgins report, as it throws an invaluable light on the nature of our policing and judicial systems as well as our inquiries system in this State, which is something we have to take with huge seriousness. We start with the foundation principle as set out by the first Garda Commissioner, Mr. Michael Staines, which many Deputies have reflected on in their contributions, which is that a police force "will succeed not by force of arms or numbers but on their moral authority as servants of the people".

The roots of the word "sergeant" come from "to serve" and the one clear message out of this is that Sergeant Maurice McCabe has lived up to that ideal and aspiration. As a sergeant, he has come out of this report and process with great honour and respect. Yes, Mr. Justice O'Higgins states on occasion that perhaps he talked up some aspects of what happened but, in truth and consistently, he is seen as someone who is seeking the truth and to enhance the moral authority of the Garda and as someone who is willing to serve as a public servant.

My personal sense of dealing with the Garda - my assessment of our police force - is a positive one. I think most people in Ireland have a similar experience and trust their local guard. I grew up as a campaigner organising protests in this city. Routinely, I would go down to the sergeants in Pearse Street and in an informal and flexible way would tell the guards what we were thinking of doing. It was disruptive, difficult and not easy, but they were flexible and accommodating and they built up trust by the way in which they policed the city centre. That was my experience.

I also had an unfortunate experience, having spent a fair bit of time in the District Courts for various reasons watching our criminal justice system in action. Anyone who is close to that system would acknowledge that, unfortunately and, it is sad to say, undermining the moral authority of our system, our guards, fairly routinely in those courts, the lowest courts where the attention and gaze is not focused, do not always tell the truth. They cut corners and act in a way which undermines their moral authority and makes the case worse in the long run.

One only has to go outside the gates of this House. I am sure most Deputies and people involved in this House at various stages in the past five or ten years saw various forms of protest which were policed in different ways. Often the nature of the policing is down to stuff that is not tangible but which makes a world of difference. We see some guards in what is admittedly

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and undoubtedly a stressful and difficult situation react to that situation in a way that makes it worse and undermines their moral authority by the aggressive nature in how they respond. We see other guards, however, in the exact same circumstances who, simply in the way they stand, hold the line and behave, enhance authority and, to my mind, reduce the difficulties and the public disorder which they are there to police and to try to protect against.

For every failing of the guards, we also see guards going to incredible lengths. Take, for example, the Graham Dwyer case and Garda James O'Donoghue. This is not to be found in a rule book. We cannot easily say exactly what one should and should not do according to a rule book. What drove him to go back to the reservoir in Roundwood? He thought, "The first trawl we did, the water was not quite visible; I am going to get into the mud and spend my time up to my knees sifting through the mud." This was because he thought there was a wild, outside possibility that there might be something else there. He found a Dunnes Stores loyalty card with a name on it and a phone, which were then used as evidence in that murder trial. I think this restored faith, because this was an example of a guard going beyond the call of any duty to show what can happen when policing is done in that sort of way, as did a number of his colleagues in the same case. They dealt with and built up evidence through their dedication. This seems to me to be the same attitude as that of Sergeant Maurice McCabe, which was to be willing to go beyond what anyone would expect. No one would have expected Sergeant McCabe to have shown that same persistence, that is, the same digging into the mud of what was not working in his own county and station. That is what we have seen here in the way that he developed and sought to improve the police service of which he was a part.

Before talking briefly about the nature of what we have learned about policing in this report, it is important to recognise that there is a bigger question and issue about the nature of our investigations in the State itself. Much of this revolves around how we treat and manage evidence. I notice that Mr. Justice O'Higgins states that in his inquiry he sought to follow the path of constitutional and natural justice. It is important we do that. As I understand it, a case is coming before one of our courts where a previous tribunal, the Mahon tribunal, was fatally and fundamentally undermined because of the non-sharing of evidence with people who were accused. It has seen that incredibly expensive and drawn-out process completely undermined. The basic rules of how one treats evidence in a way that meets the requirements of constitutional and natural justice were not followed. We are not good in how we do inquiries; we have not found the secret to success yet.

I listened to the passionate and articulate contributions of Deputies Wallace and Daly in this House yesterday. Again, we saw how they were treated. The problems of the former Minister, Mr. Alan Shatter, and his need to resign lay in his using of evidence the guards had found in terms of a misdemeanour in the use of a mobile phone, which was a completely inappropriate use of Garda evidence and which should and inevitably did lead to the consequence that his authority as Minister for Justice and Equality was completely undermined. It said something about the guards that it was possible for that sort of evidence to be used in that way. It undermines the authority of the guards and how evidence is used. Likewise, it can also be said of how Deputy Daly was treated in terms of the false accusation and case against her which was ultimately dismissed.

We have a problem ourselves in this House. I was removed, or away, for the past five years. However, in terms of how the Committee of Public Accounts worked in collecting evidence and managing our inquiry, we have not got it right. We know ourselves that sometimes in the committee room, when someone is presenting, it can turn into a court-like theatre and the in-

instinct can be really to hammer the person and show how brilliant one is as a parliamentarian by digging deep. However, we also have questions to answer in how we manage that process. It is not as if we are beyond reproach in terms of how investigation works.

We now have this report from the commission of inquiry and again we are faced with real questions about how evidence in this case has been presented and leaked and whether it was, as claimed by Mr. Justice O'Higgins, who was seeking it, a non-adversarial and more inquisitorial approach. Was that really the case? What was it the Garda were seemingly clearly doing in trying to undermine Sergeant McCabe by alleging that in the original complaints in Mullingar in August 2008 that he had certain motives?

12 o'clock Whether we call that malice or questioning integrity, or whatever words we use, they were seemingly trying to undermine the one person who was digging in the mud to find the truth and trying to set higher standards within the Garda Síochána.

The way evidence was managed in this case is important. It is interesting to note one of the first things Mr. Justice O'Higgins stated in the report. It is on page 11. He states: "the compliance with the obligation of making discovery by the gardaí was unsatisfactory" and then goes on to say, "A large volume of documents were not provided in a timely fashion". He further states: "However, the manner in which such cooperation manifested itself was, on occasion, quite inadequate – the commission expected better from An Garda Síochána." There are real questions to answer. Why was that the case in an inquiry all about the way evidence is presented and managed? It is remarkable that the report had to start with that admission.

The inquiry is amazing in the way it brings us back into daily life in our country. A person could be on a bus at 2 a.m. coming back from a disco or outside a disco at 3 a.m. It speaks to the dramatic and sometimes mundane reality of what policing is like. It is difficult. It cannot be easy when a garda arrives at a fight at which someone is being hit and people are drunk and do not know what is happening. That is not easy. It is not easy to know the right thing to do. I imagine policing is sometimes a subtle thing. Policing is a tough job. We do not want to end up with a police force that is all about writing everything down and following the rule book to the nth degree if it means those responsible cannot get anything done. Sometimes for a garda, it is a question of a walking out into a lake up to his knees in mud and having to sift through it, not because it is part of the procedure he must follow but because he is following an instinct. I imagine when a garda arrives late at night to a difficult situation and there are all manner of personal things at play, the way he dispels the violence, calms things down and sorts it out is remarkable.

We must give our gardaí the flexibility to use their judgment. However, we also need them to be really top-notch. The report details a litany of occasions on which evidence was not followed up or not collected and statements were not pursued. There was an underlying truth in what Garda McCabe was saying - in other words, our police force needs to be better. This is not the first time we have heard it. We found that out from the Morris and Smithwick tribunals. There have been consistent messages around that issue. The report is about the nature of policing throughout the State every day. The Department and An Garda Síochána should forensically examine this report to see how to encourage a culture that makes it better.

I have a slight concern. Part of the problem resides in the Department of Justice and Equality. The Department also has a responsibility. One could pick many instances in which the Department was not fast, open or transparent in processing information. I have in mind the

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letter to the former Minister, Mr. Shatter, that never reached him. Faster action would have dispelled one of the controversies of recent years. Anyway, there seems to be a cultural difficulty. Ultimately, the Department has to take responsibility for this. A series of tribunals have questioned the nature of the Garda, its investigation system, how it deals with abuse and how we have ended up in this fix, which is deeply damaging to the reputation of An Garda Síochána as well as our sense of ourselves and the State we live in.

The Minister should look within her own Department and not only to the Garda Commissioner. There are wider considerations, to which Deputy Shortall adverted before me. Another thing that comes out of the day-to-day assessment is a gaze on the wider judicial system. This is an indication of how important the report is. It opens up questions about our public service, the Department, the Government and our policing and court systems. We must ensure we use this report in a way in which, seemingly, we have not used previous reports in order to change the basic structures of our policing and judicial systems. If we do not, this will be a missed opportunity.

I look forward to hearing the outcome of the Garda Síochána Ombudsman Commission inquiry into what happened in respect of what can only be described as the deliberate undermining of Sergeant McCabe. It is of the utmost importance that the GSOC inquiry is treated with real urgency and candour. It is one of the key elements that remain to be resolved, although it is not the only one. Fundamental reform of our system is required. It is not that our police or gardaí are bad - we know that. However, the culture is not serving the Garda or our people, and that needs to change.

Deputy Catherine Connolly: Seo í an tuarascáil. Tá sí léite agam cé nach bhfuil sé éasca í a léamh, ach tá sin tuillte ag na hÍobartaigh, muintir na tíre agus go háirithe An Garda Síochána mar tá sé thar a bheith tábhachtach dúinn. Ní féidir sochaí shibhialta a bheith againn gan mhuintir a bheith againn as An Garda Síochána. I have the report before me. Apart from the appendices, it runs to 369 pages. I have taken the trouble to read it, every line and page of it. If the Minister for Justice and Equality or the Commissioner had read it - there is still time - they might have given different statements. The Minister referred to some investigations being defective. If she had read the report, she would have found out that Mr. Justice O'Higgins said every investigation that he looked at was defective. I will come back to the Commissioner's statement about her difficulty in communicating instructions. I do not accept that there could be any difficulty, but I will come back to that.

Let us place this report in context. We have had the Morris tribunal, as referred to already by Deputy Ryan. It found corruption and neglect. Not long ago, Mr. Justice Morris attributed corruption and neglect to a number of gardaí in Donegal. At a conservative estimate, that tribunal of inquiry cost over €100 million, including the legal costs and the cost of compensating victims significantly. In addition to the two main victims, some 55 further civil actions have arisen. The taxpayer quite rightly picked up the tab for the victims in that case. Then we had the Smithwick tribunal, which reported in December 2013. It clearly found collusion between the Garda Síochána and the IRA.

On top of that, GSOC has been involved in this inquiry and other investigations. As far back as 2013, GSOC expressed the most serious concern that the recommendations of Mr. Justice Morris had not been implemented and that the culture was not conducive to implementing those recommendations. All of this is against the background of other investigations, although I will not use my time to go into those investigations.

Strangely, in the preface and acknowledgements of the report, Mr. Justice O’Higgins makes a most serious statement. This has already been referred to by Deputy Ryan. On page 11, Mr. Justice O’Higgins stated:

The commission is pleased to acknowledge the cooperation it received from all persons. However, the compliance with the obligation of making discovery by the gardaí was unsatisfactory.

This was in 2015, notwithstanding all the history of investigations. He went on to state:

A large volume of documents were not provided in a timely fashion, and as late as 12th October 2015, the commission was informed that many documents had not been discovered. In circumstances where these documents were readily available in Bailieboro garda station - the epicentre of this investigation - the failure to disclose them at the outset was disappointing and difficult to understand.

He went on to say that the late discovery of these documents by the gardaí was unhelpful and frustrating and that the commission would have expected better from An Garda Síochána. In other words, there was non-co-operation in 2015.

Before I go any further into the body of the report, I wish to note that as a councillor my experience has been that the people want community policing. They want a good relationship with the Garda and they want gardaí on the ground. Without this, we cannot have a civilised society. You know, Acting Chairman, of the importance of this service and how the lack of policing has led to the terrible situation in inner-city Dublin. The representatives of that community still want the gardaí. Sergeant McCabe is an exemplary role model for the good gardaí on the ground because he persisted against all the odds, against the bullying, harassment, “Maurice the rat”, and disciplinary proceedings, which the commission notes as extraordinary. Maurice McCabe was the only person named in Chapter 11 who was going to be subjected to disciplinary proceedings in the context of major sexual abuse by Fr. Molloy of a 14 year old boy. These incidents arose in 2007 and 2008 at a time when the Government of the day had no problem deploying gardaí to Mayo to police on behalf of Shell, a multinational, for-profit company, against the people. I was there and witnessed it. I have the photographs. I was photographed by gardaí and I photographed them as we stood in solidarity with the people and millions of euro of taxpayers’ money was spent on policing. At the same time Bailieboro Garda station was not fit for purpose. The Commission visited and confirmed that it was not fit for purpose and not “conducive” to good policing. That was during the Celtic tiger and since, and now, although the economy has recovered, it remains so.

In his introduction in chapter 1, Mr. Justice O’Higgins sets out what is involved and refers to various investigations, including the Morris tribunal. In 2006, the Morris tribunal identified the importance of a garda being able “to speak in confidence with a designated officer in garda headquarters should they have concerns about misconduct”. Deputies Daly and Wallace spoke yesterday of their concerns about the ongoing difficulties in the midlands in respect of whistleblowers who do not feel protected. This is 2016 and it was a concern of the Morris tribunal in 2006.

In chapter 2, an approach to the inquiry, Mr. Justice O’Higgins points out that it lasted for 34 days, sitting from 10 a.m. to 6 p.m. I congratulate those who worked solidly during that time for the common good. A total of 97 witnesses were called. He is at pains to say that this was not

an adversarial system but an inquisitorial one to bring out the evidence as best as possible. The Commissioner said she was under a duty to instruct that there would be more or less vigorous cross-examination in respect of Sergeant McCabe's credibility. I do not accept at all that she cannot tell us what directions were given.

In chapter 3 Sergeant McCabe is described as:

... the central figure in this commission of investigation. He is a dedicated and committed member of An Garda Síochána. He has brought to public attention certain investigations where the public was not well served. He has also highlighted certain legitimate concerns about procedures and practices in place at Bailieboro garda station. [I will continue to read because of the leaks already highlighted by Deputies and the damage to his reputation. It is important to balance that.] The events leading up to and including this commission of investigation have been extremely stressful for him and for his family over a long period of time. In particular, he considered that he was being wrongly blamed for certain errors in the investigation of the Fr. Michael Molloy case, and he was subjected to disciplinary proceedings for the first time in a long career. [It is acknowledged later on that there was no foundation to any disciplinary proceedings.] This was especially upsetting for him because he had no part in that investigation. He also had reason to believe that he was being "set up" and wrongly implicated in relation to important aspects of the Jerry McGrath investigation.

This was particularly upsetting for him because Mr. McGrath went on to murder a woman on 7 and 8 December 2007. The judge did say that he was "prone to exaggeration" or overstated matters but failed to put that in context. That description arises from the fact that on occasion Sergeant McCabe, despite his best effort, was unaware that perhaps a superintendent, like Clancy, was also taking action. Those slightly negative comments should have been put in the context of his persistence against all the odds in bringing matters of public concern to our attention at great cost to himself. This goes back to the Commissioner and the Minister. On page 24, Mr. Justice O'Higgins states: "Some people, wrongly and unfairly, cast aspersions on Sergeant McCabe's motives; others were ambivalent about them." Who were these people? Why are they not identified? Were they the two gardaí who are now the subject of the GSOC inquiry? We do not know. Do they include the legal team on behalf of the Commissioner? The judge goes on: "Sergeant McCabe acted out of genuine and legitimate concerns, and the commission unreservedly accepts his bona fides. Sergeant McCabe has shown courage, and performed a genuine public service at considerable personal cost. For this he is due the gratitude, not only of the general public, but also of An Garda Síochána... [He] is a man of integrity, whom the public can trust in the exercise of his duties." Sergeant McCabe deserves that.

The judge continues: "In the circumstances outlined [...] the commission considers that there was a corporate closing of ranks. The commission does not consider that this was done consciously or deliberately. There was no question of bad faith." This is interesting. The Byrne-McGinn inquiry gave a five page summary to Sergeant McCabe. The commission acknowledges that the "investigation did nothing to instil confidence in him that his concerns had been properly addressed". He says that Byrne and McGinn upheld quite a substantial number of his complaints although that was not fully communicated to him as far as I can make out.

The chapters dealing with the various incidents find that all the investigations were defective and had serious flaws. It behoves the Minister and the Commissioner to read this and not to try to belittle it by saying "some". They should, having read the report, say how they will deal with this in a comprehensive manner that we can trust. We deserve that but the victims

deserve it more.

In respect of chapter 4 and the Kingscourt bus incident, the bus driver contacted Bailieboro Garda station to complain about the behaviour of several individuals. It was treated very lightly. The commission concludes: “Ms. Browne underwent a harrowing experience and was entitled to have the matter dealt with competently and professionally by the gardaí. Unfortunately, as is evident from the findings of the commission [...] her legitimate expectations in this regard were not met.” The investigation of the incident by Superintendent Heller “was not particularly thorough”. That was followed by an investigation by Byrne and McGinn and significantly a core document was not made available to them. That was the detailed statement of Ms Browne who said she was terrified.

Deputy Coppinger touched on this matter yesterday when she referred to gender violence. I agree with her, and the case jumped out at me. This incident and a subsequent incident involving Ms Lynch and another woman who was screaming on a bus were all dealt with in a very summary and non-serious manner by the Garda. It is something to which the Garda and the Commissioner need to return. The commission notes that the garda in question demonstrated little enthusiasm about pursuing the matter and discouraged Ms Browne from proceeding. The PULSE entry noted that the statement of complaint was withdrawn and the parties resolved the issue amongst themselves. There was an offer of an apology and a €150 dinner voucher, which the victim did not accept. This is an incident in which a woman who had vast experience of driving a bus and taxi in Dublin was terrified. The investigation of the incident was very poor.

Chapter 5 deals with an assault at the Lakeside Manor Hotel. A man was assaulted. His facial injuries were not insignificant and there was a positive possibility that he had lost consciousness. A garda told the accused there was CCTV footage of the accused striking the injured party. No such footage existed. The investigation was characterised by delay, and Sergeant McCabe’s complaints were not adequately addressed in the subsequent Byrne-McGinn report.

Chapter 6 deals with two incidents involving Jerry McGrath, who is currently in prison for committing murder. Ms Lynch, a taxi driver in Kells, suffered a serious assault. Instead of being charged with a section 3 assault, Jerry McGrath was charged with a section 2 minor offence. When the case came before him, the judge described it as the worst aggravated assault he had ever dealt with, according to the note of the inspector who was present at the court case. The report states that Ms Lynch suffered a terrible ordeal and, but for her considerable courage and quite remarkable presence of mind, the consequences might have been considerably worse. It goes on to state that she dealt with her ordeal in a quite remarkable manner and it was regrettable that in those circumstances she was not given the opportunity to address the court. The deficiencies in the Virginia investigation are outlined in detail.

The separate incident involving Mr. McGrath, who is currently in prison, was his entry into a house in Tipperary as a trespasser. Quite incredibly, a minor assault was noted. He took a young child downstairs with his hand over her mouth, and was, in effect, abducting her from her home. He was on bail when he did that and was again granted bail afterwards. For a previous victim who had been assaulted, it was noted as a minor assault. The report’s conclusion is that Mary Lynch was the victim of a savage assault and only escaped far more serious injury through her bravery and initiative. The investigation into the offence was characterised by delay and a lack of effective supervision of the investigating member. Ms Roche-Kelly was not well served by the fact that a considerable period of time elapsed in deciding who should investigate the complaint. This is something that is repeated in the report - namely, the failure

to identify a person, garda or sergeant in charge.

Chapter 7 deals with an incident in a restaurant. A garda told an injured party that a complaint had gone to the DPP, but that was incorrect. Quite shockingly, there is criticism of Sergeant McCabe by the Garda and the Byrne-McGinn report which was not upheld in any way. There was a question, even then, of disciplining Sergeant McCabe. Luckily, that did not happen at that point.

Chapter 8 deals with the assault of a 17 year old girl. There was no prosecution and no medical examination took place. The interview is described as dismal and there were contradictions between various gardaí as to whether it was a sexual or non-sexual assault. Reading it as a woman and a mother, I feel there were certainly grounds to consider it a sexual assault. I again refer to the points made by Deputy Coppinger in regard to the handling of violence against women.

Chapter 9 deals with dangerous driving. On 27 December 2007, three people were hit by a speeding car. Luckily, they received only minor injuries. The investigation, the commission states, never recovered from the fundamental failure of who was investigating it. Quite incredibly, disciplinary proceedings against Sergeant McCabe in this investigation were contemplated and Mr. Justice O'Higgins said if they had gone ahead they would have been entirely misconceived and unjustified.

Chapter 10 deals with an assault at Crossan's public house. A victim was assaulted and brought to hospital with a minor head injury. The victim made a statement which was subsequently withdrawn. Again, the Byrne-McGinn report, according to the commission, suggests that the complaints made by Sergeant McCabe were largely unfounded, when in fact Mr. Justice O'Higgins said the complaints were mainly justified. The commissioner was left with the impression that there was a reluctance to deal with the complaint of Sergeant McCabe on its merits. The statement of withdrawal was a matter of central importance in the investigation. The fact that it was the main reason for the charge and proceedings is not stated in the Byrne-McGinn report. It is not surprising that Sergeant McCabe was sceptical of the findings of the Byrne-McGinn report on this incident. In regard to trust, Mr. Justice O'Higgins said that unfortunately in this instance the trust of the victim and her husband in the Garda was not justified.

Chapter 11 deals with the Fr. Michael Molloy investigation and a computer which remains missing. On 11 September 2007, a man made a complaint that his son had been sexually abused by Fr. Michael Molloy. On 22 July 2009, Fr. Molloy pleaded guilty to one count of defilement of a child under the age of 15 years, one count of defilement of a child under the age of 17 years and one count of possession of child pornography. The conclusion of the commission is that the investigation was seriously flawed because of the matters set out in detail in the report. The commission was unable to ascertain what happened to the computer. It is significant that the report states that it is difficult to understand why Sergeant McCabe was the only person subjected to disciplinary proceedings with regard to the missing computer. These are the incidences to which the Minister refers as "some". The Commissioner has not referred to those instances in any way whatsoever.

In regard to the final two paragraphs of the report, the former Minister, Alan Shatter, deserves unreservedly to have his name vindicated because of his quick response when the complaint was made to him. The allegations of fraud regarding some of the senior members were not upheld, but the vast majority of Sergeant McCabe's complaints were. They may not have

fallen under the category of corruption, but they certainly fell under categories such as neglect of duty. There were basic failures, such as the failure to hold identity parades, take dated statements or follow up on matters, the charging of people with the wrong offences, the minimising of assaults and so on. Perhaps different members of the public would categorise those failures in a different manner; some may call them corruption. There are certainly serious concerns that have to be investigated.

In terms of police conduct, I find it difficult to understand the statement by Mr. Justice O’Higgins that Bailieborough Garda station did not have an impact on policing and that the gardaí acted in a personal capacity. It seems to me that one cannot tell this story without taking into account the Garda station and the state in which it was left in the middle of the financial crisis. We learn from the report that “Bailieboro Garda station was built around 1870 as a barracks for the Royal Irish Constabulary.” We are told, “A flat-roofed single storey extension was built in or around 1970.” In addition, “In 2007, a two-floor pre-fabricated building was constructed in the station yard in an effort to improve conditions. In 2008, work was done to the interior of the building”. Judge O’Higgins said there was general agreement that Bailieborough Garda station was not fit for purpose. The Judge said: “It is not necessary to document all the defects or inadequacies in the garda station, which was in a run down and unfit condition.” However, he provided a list of the more notable defects, which I will not outline in full as they amount to a page and a bit. They include unsuitable reception facilities to process arrested persons, the lack of a suitable space to allow gardaí to conduct an identification parade, inadequate clerical officer work space, an unsuitable blood-urine doctor’s room to process suspected excess alcohol cases and the fact that sewage backup can occur which causes a foul odour in the station.

They were the conditions under which we let the Garda Síochána work. To quote Judge O’Higgins, “The conditions in Bailieboro garda station were deplorable, and were not conducive to either good policing or good morale.”

The report went outside its remit in terms of its recommendations and like Deputy Shortall I find the final bullet point from the judge extraordinary. He said:

Bearing the foregoing in mind, and in the very particular circumstances pertaining, the commission considers that the institution of any disciplinary proceedings, which might conceivably arise out of its findings, would not be helpful.

I find that an extraordinary conclusion. There have been so many hearings and investigations that I understand why we would be reluctant to undertake any more investigations. We have had one investigation after another, some better than others and some more defective. We cannot forget that today there are members of the Garda who are petrified or out on sick leave because of the way they are being treated, despite all the legislation that has been introduced. There has been no sea change among certain members of the Garda Síochána. After reading all of the report I must say I cannot put the blame on gardaí in the junior ranks. They must take personal responsibility for their failure and learn from them but the focus must be on the superintendents, chief superintendents, assistant commissioners and Commissioner. The commission notes there was a rota of senior members going to Bailieborough Garda station and then leaving. The maximum time they spent there was 18 months, which does not allow for stability, proper supervision or provide a system where gardaí feel they are being nurtured, mistakes can be openly acknowledged, brought to the attention of superior officers and addressed.

I have had the time and privilege to reflect on the matter from the time it was first mentioned

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by the Opposition parties in the Dáil, which forced the Minister and the Commissioner to examine the issue. Having taken the time to read the report I am most unhappy with the Minister's statement and that of the Commissioner. I do not feel they have read the report. Neither do I feel they have appreciated what Sergeant McCabe and other gardaí have gone through when they persisted in bringing the defects to the attention of more senior gardaí. It is important that we get to a stage where we acknowledge that and we work with the Garda Síochána. In a sense, I understand what Judge O'Higgins said, in that the Garda has "worked under the shadow of those events" for some time. It is time to move on, but one cannot move on without learning from mistakes. Judge O'Higgins points out repeatedly that one must learn from mistakes so, in a sense i nGaeilge, tá abairt amháin ag teacht salach ar abairt eile - one side is contradicting another.

I would be much happier if the Commissioner and the Minister had made a more open statement and expressed some outrage or horror that Sergeant McCabe and his family had to go through all of this, and the other gardaí who are going through it, notwithstanding the Morris, Smithwick and Barr tribunals, the latter to a lesser extent, and to say that was unacceptable. In addition, GSOC also repeatedly pointed out that the Garda has not come on board. When I say the Garda I refer to Garda management.

The Commissioner is hiding behind the shield of her instructions. There is no obstacle to her telling us what instructions she gave to her legal team. The report was leaked on a drip-by-drip basis to reduce the standing of Sergeant McCabe in our eyes. The Commissioner has a duty to come in and tell us what instructions she gave.

Acting Chairman (Deputy Thomas P. Broughan): Deputy Peter Fitzpatrick is sharing with the Minister of State, Deputy Regina Doherty. Is that agreed? Agreed.

Deputy Peter Fitzpatrick: I welcome this opportunity to participate in the debate on the report of the O'Higgins commission. I thank Mr. Justice O'Higgins, a highly distinguished retired High Court judge, for his comprehensive report. The report is of the highest standard and clear in its findings. The Government has accepted the report and has undertaken to act on it.

The O'Higgins commission of investigation was established to investigate and report on certain matters in the Cavan-Monaghan division of the Garda Síochána. It arose as a result of the May 2014 report from Sean Guerin to An Taoiseach concerning allegations made by Sergeant Maurice McCabe. As a result of that report the Government accepted that a commission of investigation was in the public interest so as to ensure that the public continue to have confidence in both the Garda Síochána and the criminal justice system.

While it is clear that the report found evidence of human error by members of the Garda in relation to various incidents included in the commission's terms of reference, it also clear that no evidence of Garda corruption was found. However, a number of failings were identified and included individual gardaí who failed to discharge properly their investigating functions; delays in undertaking investigations; poor note taking; and failure to interview key witnesses and to register aspects of certain incidents properly on the PULSE system.

In relation to Sergeant McCabe it must be noted that the report concluded that he was a man of integrity and as the Tánaiste has stated, "performed a genuine public service at considerable personal cost". I also agree with the Tánaiste's statement in the House yesterday that Sergeant McCabe is due the gratitude not only of the general public but also of An Garda Síochána and

this House.

The report went on to say it found that certain allegations of corruption in relation to senior officers were untrue. With regards to former Garda Commissioner Callinan the report clearly states that there was absolutely no evidence to support any allegation of corruption against him.

The former justice Minister, Alan Shatter, was also found to have acted properly at all times in handling the issues that came before him. Despite all of that, it is clear that victims of crime were failed by An Garda Síochána. That is totally unacceptable and we must ensure that it does not happen in the future.

As the Tánaiste indicated, she met with Mary and George Lynch and was inspired by the bravery shown by Mary, not only on the night of that dreadful attack but also since then. I put on record my full support and admiration for Mary. She was failed by the system and it is incumbent on us as legislators to make sure that is not repeated in the future.

While it is clear the system has failed on this occasion it is important to note that a number of reforms have taken place since then which include the establishment of a new independent Policing Authority to oversee the performance of the Garda in relation to its functions. The Protected Disclosures Act 2014 was also introduced to give enhanced protection to whistleblowers. The Freedom of Information Act was also extended to include An Garda Síochána. In 2014 the Garda Inspectorate published a comprehensive report on crime investigation and as the Tánaiste has already stated, significant work is under way to continue to implement its recommendations.

With regard to the new programme for Government, we have committed to spend more than €205 million on new technology and ICT which will equip the Garda to combat modern crime. In my constituency of Louth I have attended many meetings with the local policing forums and it is very pleasing to hear that crime rates have decreased dramatically in the area. Unfortunately, one reason for the increased resources being deployed to Dundalk and its surrounding areas was the callous murders of Garda Adrian Donohue and Garda Tony Golden. These callous murders, for which the murderers still are at large, demonstrate the ultimate price some members of the Garda pay in their service of the State.

To conclude, I have heard many Deputies criticise the Garda, the Government and the commission but the report is of the highest standard and is clear in its findings. I fully accept the report and am happy the Government has undertaken to act on its findings. Members must not forget who are the real victims of these failings, namely, brave people like Mary Lynch. I urge Deputies not to try to play political games with the commission's findings but instead to engage in constructive dialogue with all sides of the House to ensure the failings identified in the report are not allowed to be repeated in the future.

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): At the outset, I thank Mr. Justice O'Higgins and his staff for their work and I congratulate him on the report. He took on a difficult and conjugated task and worked flat out to uncover the facts and to report them honestly and fairly in a report that addresses the issues and obviously makes many recommendations.

In recent weeks, the focus in the media has been on background issues regarding what different legal counsel said or did not say and, in the main, the O'Higgins report has been ignored and overlooked, which is an awful pity. Moreover, the report's findings have been lost in the

media and the political debate. This is disappointing because the entire reason for establishing the commission of investigation was to investigate the serious allegations made concerning An Garda Síochána. The report found evidence of human error by members of the Garda in a number of incidents but found no evidence of Garda corruption. The report found that in some instances, the investigative functions of the Garda were not discharged properly and there were unacceptable delays, poor note-taking, failure to interview key witnesses and incorrect registry of incidents on the PULSE system. The report is extremely critical of the manner in which victims were treated and this is clear and stark in the failings that were addressed there.

Consequently, the findings of the report obviously are disappointing for all those who respect the work of the Garda and who place their faith in the men and women who commit their lives and - as is evident with regard to recent events - in many cases risk their lives to serve the community, the country and its citizens. I have no doubt but that the people who are most disappointed in the findings of the report are members of An Garda Síochána themselves. It is important that Members consider the report, learn from it and implement its findings in order to reinstate and re-instill the pride people have in the force. While the report finds that some issues raised by Sergeant Maurice McCabe did not turn out to be valid, it also states his evidence was truthful. Sergeant McCabe is a very brave member of An Garda Síochána. He saw things he believed to be wrong within the police force of which he is a member and took steps to highlight and resolve them. The report and its findings would not be available today and the commission would not have been established without him. The goodwill that will flow from taking steps to address the problems identified in the report is the legacy of Sergeant McCabe's brave stand.

The report found no evidence of wrongdoing on the part of former Garda Commissioner, Mr. Martin Callinan, or former Minister, Mr. Alan Shatter, and stated they both behaved appropriately in their handling of Sergeant McCabe's complaints. It is important to make this point in this Chamber as all too often Members live in a world with social media and the 24-hour news cycle where allegations are made by people in the public domain that are unfounded but by the time the facts are known, the legend of the story has eclipsed the truth of the evidence and the media attention has moved on. It is important to note in particular those findings in the report and I wish my colleague, former Minister Alan Shatter, and the former Commissioner, Martin Callinan, well in their futures.

In the future, Members must consider what Mr. Justice O'Higgins has recommended in his report to address the failings that have been identified. Among his recommendations are the clear need for guidance in the duties of Garda sergeants, the introduction of a system of performance management and better management of cases that are being investigated. I believe Members of the current Dáil, including the Taoiseach, the Tánaiste and the Government, the Policing Authority and, most importantly, every single member of An Garda Síochána, including Commissioner O'Sullivan and Sergeant McCabe, wish to see the recommendations of the O'Higgins report implemented and the current programme of reform in the Garda continue to its natural end. The people always have taken pride in the men and women who put on the uniform of An Garda Síochána every day. That pride is built on trust. The findings of the O'Higgins report highlight the failings in the current system but also give Members the tools to fix them, which now must be their priority.

Deputy Lisa Chambers: The commission of investigation was established to look into allegations of malpractice in An Garda Síochána in the Bailieboro district and included an investigation into the manner in which the complaints of Sergeant McCabe were dealt with by An Garda Síochána. I welcome the report and thank Mr. Justice O'Higgins for his work in

compiling this report and investigating the matter. It is important to note that in his report, Mr. Justice O'Higgins states:

It would be quite wrong to regard the investigations examined and criticised by the commission as being indicative of the general quality of investigations in the Bailieboro district. To do so would be most unfair to the gardaí in that district, who have worked under the shadow of allegations for many years. ... Although this report is critical of individual gardaí in specific investigations, it would be unfair to regard those criticisms as applicable to the quality of their work in general, or to consider the actions criticised as typical of their performance.

It is important to make this point because when matters get heated and people are in a difficult situation, they can often lose that objectivity and, for want of a better phrase, tar everybody with the same brush. This is not a witch hunt and in times of crises and when things become difficult, it is important to remain cool and objective and to keep a clear head in order to come to a right and just conclusion. It is important to note there are a number of good gardaí in that station who have done fantastic work and I accept they must have been in an extremely difficult position in recent years.

There are, however, serious concerns surrounding the findings of this report and I believe this is accepted by the Garda Commissioner and the Minister. Members have much work to do to deal with the findings of the report and to implement its recommendations to restore public confidence in An Garda Síochána, which understandably has been rocked. Some of the matters investigated make for difficult reading and there is no doubt but that the victims involved in those cases were failed by those who were supposed to protect them in vulnerable situations. I can only state that my heart goes out to the victims and their families and Deputy Connolly articulated this point well in respect of the issues dealt with. I also echo Deputy Connolly's unhappiness with the statements released by the Commissioner and the Minister in this regard. I also would have liked to have seen more empathy in those statements and a greater understanding of the difficulties those individuals, victims and families have been through.

I have major concerns about the manner in which Sergeant Maurice McCabe was treated and I acknowledge this point has been echoed by many colleagues in this Chamber. There is no doubt in my mind but that there was a pattern of undermining him and seeking to damage his good character. He has shown considerable resilience in seeking out the truth and doing the right thing at a huge cost to himself. Were I a lower-ranking garda today who had watched what was done to Sergeant McCabe, I wonder whether I would have the courage to come forward and report malpractice or wrongdoing within the ranks. It would be a huge request to make of any young garda and as ordinary gardaí undoubtedly do not feel confident they would be protected in such circumstances, this is a serious matter with which Members must get to grips. The protection of whistleblowers and repair of the damage done in this respect must be a top priority for the Garda Commissioner and the Minister, as I believe it will take years to fix the damage this has done.

I accept the difficult position in which the Minister, the Commissioner, counsel and those involved in the commission have been in this regard but it also is quite a serious matter that confidential transcripts from the commission of inquiry were leaked in sections. Who leaked these extracts? We do not know. What was their motivation? We do not know and can only guess. It was selective and targeted leaking that had the effect of highlighting certain aspects of the inquiry that otherwise may have been missed in the 350-odd pages of the report and people can

draw their own conclusions on this matter in respect of who might have leaked those sections and why they might have done this. Rightly or wrongly, the commission was set up in such a way as to make its investigation confidential and perhaps Members should examine the merits of this for future commissions of inquiry. However, the witnesses involved in this commission of inquiry had a legitimate expectation that those transcripts would not get into the public domain and Members certainly must investigate how and why that happened. Having said that, however, we must live in the real world. Those extracts, whether we like it or not, made it into the public domain and the public have made judgments based on that piecemeal information. I appreciate that it was a difficult situation for the Minister and the Commissioner to deal with, but I do not think it was dealt with properly or adequately. It was open to the Commissioner to clarify these matters if she so wished.

Likewise, the suggestion that information that everybody outside this House is discussing cannot be commented on by the relevant Minister is, quite frankly, absurd. The issue surrounding the Commissioner's instructions to her legal team has correctly been the subject of much public concern and scrutiny. In recent weeks, it has dominated the debate on this issue.

This investigation goes to the core of policing in our country. Public confidence in An Garda Síochána and its work has been rocked, as has public confidence in the Commissioner and the Minister. People are looking on and they want clarification on certain issues. I am not the first Deputy to have raised this.

If we look at the transcript extracts to which we have access, particularly those dealing with the Commissioner's instructions to her counsel, there are clearly questions to be asked and answered in this regard. I will quote some of those extracts. Mr. Smyth, counsel for the Commissioner stated: "My instructions are to challenge the integrity certainly of Sgt. McCabe and his motivation." When pushed further, he said: "His motivation and his credibility in mounting these allegations of corruption and malpractice." Mr. Justice O'Higgins seeks to clarify and asks: "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 credibility? If those are your instructions from the Commissioner, so be it." Mr. Smyth replied: "So be it. That is the position, judge." Mr. Justice O'Higgins further asks: "Those are your instructions from the Commissioner?" Smyth replies: "Those are my instructions, judge". He further states: "I mean, this isn't something I am pulling out of the sky".

I appreciate, as the Minister has stated in this House, that those extracts could potentially be taken out of context. We do not have access to the preceding paragraphs, nor do we know what came after. We do not know in what order these transcripts came. However, since we do not have the full transcripts, we can only operate on the basis of the information we currently have. On balance, I think the extracts give a clear picture of the Commissioner's instructions to her counsel and there appears to be no ambiguity in terms of the Commissioner's instructions. It was a clear attack on Maurice McCabe's integrity and his motivations in suggesting that there was malpractice in the Garda Síochána. There was certainly an attempt to damage his credibility in this regard.

How does one reconcile that with the Commissioner's public comments? There is an acceptance that publicly she was very supportive of Sergeant McCabe. There appears to be a conflict between what the Commissioner was saying publicly about Sergeant McCabe and what she was instructing her legal team to do in the commission. On numerous occasions she has been asked by Deputies to clarify this, but she has failed to do so. It is an extremely serious matter.

The Commissioner's statement of 25 May seeks to deal with this question. She stated: "In relation to communications with the legal team representing An Garda Síochána, it is important in terms of receiving advice and giving instructions that privilege in such communications is protected so as not to adversely impact on the workings of An Garda Síochána and its entitlement to seek and obtain legal advice on a confidential basis in this instance and in the future." I agree with her on that point, which I accept, but we must live in the real world. The extracts suggest that she was saying one thing privately and something very different publicly. We must deal with what is in the public domain because the public are already discussing it.

The Commissioner further stated:

These constraints, which reflect important principles of law, restrict my capacity to address the issues which have been raised in relation to the approach taken by An Garda Síochána before the O'Higgins Commission. However, I can confirm that An Garda Síochána's legal team was not at any stage instructed to impugn the integrity of Sgt Maurice McCabe or to make a case that he was acting maliciously.

How on earth can one reconcile that statement with the extracts I read out previously? This needs to be clarified, and let us make no bones about it, the Commissioner can clarify this. I am asking the Minister to request the Commissioner to do so. The Minister must also take this very seriously. I want to make it clear that the Commissioner can tell the public what her instructions were to the legal team. She can do so, as has been pointed out prior to this by Deputy Connolly. It is also important to make the point that the Commissioner is choosing not to do this. I want to move on from this issue because I have put it as far as I can.

There is also the issue of two gardaí who fabricated evidence to suggest that Sergeant Maurice McCabe was acting maliciously in bringing forward these allegations.

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

Deputy Lisa Chambers: I will do so. This appears to have been believed initially and one could be forgiven for thinking that this formed the basis of the Commissioner's instructions, but we do not know that. Questions need to be asked. What disciplinary proceedings have happened concerning these two gardaí? If such proceedings have not been progressed, why not? What is happening there?

One has to ask why they did this. What prompted two colleagues to do that to another colleague? Why on earth would they do that? Were they asked to do it? Was there some underlying resentment there? Was there an issue between those two gardaí and Sergeant McCabe of which perhaps their superiors should have been aware? We do not know, but these questions need to be answered.

We must reflect on the situation that Sergeant McCabe could have been in had he not recorded that phone call. We should consider the commission's remarks on Sergeant McCabe. He impressed the commission as being never less than truthful in his evidence. The report stated that, "Some people, wrongly and unfairly, cast aspersions on Sergeant McCabe's motives" and that "Sergeant McCabe acted out of genuine and legitimate concerns". Would the report read like that today had he not recorded that phone call? We will never know.

Deputy Martin Kenny: The reality is that malpractice is not confined to Cavan-Monaghan, which the O'Higgins report deals with, or indeed to Donegal where investigations were held in

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the past. At the outset, I want to state clearly that in my area of Leitrim, as in other places, the vast majority of gardaí are doing their job honestly and diligently.

I intend to use this debate to raise issues of alleged Garda malpractice that have been brought to my attention by whistleblowers, both serving gardaí and former gardaí. Central to the many events I will now outline is the allegation that gardaí were engaging informants who were active criminals, which was in breach of the rules of the CHIS programme. CHIS is an acronym for the covert handing of intelligence sources. Another allegation is that gardaí were running their own informants outside the official CHIS programme. A third allegation is that some rogue gardaí have used informants or criminals over whom they have control to set up and entrap people for crimes and then prosecute them. The fourth allegation is that there were high ranking gardaí who protected these rogue gardaí and covered for them with secrecy and denial.

The following are some of the allegations that have been brought to my attention over the past two years until recently. There is an allegation that a garda informant, working under the direction of two gardaí, robbed tools and a generator from a builder's shed and then sold the generator to a man whose house was searched the next day and the stolen property recovered. The man was subsequently charged and convicted in relation to having stolen property.

Another allegation is that a Garda informant was allegedly instructed by his handlers to set a trap for a person at an NCT centre. He placed money in a car as a bribe to get the car through the test. The car had some minor defect and should not have passed the NCT. The informant then told an employee at the NCT centre that the car was nearly okay and he had left a few euros in it. The car was passed and later that employee was charged, convicted of accepting a bribe, and lost his job. The main witness in the case was a Garda informant.

A man was wrongly charged with possession of a stolen tractor, although there was no evidence other than that the tractor may have been collected from beside a farmyard owned by this man. He had co-operated totally with the initial Garda investigation and was not considered a suspect at any time by local gardaí. The investigation was taken over by a detective sergeant who instructed that the man would be charged, to the dismay of the other gardaí. As the man left the Garda station this detective sergeant followed him and waved the charge sheet at him saying: "I can make this go away if you bring me the real culprit."

One of the more serious incidents in Leitrim is the case of threats to the safety of two serving gardaí from a criminal gang. The detailed plans of a group of criminals preparing to attack these two gardaí at their private homes were known about by senior gardaí and for weeks the information was withheld from those men, both of whom have young families.

I o'clock The two serving gardaí accidentally found out that this gang was preparing to attack their homes and had been at their houses on a number of occasions. They later discovered that one of the gang was reporting criminal activity to CHIS and that he was also working outside the formal informant programme for other gardaí. When confronted on the issue, a senior garda in the Sligo-Leitrim division eventually admitted that he knew about the planned attacks, but said they "needed to protect the source of the information". The distraught gardaí were then assured that this would never happen again and any potential threats to members would be communicated and appropriate action taken.

However, a short time after this, one of the gardaí was on duty alone in a Garda station in Leitrim. He went off duty at 4 a.m. and went home. At 8.30 a.m., he got a call to come back

in because the station had been attacked and vandalised. During questioning of a man who admitted the attack on the Garda station, he claimed he was paid €100 to do it by another local man with a criminal record. The garda later learned that there was information in the possession of more senior gardaí that the station could be the subject of an arson attack on that very night. This Garda was in the station alone all night and was not informed of the possibility of an attack. The man who it was alleged paid to have the attack carried out was an informant who worked for CHIS.

I also have serious concerns around the investigation into the disappearance of a man who went missing in 2011 from his home in Aughavas, County Leitrim - my home parish. Mr. Pat Herran was a man who struggled with addiction problems. However, he was held in high regard in the local community. Around the time he was reported missing, a memorandum was distributed to gardaí about a “Pat from Leitrim” having been abducted and killed. When local gardaí arrived at the home of Mr. Herran to check into the report that he was missing, they considered the possibility of something sinister and wanted to have the house sealed off as a possible crime scene. However, senior gardaí dismissed this possibility and told them to make the usual inquiries and he would turn up drunk somewhere. After some time, when Garda management finally agreed to seal off and examine the house, they found it had been burgled in the meantime and was, therefore, forensically violated for the purposes of evidence gathering. There were also a number of individuals with links to Pat Herran whom the investigation team never even questioned, to the dismay of local gardaí. It is now known that a Garda informant was among the last people to be in Pat Herran’s company before he disappeared. Pat Herran has never been found and his mother and siblings are heartbroken. The question is: was the protection of informants put before the proper investigation into the disappearance of Pat Herran?

Now it is important to point out that, in 2009, two members of An Garda Síochána stationed in Leitrim brought their concerns about the handling of intelligence sources to the attention of the then Garda Commissioner, Martin Callinan, and they were fobbed off. In 2012, they first brought it to the attention of the then Minister for Justice and Equality, Alan Shatter, and again in 2014, after which the Minister delegated two officials from his office, including one of his chief advisers, to meet the two Garda whistleblowers. Most of the concerns I have outlined were expressed during a four-hour meeting. Indeed, documented detail of all these incidents was given to the Minister’s office at that time. Nothing ever came out of this meeting, save a letter from the Minister’s private secretary stating that no action would be taken. These past failures to deal with matters in the Leitrim district highlight the need to promptly establish a commission of investigation into Garda malpractice. I have this information and detail because, in 2014, I was made aware of allegations of Garda malpractice in Leitrim by two Garda whistleblowers and, indeed, how it related personally to me and my family. A man who claims to have been a Garda informant told me that he had been asked by certain named gardaí to carry out a robbery at my house. The informant claims he did not carry out the robbery. However, my house was broken into in March 2007 and items of value were stolen. I was an elected member of Leitrim County Council at that time.

While these incidents are several years old, I have also been contacted in the past few months by other serving gardaí who have also made allegations of malpractice in the Leitrim district.

Acting Chairman (Deputy Thomas P. Broughan): The Deputy has mentioned an individual.

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Deputy Martin Kenny: I have not mentioned an individual.

Acting Chairman (Deputy Thomas P. Broughan): The Deputy should refrain from mentioning individuals who are not mentioned in the report.

Deputy Martin Kenny: I will not mention individuals; I have referred to incidents only.

Acting Chairman (Deputy Thomas P. Broughan): Go raibh maith agat.

Deputy Martin Kenny: It is alleged that senior officers have reprimanded gardaí who have tried to investigate or raise concerns about criminal activity, including drugs offences, breaches of bail conditions and firearms offences. It is also alleged that senior gardaí in Leitrim have been engaged in aggressive and vindictive behaviour towards other members of the Garda and that abuses of positions of authority are common practice, leading to an atmosphere of fear and tension throughout the ranks.

In February 2015, gardaí discovered a pipe bomb along a road near Drumshambo, County Leitrim. The two uniformed gardaí who discovered the pipe bomb are being disciplined for their activity around the discovery. There is widespread disquiet at all ranks in the county about the fact that these gardaí, who did their job properly, are being disciplined. It could have the effect - some believe the intended effect - of discouraging other gardaí in the county from taking an interest in criminal activity in case they too are disciplined.

Earlier this year, a detective garda in Leitrim became aware of the existence of a gun in the possession of a member of a criminal gang operating in the area. However, the information was not put on the PULSE system, no searches were carried out and it was kept secret from almost all gardaí in the Leitrim district. A uniformed garda inadvertently found out about it and confronted the detective, who confirmed it had been reported to him but was being kept quiet. The garda immediately reported this to a sergeant who, in turn, confronted senior Garda management, who confirmed that they had known about it since the initial reporting. The sergeant expressed concern that uniformed members should have been made aware of this. As a result of this, a document was sent informing gardaí in the Sligo-Leitrim division that this person might have a gun. This was nine days after the initial report and this was despite the fact that the alleged criminal was carrying out his activities throughout a wide region. Failure to inform gardaí nationwide placed them at enormous risk. The failure to investigate this also placed members of the public at risk.

Allegations of malpractice in Leitrim not only go back a number of years but are right up to date. The vast majority of honest, hardworking gardaí in Leitrim are totally opposed to illicit activities and malpractice. If true, the conclusion of these accusations is that a small cohort within the Garda in Leitrim has considered criminal activity as an opportunity for their own advancement and, at times, has manipulated situations for their own advancement. The only way forward is for the Minister to establish a commission of investigation into the matters I have raised and into any other instances of alleged malpractice that may come forward in the future.

Deputy Fergus O'Dowd: This is an important debate. I pay tribute to gardaí in my own county who died in the course of their duty over the past few years. The context of the debate must be the credibility, integrity and sacrifices that good gardaí have made, and will be asked to make, on our behalf. In particular, recently, Garda Golden and Detective Garda Donohoe were murdered in my county, while some years ago Sergeant Morrissey died as well. Their families suffered a tragic loss as they paid the supreme sacrifice for doing their duty as they saw fit to

protect the public. Having listened to my colleague from Leitrim, I refer also to Garda Gary Sheehan, who was killed by an IRA gang some years ago while in full uniform defending the State and trying to protect a man who had been kidnapped.

If there is wrongdoing in the Garda, it must be rooted out. All the complaints the Deputy made are serious, just as those which are the subject of this report are, and I am deeply concerned by all of them. Today at the heart of our society, people are thinking about their own homes and their own security and safety. Our streets in parts of Dublin are not safe. The video on the *Irish Independent* website yesterday was an appalling reminder for all of us that this criminality is happening openly on our streets. The impact that is having not only in Ireland but also around the world in terms of how people view our country should not be underestimated. Strong leadership is needed now from the Government and Opposition parties and we also need to support the Garda. A greater Garda presence is needed in Dublin and if necessary, the Army should be deployed in support of the civil power. We must ensure families are safe in their homes.

The other crisis is very damaging to the way the gardaí are perceived. We all stand behind those gardaí, we all want them to do their job as best they can and the vast majority do so. I am concerned that we see members of An Garda Síochána protesting outside this House. We should find a way forward for them and solve the issue they clearly feel so strongly about. We have never needed the gardaí more than we do right now. There has never been a greater need for the Government to act with strong and authoritative support from this House.

At the heart of this debate is not so much what Deputy Lisa Chambers spoke about, namely, the Commissioner, even though I heard everything she said. It is the other part mentioned by the Deputy. If two senior members of An Garda Síochána conspire to trap a whistleblower, who would have been destroyed by the commission if he did not have that tape in his hand, it is at the heart of our system. That is extremely corrupt and profoundly unacceptable. The country cannot accept this. It is bringing into disrepute all of the gardaí who work with might and main with our support every day of the week. This must be dealt with immediately. I do not know if these men have been put on administrative leave. If not, they should be. They should not be acting as gardaí in uniform while this allegation hangs over them. If it is true, it is my view that significant and adverse findings should be made against them.

We are talking about the integrity of the Garda. This vindicates Sergeant McCabe. Somebody was quoted in the report as saying that if they had a problem, they would go to the local gardaí but the problem was not solved. The problem was compounded. Deputies have read the report so they know the issue. Do we want people like Sergeant McCabe or not? I think we want hundreds or thousands of them because most gardaí are like Sergeant McCabe. They are honest, hard-working and profoundly committed men and women and I support them in their tasks. Obviously, Sergeant McCabe's journey to our debate has been very difficult for him and his family but he is a strong person who is exactly what we need in our police force. I would much rather have the likes of him as Commissioner than anybody else from the furnace of problems he has been through. Of all his concerns, the most profound was the murder that subsequently occurred in Limerick. A woman lost her life and it should never have happened. If he was listened to, it may never have happened. It is obviously profoundly upsetting for the victim's family and all of us.

The question is where we go from here. How do we deal with this issue? I understand that the Commissioner is today meeting with the Policing Authority, which is an independent body

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that will deal with that issue. We must move on. People have said things here today about the Department of Justice and Equality. I want to mention one brave and powerful Secretary General of the Department of Justice and Equality, Brian Purcell. He stood up to those criminals we are fighting today on the streets of Dublin. He is the man who would not sign forms for Martin Cahill and suffered an attack where he was kidnapped and shot for defending our society and saying that someone could not be a criminal and abuse the system. I know he is no longer Secretary General but I pay tribute to him and his courage and people like him. We need people like him and Sergeant McCabe. We need change. I commend Mr. Justice O'Higgins for his report, which is extremely thorough. Mr. Justice O'Higgins is very clear in his views.

At the end of the day, what do we have? We have a vindication of a very committed garda, very serious allegations regarding two very senior members of the force and a Commissioner who is answering questions today. They must be dealt with as quickly as possible but we must restore law and order in our cities. We must get back to basics and ensure there is zero tolerance for criminality in our north inner city or any other part of our State. We must support gardaí wherever we can and we must also go a step further. The new Minister of State for communities and the national drugs strategy, Deputy Catherine Byrne, is the ideal person to deal with many inner-city problems. I know the Acting Chairman, Deputy Broughan, has significant knowledge of Dublin issues. Notwithstanding the crisis we face, we have a golden opportunity to go into those areas. We could create a committee with a maximum term of two months to look at these issues, visit these areas, listen in schools and to mothers in shops and come up with firm and convincing plans to ensure things change. A report produced some years ago stated that people living in certain electoral districts in Dublin are more likely to be in jail, to die younger and to have less of an education than people in other parts of the city. There is profound inequality in many of these areas. We now have an opportunity in the tragedy we are facing in this city to deal with it and put in the investment. I commend the Taoiseach on his actions in appointing Deputy Catherine Byrne as Minister of State because she knows better than anybody the issues and how they can be resolved.

Let us grasp the nettle as an Oireachtas and deal with this issue effectively. I commend the members of Fianna Fáil and other parties who recognise that the country wants us to deal with these issues. We can all move forward together on a common platform to look for effective short, medium and long-term solutions to the issues facing the north inner city and other deprived areas of our country.

Deputy John McGuinness: In the workings of the Committee of Public Accounts over the past five years, one of the most impressive witnesses who came before us and the only witness who came before us in private session was Sergeant Maurice McCabe. Everything he said was supported by documentary evidence. Those who were concerned about how he might behave or what he might say during the course of that meeting of the Committee of Public Accounts were impressed afterwards by the fact that he presented well and proved anything he said and that the documents he presented to the committee showed us that there was, in my opinion, a lot of corruption within the force at that time.

I want to read a circular dated 4 July 2011. It is signed by the chief superintendent, C. M. Rooney, and it went out to the assistant commissioners and district offices and so on in the Cavan-Monaghan division. It states clearly that on 24 June 2011:

I had a meeting with assistant commissioner, Derek Byrne, national support services, Garda Headquarters, Monaghan Garda station. He informed me that he had completed

his investigation into complaints made by Sergeant Maurice McCabe. The findings of the investigation were approved by the Garda Commissioner. The investigation concluded that there was no systemic failure identified in the management and administration of Bailieborough Garda district. A number of minor procedural issues were identified. On further investigation at local level, no evidence was found to substantiate the alleged breach of procedure. The assistant commissioner further concluded that there was no criminal conduct identified on the part of any member of the district force.

It continues:

I would like to congratulate all members who served in Bailieborough district during the period in question. In particular, I wish to thank Sergeant Gavigan who provided leadership, enthusiasm, commitment, steering the station party through the crisis that has occurred. The findings of the assistant commissioner vindicate the high standard and professionalism of the district force in Bailieborough. I appreciate the manner in which the members of the district participating in the investigation were open and truthful in their account of the events surrounding the allegations. I hope that all members and their families could put this difficult period behind them and continue to serve the public and their colleagues in an efficient and professional manner.

One has to take that letter into consideration when one reads the O'Higgins report because O'Higgins clearly contradicts everything that is in that letter - everything, all of the cases mentioned by Sergeant McCabe and mentioned in the O'Higgins report. There is a serious conflict here; somebody is wrong. This circular was given to the assistant commissioner and each district officer in the Cavan-Monaghan division.

I gave an account of when Garda McCabe came before the Committee of Public Accounts. Every effort was made by those within the Garda Síochána at senior level to discredit Garda Maurice McCabe, including the outgoing Garda Commissioner who confided to me in a car park on the Naas Road that he was not to be trusted and there were serious issues in relation to Garda McCabe. The vile stories that circulated about Garda McCabe, which were promoted by senior officers in the Garda, were absolutely appalling. Because they attempted to discredit him, he had to bring forward various pieces of strong, firm evidence to protect his integrity. During the course of that time, we have to recognise that the political establishment was of absolutely no help to him. Every effort was made to ensure he would not appear before the Committee of Public Accounts. Every effort was made to dampen down the strong evidence he put into the public domain, which he had to do to protect himself, but also to inform us about what was going on with penalty points and other issues.

Look at those other issues. On 17 May, the Minister for Justice and Equality answered a parliamentary question on the death of Shane O'Farrell. His mother, Lucia O'Farrell, has been campaigning since that time to have an investigation into it. The Minister relies on the review mechanism and the findings of that mechanism which she put in place. At that time, the result of that review mechanism was that nothing further was to be done in Lucia O'Farrell's case. Deputy Mick Wallace and others have already mentioned the name of officer Cunningham. In view of the findings and what is going on, will the Minister now reopen the case of the death of Shane O'Farrell? Will she find out why a garda one hour before had stopped that car and asked the driver to change with the passenger because there was no tax or insurance? The passenger then drove the car that later killed - murdered - young Shane O'Farrell. We have to reopen that case because everything in it tells us what is wrong with the Garda and the Department of

Justice and Equality. We are part of a cover up in this House if we do not clearly demand that the case be reinvestigated. There are similar cases, such as the Fr. Molloy case and the Mary Boyle case. Why is it that the State has to stonewall each and every one of these cases? Why is it we have to protect those who should not be protected? In the interest of what or whom is it? In the interests of justice, these cases have to be examined. The Minister cannot ignore this debate. She cannot ignore the facts around the officers involved in that station relative to the Shane O'Farrell case in particular. We cannot ignore the activities of those officers who deliberately went to set up and discredit Sergeant Maurice McCabe. They have to be independently investigated. It has been said they are being referred to GSOC. I heard former Chief Superintendent John O'Brien this morning on the radio, who likened an investigation by GSOC to being mauled by a dead sheep. That is what he said and that is the view of the public.

For far too long in this House and in politics we have stuck to the same old politics. In our actions, we have protected the system when that system was delivering an injustice to individuals and families throughout the country. There have been demands for the Minister and Commissioner to resign but the culture has to be changed. That is essentially where the problem is. We are afraid to attempt to change that culture because of the vested interests that are there. We say that we passed the legislation on protected disclosures and that now, at this late stage, the Commissioner will do something about it. There are individuals across every Department who are affected by bullying and harassment. Their stories are being dampened down and they are being discriminated against and sanctioned for telling the truth. The one thing this House seems to be afraid of is the truth. We are hearing the truth from Maurice McCabe. We have heard it from the whistleblowers in the Department of Finance and AIB and from the other whistleblowers in the Garda Síochána. We have done nothing about it.

I have heard at first hand a recent case which has been sorted by the Garda where a young garda was put into a situation and had to pee in a bottle rather than leave his station because he knew he was being set up. Is that what we stand for in this House? Is that the injustice we will allow to happen? Kicking this can down the road will not solve this problem. It will not give us the strength of the Garda that is needed to deal with the issues of crime on Dublin streets that we see at the moment. I agree with Paul Williams who spoke about tigers led by donkeys. He gave descriptions of all sorts of things that are happening in Dublin about which nothing is being done. The gardaí on the beat need to be supported. Whatever it costs the State, we need to put money and resources behind them. We need to stop bluffing and stop the politically correct contributions we are making on all these issues and start to take real, imaginative and radical steps to ensure we have an independent authority that will protect the likes of McCabe.

I received an anonymous letter from an individual asking what was written on the note that was passed on the day of the Committee of Public Accounts meeting from the current Commissioner to the former Commissioner, Martin Callinan, before he uttered the word "disgusting". The writer wonders if he was prompted or encouraged to do it. It has to be asked how much does the current Commissioner know and how far did the outgoing Commissioner go to discredit Maurice McCabe? It is an appalling vista as one looks at this issue.

The Minister and Members of the House have to give leadership. There must be political leadership. My demand is that we reopen the cases before the commission, like that of Shane O'Farrell, Mary Boyle and the others, and face the truth. We need to protect the whistleblowers that are currently being sanctioned and treated badly. It continued after the penalty points issue. Maurice McCabe highlighted that and we did nothing about it.

Deputy Bernard J. Durkan: I am very glad to have an opportunity to speak on this very important issue. I would like to think that we have come to a juncture where we have addressed the issues that have been a cause of concern over recent years. The origin of these issues dates back almost ten years. They were in the ether, so to speak, for a long time and were reported at the time. Garda Maurice McCabe, as he was then, reported those issues many years ago but they failed to be dealt with by the previous Minister for Justice and Equality. It was suggested at the time that he did not discharge his duties accurately on foot of the Guerin report. Admittedly, the report was deemed to be in a position to assess the situation in so far as it could in a short time.

The O'Higgins report probed deeper into the history of the circumstances and, I would like to believe, dealt much more comprehensively and satisfactorily with the situation that arose. I am concerned that we would second-guess the end of this report because if we second-guess everything we do in this business, we will be here for a long time talking about the same issues.

Reference has been made repeatedly to the extent to which the Garda Commissioner may have instructed counsel. In deference to the counsel on the opposite side of the House, my experience of counsel, and I am not a lawyer but I have been cross-examined by counsel for the other side many times in court, is that if one employs counsel in any case, one's solicitor instructs counsel and they do their job. Their job is to test the veracity of the case being put to them, and they do not ask anybody's permission as to how they should do it.

There has been much discussion on whether specific instructions were given by the Commissioner to her counsel. I would have expected that there was an agreement to the effect that counsel would not address the issue or be in any way aggressive or invasive in their questioning, unless that was done beforehand. In terms of progress of the case, therefore, the solution would be that counsel would do their job. It is not very nice sometimes when they do their job, but that is the purpose of a counsel, and the opposing counsel has a similar responsibility.

When a situation like that arises, there are two opposing sides, which do their best. Each of them is in court for a particular purpose. That is the responsibility with which they are charged. That is the job they are paid for and if they did not do it effectively and authoritatively, the client would ask them what they were doing in court. Members know that because we have all had constituents say that to us. I would like to believe that counsel did their job, as they were entitled to do, and that they did so objectively in terms of testing the veracity of whatever case is put to them.

My experience as a Member of this House is that Government used to be discouraged from interfering with An Garda Síochána. There was always a suggestion that there should be a distance between Government and An Garda Síochána, and I agree with that. I am aware there were difficulties in An Garda Síochána in Donegal, Cavan and other areas, and all of those issues must be thoroughly investigated to the satisfaction of victims in particular, about whom we do not spend much time talking. In the debate that takes place, the victims are in the background while we argue about the niceties or otherwise of the way their cases are dealt with. To protect the integrity of the force it is vitally important that all situations referred to or concerns raised by whistleblowers are thoroughly and openly investigated in so far as that can be done. In the event of a commission of inquiry, we cannot have it both ways. We cannot have direct public access to it and have it operate on a confidential basis at the same time. One defeats the purpose of the other, but much work has been done in that regard.

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Some Members of this House expressed opposition to the current Commissioner of An Garda Síochána before she was appointed. That is unfair. Everybody who is appointed to do a job in the public arena, whatever it is, should be given a fair chance to do it because if we do not allow them do it, subject them to continuous criticism and question their every move, we will not get people willing to go forward in order to be pilloried. I hope it is recognised that the Garda Commissioner, whoever that person may be, is entitled to do their job in the way it was intended, in compliance with regulations and in keeping with the legislation that has been introduced in the meantime.

There are nine items in terms of improved legislation and so on. The Policing Authority was established as a result of the debate that took place at that time. The appointments of the Garda Commissioner and two Deputy Garda Commissioners were made on foot of an open and independent selection process; that was the first time that happened. The role of the Garda Síochána Ombudsman Commission was strengthened, including its power to investigate complaints against the Garda Commissioner, which was also innovative. We had new and comprehensive whistleblower protection measures through Garda whistleblowers. The members of An Garda Síochána may now communicate their concerns to the Garda Commissioner who can also be investigated, which is something new. The Freedom of Information Act has been extended to include An Garda Síochána, which is also an innovation. The independent review of the penalty points system by the Garda Inspectorate and the appointment of a judge, a former President of the Circuit Court, to the new position of the oversight authority for the fixed charge processing system is new procedure and legislation. Steps have been taken to implement the recommendations of the Garda Inspectorate's crime investigation report, which was published in November 2014. A series of other measures have been put in place to address the concerns raised as a result of difficulties that arose in the force over some considerable time.

It is vitally important that members of the general public have absolute confidence in An Garda Síochána, its institutions, the manner in which it does its business and the way in which it deals with the public. There is an important role for the members of the public also who must have respect for the institutions of the State, including An Garda Síochána. We live in a time when everybody's authority is questioned. Shootings are taking place in the streets on a daily basis. Nothing is sacred any more. It is of huge significance that An Garda Síochána receives the respect required for its function, and that means the people of all ranks, provided they observe all the regulations pertinent to their respective positions.

As we move forward, and I hope we have learned many lessons, we must remember that it is said the morale of the members of An Garda Síochána is at a low ebb. It is at a low ebb for a number of reasons, one of which is that they are questioned all the time. I accept it is important that we move forward into a new era and that we do things transparently and in a way we can stand over, but in doing so there should be a recognition that the members of An Garda Síochána need support also. There must be recognition from the public that the members do an important job, which we send them out to do on a daily basis. When they go to work in the morning, they do not know whether they will come back that evening, or ever, and many of them have not come back. We must have respect for the force, support it, recognise that its members have to do their job, and demand of the force adherence to the rules and regulations that should apply at all times.

Deputy Niamh Smyth: As a native of Bailieborough, it is with a heavy heart that I make my contribution on the publication of the O'Higgins report on the Cavan-Monaghan Garda division. It is important to note at the outset that there are many good gardaí in the State who do

their job with the utmost professionalism, honesty and integrity but my sympathy goes to the victims who have been let down by the State. We must be clear that there is an urgent need to implement the recommendations of the report. We cannot change what has happened but we must learn from it. We must create an environment for the public and the Garda so that trust is at the core of every encounter between the citizens of the island and the keepers of the State. Victims must always be at the heart of the Garda service and the ongoing reform of the force with practical and cultural change embraced to restore the confidence and trust of the public.

The O'Higgins report states there is a perception that the gardaí in Bailieborough were working under a cloud for many years and the commission considers it of utmost importance that the end of the inquiry would herald the beginning of a new era for the gardaí there. This is critical to the community in Bailieborough and the force itself. The commission considers that given the unique position of Bailieborough, even more priority should be given to the construction of a new Garda station there. Such a move would be much more important than a symbolic gesture. It would boost morale and herald a new era for the provision of the service to the community by the Garda in the area. The report states:

The Garda station in Bailieboro is not fit for purpose. The commission is aware that in An Garda Síochána Building and Refurbishment Programme 2016-2021, announced by the Minister for Justice and Equality and the Minister of State at the Office of Public Works on 21 October 2015, the building of a new Garda station is planned and the commission welcomes this.

I hope the closing of this inquiry will enable the Garda in the area to have a fresh start, putting the subject matter of the inquiry behind them, learning lessons where appropriate and proceeding to discharge faithfully the duties of a member of An Garda Síochána with fairness, integrity, regard for human rights, diligence, impartiality and upholding the Constitution and the law, according equal respect to all people.

It is my understanding that the Office of Public Works has located a new site for a Garda station in Bailieborough and I urge the Minister and the office to ensure it is constructed as soon as possible, taking cognisance of the ever demanding needs of the force. The current station is a listed building and, as I stated, it is not fit for purpose. It is therefore imperative that a new station can equip the Garda with facilities, parking and the fresh start so badly needed.

Deputy Josepha Madigan: I have watched these debates as a legislator and lawyer with much interest. I am always interested in how the Garda Síochána can be improved and its efficacy enhanced. My grandfather - my father's father - was a member of An Garda Síochána so I have particular affinity to it and enormous respect for the work it does on a daily basis. However, no organ of the State should be immune from criticism, whether it is constructive or otherwise. We owe it to the public and victims of crime to have a responsive and efficient police force that can investigate crimes properly. In this particular instance, we owe most of our respect and attention to the victims in this report. It is their particular experience of crime and interactions with An Garda Síochána that are most deserving of our focus. I am pleased the O'Higgins report has made clear that both my former constituency colleague, former Deputy Alan Shatter, and the Garda Commissioner acted appropriately. However, the focus of this report must be how we can better serve victims of crime.

The central issues have been ignored by many contributors in this House and my focus will be on victims and procedural errors in the investigations. There are eight offences at the core

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of the report, three of which are of a very grave nature and all of which happened in east Cavan over ten months in 2007. There was an assault on a bus in February, an assault at a hotel in April, an assault on a taxi driver in April by a man who subsequently murdered a woman in Limerick, an assault in May in a pub in Bailieborough, the doctoring of vinegar in a café in Bailieborough in August with potential health consequences, an assault in September on a 17 year old girl in Cootehill, the reporting of approximately 35 offences occurring over a previous year in September by a paedophile priest, including that involving a 15 year old youth and an assault by a motorist who ran over three people in December, which caused injury to those victims. Of those eight offences, only two resulted in convictions, both involving the party pleading guilty.

I do not believe many of these crimes were minor, and as I stated, three were of a very grave nature. Those which were minor could have had very serious consequences. I am sure some of the victims still bear the emotional and physical scars from these events. There is a common thread running through the report of not being well served by the Garda. It would be of better service to the victims for Garda Commissioner O'Sullivan to address if and where significant changes have happened. A number of the recommendations in the report are focused on that.

Some Members are under the misapprehension that a lack of resources was an issue at the time. We must remember that in 2007, in theory at least, it was a time of plenty, before the economy crashed. Garda strength stood at 14,000 members. We were not in government at the time but we have responded to protect whistleblowers. The focus must also be on protecting the victims.

The issues repeated consistently in the report concern proper investigation. We know what they are and they include inadequate note-taking; taking frequently undated statements from a random sample of relevant witnesses; recording potentially serious offences in PULSE as minor; poor practices with available CCTV; mislaying vital evidence, specifically the computer in a sex abuse case; citing the wrong sections in charges and search warrants; and poor supervision. Have these areas been examined or will they be examined? How could we improve these areas? As we know, organisations like Victim Support and Advic represent the needs of families of victims of homicide and have repeatedly stressed the need for victims to be listened to and for proper procedures to be followed in investigations. These are the core concerns of the O'Higgins report.

I have raised these matters in parliamentary questions and I look forward to them being addressed. It would be very useful to understand what steps have been taken to address these general issues. As a citizen, I hope these issues are historic and that victim concern and proper process are now central to how the Garda operates. I look forward to examining how we can respond better to victims of crime. We owe them at least that.

Deputy Colm Brophy: I welcome the opportunity to contribute. I welcome the report and, as my colleague indicated, it is really important to remember that at the heart of what we are talking about in the report are people and victims who have had horrendous experiences. We must welcome the report and recommendations therein.

I will address one or two very important aspects relating to what we as a Parliament are doing today in discussing the O'Higgins report. In particular I welcome the findings relating to Mr. Alan Shatter, who is a former Deputy and Minister. He was an excellent reforming politician throughout his career and the findings in this report are to be warmly welcomed, particularly regarding the manner in which he dealt with issues as they arose.

One of the key aspects we must consider today is that we are spending a large amount of time dealing with leaks, partial leaks and comments originating from the process of creating the report. A commission of investigation was established by the House as an alternative to having a tribunal of inquiry, for example, and the O'Higgins investigation has done an excellent job in showing how we can speedily and effectively deal with issues that arise. It is therefore very disappointing on one level that certain Deputies have used partial leaks - some have used very malicious leaks - that have individually targeted one or two people in the process. This will inevitably lead to the undermining of the entire commission of investigation process. As we debate the issue today, we have already heard calls for a new commission of investigation for other allegations. What would the people going into that feel about this process and conversations that they may have, which they believe to be private and part of the process with legal representation, if those conversations ended up as part of a political slanging match or opportunistic debate? As public representatives, we must be really careful that in a process of politics and justifiably considering matters, we do not end with the real casualty being the commission of investigation process. The O'Higgins process has served us well. It is a good process. I welcome its findings and it shows the way we can deal with this issue. We need to be very careful that we do not end up causing this whole process to be undermined such that people will not be willing to participate in future commissions of investigation because of what we do as Deputies in this House.

The other aspect I would like to make very clear is that we also debated against a background of violent criminal activity which has taken place over recent weeks and months, particularly in our capital city. We must put on record, as always, our gratitude to the members of An Garda Síochána, from the Commissioner downwards, through all the ranks, for the daily work they do in targeting the vile scourge of gangland crime in particular, which we have seen in recent weeks. It is incumbent on us to remember that the vast majority of members of the Garda go to work daily to tackle situations which we as the public would find too frightening to want to deal with every day. We owe them our support and we need to recognise in particular that the Garda Commissioner has done an excellent job in utilising the force and its resources to tackle the scourge of crime, especially gangland crime. In that broader context, we need to be very careful as parliamentarians to welcome the O'Higgins report but also to realise that the commission of investigation process is one that can serve us well. We should not undermine it.

Deputy Eugene Murphy: I want to use a few minutes of the time to refer to the report and to many of the fine contributions to this debate. My party has already welcomed the O'Higgins report into alleged Garda malpractice. I wish the Minister of State, Deputy Helen McEntee, the very best in her new role. It is not justice, but I know she is assigned to an important area and I am sure she will be very concerned about this debate and all that is being said.

It is quite clear from the report that Sergeant McCabe was impressive, truthful and, as the report stated, a dedicated member of An Garda Síochána. In respect of the report, it is extremely important that we get its suggestions implemented. We have to remind ourselves that we are talking about the Garda Síochána, the police force of the country. In any country, what is needed most of all is a genuine, upfront and well looked after police force. That is why I think every Member of this Chamber, all 158, has a major responsibility and duty in this House to address this issue, maybe not on political point-scoring, but certainly in respect of righting the things that are wrong in our Garda Síochána at the moment.

There are issues of concern in respect of the transcripts. If one reads the O'Higgins commission report - I have not read it all - it appears to indicate that counsel for the Garda Commis-

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sioner was questioning the credibility and motivation of the whistleblower, Sergeant Maurice McCabe. If that is so, it is outrageous and unacceptable. This is the type of thing we must bring to an end in our Garda force, if it is happening. As my party colleague said a few moments ago, there are a number of situations that have arisen over the years and that probably need investigation. He mentioned the Fr. Molloy case, which concerns a man from my own county of Roscommon, and the Mary Boyle case, along with others. It would be fair to say that the public is concerned. While people have great respect for the Garda Síochána, they would like to see all those matters cleared up and put to bed once and for all.

The leaking of the report causes me great concern and I am sure many Members are concerned about it. We need to look at a total overhaul of the Department of Justice and Equality. I get the impression, as a new Member of this House, that we are limping along and that there are many matters that need to be tackled. In respect of the Garda Síochána, there is the issue of credibility in certain situations. There is also the issue of pay and conditions for many members of An Garda Síochána, as all Members of this House well know. Many of them are struggling. Going back to what I said earlier, one of the most important ingredients for a successful and peaceful country is a good police force and, in general, we have a very good police force. However, I am concerned that many of its members are now under a great deal of pressure because of pay and conditions and, maybe in some situations, because of intimidation. During her speech, Deputy Róisín Shortall was somewhat critical of Fianna Fáil and its stance on this issue, but I reject that totally. We have contributed to all the debates. Our justice spokesperson, Deputy Jim O'Callaghan, has been on a number of radio and television stations and has openly spoken to the media about this situation. Indeed, many members of this party have spoken on the issue and about their concerns regarding particular situations.

It is so important that our police force is beyond reproach. It is also so important that we look after its members, take care of them and ensure they are all treated with respect and dignity. On the other side of that, it is extremely important that any situations that need to be investigated are investigated by the Department of Justice and Equality. I hope the Minister will take on board many of the comments and suggestions that have been made here.

The report vindicated both the former Minister, Alan Shatter, and the former Garda Commissioner, Martin Callinan, in relation to the events being investigated by the commission. However, our party maintains that Alan Shatter's position as Minister for Justice and Equality was untenable at least a year before his actual resignation in May 2014. In 2013, he abused his position as Minister for Justice and Equality when he used private information conveyed to him in confidence by the Garda Commissioner to score political points against an Opposition Deputy. We should not forget that the then Minister, by his own admission, misled the Dáil in 2013 when he said that whistleblowers did not co-operate with Garda investigations.

One could say there are whistleblowers and there are whistleblowers. Every whistleblower has an entitlement to have his or her complaints investigated. That does not mean a whistleblower's allegations can be accepted immediately or deemed straight away to be true, but the benefit of a commission of investigation is that it can test all those allegations from whistleblowers and come out with the truth.

The Garda is important to us. Its members do tremendous work. We see at the moment what they have to deal with in terms of crime in Dublin city, with murderous gangs. It is a very difficult situation for them and there are many other issues elsewhere in the country. In general, the Garda does a very good job and we want to look after our police force, but we also need to

investigate the issues that need to be investigated and cleared up once and for all in order that all of our people have faith and belief in the Garda Síochána. It is up to every Member of this Dáil to make a valuable contribution to this debate, because our police force is about us all and we are all about our police force.

Acting Chairman (Deputy Declan Breathnach): As no other Deputies are offering, I now call on the Minister to respond.

Minister for Health (Deputy Simon Harris): No.

Acting Chairman (Deputy Declan Breathnach): Sorry. The Minister has ten minutes.

Deputy Simon Harris: I, too, welcome the opportunity-----

Deputy Caoimhghín Ó Caoláin: The Minister is not responding, is he?

Deputy Simon Harris: No, I am not.

2 o'clock I welcome the opportunity to contribute to this debate on the report of the O'Higgins commission of investigation. I am reminded of my time as a member of the Committee of Public Accounts when, along with my colleagues on the committee, I met with Sergeant Maurice McCabe. I want to place on record my view that it is vital that we continue to value the important role played by whistleblowers acting in the public interest. We would not be here today debating this report and the lessons that must be learned, and that have been learned, were it not for Sergeant Maurice McCabe, and I thank him for that. I had the opportunity to meet Sergeant McCabe at the Committee of Public Accounts and to hear his evidence. The committee, and ultimately all of society, benefited from that evidence and the report which is before the House today.

We must not lose sight of victims in the political debates in the House and in media debate. At times, victims were clearly let down and did not receive the service and the diligence that they had every right to expect. Lessons must be learned and lessons have been learned. Through the protected disclosure measures, I would like to think we now have an environment much more favourable towards people who come forward and put what is often sensitive information into the public domain and with the correct authorities so the information can be assessed. The whistleblower has a very important role to play in Irish society.

I am concerned at times about efforts by a small number of people in the House and outside to cast general derogatory aspersions on all members of An Garda Síochána. It is quite clear that no organisation and no rank is beyond reproach or beyond question - that Ireland of the past must remain in the past. The overwhelming majority of members of An Garda Síochána serve our country and our communities with distinction and they do us proud. They work hard and at times in extraordinarily difficult and dangerous circumstances. Currently, we see the challenges facing the men and women of An Garda Síochána in the north inner city of Dublin. We all stand behind the gardaí in their work to tackle brutal, violent gangland crimes. It is easy for politicians and commentators to criticise the Garda on reading the O'Higgins report - some criticism is certainly justified - but it is important to note that some of the criticism in the report clearly rests well beyond the responsibility of the Garda. The responsibility for addressing some of the criticism rests in this House, on the floor of Dáil Éireann. Our gardaí need to be adequately supported and resourced to do their job, work that the Minister for Justice and Equality is continuing to carry out, and the report is quite clear on the past shortcomings in that regard.

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I will focus on just two areas of the report, specifically areas in which the House must continue to do better in addressing the challenges and what the Government is doing now in that regard. First, some of the deficiencies identified by the O'Higgins report relate to inadequate supervision of junior gardaí. I am pleased that significant changes have been made in that area. Under operational regulations, daily performance accountability and learning framework, PALF, meetings take place at which incidents occurring in the previous 24 hours are discussed with the district superintendent, or the inspector on his or her behalf, and with gardaí and supervisors. Directions and instructions are provided on matters under investigation. It is a much more collaborative and inclusive reporting and accountability mechanism. In a further recent development, a nominated supervisor is now allocated to all matters under investigation. Required actions are marked on associated PULSE incidents under investigation and must be attended to by investigating gardaí. All incidents are reviewed by managers to ensure all actions and investigations are progressed.

Changes have also taken place in the training programme for gardaí to enhance policing services. Since the reopening by the Tánaiste of the Garda College in September 2014, all Garda recruits undertake the new two-year training programme leading to a Bachelor of Arts in Applied Policing, accredited by the University of Limerick. This programme is the outcome of a comprehensive review of foundation training for entrants to An Garda Síochána and exemplifies best practice. Phase one, which lasts 32 weeks, is based in the Garda College and places a strong emphasis on problem-based learning, with students learning in small groups through engagement with realistic policing scenarios. Phase two, which lasts for 65 weeks, is primarily based in Garda stations, with appropriate training and development structures in place, including access to a trained tutor garda and a permanently appointed supervisory sergeant who are thoroughly familiar with their responsibilities under the training programme. During the course of their placement, trainees move through three development stages - assisting their garda tutors, taking the lead role and being assisted by the tutors, and finally the autonomous stage, in which they are deployed in regular policing activity and work independently within the operational unit. Over the course of the placement, gardaí also return to the Garda College for a number of weeks to further enhance their skills in specialist areas, including sexual assault, intelligence-led policing, file preparation and court presentation. Phase three consists of seven weeks of preparation for final examinations and assessments.

I outline these measures because some elements in the debate have implied that nothing has changed. This is simply not factually correct. The programme of change and reform within our justice system continues and is led by the Tánaiste. For some people to simply suggest that nothing has changed and that nothing has moved on is not accurate and is not fair to the rank and file members of An Garda Síochána. I have no doubt that all of these changes will considerably enhance the delivery of policing services in the State. These new improvements to training must be part of our collective response to addressing some of the issues in the O'Higgins report and continuing to support An Garda Síochána in responding to the deficiencies highlighted in the report.

The report also talks about the impact of inadequate Garda stations and infrastructure on morale and the ability of gardaí to carry out their duties. In some cases, gardaí have been working in sub-standard stations with sub-standard facilities. My colleague, the Tánaiste and Minister for Justice and Equality, is acutely aware of the issues. This is why, in my previous role as Minister of State with special responsibility for the Office of Public Works, OPW, the Tánaiste and I launched, in October 2015, the first programme of refurbishment and develop-

ment of Garda stations and facilities in quite some time, the Garda Building and Refurbishment Programme 2016-2021. This programme provides for over €60 million in direct Exchequer funding as part of the Government's capital plan and also provides for public private partnership. The direct Exchequer funding includes €18 million provided under the Garda Vote, which is in addition to the funding allocated under the OPW Vote. The programme was developed by the Garda and the OPW having regard to the strategic priorities of An Garda Síochána, and includes the development of new stations through the public private partnership model, major refurbishment of stations including facilities for meeting victims of crime, essential remedial works to existing stations, the development of large-scale property and exhibit management stores, upgrading of cells and the provision of improved custody management facilities.

The programme includes 34 projects at 30 locations throughout the State plus 15 cell improvement projects. These projects are in addition to the three major projects already under way at a cost of €100 million to provide divisional or regional headquarters in Galway, Kevin Street in Dublin and Wexford town. The Exchequer-funded projects will be delivered through the OPW in conjunction with An Garda Síochána. In many instances the work will commence this year and the projects will be delivered through the lifetime of the programme. A public private partnership will be developed to facilitate larger-scale projects including new stations at Clonmel, Macroom and Sligo. A public private partnership will be developed in conjunction with the National Development Finance Agency. I am pleased to have had an opportunity within the last Government to work with colleagues and the Tánaiste in delivering this programme of investment in Garda stations and Garda infrastructure. The deficiencies in Garda facilities are highlighted in the O'Higgins commission of investigation report which is before the House for debate.

While there is significantly more work to be done, I would say that the role of a whistleblower must be valued and is valued by this Government and very much by society. It is important not to lose sight of victims among the media and political commentary in the House and in society over the past few weeks. It must be a core resolve to support victims, and we have to continue to support An Garda Síochána. It is too simplistic an analysis to suggest that all of the deficiencies highlighted by the report should land simply at the door of An Garda Síochána when some of those deficiencies are being addressed and will continue to be addressed by the Government and the Oireachtas.

Deputy Caoimhghín Ó Caoláin: The Garda Commissioner Nóirín O'Sullivan's eagerly awaited statement yesterday left a lot to be desired. It failed to clarify any of the serious questions that were put to her over the past week. I refer specifically to whether she instructed her legal team to challenge the integrity, motivation and credibility of whistleblower Garda Sergeant Maurice McCabe. She has still not addressed this extremely serious allegation in any coherent or credible manner. Instead, the Garda Commissioner has danced around this issue and said that it would be unfair to address the partial transcripts in the public domain, yet goes on to state that her legal team was not instructed to "impugn the integrity" of Sergeant Maurice McCabe. She then suggests that it would not have been unreasonable or improper for such an approach to be taken in the name of cross-examination, implying that she did not do what is alleged but that if she had done so, this would have been acceptable. In the first instance, she hides behind legislation, and then goes on to use semantics in an attempt to bury the issue.

It is my view that she keeps digging, and it is simply not good enough. None of it adds up and it is simply not acceptable for her to act in such a manner. That said, I recognise that there are positive aspects to her statement. She made reference to the "inescapable lessons" for the

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Garda and how the O'Higgins report highlighted "a number of critical areas including... dealings with whistleblowers". However, a question remains, and not just in the mind of this Deputy. It is a question that is very much a conversation well beyond the confines of this institution. How can we trust a Commissioner to oversee such changes and learn from these lessons when there are very serious allegations against her in her role, allegations that she has not confronted directly? Instead, as I have already stated, she is dancing around them.

It is appropriate to pay tribute to Garda Sergeant Maurice McCabe, whom I have never met. He was undoubtedly subjected to a very serious and personally targeted smear campaign. The issues brought to light by him were matters by and large that arose in my constituency and that of my colleague on the neighbouring benches. I believe it is imperative and important to put on the record of this House that, from conversations I have had with individual gardaí in the Cavan-Monaghan division, it is clear to me that Sergeant Maurice McCabe's courageous efforts are not perceived as negatively as has been reported. In fact, his efforts to ensure the highest standards within the Garda and to ensure that everyone is treated equally before the law are well respected within those ranks and rightly so.

I acknowledge also former Garda John Wilson who also had the courage to speak out about serious wrongdoings within the Garda. His and Sergeant McCabe's motivation has been and remains, in this Deputy's opinion, beyond reproach. I hope that the ongoing review will address all of the critical matters that have been addressed. A substantial body of issues has been highlighted and needs to be thoroughly and properly investigated and openly and transparently reported on. While many may hope that these are the last words to be heard on this matter, I hope the Minister will come back to this House in an appropriately short period of time to address substantively all of the relevant issues in a very particular and acceptable way.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank everyone for their contributions on this very important matter. As I said in my statement yesterday, we need look no further than the bloody recent events in the north inner city of Dublin to understand just how important is the work of the Garda Síochána. It is precisely because the service the Garda provides is so vital, so important, that it must be delivered to the very highest standards. The O'Higgins report, unfortunately, details numerous occasions, as Deputy Ó Caoláin and others have stated, when that did not happen, and it highlights areas where improvements have to be made. They have been well rehearsed in this House yesterday and again today and I do not have enough time to go over all of them in detail now, but I did acknowledge those issues during my contribution yesterday.

I wish to address specifically some of the points that have been raised during the course of the debate here yesterday and today. It is important that I deal with comments in the debate about allegations around what took place at a meeting between gardaí in Mullingar. I recognise the concerns around these allegations, and I said that yesterday. As has been stated, the Commissioner has asked me to refer that to the Garda Síochána Ombudsman Commission and I have declared my intention to do so. In particular, the question was asked as to why this is only being referred to GSOC now.

We should be very careful about regarding as established fact - I heard Deputy O'Callaghan say this on "Morning Ireland" and I welcome his comments in relation to it this morning - something that is reported to have happened at the commission which is not referred to in Mr. Justice O'Higgins's report. As I have explained to the House before, the proceedings before the commission were by law confidential, so I am not in a position, and nor is anyone else in this

House, to confirm or deny reports that have come into the public domain about parts of the proceedings because I properly have no knowledge of them. Even if those facts were established, what is being suggested is that the Garda Commissioner should, while the commission was still going on, have launched her own investigation into certain matters that were before the commission before Mr. Justice O’Higgins made his findings about the matter.

It is easy to see how that would have been portrayed as a gross interference with the work of the commission. Now that the commission has reported, I do not believe that anyone would be satisfied if the Garda Commissioner simply launched her own investigation into the matter. What we are left with is that, whatever the reality of what actually happened, there is understandable public concern at allegations that members of An Garda Síochána may have fabricated an account of a meeting to cause damage to a colleague, and that is now rightly being referred to GSOC. That is the appropriate forum to deal properly and fairly with this matter.

It is a great pity that, within a couple of hours of my announcing that yesterday, a Deputy saw fit to put the purported names of persons involved in that meeting on the record of the House. It is hard to reconcile the passion with which some Deputies say they are pursuing justice with a blatant disregard for the rights of others. To campaign under the slogan “justice for all” rings very hollow when set against using this Chamber in this way. Of course, it makes it all the more difficult to discuss the issue, both inside and outside this House, where anything we say is now going to be taken as a reference to two people who also have basic human rights to their good names and have a right to defend themselves. It is important that I make that point here today.

A number of Deputies raised the treatment of whistleblowers and the specific cases of other Garda members who have made allegations. Any dispassionate reading of the O’Higgins report and an objective assessment of the events of the past couple of years demonstrate two things: the dangers of rushing to judgment and the need to have fair, independent and objective procedures in place for dealing with allegations of wrongdoing within An Garda Síochána. We should all face up to the fact that my predecessor was excoriated across the floor of this House about matters which some considerable time later he was found to have dealt with properly. Whatever passion Members of this House might have in pursuing what they believe to be great wrongs, we would all do well to reflect that righting the wrongs done to some by doing wrong to others is not what justice is about. I do not believe the floor of this House is where the rights and wrongs of particular allegations can be settled. Our obligation as legislators is to ensure we have in place appropriate arrangements to deal with these difficult and complex matters.

Now we have new protected disclosure powers and we have increased the powers of the Garda Síochána Ombudsman Commission as well. If it is shown that these processes are not adequate to deal with particular cases that have arisen, then of course I am quite prepared to look at whatever other measures I might properly take to address any concerns. What I cannot do, however, is seek to set aside the procedures we, as legislators, have enshrined in law to deal with these matters. Deputies should appreciate that while certain procedures are ongoing, I am simply not in a position to respond on the floor of the House to particular details which they see fit to disclose. After all, such details relate to protected disclosures, in respect of which there is a solemn obligation on me to respect people’s right to confidentiality.

Yesterday, I referred to the sensitivities that arise around whistleblowing and the need to protect persons making allegations, but also the need to respect the rights of those against whom the allegations have been made. Deputy O’Callaghan made the same point this morning.

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This balance is the same balance that sits at the heart of our justice system. We cannot wish it away, nor should we.

I referred to the need for cultural change as well. In some ways that is as important or even more important than having robust procedures in place. Ultimately, any organisation is no more or less than its people and their attitudes, behaviours and the way they treat others. There will be occasions when whistleblowers are found to be right and occasions when they are found to be wrong. We can see findings of both in the O'Higgins report. The key thing is that whistleblowers are protected and treated with respect. That element takes cultural change as well as changes in policy and law.

A number of issues relating to how victims, in particular, female victims, were dealt with are covered in the O'Higgins report as well as the issues that arise in that regard in terms of Garda training. That is being prioritised by the Garda Commissioner at present.

A range of other points were made but I do not have the time to respond to them in detail. Since I am out of time I regret that I cannot respond to more of the points made. However, I assure the House that my focus now is on the failings that were identified in respect of victims, the treatment of whistleblowers, and ensuring the improvements we need to see in An Garda Síochána are carried through.

Adjournment Debate Matters

Acting Chairman (Deputy Declan Breathnach): 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 Anne Rabbitte - the need for the Health Service Executive to expedite the appointment of a paediatric diabetic specialist at University Hospital Galway; (2) Deputy David Cullinane - health and safety defects in homes in Ceol na Mara, Kill, County Waterford, related to statutory fire obligations and the need for remedial works and supports for residents; (3) 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; (4) Deputies Bernard J. Durkan and Catherine Murphy - approval of the tenders for Maynooth schools; (5) Deputy Mick Barry - the Fit to Work proposal for disability allowance payments in the programme for Government; (6) Deputies Clare Daly and Mick Wallace - to discuss the incursion of two peace activists onto the runway at Shannon Airport yesterday to inspect US military aircraft; (7) Deputy Caoimhghín Ó Caoláin - the urgent need to resource the Cavan-Monaghan drug and alcohol awareness services properly through increased and realistic resourcing by providing essential personnel to sustain this most important service; (8) Deputy Aengus Ó Snodaigh - that the Minister address the urgent need to fund the young people's disability transition programme of the WALK peer group in County Louth, as its funding ends in July this year, a change which will affect 119 young people with disabilities; (9) Deputy Eugene Murphy - to ask the Minister for Health to discuss the scheduled appointments of consultants at Portiuncula Hospital, Ballinasloe, County Galway; and (10) Deputy Thomas Byrne - the need for the Minister for Education and Skills to address the serious industrial relations issues affecting schools currently and potentially in the coming weeks and months.

The matters raised by Deputies David Cullinane; Jackie Cahill; Bernard J. Durkan and Catherine Murphy; and Thomas Byrne have been selected for discussion.

Dáil Éireann
Business of Dáil

Acting Chairman (Deputy Declan Breathnach): In accordance with the Orders of the House of 14 April and 5 May, respectively, I wish to confirm to the House that:

Following the recent appointment of Ministers of State and with effect from 24 May 2016, the following changes have been made to the membership of the Committee on Housing and Homelessness: Deputies Colm Brophy and Kevin Moran will replace Deputies Catherine Byrne and Seán Canney, respectively; and

The following members have been appointed to the Select Committee of Arrangements for Budgetary Scrutiny: Deputy Seán Barrett, Deputy Hildegarde Naughton, Deputy John Paul Phelan, Deputy Noel Rock, Deputy Dara Calleary, Deputy Lisa Chambers, Deputy Michael McGrath, Deputy Marc MacSharry, Deputy David Cullinane, Deputy Pearse Doherty, Deputy Joan Burton, Deputy Richard Boyd Barrett, Deputy Stephen S. Donnelly, Deputy Tommy Broughan and Deputy Eamon Ryan.

Sitting suspended at 2.25 p.m. and resumed at 3.30 p.m.

Ceisteanna - Questions

Priority Questions

Passport Services

1. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade the waiting time for the passport express service; if he has extended these due to the volume of applicants; the number of passports awaiting dispatch; the number that have not been issued within the usual 15-day deadline; and if he will make a statement on the matter. [12236/16]

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I congratulate Deputy Darragh O'Brien on his appointment as foreign affairs and trade spokesperson for his party and on his election to the Dáil. I wish him good health and success in that position. I offer him the support and co-operation of my office at all times and trust that we will have a fruitful relationship. I also congratulate Deputy Crowe on his reappointment as spokesperson on foreign affairs and trade for his party and similarly offer him the support and co-operation of my office. I also welcome the appointment of the new Minister of State at the Department of Foreign Affairs and Trade, Deputy McHugh. He has for many years expressed an interest in foreign affairs issues. I wish him every success in his position and the same to Deputy Dara Murphy, the Minister of State with special responsibility for European affairs. I have not had the opportunity of meeting Deputy Gino Kenny. I welcome him to the House and wish him every personal and professional fulfilment in his role as a Member of Dáil Éireann.

The passport express service, operated in partnership with An Post, offers a target turnaround time of 15 working days from posting for correctly completed passport renewal applications. I would like to underline that this is a target turnaround time and not a stated guarantee.

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First time passport applications take longer as the person's identity and entitlement to citizenship must be established.

As of 23 May, compared with the same period last year, demand is up by 13%, which is exceptional. There were more than 68,200 passport applications being processed on the same date. In the case of passport express renewal applications, which account for approximately 90% of all applications in the State, correctly completed applications are being processed within the target issue date at 13 to 14 working days.

Deputy Darragh O'Brien: I thank the Minister for his kind wishes and I wish him well on his reappointment as Minister and the same to the Ministers of State, Deputy McHugh and Deputy Dara Murphy. I very much look forward to working with the Minister in a spirit of co-operation.

In respect of my question, I am aware that the target turnaround time is 15 working days. The problem at the moment is that turnaround time is not being met. People who have applied, assuming a 15-day turnaround, are being told now that is being extended to 30 days. I am aware there has been a significant increase in the volume.

What steps is the Passport Office, through the Department of Foreign Affairs and Trade, taking to deal with the increased workload? It is causing a great deal of stress for families who have saved hard to go on holiday and travel. The Department needs to focus on bringing the average turnaround time back to 15 days.

Applications for brand new passports or to replace lost or stolen ones require the production of the new public service card. Many people have not been issued with a public services card. They then have to make an appointment, further elongating the process.

This is a major issue. We receive many complaints about it and it is causing a lot of anxiety for people who have spent significant sums of money on foreign holidays and find now that they may not be able to travel.

Deputy Charles Flanagan: The public services card is used increasingly as an efficient and secure means to access Government services, including social welfare services for the purposes of the free travel. Already there are in excess of 1.8 million such cards in circulation. It is important that this measure be recognised in the context of the fight against fraud.

Every effort is being made to ensure our targets are being met. A total of 223 temporary clerical officers have been recruited so far this year, which is an increase of 52 officers on last year. In view of the sustained increase in applications over past year, processing work has been redistributed across passport offices in recent months and staff redeployed from other areas of the Department as needed to respond to the increased workload. The passport service will continue to monitor the situation closely.

I advise people intending to travel to check their passport validity before booking holidays. I remind them that children's passports vary in length of validity and that they should follow best practice and allow at least six weeks before the intended date of travel.

Deputy Darragh O'Brien: I appreciate the Minister's reply. This needs to be kept as a watching brief. I will be keeping an eye on it as well. I will pass on the Minister's response to those who have been in touch with me.

Deputy Charles Flanagan: I remind all Deputies that the passport service updates its website weekly with turnaround times. An Post's passport express renewal applications are taking 13 to 14 working days to process. The first-time application takes somewhat longer. However, every effort is being made to meet this unprecedented challenge within the Passport Office and I will keep the Deputies fully informed having regard to the points raised by Deputy Darragh O'Brien.

Irish Prisoners Abroad

2. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade if he is aware that a person (details supplied) has been unjustly imprisoned in Egypt for more than 1,000 days and faces an unfair mass trial; and if he has raised this case with his Egyptian counterpart since his re-appointment. [12272/16]

(Deputy Charles Flanagan): I assure the Deputy that this case remains a top priority for the Government and the Department. We continue to pursue every constructive avenue to secure the release of this citizen and we will continue to bring all of our influence to bear on his behalf through all appropriate channels. The Egyptian Government is fully aware of the priority the Irish Government attaches to this case, and there continues to be, on my part and that of my officials, engagement at all levels with the Egyptian authorities. The key focus of our engagement is to achieve the release of this citizen by the Egyptian authorities at the earliest opportunity and to provide consular support for his welfare while he remains in detention.

The Taoiseach has twice met President el-Sisi, making clear the Irish Government's concerns and objectives in this case. Since my appointment as Minister for Foreign Affairs and Trade in 2014, I have been in regular contact with my Egyptian counterpart, Minister Shoukry, on the case. Irish Government representatives have worked with this citizen's legal team in Egypt and supported petitions to the court when asked to do so, including providing formal Government support for an application under Decree 140 and an application for release on bail. We continue to supply significant resources in Cairo and in Dublin to provide a comprehensive consular assistance to the citizen at the heart of this case. My Department has arranged exceptionally regular and frequent consular visits to the individual in prison since his arrest. The most recent was undertaken by my ambassador, Damien Cole, last month. A further visit is being arranged over the coming weeks.

Deputy Seán Crowe: Ibrahim Halawa has been in jail for 1,013 days. He is living in appalling conditions, with inedible food and is sleeping on a mat. He has no chance of a fair trial and is facing the death penalty. After that length of time, people are asking what can be done differently. He went missing within the prison system in Egypt. Our embassy was misled about his whereabouts. Has a formal complaint been lodged in respect of that matter? Peter Greste, who was a cell mate of Ibrahim Halawa, said that if it was not for the pressure put on politicians and diplomats by his family in Australia, he would still be in prison. He was critical of the Irish Government and said its quiet diplomacy is doing nothing to bring about the release of Ibrahim. Given that 1,013 days have elapsed, is it now time to ratchet up the pressure on the Egyptian authorities? Is there a need for us to put our heads together and come up with a new plan to ensure the release of Ibrahim Halawa?

Deputy Charles Flanagan: There are many different suggestions in regard to the action that can be taken in this case. All options for action are kept open by the Government, and we

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keep these activities under review at all stages. However, I again stress that we are at all times guided by the action that is most likely to achieve positive practical progress for our citizen at the earliest possible opportunity.

Reference was made to other cases, and I wish to record my welcome for those who have been released. Our focus remains firmly on our citizen and his case. I must caution against any over-reliance on the detail relating to other cases being employed as a strict precedent in respect of the operation of the presidential decree. It is important to note that different facts and circumstances apply to each case and it is at times unhelpful to make what I would describe as over-simplistic comparisons. I assure all Members of the House that we will continue to engage positively and actively until we achieve a successful outcome in respect of the case.

Deputy Seán Crowe: I again refer to the fact that he disappeared within the system. Has a formal complaint been made? The European External Action Service monitors trials in Egypt, yet it is not monitoring the trial of a European citizen. Has it been formally asked to attend a trial? That is something that could be done. We know that there have been communications from the UN calling for bail or unconditional release to be granted to Ibrahim in order to halt the alleged violations that are occurring. Does the Minister endorse such communication? Has he followed up on them with the Egyptian authorities? Ibrahim's next court hearing is on 29 June. We know it will be another mass trial and that Ibrahim has no chance of receiving a fair trial. Does the Minister believe it is likely that we will see a verdict announced for the defendant and sentences handed down on 29 June?

Deputy Charles Flanagan: The next hearing of this case is scheduled for 29 June. Embassy officials will be in attendance, as they have been at every hearing over the course of his trial. They will monitor and report on the developments of the day. It is my hope that this matter will be completed in its entirety on that day, although I do not have absolute control over the listing or hearing of court cases in the jurisdiction of Egypt.

I do not believe there is any deliberate intent on the part of the Egyptian authorities to mislead us in regard to the whereabouts of the citizen. There are serious security issues in Egypt. Since the beginning of this year, 48 members of the security forces have been killed and the law and order situation is somewhat challenging and fragile. I ask the House to acknowledge the fact that prison moves are regularly made for operational reasons. Information is never provided in advance in order to ensure the safety and security of prisoners and personnel. I assure the Deputy that I have raised this matter with the ambassador and will continue to raise our concerns about a range of issues relating to this case.

UK Referendum on EU Membership

3. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade his contingency plans in the event of a British exit from the European Union; and if he will make a statement on the matter. [12237/16]

Deputy Charles Flanagan: A fully developed plan B for Ireland is not possible without knowing the terms and conditions of the future relationship between the UK and the European Union. However, Government Departments, including mine, have been working for some time to identify the key strategic and sectoral issues that will arise for us if the UK votes to leave the European Union. We will continue to deepen our analysis of the risks and key issues that would

require priority attention in the event of a UK vote to leave the Union, having regard to the fact that such an outcome would represent a major challenge for this jurisdiction.

The Department of the Taoiseach is responsible for cross-Government co-ordination on this issue, in close partnership with the Department of Foreign Affairs and Trade and all other Government Departments. In the event that the referendum results in a decision to leave, the response and scenario planning across Government will be closely co-ordinated and actively managed.

In addition, there is already a clear framework in place for bilateral co-operation between the Irish and UK Governments under the joint statement which the Taoiseach and Prime Minister David Cameron signed in 2012. For my part, I have an excellent working relationship with my UK counterpart, the Foreign Secretary Philip Hammond.

Such bilateral engagement will continue whatever the outcome of the UK referendum, but will become particularly important in the event of vote by the United Kingdom to leave the European Union.

Ireland has a range of national concerns and issues that we wish to see addressed at EU bilateral level in the context of a negotiated withdrawal by the United Kingdom. These include the operation of the Single Market and the effects on trade between us, as well as the impact on the common travel area and energy interconnection between our respective islands.

In the weeks ahead, my Department and all Government Departments will continue to prepare for all outcomes. Notwithstanding these preparations, it is the earnest wish of the Government that the people of the United Kingdom will vote to remain in the European Union on 23 June.

Deputy Darragh O'Brien: I am somewhat perplexed by the Minister's answer. He said a fully developed plan B is not possible. I understand that, and the matter of whether Britain stays in the European Union is a matter for the British people, which we respect. The clear view of Fianna Fáil is that we believe a British exit from the Union is not in the best interests of the European Union, Britain or Ireland. A recent report from the ESRI indicates that there could be a reduction of up to 20% in our bilateral trade flows, at a cost of approximately €3 billion per annum.

I hope the scenario planning the Minister mentioned is much more advanced than outlined in his reply. Should Britain vote to exit on 23 June, there would be initial shocks for which we need to be prepared. I am not necessarily referring to a full plan B, but rather to how we will respond. It is my earnest hope that does not happen, but I hope the Departments of the Taoiseach and Foreign Affairs and Trade would be at an advanced stage of scenario and contingency planning.

Deputy Charles Flanagan: I wish to assure all Deputies that we all will be as prepared as it is possible to be in the circumstances. It is not possible for the European Union or any individual member state to fully prepare for a possible vote by the UK to leave the European Union. This is because the terms and conditions of the arrangements to be put in place would only become clear through a long process of negotiation, which could well be at least two years.

If the United Kingdom votes to leave the European Union, a number of very different scenarios could be envisaged. I assure the Deputy that the Government will continue to plan in

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order to be fully prepared for any and all contingencies that may arise. Accordingly, all Government Departments have been working for some time to identify key strategic and sectoral issues that could arise in terms of our national interest should the UK decide to vote to leave the European Union. In the meantime, our priority is to ensure the Irish voice is heard on this issue. It is within our national strategic interest and in the interests of the ever-improving British-Irish relations that the British people and those in Northern Ireland, having been fully informed, will vote to remain within the European Union.

Deputy Darragh O'Brien: What work, if any, is being done by the Government in relation to the Irish community in Britain in advance of the referendum? While I fully understand that we cannot, nor should not, get involved in a referendum in another country, given the large Irish population and diaspora there, could the Minister provide an update on the contacts he has had with the Irish community in Britain? We are entitled to put our view, as a Government and as a Parliament, and to make sure that Irish citizens living in Britain are aware that it is in the best interests of their home country that Britain stays within the European Union. Could the Minister provide a short supplementary reply on what work is being undertaken by his Department in that regard?

Deputy Charles Flanagan: The Deputy is right. We will continue to make every effort to ensure our position is clearly set out bilaterally and at European Union level. While we recognise that the referendum on 23 June is solely a matter for the UK electorate to decide, I am co-ordinating a package of visits by Ministers. I was in London recently and I met once again with Secretary of State, Philip Hammond. I met also with members of the Labour Party parliamentary party there and representatives of 35 Irish community organisations in London. I intend to make a number of further visits to the UK in advance of the referendum. My next visit is to Liverpool and Manchester on 1 and 2 June. My Department is co-ordinating a package of visits by other Ministers who will visit the UK in the coming weeks. The destinations include Birmingham, Leeds, Newcastle, Edinburgh and Glasgow where there is a strong Irish community. Last night my colleague, the Minister of State, Deputy Paul Kehoe, visited Birmingham. I urge all Deputies in the House to become involved and engaged and to make contact with business, friends and associates. I include Deputy O'Brien and his party in that regard and trust that they will do the necessary because it is in our national strategic interest that the UK remains firmly engaged with the European Union.

Acting Chairman (Deputy Bernard J. Durkan): We are doing very well. We might meet the deadline yet.

Colombian Peace Process

4. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade if he raised the continued attacks and assassinations of civil society and community activists in Colombia during the discussion on Colombia at the meeting of the European Union Foreign Ministers on 18 and 19 April 2016; and if he will directly raise this issue with his Colombian counterpart. [12273/16]

Deputy Charles Flanagan: Ireland strongly supports the peace negotiations in Colombia. The advances made in the talks over the past year are highly encouraging and there is now a historic opportunity to bring a definitive end to more than 50 years of violence and internal displacement of people. Ireland, through the Department of Foreign Affairs and Trade and our

embassy in Mexico, is actively engaged in assessing how we can best contribute to the successful implementation of a peace accord. I have discussed developments in Colombia with the EU Special Envoy, Eamon Gilmore, on a number of occasions and I have also had the opportunity to discuss the peace process with the UN special rapporteur, Pablo de Grieff. In addition, I met the Colombian Deputy Minister, Patti Jaramillo, when she visited Dublin last year to discuss the peace processes in Colombia with specific reference to Northern Ireland.

At the EU Foreign Affairs Council in Luxembourg in April, my fellow EU Foreign Ministers and I were briefed on recent developments in the peace process by the Colombian Government's High Representative for Peace, Dr. Sergio Jaramillo. Dr. Jaramillo spoke of the challenges of the implementation of a peace agreement between the Colombian Government and the FARC and ELN guerrilla groups and stressed the need for continued support from the EU and its member states.

Further to those meetings I dispatched a group of officials from the Department of Foreign Affairs and Trade and our embassy in Mexico to Colombia in January of this year for discussions with the Government of Colombia, the United Nations and representatives of civil society, including groups involved in the promotion and defence of human rights. The reports to which the Deputy refers are stark reminders that Colombia still faces significant challenges in overcoming decades of violence in order to secure a lasting peace.

Deputy Seán Crowe: Prior to Question Time today I wrote to the Minister and asked him to raise urgently and directly the cases of 30 political and community activists who have been assassinated in Colombia with the Colombian Government. The dead include 16 political activists, including trade unionists and 14 others who were active in the community. They were assassinated over the course of 30 days, which is one person per day, from 21 February to 18 March. The list was compiled by Justice for Colombia, an NGO group. Did the Minister raise the issue specifically with his European counterparts? The Minister referred to the historic opportunity that exists but if the events I outlined are the backdrop to what is happening, we must examine the issue again.

When we debated the Colombia-EU free trade agreement in this Chamber, I argued strongly that horrendous human rights abuses were being perpetrated. A total of 534 political activists were murdered in Colombia between 2011 and 2015. Speakers from the Government side repeatedly suggested that we were wrong and that free trade would somehow improve human rights in Colombia but the 30 assassinations of political activists and trade unionists flies in the face of that. Were any of those issues discussed with European Ministers and will there be any action from the EU on what is happening in Colombia on the ground?

Deputy Charles Flanagan: I assure the Deputy that we continue to raise human rights issues in relation to matters in Colombia in keeping with our commitment to the promotion and protection of human rights and human rights defenders. It is one of our core foreign policy objectives. We condemn unreservedly all attacks and threats against human rights defenders, wherever they take place.

Human rights are also a priority for the European Union and all its member states. The issues were addressed in detail in the context of EU-Colombia human rights dialogue. Through that mechanism, the Union engages with the relevant and appropriate Colombian authorities in a structured manner across a full range of human rights issues, including human rights defenders, trade unionists, land restitution and economic and environmental issues. It is our firm

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belief that this ongoing, regular, structured policy of engagement, dialogue and scrutiny is the best way to promote an atmosphere of human rights in Colombia.

Deputy Seán Crowe: There is no doubt there have been considerable positive change in regard to Colombia, including the historic talks in Havana. There are positive elements but at the same time people are being executed. An attempt was made on the life of Imelda Daza, one of the leaders of the left-wing Patriotic Union on Friday, 6 May. Such things are happening. We ask people to stand up for peace, politics, justice, equality and the use of democratic means but at the same time, people are being executed by death squads who are linked to groups and individuals in Colombia. We must ensure there is a positive input to bring about peace and to improve conditions. What can the Government and the EU do in relation to the decades of conflict that have been ongoing? The talks are going at a positive rate but what can we do as Europeans who are concerned about peace and stability in the region?

Deputy Charles Flanagan: There are a number of issues in which we can become involved. Deputy Crowe is correct to talk about the importance of ensuring that Ireland plays its part. I am very pleased to record the work of the former Tánaiste and my ministerial predecessor, Eamon Gilmore, in his capacity as envoy with special responsibility. He was appointed by the EU High Representative for Foreign Affairs. His role is to provide political support to the ongoing peace negotiations. Part of the mandate of the team of officials I dispatched to Colombia in January of this year was to assess the extent to which there was an interest in learning more about the Irish experience. We continue to raise issues of human rights, including those referred to by the Deputy, and we also provide funding by way of financial aid towards peace-keeping projects in Colombia. Our officials met teams from the Government of Colombia and there was also involvement from the United Nations and other stakeholders across civil society. We will continue to prioritise this matter in the context of our broader support for the Colombian peace process.

4 o'clock **Overseas Development Aid**

5. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade how he will reach the United Nations target of 0.7% of gross national product for overseas development assistance as per the programme for Government; and if he will make a statement on the matter. [12238/16]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe McHugh): Tá mé ag súil go mór leis an obair atá romhainn maidir le cúrsaí forbartha idirnáisiúnta agus cúrsaí diaspóra. Tá mé ag súil go mór freisin le bheith ag obair le chéile le mo chomhghleacaithe ar an taobh seo den Teach agus le mo chomhghleacaithe éagsúla i dTeach Laighean. Ar nóta pearsanta, ba mhaith liom mo bhuíochas a ghabháil leis an Teachta O'Brien mar ag an am a tháinig mé isteach i bpost Aire Stáit na Gaeltachta fuair mé cuidiú mór uaidh agus spreagadh freisin. Bhí mé fíorbhuíoch de mar bhí mé faoi bhrú agus bhí mé sa choirnéal.

I will give this English language a go now. The Government is strongly committed to Ireland's overseas aid programme and to its place at the heart of Ireland's foreign policy. The Government has restated this clearly in the programme for Government. The Government's policy for international development, One World, One Future, articulates clearly its commitment to the UN target of providing 0.7% of gross national product, GNP, as official development assistance, ODA. The programme for Government sets out the Government's ambition

to make progress towards the UN target as resources permit. It is important that such progress be made in a sustainable and manageable way that strengthens Ireland's recognised role as a reliable and effective partner in providing humanitarian assistance and contributing to the fight to end global poverty and hunger.

Since 2011, Ireland has provided more than €3.8 billion in ODA. This has involved significant annual contributions in excess of €600 million at a time of great economic difficulty. Over this time, the Taoiseach and Ministers have stated consistently that we would make progress towards the 0.7% target once economic conditions allow.

Deputy Darragh O'Brien: Gabhaim buíochas leis an Aire Stáit agus ba mhaith liom comhghairdeas a dhéanamh leis arís. Obviously, the target of 0.7% of gross national product for ODA was set in 2000 and for various reasons, some of which were valid, successive Governments have never achieved that target. My issue with regard to the programme for partnership Government is that it does not set out any type of roadmap to achieve this but merely states: "We will continue to make progress towards achieving the UN target of 0.7% of gross national product for ODA." In budget 2016, a total of €640 million is provided for official development aid assistance. This represents a small increase of approximately €40 million, which will bring the amount up to approximately 0.36%, and we are way behind the curve in this regard. As a Parliament and as a Government, we should commit to this target. It is a good thing to do and it is appropriate, morally right and just to do so. I ask the Minister of State to outline in greater detail how it is intended to move towards that target over the term of the Government.

Deputy Joe McHugh: It is a major challenge in terms of financial resources to get to the 0.7% target. Moreover, as GDP widens, that percentage also narrows and consequently there are challenges in this regard. In this new era of new politics and new co-operation, I am open to working with Members to try to work out a way of moving towards this benchmark because it is an area of such great importance. Even during the period since 2011, some €3.8 billion has been spent in overseas aid on important work at both humanitarian and development levels. At what is a very early stage in this job, I have found that new methods of best practice are being introduced to try to draw a more effective linkage between humanitarian and development aid. Moreover, Ireland is perceived to be a world leader in this regard. At the humanitarian summit in Istanbul in recent days, it was obvious that the world is looking to Ireland for ways to try to make progress in this regard. I am open to ideas and to working with the Deputy on a more coherent roadmap to achieve the target.

Deputy Darragh O'Brien: I am open to working with the Minister of State on this issue and in the context of the forthcoming budget and the new budgetary process to be put in place in the Dáil, it is incumbent on all parties and Independents to work towards and to make commitments on improving Ireland's standing in this regard. The Minister of State is correct that our international standing is good but we are well short of the target Members from all sides have set for Ireland and have agreed to achieve. I note the dreaded phrase that is used, the fiscal space for budget 2017, could be in the region of €900 million and Members must work together to ascertain what elements of that can be used appropriately towards ODA and to increasing Ireland's level of contribution. Finally, it might be useful for Members on this side of the House were the Minister of State to arrange a briefing for them with Irish Aid in order that Members can work together in a co-operative and collegiate way to achieve the nation's goals in this regard.

Deputy Joe McHugh: That absolutely can be organised.

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Other Questions

Dublin-Monaghan Bombings

Acting Chairman (Deputy Bernard J. Durkan): The next Member present, for Question No. 7, is Deputy Maureen O’Sullivan.

7. **Deputy Maureen O’Sullivan** asked the Minister for Foreign Affairs and Trade the time-frame for making progress on unresolved issues regarding the Dublin and Monaghan bombings; if he will request his British counterparts to release all outstanding documents; and if he will make a statement on the matter. [11897/16]

Deputy Charles Flanagan: I welcome Deputy Maureen O’Sullivan back to the House. I had been looking over towards her more familiar spot opposite me but I welcome her to the upper reaches of the benches.

Dealing with the legacy issues of the past relating to the conflict in Northern Ireland and the Dublin-Monaghan bombings is a major priority for me as Minister for Foreign Affairs and Trade and for the Government. Moreover, this commitment also is reflected in the new programme for Government. Members will be aware that yesterday, this House debated and adopted an all-party motion, supported by the Government, on the Dublin-Monaghan bombings. This motion recalls the two previous all-party motions 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-Monaghan bombings. Yesterday’s debate and all-party motion are important in reaffirming the shared will and determination of the Thirty-second Dáil to secure progress on the Dublin-Monaghan bombings. The motion renews the mandate to the Government to actively pursue with the British Government the implementation of the 2008 and 2011 all-party motions. The Government is committed to actively engaging in this regard.

As Minister for Foreign Affairs and Trade, I have previously discussed the implementation of the all-party motions with the British Government on a number of occasions, including most recently on 9 May with the Secretary of State for Northern Ireland. I have made clear to the Secretary of State that there is a pressing need to provide answers to the families of the victims. The Taoiseach has raised this issue with Prime Minister Cameron while emphasising the Government’s continued support for the Dáil motions. Despite our urging, the British Government is still considering how to respond to the previous Dáil motions. I will, however, continue to raise this issue with the Secretary of State for Northern Ireland in our forthcoming meetings when I will also bring to her attention the latest all-party motion passed yesterday in the Dáil.

Deputy Maureen O’Sullivan: I thank the Minister and wish both Ministers well in their new roles in this Dáil. The Minister, Deputy Flanagan, and I had a similar exchange on this matter in February 2015 and he said then, as he has just said now, that he has raised the issue with the Secretary of State. The Minister’s reply then was “she would consider afresh how the British Government can respond to the Dáil motions”. Members are now into their third motion, with the first passed in 2008, the second in 2011 and the third in 2016. My question is: how long does it take to consider something? Theresa Villiers has now taken more than a year on this matter. Members are aware that the Taoiseach has raised repeatedly this question with David Cameron and I will cite a recent article in which he stated this must be “adequately ad-

dressed if we are to achieve a genuinely reconciled society". It is the height of disrespect on the part of the British Prime Minister to treat the Irish Prime Minister in such a way, that is, in spite of the Taoiseach repeatedly raising this matter, no progress is being made. Members are aware of this and are aware that through the Justice for the Forgotten group, the families have been waiting for more than 40 years for these answers.

Deputy Charles Flanagan: I assure the Deputy this issue will continue to be a priority in my deliberations with the Secretary of State and the British Government. I also am aware of the Taoiseach's positive and constructive engagement in this regard. Last week on 17 May, the forty-second anniversary of the bombings, I represented the Government at the commemoration ceremony and stood in solidarity with the families of victims and survivors of the atrocity in the constituency represented by Deputy O'Sullivan. Decades-old 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.

Following the Assembly elections in Northern Ireland and the formation of the Executive yesterday, I wish to assure the Deputy and the House that I will continue to renew a positive and vociferous round of engagements on this issue.

Deputy Maureen O'Sullivan: We have had two recent examples. First, the way in which the people of the Bogside in Derry coped with the apology from David Cameron. Second, a couple of weeks ago, we saw the joy, albeit mixed with sadness, of the families of victims of the Hillsborough tragedy because they were able to get to the truth of what had happened.

The Justice for the Forgotten group and the families of those killed and injured in the Dublin-Monaghan bombings are still waiting. The onus is on the Government to push this further. I do not know what the British Government is afraid of, but obviously they are afraid of the truth. This country has been reaching out. We have had the Queen's visit and the current visit of other members of the British royal family. It beholds the British Government to treat us with the same respect that we are showing to those members of the royal family.

The Minister is doing more to support the families concerned by highlighting this issue than has been done by previous Governments since 2008. If there is no specific timeframe from the British authorities as to when all the documents will be released, the Government should be prepared to take the matter further.

Deputy Charles Flanagan: I remind the House that addressing the needs of victims and survivors is at the core of the Government's approach to dealing with the legacy of the past in Northern Ireland. Indeed, this is reflected in the recently agreed programme for Government, as published. We will continue to work to build on the progress made in the all-party talks last autumn, to see the establishment of a new institutional framework on the past, as agreed under the Stormont House agreement.

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Following the formation of the Northern Ireland Executive, I hope that new and positive ways can be found to establish the legacy bodies in the near future. I will continue to prioritise these issues and actively engage with the new Northern Ireland Executive and the Secretary of State.

I wish to assure the Deputy that at the earliest opportunity - at my next meeting in the coming few weeks - I will again stress the importance of movement on this issue as being a priority for our Government. In the context of yesterday's all-party motion, I believe that will strengthen my hand and that of the Government in dealing with this issue. I undertake to report back to the Deputy and the House at the earliest opportunity.

Irish Prisoners Abroad

8. **Deputy Gino Kenny** asked the Minister for Foreign Affairs and Trade the measures he is taking to secure the release of a person (details supplied) from detention in Egypt; the reason for the delay in the person's release; and if he will make a statement on the matter. [11902/16]

13. **Deputy Fiona O'Loughlin** asked the Minister for Foreign Affairs and Trade his efforts to secure the release of a person (details supplied) detained in Egypt; and if he will make a statement on the matter. [11915/16]

24. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade the efforts being made by the Government to secure the release of an Irish citizen (details supplied); and if he will make a statement on the matter. [11903/16]

Deputy Charles Flanagan: I propose to take Questions Nos. 8, 13 and 24 together.

This case remains a high priority for the Government and my Department. We are continuing to pursue every constructive avenue to secure the release of this citizen and we will continue to bring all of our influence to bear on his behalf through all appropriate channels.

All of the sustained and focused actions that have been taken by the Taoiseach, myself and other Ministers, as well as by my Department and our embassy in Cairo, are in pursuit of the Government's clear strategy in this case, which is focused on two key objectives: first, to see this citizen freed by the Egyptian authorities so that he can return to his family and his studies in Ireland as soon as possible; and second, to provide every possible consular support for his welfare while he remains in detention.

The Egyptian Government is fully aware of the priority the Irish Government attaches to the welfare and interests of our citizen. There has been sustained engagement at all levels with the authorities in Egypt. I have been in regular contact with my Egyptian counterpart, Minister Shoukry, and the Taoiseach has twice met President el-Sisi, making clear the Irish Government's concerns and objectives in this case.

In addition to this dialogue with the Egyptian authorities, the Government has also been engaging on an ongoing basis with European and international partners who have had citizens detained in Egypt in similar circumstances, and with the European Union.

Irish Government representatives have worked with this citizen's legal team in Egypt and supported petitions to the court when asked to do so, including providing formal Government

support for an application under Decree 140 and an application for his release on bail. Representatives of the embassy have attended each of the court hearings to date and will be present at the next scheduled hearing on 29 June. Officials of the Department of Foreign Affairs and Trade in Dublin also remain in regular contact with his family and Irish-based lawyers.

Significant resources continue to be deployed by my Department, both in Cairo and in Dublin, in the provision of comprehensive consular assistance to the detained citizen and his family. The Department has arranged frequent consular visits to this individual in prison since his arrest, the most recent of which was on 17 April. Another visit will be arranged in the coming weeks. These visits also allow regular contact with the prison authorities who are aware of the Irish Government's strong and sustained interest in the welfare of this citizen.

Given that the trial is ongoing, the Government must at all times remain measured and responsible in its public comment. This is entirely consistent with our approach in other consular cases, with our clear objectives in this case, and with what we firmly believe will offer the best prospect for a positive outcome for this young man.

Deputy Gino Kenny: As the Minister knows, Mr. Halawa has been in prison for the last 1,000 days, which is over three years, without trial. His continuing mistreatment is completely unacceptable and is causing his family untold stress. While there are probably moves going on in the background by the Government to try to get Mr. Halawa released, at this stage the Taoiseach needs to intervene and talk to his counterparts in Egypt. It is not acceptable that after 1,000 days Mr. Halawa is still locked up without trial. Basically, he has been interned. We should do all we can to get this innocent man freed. It is like the Irish people who were locked up in Britain - they committed no crime. They were just in the wrong place at the wrong time. Hopefully, Mr. Halawa can be out very soon.

Deputy Darragh O'Brien: The Minister has given a detailed answer to this question. I met Mr. Halawa's sister, Somaia, yesterday. I know that the Minister is aware of the family's deep concerns for Ibrahim Halawa. The forthcoming court case on 29 June is effectively a sentencing hearing, not a trial. The one faint hope is that, more than likely, there will not be any further postponements. Does the Minister have any update on that through the embassy? Is he hoping that this will be the final date? We have had 13 postponements up to now, which has prolonged Mr. Halawa's incarceration without trial. Perhaps the Minister can comment on that aspect of it.

Deputy Charles Flanagan: I wish to assure both Deputies that we will continue to use all our influence in this matter in order to secure the objective, which is the release of the individual in question. I am pleased to note that is the considered view of everybody in this House. It is important that we all work together on this issue.

I acknowledge that there have been many different views and suggestions for action on this case. We will keep all possibilities for action under constant legal review. In this regard, Deputy Darragh O'Brien mentioned 29 June as the date of the next hearing. I wish to assure the House that embassy officials will be in attendance, as they have been at each and every hearing.

At the last hearing in March there was a clear indication by the court clerk that the next hearing, on 29 June, would be the final one and that the court would give its verdict on that date. Given the specific nature of the Egyptian system, I would caution against any undue expectations in this regard. However, I wish to assure the House that once these proceedings have been concluded, the Government stands ready to take all appropriate action, at the political and

diplomatic levels, in order to secure a resolution to this case.

Deputy Gino Kenny: I thank the Minister. What is worrying is Egypt's diabolical justice system. Currently, 492 individuals are awaiting a mass trial and Ibrahim is one of them. Even the EU has rightly criticised Egypt's record on selective justice, because it is slightly archaic. I understand the Government is trying to do its best to free him but I reiterate that if there is no conclusion by the end of June in his case, the Taoiseach should intervene directly.

Deputy Darragh O'Brien: I fully understand that we cannot carry out all our diplomacy in public and I am aware of some of the work going on in the background, with a great deal of support being provided. Every Member and political party wants to ensure Ibrahim is released without further delay. It is our earnest hope that there will be no further delays after 29 June. If there are further delays, I ask the Minister to consider other options to increase the level of diplomatic contact. Embassy staff have attended all hearings to date and I know from the family that they are grateful for the assistance they have been given by the Minister, the Department and officials in our embassy and consular service. I ask the Minister to return to this matter after 29 June should the hearing on that date prove not to be the final one. We all hope that he will be released at that stage.

Deputy Charles Flanagan: I acknowledge the positive comments of both Deputies and I assure them I will keep them and the House fully informed of developments, if any, in this case. I assure Deputy Gino Kenny that the case has been discussed by the Taoiseach and myself with our Egyptian counterparts. I have taken careful note of the points raised. It remains clear from all our contacts with the Egyptian authorities that their position is that the current trial process must be permitted to take its course before consideration can be given to the application of Law 140, presidential decree, which has been mentioned in the House on a number of occasions. Any decision on the release of this citizen will ultimately be taken by the Egyptian authorities in accordance with Egyptian law. However, I assure the House of my continuing engagement and the continuing engagement of the Taoiseach. We will continue to use all our diplomatic channels and efforts to reach our ultimate objective, which is the safe return of this citizen at the earliest opportunity.

Humanitarian Aid Provision

9. **Deputy Thomas Pringle** asked the Minister for Foreign Affairs and Trade if Ireland's foreign policy advocates and supports climate justice and an equitable burden-sharing approach in tackling climate change globally; if Ireland will make a public financing pledge to the United Nation's Green Climate Fund and establish a new national mechanism, for example, a new Climate Justice Fund to provide secure and additional financing for adaptation in developing countries into the future; and if he will make a statement on the matter. [11892/16]

Deputy Joe McHugh: Ba mhaith liom buíochas a gabháil leis an Teachta faoin gceist thábhachtach seo. The Global Island: Ireland's Foreign Policy for a Changing World recognises clearly that climate change is one of the biggest global challenges of this century and that it is pushing more and more people in developing countries into poverty. My Department brings a strong development perspective across government to Ireland's work on climate change and sustainable development. Our policy for international development - One World, One Future - prioritises action to address climate change for the poorest people in developing countries, in particular in the least developed countries.

We recognise the importance of climate justice as noted in the Paris Agreement on Climate Change, which was signed by Ireland on 22 April at the United Nations in New York. One of the key principles underpinning the agreement is “the principle of equity and common but differentiated responsibilities”. This acknowledges the need for equity and requires action by all parties, big and small.

At the UN conference of the Convention on Climate Change in Paris last December, the Taoiseach committed that Ireland will commence contributions to the green climate fund in 2016 with a view to building up our support over the coming years. He also committed to increase our contributions to the least developed countries fund and to provide €175 million in international climate finance over five years. It is planned that this will largely be channelled through existing partnerships.

Given a number of effective financing mechanisms are provided for by the UN Convention on Climate Change, there are currently no plans to establish a new national mechanism to provide climate financing to developing countries.

One of the leading advocates for climate justice internationally is our former President, Mary Robinson. I welcome her appointment this week by the UN Secretary General, Ban Ki-moon, as his special envoy on El Niño and climate. We look forward to working with Mary Robinson in this important new role.

Deputy Thomas Pringle: I thank the Minister of State for his response and I wish him well in his new role.

Ireland committed €175 million over five years, which works out at €35 million per year. When will that start to be paid and how will it be paid this year? Will he outline the source of the funding? Will the money be diverted from our ODA programme or will new money be allocated for this important commitment we gave at the Paris summit to subscribe to the fund and to ensure the money is targeted at climate justice actions in developing countries? It is important that the Minister of State provides clarity to the House that this is additional money rather than money being diverted from existing ODA funds.

Deputy Joe McHugh: I can obtain information for the Deputy regarding the detail of when and how it will be paid. However, buying into the commitment is the most important factor. At the humanitarian summit earlier this week, humanitarian aid and development programmes were not discussed in isolation. Climate change, food security and conflict solutions were very much at the heart of the debate. We cannot anticipate some issues such as climate change but preparatory work is being done.

With regard to the money that is being made available, a fixed amount is ring-fenced for ODA - €640 million for 2016. During our earlier discussion on this, we alluded to an additional €40 million, which is a significant amount in the context of reaching our 0.7% of GNP budgetary target, but it still does not go far enough. However, we have provided €3.8 billion in ODA since 2011, which is a lot of money. The money for this programme is additional to the ODA budget and I will get the detail of when it will be paid. I do not have that information to hand.

Deputy Thomas Pringle: The Minister of State has said this is additional funding on top of the ODA budget. This will be new money that will be provided specifically for climate justice actions. That is welcome commitment, if it is the case.

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The Minister previously announced a contribution of \$2.7 million but it has not been paid. There is a long history of countries announcing funding in response to natural disasters and demands for development aid but all they are is announcements, which do not translate into the delivery of money. I welcome the fact that this will be additional funding. I look forward to that being provided in future budgets. However, I emphasise that we need more than just announcements; we need to see this happening as well.

Deputy Joe McHugh: There have to be announcements but we may agree that the major challenge is delivering the money on the ground. We may have a solution in Ireland for countries in which there is significant conflict such as South Sudan but we need to find the solutions at local level. The EU promotes subsidiarity. There was a strong conversation among world leaders and UN officials on the solutions having to work from the bottom up on the ground. Many issues present an enormous challenge. A total of 60 million people have been displaced by conflict. An additional €15 billion is required for humanitarian assistance in the current period. There are many challenges and while we are focused on the country and on our constituencies, this has an impact at local level. I thank the Deputy for asking the question.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Paul Murphy was not in the House and asked that Deputy Mick Barry take Question No. 6 on his behalf. Is that agreed?

Deputy Joe McHugh: Which question is that?

Acting Chairman (Deputy Bernard J. Durkan): Question No. 6. Is that agreed?

Deputy Charles Flanagan: Are we going back to Question No. 6?

Acting Chairman (Deputy Bernard J. Durkan): Question No. 6. It relates to human rights defenders. Is that agreed? Agreed.

Human Rights

6. **Deputy Paul Murphy** asked the Minister for Foreign Affairs and Trade if he will recognise a person (details supplied) as a human rights defender and the measures he will take to ensure the person's safety and ability in going about lawful activities. [11948/16]

Deputy Charles Flanagan: There is no procedure by which the Government confers recognition on persons as human rights defenders but protection of human rights defenders is a critical element of the protection of human rights anywhere. Rights and protections do not effectively exist if they cannot be invoked and defended on the ground.

The person in question is a leading advocate of the movement for boycott, divestment and sanctions, BDS, against Israel, which is intended to pressure Israel into ending the occupation. While the Government does not itself support such a policy, it is a legitimate political viewpoint, albeit one regarded in Israel as deeply hostile.

I do not agree with attempts to demonise those who advocate this policy or to equate them with violent terrorists. I am not aware of any credible allegation that the individual in question has had any involvement in violence.

In this case, the outcome of this review of the subject's residency is not yet known, nor is it

known whether it would withstand subsequent legal challenge. The non-renewal of the travel document seems to be pending the outcome of this review. The person has not asked for assistance from our embassy. Nonetheless, the EU delegation in Israel has asked for clarification of his position and we will follow all developments in the case.

More broadly, the issue of revocation of residence is one we have raised before with the Israeli authorities. I am deeply concerned about wider attempts to pressure NGOs and human rights defenders through legislation and other means to hinder their important work. We have raised this both at EU level and directly with the Israeli authorities.

It is, unfortunately, impossible to monitor and act on every case and Ireland's limited resources in the area are principally devoted to generic issues rather than individual cases. However, we seek also to promote action on individual cases through the EU delegation and the group of EU missions, avoiding duplication of effort, and by our support of Israeli and Palestinian NGOs active on justice and human rights issues.

Deputy Mick Barry: I thank the Minister for his reply. I would point out that in the case of Omar Barghouti, it is not merely a case of his travel documents not being renewed. His residency status is under review by the attorney general. There is a climate or an atmosphere that is very concerning in respect of the health and safety of this man and others who share his views. On 28 March 2016, an anti-BDS conference was held in Jerusalem at which a number of Israeli Government Ministers spoke, including Yisrael Katz, Minister of Transportation and Road Safety and Minister of Intelligence and Atomic Energy, who called on Israel to engage in targeted civil eliminations of BDS leaders. This is a phrase well known in Israel as code for targeted assassinations. Is the Minister prepared to go so far as to say that the Government recognises and accepts that Omar Barghouti is a human rights defender?

Deputy Charles Flanagan: I ask the Deputy and other Members to recognise that there is a difficulty regarding this matter in so far as there is no definition of the term "human rights defender". I note that this individual's case is one that has been raised by Front Line Defenders, which is a highly respected NGO with which my Department works closely and whose bona fides I fully accept. As I outlined in my reply, my Department will monitor the ongoing developments in this case in conjunction with the EU delegation and as part of our broader engagement in support of the role of human rights defenders and the protection of civil society space.

Deputy Mick Barry: I listened carefully and I hear what the Minister is saying. I will frame the question in the following way. Omar Barghouti is recognised as a human rights defender by Amnesty International. Is the Minister prepared to say that this is something that the Government notes and gives serious and due consideration and weight to?

Deputy Charles Flanagan: The Government has noted the Deputy's comments and the comments of international organisations in that regard but I remind the Deputy and the House that this case has only just emerged with the non-renewal of the travel documents of the person. This is the beginning of the review status and not the end. He will have legal opportunities to challenge any change in status.

More importantly, it is a key principle that intervention in the case of human rights defenders should be undertaken with their agreement or that of their representatives as outside intervention at an early stage is often counterproductive. Where the person continues to be at liberty and is able to communicate, we normally act at their request but we want to avoid duplication of

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effort in that regard. In this case, I advise the Deputy that the EU mission has inquired as to the facts of the case. That is the appropriate starting point and I would be happy to communicate with the Deputy at any stage to ensure the full process of information is fully and adequately considered in the circumstances.

Undocumented Irish in the USA

10. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade if he plans discussions with the authorities in the United States of America given the ongoing concerns at the difficulties the undocumented Irish face and the concerns of their families at home; and if he will make a statement on the matter. [11904/16]

Deputy Joe McHugh: Achieving relief for undocumented Irish migrants in the US and agreement on a facility for future legal migration between Ireland and the US remains a priority for the new Government. Our embassy in Washington and consulates elsewhere in the US are active in advocating immigration reform and the issue is also regularly addressed in high-level political contacts between Ireland and the US Government.

While in Washington for St. Patrick's Day, the Taoiseach and the Minister for Foreign Affairs and Trade met President Obama, Vice President Biden, House Speaker Ryan, Senator Charles Schumer and other key Congressional contacts from both sides of the aisle. During these meetings, they emphasised the plight of the undocumented Irish in the US and encouraged both Houses of Congress to work on a bipartisan basis towards a comprehensive package of immigration reform measures.

In his speech at the House Speaker's lunch at Capitol Hill, the Taoiseach addressed the issues of immigration reform and urged Republicans and Democrats to work together to address the concerns of the undocumented Irish in the US. The Taoiseach also spoke of the need for improved legal migration channels for those Irish people who wish to live, work and develop their skills in the US for a time and emphasised the exceptional contribution made by Irish people to American society over the course of centuries of shared history.

Our embassy in Washington continues to closely monitor the progress of the judicial case on President Obama's executive actions on immigration reform. This case, which was brought by a coalition of US states seeking an injunction against the executive action, has now reached the US Supreme Court and it is expected that the court will declare its decision next month. If the appeal succeeds and the measure is implemented, the executive action could benefit a significant number of our citizens by lifting the threat of deportation and allowing those undocumented immigrants who have been in the US for more than five years and who have children who are US citizens or legal permanent residents to work and travel more freely within the United States.

Additional information not given on the floor of the House.

The new Government, the Department of Foreign Affairs and Trade and our embassy in Washington will continue to actively pursue all opportunities to advance immigration reform that would be of benefit to our citizens with the US Administration, both sides of the aisle in Congress and the US Embassy in Ireland.

Deputy Darragh O'Brien: Keeping the issue of the undocumented Irish at the top of the agenda is a priority for me and my party. Vice President Biden will be visiting this country shortly and every opportunity should be taken to raise the plight of the undocumented Irish, which is put at 50,000, although I think the number is significantly higher. We are all aware of what living undocumented means for a person and their family in terms of the restriction of travel and the unlawful presence bars introduced by US. A person who is regarded as having overstayed and who has left the US can be barred from returning for a period of between three and ten years. These elements need to be worked on. I ask the Government to outline a programme with regarding to a schedule of meetings. The St. Patrick's Day meetings and St. Patrick's week are important but from feedback I have received in the past, such engagement needs to be a constant. I ask the Minister to bear that in mind and to use the visit of Vice President Biden to raise this matter again.

Deputy Joe McHugh: I agree entirely that it is not good enough on the big days. There are lots of opportunities outside that. On Friday, I met Kevin Cullen from *The Boston Globe*. We have to look at a way of keeping up that engagement and keeping it consistent. There are many things outside our control such as the presidential election that is coming up. There is a loud debate on emigration, particularly on the Republican side, of which we are all aware. In the meantime, we can use our natural network with the United States and with people outside the Irish gene pool, such as Republican Congressman Jim Sensenbrenner, who introduced a Bill. We have advocates in people who are working in a very sensible way. While initially there was a wholehearted welcome of President Obama's executive action, there were weaknesses in it for many people. I am thinking of one man from my county who has no children so some people were left out.

Deputy Darragh O'Brien: This is something I will return to on a regular basis. It appears that the Obama plan is dead. Even if the federal courts rule on it shortly, it will still require legislation in Congress. There will be a presidential election in November and there will be a change of president at that stage. I ask the Department to look seriously at improving reciprocal arrangements for US citizens coming to Ireland. We may have to be selfish about this and not pool our Irish citizens in with other undocumented citizens from other nationalities. We should look at improving visa arrangements for US citizens coming and working in Ireland because there are difficulties there from time to time. We should look at a reciprocal arrangement and what we can give. We are a big trading partner of the US, but it works both ways. We are its tenth biggest trading partner in terms of Irish investment in the US so it is not us coming cap in hand. I ask the Minister to keep it on the agenda and look at improved reciprocal arrangements and a bilateral deal where possible.

Deputy Joe McHugh: It works between America and Australia with the E3 visa so it is a sensible suggestion. There are cases where American citizens are having challenges getting visas in this country. We have to be constructive and sensible about it. There are things we can do on this side of the pond; it is not just a one way street. I look forward to working with the Deputy on it. There are many people from different parties that have a very strong interest in this issue. It affects us all. There are people in other constituencies who have children in America who cannot come home and are worried about attending potential funerals or a wedding and they know they cannot be part of it. We all know the difficulty.

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Trade Data

11. **Deputy Gino Kenny** asked the Minister for Foreign Affairs and Trade for detailed information on the trade in goods and services between Ireland and Israel, including restrictions on such trade; and if he will make a statement on the matter. [11901/16]

(Deputy Charles Flanagan): Trade in goods with Israel in 2015 amounted to €987 million, which consisted of exports of €871 million to Israel and imports of €117 million from Israel. I am rounding off these figures for the purpose of the reply. Trade in services, for which the most recent figures I have are for 2014, amounted to €649 million, of which Irish exports were €559 million and imports were €90 million. More detailed figures are available from the Central Statistics Office.

Restrictions on trade are decided at European Union level. There are no current restrictions on trade with Israel and no Irish Government has been in favour of such restrictions. Goods from Israeli settlements in occupied Palestinian territory are excluded from the normal favourable tariffs which apply to Israeli goods.

Deputy Gino Kenny: By any stretch of the imagination, Israel is not a normal state. Its very existence was born out of brutality and racism. As such, we should treat it as an abnormal state. People might be surprised by how much trade we do with Israel, particularly in the arms industry. Since 2005, Ireland has spent €15 million on military imports from Israel and has sold €6.5 million of military dual use hardware to the state of Israel since 2011. People might be surprised by that but what will shock them to their very being is that in 2014 in the war in Gaza, Israel murdered 1,700 civilians. Of those 1,700 civilians, 551 were children. How are we trading with a country like that?

Deputy Charles Flanagan: The purchase of military equipment for the Defence Forces is a matter for my colleague, the Minister for Defence. The normal criteria for such purposes include the effectiveness of the equipment for the protection of Irish troops and value for money. Of its nature, suitable military equipment is often only available from a small number of countries.

Acting Chairman (Deputy John Lahart): That concludes questions.

Deputy Mick Wallace: My question is next. Deputy Durkan broke two rules and let someone else in. He went back on Question No. 6 and let a different person take it, which we have not seen happen in the past five years. I am being denied my question.

Acting Chairman (Deputy John Lahart): I am told that Deputy Durkan sought the agreement of the House.

Deputy Mick Wallace: No one agreed.

Acting Chairman (Deputy John Lahart): We are moving on to Adjournment debates.

Deputy Gino Kenny: I should be allowed to reply.

Acting Chairman (Deputy John Lahart): Questions concluded at 4.45 p.m. I am governed by the rules of the House.

Deputy Mick Wallace: The rules of the House were broken to deny me speaking time. Will

the Minister take my question?

Acting Chairman (Deputy John Lahart): Question Time is over; it concluded at 4.45 p.m. There is nothing I can do for the Deputy on this occasion.

Deputy Mick Wallace: So it is okay to break one rule and not break another one.

Acting Chairman (Deputy John Lahart): Deputy Durkan sought the agreement of the House and there were no objections.

Deputy Mick Wallace: He did not get it because nobody agreed. Nobody said they agreed.

Acting Chairman (Deputy John Lahart): Thank you, Deputy. We are moving on to Adjournment matters.

Deputy Mick Wallace: That is ridiculous.

Written Answers follow Adjournment.

Adjournment Debate

Housing Estates

Deputy David Cullinane: This Adjournment matter concerns a housing estate in Kill in County Waterford, where serious fire safety defects have been found in recent times. It is one of the many housing estates built during the Celtic tiger period, where fire safety defects were found because of problems with the development, poor and lax planning and regulation laws, and a lack of enforcement and compliance.

I will give the Minister some background on this issue. The housing estate in question was built during the Celtic tiger years. The local authority got some stock under the Part V mechanism so there were some social and affordable housing units in the possession of Waterford City and County Council. A portion of the houses were sold so there are some private home owners. The remaining unsold housing units ended up in NAMA because the developer went into receivership. It was only when NAMA sold on a number of the unsold units to a voluntary housing association, which got a surveyor in to survey the properties, that serious fire safety defects were found in a number of their homes. Luckily for the voluntary housing association, it was able to renegotiate the price it was to pay for the houses to cover the costs of remediation. The local authority then had to be notified that this could be a problem in all the houses in the estate.

The local authority, which is Waterford City and County Council, was made aware of the defects and employed a chartered fire engineer to carry out a survey. The fire safety compliance survey carried out by the council highlighted areas of concern in the dwellings with regard to internal fire spread between dwellings. I have the survey here and I will give the Minister some examples of areas of deficiency. The survey noted that on the attic party wall the plasterboard was not properly jointed, reducing the integrity of the party wall. Cavity barriers, where provided, were not fixed properly or were loosely fitted causing sagging and gaps. The cavity closers were missing to the top of external walls. The firestop was missing at the top of the party wall between the cavity closer and roof felt. It goes on to make five priority recommendations which

it asks the local authority to implement in the carrying out of remedial works on the properties. The local authority implemented those at a cost to the taxpayer. The problem is that the private home owners have been left high and dry, as has happened in many of the high-profile cases we have seen in Dublin and elsewhere in recent years. That is unacceptable.

The difficulty in this instance is that the developer is in receivership. There is no legal recourse for these private home owners. They are being told that all they can do is notify the receiver. The local authority has engaged with them but they have been told that all it can do is give them advice. It cannot carry out remedial works because they are private houses.

I have a number of questions for the Minister of State. Does he agree this highlights a lack of standards, regulation and enforcement of regulations in the building of houses? How is it that Waterford City and County Council did not identify these defects when it gained possession of the social and affordable units under the Part V mechanism? That is extraordinary as well. Is it the Minister of State's intention to move towards fully independent mandatory planning inspections such as we have in the North of Ireland? We do not have those here. Why not? Will the Minister of State amend legislation to ensure that if it transpires that developers have not met their statutory obligations, they are held fully accountable and liable? Where a developer is found not to be in compliance and goes into receivership in terms of one company with respect to one housing estate but then sets up a different company and engages in further development, will the Minister of State ensure they cannot hide behind a corporate veil?

The response of the Minister for the Environment, Community and Local Government to a parliamentary question on this issue was extraordinary. He stated, "As Minister I have no function in assessing, checking or testing compliance or otherwise of specific works or developments." It is an embarrassment that the Minister has no function whatsoever in these areas. Does he want functions in these areas? Does he want to have responsibility? He should want to have responsibility. What action will the Government take to ensure mandatory inspections take place, that we approve the regulations and that in the future the Minister will have responsibility to deal with these issues?

Minister of State at the Department of the Environment, Community and Local Government (Deputy Damien English): I thank Deputy Cullinane for raising this issue. I acknowledge the extremely difficult and distressing situations that certain home owners in Waterford are facing on account of defects in their homes. I understand that Waterford City and County Council is liaising with the residents of the Ceol na Mara development on an ongoing basis in an effort to be of support and assistance to residents at this difficult time.

Part B of the building regulations sets out the statutory standards of fire safety that apply when a new building is constructed to ensure the safety of persons in and about the building. Compliance with the building regulations is first and foremost the responsibility of the owners, designers and builders of the building concerned. As the Minister, Deputy Coveney, has stated previously in an answer to the Deputy's parliamentary question, which he did not like, we have no function in assessing, checking or testing the compliance or otherwise of specific works or developments in this situation.

Remediation of defects is a matter between the parties concerned, the current owners and the builder-developer, their agents and their insurers. This applies also where the owner is a local authority or an approved housing body, both of which are relevant in the context of a number of properties at Ceol na Mara. In this regard, I understand that appropriate measures are

being put in place by the local authority and the approved housing body to address any defects within the development's social housing units. If a satisfactory resolution cannot be achieved through dialogue and negotiation, the option of seeking civil legal remedy may be considered. It is understood that the builder-developer in this instance is in receivership and it is therefore important that the receiver is notified of any liabilities at the earliest possible opportunity, which I understand from the Deputy may have happened already.

The local authority's overriding concern in these matters is one of public safety, and its statutory functions under planning, building control, fire safety and housing legislation relate to the enforcement of compliance with statutory obligations. The local authority is not responsible for undertaking remedial works in private dwellings. Nevertheless, its advice and support can be helpful in such situations and, as Minister, I expect Waterford City and County Council to continue to do whatever is reasonable and appropriate to support the residents at Ceol na Mara. I would also urge all concerned to co-operate fully with the local authority in carrying out its statutory functions.

The development at Ceol na Mara in Kill, County Waterford, was completed in 2008, and that developer is currently in receivership. The development consists of 50 semi-detached timber-framed houses of which 28 are privately owned and 22 are social houses. My Department understands that the dwellings may have a range of defects, including inadequate fire stopping. Public meetings and information sessions were arranged by Waterford City and County Council in April 2016 and home owners were given advice on fire safety and provided with smoke alarms and other information.

The Deputy will recall that last year the Minister's predecessor, Deputy Alan Kelly, in the interests of supporting the owners and residents living in developments where concerns regarding non-compliance with fire safety requirements have arisen, announced that a review would be undertaken by an independent fire safety expert to develop a framework for general application in such situations. It is intended that the framework will facilitate local authorities, residents associations and individual home owners who may be in such situations to assess properly the risks they face and to put in place practical and sensible measures to minimise any potential risks in advance of remediation. The independent fire safety expert has completed this task and the report on the matter is currently being considered in my Department with a view to publication shortly. I hope we will discuss that report in the House in the near future.

To answer some of the specific questions the Deputy asked about the standards and regulations that were set, as he knows, this development was constructed in 2008 under a previous set of regulations and enforcement procedures. The previous Fine Gael and Labour Party Government put in place a new range of regulations, mechanisms and standards to control and monitor the situation in respect of the building of houses. That will change the type and standard of houses that will be built and, as a result, people will be provided with a much better house. It is a shame those standards were not in place in the past, but they are in place now and it is hoped situations such as the one raised by Deputy Cullinane will be prevented from arising in the future. I understand that does not help the residents referred to by the Deputy, but I am answering the specific question he asked about new regulations. The Department of the Environment, Community and Local Government did a lot of work on bringing forward the changes that took place in the past four or five years and it is hoped they will help to raise the standard of houses built in the future.

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Dairy Sector

Deputy Jackie Cahill: I congratulate the Minister on his appointment. We worked together when he was the Fine Gael shadow spokesperson on agriculture and I look forward to working with him in this Dáil term. The Minister has taken over responsibility for the agriculture sector when it is facing its worst crisis since the Economic War. Every sector of agriculture is under extreme economic pressure. The producers in the pigmeat and beef divisions are looking with trepidation at the possibility of a British exit from the European Union and the world trade deals that are being negotiated.

I want to concentrate on the immediate problems facing the dairy sector. Last weekend, farmers received their milk statements for April. Unfortunately, very few of them received a milk cheque. To take our two largest processors, Dairygold and Glanbia Industries Ireland, GII, they returned to farmers a net price of 20.9 cents per litre of milk, with 3.6% butterfat standard and 3.3% protein standard. I do not need to explain to the Minister that this price is significantly below the cost of production and is unsustainable in the future.

Looking at the market predictions from Ornuu, there is no sign of improvement on the horizon. We are basing our premise on the survival of the fittest and that our dairy producers can withstand this storm. That theory will be put to the test this summer. With the level of grain prices currently, the production trends on mainland Europe will put that theory to the test. I have serious concerns that our producers will stand up as the lowest cost producers. It is a premise on which we have based many of our growth predictions, and I am concerned that will not come to pass.

The only practical way to increase milk prices in the short term is to increase the intervention price. There are many pros and cons in doing that. Some commentators say we will prolong the agony by having an increased intervention price, but is it better to try to prolong the agony and let the patient survive or terminate the agony and see many producers going into bankruptcy?

I suggest that at the next Council of Ministers meeting a dairy cow premium should be considered for the first 50 cows, and that it should be triggered when milk prices drop below 28 cents per litre. That is a practical suggestion to provide some much needed cashflow for European dairy farmers.

Co-operatives, private merchants, silage contractors and artificial insemination, AI, companies will have to carry debt from their customers into 2017.

5 o'clock We must examine a mechanism whereby they can get interest-free loans from the Government to enable them to deal with the large merchant debt that will be carried over due to the 2016 milk price. With bank repayments and farmers' other commitments, we must ensure farmers can be allowed a holiday from repayments without financial penalty. Many of our 17,500 producers have invested very heavily in the past two to three years in anticipation of the abolition of quotas and we must ensure they can come through this price storm.

At my clinics in Tipperary last weekend, I met three farmers who are being put under pressure to sell parcels of land in order to reduce their financial commitments to banks. I have written to the Minister for Finance already and there is a mechanism in place whereby if a person is consolidating a farm holding, he or she may sell and purchase land free of capital gains tax. I suggest that the Minister might push at Cabinet the notion that farmers forced to sell parcels of

land in an attempt to restructure bank debts would be allowed the same exemption from capital gains tax. It would only affect a minority of farmers but it would be of great help to them if they could go with a full sale price of land to the banks in order to restructure debts.

Our industry still has much potential. Our 17,500 milk producers can contribute greatly to the rural economy but we must put a structure in place to ensure that those farmers survive this current and major income crisis. If we are to meet the targets we have put forward in Food Harvest 2020 and Food Wise 2025, we must have practical suggestions such as those I have put to the Minister in order to ensure that we come out of this calamity. We must allow rural Ireland and its economy benefit from the milk expansion as we had hoped.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I congratulate Deputy Cahill on his election to the House. I worked with him in the past during his leadership of the Irish Creamery Milk Suppliers Association, ICMSA, and I have always found him to be very practical and straightforward. His contribution in this debate is very welcome and I respect his voice in the context of the crisis faced by the agricultural community. He raised some very practical and sensible suggestions that will feed into our consideration as we work to ensure that we bring the agricultural sector through this crisis so it can be in a position to capitalise when markets pick up.

I am pleased to address the House on the issue of dairy markets, although it would be inappropriate for me to comment on the price paid by any individual processor. Nonetheless, I am fully aware of the pressures faced by dairy farmers. I am committed to working with all the players in the sector and colleagues both in this House and at a European Council of Ministers and Commission level to address these issues and ensure we can continue to have a sustainable dairy sector.

Food commodity markets, including dairy markets, have been characterised by significant levels of volatility for a number of years. This trend has continued throughout 2015 and into 2016. Factors contributing to this in recent times include the Russian ban on agricultural imports and the softening of Chinese demand. It is interesting to remember that China is about to become our second largest market for dairy produce. From a standing start only a few short years ago, it is now the second most important destination for our dairy products. There has also been increased production among key global producers, including the European Union. The longer-term global demographic and demand perspectives remain positive but 2016 will be an extremely challenging year for the dairy sector in Ireland and elsewhere. Market volatility provides extremes at both high and low prices. The challenge for the dairy sector is to ensure that farmers are equipped to deal with downward price volatility when it occurs. There is no magic bullet on this issue. The reality is that a combination of measures, both public and private, will be required to protect farmers from the worst impact of this volatility.

Farm efficiency is one element of the solution. In Ireland, we are blessed with a cost-efficient grass-based production system and my Department will - through Teagasc, knowledge transfer groups and bodies such as the Irish Cattle Breeding Federation and Animal Health Ireland - continue to invest significant resources in providing farmers with advice and technology designed to improve farm efficiency and reduce production costs. The objective is to make farm businesses more resilient in times of downward price pressure and more profitable and competitive in good times. I have also called on the European Commission to temporarily suspend anti-dumping tariffs on imports of fertilisers from third countries in order to reduce input costs for Irish farmers. We estimate that this would save approximately €14 per tonne of

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fertiliser, which would be significant for any holding.

The single farm payment provides some measure of income stability and EU market support measures also have a role to play. At EU level, Ireland has been to the forefront in calling for the deployment and extension of market support measures. This has resulted in the extension of measures such as aids to private storage and intervention for skimmed milk powder and butter. It has also resulted in additional direct payments of €27.4 million for Irish farmers, which were co-funded by the Exchequer and the European Union.

With respect to direct payments, I have asked the Commissioner to make the maximum possible provision for advance payment of the €1.2 billion in direct payments to Irish farmers. The latter would be a particularly useful measure to improve cash flow for farmers at this time. We should seek EU funding for further direct targeted aid for dairy farmers. I acknowledge that finding these funds within the European Union budget will be a real challenge but in light of the very difficult circumstances in which our farm families now find themselves, I am determined to exert the maximum possible pressure on this point. With regard to intervention, I recently asked the Commissioner, Mr. Phil Hogan, to increase the volume of skimmed milk powder that can be purchased into intervention at a fixed price. I understand he has now signalled his intention to increase the skimmed milk powder volume from 218,000 tonnes to 350,000 tonnes, which is a welcome development.

These measures are not enough on their own and the dairy sector must look at the development of new tools, including fixed price contracts, futures markets and more flexible financing arrangements for farmers. Many processors are using fixed price contracts and some are working on the development of the market price indices needed to support futures trading. Others have developed imaginative bonus payments and financing solutions. I would like to see more of this. As I have explained to Deputy Cahill, I will be meeting representatives from the pillar banks in the coming days in order to discuss the issue of the financial pressures faced by farmers.

As one of the proposers of the dairy forum, my goal is to ensure it continues to provide a vehicle for constructive engagement on relevant issues of concern for farmers and others in the sector. In this respect, the forum has come forward with some good initiatives for farmers already, including an initiative on improving cash-flow planning at farm level that will be rolled out shortly. I can assure the House that I will continue to engage constructively with all the stakeholders in the sector to ensure Irish dairy farmers are well positioned to deal with the current market difficulties and take full advantage of opportunities when the markets recover.

Schools Building Projects

Deputy Bernard J. Durkan: I thank the Ceann Comhairle for affording us the opportunity to raise this particularly important issue for County Kildare. I refer to the tendering process relating to the replacement of buildings and facilities for Maynooth post-primary school. The school is to be moved to a new campus on the Moyglare Road and the tendering process has been completed. Unfortunately, in recent times a statement was issued by the Department of Education and Skills outlining future work programmes that did not include this project, although it has been included in the capital programme from last year. We strongly support any effort to bring the matter to a satisfactory conclusion.

We understand a value-for-money or similar evaluation has been carried out on the project and that some trimming had to be effected. Further information was sought by the Department. The analysis raised these legitimate issues and we understand the response has been submitted. However, the project seems to be stuck at a particular juncture. It is in everybody's interest, particularly the children in the local feeder schools. The project now encompasses two buildings in two schools, the Maynooth post-primary school replacement and Maynooth community college, on the same campus. If it were any help, I am sure we would all agree that the original suggestion, which was one school with a junior and a senior cycle, might bring about some economies even at this stage. The local community and the public representatives, who are at one on this, would be more than happy to agree to that, if it could be done. It is important the Minister reassures the House as to the availability of the funding which has already been provided for.

Deputy Catherine Murphy: In 2009, the board of management wrote to the Minister requesting an extension to the school. In 2010, that was refused and it was told it would get a new school. The school was regarded as fit for purpose for 800 pupils but, in fact, it was catering for 1,000. Obviously, that is a growing number in a developing area. The board of management wrote requesting, as Deputy Durkan said, a junior-senior system as opposed to two schools. The patronage was subsequently granted to the Kildare and Wicklow Education and Training Board, KWETB.

The design and planning began and in December 2015, the tender report was submitted to the Department. Four months later, the Department responded to the school with ten questions and some reductions were sought. That was responded to and there appears to be some confusion in the Department about whether a full response has been made. The KWETB said it has but the Department said it had not received it. Alterations to traffic signals in the town have been requested. The KWETB would only be a contributor to that because there are many other things happening, plus a traffic management survey. The KWETB is happy to give a letter of guarantee, so that there is no ongoing issue in that regard.

We are trying to find out whether the funding is secure, when the tender will be issued and when the project is expected to commence because the tender lasts for a year and that would be up to about October of this year. There is a critical timeline in that if the school is not delivered by September 2018, the Department will then incur expenses in the form of temporary accommodation because there is not adequate accommodation. The timeline is critically important. The key issue is that there are rumours circulating that there is doubt about the timeline for the project and that needs to be responded to. I hope the Minister will be able to do that today.

Minister for Education and Skills (Deputy Richard Bruton): I thank the Deputies for raising this matter, which they mentioned to me yesterday evening. I assure them that I know Maynooth very well and I am very committed to ensuring this project is delivered. I know the parents are very anxious about the situation and are keen that their children will receive their education in the best facilities possible. This project was tendered by Kildare and Wicklow Education and Training Board, KWETB, late last year. Acting with appropriate diligence, an examination of the KWETB's tender report was carried out by Department officials. Unfortunately, this examination showed a number of technical issues with the tender process. Arising from this, officials asked the KWETB for certain clarifications. While the KWETB has addressed some of these matters, others are still outstanding.

The specific issues of concern include: an unexplained cost overrun; the absence of an ac-

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ceptable schedule of proposed reductions both to address this cost overrun and to meet the approved budget; the inclusion of an additional 700 sq. m of floor space; and the exclusion in the tender documents of significant additional works relating to planning permission conditions. Indeed, the extent of these works has not been fleshed out with the local authority which, in and of itself, is a planning condition. It is also a planning condition that the new schools cannot open until these works are carried out. The cost of the works involved is substantial and unquantified.

These are all very significant issues for the project. In the Department's experience, works that were not properly specified or quantified at tender stage constitute the greatest source of overruns. It is the intention of the Department to advise the KWETB to now retender the project. Given the length of time since the original tender process, as well as the need to address construction inflation, which is running at between 5% and 6% per annum, the Department has determined that this is the most prudent approach to minimise risk for the taxpayer. I should note that as Minister, I have no role in relation to the decision to award a tender or to retender a project as the case may be. That decision is taken by the Department.

While the decision to retender may result in some initial delay in getting the project to site, I am advised by the Department that this would be the most sensible way to ensure that neither KWETB nor the project itself is compromised in any contract awarded and that the project is delivered as quickly as possible. Critically, this approach would ensure that all aspects of the project, including those in relation to planning conditions, are included in the works tendered to avoid the possibility of the school not being able to open when built. This approach would also allow for a phasing of the project to make one building available somewhat ahead of the other to deal with the continuing growing demand for pupil places in the area. This would not be possible under the tendering process carried out late last year.

I assure the Deputies that my Department is completely committed to the delivery of the new school buildings for Maynooth and it is as anxious as KWETB and the wider community in Maynooth to get the project to site as quickly as possible. There is no issue in relation to the availability of funding. My Department will continue to work with the KWETB to achieve this and I want to reinforce the position that the Department's decision to retender the project is being taken solely to arrive at a positive outcome for the local community in the shortest time-frame possible. I thank the Deputies again for raising this matter and I hope I have assured them of my Department's commitment to deliver these two schools as quickly as possible.

Industrial Relations

Deputy Thomas Byrne: I thank the Minister for being here and the Ceann Comhairle for giving me the opportunity to raise this issue. The industrial relations problems that seem to be bubbling up in the education sector are of significant concern to parents and students alike. There are threats and counter-threats and meetings and preconditions to meetings. I thought I would offer the Minister the opportunity to set out the Department's position on a range of issues to give some reassurance to those affected - the pupils, parents and teachers - that the Department is taking a lead role in this, that it is doing something about it and is not going to allow this situation to fester until September, with potentially serious consequences for the education system.

The Minister has threatened to take a range of measures if, for example, the ASTI repudi-

ates the Lansdowne Road agreement and does not do what is required and yet page 305 of the briefing he received states that it is determined that ASTI and TUI members could not be excluded from the legislation and they will therefore benefit from any pay improvements which are brought about through legislation. There seems to be a bit of a difference in approach there. Is the Minister on solid legal ground in these threats? More importantly, what is he doing to try to resolve the situation so that these threats are not necessary and the education of our children and students does not suffer? What sanctions does he believe can be put in place?

Last week I raised the issue of junior certificate reform. That is another issue that needs to, and can, be sorted out if the will is shown by the Department, the Minister and, indeed, the unions - I will not exclude any side from this - to sort it out and to ensure the issue is addressed and put to bed so that we can get on with the main job which is required to be done.

Another issue relates to allowances. In the last days of the outgoing Government, allowances were restored for firefighters. Is it possible that this opens the way for post-2012 teachers who lost out on similar allowances to reach similar deals? The TUI seems to believe a precedent has been set. Is it correct? Is this something the Minister has given consideration to? The Minister will also be aware that newly qualified teachers are now starting to organise themselves, and they are right to assert their anger and to highlight the inequality and the unfairness, which they are doing in increasing numbers. I have met some of them at their meetings and they are looking for equality. Perhaps the Minister could outline the steps he is taking in this regard. Fianna Fáil believes that future pay agreements should focus on equalising pay for new entrants and we are committed to restoring equality of treatment for teachers. However, what is the Minister doing on this matter? It is now beginning to cause considerable upset within schools because in many cases these teachers are settling in to their jobs, achieving permanency and now feel more secure to be able to speak out on the issue. A range of issues has landed on the Minister's desk. I will write to him privately to seek a meeting on other issues. We need to get a grip on this situation or there will be serious consequences for education and for our students.

Deputy Richard Bruton: I thank Deputy Byrne for raising these issues and I assure him I would be more than happy to meet him on these or on any other issues he wishes to discuss. The purpose of the wider framework of public service agreements is to balance the rightful ambition of public servants to see improvements in their pay and conditions after a long number of years of pressure with the needs of the public to see improvements in the services. The Deputy has outlined the pressures as they applied to the teaching profession but the pressures apply right across the public service. We have seen very difficult times in many public services and there are pressing needs in many areas, not just in education but also in health and housing etc., as the Deputy is aware.

These agreements, in particular the most recent, the Lansdowne Road agreement, and its predecessor, the Haddington Road agreement, bring important benefits for public servants generally and teachers in particular, including increments, supervision and substitution payments, protection against compulsory redundancy and the alleviation of the FEMPI pay cut for higher earners. The agreement has been endorsed by the public services committee of the Irish Congress of Trade Unions. The agreements also bring significant benefits for users of public services, which benefits in the education sector include the so-called Croke Park hours - the additional 33 hours that teachers work under the agreement - which help ensure parent-teacher meetings, staff meetings and other activities can proceed without schools being closed during the school day.

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Just as being inside these agreements bring benefits, it is also important to point out that being outside these agreements brings risks for both public servants and for the wider public who use the services they provide. ASTI members voted at ballot last autumn not to accept the Lansdowne Road agreement. However, they have continued to abide by the Haddington Road agreement which has an original expiry date of 30 June 2016. Following a recent ballot, ASTI members have now voted to withdraw from the Croke Park hours upon completion of the Haddington Road agreement. The Croke Park hours are a valuable resource within the school system that allow certain essential activities involving the entire teaching staff or groups of teachers to take place. These include staff meetings, parent-teacher meetings, school planning, subject planning and mandated continuing professional development. Except for an element of parent-teacher and staff meetings, prior to the Croke Park agreement these essential activities took place within tuition time, meaning that schools closed for full or half days to carry them out. Pupils did not attend the school during these closures, resulting in interruption to tuition, additional child care costs and significant inconvenience for parents, particularly the parents of primary school children. Under the Croke Park agreement, teachers agreed to provide one hour of additional time per week in order that these essential activities could be carried out without school closure and the consequent interruption to tuition for pupils and inconvenience for parents. This time commitment continues under the Haddington Road and Lansdowne Road agreements.

It is important to note that many public servants committed significantly more hours than this under the public service agreements. In withdrawing from these hours, the ASTI is thereby repudiating the Lansdowne Road agreement. In opting to withdraw from the Lansdowne Road agreement, ASTI members are also opting to forgo a series of benefits and protections, as communicated by my Department previously. These include avoiding an increment freeze, continuation of the alleviation of the FEMPI Act 2013, pay cuts for higher earners, the supervision and substitution payment of €796 due to be paid on 1 September and protection against compulsory redundancy. A further significant consequence will be the withdrawal of the benefits introduced for new teachers under the Ward report, which enable them to gain permanent employment and full hours more quickly than before.

I am aware of union concerns regarding the usage of the Croke Park hours. In response to those concerns, my Department recently agreed with the INTO and the TUI that the usage would be reviewed, having regard to teacher professional judgement, system and school requirements and experience to date of best practice in the utilisation of the hours. As an immediate first step in that review, the maximum period of time available for planning and development work on other than a whole-school basis will be increased from five hours to eight hours from the beginning of the 2016-17 school year and to ten hours from the beginning of the 2017-18 school year. TUI members are balloting on acceptance of this agreement and implementation of the review will be contingent on such acceptance. If the agreement with the TUI is endorsed by its members at ballot, this will also enable the implementation of other measures, including the re-use of flex hours and the implementation of the Cush report recommendations for fixed-term and part-time lecturers at third level.

The ASTI was invited to discussions with my Department on the same basis as the INTO and the TUI. Regrettably, the ASTI declined to take part in such discussions and instead decided to ballot on a withdrawal from the Croke Park hours. My Department's invitation to the ASTI to discuss issues of mutual concern remains open. It demonstrates that the Lansdowne Road agreement is a framework within which genuine progress can be made.

Dáil Éireann

Separately, the ASTI continues to operate a directive of non-co-operation with the new junior cycle programme that is being implemented in all schools. This is creating a disadvantage for their students and is unfair as well as denying their own members essential professional development and support. This needs to be addressed and I have written to the ASTI to arrange for an engagement on this following its indication that it would be willing to do so.

The Dáil adjourned at 5.30 p.m. until 2.30 p.m. on Tuesday, 31 May 2016.