



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 12 Aibreán 2017

Wednesday, 12 April 2017

Chuaigh an Leas-Cheann Comhairle i gceannas ar 12 noon

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: Last Friday, I visited the Capuchin Day Centre for Homeless People and met Brother Kevin Crowley and his team. Their work is truly heroic; it is the personification of true Christian values. Their simple objective is to relieve the hardship endured by homeless people. However, their work gives crucial insights into the failure of the various housing strategies and interventions to date to resolve the crisis. They are at the coalface and they see the daily realities of this failure in the context of the number of people turning up for breakfast, lunch and food parcels and, in particular, the extraordinary number of children in emergency accommodation who also attend the centre. Their story at the coalface is one of a scandal that is becoming worse, especially for the children.

Some years back the Capuchin Day Centre for Homeless People was told that the emergency accommodation crisis for children would be solved. I will give the Taoiseach an insight. In 2013, there were 2,747 children attending for lunch. In 2016, there were 8,353 children. This is a 76% increase and a shocking indictment. They are extremely worried about the overall well-being of these children who are forced to attend the centre and the debilitating and damaging impact that emergency accommodation environment has on the children's development. It is heart-rending and the State is failing these children right now. Total presentations at the Capuchin Day Centre for Homeless People are close to 400,000 a year to avail of the various services. The costs are about €3.5 million. The State's contribution is €450,000, which is embarrassing relative to the scale of the crisis and the response of this centre to it. Ministers have visited the centre and the Taoiseach has visited the centre, and yet there was a social worker who retired in 2012 and that person has never been replaced. The Minister for Children and Youth Affairs, Deputy Zappone, has acknowledged the urgent need for a child welfare officer, particularly for child protection issues, but nothing has happened in this regard, and there have been a number of other demands and requests made.

The key point is that there is an enormous disconnect between the reality at the coalface, as evidenced by the daily work at the centre, and the official rhetoric about strategies and in-

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terventions. Housing policies are not impacting on this daily reality, which is getting worse. It is a fact that we are not building enough council houses. There is some ideological opposition across the system to that. It is appalling. Houses are not being built quickly enough and the emergency accommodation crisis is getting worse for children. This should be our overall priority.

I want the Taoiseach to recognise and acknowledge this reality and to work with the Capuchin Day Centre for Homeless People to attend to its immediate needs in recognising the reality of the emergency crisis for children and work to provide the officers the centre requires and the assistance the children require. This reality is not going anywhere soon. Will the Taoiseach acknowledge that the interventions to date have not made any dent on this appalling indictment of State policy?

The Taoiseach: This is part of the challenge we face as a society and as a Government in delivering and providing services for people in a various categories who have real problems in this regard. I have been down to visit Brother Kevin at the centre on a number of occasions. He is an extraordinary man and he has been doing this work for years. Obviously, the numbers who turn up at his centre speak for themselves.

It is not all without inactivity. The Government has allocated serious resources for tackling homelessness in the budget for this year, with €100 million being spent on homeless services. This is not an insignificant figure. In addition, the overall housing budget for this year is €1.3 billion. Deputy Micheál Martin and I have discussed this before and the issue is how quickly the necessary houses can be built. The Minister has set out targets for not having people in emergency accommodation and targets for providing accommodation for people who are homeless and sleeping rough or who are in hostels at various locations in Dublin. Some of the projects have been extraordinarily successful. In 2016, there were 3,052 households that exited homelessness, which is the highest level ever. The ambition is very high this year. Deputy Micheál Martin spoke of building houses, and work is under way on advancing 650 rapid-build homes in 2017. There will be another 500 units in 2018. O'Devaney Gardens is up the road from Brother Kevin's centre. That site has lain there for years but work is now under way. There are places like George's Place in Dún Laoghaire with 12 homes, St. Aidan's off Brookfield Road with 71 homes, Poppintree in Ballymun with 22, Cherry Orchard in Ballyfermot with 24, and so on. Construction is under way in quite a lot of places. I agree it is by no means perfect and there are always gaps in the level of services that are provided. These issues are being addressed constantly, as Deputy Micheál Martin is well aware. The Department of Housing, Planning, Community and Local Government has a special unit which meets regularly. It has provided incentives, opportunities and shortcuts for private enterprise to be able to build houses on public property and for local authorities to provide houses. The development of the housing assistance payment, HAP, scheme has made an important contribution, as has the provision of homes and services for those who have particular difficulties.

The Dublin Region Homeless Executive confirmed a minimum of 142 people on its last count at the end of the year. Developments have taken place to provide beds in what are very good hostels. I have looked at a number of those. Brother Kevin does an extraordinary job. This is part of the enormous range of challenges the Government is trying to meet. We must have the engine that can drive our economy to provide these services, be it chiropody or dental or whatever, down in those centres. Deputy Micheál Martin may shake his head. It is not as perfect as one would wish but these matters are receiving real priority, not just from the HSE but from the different agencies to try to provide in the best and most effective way possible for

many of these people. Part of that is putting €100 million on the table for services and €1.3 billion this year for housing for the homeless, social housing and so on.

An Leas-Cheann Comhairle: I ask all speakers to try to adhere to the time.

Deputy Micheál Martin: That response - €100 million - is meaningless. The hotel money is an appalling waste. The Capuchin centre gets €450,000 and the Taoiseach is talking about €100 million for children in emergency accommodation. I will give the Taoiseach the figures again. In 2013, 4,747 children attended for meals at that centre. At the end of last year, 8,353 had attended. That says it all. There is a terrible disconnect between the official rhetoric and the reality.

The census figures from the Central Statistics Office, CSO, give the truth as well. A total of 2% of all houses and apartments occupied nationwide at the moment are new, built between 2011 and last year. Some 11,572 new houses were built in Dublin during that time. The Taoiseach knows the big difference between the CSO figures and those of the Department of Housing, Planning, Community and Local Government in terms of actual new builds. In no way is the response commensurate with the scale of the crisis.

One lesson that I took away from the Capuchin centre, which they wanted me to bring back to Leinster House, was the enormous psychological impact on the children in terms of the stigma of homelessness and the lack of any stable, permanent anchor in their lives. No officers have been appointed. The very least the Taoiseach should do is recognise the reality for those children and give additional supports and officers to the centre.

The Taoiseach: There are children who have challenges and particular difficulties from different parts of the country. Every local authority has at its disposal finance and services to provide in the best way possible for those children, and there are some with very particular difficulties, as the Deputy is well aware. The Government has made the decision to provide €5.3 billion to deliver social housing between now and 2021. The Deputy says there is a disconnect between that figure and the reality of what is happening on the ground. The Minister for Housing, Planning, Community and Local Government and the Minister of State with responsibility for housing have told every single local authority: "There is your money. Show me your sites. Build your houses. Here are the incentives." Years ago, local authorities were very active in building houses. They range now between approved housing bodies and local authorities. The money is on the table. The housing assistance payment this year will accommodate 15,000 households and will help to keep people in their homes. Last year, nearly 18,500 housing supports were provided from a housing budget provision of €935 million. It was spent in full for that very purpose – to keep people in their homes. This included nearly 5,300 homes that were built or purchased and 12,000 housing assistance payment tenancies.

Part 3 of the Minister's programme is the plan to build 25,000 units per annum, on average, by 2021.

An Leas-Cheann Comhairle: Taoiseach, we will have to review all of this. We are 15 minutes into the debate.

The Taoiseach: Deputy Micheál Martin is well aware of the scale of the challenge in building the houses that were not built following the total collapse of the construction sector some years ago.

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Visit of Scottish Delegation

An Leas-Cheann Comhairle: Before I call Deputy McDonald, on my behalf and on behalf of the Members, I wish to offer céad míle fáilte to Mr. Joe FitzPatrick, member of the Scottish Parliament and Minister for Parliamentary Business. I hope that your visit will be enjoyable, successful and to our mutual benefit.

Leaders' Questions (Resumed)

An Leas-Cheann Comhairle: Deputy Mary Lou McDonald, who knows the rules, is next. You have three minutes.

Deputy Mary Lou McDonald: Thank you, a Leas-Cheann Comhairle, for reminding me of the rules.

The people faced the Taoiseach down on water charges. They called a halt to the Government's plans and privatisation agenda and the Taoiseach did not like it one bit.

Yesterday, the Government and Fianna Fáil cobbled together a deal that seeks to subvert the will of the people and their democratically expressed wishes on the future of our water services. The Joint Committee on the Future Funding of Domestic Water Services was on the verge of agreeing a report that would have comprehensively addressed the demands for which so many people have protested and marched in recent years. However, the Taoiseach was not having that. The Taoiseach could not listen and accept the will of the people. The Taoiseach still clings to the hope that he will finally have his way.

The antics of the Government and Fianna Fáil to save the Government's rejected water policy have been truly a sight to behold. The political choreography was set. Senior counsel came to the committee and delivered legal advice that completely contradicted the legal advice offered only one week before. Conveniently, the legal advice delivered yesterday was in line with the Government's needs. It tore through the agreed position of the committee and gave the Government and Fianna Fáil a way out. Yesterday, it was confirmed, for once and all, that the Government's confidence and supply agreement is in reality an agreement for connivance and cute-hoorism.

Deputy Mattie McGrath: That is very unparliamentary language.

Deputy Mary Lou McDonald: The connivance is provided by the Taoiseach's party in its blatant undermining of the democratic and political processes within the Oireachtas. The cute-hoorism is, as ever, provided by Fianna Fáil, which has flip-flopped once again. Fianna Fáil Members have used their political strength not to be constructive, as they proclaim, but to face down and thwart the will of the people. In a most spectacular U-turn, Fianna Fáil has shown once again that it cannot be trusted.

Deputy Dara Calleary: I thought Deputy McDonald was paying them.

Deputy Mary Lou McDonald: When it comes down to it, Fianna Fáil will look after itself first. That comes as no surprise but many people will be glad of the reminder. The truth is that this debacle has absolutely nothing to do with complying with EU law and everything to do with Fianna Fáil's fear of a general election. Fianna Fáil Members broke their key election pledge to abolish water charges in their totality.

Deputy Dara Calleary: Will Deputy McDonald be paying?

Deputy Mary Lou McDonald: These proponents of new politics call themselves the centre ground. However, they have demonstrated that it is only a brand name for business as usual. There is nothing new about what happened yesterday. It has been happening for decades, and with the same result: the ordinary people get screwed by Fine Gael and Fianna Fáil. What they call the centre ground is in really the insiders and the political classes. It is those who believe that power and authority are their entitlement.

In this report, Fine Gael has its levy for excess use. This is a way of keeping the back door open for the return of charges.

An Leas-Cheann Comhairle: Deputy, please. I call the Taoiseach to respond.

Deputy Mary Lou McDonald: Fine Gael also has metering. Here are my questions.

An Leas-Cheann Comhairle: You should fit them into the time.

Deputy Mary Lou McDonald: Can the Taoiseach explain what wilful abuse of water supply is? Who are the wilful abusers of this supply?

An Leas-Cheann Comhairle: I call the Taoiseach. You will have another opportunity.

Deputy Mary Lou McDonald: Who are the chronic wasters of water?

An Leas-Cheann Comhairle: You will have a further opportunity.

Deputy Mary Lou McDonald: Can the Taoiseach tell us how they will pay these levies?

Deputy Simon Harris: Probably with money.

The Taoiseach: I want to congratulate the deputy leader for cynical outrage in her consistency, at least. She comes in here time after time and talks about privatisation of the water system. I described it yesterday as fantasy and she is at it again today.

Deputy Dessie Ellis: It is not fantasy. It is between the Government and Fianna Fáil.

The Taoiseach: Deputy McDonald's leader and party made it perfectly clear that Sinn Féin supported water charges and that Sinn Féin would pay its water charges.

Deputy Dessie Ellis: No he-----

An Leas-Cheann Comhairle: An Taoiseach, without interruption.

The Taoiseach: Deputy Adams is not here today. I hope that he is in Belfast making arrangements for the Sinn Féin party to come together with the DUP and form a working Executive. We have other matters to consider besides the kind of carry-on that Deputy McDonald is on about this morning.

Deputy Aengus Ó Snodaigh: The Taoiseach should be considering it. It is his responsibility.

The Taoiseach: I am glad that the committee, which was set up for a specific purpose, has agreed a report. The process is democratic and Sinn Féin is a very democratic party.

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Deputy Mattie McGrath: Sometimes.

An Leas-Cheann Comhairle: An Taoiseach, without interruption from anybody.

The Taoiseach: It had other ways of dealing with the middle ground before. They are all democrats, abide by the law and understand that. The committee set up for that purpose has made its recommendation and its report. The Minister for Housing, Planning, Community and Local Government will now proceed to provide legislation to deal with the recommendations that are in that report.

I differ from Deputy McDonald on this. I come from a part of the world where hundreds of thousands of people welcomed and waited for access to water for a very long time and have always paid for it.

Deputy Seán Canney: Hear, hear.

The Taoiseach: Deputy McDonald lives in a world where when the tap is turned on, somebody else has paid for it. That is what she wants.

Deputy Dessie Ellis: We all pay for it.

The Taoiseach: The whole theme of the Deputy today is not about a solution; it is about the lack of further protest available to her, because that is all she wants.

Deputy Frances Fitzgerald: Hear, hear.

Deputy Jonathan O'Brien: The Taoiseach is having a laugh.

An Leas-Cheann Comhairle: The Taoiseach without interruption.

The Taoiseach: That is all Sinn Féin wants. Its entire political system is based on outrage, cynicism and protest. In this case, our country is moving on.

Deputy John Brady: The Taoiseach is moving on.

The Taoiseach: I would like to have water meters in every house so that everybody could judge and make arrangements for the safe use of a precious commodity. Deputy McDonald has a different view. She wants everything for nothing. I am quite prepared to be democratic and allow the Oireachtas to deal with the legislation that the Minister will bring forward. If Deputy McDonald's attempt is at outrage today, her attack is silently on the Fianna Fáil party. At least it had the courage to come to a conclusion in the interests of our country and move on.

Deputy Mary Lou McDonald: The Taoiseach should not worry about my outrage.

Deputy Frances Fitzgerald: It is permanent.

Deputy Mary Lou McDonald: It is not me that he should be concerned about; it is the outrage of people that I represent-----

Deputy Timmy Dooley: The people with the swimming pools?

Deputy Mary Lou McDonald: -----who pay their taxes and who pay for everything.

(Interruptions).

An Leas-Cheann Comhairle: Deputies, please. Deputy McDonald without interruption.

Deputy Mary Lou McDonald: I notice Deputy Donohoe is laughing. These are people who live in the community that he also represents.

Deputy Paschal Donohoe: Which I am privileged to represent.

Deputy Mary Lou McDonald: There is nobody looking for something for nothing. That is not the debate here. What is at issue is who prevails in a democratic society.

Deputy Simon Harris: The majority.

Deputy Mary Lou McDonald: What we have seen is a textbook example of the Parliament, the Dáil and elected representatives-----

Deputy Simon Harris: Democracy.

Deputy Mary Lou McDonald: -----conniving to abandon their democratic mandate and, rather than seeking to represent the people, seeking to face them down. That is what they are all about. That is what their new politics - old politics - is all about.

An Leas-Cheann Comhairle: Go raibh maith agat, a Theachta. Ceist.

Deputy Mary Lou McDonald: Who are the chronic water wasters? Who are these people? How will they pay these levies?

The Taoiseach: The Deputy asked a very important question there. I thought she knew the answer but I am going to give it to her anyway. She asked who prevails in a democratic society. The answer is the majority. That is what democracy is about.

Deputy Richard Boyd Barrett: The majority voted for those who promised to get rid of water charges.

The Taoiseach: The issues are talked out and a decision is made. A decision was made by an Oireachtas committee set up for the purpose of examining the expert review that had made its recommendations and-----

Deputy Dessie Ellis: And then overturned.

The Taoiseach: -----it has agreed a report. The Minister for Housing, Planning, Community and Local Government now has the responsibility to table legislation to give effect to that report. That is the process that is under way. That is called democracy and that is democracy in action. Despite Deputy McDonald's protests, cynicism, false outrage-----

Deputy Mary Lou McDonald: I am outraged, but my outrage is the least of the Taoiseach's worries.

The Taoiseach: -----despite the fact that she wants everything for nothing and wants to pay for nothing-----

Deputy Martin Ferris: Answer the questions.

The Taoiseach: The answer to the question is-----

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Deputy Martin Ferris: Answer the questions.

Deputy Dessie Ellis: He is as watery as usual.

An Leas-Cheann Comhairle: Order, please. Give the Taoiseach an opportunity.

The Taoiseach: Deputy Ferris knows a lot about paying taxes as well. The answer to the question-----

Deputy Pearse Doherty: So did Fine Gael when it was prosecuted for not paying taxes.

The Taoiseach: The question is: who prevails in a democratic society? The answer is the majority. I am glad that, in respect of this matter, a report has been agreed and that the Oireachtas can now proceed to deal with the legislation to give effect to that, which will provide an opportunity for people who have excessive usage to conserve water. It will also ensure that people will pay a penalty for excessive usage.

An Leas-Cheann Comhairle: The Taoiseach has exceeded his time. I call Deputy Boyd Barrett.

Deputy Aengus Ó Snodaigh: We know he has exceeded his time. He has to go.

Deputy Richard Boyd Barrett: I have to be honest and say I am sick and tired of hearing the Taoiseach or representatives of the Government say it takes time to fix the homelessness and housing emergency. I came into the Dáil in 2011 and brought in with me, probably for the first time, dozens of families and individuals, including children, who were facing housing emergencies at that time. I warned the Taoiseach that his policy of moving away from direct council housing construction towards reliance on the private sector would generate a crisis. Today, again, there are approximately 25 households, individuals, families and children in the Visitors Gallery. They are just the tip of a very dire and desperate iceberg of misery, anxiety, insecurity and suffering because of the abject and total failure of the Government's policies on housing and homelessness.

I want the Taoiseach to look those people in the eye and tell them that his housing policies are working. Tell Sinead and her three year old daughter, who was told a few weeks ago to go 12 km into town with her children to a hostel where there are active drug users. She then had to fight to get into a hotel and last week was taken into hospital with stress because she is still homeless. Tell James and his family - a mother and their five children - who have been homeless for the past six months, whose daughter has special needs and who are being pushed from one hotel or emergency accommodation to another. Tell Richard, who is recovering from addiction and who is only offered hostels where drug use is rampant despite letters from his doctors about his mental health issues. Tell Peter, who is drug free but who is in emergency accommodation with active drug users, whose mental health is seriously at stake and who was recently hospitalised. Tell Carrie, who has been homeless for a year and is forced to share a room with three people who are smoking heroin. Tell Tom, who has been homeless for five years and who had to lodge court papers against South Dublin County Council because it took him off the housing list and took away his time. Tell Amanda and her two children, Sarah and Eamon and their four children, Samantha and her three children, all of whom had HAP tenancies - the Government's great solution and the centrepiece of its housing policy - and who are all now being evicted by landlords who want to pull out of the HAP arrangements.

An Leas-Cheann Comhairle: I thank the Deputy

Deputy Richard Boyd Barrett: Tell Antonia, whose father has motor neurone disease and who - along with her father - is about to be evicted at the end of this month and has nowhere to go.

An Leas-Cheann Comhairle: I thank the Deputy and I call the Taoiseach.

Deputy Richard Boyd Barrett: Tell Anna, who is living in a boxroom at her parents' house, sharing with her 14 year old niece, her two year old daughter and a three year old son. The list goes on. I will be writing to the Taoiseach with all of these cases.

An Leas-Cheann Comhairle: I have to call the Taoiseach. We want to get an answer.

Deputy Richard Boyd Barrett: The Taoiseach should please tell them what he is going to do for them and that his housing solutions are working for them.

The Taoiseach: I thank Deputy Boyd Barrett. The very reasons the Deputy outlined for the people who are faced with this situation are the result of an economy that collapsed and a construction sector that vanished. This Government and that which preceded it have set about rectifying matters. We have done a lot of things in terms of having an engine to drive the economy. The people who are going into the 38 houses that are being completed in September of this year in Belcamp have the same stories. The people who are going to occupy the 24 houses in Cherry Orchard in July of this year have the same stories. The people who are going into the 30 houses on Mourne Road in Drimnagh in June of this year have the same stories. The people who are going into the 39 houses in St. Helena's in Finglas have the same stories. I could give the Deputy their names and their details also. I feel sorry for those in the situation the Deputy has described. I do not know about the situation whereby a housing officer or an individual in a local council would send somebody ten or 12 miles away, as the Deputy has described. He mentioned that particular case before.

There are lists of houses that are currently under construction and for which taxpayers' money has been put up. Money has been given to local authorities to get on with building. Quite recently, €200 million was allocated by this House to obtain access to sites so houses could be built for people such as those the Deputy describes. Nobody wants to see the situation continue. This Government is working very actively on this. That is why there is a senior Ministry for housing and a special unit in the Department of Housing, Planning, Community and Local Government. That is why an unprecedented amount has been provided to all local authorities to buy, renovate or build houses. We will not have this solved until the people the Deputy mentions and those who come after them, or those who find themselves in particular difficulties, are housed in proper accommodation. That is the intention and ambition of the Government.

Deputy Richard Boyd Barrett: I am afraid the Taoiseach is in denial. This is not about the collapse in 2008; it is about a policy decision the Taoiseach's Government made in 2011 at which time he said the new policy represents a fundamental reconfiguration of the landscape of housing support in Ireland. The statement went into detail. The Government was to stop building council housing and rely on leasing arrangements with the private sector. That is the root of the problem. It has been a disastrous failure. The plan of the Minister, Deputy Coveney, has not broken from that. It has, in fact, expanded that misguided, disastrously-failing policy, which is resulting in people in HAP tenancies – the centrepiece of the Taoiseach's strategy – now being evicted from the supposedly secure social housing the Taoiseach said the policy would provide

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for them. There is ridiculous box-ticking with the objective of getting everybody out of hotels by July. Does the Taoiseach know where they go? They go onto the street or into hubs in town that are full of addiction and drug use. The strategy is failing disastrously and the Taoiseach will not admit it.

Will the Taoiseach do what Mr. Edmund Honohan advocated and start a compulsory purchase programme to buy empty properties and buildings to house the people in these circumstances? Will he order NAMA to immediately stop selling off land and property-----

An Leas-Cheann Comhairle: If the Deputy wants to get a response-----

Deputy Richard Boyd Barrett: -----and use all its resources to provide social housing?

An Leas-Cheann Comhairle: The Deputy may not circumvent a rule.

Deputy Richard Boyd Barrett: Will he ensure that people in the HAP programme have secure accommodation and that local authorities will be obliged to keep them in permanent and secure housing?

An Leas-Cheann Comhairle: I will move on to the next question. I call Deputy Thomas Pringle.

Deputy Richard Boyd Barrett: Otherwise, the weasel words mean nothing.

An Leas-Cheann Comhairle: I ask Deputy Thomas Pringle to put his question. If Deputy Boyd Barrett is going to try to circumvent the rules, he should note it is wrong to abuse them.

Deputy Richard Boyd Barrett: I went a few seconds over.

An Leas-Cheann Comhairle: I have warned the Deputy.

Deputy Richard Boyd Barrett: Deputy Micheál Martin went eight minutes over.

An Leas-Cheann Comhairle: He did not go eight minutes over; nobody went eight minutes over.

Deputy Micheál Martin: Calm down.

An Leas-Cheann Comhairle: I will give the Taoiseach 60 seconds.

Deputy Richard Boyd Barrett: Could I have a response?

The Taoiseach: All the things Deputy Boyd Barrett mentions are available to local authorities now.

Deputy Dessie Ellis: They are not.

The Taoiseach: They have been given money to buy houses. They have been provided with money by the taxpayer to build houses. They have been given incentives to get into sites that have been inaccessible for building. They have the opportunity to provide public land that they have in their possession in order that builders may come and build houses for them.

Deputy Richard Boyd Barrett: The Government is selling the land.

The Taoiseach: The root cause of the problem is not what Deputy Boyd Barrett says but a lack of supply of houses. I do not know where the Deputy lives but-----

Deputy Richard Boyd Barrett: It is a lack of supply of council houses.

The Taoiseach: -----he cannot wave his wand out in Dún Laoghaire and build houses like that. It takes blocks, concrete foundations, planning permission and all the rest of it. That is what is happening.

Deputy Richard Boyd Barrett: Six years.

The Taoiseach: That is why the Government put €5.3 billion on the table for the period between now and 2021 to build those houses so that the people with difficulties to whom the Deputy referred and their children can be housed in proper and fit accommodation.

An Leas-Cheann Comhairle: Go raibh maith agat, a Thaoisigh.

The Taoiseach: That is the kind of accommodation that is now being provided in the areas I have outlined for the Deputy for the very same kind of people who have the very same kinds of problems. We cannot deal with them all right away.

An Leas-Cheann Comhairle: The Taoiseach has to observe the rules as well. I call Deputy Thomas Pringle.

The Taoiseach: Work on all of these issues, including rent pressure zones and HAP, is in full flow in the Department of Housing, Planning, Community and Local Government and is receiving the attention of the Minister.

Deputy Bríd Smith: The Taoiseach has not answered the question for the people in the Gallery. He should tell them how his solutions work for them.

An Leas-Cheann Comhairle: I call Deputy Pringle.

The Taoiseach: Of course.

An Leas-Cheann Comhairle: The question was from Deputy Boyd Barrett and the Taoiseach has answered it. Deputy Pringle has three minutes.

Deputy Thomas Pringle: Rural Ireland was dealt another blow recently when Ulster Bank announced plans to shut 22 branches between June and September of this year. Two of those branches are located in Ardara and Raphoe in my constituency of Donegal. Once they are closed, it will leave these rural towns without any form of banking facility at all.

Ulster Bank claims the restructuring of its services is required to meet the ongoing cost challenges of RBS, yet this is a flawed rationale. Ulster Bank had a recorded profit of €280 million in 2016 and paid a dividend of €1.5 billion to RBS.

The truth of the matter is that the banks are not interested in addressing the needs of communities. They will always be driven by profit margins, but while private sector banks restructure their businesses and move online, communities still need banking services to survive. How does the Taoiseach expect rural communities to restructure with them? They cannot, and rural communities will suffer as a result.

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Banking services are vital to the survival of towns. Reports and studies have shown the consequences of banks retreating from rural communities, not only for customers but also for small business, which Fine Gael loves so much. In the UK, lending to SMEs has reduced by 64%, and the reduction is as much as 104% where the town has no bank left. A town received on average £1.6 million less in lending the year after a closure.

The Taoiseach will reply to me that Ulster Bank is not an Irish institution and the Government cannot intervene. I have already got that from the Minister for Finance. Let me remind the Taoiseach of the consequences facing rural Ireland because the Government refuses to intervene: an ongoing transport crisis, including the latest Bus Éireann dispute, Garda station closures, post office closures, delays in rolling out broadband, continued emigration, and banking closures.

While the Government may not be able to intervene in the latest bank closures, there are issues it can influence. In rural Ireland, we have a network of community banks called credit unions. The Government continues to hide behind the regulator who is doing nothing to facilitate them to develop in a way that can assist their communities and meet the needs of rural towns, for example, funding social housing projects or providing a range of banking services. It is as if, like Ulster Bank, the Government does not care about the needs of rural communities and the Government's policies reflect that in prioritising private sector banks over credit unions.

As well as Ulster Bank's announcement last week, we heard from An Post, in last night's "Prime Time", that it has identified 265 post offices as non-viable. No doubt we will see plans crystallising over the coming months seeking to close these too. Interestingly, McKinsey was consultants to both Ulster Bank and An Post and was the author of their strategies for nationwide closures. No wonder these strategies look so alike.

It is over two years since the Kerr report on the future of the post office network was published. What implementation have we seen by the Government? None. The Government has merely allowed the crisis to deepen. The Taoiseach can avoid taking any responsibility for Ulster Bank and the communities that are being devastated by the bank, but he cannot wring his hands and claim no responsibility for the destruction of the post office network and the continued stifling of credit unions.

An Leas-Cheann Comhairle: Go raibh maith agat. The Taoiseach-----

Deputy Thomas Pringle: Will the Taoiseach get the finger out and take some action rather than publish more reports that will only gather dust, running down rural Ireland and forcing more emigration on our communities?

An Leas-Cheann Comhairle: Deputy Pringle will have another minute. The Taoiseach to respond.

Thomas Pringle: Deputy Pringle has set out the situation in so far as Ulster Bank is concerned. Deputy Pringle has not referred to the very substantial rural development programme that has been published by Government across all Departments which includes a direction for the provision of 135,000 jobs, out of 200,000 to be created over the next number of years in areas outside the greater Dublin region, including the Deputy's area.

Deputy Pringle is clear on his remarks about the post offices. The Deputy might like to know that between 2004 and 2010 there were 345 post offices closed. He did not refer to any

of those at all. In the past five years, there have been 37 post offices closed. No post office will stay open unless people use it.

The Government has made a decision that there should be basic banking facilities made available in post offices, and we are working on that.

Deputy Bríd Smith: After they close.

The Taoiseach: The assessment of the Minister of State, Deputy Ring-----

Deputy Timmy Dooley: Before he threw the towel in.

The Taoiseach: -----of a pilot scheme for hubs to operate on the basis of four post offices to be determined was accepted by Government. The credit unions are regulated by the Central Bank. Two reports on credit unions were produced. The Government has implemented them and is fully supportive of the credit unions all over the country. It is not true for the Deputy to say that the Government has no interest in rural Ireland - far from it. In fact, many of the major policies of this Government are focused directly on giving opportunity and incentive to rural Ireland, not least the recent announcement by the Minister for Communications, Climate Action and Environment regarding the roll-out of national broadband. The review of the capital programme for the next number of years, which will provide opportunities for infrastructure throughout all parts of the country, including the Deputy's area, is under way. As a result, I do not accept at all his suggestion that the Government has reneged or is reneging on its commitment to rural Ireland. Every single regional sector has shown a growth in employment.

In respect of the Deputy's opening remarks about the way people do their business now, he should appreciate - as I am sure he does - that €14,000, I think, is now spent online every minute by people doing their business. The way people do their business has changed and it will not go back to the way it was. I cannot speak for Ulster Bank, but we do support the credit unions and the opportunity to provide basic banking facilities in post offices and to give them whatever services can be given. Post offices will not survive unless they are used by people. They cannot be locked away if everything is dealt with online. If they are social centres, which they are, and very important for communication, they must have a range of services that people will use and want to use because that is the lifeblood of business as well.

Deputy Thomas Pringle: Regarding the rural action plan, there is much plan and no action. Three months after its announcement, we face the possible closure of 265 post offices, reduced bus services and the scuppering of the national broadband plan by the Taoiseach's Minister for Communications, Climate Action and Environment. How does this reflect on the Government's action plan? It shows that no action is taking place. People cannot use post offices if the latter cannot provide services. That is the bottom line. Two years on from publication, the Kerr report has not been implemented. All the Government does is open up more consultations. Nothing actually happens, and that is the problem. The Government needs to take action. I have met the Registrar of Credit Unions. The Registry of Credit Unions gives the perception of being helpful but it does nothing except place obstacles in the paths of the credit unions. The Taoiseach's Government can change that policy and engage with and direct the registrar to be a facilitator of the credit unions providing services, not a blockage in their path. The Government can take action but, unfortunately, is not doing so. It can take action to strengthen the post office network and the credit unions and allow them to facilitate and help people and business in rural areas but it is too slow in dragging out the roll-out of these plans.

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The Taoiseach: I thought the Deputy might take the opportunity to say that people with the challenge of cystic fibrosis in rural Ireland are very encouraged today by the decision made by the Minister, the Department of Health and the HSE in respect of Orkambi and Kalydeco.

Deputy Thomas Pringle: That is for another day-----

The Taoiseach: They live in rural Ireland as well.

The Deputy mentioned Cockhill Bridge in Inishowen, which is now in receipt of several million euro as a consequence of interest in rural Ireland. The specific actions and the programme for Government commitments regarding post offices include encouraging social welfare payments at post offices, and the Minister has confirmed that tender. The point is-----

Deputy Thomas Pringle: Why did the Government take them away?

The Taoiseach: -----how many of all the social welfare recipients in Donegal want their payments paid into banks as distinct from post offices? If we are serious-----

(Interruptions).

The Taoiseach: -----about our post offices, people must use them.

An Leas-Cheann Comhairle: I thank the Taoiseach. His time has expired.

The Taoiseach: They have that right and that choice. We support the roll-out of the pilot scheme presented at Cabinet by the Minister of State, Deputy Ring, and adopted by Government for four hub post offices to be determined as a pilot scheme.

An Leas-Cheann Comhairle: The Taoiseach will have to avail of another opportunity.

The Taoiseach: We support also the introduction of the roll-out by An Post of the e-payment accounts system, which will help businesses in post offices. We will also advance the model of community banking that has been so successful in other countries.

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

Business of Dáil

An Leas-Cheann Comhairle: I now call on the Minister of State, Deputy Regina Doherty, who has a proposal to make to the House.

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I propose, notwithstanding anything in Standing Orders or the Order of the Dáil yesterday, that the Dáil sit later than 10.15 p.m. tonight and shall adjourn on the conclusion of the motion re report of the Joint Committee on the Future Funding of Domestic Water Services. The further revised arrangements in respect of the motion shall be as follows: the motion, if not previously concluded, shall be brought to a conclusion after two hours and 40 minutes and there shall be two speaking rounds only, with the second round confined to the members of the committee, or a Member nominated in their stead, whose speech shall not exceed five minutes in each case.

An Leas-Cheann Comhairle: Is the proposal agreed? Agreed.

Questions on Promised Legislation

An Leas-Cheann Comhairle: We move on now to questions on promised legislation. I have taken a list of names so there is no ambiguity. I will call Deputies MacSharry, Cassells, Nolan, O'Loughlin, Brady, Michael Healy-Rae, Danny Healy-Rae, Martin Kenny, Munster, McLoughlin, Pearse Doherty, Durkan and Eugene Murphy.

Deputy Bríd Smith: When did you take the list, a Leas-Cheann Comhairle?

An Leas-Cheann Comhairle: I took it according as Members indicated after I came into the Chamber. Is Deputy Smith indicating now?

Deputy Bríd Smith: I did not know I could indicate earlier. Is that a new practice?

An Leas-Cheann Comhairle: No, it is a long-standing practice. When I was here many years ago it was the same.

Deputy Micheál Martin: I wish to make an observation. It is my understanding that since last July nobody has got any water bills. Is that correct? I do not think they will get any in the future either. That is just a little observation when all the outrage and rhetoric is made. There was a reason for that.

The programme for Government said funding would be increased for home care packages and home help every year. A research project was carried out, I think by the Health Research Board, HRB, on the overall situation pertaining to resources for home care packages, home help and nursing homes. There was some suggestion that a means test would be introduced for home care. Will the Government fulfil the commitment in the programme for Government to introduce a uniform home care service in order that all recipients can receive quality support seven days a week, where possible? That is in the programme for Government. Is that a real commitment? Could the Minister indicate the follow-up in terms of the HRB report? One of the biggest challenges facing us, thankfully, is that people are living longer in Ireland than did any previous generation but that will require far greater end-stage-of-life interventions, in particular in the form of home care packages, home help and nursing homes. The fiscal side of the House has never quite come to terms with that demographic reality and there is a need for some intervention in that regard to try to marry the two.

The Taoiseach: I will ask the Minister for Health to respond to Deputy Martin's question on home care packages.

An Leas-Cheann Comhairle: He should confine his response to a minute.

Minister for Health (Deputy Simon Harris): Deputy Micheál Martin made a fair point. We have a commitment in the programme for Government to increase funding for home care packages and home help hours this year and it is our intention to continue that in future budgets. The Deputy is correct that there is a need for a statutory scheme for the delivery of home care. Deputy O'Dea tabled a Bill on the issue a number of months ago. We now have a process in place. The HRB report published yesterday is the first step in that process, whereby we look at what other countries are doing in terms of putting such a scheme on a statutory basis. That will be followed by a consultation scheme, which will be launched in May by my colleague the Minister of State, Deputy McEntee. One would hope that the HRB report and the consultation scheme will pave the way for the introduction of such a scheme.

Deputy Micheál Martin: Will the Minister accept Deputy O'Dea's Bill?

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Deputy Simon Harris: We will work with Deputy O’Dea on it. Some issues genuinely arise. One cannot just lift the fair deal scheme for nursing homes and apply it to somebody’s home but we are very willing to work to try and find common ground.

Deputy Mary Lou McDonald: I congratulate everybody who campaigned for it and I commend the Minister on the decision to make Orkambi available to cystic fibrosis patients.

Deputy Bríd Smith: Deputy McDonald’s microphone is not switched on.

Deputy Marc MacSharry: She does not need one.

Deputy Mary Lou McDonald: I do not need one. On 29 April, the Taoiseach will go to the European Council meeting and the guidelines for the negotiations with Britain on Brexit will be agreed. We have raised with the Taoiseach our deep concern about the guidelines, particularly Article 11 which is weak, vague and certainly insufficient. It does not provide the negotiating platform necessary to protect the interests of Ireland North and South.

I am disappointed that time has not been made available for a debate in advance of the Taoiseach’s attendance at that meeting. I asked him before about his willingness to accept an amendment to Article 11 and to argue for that. That is what I believe he should be doing. Sinn Féin has formulated a motion in the wording that we believe is necessary to provide us with the kind of protection that the Government, or whoever is Taoiseach, will need to seek in respect of Ireland. Is the Taoiseach willing to accept a proposition for such an amendment to Article 11 to strengthen our position and his position as our negotiator?

An Leas-Cheann Comhairle: I call the Taoiseach.

Deputy Pearse Doherty: A Leas-Cheann Comhairle, on the same issue and the same matter, the European Council meeting-----

An Leas-Cheann Comhairle: I have to give you permission, Deputy Doherty. You cannot take the liberty because you are well down the list, but providing you make it a very short supplementary-----

Deputy Pearse Doherty: The Leas-Cheann Comhairle can correct me if I am wrong, but I understand that it is accepted practice that if a question is on the same issue-----

An Leas-Cheann Comhairle: I was not to know that.

Deputy Pearse Doherty: I informed you that it is on the same issue.

An Leas-Cheann Comhairle: Okay, proceed.

Deputy Pearse Doherty: The European Council meeting on 29 April is one of the most important such meetings that any Taoiseach will have attended. The fact that Members of this House will not have pre-statements before the Council meeting, which has been standard practice, is an affront. The Taoiseach talks about democracy but this is an affront to democracy. Those statements need to take place on Thursday. Yesterday I presented the Taoiseach with a letter from Deputy Gerry Adams which included our motion.

We have now seen the European Council’s draft guidelines, so it is clear to us that whatever initiatives were involved from the Irish Government they have failed. The Taoiseach has failed to secure a veto or the position of this Dáil which is to have a special, designated status within

the EU for the North of Ireland. It is of the utmost importance that we should have that discussion so that the Taoiseach is better informed before he goes to that Council meeting about the views of this Parliament in terms of the negotiating stance he has to take.

Will the Taoiseach confirm that we will have pre-European Council statements, as we have had for every single European Council meeting heretofore? We all agree that this is the most important such meeting the Taoiseach will have attended during his time as Taoiseach.

An Leas-Cheann Comhairle: Just in case anybody might think that it is constituency favouritism, I am drawing on convention.

The Taoiseach: I introduced the situation whereby we have always had statements both before European Council meetings and after them. The meeting on 29 April is not a meeting of the European Council. It is a meeting of 27 members of the European Council. One member is missing, that is, Britain.

Deputy Pearse Doherty: That is technical.

The Taoiseach: Technical or not, it is not a European Council meeting. It is a meeting of 27 countries who happen to be members of the European Council. I am not going to be petty about this. If the House wants to have a discussion on the pre-April 29 situation I am quite happy to do that. I disagree fundamentally with Deputy Doherty, however, because the priorities we have set as a Government for Northern Ireland are all included in the letter from the British Prime Minister. They are specifically referred to in the paper from the European Parliament and are also referred to individually in the paper from the European Council's President, Mr. Tusk.

There are a number of meetings taking place over the next week to ten days. We have submitted some further wording in respect of the Good Friday Agreement, what it means and how important that is to the priorities we have already set out. It is a matter for the House or the Business Committee and I am sure the Chief Whip will oblige. If they want to have statements before the meeting of the 27 member states, I do not mind.

Deputies have been pretty well briefed on this matter and there is absolutely no shortage of material. We are very different from the Gibraltar case, when Deputy Doherty talks about vetoes.

Deputy Pearse Doherty: They have one; we do not.

The Taoiseach: Any change in the status of Gibraltar is a matter between Spain and the United Kingdom. It is nothing to do with the European Union. We have an international and legally binding agreement in respect of Northern Ireland

Deputy Mary Lou McDonald: It is also a bilateral agreement.

The Taoiseach: We want an opportunity to be able to implement that in full and to have it reflected in the negotiated outcome of the European Council.

Deputy Pearse Doherty: The Taoiseach lectured us on democracy.

The Taoiseach: That is democracy.

Deputy Pearse Doherty: In this democracy, the Dáil has spoken.

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An Leas-Cheann Comhairle: Deputy, please. I call An Teachta Brendan Howlin.

Deputy Pearse Doherty: Can I ask-----

An Leas-Cheann Comhairle: No, the Deputy cannot.

(Interruptions).

Deputy Pearse Doherty: Can I ask if the Taoiseach's office has convened the group that allows for statements to take place tomorrow?

An Leas-Cheann Comhairle: No. There are no supplementaries.

Deputy Pearse Doherty: The idea that there would be no statements before this European Council meeting is ridiculous.

An Leas-Cheann Comhairle: That is a matter for the Taoiseach to decide. The Taoiseach has responded.

Deputy Pearse Doherty: I accept that the Taoiseach is open to that.

An Leas-Cheann Comhairle: The Taoiseach has responded. Let the Whips discuss that.

Deputy Brendan Howlin: I certainly have no difficulty with pre-European Council statements. I think they are the absolute norm and this is a particularly important meeting of the Council. We discuss this matter virtually every day during Leaders' Questions and we have had very good interactions in respect of preparing the ground for these matters. However, I have always been of the view that getting the right start for this country is critical and, as I indicated yesterday, I am concerned.

I want to ask about legislation. We have had much discussion in recent times about oversight and accountability in policing in Ireland, but the Taoiseach will recall that we have had an equally long set of discussions in respect of accountability in the context of the administration of justice in our courts. We have long been promised a judicial council Bill. In fact, if I recall, heads of the Bill were published as far back as 2009. We still have not got that legislation. I am aware that there is parallel legislation on the appointment of judges which is before the justice committee. We still have not seen the heads of that Bill. We have a scheme from Government and we have proposals from the Fianna Fáil party on that Bill that still have to emerge from that committee but, parallel to that, where does the judicial council Bill stand? I presume it is going to be separate legislation.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I have just received the final draft of the judicial council Bill from the Attorney General and I would expect to be finalising it in the next few weeks.

Deputy Brendan Howlin: Will it go to Cabinet in the next couple of weeks?

Deputy Frances Fitzgerald: Yes. It will go to Cabinet in the next couple of weeks and, obviously, it will be published after that.

Deputy Bríd Smith: I would like to ask the Taoiseach about the Health and Social Care Professionals (Amendment) Bill 2017 and where it stands. Is there any possibility that we can hurry it up through the various Stages? I know there is an amendment to that Bill that aims to

stop bogus pregnancy advice clinics operating. I do not know if the Taoiseach is aware of it, but we have an extraordinary situation where these unregulated clinics remain unregulated as long as they give misinformation and tell lies. They are sometimes abusive towards very vulnerable women who are facing crisis pregnancies and often use the most objectionable methods to frighten women into not taking the option of having an abortion. Despite that, these clinics remain unregulated, whereas those clinics which give factual, proper health information are regulated under the 1995 Act. Some of these clinics were inadvertently funded by the Crisis Pregnancy Agency. We recently saw the exposure of yet another clinic giving bogus information to women in crisis and stressful situations.

An Leas-Cheann Comhairle: We are on promised legislation.

Deputy Bríd Smith: That has to be dealt with urgently. I ask the Taoiseach how much urgency we can put into stopping this happening. It is bad enough that we have the eighth amendment, which forces women into positions like this because they are not able to obtain abortions in this country, but it is a double-whammy to have these clinics operating without regulation.

The Taoiseach: I will ask the Minister for Health to respond to Deputy Bríd Smith's query.

Deputy Simon Harris: I thank the Deputy for raising this important issue. We can all agree that this is absolutely disgusting and despicable. I would not even call it misinformation. Women are just being told, in some cases, absolute downright lies.

Deputy Bríd Smith: I call it abuse.

Deputy Simon Harris: I think that word is also correct. The question that faces this Oireachtas is how to shut these facilities down. I know the Joint Committee on Health has considered Deputy Howlin's Bill. Deputy Howlin has done some very important work on this. I suggest that the most appropriate way is for us to regulate counsellors and psychotherapists and we to make it very clear that if women want to ensure they get accurate advice, they should go to counsellors and psychotherapists who are licensed and registered. That work is already under way. We have had public consultation. We received 84 submissions and I expect to be receiving the recommendations from my Department in the next couple of weeks in relation to that matter.

The Deputy asked what stage the Bill is at. It is a priority for drafting this session.

An Leas-Cheann Comhairle: I remind the House that it is not customary to use the word "lies". I am sure we can find other words.

Deputy Michael Healy-Rae: On page 53 of the programme for Government, it is stated that increases in health budgets were pledged and that this promise has been followed through. It is also stated that the biggest ever allocation for health was provided in budget 2017.

However, in the South/South West hospital group, funding is being sucked dry by County Cork. Kerry is being left subservient to Cork. If this is allowed to continue, University Hospital Kerry will be left as a glorified community hospital because all operations will be taking place in Cork.

A number of months ago, I presented the Minister for Health, Deputy Harris, with a programme whereby cataract operations could be undertaken in County Kerry. This plan was agreed with the South/South West hospital group but there has been no movement on the plan

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to date. Last week, I again reported the case of a man who will go blind under the Minister's watch in County Kerry. That is not right. It should not be allowed to happen.

An Leas-Cheann Comhairle: Does the Deputy have a question on promised legislation or the programme for Government?

Deputy Michael Healy-Rae: We in Kerry are not going to play second fiddle to County Cork when it comes to health. The health of a citizen of Kerry is as important as the health of anyone else. I presented the Minister with a clear plan-----

An Leas-Cheann Comhairle: Thank you Deputy, you have made your point.

Deputy Michael Healy-Rae: -----and I ask him to please act upon it. He has money in the National Treatment Purchase Fund, NTPF. Could he please use it?

Deputy Simon Harris: I certainly do not want people in Kerry to have a lesser health service than those in Cork or any other part of the country. Very recently, Kerry hospital became only the second hospital in the country to have electronic health records for every baby born in that hospital, which was a significant investment in the hospital.

The issue of cataracts is very important. Deputy Healy-Rae met me about this issue.

Deputy Michael Healy-Rae: It is happening.

Deputy Simon Harris: The NTPF has received €5 million funding for 3,000 day-case procedures, many of which will be cataract procedures. I expect patients to start getting appointments in Easter week. Where they are carried out is a matter for the public tendering process which is carried out by the NTPF.

Deputy Micheál Martin: Some of the best Kerry footballers were born in Dublin hospitals.

Deputy Marc MacSharry: In anticipation of the Taoiseach once again delegating this answer to Deputy Harris, I suggest that Deputy Harris might yet throw his hat in the ring. He seems to be doing a large amount in terms of leadership.

Other Members have welcomed the long-awaited decision on Orkambi. Page 64 of the programme for Government deals with this matter and the Government's use of European initiatives for breakthrough drugs such as Orkambi and others. I will not get back into
1 o'clock the quite intemperate contributions from all Members of the House in their frustration over the considerable period they were waiting for this decision to come. We welcome it now and we commend all involved in bringing it about, such as Jillian McNulty, Cystic Fibrosis Ireland, the company itself and others.

However, there is a major problem with the process here. We must look to the European example, such as the early access programme in Germany and France where these breakthrough drugs can be made available immediately while the health technology assessments, HTAs, are being carried out and while the matter is being considered. In comparison, our process is very obscure and lengthy. It goes to the National Centre for Pharmacoeconomics, NCPE, which seems to take about a year. It then goes to a drugs committee in the HSE which has a complete budgetary focus. Nobody knows who is on that committee. At present, there are 31 drugs lost between the National Centre for Pharmacoeconomics and the drugs committee. People's only recourse is Joe Duffy's radio show-----

An Leas-Cheann Comhairle: The Minister for Health, Deputy Harris, to reply. We have a number of Members waiting to ask questions, Deputy MacSharry.

Deputy Marc MacSharry: -----and public protest. That is surely not the way forward.

The Taoiseach: Deputy MacSharry has raised this matter vociferously on a number of occasions. While I acknowledge the wait has been long for sufferers of cystic fibrosis, what the Minister for Health has done here is quite visionary, in that it is a first in Europe. I hope this process can be followed through with other drugs companies and that we will have portfolios of drugs giving certainty and stability to those who suffer from a range of challenges. That will provide them with the best emotional support in the challenge that they face.

I would like to thank young Aisling, who I met at the protest in Sligo. She presented me with a letter on behalf of all of those who attended who face the challenge of cystic fibrosis. For them and for users of Kalydeco, today is an important day. I hope that from 1 May it will bring an enhanced quality of life for all those people around the country.

I ask the Minister for Health, Deputy Harris, to comment on the process that Deputy MacSharry referred to.

An Leas-Cheann Comhairle: No, I call Deputy Cassells. Does the Minister wish to make a comment? You cannot both answer; it should be one or the other.

Deputy Simon Harris: I only wish to answer the Deputy's question but I do not wish to-----

An Leas-Cheann Comhairle: Many irate Deputies are rightly waiting.

Deputy Micheál Martin: The Leas-Cheann Comhairle is correct.

The Taoiseach: It is a one-two.

Deputy Simon Harris: Deputy MacSharry is correct in what he says about the importance of international collaboration. In the aftermath of this it would be very useful if we could set aside time in the future to have a debate on how we can collaborate better at an international level.

Deputy Shane Cassells: I raised this matter previously. Section 16 of the programme for Government dealing with local government reform promised a Government report by mid-2017 on measures to boost local government, leadership and accountability. What is the position with the completion of that report and the status of town councils? Following on from a report in *The Irish Times* this morning quoting the Minister, Deputy Coveney, is the merger of Cork city and county councils and Galway city and county councils still being pursued by the Government, despite the protests of both, which goes against the grain in terms of local democracy?

An Leas-Cheann Comhairle: I thank the Deputy for observing the time.

The Taoiseach: I will have the Minister, Deputy Coveney, respond directly to Deputy Cassells on the points he has made.

Deputy Shane Cassells: I would appreciate that as I have asked about this previously.

The Taoiseach: I will have him respond to the Deputy.

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Deputy Carol Nolan: Page 48 of the programme for Government states that the Government will act swiftly on the recommendations of the Post Office Network Business Development Group by the development of an e-payment system. I am sure the Taoiseach is very aware of the seriousness of the potential closures of post offices. It is an issue of concern that has been brought to his attention by all citizens of this country. I am aware a protest took place outside his constituency office so I am sure he is acutely aware of it. He has made the point that he has an interest in rural Ireland. If he has an interest in rural Ireland I ask him to protect our post office network, which is vital. The postmasters' union has one simple question, namely, what this Government is doing to protect the future of post offices.

Deputy Eugene Murphy: On the same matter, I support what Deputy Nolan has said because the Government put a lot of thought into pages 47 and 48 of the programme for Government on post offices and community banking. It outlines the feasibility of offering Government services in post offices, a renewal process in terms of the existing five-year strategy for the network and a major development of post office services. In terms of what is happening in reality, however, and I have been asking the Taoiseach this question for four months, he is allowing the collapse of the post office service, which might suit the Government.

An Leas-Cheann Comhairle: A question on promised legislation.

Deputy Eugene Murphy: People were outside his constituency office in Castlebar. We are told by An Post that 265 post offices are closing. Once and for all will the Taoiseach stand up and give a firm commitment in the House today that this Government is totally committed to the post office service? He must remember that it is not just a rural problem; it is an urban problem as well.

An Leas-Cheann Comhairle: I call Deputy Mattie McGrath on the same issue.

Deputy Mattie McGrath: The programme for Government is meant to support the post office network but nothing has happened. It is Spy Wednesday today and tomorrow is Holy Thursday but the Minister of State, Deputy Ring, did a Pontius Pilate on this two weeks ago. He washed his hands of it. Last July, legislation was passed in the House giving statutory instrument powers to the Minister of State, Deputy Ring, in this area but he has washed his hands of it and handed it back to the Minister, Deputy Naughten. I know he will do his best but unless he gets support from the Taoiseach and his Government, the post offices will go down the drain, so to speak.

An Leas-Cheann Comhairle: A question, please, Deputy.

Deputy Mattie McGrath: What does the Taoiseach intend to do to fulfil the commitment in the programme for Government? The Rural Independent Group tabled a motion on this issue which was agreed unanimously. The Government accepted the motion, so what is the Taoiseach going to do about it?

Deputy Micheál Martin: The question is who is going to be crucified.

An Leas-Cheann Comhairle: Deputy McGrath has asked the question.

Deputy Mattie McGrath: Yes, who is going to be crucified? Will it be the Minister, Deputy Naughten? The Minister of State, Deputy Ring, went off and now all of us will be crucified because we will have no post offices.

An Leas-Cheann Comhairle: We are not sitting on Good Friday. I call Deputy John Brady on the same issue.

Deputy Mattie McGrath: He was ahead of Good Friday. He did it two weeks ago. Pontius Pilate.

Deputy John Brady: On the same issue, the Government has sat on the Kerr report for two years. Nine priority actions and 23 recommendations are identified in the Kerr report. It is a classic case of the Government fiddling while Rome burns. In my constituency of Wicklow, two post offices are now closed pending the outcome of this review. We know about the issue of the electronic fund transfer. That is a key issue and one of the main recommendations from the Kerr report and without it being fully implemented and put in place, there will still be an issue in terms of people opting to have their social welfare payment sent to a bank as opposed to a post office. If the Taoiseach is serious about this issue, and I have to take him and his Government at their word that they are serious about protecting our rural post offices and post offices across the State, he would first end the confusion between the Minister of State, Deputy Ring, and the Minister, Deputy Naughten, and act to implement all the recommendations and priority actions in the Kerr report. Will the Taoiseach commit to implementing the actions in the Kerr report and putting in place an electronic fund transfer system?

The Taoiseach: It is not actually a question on legislation. I pointed out to Deputy Brady and others that between 2004 and 2010, 345 post offices closed and that there have been 37 closures in the past five years. Two post offices in my area closed quite recently. Both were advertised and consultations took place but nobody wanted to take on the job. It is hard to direct that people would do this. What are we doing about this? On television the other night, the Minister for Communications, Climate Action and Environment referred to the national roll out of broadband, which will allow post offices to have access to broadband. We are also actively encouraging people to have their social welfare payments paid at post offices, which is their choice. We support the introduction and roll-out by An Post of the e-payment account. An Post has announced its intention to launch a new payment account from its own resources. It is not seeking Government support for that. We support the model of community banking and this is being processed by the Department of Finance along with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. We established the feasibility of offering a motor tax service and other social services in post offices. This is being finalised with the Department of Housing, Planning, Community and Local Government but will ultimately require An Post to engage in delivery.

I mentioned the report brought forward by the Minister of State, Deputy Ring, regarding hub post offices. Four of those will be rolled out as part of a pilot scheme. We will support the establishment of a post office network renewal process based on the An Post plan over five years. I assure Deputy Brady and others that the Government is fully committed to the post office network. This is not an easy situation to resolve. We want to try to give it as many services as we can.

Deputy Fiona O'Loughlin: As we reach the 19th day of the Bus Éireann strike and in light of its devastating effect on public transport, the families of the bus drivers and people at large, the Minister for Transport, Tourism and Sport has yet to climb out of his ivory tower to do something about it. My question about promised legislation concerns a group of people who cannot avail of public transport. I refer to those with severe disabilities who are on low incomes. A commitment was made by the Government to provide for a scheme to make indi-

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vidual payments as a contribution towards transport costs for these people. The Government has a role to play in helping these individuals, who are socially isolated and have difficulty accessing so many different types of services. What is the progress in respect of this matter?

The Taoiseach: I will have to update Deputy O'Loughlin on the progress made there.

Deputy Danny Healy-Rae: Promises were made in the programme for Government that in light of the fact that many rural Garda stations were closed, policing in rural areas would not be compromised. However, we find the Killarney division of An Garda Síochána is very short on numbers. Indeed Ballyduff Garda station, which is located in a town that has experienced of robberies, which was never signalled to be closed and which has had a lot of work done to it, does not have a garda.

An Leas-Cheann Comhairle: Promised legislation.

Deputy Danny Healy-Rae: It was promised that rural policing would not be compromised by the closure of Garda stations. Why is the Government not giving the numbers required to the Killarney division?

Deputy Frances Fitzgerald: I can confirm that there is ongoing recruitment to An Garda Síochána. A total of 800 recruits will enter Templemore this year. The Deputy will have seen the advertisements for 300 Garda reservists and 300 civilians, so there has been ongoing investment by this Government and that which preceded it to ensure we have adequate numbers of gardaí throughout the country. Their deployment is a matter for the Garda Commissioner.

Deputy Imelda Munster: County Louth has seen the highest increase in rents at over 17%. I raised this issue with the Taoiseach several months ago when I asked him to include Louth in the rent pressure zones. It appears that the Taoiseach has not acted on that. I also made him aware that there were over 4,000 people on the housing list in County Louth, that there is a chronic shortage of private rental accommodation and that the little accommodation that is there is either unaffordable to most or landlords will not accept the housing assistance payment. Perhaps the Taoiseach does not give a damn about it. If this is not the case, will he give a commitment here today to include County Louth in the rent pressure zones given that it has the highest increase in rents and will he give a date as to when he will do that?

The Taoiseach: The Minister for Housing, Planning, Community and Local Government monitors these things on a regular basis. The special housing unit in the Department has full access to all rent increases, which is why the Minister has already expanded the rent pressure zones. I will bring Deputy Munster's comment to the Minister's attention today.

Deputy Tony McLoughlin: Could the Taoiseach give me an indication as to the progress in providing full medical cards to all children in receipt of the domiciliary care allowance? This is a major issue in my constituency of Sligo-Leitrim and in south Donegal and west Cavan. When will these children receive these cards?

The Taoiseach: A total of 10,000 children are involved. That Bill has gone through the Houses so these cards should be on the way. I think a date was fixed for it but it was decided by Government and the Bill has been put through so that should happen very quickly.

Deputy Martin Kenny: I know that the redress scheme for people who were born in mother and baby homes came before the Cabinet yesterday. We had a lot of fine words of compassion

here a couple of weeks ago but for many people, what happened yesterday seems to be the opposite. Is the Taoiseach prepared to commit today regarding what he will do to look after these people who were the victims of an abusive situation that was Government policy in the past? What can be done to provide redress to these people, many of whom are getting old and need to see that it is not just a matter of fine words in this Chamber but that the Government will act on their behalf?

The Taoiseach: This is an interim report. Obviously, it has major implications. The Minister for Children and Youth Affairs set out the views of the Cabinet and Government on the report yesterday. The Government is conscious that the commission has made no findings to date regarding abuse or neglect and believes it would not be appropriate to deal with the questions of redress in advance of any conclusions that will be reached by the commission. In addition, the redress scheme that was there was complex to administer and often difficult for applicants. The Comptroller and Auditor reported recently on the 2002 residential institutions redress scheme and highlighted the cost to the State, the diminution in the value of the offers made by the congregations, the need for evaluations and lessons learned. The focus will now be on assisting those who were unaccompanied as children in the mother and baby homes with a view to offering very meaningful supports that will be of genuine and practical value to them. The Minister for Children and Youth Affairs will consult representatives further about this. We want to do this in a way whereby the State will help and support these people - through the provision of appropriate services - in respect of this aspect of their lives. The Department of Children and Youth Affairs is working with Tusla to support the provision of information to assist former residents who may wish to establish when they resided in a mother and baby home. This might involve very painstaking work on a matter that is obviously very personal for some people who want to find out where their mother was or who she was. Dr. James Gallen from Dublin City University has been asked to assist in the design of a model of transitional justice as a means of giving voice to former residents of mother and baby homes and county homes. The Minister will carry out a scoping review of the commission's existing terms of reference to see if amending them would enhance the existing work and help to resolve related questions.

Deputy Bernard J. Durkan: The Personal Injuries Assessment Board (amendment) Bill is promised legislation that is eagerly awaited by the private and public sectors. What is the anticipated progress of the Bill through the House?

The Taoiseach: It will not be taken this session. The heads of that Bill are in preparation but I doubt if it will appear before the end of the session.

Estimates for Public Services 2017: Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Communications, Climate Action and Environment has completed its consideration of the following Revised Estimates for Public Services for the service of the year ending 31 December 2017: Vote 29 - Communications, Climate Action and Environment.

Ceisteanna - Questions

Cabinet Committees

1. **Deputy Gerry Adams** asked the Taoiseach the Cabinet committee which has responsibility for issues pertaining to public transport. [17837/17]

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2. **Deputy Bríd Smith** asked the Taoiseach when the Cabinet committee on infrastructure, environment and climate action last met; and when it plans to meet next. [17840/17]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee on infrastructure, environment and climate action last met; and when it will next meet. [17912/17]

4. **Deputy Mick Barry** asked the Taoiseach the Cabinet committee which is responsible for public transport matters; and the membership of same. [17917/17]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

The Cabinet committee on infrastructure, environment and climate action has responsibility for oversight of delivery of key infrastructure and associated policy, including commitments in the programme for Government. In addition, the committee addresses the climate change challenge in terms of domestic policy, including transport, and in respect of Ireland's EU and international obligations.

The Committee does not have any role in respect of industrial relations matters in public transport or any other sectors. It last met on 30 January and a date will be fixed in due course for the next meeting. I chair the Cabinet committee and the membership is comprised of the Tánaiste and Minister for Justice and Equality, the Minister for Finance, the Minister for Housing, Planning, Community and Local Government, the Minister for Public Expenditure and Reform, the Minister for Jobs, Enterprise and Innovation, the Minister for Communications, Climate Action and Environment, the Minister for Agriculture, Food and the Marine, the Minister for Transport, Tourism and Sport, the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs; and the Minister for Foreign Affairs and Trade.

Deputy Bríd Smith: Gabhaim buíochas leis an Taoiseach. I want to ask the Taoiseach, precisely, about the urgency of the Cabinet committee on infrastructure, environment and climate action. The reason I believe this is urgent is because the Taoiseach has said that he does not interfere in industrial relations but we have an ongoing dispute, which is a national crisis, in our public transport. It is now in its 20th day and as we speak, the parties are in the Workplace Relations Commission meeting. I draw the Taoiseach's attention to the fact, as already outlined by Deputy Boyd Barrett in the Dáil last week, that Transport Infrastructure Ireland, TII, now has €100 million extra from VAT that it had not calculated for and was not expecting. A figure in the region of €18 million or €19 million could sort out the deficit in Bus Éireann. Will the Taoiseach comment on the fact that this money is lying there and if it could possibly be used to save the company? When the issue was raised of the €17 million that could be saved by paying Bus Éireann the equal amount of social welfare subsidy for free travel as is paid to the private operator, I noted that the Minister for Social Protection, Deputy Leo Varadkar, responded by stating this was like comparing the price of free travel with the price of subsidising Coca-Cola. This indicates to me the utter class snobbery driving this Government. The Government - and especially Ministers such as Deputy Varadkar who were born and bred with a silver spoon in their mouths - does not understand ordinary working-class people and the needs of the poorer and more vulnerable people in the State for free public transport and for public transport that works and delivers for the most marginalised. Nor does it understand the needs of the bus workers and their families who have now been without wages for three weeks.

An Leas-Cheann Comhairle: Time please Deputy.

Deputy Bríd Smith: There is €100 million sitting in the coffers of Transport Infrastructure

Ireland that could end this dispute in the morning, save the company and save the conditions and pay of those drivers.

An Leas-Cheann Comhairle: Thank you Deputy.

Deputy Bríd Smith: What does the Taoiseach say to that? What does he say to the dismissive attitude of his Ministers, like the Minister, Deputy Varadkar-----

An Leas-Cheann Comhairle: Deputy, I must give others the opportunity.

Deputy Bríd Smith: -----on the issue that is a crisis for most people in the State?

An Leas-Cheann Comhairle: Will Members agree that we shall take all the supplementary questions now? Agreed. I invite Deputy Boyd Barrett on the same group of questions.

Deputy Richard Boyd Barrett: One very important part of our infrastructure is ports and harbours. I want to know if the Government has discussed the very long-running saga of Dún Laoghaire Harbour Company. The Harbours Act, brought forward by the Government, suggests that the harbour company will be transferred to Dún Laoghaire-Rathdown County Council. This has still not happened although most other harbour companies have been transferred to their local authorities. This is because a harbour company quango and its very highly paid executives have frustrated the process by refusing to co-operate with the local authority in a due diligence examination of its financial situation. A risk assessment arising out of the due diligence process has identified a whole series of very serious financial risks. The company is refusing to give the information coming out of the risk assessment on those financial risks to the local authorities, to public representatives or to anybody on the grounds of commercial secrecy. This saga has gone on and on and yet we have had crazy plans for cruise ship berths costing millions of euro. We have a beautiful amenity which is just sitting there and rotting while the harbour company quango plays games with the local authority. Will the Cabinet committee discuss this and will it ensure that the Harbours Act is acted upon so this quango is dissolved and we can have real accountability over this critical piece of infrastructure?

An Leas-Cheann Comhairle: I call Deputy Brady on behalf of Deputy Adams.

Deputy John Brady: I am sure the Taoiseach is well aware that the Bus Éireann strike is in its 20th day. Talks at the Workplace Relations Commission collapsed yesterday. Following that, the unions and management referred a number of issues to the Labour Court for non-binding arbitration. The Labour Court heard the issues from yesterday and the talks have resumed this morning. It is clear, however, from the emerging speculation around the possible outline deal that any agreement that might emerge could see significant job losses within Bus Éireann. It would seem that this would also seriously undermine Bus Éireann's ability to provide an essential public transport service to communities and towns right across the State. The Government's refusal to engage constructively in the dispute has contributed significantly to the duration and impact on the travelling public. The financial crisis in Bus Éireann has been exacerbated because of the refusal of the key stakeholders, including the Department of Transport, Tourism and Sport, the National Transport Authority and the Minister, Deputy Ross, to protect an essential public service. Rural Ireland has been brought to a complete standstill. Local businesses are being starved of customers because many people are unable to get to town centres and retail areas. The Government's stance reflects the lack of priority given to rural Ireland. What is the Taoiseach and his Government doing to bring this strike to an end? What is he doing to ensure the financial crisis within Bus Éireann is addressed?

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Deputy Micheál Martin: One thing that has become absolutely clear during the current Bus Éireann dispute is that the Government does not have a transport policy. While the transport portfolio has been held by various high-profile Ministers over the last six years, the Government's only strategy is to try to get through the latest crisis. There is no sense that there is a policy on what level or quality of public transport services should be available or what the State subvention levels should be. Each of the public transport companies is being defined by what it can do without going bankrupt, rather than working to implement an overall vision for access and quality. If we had that policy framework in place, we may have never seen this Bus Éireann strike. The workers have gone through an awful lot of sacrifices and have lost a lot over the last four weeks. Belatedly, the Minister, Deputy Ross, has said he will convene a forum and that the free travel scheme and the public service obligation will be applied differently. It is past time for the Government and the Minister to produce a formal statement of Government objectives and resources with regard to public transport provision in Ireland. The overriding feeling of people on the ground is that had this dispute been in Dublin, it would have been resolved a long time ago. We need to be very careful that we are not going down the road of a low-wage public sector economy. That would be detrimental overall to society and to the value of public sector interventions.

Deputy Brendan Howlin: I am concerned that there is no clear enunciation of a transport policy from the Government. It is unacceptable that this company is so distant from Government, although the Government owns it 100%, that the Government cannot have a vision of what public transport in Ireland should look like and how Bus Éireann will fit in to that vision. Most people are aghast at the complete lack of involvement from the Minister for Transport, Tourism and Sport, Deputy Ross. He has emerged occasionally to say that he has no involvement in the dispute and cannot have any involvement. The Taoiseach knows that in various disputes over time, Ministers have been involved in trying to assist matters especially when the actual viability of the company was at stake. May I ask the Taoiseach about the attitude of the Government in terms of public transport? Will there be a clear statement of what bus transport in Ireland should look like and how it should be constructed? Are we just to presume that it is to be a matter for the market to determine? Will the Government accept the view put forward by the Labour Party? When we were in Government together, we agreed on having minimum standards of decency for workers and that there would be a negotiated fixed floor below which bus drivers could not fall so that public and private would be on a level playing field.

The Taoiseach: Deputy Bríd Smith raised a question about the Minister, Deputy Varadkar. I disagree with her comments about him. Ministers are well in tune with the many sections of society that make contact with them daily. This case is before the Labour Court. I hope that will result in an early solution which will bring about a return to work for the drivers and members of Bus Éireann, and that members of the travelling public have the service restored to them as soon as possible.

For Deputy Boyd Barrett's information, the committee does not deal with individual issues such as those he mentioned in respect of the harbour company in Dún Laoghaire. It is an issue that has been going on for quite some time. I am not sure of the responsibility here in respect of the independence of these companies. I will inquire for the Deputy as to whether the issue that is causing the problem can be resolved or expedited. It is a magnificent facility and has been for so many years. There is always room for potential for the future. I know the Deputy is interested in that.

Deputy Brady mentioned the question of the Labour Court. It is not for me to comment

on the court's independent way of, we hope, bringing about a resolution. Things are not at a standstill in rural Ireland. I pass through large swathes of it every week. The Government is expanding the public bus service in rural Ireland by increasing the amount of public service obligation money pumped in there and increasing funding to Bus Éireann and to the rural transport programme as well. Bus Éireann got a 21% increase in its PSO funding in 2016. Total funding for both PSO and rural transport will amount to approximately €277 million this year, which is a substantial amount and a €28 million increase on last year. Will the Government subsidise the Expressway routes? No. They are commercial services operating in competition with other commercial services. As with any other commercial operator, Bus Éireann cannot receive taxpayer funding for those services. Taxpayer support is available for public service obligation services. Bus Éireann receives taxpayer funding for those socially necessary but financially unviable services that form part of its legally contracted PSO network with the National Transport Authority. I am sure Deputy Brady understands that.

The Minister for Transport, Tourism and Sport and the Minister for Social Protection have instructed officials in respect of the free travel arrangements to which Deputy Micheál Martin referred. I hope that will take effect immediately. There was mention of transport policy. Obviously, there are competitive forces at work in the private sector providing transport to many locations throughout the country. The National Transport Authority has a very robust, expanding rural transport scheme. In respect of this particular problem which caused the Bus Éireann dispute, namely, the Expressway service, where Bus Éireann is in competition with private enterprise on motorway routes, if its buses have to come off the motorway and go through towns and villages, it causes a delay for passengers who want to get from point A to point B. The National Transport Authority has said that any changes brought about as a result of a settlement of this dispute can be taken up by the National Transport Authority in servicing areas that might not be serviced in future and by Bus Éireann but that is a matter-----

Deputy Bríd Smith: Will the Taoiseach answer the question about the €100 million that Transport Infrastructure Ireland has-----

The Taoiseach: This matter is before the Labour Court, as Deputy Smith is aware.

Deputy Bríd Smith: I am asking for the Taoiseach's comment on what will be done with that €100 million.

An Leas-Cheann Comhairle: Please, Deputy Smith. Give the Taoiseach an opportunity.

The Taoiseach: They are aware of that, as is the Deputy. I will leave the Labour Court in its independence to make its decisions. Deputy Howlin raised the point-----

Deputy Bríd Smith: The Taoiseach is not answering me.

Deputy Richard Boyd Barrett: It is an infrastructure question.

Deputy Bríd Smith: It is very frustrating to come here and ask a question and not get an answer.

The Taoiseach: I am telling the Deputy that I am not interfering in the issue of the Labour Court attempting to resolve this dispute.

Deputy Bríd Smith: I am not asking the Taoiseach to interfere. I am asking him about the €100 million that Transport Infrastructure Ireland has.

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The Taoiseach: Deputy Smith is mentioning what she thinks is a facility to end this dispute. The Labour Court-----

Deputy Bríd Smith: I asked if it could help the company survive. Will the Taoiseach please answer the question?

An Leas-Cheann Comhairle: I have no control over the Taoiseach's responses.

The Taoiseach: The Labour Court is dealing with the matter. It is hoped this dispute will be resolved. The court is completely independent in its deliberations, as Deputy Smith is aware.

Deputy Howlin raised the need for the forum that the Minister, Deputy Ross, has mentioned. If this matter is settled up, I would expect that out of that forum will come repeated emphasis on the overall strategy for the public transport system.

An Leas-Cheann Comhairle: The 15 minutes have expired so we will move on to responses to Questions Nos. 5 to 7, inclusive.

Deputy Bríd Smith: It would be great if we could get answers to direct questions during the 15 minutes.

Cabinet Committee Meetings

5. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet committee on health last met; and when it is scheduled to meet again. [16551/17]

6. **Deputy Micheál Martin** asked the Taoiseach when the Cabinet committee on health last met; and when its next meeting is due to be held. [17831/17]

7. **Deputy Brendan Howlin** asked the Taoiseach when the Cabinet committee on health last met; and when it next intends to meet. [17853/17]

The Taoiseach: I propose to take Questions Nos. 5, 6 and 7 together.

The Cabinet committee on health last met on 21 March. It will meet again on 27 April. That response is inside the time limit.

Deputy John Brady: I welcome the agreement between Vertex and the HSE. We got positive news yesterday on the provision of Orkambi and Kalydeco for sufferers of cystic fibrosis, CF. It comes during the national awareness week for cystic fibrosis. I commend Cystic Fibrosis Ireland, all the families and their supporters for their persistence in campaigning for this issue over a considerable period. However, the crisis around CF therapies is also evidence of the wider crisis in our health service. Two weeks ago, Dr. Tom Keane, former director of the State's cancer control programme, said that if any other country had the kind of problems found in the Irish health service, the Government would not survive. He described the health service as being close to total systems failure and called for the delivery of health care to change before there is what he described as a profoundly negative impact on people dependent on the public system.

The Towards 2026 report argues for greater accountability, clarity on funding, better leadership and stronger political support. The Government has failed dismally on all of these fronts. This week, we learned that there are 82 unfilled posts across community mental health services

that cater for children and adolescents with severe mental health disorders, including suicidal youngsters. This is a damning indictment of the Government. What measures will it take to address this matter urgently?

Deputy Micheál Martin: I also pay tribute to Cystic Fibrosis Ireland on an extraordinary and very fair campaign by Philip Watt and his team. I also pay particular tribute to Jillian McNulty, who very bravely led the campaign for Orkambi. There are lessons to be learned. I wonder if the Cabinet committee has considered the broader question of how we deal with orphan drugs. That is the term given to drugs used for rare diseases. In respect of conditions and diseases that are particular to the Irish DNA and are more prevalent here than in other areas, there is a need for a more effective approach from the Government to the approval of drugs.

In the earlier phase of this campaign, there was no engagement going on if the truth be told. That is what worried me more than anything. There was then an attempt to undermine the quality of Orkambi as a drug. I raised the matter with the Taoiseach several times on Leaders' Questions. Despite all the leaks to the various newspapers, it took six weeks to two months to get acknowledgement that Orkambi is a valid game-changer in terms of its impact on people with cystic fibrosis of a particular mutation. That has concerned me somewhat and it speaks to a lack of an overall policy.

I am unsure whether Fine Gael has a policy on health anymore. Compulsory health insurance was dropped. The damage of the Reilly and Varadkar years has been left in place. One of the core issues that emerged from that period was the degree to which there was direct interference with transparent and honest service planning within the HSE. Repeatedly, Ministers have required the HSE to promise a level of service for which the required funding has not been provided. Will the Taoiseach provide an assurance that no member of Government has interfered with the wording of this year's service plan to cover up a mismatch between promises and funding? Can the Taoiseach explain why we have had repeated failure to implement funding for mental health services? The Government's existence rests on having promised this funding. The Government has not delivered in terms of mental health funding as promised this year.

Deputy Brendan Howlin: I commend the Government and all those involved, especially Cystic Fibrosis Ireland, on their efforts to reach a conclusion on the Orkambi issue. I hope it will be a pathfinder for similar issues as they arise, especially for discrete groups of people who suffer terribly despite the fact that breakthrough medicines are available.

Will the Taoiseach address the status of a Government commitment, that is, free GP care for those under 12 years? I am sure this matter was discussed at the Cabinet sub-committee. The Taoiseach will remember that this was announced in October 2015 for budget 2016. It was announced 18 months ago when we were in government together. A total of €10 million was allocated in last year's budget to provide GP visits for children aged between six and 12 years. Where is this provision? When will we see it fully rolled out?

An Leas-Cheann Comhairle: Does Deputy Burton have a short question?

Deputy Joan Burton: Before the Christmas recess, I brought to the attention of the Taoiseach the very distressing case of a young child aged nine years who has scoliosis. Not only does she have scoliosis, she also has severe intellectual disabilities. I received some letters from the Taoiseach's office and from the Minister for Health, who spoke to me personally. He reassured me that, at the outside, by now the child would have received the urgently needed operation.

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As the Taoiseach can imagine, the child's mother is in touch with the hospital all the time but she and her daughter have simply been told to wait and wait. The operation now seems to have been put well back into the next couple of months. We were sure it would have been performed by now. I have not raised the matter with the Taoiseach again since then.

I cannot understand a system that keeps a child of nine years with a well-diagnosed condition and exceptional other difficulties and issues waiting. Notwithstanding all the funding that was provided to renew the operating theatre at the hospital in Crumlin during our period in government – a matter on which we all strongly agreed and which we supported – it seems that the hospital is now down to performing one operation per week. That is unbelievable. Will the Taoiseach give us an update on what is happening? Children are in pain and their families are experiencing some level of desperation.

The Taoiseach: I cannot give Deputy Burton an answer to her question because I do not have that information, but I will find out for her. We have discussed previously the opening of a theatre which was paid for by the taxpayer for some years but which has not been opened. On the previous occasion on which this was raised, my understanding was that the appropriate and qualified personnel would be there to commence performing operations. Let us find out. I will come back to Deputy Burton on that.

Deputy Micheál Martin raised the question of health policy. It has always been accepted that Orkambi is a game-changer in the sense of improving the quality of life of patients with cystic fibrosis. The problem lay with the price being demanded by the company involved. This is one of the most expensive drugs ever in the history of the State. The pharmacoeconomics group met the company. As Deputies are aware, a change has taken place whereby the group makes a recommendation on whether a given cost is valid. The Minister proceeded to make contact with other Ministers in other countries where similar problems have arisen. In any event, I am pleased the matter has been resolved. It was never a case of not recognising that Orkambi is a valid drug for improving the quality of life for patients. Cost was the issue. The earlier exchange was on looking at the process. This is not confined to Ireland. If this is the first case in Europe of having a portfolio of drugs that provide certainty and stability for patients, then that is probably the way to go. It may well reduce the cost over a five or ten-year period. While Orkambi and Kalydeco will cost a substantial amount of money over ten years, they give that certainty and emotional support for patients who suffer from cystic fibrosis.

I agree with the various speakers that cystic fibrosis patients have an exceptional commitment to dealing with their particular challenges. I am pleased that in recent years we have had public expenditure in cystic fibrosis units at various locations throughout the country. The improvement in the air quality in these centres - the air is changed so many times every hour - adds greatly to their comfort and ability to go to the next day and so on. In that sense I am pleased this matter has been resolved. I hope the Minister for Health will now be able to move on to other drugs companies and discuss portfolios of drugs for particular categories of patients who need them.

Deputy Micheál Martin spoke to me before about the mental health situation. I know he is concerned about it. I will give the Deputy an update from the Minister of State, Deputy McEntee, on where we stand, what money is being spent and on what it is being spent in order that we can see whether we can progress that matter.

Deputy Brady referred to Professor Keane. Obviously, he did his job with the cancer centres

of excellence. That was a difficult issue for many hospitals. I disagree with Deputy Brady's suggestion that there is anything like a total systems failure. The vast majority of people who have gone through the public health system have nothing but credit and praise to offer in respect of those who work in the system. In many cases, staff are working under pressure. A total of €14.6 billion has been allocated for 2017 - up €1 billion on last year. We can see how issues can intervene in that in the light of the Orkambi and Kalydeco question.

Deputy John Brady: A total of 60 more people are lying on trollies.

The Taoiseach: The problem is to get inside the system in a way that is efficient and realistic for people. That is why we have had pressure in emergency departments. In the context of Wexford General Hospital, for example, the layout of the new emergency department has greatly eased the pressure that used to apply there. That is what we need at many other locations as well and that is part of the plan for the capital expenditure programme. The Minister has visited various hospitals throughout the country. There are particular pressures in some. The filling of posts is another issue. An incentive is being set up by the HSE to bring back nurses and other medical personnel to work in Ireland because we need them.

Deputy Howlin referred to the general practitioner contract. Several measures have gone through, as the Deputy is aware, including the universal GP services for all children under six years and all persons aged 70 years and over.

Deputy Brendan Howlin: We did that at the time. I am asking about the next stage.

The Taoiseach: I know that. The category Deputy Howlin mentioned is being examined with a view to implementing it. We did the asthma cycle of care for children under six years and the diabetes cycle of care for adult patients with type 2 diabetes. Obviously, there needs to be a decisive shift in the health service towards primary care.

Deputy Brendan Howlin: When will it be provided?

The Taoiseach: A number of primary care centres are being built. Many of these close at 5 p.m. We need to look at the contract with the GPs in terms of the way that service is provided. The development of a new and modernised contract, which has not been done for years, is an issue the Minister is very concerned about and one he is obviously working on. He has stated his wish to have that kind of consultation with the GPs to help to chart a future for primary care services. The process that he set up here-----

Deputy Brendan Howlin: When will the under-12s get their GP care?

The Taoiseach: I do not have a date for that but I will come back to Deputy Howlin on it. The process will include consultation of members of the public, service users, advocacy groups, a range of health professionals and so on. I will advise the Deputy on what the state of progress is.

National Emergency Plan

8. **Deputy Brendan Howlin** asked the Taoiseach the role his Department has in the event of a national emergency. [16727/17]

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The Taoiseach: National emergency planning and management in this country is based on the lead Department principle, that is, the Department with lead responsibility in the area in question takes the lead in co-ordinating the response to the emergency.

The framework for major emergency management lists some 50 types of emergency and sets out the lead Department for each. The framework is available on the website of the office for emergency planning in the Department of Defence and is currently being updated.

When a co-ordinated national level emergency response is required, the lead Department will request the office of emergency planning to convene a meeting of the national emergency co-ordination group. The national emergency co-ordination centre is activated and staff from the office of emergency planning provide support to the lead Department in chairing the national emergency co-ordination group.

My Department does not have a lead Department responsibility. However, if the nature of the emergency warranted a special Government meeting, my Department, with my agreement and at the request of the lead Department and the national emergency co-ordination group, would call such a meeting.

In addition, officials of my Department attend national emergency co-ordination committee meetings in support of the lead Department and I am briefed as required as the emergency progresses. Also, a representative of the Government information service attends such meetings and provides support as required for the provision of information to the media.

As the question relates to emergencies, I am sure the House will wish to join me in expressing our appreciation of the work and commitment of Ireland's emergency services. This was shown most recently in the loss of Coast Guard helicopter Rescue 116 and I wish to express my sincere sympathy to the families of Dara Fitzpatrick and Mark Duffy, and also to the families of Paul Ormsby and Ciarán Smith, who are still missing. I also thank all the members of the emergency services and indeed all those who have been taking part in the search for Paul and Ciarán and those who have been supporting them. The local community in general and the people of Blacksod have shown absolutely phenomenal support during these difficult days. Last weekend, there was an extraordinary turnout from all over the country, not just the local region, with every kind of facility searching the thousand square miles in the hope that one or both of the bodies could be recovered. We hope and pray that they will be found soon.

Deputy Brendan Howlin: I associate myself and my party with the remarks of the Taoiseach with regard to the ongoing search for the two missing crewmen of Rescue 116. There has been extraordinary public support and anguish empathising with the bereaved. These are people who have selflessly given their lives in this instance to support communities. I am reminded of that every time I cross Wexford Bridge to go home and see the flag at the RNLI station permanently at half-mast until those bodies are recovered.

With regard to emergency planning, in the past we talked about what might constitute an emergency, such as a nuclear explosion at a British nuclear plant and how that would impact on us. I do not want to get the Taoiseach into trouble, as I know a former Minister of State got into a lot of bother answering a question like this about iodine pills many years ago. I believe we need to think beyond just those sorts of incidents. Please God there will not be an explosion or mishap in a nuclear institution in Britain, but we have to plan for that.

A much more likely attack is a possible terrorist attack. We would be foolish to think that

we are immune from that in this jurisdiction. I know that An Garda Síochána monitors some people in this country and so on. We need to up our game in this area. I believe it is a good thing that part of the review of An Garda Síochána will look at whether we need a bespoke security agency bringing together the best of military intelligence with Garda intelligence.

The cybersecurity area is where we are probably most prone to attack. It could cripple us. Over the years, all of our Departments have been subject to cyber attacks, some of which did not go into the public domain. It could have been absolutely crippling if, for example, the Department of Social Protection was shut down by a cyber attack. It would be hugely disabling for us. With regard to preparing for eventualities now in a completely changed environment in which even a football team on the way to a football match is not immune to attack, does the Taoiseach think we need to up our own game? I ask for his own thoughts on the need now perhaps to have a bespoke security agency separate from normal policing, which would in a way free An Garda Síochána to be the community police force it was initially envisaged to be, and on the need to up our game to prepare ourselves for the real challenges that exist.

The Taoiseach: It is a very valid question that Deputy Howlin raises. The way these are structured depends on the emergency. If it is infectious animal diseases, feedstuff contamination or food safety, the Department of Agriculture, Food and the Marine would obviously take the lead. Tsunami warnings, communication services, ICT, cyber attacks or energy are led by the Department of Communications, Climate Action and the Environment. Nuclear accidents will move under the Department of Communications, Climate Action and Environment as well. Hazardous materials, radioactive contamination, environmental pollution, severe weather flooding response, coastal erosion, water supplies, fire, landslide response, building collapse, accidental explosions-----

Deputy Brendan Howlin: There are probably not emergency experts for each of those areas in each Department.

The Taoiseach: They are the lead Departments for those kinds of emergencies. I take the Deputy's point, for instance, in respect of cyber attacks. We now have such an enormous investment in digitisation in so many companies throughout the country. This is an issue that needs to be looked at. By coincidence, I have called a security meeting for tomorrow, arising from the incident in Sweden and the incident involving the football team, Borussia Dortmund. These are things that we cannot be distant from. We are a non-aligned, non-aggressive country, and though the threat is always present, it is not at a high level in Ireland and we try to keep it that way.

Deputy Brendan Howlin: Sweden would have thought the same.

The Taoiseach: However, as the Deputy pointed out, it is not beyond a possibility that issues can arise in Ireland.

In respect of the commission that is going to look at the root and branch analysis of the kind of police force that we need for the next five, ten and 20 years, this is certainly a subject that should be discussed in the context of intelligence, where it should come from, whether it should be shared, what the entities are, what the roles of the Department of Defence and military intelligence are, what the real responsibility of policing is as against security and all that goes with that now, given the nature of cross-country intelligence, digitisation and the way information flows from one to the other. Other areas like aviation security and terrorist activities are is-

sues that are led by the lead Department, but as Deputy Howlin will know, Government will respond immediately in the unlikely event, we hope, of any of these things happening. I take the Deputy's central point that perhaps the Oireachtas should have the opportunity to reflect on these things. In respect of the central issue, once the commission is set up by the Tánaiste for a detailed analysis of the future of both policing and security, it is something on which we should reflect and for which we should make arrangements.

Deputy Brendan Howlin: When an emergency happens in Britain, everybody expects what is known as COBRA, which is basically the Cabinet Office emergency unit, to come into existence under the auspices of the British Prime Minister. Is it appropriate that we would have our own prime ministerial command centre to deal with any emergency that might arise and to bring in the particular expertise we need? Bluntly, it is not my experience that one would go through the Department of Agriculture, Food and the Marine or the Department of Communications, Climate Action and Environment. There are experts in every Department, right down to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, although I do not know what issue would affect it - maybe the collapse of a national monument. We certainly do not have that skill set available in every single Department and it seems unnecessary to have it available. What is needed for a country of our size is one set of crisis managers who can take command under the auspices of the Taoiseach and regardless of whether it is an agricultural issue, a food issue or a nuclear issue, bring in whatever expertise is needed to assist in the management of that. Is there a view that a COBRA-style office might at least be discussed?

Deputy Micheál Martin: When we talk about national emergency and the role of the Department of the Taoiseach, it is opportune to again express thanks to all in the emergency services who put themselves in harm's way on a daily basis for the citizens of this country and those who visit. In particular, as Deputy Howlin said, we remember the crew of Rescue 116, Dara Fitzpatrick, Mark Duffy, Paul Ormsby and Ciarán Smith and their heroic contribution to life saving in this country.

I put it to the Taoiseach that our current national arrangements for emergency management have effectively been left unchanged since they were first introduced by Deputy O'Dea a decade ago. Even though the scale and nature of potential emergencies has evolved dramatically since then, all structures are the same and there is no legislation concerning
2 o'clock co-ordination of a State response to a major emergency. Ireland is one of the only countries in the world without any form of statute legislation concerning the structure for responding to national emergencies, such as widespread flooding or a public health disaster. It is the consistent model internationally that the prime minister's office takes the lead responsibility. I believe it is time for us to review our structures and implement appropriate legislation.

I met recently with the professional representatives of our Defence Forces, the Army in particular. It was shocking to listen to some of the revelations. For example, in Kilworth Camp, so low is the strength, the requisite number of corporals are not available to facilitate live fire tactical training, so they cannot do the training. The Air Corps is essentially a nine-to-five operation and is not in a position to do 24-7 operations. I understand there were fundamental changes in the bomb disposal unit and the exit of very experienced bomb disposal personnel. I agree with Deputy Howlin in regard to our state of readiness in the context of a terrorist attack. We are far too complacent, as a country, in regard to that threat and we should do far more to prepare our responses.

The Defence Forces have been in decline and numbers are below strength. Is it not time to have a proper review of structures to ensure we have the capacity to respond to these potential emergencies?

The Taoiseach: As the Deputy is aware, we have provided significant funding for naval vessels as part of the operation of the Defence Forces. The Office of Emergency Planning, which is in the Department of Defence, co-ordinates the response to an emergency and it promotes best practice in emergency planning. The Government task force on emergency planning is comprised of representatives of all Departments and relevant agencies and it meets regularly to discuss emergency planning and management. The framework for major emergency management lists various types of emergencies, some of which I read out to Deputy Howlin.

The Office of Emergency Planning has prepared a draft document entitled, Strategic Emergency Management - National Structures and Framework. That is due to come to Government very shortly and we will publish it before the summer so people can reflect on the very issue that Deputies Micheál Martin and Howlin rightly raise. When an emergency occurs that requires a national level response, the current guidelines for co-ordinating a national level emergency crisis response, which are publicly available on the Office of Emergency Planning website, set out the steps that are taken to manage it. In a national emergency, the lead Department convenes the national emergency co-ordination committee. The paper that is to be presented will provide a forum to discuss these central questions.

Deputies will be aware of the vigilance of the Garda and the intelligence units in monitoring a small number of individuals who do not have this country's interests at heart. That is a very precise and confidential matter.

Deputy Martin raised the question of the Air Corps. There are cadets in training and a cadet recruitment campaign is under way. Four personnel will complete air traffic control training between May and September this year and the Air Corps is currently inducting a further air traffic control course. NCO vacancies in the Air Corps will be filled from the recently launched NCO promotion competition. Deputy Martin is aware that when somebody qualifies through the Air Corps, they are on contract for 12 years before they have the opportunity to leave, so it is not a question of training people and they then leave for private enterprise as soon as they are trained. There is a period of contract which they give back to the State in respect of the training they receive.

I would be happy to associate with the party leaders in regard to the central question raised by Deputy Howlin.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Pat Casey - the report into Sunbeam House services in Wicklow and south Dublin; (2) Deputy Thomas Byrne - the recent cut in occupational therapy services in County Meath; (3) Deputy Niamh Smyth - the impact of the closure of Ulster Bank branches; (4) Deputy John Brassil - activity-based budget allocations in University Hospital Kerry for 2017; (5) Deputies Pat Buckley and Billy Kelleher - CAMHS services in Cork; (6) Deputy Carol Nolan - terms and conditions of non-academic third level staff; (7) Deputies Joan Burton,

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Clare Daly and Catherine Connolly - the second interim report into mother and baby homes; (8) Deputy Eamon Scanlon - the retirement age of retained firefighters; (9) Deputy Margaret Murphy O'Mahony - the cessation of the river Bandon flood relief scheme; (10) Deputy Mary Butler - the Health Research Board report on statutory home care; (11) Deputy Mick Wallace - the ongoing conflict in Syria; (12) Deputy Aindrias Moynihan - the removal of 2,258 nurses from the active register by the board of the NMBI; (13) Deputy Bríd Smith - the post office network uncertainty; (14) Deputy James Lawless - inconsistencies in commercial rates system from valuations in REVAL2017; and (15) Deputy Richard Boyd Barrett - funding for Dalkey school project, Glenageary.

The matters raised by Deputies Pat Casey; Pat Buckley and Billy Kelleher; Joan Burton, Clare Daly and Catherine Connolly; and Eamon Scanlon have been selected for discussion.

Ceisteanna - Questions (Resumed)

Priority Questions

Brexit Issues

25. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade if the rights of 1.8 million persons in Northern Ireland to EU citizenship under the Good Friday Agreement will be protected in full after Brexit; and if he will make a statement on the matter. [18552/17]

Deputy Darragh O'Brien: In light of the decision of the British people and British Government to lodge the Article 50 letter, will the Minister for Foreign Affairs and Trade confirm that the right of the 1.8 million people in Northern Ireland to EU citizenship under the Good Friday Agreement will be protected in full by the Irish Government in the post-Brexit Europe? Will he expand on the steps our Government is taking to ensure the fundamental rights of Irish citizens are protected in Northern Ireland and, by extension, their right to EU citizenship?

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): As a co-guarantor of the Good Friday Agreement, the Government is determined that all aspects of the Agreement will be fully respected through the process of the United Kingdom's withdrawal from the European Union and thereafter. Our priority is to ensure that the Good Friday Agreement and the overall balance of the settlement is not in any way disturbed by the United Kingdom's exit from the European Union. All provisions of the Agreement must be respected, including the fundamental provisions on citizenship and identity.

Under Irish citizenship law, the vast majority of people born on the island of Ireland, including those born in Northern Ireland, are entitled to Irish citizenship. The Good Friday Agreement further provides that the people of Northern Ireland have the right to identify themselves and be accepted as Irish or British, or both, and that the right to hold both British and Irish citizenship would not in any way be affected by any future change in the constitutional status of Northern Ireland. It is important to state this provision is and will remain unaffected by the UK decision to leave the European Union. Persons who are citizens of Ireland, and therefore also EU citizens, will retain their right to EU citizenship after Brexit and the entitlements that flow from this under EU law.

In the forthcoming EU-UK negotiations, the Government will work to ensure that the continuing EU citizenship of Irish citizens in Northern Ireland can be sustained in a way that is consistent with their unique situation. In this regard, we should be clear that the UK Government also has a major role and responsibility in upholding the letter and spirit of the Good Friday Agreement, regardless of the United Kingdom's status within the European Union. The Government has made this point to the UK Government on a number of occasions and will continue to do so.

As part of my engagement with the Secretary of State and with each of the parties in the discussions in recent weeks, I have strongly emphasised the critical importance of forming a new Executive so that Northern Ireland's interests can be effectively represented as part of the process of the EU-UK negotiations that are about to commence. I very much hope that the necessary agreement between the parties will be reached on the formation of the Executive as soon as possible so that it can directly represent the interests of the people of Northern Ireland in these negotiations, which are of major significance.

Deputy Darragh O'Brien: I thank the Minister for the response. We would or should all agree that anyone born in Dungannon, Belfast or Newry is as Irish as anyone born in Swords, Malahide or Skerries and that their rights need to be protected. On foot of that, their right to EU citizenship needs to be protected. I welcome the Minister's response but I have a concern over the manner in which the British Government has approached this subject. Warm words and reassurances from the London Government really are not enough and certainly do not give solace to most people in the North considering the manner in which they have been treated so far. Will the Minister enlighten me further, following his discussions with the British Secretary of State for Northern Ireland, Mr. James Brokenshire, on whether the British have confirmed absolutely that the rights of Irish citizens will be extended to include the right to EU citizenship after Brexit and that anyone born in Northern Ireland after whatever agreement comes into place between Britain and the European Union will have a right to EU citizenship by extension? Under the Good Friday Agreement, they have a right to Irish citizenship.

Deputy Charles Flanagan: I want to make it quite clear that all those persons who are citizens of Ireland are EU citizens and that, after Brexit, assuming that the United Kingdom leaves the European Union in two years or whatever extended period thereafter that is deemed appropriate, all of these citizens will fully retain their right to EU citizenship and all the entitlements that flow from it in accordance with EU law. In the case of Northern Ireland, this is further underpinned by the right to identify and be accepted as Irish or British, or both. This is one of the major pillars or priorities for the UK withdrawal. When we list our priorities and speak about the unique circumstances on the island of Ireland, we noted that a pillar of that uniqueness is the fact that all citizens living in Northern Ireland are entitled to Irish citizenship and, therefore, EU citizenship.

Deputy Darragh O'Brien: I thank the Minister. We want respect for the Good Friday Agreement to form part of the Brexit agreement. The British Government will have to buy into this, as will the European Union. I seek that after 2020, for argument's sake, people born in Belfast or elsewhere in the North who rightly claim the right to Irish citizenship will be conferred automatically with EU rights and EU citizenship. Is it the case that that specific arrangement will require the agreement of the European Union and Britain as part of the Brexit discussions and whatever agreement emerges from the negotiations over the next two years? Will the Minister now confirm completely that this will be the case and that the citizenship rights underwritten by the Good Friday Agreement will be protected by the co-guarantor of the Agreement, the

Irish Government?

Deputy Charles Flanagan: It is too early to discuss in detail, or in terms of small print, the potential impact of the withdrawal process but I assure the House and the Deputy once again that, since the outcome of the referendum in the United Kingdom, we have been extremely clear that all the provisions of the Good Friday Agreement must be fully recognised and respected following the United Kingdom's departure from the European Union. We have been engaging extensively with all EU member states and institutions on this priority. There is a very good understanding among our EU partners of the importance of the Good Friday Agreement and, indeed, the peace process to the people of the island of Ireland. This is reflected in the inclusion of a specific reference to Ireland's priorities in the European Council draft negotiating guidelines and the Brexit resolution adopted by the European Parliament recently. The extensive and diplomatic engagement of recent months has been effective in this regard. This, of course, will continue. I would be very happy to keep the Deputy fully briefed and the House fully informed. The circumstances on the island of Ireland are most definitely unique and will need to be factored into the final negotiation detail.

Foreign Conflicts

26. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade if his attention has been drawn to the fact that ETA has announced that, on 8 April 2017, it will decommission its weapons; his views on whether the Spanish Government should seize this historic moment and enter into a formal peace process to deal with other outstanding issues, especially concerning prisoners; and if he will offer his Department's support to any initiative to establish a formal peace process. [18577/17]

Deputy Seán Crowe: I tabled this question after the historic decision by the Basque separatist organisation ETA to decommission all its remaining weapons. On Saturday, an international verification commission received information from Basque civil society representatives on eight weapons dumps that contained all ETA's remaining weapons. This comes six years after ETA declared an end to its armed struggle. There are still considerable and unresolved issues. To find a resolution to outstanding issues, the Spanish and French Governments need to enter formal dialogue that will lead to negotiation. Given Ireland's own successful approach, will the Minister formally raise this issue with the Spanish and French Governments?

Deputy Charles Flanagan: I assure the Deputy the Government has supported and encouraged efforts aimed at securing peace and stability in the Basque country. The Government welcomed the declaration by ETA of October 2011 that the organisation had decided on "a definitive cession of its armed activity". I issued a statement last Saturday welcoming the decision of ETA to decommission its weapons. I stated this was a significant and welcome step towards the disbandment of a terrorist organisation that has inflicted great suffering on the people in two fellow EU member states, France and Spain.

I repeat here that democracy and dialogue are the only legitimate means of resolving conflict. We must also never forget the victims of terrorism; those who have died and those for whom pain and suffering still endure.

We will, of course, continue to support peace and stability but further steps which might be taken are not primarily matters for the Irish Government. I assure the House that we will keep

a close eye on the situation in the Basque region and in France and Spain, as well as on the consequences in respect of that peace process.

Deputy Seán Crowe: ETA's disarming came about through a unique collaboration between international organisation and a vast array of civil society actors, ranging from churches to trade unions. The Archbishop of Bologna, Monsignor Matteo Zuppi, and the Rev. Harold Good from the North of Ireland witnessed ETA's decommissioning. Will the Minister join me in commending them on their work and all the work of those volunteers who facilitated this process?

Unfortunately, up until now the Spanish Government has dramatically refused to recognise the international verification commission and has stated its opposition to any involvement by third-party mediators. In a bizarre twist, instead of working towards a peace process, the Spanish Government went out of its way to place obstacles in front of ETA giving up its weapons. In December, five members of Basque civil society, who were aiding the peace process and dealing with the issue of decommissioning, were arrested by French police after a request from the Spanish Government.

The Minister stated he welcomed this significant peace initiative. Does the Government see any leadership role in this peace building for the Spanish and French Governments in order to build a fair, comprehensive and irreversible peace in the Basque country and will the Minister join me in calling for an end to the repressive policy and punishment and dispersal of more than 300 Basque prisoners in jails hundreds of kilometres away from the homes?

Deputy Charles Flanagan: I have already stated the Irish Government supports any development towards peace and stability. While I agree with the Deputy that there are circumstances in which the experience of our own peace process on the island of Ireland can provide insight and perspective, obviously the Deputy will agree with me that each conflict situation has its own specific characteristics and its own requirements. There is no universal or easily transferable formula to be drawn down.

I wish to assure the Deputy. Indeed, I note the statements over the weekend of my counterpart, the French Foreign Minister, as well as statements of the Spanish Government. We will, of course, continue to offer support for peace and stability but any particular further steps which might be taken are not matters primarily for the Irish Government.

Deputy Seán Crowe: I accept they are not primarily roles for the Irish Government but would the Minister agree that this initiative by ETA is a unique opportunity that must not be squandered? Does the Minister see a leadership or important interventionist role for the Irish Government in this matter? Will the Irish Government appeal to the Spanish and French Governments to demonstrate a more positive approach in their response to these developments, and as I said, for the Spanish Government to adopt a different approach to those Basque politically motivated prisoners? I again ask whether the Minister sees a positive intervention role for Ireland. Many Irish politicians have tried to lend their weight to bringing about a process and up until now, the Spanish Government has been reluctant to get involved in this initiative. On the back of the positive developments at the weekend, is there not something more the Government could be doing?

Deputy Charles Flanagan: We will continue to offer any assistance that might in the circumstances be required. If the Deputy is urging the Irish Government to take an interventionist role in this, that certainly would not be the intention of the Irish Government. We will continue

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to support the peace process. We will continue to encourage all and any efforts aimed at securing peace and stability in the region but it is certainly not for us to pronounce on what a fellow EU government should or should not do in these circumstances. However, I acknowledge the work of those individuals who have been referenced by the Deputy.

Brexit Issues

27. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade if consideration has been given to the need for new formal structures for dialogue to be established between the Irish and British Governments in view of Brexit; and if he will make a statement on the matter. [18553/17]

Deputy Darragh O'Brien: In light of Britain's decision to leave the European Union and the moving of the formal letter, has the Government given consideration to the need for new formal structures for dialogue to be established between Ireland and Britain and, indeed, between the Irish and British Governments? Can the Minister outline whether any discussions or preparations are in train at this early stage?

Deputy Charles Flanagan: Ireland has a strong and constructive relationship with the United Kingdom and with our EU partners and we are fully committed to maintaining both in the new set of circumstances which will emerge once the United Kingdom leaves the European Union.

There are numerous channels for Irish-British engagement and both Governments are making extensive and effective use of them. Some of these fora were developed in the context of the Good Friday Agreement and some of them were established more recently or have evolved and developed over the years to reflect the close relationship between these islands. They all will be used to the full, not least given the UK's withdrawal from the European Union.

These channels include the British-Irish Intergovernmental Conference, the British-Irish Council, the British-Irish Parliamentary Assembly and a formal process established in 2012 involving summits between the Taoiseach and the UK Prime Minister, supported by a joint work programme managed at official level by the heads of all Departments in both Dublin and London.

At political level, there are ongoing and frequent contacts across all policy areas. In addition to regular meetings the Taoiseach and I would have with our counterparts, Government colleagues meeting their UK counterparts recently have included the Minister for Finance, the Minister for Social Protection and the Minister for Education and Skills.

In terms of our diplomatic resources, our embassy in London is and will remain our largest bilateral embassy in the world. In fact, given the UK exit from the European Union and with a view towards helping to strengthen bilateral links in a post-Brexit context, two additional diplomatic officers have been assigned to the embassy in London. We also have a consulate general in Edinburgh, for which I approved an additional diplomat in 2015, while the footprint of our trade, tourism and investment agencies in Britain is and will continue to be significant.

Regarding formal structures, the next summit of the British-Irish Council, BIC, is scheduled to take place in Northern Ireland in June of this year, with the previous meeting having taken

place in Cardiff in November last. BIC meetings such as these provide Ireland with valuable opportunities to engage with devolved Administrations in the UK, while there are 12 specific work sectors being addressed at ministerial and official level all year round. The summit meetings since the UK referendum have also included specific sessions on Brexit, in doing so, reflecting a capacity for flexibility in issues being discussed at them.

Additional information not given on the floor of the House

In terms of individual devolved Administrations, I point to the fact that the Irish Government has taken particular care to maintain close contacts with the Scottish and Welsh Governments, with the First Minister, Ms Sturgeon, visiting Dublin in November 2016 and the Taoiseach meeting the Welsh First Minister, Mr. Carwyn Jones, in Cardiff last month.

The formal structures also include the British-Irish Intergovernmental Conference, which comes within the architecture of the Good Friday Agreement and whose function is to bring together the British and Irish Governments to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments.

The conference has traditionally focused on issues of mutual concern relating to Northern Ireland where its remit is non-devolved matters, that is, those which are reserved to the British Government and Westminster rather than the Northern Ireland Executive and assembly. As the scope of non-devolved matters in Northern Ireland has become quite narrow over recent years, there has been no business need for the conference to meet at political level. However, its secretariat - made up of Irish and British civil servants - continues to be an important day-to-day channel of contact between both Governments and the Irish officials assigned to the secretariat constitute the Irish Government presence in Belfast.

Parliamentary links are also vitally important and will be more crucial than ever once the UK departs from the EU. I myself will be delivering an address at the next plenary meeting of the British-Irish Parliamentary Assembly, to be held in Kilkenny in May 2017. This Assembly and its committees meet regularly to examine areas of shared importance across the member jurisdictions - Ireland, the UK, Northern Ireland, Wales, Scotland and what are known as the Crown dependencies - and this includes Brexit. I am also heartened by the regular interaction between other parliamentary committees, which is to be welcomed and encouraged as the withdrawal process continues.

Overall, as Deputies can see from what I have set out, there are extensive arrangements for dialogue with Britain - including ones which offer flexibility in terms of management and policy focus. We will, of course, keep matters under review, including as the details of the UK's new relationship with the EU emerge in the period ahead.

Deputy Darragh O'Brien: I am quite disappointed with the Minister's response.

Our shared membership of the Union has given both countries a space to build and consolidate trust and to work in a formal way but with Britain's exit, that is at risk. That is why I and my party fundamentally believe that a new Irish-British agreement dealing with matters other than the peace settlement will be required. I do not believe that the mechanisms under the Good Friday Agreement are sufficient. It is clear that with Brexit, it is not business as usual and we cannot go on with this idea that it is. A new British-Irish agreement would be a way of strengthening the links between our countries, in particular, consolidating the links North and South.

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From the Minister's answer, the sum total of our response appears to have been the appointment of two additional diplomats in London. That is simply not sufficient. It shows a lack of vision and a lack of desire to prioritise the relationship between the two countries and consolidate the Good Friday Agreement. We need more than this. We need more than a British-Irish Council and a British-Irish Parliamentary Assembly. We need a desire on the part of this Government to stand up for its citizens.

Deputy Charles Flanagan: I am not quite sure what new formal institutions the Deputy wishes to see. I again make it quite clear that the withdrawal of the UK from the European Union and the negotiations that are about to commence must take full account of and show the fullest of respect to all the provisions of the Good Friday Agreement. On the basis of our intensive political and diplomatic engagement over the past year, we have received very heartening support from our EU partners in this regard and are now about to pursue these through the formal negotiations between the European Union and the United Kingdom. We have not been in negotiations with the United Kingdom; we have had discussions. Now we will be in a position to engage through the European Union in the context of the formal negotiations. We will not sell the Good Friday Agreement short. We will not engage in any renegotiation of the Good Friday Agreement in response to the British policy of Brexit. The legal and political obligations of both the Irish and British Governments under the Good Friday Agreement remain unchanged, and this will continue-----

Acting Chairman (Deputy Eugene Murphy): The Minister will have another minute to respond.

Deputy Charles Flanagan: -----regardless of the status of the UK within the European Union.

Acting Chairman (Deputy Eugene Murphy): I am sorry to interrupt the Minister.

Deputy Darragh O'Brien: The Minister is missing the point. The mechanisms in place under the Good Friday Agreement have not been utilised over the past five, six or seven years to their full potential and we need to consider adding to them. The most recent summit of the British-Irish Council was held in Cardiff in November 2016. The next one will take place in the North of Ireland in June 2017. It is too loose. We need to consider strengthening these ties post-Brexit but plan for it now. This is not part of the Brexit negotiations. It is a matter of seeking to underpin the Good Friday Agreement and moving on further from it in consideration of what is a potential reality of a future reunification of this country and this island. We cannot just stand still. This Government and the previous one have approached the institutions of the Good Friday Agreement in a very lackadaisical, *laissez-faire* way. Has Government given any consideration to the establishment of new formal structures for dialogue between Ireland and Britain, and the North and the South?

Deputy Charles Flanagan: There are a number of parliamentary structures in which the Deputy himself is involved, for example, the North-South interparliamentary tier and the British-Irish interparliamentary group, which I understand will meet shortly in Kilkenny. I hope to have the opportunity to address that body. I acknowledge the valuable work done by the British-Irish Council, a body referred to by the Deputy, specifically the valuable work it has done over the past year providing a most positive and helpful forum for discussions on Brexit.

Deputy Darragh O'Brien: Two meetings in six months.

Deputy Charles Flanagan: The Taoiseach is in attendance at all times. I believe the use of these bodies will now intensify as the negotiations between the UK and the European Union commence. I acknowledge the importance of the North-South Ministerial Council, which of course cannot meet-----

Deputy Darragh O'Brien: Which has met 26 times-----

Acting Chairman (Deputy Eugene Murphy): I call the Minister, without interruption.

Deputy Charles Flanagan: -----at present because of the absence of an Executive in Northern Ireland.

Deputy Darragh O'Brien: We have given no consideration-----

Acting Chairman (Deputy Eugene Murphy): We will move on to Question No. 38.

Irish Prisoners Abroad

28. **Deputy Paul Murphy** asked the Minister for Foreign Affairs and Trade if he will report on contacts he and his officials have had with the Egyptian authorities regarding the case of a person (details supplied); if he has raised the person's medical condition with the authorities and sought his release on these grounds; and if he will make a statement on the matter. [18698/17]

Deputy Paul Murphy: I was part, with other Deputies, of a delegation to visit Ibrahim Halawa at the start of January. His situation was not good then: he was holding up but clearly desperate. Three months have since passed, another three court adjournments have taken place and, reportedly, his health has taken a significant turn for the worse. He is reportedly in a wheelchair, has been without consciousness and is possibly suffering from a very serious skin disease being spread in the prison hospital. What actions is the Irish Government taking to ensure his health is being taken care of and that he is released as soon as possible?

Deputy Charles Flanagan: I take this opportunity to express my horror at the two attacks on Coptic churches in northern Egypt on Sunday. I have spoken with the Egyptian ambassador and have conveyed through her my deepest condolences and those of the Irish Government to the victims and their families.

The consular case referred to by the Deputy continues to be an absolute priority for the Government, and very substantial resources and time are being devoted to it. The case has seen more high level political engagement, more investment of person-hours, more consultation with third parties worldwide and more consular visits and court hearing observation missions undertaken than in any other case to which the Irish Government has ever responded. This is in light of the unique circumstances of the case, in particular the fact that the citizen concerned was a minor at the time of his arrest.

The Government has repeatedly and consistently called on the Egyptian authorities to allow this citizen to return to his family and his home in Ireland. We have supported legal petitions for this man to be returned to Ireland under Egyptian Law 140, we have appealed for him to be considered for release under the Egyptian President's so-called youth amnesty scheme and we have stressed in all contacts the humanitarian dimensions of the case as grounds under which we believe he should be released. The Taoiseach, as the House is aware, has in recent days re-

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newed the Government's appeal to the Egyptian President to release this Irish citizen and return him to Ireland without delay, stressing in particular the humanitarian dimensions of the case. This is the Government's objective, and we are working day-in, day-out to seek that outcome.

I repeated this position when I met my Egyptian counterpart, the Minister of Foreign Affairs, Mr. Shoukry, again last month. In recent days, I have also spoken at length with the EU High Representative, Ms Mogherini, about the case and availed of the opportunity of my meeting with the Secretary General of the Arab League, who is also a former Egyptian Minister of Foreign Affairs, to enlist his assistance in trying to persuade the Egyptian authorities to release our citizen.

The court case in which this person is accused is now moving forward, and recent hearings have been more substantive with shorter periods between court sittings. At the most recent hearing, on 5 April, 11 more witnesses were called and cross-examined and gave evidence. This is important because the Egyptian authorities have consistently said that President el-Sisi and his Government cannot intervene in a case that is before the courts and that the President will only intervene when the trial has ended.

It is also noteworthy that at that most recent hearing the lawyers representing our Irish citizen made a request for his release on health grounds and the presiding judge undertook to examine the matter. The same judge has previously ordered on a number of occasions that there should be medical evaluations of this man's health. The next hearing of the case is scheduled to take place on 26 April. Officials from the Irish Embassy will again be in court to observe proceedings, as they have been at every hearing of the case to date.

For my part, I will continue to work urgently at political level to maintain pressure on the Egyptian Government to release our citizen and allow him to return to his home and his family at the earliest opportunity.

Deputy Paul Murphy: I join the Minister in condemning the terrorist attacks on the Coptic churches in Egypt.

It is not surprising that more hours have gone into this case than others because Mr. Halawa has been in prison for three and a half years. The latest technical file produced for the Egyptian court would seem to confirm the fact that there is no evidence against him of anything other than protesting. The problem is that nothing that has been done so far, including the parliamentary delegation of which I was a part, has worked in releasing our citizen home. What more does the Government intend to do? Was the European External Action Service in attendance at the most recent court case? If not, why not? Are there countries that continue to block the attendance of the EEAS, and is the Government making particular efforts to discuss with those Governments the withdrawal of any such block?

The other issue is that it is all very well for el-Sisi to tell us that he will not release Mr. Halawa until the court case is over, but the court case can go on indefinitely and each court appearance that passes seems to have a bad impact on Ibrahim's spirit, understandably, because the case just seems to stretch indefinitely into the future.

Deputy Charles Flanagan: I assure the Deputy that the Government continues to pursue every constructive avenue to achieve the citizen's return to Ireland and we will continue to bring our influence to bear on his behalf through all appropriate channels. I have spoken to a number of my EU colleagues on this issue and, as I said in my initial reply, on the previous occasion,

which was last week, I spoke directly to EU High Representative Mogherini on the matter.

This case continues to receive the attention of the Government at the highest level, having regard to the fact that the Taoiseach has again been in direct contact with President el-Sisi of Egypt about the case, as indeed he has on numerous occasions. He met the Egyptian President face to face twice to discuss the case and he has spoken to him by telephone on a number of occasions. He has also has communicated with him in writing on several occasions. In all of those contacts, the Taoiseach has underlined our concerns about the continuing detention of this young man who has been in prison for three and a half years without having been convicted of any offence and who is part of a group trial that has been adjourned on many occasions. Our key focus continues to be acting in the best interests of the citizen. We are working to have him released by the Egyptian authorities and we look forward to that happening.

Deputy Paul Murphy: All of those things have been done, yet Ibrahim remains in prison and his condition is worsening. That is first and foremost what the question is about. I appreciate the fact that a doctor was sent to examine him but then we have to use the evidence of the visit to put extra pressure on the Egyptian authorities and, if possible, to use the evidence in the court case to say that he should be released. We must demand that there is EEAS presence at the next court case and we must also demand, loudly, that he is released. There is no chance of Ibrahim getting a fair trial with 493 other defendants and so the only avenue is to exert every possible political pressure on the Egyptian authorities, which means leveraging EU authority and weight, because it is clear that Irish weight on its own is not sufficient. Is the Minister willing to meet again with the Halawa family to discuss other possible options to increase the pressure on the Egyptian authorities?

Deputy Charles Flanagan: There are a number of direct channels between my Department and the Halawa family and also the lawyers and other interested parties that will be pursued. I am, however, very concerned at persistent reports that the citizen in question is not taking food and may be pursuing a hunger strike. I stress that such a course of action should not be pursued as it will only be damaging to his well-being, health and cause. He should look after his health by eating properly and co-operating with medical tests and investigations that are from time to time arranged on his behalf. Reports about his health are a matter of the utmost concern for both my Government colleagues and me. In the light of those concerns we took the unprecedented step last month of making arrangements for an Irish doctor to be nominated by the Chief Medical Officer to visit him in prison to make an assessment of his health and the matter is the subject of ongoing attention.

Dublin-Monaghan Bombings

29. **Deputy Maureen O'Sullivan** asked the Minister for Foreign Affairs and Trade the status of efforts being made in persuading the British Government to comply with the three all-party motions passed by Dáil Éireann regarding the Dublin and Monaghan bombings; his views on whether the delay of more than 40 years is unacceptable; and if there are implications due to Brexit negotiations. [18357/17]

Deputy Maureen O'Sullivan: My question relates to the outstanding issues from the Dublin and Monaghan bombings, namely, the three all-party motions that were passed by the Dáil at various stages and the fact that the families of the victims will have been waiting 43 years next month, and if the Brexit negotiations are seen as a positive or negative in moving things

forward.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): Dealing with long-outstanding issues relating to the legacy of the conflict in Northern Ireland is of primary importance to me, as Minister for Foreign Affairs and Trade, as it is to the Government. A Programme for a Partnership Government highlights this priority, with specific reference to implementation of the all-party Dáil motions relating to the Dublin and Monaghan bombings, as outlined by Deputy Maureen O’Sullivan. The all-party motion on the 1974 Dublin and Monaghan bombings adopted in this House on 25 May last year has, like those adopted in 2008 and 2011, been conveyed to the British Government. The motions call on the British Government to allow access by an independent, international judicial figure to all original documents relating to those bombings.

The Government is committed to actively pursuing the implementation of the all-party Dáil motions, and has consistently raised the issue with the British Government. The Taoiseach has raised the matter with Prime Minister May, including at their meeting in Dublin on 30 January, emphasising the Government’s continued support for the Dáil motions. I have also raised the matter on a number of occasions with the Secretary of State for Northern Ireland, James Brokenshire. In our discussions, I have advised him that the Dáil motions represent the consensus political view in Ireland that an independent, international judicial review of all the relevant documents is required to establish the full facts of the atrocities that occurred in Dublin and Monaghan. I have also underlined to the Secretary of State that the absence of a response from the British Government is of deep concern to the Government and the House. I emphasised the urgent need for a response from the British Government. The Secretary of State acknowledged the importance the Government and the Dáil attach to these cases and indicated that the British Government is open to considering how it could respond in a way which would adequately address the motions and be consistent with its obligations. The Government is actively pursuing this matter with the British Government, urging it to provide a satisfactory response to the motions that have been adopted by this House.

Deputy Maureen O’Sullivan: We have had quite a few exchanges on the matter and on each occasion the Minister has told me that dealing with the legacy of the past is a major priority and that both he and the Taoiseach have raised the matter with the British Prime Minister and the Secretary of State, stressing its importance. In December, the Taoiseach assured us that he would pursue all possible avenues. As the Minister indicated, the three motions were conveyed to the British Government but nothing has been progressed in terms of the Irish request for an independent, international review of all the relevant documentation. The Barron report went a certain distance, as did the McEntee report, despite the absence of all the documentation. The reasons for the latter are, first, that the British Government did not co-operate in handing over documents - it is still not co-operating - and, second, no Irish Government has pursued this matter with the full vigour required. How close is the Minister to finding a formula that would allow the undisclosed documents to be made available to an international judge or similar person?

Deputy Charles Flanagan: I share the Deputy’s concerns. It is a matter of regret to me that we have not made greater progress on this long-outstanding issue. I assure the Deputy that officials of the respective Governments are exploring possible ways forward that would be mutually acceptable. Exploratory discussions are under way and we will continue to actively engage with the British Government in order to seek a satisfactory response.

There have been a number of appalling cases from the Troubles in respect of which truth

and justice have been secured only after decade-long campaigns by victims, families, survivors, civil society and Government. The Dublin-Monaghan campaign is now one of the longest such campaigns and that must make us all the more determined to continue to pursue the full truth, however long it takes. I assure Deputy Maureen O’Sullivan and the House that we are fully committed to doing that, as reflected in the programme for Government and our consistent action and engagement on the issue.

Deputy Maureen O’Sullivan: It is difficult to accept that the British Government is still considering ways that “would adequately address the motions and be consistent with its obligations”, which is the official jargon. My question is what about its obligations to the truth and justice for the victims and their families. Advising and being concerned have not brought the Justice for the Forgotten group any closer to justice. If the British Parliament had passed three motions calling on the Irish Government to release certain documents, I do not know whether the British Parliament would be waiting 43 years for their release. I ask that between now and 17 May the necessary vigour that is required for an international judge to be appointed be applied or even for the process to begin to suggest names that might be acceptable to both Governments and Justice for the Forgotten. I have to acknowledge the group, Justice for the Forgotten, because they would have been forgotten but for their persistent efforts.

Deputy Charles Flanagan: I acknowledge what the Deputy has said and share her view regarding the victims’ groups and in particular Justice for the Forgotten. I have had an opportunity to meet with representatives of that group on a number of occasions.

I will continue to engage in discussions in Belfast with the Secretary of State and the political parties to ensure we can achieve progress, not only on this case but also in regard to a number of other cases. We need to achieve progress on them in order that the new institutions can be established in Northern Ireland in such a way as to meet the needs of victims and survivors. They can also support the broader societal need for healing and reconciliation.

The Deputy mentioned the anniversary on 17 May and I assure her I will raise the issue once again with the Secretary of State in advance of the forthcoming anniversary. I will have an opportunity to report to the House, including Deputy O’Sullivan, on the progress on this issue, which I accept is long overdue.

Other Questions

Good Friday Agreement

30. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade the outcome of discussions to date with the British Foreign Secretary and with the Secretary of State for Northern Ireland in respect of the need for a post-Article 50 agreement between Britain and the European Union to provide for a human rights Act, which is a central element of the Good Friday Agreement; and if he will make a statement on the matter. [18253/17]

53. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade the outcome of discussions with the British Foreign Secretary and with the Secretary of State for Northern Ireland in respect of access to the Court of Justice of the European Union and other guarantees of fundamental rights that underpin the Good Friday Agreement in any post-Article 50 agreement between Britain and the European Union; and if he will make a statement on the matter.

[18254/17]

64. **Deputy Seán Haughey** asked the Minister for Foreign Affairs and Trade the actions he has taken and is taking to ensure citizens in Northern Ireland will maintain their rights under the European Court of Human Rights and Good Friday Agreement. [16721/17]

Deputy Brendan Smith: It is absolutely essential that the British Government honours all its commitments on human rights, as provided for under the Good Friday Agreement. The outcome of Brexit must in no way diminish those commitments. The Minister, together with the Taoiseach and other members of the Government, have clearly stated that they have received some commitments. Can he outline what commitments have been sought and what clear answers have been given by the British Government?

Deputy Charles Flanagan: I propose to take Questions Nos. 30, 53 and 64 together.

As a co-guarantor of the Good Friday Agreement, the Government is determined that all aspects of the agreement are fully respected through the process of the UK's withdrawal from the European Union and thereafter. Our priority is to ensure the Good Friday Agreement and the overall integrity of the settlement are not in any way disturbed by the UK's exit from the European Union. All provisions of the agreement must be respected, including those relating to human rights.

The protection of human rights in Northern Ireland law, including through the incorporation of the European Convention on Human Rights, is one of the key principles underpinning the Good Friday Agreement. It is important to be clear that the European Convention on Human Rights, ECHR, is separate and distinct to the European Union. The UK's decision to leave the EU has no impact on its obligations under the ECHR. Even after the UK leaves the EU, there remains a continuing obligation on the British Government to incorporate the European Convention on Human Rights into Northern Ireland law, as provided for in the Good Friday Agreement. In this regard, I welcome the clarification in the UK Government's White Paper on withdrawal from the EU where it states specifically that it has no plans to leave the European Convention on Human Rights.

In the context of British Government proposals, not connected with Brexit, to repeal the UK Human Rights Act and to introduce a domestic bill of rights, the Government has consistently emphasised to the British Government the importance of fully meeting its human rights obligations under the Good Friday Agreement. In this regard, I would note that while a domestic bill of rights can complement incorporation of the convention, it does not replace it. The British Government has indicated it is not currently pursuing a repeal of its Human Rights Act. The Government will continue to monitor the situation closely.

On 13 February, I convened a sectoral dialogue on human rights under the Good Friday Agreement to hear the views of civil society, North and South, on the possible implications of Brexit for this pivotal chapter of the agreement. This was a valuable exchange and a number of key themes emerged, including the importance of upholding the Good Friday Agreement chapter on rights, safeguards and equality of opportunity, as an integral part of the agreement as a whole; the value of a bill of rights for Northern Ireland as referred to in the Good Friday Agreement, in mitigating some of the potential impacts of Brexit for Northern Ireland; and the value of a charter of rights for the island of Ireland as referred to in the Good Friday Agreement. This would also support the provision in the agreement on equivalence of rights on the island.

Each of these themes demonstrates that human rights are central to the peace process and must be protected and sustained, regardless of the UK's future relationship with the European Union.

On 14 February, I held a bilateral meeting in Dublin with the Secretary of State for Northern Ireland, James Brokenshire. I reminded him of the unique circumstances that pertain to Northern Ireland, given the political and constitutional settlement of the Good Friday Agreement. In this regard, I noted to the Secretary of State the range of issues raised in the aforementioned sectoral dialogue on the human rights provisions of the Good Friday Agreement. I emphasised to the Secretary of State the duty on both Governments to ensure the integrity of the agreement in this and all other aspects, whatever the UK's future relationship with the European Union might be.

Human rights are central to the peace process and must be fully protected and sustained, regardless of the UK's status in the EU. The Government will continue to work closely with the British Government and the Northern Ireland Executive to ensure that the protection of human rights remains at the heart of civic life, politics and ongoing societal change in Northern Ireland. This includes the continued incorporation of the European Convention on Human Rights in Northern Ireland law, as provided for in the Good Friday Agreement.

Deputy Brendan Smith: I thank the Minister for his positive response and his own personal commitment to safeguarding those provisions in the Good Friday Agreement. I am glad he referred to paragraph 10 of the Good Friday Agreement's section on rights, safeguards and equality of opportunity. The specific provision provides for a joint committee of representatives of the two human rights commissions, North and South, as a forum for consideration of human rights issues on the island of Ireland. The joint committee will consider, among other matters, the possibility of establishing a charter open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of fundamental rights for everyone living on the island.

That was a positive measure in the Good Friday Agreement and we can now see how important it was to have it there. What consideration is being given at present to putting in place such a structure to ensure that we will have this safeguard measure on an all-island basis?

Deputy Charles Flanagan: I assure the House and the Deputy that the Government is a firm supporter of the Charter of Fundamental Rights, but the Good Friday Agreement predates that charter and does not expressly provide for it. That said, the charter provides an important and effective common reference on rights across the island of Ireland, as it does across the EU as a whole.

I wish to refer again to the White Paper on legislating for the withdrawal of the UK from the EU. The British Government expressly indicated that the provisions of the EU Charter of Fundamental Rights in Northern Ireland will not be applied as part of British law after the UK leaves the EU. This may require that a consideration may be given to alternative means of ensuring the coherence of rights frameworks across the island of Ireland. This was a key theme of the sectoral dialogue in Maynooth and I am pleased that the Deputy's party was represented at that conference. The value of a charter of rights for the island of Ireland, as referred to in the Good Friday Agreement, would also support the provision in the agreement on the matter of equivalence of rights across the island.

My priority at all times is to ensure that all aspects of the Good Friday Agreement are re-

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spected, not only here but also in the context of the UK-EU negotiations. It is an issue that forms part of the current talks in Northern Ireland that will hopefully result in a successful restoration of the power-sharing Executive and its institutions. We will continue to be proactive in working to mitigate all aspects of the withdrawal of the UK from the EU across the island of Ireland.

Deputy Brendan Smith: We are all well aware that since 1998, the Westminster Parliament has made no progress in preparing a bill of rights for the North. I presume that a bill of rights would be essential if we were to have the all-Ireland charter that is necessary post Brexit. Is the Minister concerned that in the new arrangements and architecture that will arise, there will be an interregnum whereby these safeguarding and human rights measures will not be in place? We must ensure there is no such interregnum or lacuna.

Obviously, a difficult situation would emerge if the new structures were not in place at the time Brexit actually happens.

Deputy Charles Flanagan: The Deputy makes a very important point. I assure him, and the House, that human rights provisions comprise a very important pillar of the Good Friday Agreement. It is essential, therefore, that human rights protections and frameworks in the Good Friday Agreement are not, in any way, adversely impacted upon or disturbed by any changes that might take place due to the withdrawal of the UK from the European Union. In that regard I need to stress that the UK has confirmed that it has no plans to leave the European Convention on Human Rights, which is at the core of the human rights pillar of the Good Friday Agreement. Essentially, while the legal obligations provided for under the Agreement in respect of human rights remain unchanged, the UK's departure from the Union changes the context in which those obligations operate. There will need to be an element of work undertaken to ensure that nothing adversely affects the human rights guarantees in the Good Friday Agreement and that the confidence and trust of all sides of the community in Northern Ireland is not in any way adversely impacted upon.

I assure the Deputy that we will continue to raise this issue. I have raised it across a number of ministerial meetings that I had with both the current Secretary of State, James Brokenshire, and his predecessors and on occasion with other ministers. My colleague, the Tánaiste and Minister for Justice and Equality, has also raised this issue. As far as I am concerned it is absolutely essential that the human rights protections as expressed in the Good Friday Agreement be fully honoured, maintained and sustained into the future.

Acting Chairman (Deputy Eugene Murphy): The next Member present who has tabled a question is Deputy Broughan.

Question No. 31 replied to with Written Answers.

Passport Applications

32. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs and Trade the supports he is providing to the Passport Office to assist in the speedy processing of the increasing numbers of passport applications; and if he will make a statement on the matter. [18002/17]

Deputy Thomas P. Broughan: The Minister recently told me that the Passport Office pro-

cessed almost 750,000 applications for renewals and new passports in 2016 and that he expected a rise of approximately 9% this year. Of course there was the Brexit spike, to which the Minister has referred in some replies. His own Department has been very efficient and kind in response to queries I have raised, and I am sure, in response to other Deputies as well. There is growing concern that, as the website of the Passport Office states, processing times are a guideline only and not a guarantee. We have case after case of families being very distressed as their time for departure for a holiday fast approaches and no passport is delivered.

Deputy Charles Flanagan: There have been very significant increases in passport applications in recent years. A total of almost 750,000 applications was received in 2016. This was an increase of more than 9% over 2015. Between 1 January and 31 March this year, over 250,000 applications were received, which represented an increase of 26% over the same period last year. There are a number of factors behind these increases. The decision by the UK to leave the European Union has undoubtedly had an impact but so too has an expanding population and an increase in outbound travel in recent years. The passport service's stated aim is to process passport renewal applications within 15 working days of receipt, provided that the documentation is in order. Applicants are advised that the turnaround time will vary depending on factors such as seasonal demand. Turnaround times for each category of applicant are updated every week on the passport service website. Despite the high volumes, the target turnaround time of 15 working days was met in almost 90% of cases last year and it is just over the target - by one day - in recent weeks. First-time applications are subject to longer turnaround times due to the extra verifications involved to protect the integrity of this important document. The current turnaround time for first-time applications is 24 working days. In all cases, as a matter of best practice, applicants are advised to allow at least six weeks for the processing of a passport and to use the passport express service only if they have no immediate travel plans.

The exceptional level of demand is likely to be sustained into the summer months and we have worked hard to put in place a number of measures, including additional staffing resources, to mitigate the impact. A total of 230 temporary clerical officers has been assigned to the Passport Office to assist with the processing of passport applications and to respond to customer queries. The great majority of these officers are already in place.

I launched a new online passport application service for adults renewing their passports on 30 March last. This new service will greatly assist in managing increased volumes of applications in the months and years ahead and in meeting target turnaround times. It allows citizens to renew their passport books and cards online 24 hours a day, seven days a week, from wherever they are in the world. The service removes the requirement to have a form witnessed and is a fast, secure and convenient way to renew a passport.

Additional information not given on the floor of the House

The target turnaround time is ten working days plus postage time. I urge all Deputies to encourage all eligible applicants to use this channel.

I also ask Deputies to continue to help promote good practice in communications with constituents. As I mentioned, as a matter of best practice and to avoid unnecessary stress, applicants should allow six weeks for a passport application. Applicants should always check the validity of their passport before booking travel. If travel is already booked, it is very important that applicants carefully consult the passport service website and use the correct channel. The

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website has a free renewal reminder service for passport holders and I also strongly encourage people to avail of this service which is available through my Department's website.

I fully appreciate the pressures the current exceptionally high levels of demand are putting on travel plans. I assure the Deputy that I will continue to closely monitor the situation to ensure the effective deployment of staff and other resources in order that the impact on turnaround times for applicants and on customer service is minimised.

Deputy Thomas P. Broughan: When I review the files from my own office of people who I have represented, time after time one sees that while a passport should have been issued on a particular date according to the tracker on the website, somebody's departure date is coming up within a few days and there is still no sign of the passport. As I have said, I am grateful for the fact that the Department has been able to help out in such cases.

On additional resources, are all 230 staff members now in place? The Minister said that some of them are still being recruited. The Minister has said that there is going to be a passport reform programme - which includes the online application which was launched just a few days ago - but it includes a ten-working day turnaround when even the 15-working day turnaround does not seem to be working. There are also complaints from constituents saying that access to the Passport Office itself also needs reform. Our constituents often turn to us as Deputies because they are simply unable to reach the office by telephone or e-mail. The lack of contact obviously adds to the stress. I note that in the UK it seems to take just about three weeks to get a passport in a country of 65 million people. In Germany it takes four to six weeks. We need further reforms.

Deputy Charles Flanagan: The introduction of the new online service is part of the ongoing programme of reform in the Passport Office. I acknowledge what the Deputy has said in respect of those working there. I too wish to acknowledge the efficiency and dedication of everybody associated with, and working in, the Passport Office. There are challenges, however, because we are dealing with unprecedented numbers.

I appeal to Deputies to continue to help promote good practice in their communications with constituents in order to avoid unnecessary stress. My advice continues to be that applicants should allow six weeks for a passport application. Applicants should also check the validity of their passport before booking travel. If travel is already booked, it is very important that applicants carefully consult the passport service website and use the correct channel. The website has a free renewal reminder service for passport holders and I strongly encourage people to avail of this service, which is available through our own website. I fully appreciate the pressure that the current exceptionally high levels of demand are putting on people's travel plans. I assure Deputy Broughan and other Deputies that I will continue to closely monitor the situation to ensure the effective deployment of staff and other resources in order to ensure that we give the best possible service to our citizens in the matter of their applications.

Deputy Thomas P. Broughan: Many of us have put a notice to the effect of what the Minister has said on our websites, Facebook pages and so on.

I notice a huge increase in demand for passports from countries like South Africa, Australia, the UAE, Canada and so on. Many thousands of applications were made in 2015 and 2016. Does the Department have any idea how many people worldwide have an Irish passport? What are the eligibility levels? I remember asking the former Deputy Gilmore, when he was Minis-

ter, the very same question and he could not give me an answer. Does the Department actually know?

Deputy Charles Flanagan: There are millions of Irish passport holders worldwide. I again acknowledge the challenges for the Passport Office in dealing with unprecedented numbers of applications. Over 733,000 passports were issued last year for Irish citizens. I encourage Irish citizens to check the expiry dates on their passports and to bear in mind that many countries require incoming visitors to hold passports which are valid for at least six months. That can be a challenge. While acknowledging the challenges and pressures in this area, I assure the House that the programme of passport reform will ensure that we will have one of the finest and most efficient online passport services in the world. I am anxious to ensure that the impact on turn-around times for applicants and would-be travellers will be minimised.

Irish Prisoners Abroad

33. **Deputy Catherine Connolly** asked the Minister for Foreign Affairs and Trade the measures he has taken to ensure the release of a person (details supplied); and if he will make a statement on the matter. [18302/17]

Deputy Catherine Connolly: The Minister replied to a question on Ibrahim Halawa during today's Priority Questions but I have a duty to raise the issue again. In view of the facts that Mr. Halawa is in a wheelchair, that his glucose levels are dangerously low and that he is in solitary confinement, I must pressurise the Minister to tell us what steps are being taken and what more can be done to secure his release.

Deputy Charles Flanagan: I assure Deputy Connolly that this consular case continues to be a top priority for the Government and that very substantial resources and time are being devoted to it. This case has seen more high-level political engagement, time investment, consultation with third parties, consular visits and court hearing observation missions than any other in which the Irish Government has been involved. This is in light of the exceptional circumstances of the case, as referred to by Deputy Connolly, and, in particular, the youth of our citizen at the time of his arrest, his ongoing detention, the fact that his trial has not been concluded and that there has been no conviction recorded.

The Government has repeatedly and consistently called on the Egyptian authorities to release our citizen and return him to his home and his family in Dublin. We have supported petitions for this man to be returned to Ireland under Egyptian Law 140. We have appealed for him to be considered for release under the youth amnesty scheme of Egyptian President el-Sisi. There has been contact with the Egyptian authorities by myself, the Taoiseach, other Government Ministers and a parliamentary delegation to ensure that every effort is made for the release and return of the Irish citizen without delay. That is my aim and that of the Government. We are working on a daily basis to secure that outcome. I repeated this position when I met my Egyptian counterpart, Foreign Minister Shoukry, a number of weeks ago. In recent days, I have raised the issue again with EU High Representative Mogherini and with the Secretary General of the Arab League, who is also a former Egyptian Foreign Minister.

The court hearings have been closely monitored. On all occasions that the case has been called in court, there has been a representative of the Government present. On the most recent occasion, there was a request for Mr. Halawa's release on health grounds and the presiding

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judge undertook to examine the matter. That is currently under consideration.

Deputy Catherine Connolly: It is very welcome that officials are in Egypt monitoring proceedings. As the Minister knows, Ibrahim Halawa was 17 when arrested and had just completed his leaving certificate. He has spent the final two years of his teens and the first two years of adulthood in dreadful conditions. He is now on hunger strike. Things have moved to a new level and the situation has become particularly acute.

In his reply to a previous question, the Minister mentioned that an Irish doctor has been sent in. The Minister might clarify the position in that regard. I did not catch whether the doctor had gone in already or if he is to go in. What was the result of the visit?

Is it correct that the Minister has clarified that the judge is considering whether Ibrahim Halawa will be released on health grounds? Has his case started? He is 21 years of age and his case has been adjourned 21 times. Great inconsistency has been shown by the Egyptian Government in the context of the release of 203 young people whose cases are also pending.

Deputy Charles Flanagan: I am sure all Deputies will join me in saying that a hunger strike will serve no purpose. It will not assist in any way. The Irish citizen's health, as indicated in reports, is a matter of utmost concern for both myself and the Government. In light of our concerns, we took the unprecedented step of making arrangements for a medical visit. While his findings are confidential, I can confirm that the Irish doctor recommended further specialist assessment. The doctor shared his assessment and recommendations with the prison authorities, who have a clear responsibility to ensure this man's welfare while he is in the Egyptian prison system.

The Government and the Department of Foreign Affairs have consistently underlined our concerns in this regard in all of our contacts with the Egyptian authorities. We have made it clear that we expect the Egyptian authorities to fulfil their responsibilities regarding the health, welfare and well-being of the Irish citizen. The Irish Embassy in Cairo continues to actively engage and follow up on these matters.

Deputy Catherine Connolly: The Minister's opinion and my opinion may be valuable generally but they are immaterial in this case. This young man has gone on hunger strike. When did the Irish doctor go in? When did he write up his report? To whom has the report gone? Will he be going back in to follow up?

Deputy Charles Flanagan: The medical visit took place the week before last. The report was immediately furnished and is being acted upon. I assure Deputy Connolly and the entire House that I will continue to urgently work on this case. My officials continue to work on it on a daily basis so that we maintain pressure on the Egyptian authorities to release our citizen, allow him return to his family and resume his studies in Dublin. Every effort in that regard is continuing, including the active involvement of the Taoiseach as Head of Government.

Military Aircraft

34. **Deputy Clare Daly** asked the Minister for Foreign Affairs and Trade the role of his Department in regulating the activity of Royal Air Force, RAF, fighter jets empowered to carry out military operations in Irish sovereign airspace (details supplied); and if he will make a state-

ment on the matter. [18005/17]

Deputy Clare Daly: There is a sort of secret pact between the British and Irish authorities which allows the RAF to intervene in Irish-controlled airspace in the event of a terrorist incident involving civil aviation in our skies. This pact has been much speculated upon in this House since 2001 and in the media since 2016. When I raised it previously with the Minister, he said it was a national security matter. This morning he said that there is no agreement. That is an interesting choice of words because an agreement has to be laid before the House. The question was whether an informal arrangement, pact or similar understanding exists now or ever has existed.

Deputy Charles Flanagan: The Air Navigation (Foreign Military Aircraft) Order 1952, made under the Air Navigation and Transport Act 1946, gives the Minister for Foreign Affairs primary responsibility for the regulation of activity by foreign military aircraft in Ireland. Successive Ministers for Foreign Affairs have put in place strict conditions which must be satisfied before permission to overfly the territory of the State may be granted. Thorough and robust procedures are in place in my Department with a view to ensuring that the conditions for securing permission for foreign military aircraft to overfly the State are clearly understood and properly applied. These procedures are kept under ongoing review. Comprehensive records on requests received and decisions made are retained for the purposes of monitoring and oversight and are drawn on as needed including to provide information to this House, as appropriate.

I cannot comment on any reports concerning national security matters or responses that might be taken in the event of an attack on Ireland or a serious and immediate security threat to Ireland or its people. However, I can state that in discharging the fundamental responsibilities of the Executive as set out in the Constitution, the Government's engagement in international security co-operation is aimed at ensuring public safety and is conducted with full respect for Irish sovereign decision-making authority and for Ireland's traditional policy of military neutrality.

Deputy Clare Daly: That reply is wholly unacceptable. This issue has been debated in the Irish media for some considerable period of time, with sources such as five alleged senior personnel in the Irish Defence Forces, personnel in the British Defence Forces or diplomatic corps confirming that such an arrangement exists and the Minister is telling us that national security prevents him from saying so in this House. I simply do not accept that. The matter was raised previously in 2001 and 2003. It was put to the then Minister for Defence, Michael Smith, who confirmed in 2003 that security services had been contacted and that in such an event in Ireland, we would clearly require the assistance of external forces. I will ask the Minister again. Is there or has there been an arrangement of any character with the RAF to intervene in regard to civilian aircraft in Irish controlled airspace?

Deputy Charles Flanagan: The Deputy alleges the existence of an agreement allowing the RAF to shoot down suspect aircraft in Irish sovereign airspace. I can confirm for the benefit of the House that no agreement has been entered into by the State to grant any permission to the RAF, or indeed the military aircraft of any other state, to shoot down planes of any type under any circumstances over Ireland.

Deputy Clare Daly: The Minister is playing with words. I did not ask him if there was an agreement. There are specific arrangements to be made if there is an agreement. If the Minister is saying there is no such arrangement, be it involuntary, informal or whatever way the Minister

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wants to put it, has he commissioned an investigation into the sources who are talking to media outlets, allegedly at a high level inside the Irish Defence Forces, with a very serious level of detail in these matters? Has he commissioned an investigation into where they have got their arrangement? Has he sought a review of the answers of his predecessor, the former Minister for Defence, Michael Smith, who seemed to indicate and verify some of these matters? These are highly serious issues in a country that proclaims to be neutral and if the Minister is denying that any such issue or arrangement exists at all, how does he see Ireland defending itself, as it were, in these scenarios since we well know that the current capacity of the Defence Forces would be incapable of withstanding such a situation? These are situations which have far-reaching effects for Irish citizens and our neutrality. We have to be open and honest about it and, frankly, the Minister in his answers is choosing to dodge the question he is being asked.

Deputy Charles Flanagan: My Department ensures that detailed and robust procedures are in place to ensure that all relevant parties are fully aware of the requirements relating to applications for permission for foreign military aircraft to land in this State.

Deputy Clare Daly: That is not what I asked the Minister.

Deputy Charles Flanagan: There are no circumstances under which the RAF or any other air force takes over responsibility of the Irish Air Corps. The Government's engagement in international security co-operation is conducted clearly within the parameters of powers conferred in the Executive by the Constitution. I refer the Deputy to Article 16.6.1o of the Constitution vesting the right to raise and maintain military or armed forces exclusively in the Oireachtas.

Northern Ireland

35. **Deputy Joan Burton** asked the Minister for Foreign Affairs and Trade the discussions he had with Northern Ireland Secretary of State, Mr. James Brokenshire, about the possibility of the reintroduction of direct rule in Northern Ireland. [16734/17]

47. **Deputy Eamon Ryan** asked the Minister for Foreign Affairs and Trade if he has spoken to Secretary of State Brokenshire since Mr. Brokenshire's announcement that he would consider a return to direct rule if talks to restore power sharing in Northern Ireland fail. [17915/17]

Deputy Joan Burton: I ask the Minister if he has had discussions with the Northern Ireland Secretary of State, Mr. Brokenshire, about the possibility of the reintroduction of direct rule in Northern Ireland.

Deputy Charles Flanagan: I propose to take Questions Nos. 35 and 47 together.

I am in regular and direct contact with the Secretary of State for Northern Ireland as part of the ongoing discussions to support the political parties in reaching an agreement on the formation of a new Executive in Northern Ireland. Both Governments are agreed on the imperative of continued devolved power sharing Government for Northern Ireland, which is at the core of the political institutions of the Good Friday Agreement.

The Secretary of State confirmed in his statement to the House of Commons on 28 March that the British Government does not want to see a return to direct rule in Northern Ireland. I welcome this confirmation and I reiterate today in this House, as I have to the Secretary of State, that this Government does not support the suspension of the institutions and the return of direct

rule in Northern Ireland. It is important to note that there is no statutory provision at Westminster for the suspension of the institutions, following its removal, which at the time was supported by the Irish Government, as part of the St. Andrews Agreement, more than ten years ago. The political process in Northern Ireland is founded on the institutions, principles, procedures and practices of the Good Friday Agreement, including the Assembly and the Executive, and it is imperative that both Governments and all the parties work in support of this framework.

In this context I am representing the Government in the intensive talks in Belfast. These talks have two objectives. First, to allow the political parties to reach an agreement on the formation of a new Executive. Second, to address the implementation of the outstanding issues from previous agreements. These discussions are structured around a shared approach put forward by both Governments following on from the talks last month where it did not prove possible for the political parties in Northern Ireland to reach agreement on the setting up of a power-sharing Executive before the statutory deadline of 27 March.

Overall, encouraging progress is being made in this renewed phase but I am under no illusions about the challenge of resolving the core issues that remain outstanding. Serious issues remain to be resolved after the Easter holidays, including those which were to the fore before the collapse of the last Executive and during the election campaign. However, with resolve and determination from all the parties involved in the process, and with the support and encouragement of the two Governments, I believe a successful outcome is possible.

Additional information not given on the floor of the House

As part of my engagement with the Secretary of State and with each of the parties in the discussions in recent weeks, I have strongly emphasised the critical importance of forming a new Executive so that Northern Ireland's interests can be effectively represented as part of the process of the EU-UK negotiations which are about to commence. I very much hope that the necessary agreement between the parties will be reached on formation of the Executive as soon as possible so that it can directly represent the interests of the people of Northern Ireland in these negotiations which are of major significance.

As the formal talks pause briefly for Easter, I encourage everyone to maintain informal contacts and to reflect on what can be achieved if, in the weeks ahead, an Executive is established that operates effectively and sustainably. I am convinced that all parties are willing to play their part in reaching such a sustainable agreement, which will provide for a stable power-sharing Government in Northern Ireland underpinned by the principles of the Good Friday Agreement.

The Irish Government as a co-guarantor of that Agreement and the peace process will continue to play its part in facilitating these ongoing talks, working with the British Government and encouraging all parties to reach agreement on the formation of a new Executive that is demonstrably in the best interests of the people of Northern Ireland.

Deputy Joan Burton: I am very disappointed at the fact that Sinn Féin, in particular, appears to have called for another election. Does the Minister see any value in another election other than that there would be a certain amount of head counting? I believe that the issues which are outstanding are capable of resolution. This Friday we will attend the anniversary of the Belfast Agreement. Most commentators are saying that there appears to be relatively little energy or appetite on the part of either of the two major parties, the Democratic Unionist Party but particularly Sinn Féin, to make the institutions work, a rather fatalistic approach that it is

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okay to return to direct rule but that the preference is for further elections. I have no real idea other than head counting what another election might produce. Has the Minister spoken to each of the parties about that? Does he have a sense of what they believe a further election might achieve? Talking to ordinary people from the North who are not particularly political I found that they are completely confused. When we see how life has transformed in the North in terms of peace and security, historically, it seems to be an enormous mistake to run the risk of losing all the progress that has been made.

Deputy Charles Flanagan: I share Deputy Burton's concern. I agree with much of what she said and I wish to assure her and other Deputies that, as part of my engagement with the Secretary of State and with each of the parties in the matter of the discussions over recent weeks, I will continue to emphasise strongly the critical importance of forming a new Executive in Northern Ireland so the interests of the people of Northern Ireland can be effectively represented. There is an added urgency and a greater level of importance on this occasion having regard to the commencement of the negotiations on the proposed withdrawal of the UK from the EU. I very much hope that agreement between the parties will be reached on the formation of the Executive as soon as possible so that this Executive can directly represent the interests of the people of Northern Ireland in the negotiations. As the formal talks pause for Easter, I encourage everybody to maintain informal contacts over the Easter period and to reflect on what can be achieved if in the weeks ahead the Executive is to be established that operates in a sustainable and effective way.

Deputy Joan Burton: I understand that there are very severe financial penalties regarding the public budget in Northern Ireland and that automatic discounts or penalties apply. There is a general fear, particularly among public sector workers and at local and district council level, that the budgets will come under incredibly severe pressure, which will be very destructive of public services and life in Northern Ireland.

Deputy Charles Flanagan: Only yesterday, I had the opportunity to meet a cross-section of civil society leaders in Belfast. Last week, I met in excess of 15 heads of business corporations in Northern Ireland. I share the concern that has been raised by Deputy Burton but I remain convinced that all the parties are willing to play their part in reaching an agreement which will provide for a stable power-sharing government in Northern Ireland. The Irish Government is co-guarantor of the Agreement and the peace process and will continue to play its part. While there will be no formal engagement over the next few days, I appeal for a level of informal engagement between the parties to ensure that when the talks resume after the Easter period, there will be a willingness on the part of everyone involved to ensure the setting up of an Executive and a functioning Assembly at the earliest opportunity for many reasons, including the reasons evidenced by Deputy Burton in respect of budgets, jobs and economic development in Northern Ireland.

Military Aircraft Landings

36. **Deputy Clare Daly** asked the Minister for Foreign Affairs and Trade his plans to review the use of Shannon Airport by the US military in view of the destabilising role played in the Middle East and elsewhere by the US, and if he will make a statement on the matter. [18006/17]

Deputy Clare Daly: As the Minister is aware, the US has been wreaking havoc across the Middle East for decades. It has taken a new departure with Donald Trump at the helm and his

decision last week to drop 50 Tomahawk missiles on a Syrian airbase. We know the US media responded by saying things like “I think Donald Trump became President of the United States last night”. People described it as doing the right thing and the missile strikes were described as “beautiful”. It is odds-on that Donald Trump will escalate such military action and, one presumes, use Shannon Airport to further his aims. Is it not time that we had a review of such an appalling blight on our supposedly neutral stance?

Deputy Charles Flanagan: Successive Governments have made landing facilities available at Shannon Airport to the US for well over 50 years. These arrangements are governed by strict conditions, including that the aircraft must be unarmed, carry no arms, ammunition or explosives and not engage in intelligence gathering and that the flights concerned do not form part of military exercises or operations.

These conditions apply equally to military aircraft from all countries seeking to land in Shannon. The US, as with all other states, is required to provide my Department with confirmation in writing that the aircraft proposing to land in Shannon complies with the strict conditions set out above. Arrangements for the regulation of activity by foreign military aircraft are kept under ongoing review. In line with this, my Department ensures detailed and robust procedures are in place to ensure all relevant parties are fully aware of the requirements relating to applicants and applications for permission for foreign military aircraft to overfly or land in the State.

Deputy Clare Daly: I take it from the Minister’s stock reply to which we have been listening for the past six years that the answer to the actual question is that the Minister is not prepared to carry out a review of the use of Shannon Airport by the US military. The Minister might consider that recent US air strikes have claimed the lives of 200 civilians in Iraq. Dozens were killed in separate strikes supposedly aimed at ISIS. Women and children were killed in Yemen. The US has launched more air strikes in Yemen in March 2017 than in all of last year, not to mention the Saudi crimes in that area. Ireland has facilitated all of these campaigns by allowing the US military on its route to those areas to land in Shannon Airport. Not only that, we know there has been an expansion of the areas of active hostilities, as the US calls them, in Somalia and so on. We know that drone strikes, which had reached a record under Obama at one every 4.5 days, have now reached a rate of one every 1.8 days under President Trump. We are facilitating this and the time for review is long overdue.

Deputy Mick Wallace: The Minister probably heard about the attack on the Borussia Dortmund team bus in Germany last night. God knows what the motive was. While we could not believe any US President in our memory if he told us the time of day, given that President Trump is such a reckless loose cannon, how in God’s name can the Minister tell us that it is okay to let military planes through and that there are no arms or ammunition because the US says so? Would the Minister consider searching these planes so that we can assure the international community that under no circumstances are we allowing arms or ammunition through on military planes? As we said before, these planes are not travelling halfway around the world to play golf.

Deputy Charles Flanagan: The Deputy will be aware that prior permission is required for all foreign military aircraft to land at Irish airports and that, if granted, permission is subject to strict conditions, which I have outlined. Indeed bilateral relations between friendly nations are founded on mutual trust. Both parties have an interest in maintaining that trust. Details provided by diplomatic missions, including confirmation that aircraft are unarmed and carry no arms, ammunition or explosives, are therefore accepted in good faith as being accurate.

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Deputy Daly will be aware from previous encounters inside and outside this House that arrangements for the regulation of activity by foreign military aircraft are kept under ongoing review. In line with this, as I have stated, my Department ensures that detailed and robust procedures are in place to ensure that all relevant parties are fully aware of the requirements relating to applications for permission for foreign military aircraft to overfly this State. Ministers are answerable to this Dáil and respond to numerous parliamentary questions on landings, overflights and military aircraft in Irish airspace. Arrangements at Shannon Airport were the subject of a specific inquiry by the Oireachtas Joint Committee on Public Service Oversight and Petitions, of which Deputy Wallace was a member. I met the committee prior to its completion of its report. The committee also heard evidence from the then Minister for Transport, Tourism and Sport and the Secretary General of my Department.

Deputy Clare Daly: I am beginning to wonder whether the Minister is going for the job of Garda Commissioner because his answers do not really match the reality. Will he tell us what he thinks all those aircraft are doing? Moving these aircraft from one corner of the globe to the other is not an inexpensive task. They are landing in Ireland roughly twice a day. What does the Minister think they are doing seeing as they are not involved in any military activity whatsoever, even though they are military aircraft? I would remind the Minister that the US website Politico carried an article last week with the headline “Like Middle East Wars? You’re Gonna Love President Trump”. That is what we have here. We see ships assembling around North Korea, a ratcheting up of the situation in Iran, Somalia becoming involved, the situation in Yemen and so on and Ireland sitting in the middle of it. It is long past a review. We have been asking these questions for six years and getting non-answers but the world situation is deteriorating and Ireland is in the middle of it.

Deputy Charles Flanagan: I do not accept what the Deputy has said. Lest there be any doubt, let me say that I was horrified at the apparent chemical attack in Syria last week. The attack was barbaric and my thoughts continue to be with the victims and their families. I condemn, unreservedly, the attack and those responsible. The attack further underlines the need for accountability and a genuine political transition in Syria. This is an international priority for Ireland and is an issue that continues to be raised in the context of EU foreign ministers’ meetings, the latest of which took place in Luxembourg last week where I attended and participated. I assure the House that Ireland does not sit in the middle of these issues.

Acting Chairman (Deputy Eugene Murphy): Sin deireadh le ceisteanna chun an Aire Gnóthaí Eachtracha agus Trádála. Gabhaim buíochas leis an Aire agus na Teachtaí.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

HSE Investigations

Deputy Pat Casey: Sunbeam House Services provides vital services to adults with intellectual disabilities in Wicklow with full-time residential, day services and respite care. There are hundreds of service users and their families requiring the services of Sunbeam House Services throughout Wicklow but particularly in facilities in Bray, Wicklow and Arklow. Needless to say, any organisation providing such services needs to be fully transparent and provide a service that has the full confidence of the service users, their families, the front-line staff and the State agencies that act on behalf of the taxpayer who fund these services.

Recent and routine HIQA inspections have found failings in the operations at Sunbeam House Services which, along with family and staff complaints, have led to a recent assurance review by the HSE that again has found failings in the operations of Sunbeam House Services. The report refers to 284 separate complaints being registered against Sunbeam House Services between January 2013 and September 2016. Concerned family members have been in contact with me since July 2016 about their serious complaints and concerns. I have attempted to get answers to very serious allegations including the mistreatment of service users and serious failings in management at Sunbeam House Services. I have been attempting to do this without increasing further the anxiety to the family members of service users and to the service users of other Wicklow based organisations that may be involved in a proposed merger with Sunbeam House Services. Information supplied to me by concerned families suggests that long-serving social workers and a senior medical doctor involved with Sunbeam House Services have serious concerns about the procedures, care services and management at Sunbeam.

The removal of the assurance report from the HSE website has convinced me that I needed to bring these issues directly to the Minister for Health, Deputy Harris, and for a publicly accountable response on the floor of the Dáil. I am also concerned about the apparent lack of a protected disclosures policy at Sunbeam House Services. Given the responsibility of care given to any organisation providing services to adults with intellectual disabilities, the absence of such a policy is, quite simply, disgraceful. The families need to know if protected disclosures have been made to the HSE or to Sunbeam House Services, the number and gravity of such disclosures and the response to such disclosures, including reporting to the Garda where required.

Transparency and accountability in the provision of care services should be front and centre in every organisation providing such services to the most vulnerable members of our community. I am shocked about what is contained in the reports and how the reports have been removed from the website. From my contact with some families I know they have been very reluctant to go public because of a deep seated fear that their loved ones' level of service may be affected. The fact that family members of service users are living in fear is enough of a disgrace to warrant a serious, rapid and public response from the HSE and from the Minister.

Minister for Health (Deputy Simon Harris): I thank the Deputy sincerely for raising this important issue. I know it is of great concern to the families affected, many of whom I have had an opportunity to meet, correspond and talk with - as the Deputy has.

I would like to begin by reiterating that the Government's ongoing priority is the safeguarding of vulnerable people who are in the care of the health service, and I appreciate that the Deputy has outlined this also as his ongoing priority. This includes those people who avail of services provided by voluntary organisations such as the service provider in question.

As the Deputy will be aware from his work in Wicklow, Sunbeam House Services is a voluntary organisation providing a wide range of services across east Wicklow and south County Dublin to adults with intellectual disabilities. It is supported financially by the Health Service Executive and received core funding of €24.1 million in 2016. I am very aware of the broad range of supports that Sunbeam House Services has been providing to date for people who have a disability. These services include residential places to those with intellectual disabilities, rehabilitation training places, day services to over 300 clients and home support services to a cohort of 42 adults. It also supports nine respite beds, providing more than 800 places to 51 service users each quarter of each year.

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Unfortunately I am also aware that a number of serious issues of concern have been raised by families of service users attending Sunbeam House Services. On foot of these concerns, an external assurance review of the systems of governance and management in Sunbeam House Services was recently commissioned by the chief officer of the HSE community health care organisation, CHO 6. I very much welcome that this was an external review because this was important for providing reassurance to families that this would be an external review; someone from outside to look at these issues. The review focused on Sunbeam House Services governance and management structures in respect of the management of complaints, the management of incidents, the management of protected disclosures and the implementation of the HSE's national safeguarding of vulnerable adults policy.

As part of this process, a review was undertaken of the independent regulator HIQA's inspection reports on Sunbeam House Services disability residential centres. I understand that in addition the review process involved interviews with families who had raised complaints and concerns. There was also a consultation with service users, because it is important that the voice of the service user is heard in this process, and meetings with staff focus groups.

The review team has now finalised its formal written report in line with its terms of reference. I wish to be clear that I consider the issues to be extremely serious and I have engaged closely with senior management of the HSE regarding the review report. I have stressed the need to ensure that an appropriate implementation plan is put in place as a matter of priority and I understand this is currently being finalised. I will be meeting with HSE management to focus specifically on this issue and I intend to meet tomorrow with representatives of families who have raised concerns. I have been, and will continue to be, very clear that I want to see all recommendations of the report acted upon quickly and any further actions that may be required to be followed up without delay.

In conclusion I wish to assure Deputy Casey that I and my Department will continue to maintain close contact with the HSE with a view to ensuring that all necessary service improvements across the range of services provided by Sunbeam House Services are instigated as soon as possible. I also want to thank the families for coming forward and highlighting these very important issues. If it was not for the families then we would not have the body of knowledge which merited the external review. My assurance to them today on the floor of the Dáil is that each and every one of the recommendations in the report must be implemented by the HSE and by Sunbeam House Services. I expect the HSE to get on with ensuring the implementation plan is in place as a matter of urgency.

Deputy Pat Casey: I thank the Minister for coming to the House to answer the question himself. I thank him for his response and for his confirmation that he is meeting immediately with the HSE on this matter. I am also delighted to see that he is meeting formally with the families tomorrow. This is what is needed. Now that action is being taken a public response is needed that all service users, the families of service users and front-line staff can take confidence in. There needs to be a rapid, time-bound approach to every single recommendation contained within the reports into Sunbeam House Services. I accept that due process is important but these concerns have been investigated for a long time now. Families have stressed to me how the vanishing of reports from the website has further contributed to the concerns of families. Reports appeared on the website and were taken down the next minute.

The Minister will be aware of the proposed merger involving Sunbeam House Services, KARE and St. Catherine's, which would, in effect, bring the entire service offered to those with

intellectual disabilities in Wicklow under one managing entity. It is my information that the insurance report recommends this merger be put on hold until such time as the issue in respect of Sunbeam House Services has been resolved. If the Minister is not aware of that, I would ask that he come back to me on it. I also ask that he ensure that, at a minimum, this recommendation is followed.

Deputy Simon Harris: I fully agree with everything Deputy Casey said. I have been involved with advocating for people with disabilities in County Wicklow since my teenage years. I have absolutely no intention of allowing a report that has been commissioned and that has made very clear and stark recommendations to sit on a shelf. It is my absolute determination that the HSE will deliver what Deputy Casey rightfully calls for, namely, a very public response in terms of an implementation plan that shows exactly how we are going to deliver on all of the improvements the report seeks in respect of Sunbeam House Services.

For quite a period, parents have been highlighting concerns about a number of issues at Sunbeam House Services. It is my absolute view that the report vindicates those concerns. I understand the HSE published the report online and that it was subsequently taken down, and that there is some legal or administrative reason for this. The main comfort I take is that the parents have the report. It has been circulated because many parents got it from the website and they have seen it. I am sure Deputy Casey has seen it. I have seen it. There is no doubt about the body of work that needs to be done. I agree with the Deputy about the need to hold off on any merger until all of these issues have been fully resolved.

Many of the staff in Sunbeam House Services have been doing Trojan work at different levels and in a variety of roles. There is a clear need for improvement and things have gone wrong. The report leaves us in no doubt of that. However, for the people who work in Sunbeam House Services and do their very best to provide a good service, for the parents who advocate on behalf of their service users and for the families, I really believe that by working together we can make this an organisation that delivers the type of service we want to see in Wicklow and south Dublin, and one of which everybody can be proud. The report is the beginning of that process and stands as an important roadmap for the improvements we need to see. Now the HSE and Sunbeam need to get on with delivering it.

Mental Health Services Provision

Acting Chairman (Deputy Eugene Murphy): I understand Deputy Buckley wants to accommodate Deputy Ó Laoghaire and that Deputy Kelleher has no difficulty with that.

Deputy Pat Buckley: Last Monday, it was reported in the press that there were no child and adolescent mental health services, CAMHS, available in emergency departments in Cork. The HSE said that the recruitment difficulties had affected the CAMHS service in Cork, particularly since the start of the year. Since January, it has been particularly difficult to maintain the non-consultant hospital doctors' on-call rota for the two Cork city emergency departments due to a combination of vacancies, sick leave and other factors. However, further resignations - I stress, resignations - and sick leave have compounded the service difficulties. The HSE said that, since 25 March, it has not been possible to guarantee as responsive a service to the emergency departments as it would like. To put the question simply, why is this happening?

Deputy Donnchadh Ó Laoghaire: The news that broke on Tuesday was of extreme con-

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cern to the people of Cork. There was nobody available from the CAMHS teams to see anyone who presented in Cork city last Monday. If a child presented as self-harming or suicidal at the accident and emergency departments of either the Mercy hospital or Cork University Hospital, there was no psychiatrist there to see them. That situation beggars belief.

I know the Minister of State visited Cork a number of months ago and heard about the situation and the services that were available. While there is credit due to her for coming down, it also means she is familiar with the situation. At that time, responding in Leaders' Questions in respect of the issue, the Taoiseach led us to believe that no stone would be left unturned and that every effort would be made to ensure that all resources would be provided to resolve the crisis. Nonetheless, we see a situation in which one of the most fundamental and crucial mental health services for children and adolescents in Cork has been found wanting and left short.

Deputy Billy Kelleher: I will read an extract from a letter that was circulated to general practitioners from the mental health Cork and Kerry HSE offices:

In recent weeks, it has been increasingly difficult to maintain out-of-hours, on-call services at the two Cork city emergency departments along with the out-of-hours service to Éist Linn, the CAMHS in-patient unit. The difficult decision has now been taken to prioritise out-of-hours cover to Éist Linn and to postpone out-of-hours on-call cover in the emergency departments until staffing levels improve.

That information was circulated to general practitioners on 7 April in the Cork-Kerry area. Some of the replies I have got back to recent parliamentary questions are quite alarming in terms of the length of time people are waiting for services from CAMHS in the region. Beyond that, it is also a major national problem. I know there is extreme difficulty in recruiting at non-consultant hospital doctor and consultant level. I accept that. However, this has been on the cards for some time. We have been raising the matter for a number of years. We knew there were going to be huge difficulties because of the slow recruitment process. Now that is evidenced on a daily basis in Cork and Kerry and throughout the country.

A general practitioner said he had an extremely vulnerable 14 year old and a 15 year old whom he could not refer to the emergency department as there was no CAMHS support available. While I acknowledge the Minister of State's commitment to this area, we need to expedite the recruitment of clinical personnel to ensure we do not have a situation in which vulnerable children are waiting up to a year for assessment and supports. It simply is not good enough.

Minister of State at the Department of Health (Deputy Helen McEntee): I thank the Deputies for raising this issue. I share their concerns, as do the people who are providing the service. They understand the difficulty they are facing and the impact it is having on the young people in the area.

It is the policy of the HSE, under its annual service plan, to provide an age-appropriate mental health service for those under the age of 18. Mental health remains a key care programme priority for this Government, reflected by the fact that the HSE mental health budget increased from around €826 million in 2016 to approximately €853 million this year. The HSE service plan for 2017 commits to further development of child and adolescent mental health services, including better out-of-hours liaison and seven-day response services. This is a strategic priority action in the plan, against a background where the population of children is expected to increase by over 8,500 in the period 2016 to 2017, thereby creating additional demand on

CAMHS. Approximately 18,500 referrals are expected to HSE CAMHS this year alone.

CAMHS has been prioritised in new funding made available by the Government since 2012. Additional resources and facilities mean there are now 67 CAMHS teams and three paediatric liaison teams, supported by 66 operational CAMHS beds nationally with further beds planned to come on stream in the near future. CAMHS services in Cork have eight community-based teams. Two of the teams have consultant vacancies, namely team C - Western Road, and North Lee North. Team C has had a vacant psychology post since Christmas 2016, but the executive recently secured a person to fill this post. There have been widely acknowledged difficulties in recruiting and retaining specialist CAMHS staff, particularly consultant psychiatrists, which all of the Deputies have recognised. Recruitment efforts have been ongoing including local and international advertising for a locum consultant in Cork, which have not yielded any success. Unfortunately, there is currently a serious shortage of suitably qualified CAMHS consultants at both national and European level.

The HSE is working to provide the best possible service within available staffing resources. A key focus is on managing clinical risks and prioritising referrals accordingly. All efforts are being made to support teams with additional therapy and administrative resources, notwithstanding the consultant vacancy, to ensure that the best possible service is provided. The rest of the multidisciplinary team associated with team C continues to provide a service to those deemed within their scope of practice. Unfortunately, however, those requiring consultant or psychologist review are currently on a waiting list. The HSE acknowledges that the lack of consultant cover is having a considerable impact on access to the service locally. It is working to explore all avenues for the recruitment of qualified staff to fill vacancies and to replace staff retiring or resigning, particularly in areas such as consultant, psychologist and nursing posts.

I have spoken to Ms Sinead Glennon, head of mental health services in the Cork-Kerry area. I absolutely believe that every stone is being turned and every possible avenue is being looked at to try to fill these posts and cover weekends or various parts of the day. Bearing in mind all of the circumstances, I am satisfied the HSE is making every effort to address this, including the prioritising of cases based on assessed professional need. In other words, I am assured that urgent cases are being prioritised and seen within the recommended level of time. I will continue to monitor this closely in conjunction with the HSE.

Acting Chairman (Deputy Eugene Murphy): Two minutes is 120 seconds. If we divide it by three, speakers have 40 seconds each. You each have time for a supplementary question.

Deputy Pat Buckley: I thank the Minister of State for her reply. I am also satisfied that the HSE is making every effort to address this important issue. This is not a personal attack on the Minister of State but I am somewhat aggrieved. I have some experience of working within the system. I listen to people on a daily basis who are qualified for these jobs. It seems to me that there is no will to hire these people. I urge the Minister of State to approach the HSE and stress this point. The Minister of State stated the HSE was experiencing significant shortages in child and adolescent mental health services personnel. I do not believe that.

Deputy Donnchadh Ó Laoghaire: I recognise it is likely that every effort is being made to ensure that priorities are being well managed. However, the reality is that we are dealing with an inadequately resourced service. Consequently, as much as the HSE can try to manage priorities, the position is that staff are being stretched too thin. I am particularly concerned about the implications if this arises in an accident and emergency department. Again, children could end

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up in the accident and emergency department of Cork University Hospital or Mercy University Hospital and not have any psychiatrist available to see them.

Deputy Billy Kelleher: I urge the Minister of State to ensure that she keeps on top of this and liaises with the local office and with Ms Sinead Glennon to ensure that recruitment is expedited. If we have to be imaginative in how we recruit, then so be it. We have to bring forward solutions to the problems in the emergency departments where we simply have no resources available for vulnerable children and adolescents, as explained in the letter circulated to GPs. Moreover, in letters GPs have forwarded to local Deputies, GPs have expressed legitimate concerns about their patients being put at risk because of the dearth of supports.

Deputy Helen McEntee: It is absolutely unacceptable that a young person would not be able to receive the level of support needed. Again, we are doing everything we can and not only through the recruitment process. We are trying to improve the environment, facilities and technology to make our mental health services facilities places in which people want to come and work. The fact of the matter is that within the CAMHS teams, a high level of intensity is involved in the work. It means there is a high level of turnover and burnout, especially given the difficult in recruiting consultant psychiatrists. In cases where they leave after a short period, we have to try to recruit again.

I believe every effort is being made. Let us consider the teams and how they can be utilised best. I note we are introducing the new well-being programme in our schools. Before the summer is out, the task force will make known its actions and recommendations to the committee and the Dáil. Many other things are being done to try to stop the number of young people needing services in the first place. This is and will continue to be a priority for me. I will keep the House updated with any development in these areas.

Acting Chairman (Deputy Eugene Murphy): I thank the Deputies and the Minister of State sincerely for their co-operation.

Mother and Baby Homes Inquiries

Acting Chairman (Deputy Eugene Murphy): I welcome the Minister for Children and Youth Affairs, Deputy Zappone. I appeal for the co-operation of Deputies. As we have three contributors to the debate, they have approximately 80 seconds each initially. Deputy Burton, you are first.

Deputy Joan Burton: The reaction of the Government yesterday to the publication of the second interim report of the

Commission of Investigation into Mother and Baby Homes came as a slap in the face to many of the people affected by the issues being examined. The ruling out of redress was stupid and foolish on the part of the Government in respect of a report that made no findings of fact.

I wish to highlight the remarks of the unnamed Minister referenced on the front page of *The Irish Times* today. The Minister in question said that if the Government were to accept the redress recommendations from the commission, then the sky would be the limit for potential future liabilities. I do not think the Minister in question can have read the report because there are no findings of fact in it. Whoever that Minister is, he or she should out him or herself. It is

absolutely disgraceful.

Acting Chairman (Deputy Eugene Murphy): Thank you, Deputy.

Deputy Joan Burton: The other coverage on the matter is all about fear, including the fear of the mothers and children who were in mother and baby homes. This runs absolutely counter to how to deal with people with sensitivity and care and consideration. I exempt the Minister present from my comments but the stuff in the newspapers from her Government is an absolute disgrace.

Acting Chairman (Deputy Eugene Murphy): Thank you, Deputy. You have to give your colleagues a fair crack of the whip.

Deputy Clare Daly: I welcome that the interim report is recommending further investigation into addressing the inclusion of those who have been excluded. I welcome that redress has been mentioned. This is obviously the reason we have had to wait seven months for it to be published.

I am concerned by the response of the Minister to the report and her claims that the focus of the report is on children who were unaccompanied by their mothers into the mother and baby homes and county homes. I do not believe that is the case. The report raises far more significant points. The Government's announcement of its unwillingness to examine the issue of redress is an appalling slur on the victims. Again, in the seven months the Government has waited to publish the report, probably many of these people have already died.

Redress was never at the heart of this issue. Over and over again, we never asked about redress. It was always about stolen identity, stolen lives and broken families. No amount of money can compensate for these things. The people concerned want an acknowledgement of what was done to them with the knowledge of the State. The report clearly states that the facts relating to financing gave the State the ultimate regulatory power, that is, the power to close the institutions. The State is responsible and we have to deal with it.

Deputy Catherine Connolly: I hesitate to say it but the Minister has added to the abuse of the survivors and what they have suffered. There was no reason for the delay in the report. The Minister has given no proper reason for its delay. It should have been published last September.

Last Friday, the Minister attended a meeting at which she was not asked about redress. She was asked to give a report on the work of the commission and why there was a delay. Pressure was put on the Minister to publish a report and to give maximum information. We asked the Minister whether she knew about briefing documents at the highest level. We asked factual questions relating to the site in Tuam being a crime scene.

The Minister has come back and talked about waffly consultation. We do not know where it will start or who the stakeholders are. The Minister is not giving us a date for the scoping exercise to extend the terms of reference. The Minister has put in transitional justice that no one has sought. The Minister is talking about Caranua version two when Caranua itself is in serious trouble. Reference has been made to the most appalling distinction between accompanied mothers and unaccompanied mothers. Shame on this Government.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank the Deputies for raising this matter and providing me with an opportunity to discuss the publication of

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the second interim report of the Commission of Investigation into Mother and Baby Homes.

The commission was set up to inquire into the conditions in mother and baby homes and county homes in the period between 1922 and 1998. Following a short first interim report last July, the commission submitted a second interim report in September 2016. This report deals with a number of issues that had come to its attention during its work and analysis based on information collected up to August 2016.

Yesterday, I published the second interim report of the commission. It is now available on my Department's website. I have been mindful of the time it has taken to publish this report. It has, however, been necessary for me to engage with Cabinet colleagues on issues in the report that extend beyond my remit as Minister for Children and Youth Affairs.

The focus in this report is on children who were unaccompanied by their mothers in mother and baby homes and county homes. In its interim report published yesterday, the commission suggests that the exclusion of children who were resident in mother and baby homes and in county homes without their mothers from the residential institutions redress scheme, which was established in 2002, should be re-examined. The report states that the commission is satisfied that the institutions it is investigating are unquestionably the main such homes that existed during the 20th century. It does not currently recommend that other institutions be investigated. The commission is not recommending changes to its terms of reference at this time. It may recommend further investigations when its current investigation is completed. It has not made findings to date that abuse occurred in these institutions but notes that its work is not yet complete. The commission also recognises that people whose births were falsely registered have a need to establish their identities but that the false registration of births is a very difficult issue to investigate because of a lack of accurate records.

The Government has carefully examined the commission's recommendation regarding redress, and has concluded that it is not possible to implement it. As Deputies will be aware, the residential institutions redress scheme has been closed since 2010. Following the publication of the Ryan report in May 2009, there was a range of requests and calls for the redress scheme to be extended. The then Government took a decision in 2010 not to extend the scheme. The Government in 2013 also decided not to extend the scheme. The then Minister for Education, Deputy Ruairí Quinn, said he found no basis to revisit the decision.

This Government is conscious that the commission has made no findings to date regarding abuse or neglect and believes it would not be appropriate to deal with the question of redress in advance of any conclusion on this issue by the commission. The challenges for Government in considering the recommendations of the commission at this interim stage of its work are clear from the findings of this report.

It is important to remember that the commission's investigations are ongoing. The Commission's final report is due in February next year. Its conclusions on this and all matters regarding the treatment of former residents will be studied very carefully at that point. My focus now is on assisting those who were unaccompanied as children in mother and baby homes and county homes, with a view to offering supports that will be of genuine and practical value to them. With this in mind, I will consult with them regarding the nature and type of services and supports in the area of health and well-being that they consider would be helpful to them at this stage. I will conclude this consultation by the end of June, and bring proposals to Government before the summer break, so that we can have appropriate supports in place as quickly as pos-

sible.

My Department is working with Tusla to support the provision of information to assist former residents who may wish to establish when they resided in a mother and baby home. I have asked Dr. James Gallen of the school of law and government, Dublin City University, to assist by mapping out a model of transitional justice. This would be a means of giving a voice to former residents of mother and baby homes and county homes. Dr. Gallen's expertise in transitional justice will help to develop an approach.

I am also carrying out a scoping exercise to examine the possibility of broadening the commission's terms of reference. This report is very helpful in focusing us on what may possibly emerge in the final report from the commission of investigation.

Deputy Joan Burton: The Minister must have had a very bad day at Cabinet yesterday because of the briefing around the story and the unnamed coward of a Minister who would not actually put his or her name to what he or she said on the front page of a national newspaper. If that person feels that strongly about this and is a member of the Government, he or she should come out and identify him or herself.

With regard to the mother and baby home redress fears, I think the Minister's intentions are very good. Yesterday, she did a tremendous amount of damage to people who had been in such situations and who were above all else entitled to be treated as free and equal citizens of this Republic, not as victims or survivors. The Minister should have been able to tell us that, even though the decision may not have been made yet and we know there are no findings of fact here, the commission would be widened to all institutions and would include the situation of birth mothers where their consent was not properly forthcoming. We know of many of those cases. It should also include the falsification of records and American adoptions. If the Minister is intent on looking at scoping exercises, can we see scoping exercises that are of meaning and value to people affected by this?

Deputy Clare Daly: What the survivors have always wanted is acknowledgement, apology and inclusion. The interim report goes some way to saying it warrants further investigation into including those who have been excluded. The decision on which institutions to include and exclude was very inconsistent. That needs to be addressed. There is an urgent need for the Minister to meet with representatives of the survivor groups. They are not happy with the Minister's response and the response of Government. There are things they have consistently asked for that are not being addressed. I know that people like Mr. Paul Redmond and others from the Coalition of Mother and Baby Home Survivors are really keen to have this urgently addressed. The Minister would get the response right if she engaged with them. Time is running out. I urge that this be done as an immediate matter.

Deputy Catherine Connolly: When the Minister delayed the report until yesterday, she failed to go back to the commission and ask them to update the report. Events overtook that report and what was discovered in Tuam shocked the Government. The Minister failed to go back to outline the significance of what has happened and to say where we are going with this. The Minister has left it up to a local busy GP who happens to be the coroner to look after the Tuam site. What was the last figure for the number of babies discovered with six mothers on the Tuam site? Can she recall? She is leaving that to a local busy GP. She is going all over the place with consultation, scoping, transitional justice and Caranua. The survivor groups that have spoken to me do not want any of that. They want her to report back on what happened in

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Tuam over the past six to nine months. Where is that at? How is that influencing the commission? What terms need to be changed? What access to records is there?

Acting Chairman (Deputy Eugene Murphy): Thank you, Deputy.

Deputy Catherine Connolly: Mr. Peter Mulryan, who has given me permission to use his name, is in the High Court trying to get access to his records. It is time for the Minister to stop nodding.

Acting Chairman (Deputy Eugene Murphy): Please, Deputy.

Deputy Catherine Connolly: It is time to actually listen. I will finish now-----

Acting Chairman (Deputy Eugene Murphy): The Deputy is way over time.

Deputy Catherine Connolly: I am, Chairman. I agree with that. Ms Anna Corrigan from the survivors organisation gave the Minister a list of very practical things last Friday. I ask the Minister to please respond to those.

Deputy Katherine Zappone: I appreciate the additional comments of the Deputies. In response to Deputy Burton with regard to stories on the front page and what they say, I do not have any information on that. I know that oftentimes things-----

Deputy Joan Burton: The Minister's Government agreed it. That briefing was agreed by her Government.

Deputy Katherine Zappone: -----are reported that may or may not have happened. I accept and hear what the Deputy is saying, but I just do not have any comment on that. I wish to say very clearly that in terms of the Government's response, it does not mean we have closed off redress for those who have been in mother and baby homes. When the commission finishes its investigations, social history and confidential committee of hearing evidence and makes recommendation to Government, it is then we will have the opportunity to consider redress for those people in those institutions, irrespective of whether that is a part of the recommendations. It is at that stage the commission will have the opportunity to identify whether there are any findings of abuse in the formal process that has been put in place.

I hear what Deputy Daly is saying about the extension of the terms of reference. I committed to looking at that and I am doing so. Deputy Daly talked about listening to survivors, or residents. Some of the people with whom I have spoken to prefer to call themselves residents as distinct from survivors. The Deputy said that what they wanted was an apology. I spoke with a survivor or resident yesterday who did not want an apology. Instead, what she wants is the Head of State to ask for their forgiveness. She sees that as different from an apology. Therefore, I understand that there are lots of different issues that people are seeking to be addressed. Part of the reason for establishing an approach to take a look at the wider ways of listening to what people want, which is part of what is transitional justice, is because of that diversity and the importance of trying to identify it.

In response to Deputy Connolly, I listened very carefully in terms of the meetings on Tuam that were requested. I have received many submissions and have already written letters that are being sent back on how we will progress the different issues that arose. As the Deputy knows, one of the aspects specifically has to do with access to information. That is something about which I spoke in my response to the interim report.

Fire Service Staff

Deputy Eamon Scanlon: I thank the Acting Chairman for giving me the opportunity to raise what I believe is a very important issue. With the increasing numbers of older people in the country, a demand for long-serving staff naturally increases. We need as many of our most experienced staff to stay in practice as long as possible. Surely, what we should be doing is incentivising them to work for longer. People are living longer, as can be seen in the changes in the population aged over 65, which has increased by 19.1% since 2011. Every year in Ireland older workers are forced out of their jobs for no other reason than that they reach a certain age.

Some two thirds of firefighters in Ireland are retained firefighters who are not full-time but who are fully trained and paid on a per call basis. Most firefighters in small towns and villages would work in that retained system. The normal retirement age is 55, but firefighters who are physically capable of working beyond the preferred age of 55 have an extended optional period in which to exit the service, subject to certain conditions. Such firefighters have the option to continue working for a defined limited period, subject to compulsory annual medical assessment measured against agreed standards. The extended optional period is up to 58 years. There are retained firefighters throughout the country who would like to see this period extended to 60, and I believe they should have that option.

I appreciate that an agreement was reached between the Local Government Management Services Board and the trade unions involved, SIPTU and the ATGWU, in November 2002, but that is 15 years ago. From that process, an expert group's report on retirement age recommended that the retirement age for the retained firefighters should remain at 55, with provision for an annual extension, subject to medical assessment, up to 58 years of age.

Firefighters, like members of the Garda, should have the option to continue to serve until they reach 60 years of age. Mandatory retirement ages, set arbitrarily on the basis of the worker having lived for a set number of years and not on his or her capability to do the job, constitute a kind of barrier to an age-friendly society. There is evidence that longer working lives have beneficial effects on individuals' physical and psychological well-being. Evidence also shows that workers' productivity does not necessarily decline with age and any decline in physical capacity is easily compensated by qualities and skills acquired through many years of experience.

Mandatory retirement ages take out a significant amount of fire service expertise and leave fire departments that struggle with recruitment and retention. I recognise the rigours of the job and I support the health and safety aspect of legislation, but all firefighters should be treated equally in terms of health and safety, regardless of age. Retained firefighters who are physically capable of working beyond the age of 55 should have the option to continue working until 60, subject to compulsory annual medical assessment.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I thank Deputy Scanlon for raising this important issue and I understand his reasons for bringing it forward. Fire services, in all their facets, are delivered by people. On behalf of the Government, I want to recognise the contribution that all staff in the fire services, both the retained services and the full-time services in Dublin city, make in protecting our communities. I talk to them a lot and I understand the work they do, which they take very seriously at all levels. The Deputy is right that they are constantly updating their skills and trying to push themselves to new levels of expertise. They are genuine in their work and always want to help and serve, which is what they are there for. Over the years,

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fire services have evolved to give us the quality services we have today, which continue to drive down the annual toll of fire related deaths, injuries and damage.

Fire authorities are subject to legislation as employers in their statutory roles of providing fire services. It is expected that fire services in Ireland will facilitate and provide effective intervention in accordance with the dual statutory responsibilities of fire authorities to protect people and property from fire and also to protect their own employees. This objective presents the challenge of ensuring that personnel achieve and maintain the necessary competence for the range of roles and activities they may be designated to undertake. As I said, I have witnessed them involved in continuing training and education to enhance their skills.

International research indicates that a retirement age of 55 is the optimum age to ensure firefighters are capable of satisfactorily performing the tasks expected of them. The retirement age of 55 years was introduced because of health and safety considerations related to the job. Since the enactment of the Safety, Health and Welfare at Work Act 1989, and under subsequent legislation, each fire authority, as an employer, has a statutory duty to avoid placing employees at risk. A full-time firefighter is statutorily required to retire at age 55 under the Public Service Superannuation (Miscellaneous Provisions) Act 2004. This retirement age reflects the physically demanding nature of the firefighter role. The retirement age for retained firefighters is 55, with an extended period to age 58, subject to a formal application process, including a compulsory medical assessment.

A collective agreement was reached between the Local Government Management Services Board and the trade unions involved, SIPTU and the ATGWU, in November 2002. This collective agreement provided, *inter alia*, for the appointment of an expert group that in turn would advise as to the retirement age for retained firefighters. The expert group's report on retirement age recommended that the retirement age for retained firefighters remain at 55, with provision for an annual extension, subject to medical assessment, up to 58 years of age. Following the report of the expert group, published in April 2003, a circular was issued by the Department in November 2003 setting out the age requirements in regard to retained firefighters in line with the expert report.

In general, any change proposed by either management or unions is negotiated using the established industrial relations processes. Our fire services are evolving and remain an essential service which plays a vital role both in local communities and nationally. My Department wants to ensure that this service is provided efficiently, safely and with due regard given to the terms and conditions applying to fire authority employees.

Deputy Eamon Scanlon: I listened with interest to the Minister of State's response. What he said is fact but the case I am making is that these people are well qualified, well trained and keep themselves up to date on all the new ways of dealing with fire. Nobody truly appreciates the work they do until the fire service is needed. The efficient way they carry out their work deserves great credit.

The rules and regulations on retirement are 15 years old. We are told nowadays that 60 is the new 50, so these people are well capable of working for longer. If the same rules applied here in the Dáil, to myself in particular, there would be far fewer people around the Dáil. As it stands, however, nobody can say we do not do our jobs as best we can. These firefighters are fit to carry on their work, subject to medical examination, and this should be considered. At the time these regulations were brought in, such people could claim their pension at 65 years of

age but some will now have to wait until they are 67, 68 or 69, so they will be ten years retired and still not able to get an old age pension. This is wrong and should be looked at. I ask the Minister of State to consult the Department to see if anything can be done in this regard.

Deputy Damien English: I understand why the Deputy is raising the issue and I am conscious certain members of the service have been asking for this. However, it is not something that has been brought to my attention on a larger scale, either by the unions or management. It is an issue on which I can do a bit more digging. I recognise that the retirement age is a conversation that is happening in regard to many jobs, but there is an extra dimension to this job, given the physical demands on firefighters. That is why the expert panel relied on international best practice. It was not dreamed up and there was a sound basis to it. Nonetheless, I have no problem in digging a bit behind that because I am conscious that, as the Deputy said, it is 15 years since the decision was made. While there has not been a clamour for this to be looked at, as the Deputy has asked the question, I will ask around and see if there have been changes in other countries that we might need to follow. We relied on best practice at that time and I will make sure that has not changed in other countries.

In regard to pensions, I must check the point but I would imagine they are entitled to certain parts of their pensions related to their job, if not the State pension. That is also something we can look at. I understand the spirit in which the Deputy has raised the point and I will give due consideration to whether it is appropriate to look at this again and perhaps set up a new expert panel. If it is, we will do that, but it might not be appropriate just yet. We will look at what is happening in other countries and then come to a decision. I will consult the Deputy at a later stage.

Estimates for Public Services 2017: Message from Select Committee

Acting Chairman (Deputy Eugene Murphy): The Select Committee on Justice and Equality has completed its consideration of the following Revised Estimates for Public Services for the service of the year ending 31 December 2017 - Votes 16, 20 to 25, inclusive, and 41.

Business of Dáil

Acting Chairman (Deputy Eugene Murphy): The Government Chief Whip, Deputy Regina Doherty, wants to make a short statement on tomorrow's business.

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I hope this is the last one I will be making today.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit at 10.30 a.m. tomorrow in order to take pre-European Council statements, which shall, if not previously concluded, be brought to a conclusion within 85 minutes. The statements shall be confined to a single opening round for a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, and shall not exceed ten minutes in each case, and Members may share time. A Minister or Minister of State shall be called upon to make a statement in reply that shall not exceed five minutes. If statements conclude before 12 noon, the House shall suspend and Leaders' Questions shall commence at that time.

Acting Chairman (Deputy Eugene Murphy): Is that agreed? Agreed.

Sitting suspended at 4.41 p.m. and resumed at 5.10 p.m.

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Garda Commissioner: Motion [Private Members]

An Ceann Comhairle: I call Deputy Jonathan O'Brien, who is sharing time with Deputies Martin Kenny and McDonald.

Deputy Jonathan O'Brien: I move:

“That Dáil Éireann:

recognises:

— that everyone is entitled to policing that serves the people, by police services that are accountable, representative of the community and held to the highest professional and ethical standards;

— the need to hold the police and criminal justice systems to account on the basis of fairness, impartiality and objectivity; and

— that public confidence in policing bodies is contingent on them, and the persons who direct their activities, being held accountable;

notes:

— the press statement made by Garda Commissioner Nóirín O'Sullivan in regard to the recent disclosures that 937,000 breath tests were wrongly recorded on the Police Using Leading Systems Effectively (PULSE) system;

— the 14,700 wrongful convictions of citizens due to Garda error; and

— the failure of Commissioner O'Sullivan to adequately explain the cause of this error and her failure in the statement to provide the clarity needed to restore public confidence in An Garda Síochána;

also notes:

— that the Tribunal of Inquiry into certain matters relating to disclosures made by members of An Garda Síochána under the Protected Disclosures Act 2014, chaired by Mr. Justice Peter Charleton, is now under way;

— that the Tribunal has been tasked with investigating serious allegations made in a Protected Disclosure concerning the actions of Commissioner O'Sullivan; and

— the potential negative impact on public confidence in An Garda Síochána when the actions of the sitting Garda Commissioner are central to the investigations of the ongoing Tribunal;

further notes that section 11(1)(c) of the Garda Síochána Act 2005 stipulates that a person who holds the office of Garda Commissioner may be removed from office, where the person's removal from office would, in the Government's opinion, be in the best interests of An Garda Síochána; and

considers that the removal from office of Commissioner O'Sullivan would be in the best interests of An Garda Síochána.”

This motion is not reflective of every member of An Garda Síochána. I recognise completely that there are many honest men and women in An Garda Síochána who do a difficult job in difficult circumstances and, as I said last night, in some cases for little financial reward. I want to put that on the record.

We did not take this decision lightly. While it was stated last night during the debate on the Fianna Fáil motion that we were engaged in populism, far from it.

I also want to correct some of the inaccuracies that have been peddled in the past few days on the legality of this motion. Even last night, Deputy Thomas Byrne of Fianna Fáil stated on national television that his party could not support this motion because to do so would be illegal. That is not the case. I presume the Fianna Fáil Members have read the motion, which recognises that An Garda Síochána serves the people and that police services should be “accountable, representative of the community and held to the highest professional and ethical standards”. It recognises “the need to hold the police and criminal justice systems to account on the basis of fairness, impartiality and objectivity”. It notes the tribunal of inquiry which is currently under way into the disclosures. Then it:

further notes that section 11(1)(c) of the Garda Síochána Act 2005 stipulates that a person who holds the office of Garda Commissioner may be removed from office, where the person’s removal from office would, in the Government’s opinion, be in the best interests of An Garda Síochána; and

considers that the removal from office of Commissioner O’Sullivan would be in the best interests of An Garda Síochána.”

That is the wording of the motion before us and what Members are being asked to vote in favour or against is whether, in their considered opinion, the removal of Nóirín O’Sullivan from her position would be in the best interests of An Garda Síochána.

This motion is in line with the legislation, which is available to the Minister and to the Cabinet and which gives the Cabinet the power to request a Commissioner to step aside in the best interests of An Garda Síochána. I also recognise there is a process if the Cabinet chooses to go down this road where the Commissioner has a right of reply to state why she believes she should not be removed from office.

Unlike the Fianna Fáil motion last night, my party is sticking to the letter of the law. We are not asking the Government to do something that it has no statutory power to do, that is, to ask the Policing Authority to ascertain the capabilities of An Garda Síochána. There is no basis for a government to do that but everything my party has proposed in this motion is done on the basis of legislation. People need to make up their mind and they need to stop playing with the wording that is contained in the motion.

The reason we put this down is because we believe that the removal of Nóirín O’Sullivan as Garda Commissioner is in the best interests of the policing service in this State. There is no doubt but that public confidence in An Garda Síochána is at rock bottom. Nobody can argue with that. We have had scandal after scandal, fiasco after fiasco.

All of the opinion polls suggest that public confidence in Nóirín O’Sullivan is at an all-time low and the majority of people outside of this Chamber believe that she should not be in the position she currently holds. If one goes through the litany of scandals, the manner in which

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she has addressed them leaves a lot to be desired. She is currently the subject of a tribunal of inquiry. She was mentioned in the terms of reference of that tribunal of inquiry, which is unprecedented. She has been asked to step aside, not only by myself and my party. A former Tánaiste and Minister for Justice, Equality and Law Reform has suggested she should step aside while this tribunal of inquiry is ongoing. The lawyers for the whistleblowers who are at the centre of the tribunal of inquiry have expressed deep concern around some of the issues, in particular, that the same legal team is representing the Commissioner as represented her predecessor. They have also said they believe it would be in the best interests of openness, transparency and accountability in respect of that tribunal of inquiry if the Garda Commissioner stepped aside. These are some of the reasons my party has put forward this motion.

All Members recognise that a process of reform within An Garda Síochána needs to happen. Even the Government has recognised there needs to be a root-and-branch reform of An Garda Síochána and has initiated a commission that the Tánaiste and Minister for Justice and Equality will establish. Its work will take 12 to 18 months to complete, its draft terms of reference were published this week by the Tánaiste and we will be consulting with her on them. If anyone needed any evidence, even up to yesterday, on the suitability of the current Garda Commissioner to lead that process of reform within and to carry out her duties, I would ask him or her to look at the responses contained in the letter she gave to the Joint Committee on Justice and Equality to a number of questions that we put to her following her appearance before that committee. One question asked on what date did the information regarding the falsified breath tests reach commissioner level and in the answer the Commissioner herself has given, she goes through the sequence of events. In March 2015, an assistant commissioner for traffic directed each divisional and district officer to ensure that mechanisms were in place to monitor them properly. It goes on to April 2015, when there was the outcome of inquiries into the western region. Those were discussed at a national traffic management meeting chaired by the superintendent of the Garda national traffic bureau.

In May 2015, further instructions were sent out to each divisional officer regarding the use of breath-test devices. In July 2015, a further clarification was sent out regarding recording equipment and data and PULSE inputs. The letter then goes on to November 2015, when the chief superintendent of the Garda national traffic bureau submitted a report to the assistant commissioner with responsibility for traffic regarding an audit that had been carried out in the southern region and completed in November 2015.

The letter then fast-forwards to April 2016, when a directive was sent out by Garda headquarters regarding the recording on PULSE and manually of readings from the breath-testing devices. Then, in May 2016, the assistant commissioner with responsibility for traffic issued a further instruction regarding the governance and oversight of mandatory alcohol testing checkpoints to ensure they complied with current policy. We were told the Garda Commissioner became aware of this instruction in June 2016. Her letter states: "In June 2016 the matter was reported to the office of the Garda Commissioner and the Department of Justice & Equality was informed in writing that a national examination of MAT checkpoints was being undertaken". She even states in her reply that it was the assistant commissioner with responsibility for traffic who directed that a national examination of MAT checkpoints be carried out.

I will go further into some of the other questions we asked. One was when the Tánaiste became aware of the figures for falsification of breath tests. The Commissioner stated that on 8 June 2016 the Department was notified, which she had previously stated, and that, on that basis, she as Commissioner directed that a national examination be undertaken. Therefore, even in

her responses to the justice committee, she contradicts herself. In response to one question, she states it was the acting deputy commissioner with responsibility for traffic who initiated the national audit, while in response to another, she states it was herself as Commissioner who directed it.

She goes on to state that on 10 March 2017 the Medical Bureau of Road Safety provided An Garda Síochána by e-mail with the extensive copy of data held in its databases. The Tánaiste has said that the first time she became aware of the extent of the figures was following the press conference on 23 March. The Commissioner states, in respect of that press conference:

That data continued to be subject of analysis and verification up to the date that it was publicised at the press conference on 23rd March, 2017. As a result, no report was prepared or submitted to the Commissioner's Office or the Department of Justice & Equality prior to the press conference.

Does she honestly expect us to believe she was not aware of these figures until that press conference took place? That is what she stated in her response, namely, that no report was furnished to her office prior to the announcement of those figures. She goes on to state that two days prior to the press conference, the Policing Authority was briefed. The Policing Authority was briefed but neither she nor the Tánaiste was briefed. This represents an evasion of questions the committee tabled and questions the public have had in recent times. The Commissioner is burying her head in the sand. Her attitude is almost like a mushroom: "I know nothing. It is not my problem." That is not good enough. Morale within the force is on the floor, public confidence in the force is on the floor and something needs to be done. The Tánaiste needs to utilise the powers available to her to remove Nóirín O'Sullivan from her position once and for all.

Deputy Martin Kenny: The Garda Commissioner simply must stand down. That is the view both of many in the House and of the community and people outside the House who see what is going on. Time after time in recent years, we have had crisis after crisis and each time the Garda Commissioner has stood up to say either she did not know anything about it or it was not her fault and had nothing to do with her. Deputy Fitzgerald, as Minister, has taken a similar line and it is just not good enough. A cabal in the higher echelons of An Garda Síochána has run the force into the ground and destroyed morale within the force. There are good, decent gardaí out there trying to do their job every day who feel this. They feel the public looking at them and they know they are not believed. Last week, I heard two women talking in a shop while there was something on the radio about the justice committee in some county, I think, that had reports on the number of burglaries that had happened. They threw their eyes up to heaven and said: "We believe that all right." No one believes anything that comes from An Garda Síochána anymore when we have 1 million breath tests that have been fabricated.

I was looking the other day at details of corruption outlined by An Garda Síochána under the Garda Síochána (Confidential Reporting of Corruption Or Malpractice) Regulations. There is a whole list, including deliberate falsification of records. Yet it is said the Commissioner can stay in place. It is absolutely outrageous that we are here tabling a motion calling for the Garda Commissioner to stand down when everyone in the community knows it is the only option that can progress the situation. The Garda Commissioner must stand down and be replaced with someone outside of the force.

One of the most significant events to have happened in recent weeks is the publication of

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the Fennelly report. Fennelly states that no one knew anything about the allegations, yet all the people in the higher echelons of An Garda Síochána come up through the ranks. They were once inspectors, superintendents and chief superintendents and many of them had responsibilities for communications and data collection in all the Garda districts around the country. Did they not know about this? It is just unbelievable that this situation continues. Who ordered the equipment to do all this taping and recording? Who paid for it? Where are the records? They must be there, yet those at the very top tell us they know nothing about it.

It is simply unsustainable for this Commissioner to stay in place and the Tánaiste knows it. At some point or other we will also have to look into other scandals that have happened in An Garda Síochána. As the Tánaiste is aware, I have raised issues in the Dáil previously regarding malpractice in the Garda to no avail. I provided a protected disclosure to the Tánaiste on 11 November last and got no response from her. This situation simply must be tackled very soon.

For instance, I have been told all over the country about the practice in some Garda stations of putting summonses in the bottom drawer. If they are summonses for the wrong person, that is, someone particularly well connected, they are never served. How many summonses were issued in this manner? This happened all over the place down the years and continues to happen to this day, yet it is not being examined. It is happening under the management of the current Garda management and the person at the head of that management is Nóirín O'Sullivan. Nóirín O'Sullivan simply must be made stand down. The Tánaiste is not doing her job as long as she leaves her there. We simply must clean up this mess and the only way to do so is to start at the top, remove the Commissioner and put someone in place from outside the jurisdiction who will have a clean sweep. We need to sort out this situation and it cannot be done by any more reports or inquiries or anything else. The dogs on the street know what the problem is. It is the Tánaiste's job to deal with it.

Deputy Mary Lou McDonald: The Association of Garda Sergeants and Inspectors has been meeting at its annual conference in Killarney over the past number of days. The Tánaiste and Minister for Justice and Equality did not attend. However, the Commissioner did, and yesterday, when attending the conference, she approached the podium to speak and was met with what was described in the media as an eerie silence. This is no great surprise because morale within An Garda Síochána is at an all-time low. I know we have said that before here, but this time it is in a profound malaise. Its morale has been worn away by a crisis of leadership and the rank-and-file gardaí feel abandoned and disheartened. For them, it must feel like being on a rudderless ship.

It does not help the morale of gardaí either that the Commissioner has felt the need to place the blame for many of the recent debacles that have happened on her watch on the shoulders of more junior officers. This is a case of sloping shoulders on the part of the Commissioner at a time when real leadership should be shown and when responsibility as a leader should be taken for the litany of scandals that have beset the Garda.

Now, shockingly, we hear today, in addition to the falsification of breath tests, that an examination is being carried out into Garda figures relating to homicide and incidents of domestic violence. Where will all of this end? Yet Nóirín O'Sullivan just passes the buck, as does the Tánaiste. It is this lack of accountability and the deep-rooted arrogance of the upper echelons of the Garda that have shattered public confidence in policing and made policing almost toxic in the eyes of many. It is clear that the administration of policing and justice in this State stands at a crossroads. Decisions taken now will shape our citizens' relationship with An Garda Síochána

for generations to come. Nóirín O’Sullivan has been given effective immunity by the Government and its flip-flopping partners in Fianna Fáil. As desirable as an inquiry or review may be, the reality is that no inquiry or review of An Garda Síochána will achieve the required outcome while Nóirín O’Sullivan remains in office. That is a fact. The dysfunctionality at the heart of the management of An Garda Síochána cannot be tackled effectively and we cannot even hope to begin the work of restoring public confidence in the Garda while Nóirín O’Sullivan remains as boss. I say that not as a personal invective against the Commissioner personally, but to her and about her in respect of the position she holds. It very clear to us that it is in the best interests of An Garda Síochána, and the future standard of policing and justice in this State that Nóirín O’Sullivan is removed from office.

The malpractice and arrogance that has so dominated the leadership of An Garda Síochána must be replaced with transparency, accountability and a renewed commitment to the ethos of public service. The Minister has no hope or prospect of reforming, transforming or changing the culture and practices of An Garda Síochána if the person at the top is not held to a standard of accountability, yet that is the position in which the Minister has placed the Government and more importantly the people of this State. Nóirín O’Sullivan remaining as Garda Commissioner presents a significant and possibly insurmountable barrier to achieving the goals the Minister outlined of reform and change. The simple fact is that we bring this motion because we believe it to be in the best interests of An Garda Síochána that there is change and accountability at the very top. As has been said previously by the dogs on the street, Nóirín O’Sullivan must be relieved from her duties as Commissioner in the best interests of the Garda.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I move amendment No. 1:

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

“recognises that:

— the recent controversies surrounding An Garda Síochána are of the utmost seriousness and go to the heart of policing in the State;

— it is essential that the Government, this House and all our citizens can trust members of An Garda Síochána to carry out their duties fairly, impartially and in accordance with the law;

— while members of An Garda Síochána continue to perform very good work and put their lives at risk on a daily basis keeping communities safe and protecting the security of the State in the face of major challenges, including the threats from organised crime, subversion and international terrorism, deep-seated organisational problems which have not been properly addressed over a number of decades, such as those exemplified in the recent report by Mr. Justice Fennelly, must be urgently and fully addressed;

— in particular, there is understandable public concern arising from recent very serious issues about the administration by An Garda Síochána of mandatory alcohol testing and fixed charge notices;

— the most effective way of addressing issues of concern which have arisen is to ensure that the issues in relation to road traffic matters are comprehensively and independently assessed, a major programme of reform is completed as quickly as possible

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and there is a fundamental review of the future of policing in Ireland;

— the resolution of the serious issues facing An Garda Síochána cannot be achieved by measures which undermine the effectiveness of An Garda Síochána in protecting the community;

— robust and independent oversight of policing is essential to the delivery of policing service in the 21st century and that the Oireachtas enacted the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act in 2015 and that the independent Policing Authority was established on 1st January, 2016;

— at the heart of the establishment of the Policing Authority was a desire, on the part of the Oireachtas, to remove politics from policing to the extent possible consistent with the Constitution of Ireland and that nothing said or done in this House should detract from the work of the Policing Authority, undermine its independence in doing that work or to politicise An Garda Síochána; and

— there is a legal framework of accountability in which public servants perform their duties and it would be a dangerous precedent for this House to target individual public servants, by way of resolution, in a departure from that framework;

notes that:

— the Policing Authority is chaired by the former Chairman of the Revenue Commissioners and that the other eight members of the Policing Authority were appointed by the Government on the recommendation of the Public Appointments Service which had invited applications for membership of the Policing Authority;

— the nine members of the Policing Authority are persons who independently bring a range of valuable experience and expertise to bear on the work of the Policing Authority and that even though the Policing Authority has only been in existence for 15 months, it has in that time established itself as a robust and independent oversight body;

— the House should support the Policing Authority fully in its very important work; and

— the Policing Authority has specific statutory responsibilities, including in relation to the appointments to the higher ranks of An Garda Síochána and continuation of persons in office, the exercise of which must not be interfered with or improperly influenced in any way;

supports:

— the request made by the Tánaiste and Minister for Justice and Equality to the Policing Authority under the Garda Síochána Act 2005 to report on recent road traffic issues and the fact that an investigation will be conducted by the Policing Authority with the assistance of external expertise which will examine all issues arising, addressing, to the greatest extent possible, the reasons why the issues have arisen, the incidence and scale of the issues and the solutions implemented to ensure there is no reoccurrence;

— the strengthening of Garda management capacity by the early appointment of three additional civilian leaders to the senior management team, Executive Director –

Strategy and Transformation, Executive Director – Legal and Compliance and a Chief Information Officer;

— the completion as soon as possible by the Garda Inspectorate of an examination, at the request of the Tánaiste and Minister for Justice and Equality, of entry routes to An Garda Síochána from other police services and the opening up of promotion opportunities within An Garda Síochána to non-Garda personnel, whether policing professional or otherwise;

— the completion, under the oversight of the Policing Authority, of the urgent implementation of extensive reforms to the administration of, and operation of, An Garda Síochána under the Garda Síochána Modernisation and Renewal Programme, 2016-2021, incorporating recommendations of the Garda Inspectorate report ‘Changing Policing in Ireland’;

— the specific monitoring and assessing by the Policing Authority of the implementation of recommendations of the Garda Inspectorate report ‘Changing Policing in Ireland’, and the Policing Authority reporting to the Tánaiste and Minister for Justice and Equality quarterly on this matter, who will publish these reports;

— the cultural audit of An Garda Síochána which will commence shortly;

— the provision of any additional resources to the Policing Authority which may be necessary to ensure it is able to carry out its work effectively, including a review of the legislation governing its operation which is due to be undertaken this year under the terms of the Garda Síochána Act 2005; and

— the intention to implement in full the recommendations made by Mr. Justice Fennelly in his recent report;

agrees that, notwithstanding the significant programme of reform that is already underway and the central role of the Policing Authority in overseeing the implementation of that programme, the time is right to undertake a ‘root and branch’ review of all aspects of policing in Ireland; and

further notes that:

— the Government agreed at its meeting on 11th April, 2017, to establish a Commission on the Future of Policing in Ireland and to circulate the draft terms of reference to other parties;

— the Commission’s draft terms of reference, while subject to further consultation, are intended to be comprehensive and provide for a thorough review of all aspects of policing including appropriate accountability mechanisms, with a view to resolving policing issues outside the realm of political controversy;

— the draft terms of reference will address:

— structures, leadership and management arrangements required for the most effective delivery of policing, including all functions currently carried out by An Garda Síochána – community safety, security and immigration;

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- appropriate composition, recruitment and training of personnel;
- culture and ethos of policing;
- appropriate structures for oversight and accountability (including all oversight bodies, the Department of Justice and Equality and Government); and
- the legislative framework for policing;
- the draft terms of reference will take account of:
 - existing and emerging issues identified as key challenges for Ireland’s model of policing;
 - best practices in the policing models of other countries focused towards greater effectiveness and efficiency, and fostering public confidence in policing;
 - previous reports concerning policing in Ireland; and
 - any specific challenges to delivering consistent structural and cultural reform in policing;
- once this consultation process has been completed, the Tánaiste and Minister for Justice and Equality will revert to Government with proposals for the establishment of the Commission and draft terms of reference; and
- the establishment of the Commission on the Future of Policing in Ireland should not delay or detract from the implementation of the ambitious programme of reform underway which should continue unimpeded.”

As I said last night, we are at a crucial time in determining the future of policing in this country. There has been array of competing motions and counter-motions before the House, and what I am doing in the counter-motion is setting out a clear, coherent and comprehensive approach to the issues which I agree must be addressed.

Trust in An Garda Síochána has been damaged by the recent revelations. Yesterday, I said they were as unacceptable as they were disturbing and I repeat that here today. The great respect that we have for the work that members of An Garda Síochána do, as many Members have acknowledged, sometimes at great personal cost, cannot blind us to the need for profound and lasting change.

Before I turn to the question of reform, I wish to deal first with the substance of and the background to the Sinn Féin motion. While there are elements of the motion with which everyone in this House can agree, the central thesis must be rejected. Rather than focusing on the need to reform An Garda Síochána, it seeks to personalise the problems with the service by focusing on the Garda Commissioner. In a document published by Sinn Féin yesterday, entitled Restoring Public Confidence in Policing, the party made a number of proposals aimed at enhancing the functions and responsibilities of the Policing Authority, the first of which is the immediate commencement of the legislative provisions governing the removal of senior members of An Garda Síochána. I wish to put on record that, in fact, the entire Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 has been commenced. The provisions relating to the removal of the Commissioner and deputy commissioners were commenced on

1 January 2016 and those relating to the ranks of assistant commissioner, chief superintendent and superintendent on 1 January 2017.

In addition, since that date, the Policing Authority has responsibility for running competitions for appointments to the senior Garda ranks of assistant Garda commissioner, chief superintendent and superintendent. As I outlined to Deputies previously, the very first appointment of an assistant commissioner under the new process was made by the authority last March. That is a sea change in terms of the appointments of gardaí in this country. The authority is now running a competition for chief superintendents. Many in this House called for independent appointments in the past. That means a statutory framework is now in place that allows both the Government and the Policing Authority, on its own initiative, to invoke the provisions of section 11 of the Garda Síochána Act 2005. There is no role for this House in that statutory framework, nor in my view should there be. It is one thing for this House to debate motions of no confidence in persons who can defend themselves in this House, but it is another for it to insert itself into carefully calibrated legislation that is designed to observe due process and natural and constitutional justice, which is the right of any employee. It would be a major departure if individual public servants, nurses, gardaí or teachers were to have their reputations shredded in this House with no opportunity to put their side of the story. Deputy O'Callaghan referred to that in recent days. Such a procedure would not even meet the low standards of a kangaroo court.

Rather than focusing on what would clearly be a wrong path for this House to embark on, I wish to return to the issue of reform. Since my appointment as Minister for Justice and Equality, I have been pursuing an ambitious programme of Garda reform. It would be very foolish, in fact it would be tragic, to deviate from the path to reform that is already in place. Therefore, we must make sure existing plans for change are carried through fully. Crucial to those changes is the Garda Síochána Modernisation and Renewal Programme 2016-2021 which reflects the recommendations in the critical Garda Inspectorate report, *Changing Policing in Ireland*, to which so many Members in this House refer. It is necessary to implement what is in the report and the implementation process has begun. The Policing Authority oversees the implementation of the report. The authority has published reports on the process and it will continue to do so. A list of initiatives has already taken place and actions have been taken which arise directly from the *Changing Policing in Ireland* report. We cannot pretend that has not happened because it is happening. Initiatives, actions and recommendations have been carried out. One such change relates to ICT. A victims of crime office has been set up and a list of initiatives has been introduced. Change must keep happening. Once the recommendations in the report have been implemented, it is clear that other things will need to be done because reform can never stop.

The most difficult change to make relates to culture. An organisation that impulsively turned inwards must now instinctively face outwards with professionalism, high standards and honesty, and it must meet the highest ethical standards. Under the Policing Authority, for the first time in the history of An Garda Síochána an ethics code of practice was announced and delivered and people must adhere to it. It was drawn up between the Policing Authority and the Garda and published recently. It is clear that more openness and transparency are an essential part of the process. A tendering process has been completed for a cultural audit that will be conducted this year. The audit is being overseen by the Policing Authority, at my request, and it will set a benchmark against which the culture of the service will be measured over the years as the reform programme is implemented.

As Deputies have outlined, there have been many reports into various aspects of policing in

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Ireland. Some reports followed investigations into wrongdoing or bad practice, such as those of the Morris tribunal and the O'Higgins investigation, while others have been directed at reform, including in particular the 11 reports published by the Garda Inspectorate. All however, have been drafted within the confines of the structures of policing that have existed since the foundation of the State. My colleague, the Minister, Deputy Bruton, addressed that thoroughly last night.

The policing landscape has seen many significant changes, first by the establishment of the Garda Síochána Ombudsman Commission, GSOC, and the Garda Inspectorate under the 2005 Act, and more recently by the establishment of the Policing Authority in January 2016. Those very important changes deal with the historic structures of policing in this country that remain to this day. The gravity and scope of recent events mean that we must now question whether those core structures are fit for purpose. It is for that reason the Government believes the time is ripe for a fundamental examination of all aspects of policing in Ireland. As Deputies know, that was agreed by the Government yesterday, so I will not go into great detail because we have discussed it, the draft terms of reference have been provided and we have been doing further work on it. The terms of reference attempt to be comprehensive and provide for a thorough review of all aspects of policing, including the structure, leadership, - I agree that leadership matters - management, composition, recruitment and training. When I met the Deputies from the Opposition many of them spoke to me about training, the importance of examining the current training carefully and whether changes are necessary. I also wish to examine aspects of oversight and accountability, including examining the roles of the bodies I have mentioned as well as those of the Department of Justice and Equality and the Government. Among the questions we must examine is whether a unitary police service dealing with policing, security and immigration is the appropriate model for the 21st century.

The commission will have among its members people with international expertise and knowledge. It will be independent of the Government and will provide an opportunity for the country to have an honest discussion about how it is to be policed as it approaches the centenary of the establishment of An Garda Síochána. Throughout that time, the men and women of An Garda Síochána have kept us safe in the face of grave threats and dangers. They have played a crucial role in thwarting those, including the Provisional IRA, who wanted to overthrow this State. Some brave gardaí paid the ultimate price, and we must remember them. Today, in particular, I remember Detective Garda Jerry McCabe who was brutally and callously murdered when he was doing his duty.

An Garda Síochána faces many problems, but the solution does not lie in this politically motivated motion from Sinn Féin. A well-functioning police service, trusted by the people, is a cornerstone of any democracy worthy of the name. Some Members of this House were late converts to democracy, but I hope that even they would agree that, as the democratically elected representatives of the people, all of us must work to make An Garda Síochána succeed. We can pay no greater tribute to the men who founded our police force in the difficult early years of the State, and the men and women who followed in their footsteps through the decades, than to begin the second century of policing with a police service that embodies the best traditions of An Garda Síochána.

One of the greatest failings of the motion before the House is its lack of ambition. Rather than articulating a vision for the future of policing in Ireland, it resorts to the blame game. Personalising the issues and demonising individuals get us nowhere. This Government is ambitious for policing in Ireland. For that reason we reject this defeatist motion and commend to the

House a counter-motion which sets out a clear and coherent way forward.

Deputy Jim O’Callaghan: I will share time with Deputies O’Loughlin, Thomas Byrne and Eugene Murphy.

Later tonight we will discuss the most recent report of Mr. Justice Fennelly. It is important to remember, however, that in August 2015 Mr. Justice Fennelly produced an interim report in respect of two paragraphs of his terms of reference. One of those paragraphs concerned the removal or resignation of the former Garda Commissioner, which took place on 25 March 2014. It is interesting to refer to chapter 19 of his interim report because it deals with the legal position of a Garda Commissioner. Mr. Justice Fennelly refers to the fact that only twice in the history of the State has a Garda Commissioner been removed from office. The first occasion was in February 1933 when Mr. de Valera’s Government removed General O’Duffy from his position of Garda Commissioner. General O’Duffy then went on to do different things and became the first leader of the Tánaiste’s party, but we will not discuss that at this stage. In 1978, the Garda Commissioner, Edmund Garvey, was removed by a Fianna Fáil Government. He sued, went to court and succeeded in his case.

It is important to note that, having referred to both examples, Mr. Justice Fennelly states that only the Government has the power to remove a Garda Commissioner from office, and where the Government proposes to exercise that power, it is obliged to give the Garda Commissioner the notice required by section 12 of the 2005 Act, containing a statement of the reasons for the proposal. The Government must also allow the Garda Commissioner an opportunity to make representations as to why he or she ought not to be removed from office. Thus, it is only the Government which may initiate that procedure. That is the procedure that is recognised in law and by Mr. Justice Fennelly in his interim report.

It is instructive to note that after his interim report was published in August 2015, there was considerable criticism, in my opinion legitimate criticism, of the role played by the Government, particularly the Taoiseach, in the removal of the previous Garda Commissioner. Members will recall that, in effect, the Taoiseach sent an official from his Department to the Garda Commissioner on the night of 24 March to tell him that the Government could no longer express confidence in him. The legitimate argument and criticism made by Fianna Fáil and, indeed, Sinn Féin at the time was that this was wrong. In effect, the Garda Commissioner had been sacked. What was wrong about it was that the Taoiseach and the Government did not go through the correct statutory procedure. In fairness to Deputy McDonald, she recognised that failing on the part of the Government when she spoke on the Fennelly report on 22 September 2015. She said:

I believe he [the Taoiseach] did that in a very deliberate and very calculated fashion. I think he was conscious of the provisions in law under the Garda Síochána Act 2005. He knew that what he should have done was to go to the Cabinet, state his case and allow the Cabinet to take a decision that I believe would have been inevitable in respect of the Garda Commissioner.

I agree with what the Deputy said then. She displays a clear understanding of the legal position in respect of a Garda Commissioner.

I believe we must try to remove some of the politics from policing. Sinn Féin might not listen to me on that matter but its members might respect the views of Denis Bradley, a former

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vice-chairman of the Northern Ireland Policing Board. He commences his article in *The Irish Times* today by stating:

The issue of Garda reform is in danger of running away with itself. Political self-interest and structural reform doesn't always pull in the same direction. Attach strong voices with strong opinions to that concoction and there is the danger that momentum outstrips clarity and sense.

Political parties arguing that politics should be taken out of policing while simultaneously putting motions to the Dáil that the Garda Commissioner should be removed from office is the most glaring example of that lack of clarity.

Our party has stated publicly that it cannot express confidence in the Garda Commissioner. We have stated what we would do if we were in Government. However, we must recognise that Dáil Éireann has neither a statutory nor a constitutional role in respect of the removal of a Garda Commissioner. The provisions are set out clearly in legislation. Section 11 of the Garda Síochána Act 2005 sets out the grounds upon which a Government can remove a Garda Commissioner from office, and only a Government can do it. It can remove a Garda Commissioner, first, if he or she is not doing the job diligently, second, for stated misbehaviour and, third, if it believes it is in the best interests of An Garda Síochána. Since January last, the Government must consult the Policing Authority before it removes a Garda Commissioner in respect of the failure to perform his or her policing functions. In addition, under the statutory scheme the Policing Authority has the power to make a recommendation to the Government. That is the process in place. If this House passed a motion of no confidence in the Garda Commissioner and if, subsequently, the Government decided on that basis it had to remove the Garda Commissioner, the Government would be acting unlawfully.

It is clear from even a cursory examination of the statutory regime that the House has no role in the removal of a Garda Commissioner. We must recognise that this House has two great powers. Our first power, as Opposition Deputies, is to hold the Government to account. The second great power is to make and influence laws. We must be careful about straying into territory where we do not have power and cannot exercise control. If we start to do that, we undermine our credibility as an important institution of the State. If this House is able to express no confidence in a Garda Commissioner, why can it not express no confidence in an assistant commissioner, deputy commissioner, chief superintendent or, indeed, a sergeant? There would be nothing to stop us from doing that. As I said last night, why limit it to the justice area? Why do we not move into the education area and have the House declare no confidence in teachers or other individuals who have important State jobs?

Deputy Mary Lou McDonald: That is a ludicrous point.

Deputy Jim O'Callaghan: It is not a ludicrous point.

Deputy Jonathan O'Brien: The Deputy should read the motion.

Deputy Jim O'Callaghan: It is a consequence of the procedure taking place now that we are required to pass judgment on other people. We are not a House that decides who should lose their job. We are not in that position. We are not the employer of the Garda Commissioner.

Deputy Mary Lou McDonald: Nor are we pretending to be. Deputy O'Callaghan should read the motion.

Deputy Jim O’Callaghan: The Government is the employer of the Garda Commissioner. If we go down that route, we will end up issuing meaningless motions that have no effect. We have got to recognise that if this House starts passing motions that are meaningless and that are ignored, we will undermine ourselves in that process.

Deputy Jonathan O’Brien: Fianna Fáil does it every week.

Deputy Jim O’Callaghan: We had a debate last night in respect of where we should with this process. Politics has entered into the debate on this issue and we should try to remove it. We have personalised it in respect of the Commissioner and her role. We have been very clear in our views on the Commissioner. We have stated them publicly. What we, as a House, need to do now is try to take measures to improve and enhance public confidence in An Garda Síochána. It has taken a very serious dent in recent times. The best way for us to do that is to try to agree with the Patten-type proposal that has been put forward, and in respect of which the Tánaiste sent out draft terms of reference the other day. Fianna Fáil will be engaging with that. We will be seeking to improve the process whereby Garda Síochána confidence can be enhanced and rebuilt.

It is unquestionably the case that there is a crisis in respect of An Garda Síochána. We can seek to politicise it. We can seek the most extreme measure we can take in respect of this issue, pitch our flag there and let every other party respond to it, or we can try to work collectively and do what is best for the people of Ireland and for An Garda Síochána in order to improve the situation as it stands. I appeal to people in the House to adopt that approach.

Deputy Fiona O’Loughlin: It is important to acknowledge that An Garda Síochána plays an absolutely vital role in Irish society. In light of recent events, there is an urgent need to rebuild public trust in the institution. There is no doubt that legislation is needed to give greater powers to the Policing Authority in order to deal with the issues that have emerged in recent weeks. Real reform and cultural change is needed within the force to ensure that the Irish people have full trust and confidence in it.

Some 146,865 District Court summonses for road traffic offences were wrongly issued, 14,700 convictions were wrongly imposed upon members of the public and 937,000 breath tests that never occurred were recorded by members of An Garda Síochána on the PULSE system. These are truly shocking statistics. Accountability structures within An Garda Síochána are inadequate. They need to be strengthened and made more transparent so that there can be real accountability for Garda wrongdoing and mistakes. There is also an urgent need to strengthen the management of An Garda Síochána and to implement the recommendations of the report of the Fennelly commission without delay.

The moratorium on Garda recruitment introduced in 2010 resulted in a very significant reduction in numbers. This was particularly felt in Kildare and I will never lose an opportunity to bring this up. Since 2011, Kildare has lost gardaí to such an extent that we have the lowest number of gardaí per head of population in the country. This has had a huge impact. For example, Kildare had the lowest burglary detection rates in the country over a four-year period. Of the 1,430 incidents of burglary and related offences recorded, 9.2% were solved compared to a national average of 17.7%. That is quite stark. We are particularly vulnerable to crime because of the motorways which offer fast routes into and out of our county.

Increasing Garda numbers is hugely important but it is not enough. There is an urgent need

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to strengthen the oversight of An Garda Síochána and to provide for the ongoing professional development that is needed to ensure that all members of An Garda Síochána are trained for the challenges posed by modern policing. Full public confidence in the processes and procedures around Garda oversight is a critical component of effective policing in Ireland. Decisive action must be taken by the Minister for Justice and Equality to implement real reform and cultural change within An Garda Síochána.

Deputy Thomas Byrne: I am happy to speak on this debate. Although in recent days the Sinn Féin Party has not described it as a motion of confidence in the Commissioner, it was described in its original press release as a motion of confidence.

Deputy Aengus Ó Snodaigh: Confidence? We definitely do not have confidence in her.

Deputy Thomas Byrne: In fact, the later speakers from Sinn Féin are correct. It is not a motion of confidence. It simply seeks to express the view of the Dáil. My colleague, Deputy O'Callagan, has quite rightly outlined the legal procedures set down by law. He has given recent examples of where the legal procedures were clearly not followed, which we all criticised. He also gave the example of Commissioner Garvey in the 1970s. There was no motion of confidence by the Fianna Fáil Party in opposition before it took power in 1977, but there was certainly severe dissatisfaction with that particular Commissioner at the time. That Commissioner himself took a court action and the issue of fair procedures was central to it.

There is also a level of confusion in respect of the function of the Dáil. It is understandable, because up to now we have had a Dáil that was completely dominated by the Executive. In theory, and now in practice, we have three parts of Government. Each part of the Government must know its own job and do it properly. The Government must do its job in the context of its executive function and the Dáil must do its job of holding the Government to account, legislating and making laws. That is the job laid down for the Dáil in the Constitution. That obviously has the effect that if there is dissatisfaction with the Garda Commissioner, that must land at the feet of the Tánaiste and Minister for Justice and Equality in this House, and she must then accept the consequences.

The Dáil can only remove a certain people from office. It can remove a Minister, a Taoiseach or a Government with a motion of confidence and no reasons have to be given, but there are procedures laid down in the Constitution with respect to the removal of judges from office. We have the power to remove judges from office. We cannot, however, just come in with a motion like this. There must be motions passed in Dáil Éireann and Seanad Éireann calling for the removal of a judge from office for stated reasons or for incapacity. That is specifically laid down as something we can do.

Deputy Jonathan O'Brien: Did Deputy Thomas Byrne read the motion?

Deputy Thomas Byrne: If we were ever to do that, there is a rigmarole and a fair procedure that must be carried out. It was gone through, to some extent, on one occasion in respect of a particular judge. These are set down in law. We have got to be aware of our functions. Our more important function is to ensure that the laws are there, that gardaí can do their jobs properly and that the Minister is held to account. Quite frankly, we are not entirely satisfied with how the Department of Justice and Equality and the Minister are carrying out their functions in this regard. There may well be further questions on this.

If the Dáil decides that it wants to pass a law which says that it has the power to hire or fire

a Commissioner, then let that legislation be put forward. That is certainly open to the Dáil to do. I am not sure that I would support such a move.

Deputy O'Callaghan used the example of a principal, and it is certainly one I have used myself. I have no doubt that if a motion on the Commissioner were to pass, some parties in this House would be very quick to come in with a motion of confidence in, for example, the Director of Public Prosecutions, or in other bodies. Where would that end? We must have that separation. We must allow executive bodies to get on with their work, but we must also hold the Government to account. Deputy O'Callaghan has also outlined that Fianna Fáil, in Government, would necessarily be in a different position. Certainly, we think the Commissioner is not doing the job that she needs to be doing.

Deputy Aengus Ó Snodaigh: Fianna Fáil does not have confidence in her.

Deputy Thomas Byrne: I do not particularly like the job that is being done at the moment. No, I do not.

Deputy Jonathan O'Brien: The Deputy should read the motion.

Deputy Thomas Byrne: I have read the motion.

Deputy Jonathan O'Brien: The motion does not mandate the Government to do anything.

Deputy Thomas Byrne: I have read the motion.

An Ceann Comhairle: If the Deputies want to have a conversation about the motion they should do so outside.

Deputy Thomas Byrne: Deputy O'Brien said the motion does not mandate the Government to do anything, but certainly the impression that Sinn Féin seeks to present to the general public is that this is possible. It is not possible. Our motion calls for a range of actions to be taken and also notes the severe lack of confidence and problems within the force at the moment. The Commissioner and senior management of An Garda Síochána would do very well to listen to the views of this party in the Dáil, as a serious party which has supported the force through thick and thin. For us to say the things we said in that motion was an exceptionally big step for this party to take. We have not done this before. We have not gone as far as we have gone in this motion, but that shows the gravity of what is going on with An Garda Síochána. We are supporters of An Garda Síochána. In my own neck of the woods, we have had two members of An Garda Síochána murdered in cold blood in recent years, not to mention all the other heroes since the force was established. There are gardaí doing their job throughout the country.

They deserve our support. An Garda Síochána as an institution deserves our support. We must challenge its leadership to get on with the job, get its act together and get it done properly.

We need to know our role in this Dáil and be jealous of our prerogatives. If the Government is not doing its job in this regard and if the Tánaiste is not answering questions, then she will be gone. We can do that without stated reasons. However, we cannot do so to a Commissioner.

Deputy Eugene Murphy: I will be very brief because my colleagues, Deputies O'Callaghan, O'Loughlin and Thomas Byrne, have outlined where we stand on this issue. Everyone in this House must accept that recent revelations on policing matters are most disturbing. The issue

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of the million non-existent breath-test cases in particular is constantly mentioned to me by the public. That the police force that we believe exists to protect and look after us could be responsible for wrongful convictions is appalling. These problems did not arise overnight. If every one of the 158 Members of this House is to be honest, we have all heard issues about certain members of An Garda Síochána over a long period of time.

It is very important to point out, as many Members have, that there are very many good serving members of the force who do so much in their communities and to assist communities. We should also remember that, in today's world, gardaí are dealing with far more difficult situations than previously. I often think of gardaí who have to attend domestic violence and family situations. Those are very telling, trying and difficult situations. Ordinary members of the force have told me that they have a terribly disturbing effect on them. That is a huge issue. We must also accept what gardaí have to face when they tackle people in situations involving drug use and abuse.

I believe the Government needs to take immediate steps to rectify the real and substantial crisis of confidence in An Garda Síochána. As Deputy O'Callaghan pointed out both earlier today and previously, we want the Government to request that the Policing Authority assess the role needed to rectify this real and substantial crisis of confidence. We also want a major role for the Policing Authority and the establishment of an independent commission on An Garda Síochána that will examine and report on this situation. It is critical that we deal with many of the situations that have arisen. We need to put confidence back into the force. While people are not particularly surprised by recent revelations, they are rather shocked.

Deputy Alan Kelly: We have a serious issue in regard to the Garda. My party has publicly stated we do not have confidence in the Commissioner or senior management. Of the 145,000 wrongly-issued District Court summonses for fixed charge road traffic offences, 14,700 resulted in convictions and penalty points being issued. Those convictions and penalties will have to be rectified by the courts and set aside. There are gardaí who cannot stand over their roadside breath-testing regime. That has completely undermined our road safety strategy across the country. It is obvious that there was some form of incentivisation in this regard. That would explain why these figures were always exaggerated.

We all know what has happened to any gardaí who have spoken out. They have been isolated and targeted. This seems to be a common theme under Garda management. Examples of gardaí who have spoken out are Sergeant Maurice McCabe and Garda Keith Harrison. I am glad that Garda Harrison is back to work since Monday of this week. Will the Tánaiste now pay him and every other whistleblower the back pay they are due?

The answers given by Garda management and Commissioners do not stand up to scrutiny and have not for some time. There are many contradictions in various fora and many questions still to be answered. Garda management is not responding to the requirement to modernise how the Garda operates in areas across the board such as crime detection and being professional in how it does its business, how it manages its money and so on.

The Garda Inspectorate has described the Garda as an ineffective structure which is struggling to cope with modern demands. That says it all. The inspectorate's recommendations accuse Garda management of inhibiting change. As all Members are aware, those recommendations are not being met. The Labour Party does not have confidence in Garda management. That is a big statement from our party, given the amount of legislative change we have tried to

bring about in recent times.

There are too many bodies. They include the Garda Síochána Ombudsman Commission, GSOC, the Garda Inspectorate, the Policing Authority, the Department of Justice and Equality and the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald. Some are in charge of complaints, some in charge of productivity and some in charge of performance but there does not seem to be any accountability. That needs to change. We need a Policing Authority that can tell the Commissioner what needs to be done, measure what is done and ensure it happens. The authority needs to have the power to do this to restore public confidence in An Garda Síochána.

I welcome the terms of reference that have been published recently by the Tánaiste but they need to be considered.

The audit of the Garda College in Templemore has not received as much attention as the matters I have spoken of thus far. Templemore is a great town with great people and the Garda College has done great service for this country. The Garda College has been very positive in how it has interacted with people in the town. There has been a huge amount of commentary on the results of the audit. We all know what the results have shown in regard to bank accounts, how the restaurant was run and a range of other issues. There must be a gain for the people of Templemore in regard to what will happen to the Garda College, which should be very positive. It needs investment. There are huge needs for the community in regard to legacy issues in Templemore and the land owned there.

There are some very interesting details yet to come out in regard to the mess of how the Garda accounts for its training college. Recently, I asked the Office of Public Works, OPW, what it owns in Templemore. As we all now know, it owns an estate there which it bought for future development. Interestingly, it received no rent from 2009 to 2013 from the lands it owns in Dromard and Clonmore. Guess what? The OPW is looking into it, believes that it will be collated by the Garda and that it will get the funds back appropriately. How in the name of God did the OPW not know that no rent was being paid into its account for the lands it owned in Templemore? It is unbelievable.

The Magee and Nolan reports on practices in the Garda College in Templemore were produced in 2008 and 2010. Why were these reports not given to the Department? Why did these reports not get to an internal audit and get reported? When did the Commissioner know about these reports and why did he or she not report them to the Department of Justice and Equality? Who was on the audit committees during the years of these audit reports and have those people subsequently been promoted within An Garda Síochána on numerous occasions?

On 6 July 2015, a report on financial procedures and accounts was prepared by the Garda head of human resources for the Garda head of administration in regard to the accounts in Templemore. It was prepared in order to brief the audit committee. The head of administration never briefed the audit committee. Why was that? On 24 July 2015, the head of legal affairs in An Garda Síochána contacted the Garda Commissioner to say that the issues in the report that had been prepared by the head of human resources were so serious that the Minister should be made aware of them under section 41 of the Garda Síochána Act 2005, which provides that anything of significant relevance should be brought to the Minister's attention. Why did this not happen? Why did the Garda Commissioner, having received legal advice from her head of legal affairs, not bring this to the Minister's attention? There was a subsequent meeting of the Garda Commissioner, two acting commissioners, the head of administration and the head of human

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resources on 27 July 2015 to discuss this issue. The head of human resources and the head of legal affairs may have felt isolated subsequent to this because suddenly they were not required to do very much. The issue of isolation seems to be a common trend in An Garda Síochána.

On 18 September 2015, the head of human resources, HR, met with the head of administration in the context of this legal advice following the interim report of the Fennelly commission again asking why the Minister had not been told about the report into financial affairs in Templemore Garda college. On 2 June 2016, the head of the audit committee met again with the head of human resources and people in An Garda Síochána and he was shocked at what he heard about the audit report. Again, nothing happened. What is the reason for that and what is the relationship between the head of the audit committee and the Garda Síochána?

I have a number of other questions I want to put to the Minister. Why was the head of the internal audit committee in An Garda Síochána kept in the dark about these financial reports relating to Templemore until May 2016 or thereafter? Was there a campaign within An Garda Síochána to do so? Does e-mail traffic show that? We know from the Minister that on 16 September, her Department received its first copy of this report. Was that the first ever correspondence relating to a report on Templemore considering that the first report was done in 2008? When did Commissioner Callinan know? Did he ever inform the Department? It is ironic if he did not considering there were numerous discussions about Templemore relating to the restaurant and other issues because over a period the gardaí asked that the members who were working there be made civil servants. It would be very strange during that conversation and correspondence if the Garda Commissioner did not raise these issues.

Were the head of human resources and the head of legal affairs marginalised over the last two years? Who in An Garda Síochána was told about the requirements under ethics legislation by the Minister's Department, and did this happen?

An Ceann Comhairle: The Deputy needs to conclude.

Deputy Alan Kelly: Was the Department told about the reports in 2008 and 2010? Why did the Commissioner not use section 41, as advised by the head of legal affairs, in regard to the audits that were being prepared in Templemore?

With regard to a very disturbing issue over the course of many years, probably decades, why are we saying that only in September 2016 did the Department of Justice and Equality know about any form of internal audits in regard to Templemore that had been ongoing?

An Ceann Comhairle: I call Deputy Mick Wallace who I understand is sharing time with Deputy Clare Daly.

Deputy Mick Wallace: And with Deputy Tommy Broughan. I will take four minutes and the Deputies will take two minutes each.

I start with the notion that Sinn Féin is politically motivated in bringing forward this motion. If we are to take that approach, every one of us will be accused of being politically motivated no matter what we bring before the House or say in here. I find it interesting that lately we are being accused of being populist in giving out about the Commissioner. I looked up the definition of the word "populist". It means one seeking to represent the interests of ordinary people, which is interesting.

I assure the Minister that we are as tired of giving out about the way we do policing in Ireland as she is of listening to us. We would love it if things changed and were different. If people think we should not hold the heads of authorities to account, I beg to differ. Our job is not solely to hold the Government to account. We have a responsibility to hold the leaders of many State bodies to account, not just the Garda. It is fair game that we should hold the people at the head of NAMA to account. We should hold the people at the head of the Health Service Executive to account.

If people think my life revolves around giving out about the Commissioner, I assure them that my life is not quite so sad. I have a very good life, and it does not revolve around this House either.

The Minister said it would be very foolish and tragic to deviate from the path of reform but the sad part is that we are hearing about it for the past three years because the reform was supposed to start in 2014. Sadly, things have not improved in those three years. We wish they had because given that we wanted policing to be different, it would have been great if things had really changed.

To take one answer to our questions that we got this morning, the Commissioner stated that in March 2015, an assistant commissioner responsible for traffic directed that each divisional and district officer should ensure that they had mechanisms in place to monitor mandatory alcohol testing checkpoints. That is two years ago. If the Commissioner is managing the force well, how can she have no idea two years later why the figures are exaggerated by 1 million? I do not understand that.

I did out a list of reasons the Commissioner is no longer fit for the job. I hate repeating myself and I have said so many things so often I will not go through them again but I genuinely believe it would be a very good idea to get rid of the Commissioner. It is nothing personal whatever with the Commissioner. I just think she is not fit for the job and that we should get somebody else. We should put a civilian into the post, and we should do it now and not wait another 15 or 18 months.

Deputy Clare Daly: The Minister made the point that it would be foolish to deviate from the path of reform. It is much more foolish not to realise that we cannot get onto the path if the person riding the bicycle is peddling in the opposite direction. That is the problem and the situation we are in.

It is incredibly tiresome to be here again discussing this, but Nóirín O'Sullivan is not going to survive and keeping her in the job is making the job of reform more difficult. That is not being personal. It is the Government's fault for appointing her in the first place because contrary to the Minister's protestations that this was best international practice, the criteria laid down for the job was a knowledge of An Garda Síochána, and Nóirín O'Sullivan was the only one who could meet those criteria. The problem was that we had decided we would not get an outsider when an outsider is precisely what was needed because Nóirín O'Sullivan, like many of the Garda hierarchy that was in place, was brought up inside an organisation which is now found wanting of substantial change.

If we needed further evidence, the decision should have been taken after the O'Higgins commission findings and the evidence of the Commissioner's attempt to impugn the reputation of Maurice McCabe. We have another tribunal now about that campaign being orchestrated by

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the Commissioner. We know her day to day job is being interfered with while she prepares and assembles a kitchen cabinet to defend those allegations.

It comes back to the problem that what is being said in public and done in private are two different things. Most if not practically all, bar one, whistleblowers are on sick leave. Disciplinary proceedings have been initiated against the people who are making claims to the Charlton tribunal and there is a loss of confidence among the members of the force, members of the public and the majority of Members in this House. It is time for action on it.

Deputy Thomas P. Broughan: I am delighted to have an opportunity to speak briefly on the motion and I thank Sinn Féin for bringing it forward. For many of our constituents, confidence in An Garda Síochána, the revelations on the Garda MAT tests statistics prompted by the reports by David Labanyi in *The Irish Times* and the subsequent revelations on illegal convictions of 14,700 drivers were the last straws.

A general feeling among the public that a change akin to the transformation of the RUC into the Police Service of Northern Ireland was also needed for our own police force, and that feeling has grown strongly over recent years. It is difficult to imagine such a transformation occurring under the current Garda management, many of whom were in mid-ranking to senior positions in An Garda Síochána during events which were the subject of the Fennelly commission, which we will discuss later, the O'Higgins commission and other reports and are currently being examined by the Charlton commission.

I welcome the forthcoming root and branch review promised by the Minister, which is badly needed. I also echo the call for the recruitment of somebody like Ms Nuala O'Loan, the former Police Ombudsman for Northern Ireland, to chair that review.

On Monday last, I attended the joint policing committee of the Dublin north central district, which covers much of the Garda DMR north division. Chief Superintendent Finbarr O'Brien and his colleagues, Superintendent Gerard Donnelly and Superintendent Joseph O'Connor, presented the DMR north policing plan for 2017 for public discussion. The fact that it has gone out for public discussion is a good innovation. The key goals of the plan include national and international security, confronting crime, roads policing, community engagement and organisational development and capacity improvement. The latter section included the promotion of the new Garda code of ethics - I thank the Minister and the Policing Authority for the fact that we have a copy of this code - and the improvement of data quality, including daily reconciliations of the CAD and PULSE systems. This plan and the committee's reaction to it clearly reflected An Garda Síochána's internal reform agenda and the public's anxiety that this be advanced quickly, especially in the areas of visible and effective community policing and victim support and fast and modern record-keeping. Nobody can doubt the commitment and professionalism of the vast majority of front-line gardaí but the organisational and cultural changes required for the force as a great national organisation would be best advanced by a totally new leadership of An Garda Síochána.

Deputy Michael Harty: I do not believe that the removal from office of the Garda Commissioner would be in the best interests of An Garda Síochána. The Dáil has no function in this matter, although, it may debate it. The removal of the Commissioner in the current circumstances would be unhelpful and futile, and would do more harm than good.

The shortcomings of An Garda Síochána are well documented and quite extraordinary. The

wrongful recording of over 900,000 alcohol breath tests and the wrongful prosecution of 14,700 people due to Garda error are quite unbelievable. The Commissioner has indicated that other matters may come out in the open in the future. Public confidence in An Garda Síochána has been substantially diminished, which is regrettable, but is the Commissioner responsible for these actions? I do not think so. Management of An Garda Síochána must be strengthened and governance and oversight must be drastically improved. The rank and file members of An Garda Síochána in the community are still highly respected by the people and for the most part, have a very good relationship with the community. The Commissioner should be held to account for activities within An Garda Síochána and if she is found to be unsuitable to hold that office, she should be removed by either the Government or the Policing Authority. However, removing the Commissioner without sound reasons would be incorrect and facile and would not solve the problems that are bedevilling the force. The Commissioner should be allowed to oversee the essential structural and managerial reform issues affecting An Garda Síochána. Removing her will not solve the problem.

The Sinn Féin motion notes the establishment of the tribunal of inquiry into the treatment of whistleblowers and their open disclosures made under the Protected Disclosures Act 2014, which will be chaired by Mr. Justice Peter Charleton and which is under way. This is right and proper in respect of examining the Commissioner's involvement in these issues. This tribunal is under way and will report in due course, and should be allowed to do so. The Government and the Policing Authority should await the Charleton report before making a judgment on the Commissioner in the context of this issue.

Garda Síochána management and reporting structures need to be reviewed immediately in order to ensure robust transparency and answerability and to restore public confidence. I welcome the Government's decision to establish a commission on the future of policing and to publish draft terms of reference. These should examine structures, leadership, management, composition, recruitment, training of personnel and the culture and ethos of the police force. I see a lot of merit in strengthening the powers of the Policing Authority. This body should oversee the management and governance of the force. Identification of wrongdoing within An Garda Síochána should be fully investigated by an independent and impartial body and I await with great interest the commission's findings in this regard. Finally the Policing Authority, strengthened and given proper governance mechanisms, should be the body to have oversight of the force and make decisions on the suitability of Garda management and the Commissioner.

Deputy Michael Fitzmaurice: I support the motion proposed by Sinn Féin. It must be acknowledged by everybody that there are many good gardaí and that a lot of good work is done throughout the country. Unfortunately, we have moved from scandal to scandal and problem to problem. This is doing no good to either Garda morale or the public because many people raise eyebrows every time they hear statistics or details of another whistleblower's case. I have said that it is not about the person. Nobody has a vendetta against people. It is about the position of Commissioner, which needs to be performed credibly. It has been said all week that what happens in the Dáil and whatever way a vote goes will not remove a Commissioner. I heard reports in the media during the week that the Government had received advice that it would cost a phenomenal amount of money to get rid of a Commissioner. However, if we look over what has happened in recent years - between penalty points, the statistics that came out in the past few weeks and the case of summonses where ordinary people will now have to clear their names - we can see that the figure will be in the millions and possibly tens of millions. The problem is that the current Commissioner was by the side of the previous Commissioner and

agreed with everything he said. All I can say is that I support the Sinn Féin motion.

Deputy Catherine Martin: Tá an Comhaontas Glas fíorshásta tacaíocht a thabhairt don rún seo. It is essential for the proper operation of a State that the public has confidence, respect and trust in its police force but in recent times, there has been a worrying erosion of this by the inability or perhaps perceived unwillingness of the Garda Commissioner to properly and efficiently handle a number of serious crises that have emerged. It may be seen as unprecedented for the Dáil to vote on this motion and I accept that it is far from ideal but the scale of the unprecedented damage done to An Garda Síochána and the public perception of the force necessitates this unprecedented response. In supporting this motion, the Green Party is prepared not only to recognise the scale of the calamity but to act. A total of 146,865 District Court summonses for road traffic offences were wrongly issued while 14,700 convictions were wrongly imposed on members of the public due to Garda error. Nearly 1 million breath tests that never took place were recorded on the PULSE system. The Commissioner did not inform the Policing Authority of these discrepancies until 23 March after the publication of an article in *The Irish Times*.

In supporting this motion, the Green Party has also taken into consideration that the Charleton tribunal of inquiry, which is investigating an alleged smear campaign against Garda whistleblower Maurice McCabe, involves investigating the actions of the sitting Commissioner. More importantly, how can some current members of the Garda workforce give their vital oral testimony to this public sworn tribunal inquiry, including potentially damning or fractious evidence under cross examination from the Commissioner's barrister concerning the Commissioner herself? The subject matter of their respective complaints does concern or ultimately relate to their boss, the person to whom they are accountable and answerable. The adversarial and anticipated controversial oral evidence makes her continuing as Commissioner totally inappropriate.

For the sake of public confidence in An Garda Síochána, recognising that public confidence is an essential requirement for gardaí to do their jobs effectively and recognising the essential work which the front-line women and men of An Garda Síochána do each day, we join in the call on the Commissioner to consider her position. In our opinion, the Commissioner would best serve the vast majority of her honest, brave, courageous and hardworking officers by standing down now. The Green Party believes that most rank and file gardaí - as well as the public - have long since lost confidence in the Garda Commissioner in the context of her ability and credibility regarding the implementation of far-reaching reforms that are needed. One such essential and urgent reform merits her replacement as Commissioner.

Deputy Catherine Murphy: It is beginning to feel a bit like Groundhog Day. It seems that not a week goes by but that there is some debate in this House about yet another element of dysfunction in the management and operation of An Garda Síochána. Tonight we will debate the findings of the Fennelly report into the circumstances which saw the previous Garda Commissioner's reign come to an end. That debate will throw up yet more evidence of a serious lack of oversight, a lack of good governance and a general malaise in the upper echelons of An Garda Síochána. There are only so many times we can continue to point to the problems without actually addressing them. The current Commissioner is clearly in an extremely compromised position by virtue of the fact that she is the subject of an active public investigation regarding her handling of whistleblowers.

I took the opportunity to read the disciplinary code of An Garda Síochána during one of the

many previous debates on the Garda issues. The code very clearly indicates that, in the context of all disciplinary matters, the buck stops with the Commissioner. She is the final arbiter when it comes to implementing disciplinary procedures and thereby setting the culture within the organisation. We now have a situation where the person with ultimate responsibility for discipline within the force is the subject of an investigation which may potentially culminate in disciplinary procedures. That is neither appropriate nor sensible.

During the catastrophic handling of the Sergeant Maurice McCabe whistleblowing scandal, the Social Democrats tabled a motion seeking the Commissioner to step aside, temporarily and without prejudice, to allow for the installation of an external expert to assume the position while the investigation into Garda Commissioner Nóirín O'Sullivan proceeded. Now, unfortunately, we feel that moment has passed and that a temporary stand-down is no longer sufficient. The consistent drip of information regarding the dysfunction within An Garda Síochána has convinced us that the only way to try to stem what appears to be a deep-rooted malaise is to effect a root-and-branch overhaul in order to change the internal culture of An Garda Síochána. The best way to change the culture of an organisation is to start at the top. If there is any shadow hanging over the most senior office in the organisation, then this will seep down. In this instance, it is unrealistic to expect those who are following orders to do so with respect for the office. This inevitably leads to bad behaviour, poor practices and, in some cases, unethical behaviour. One must lead by example and that example is, in our opinion, absent from An Garda Síochána from the top. That is the reason we have no choice but to declare no confidence in the Garda Commissioner, Nóirín O'Sullivan.

At a briefing with the Taoiseach last night - on another matter relating to the terms of reference of the Project Eagle inquiry - one of the officials stated that over the past 20 years €500 million has been spent on tribunals and various inquiries. In recent years, some of those inquiries have been into An Garda Síochána. Another one has just started and a commission is going to be established. The money involved could be spent on equipment or personnel. As a result, there are reputational and financial costs, as well as a cost in terms of morale among officers and in confidence on the part of the public. Gardaí are often called to court to swear, for example, that summonses have been issued. The problems with the Garda are now seeping out into other areas and that will include the courts system. This is a matter of deep concern.

Earlier today, the Tánaiste and Minister for Justice and Equality said there is no money in her budget to compensate people who were wrongly convicted in respect of drink-driving. The whole thing is a total mess. Unless we do something conclusive and start doing things rather than talking about them, I do not believe that confidence in the Garda will be restored. This is why the Garda Commissioner must go.

Acting Chairman (Deputy Declan Breathnach): I invite Deputy Pearse Doherty to contribute. He is sharing time with Deputies Funchion and Ellis.

Deputy Pearse Doherty: Tá go leor fáthanna luaite ag baill de chuid Shinn Féin agus Teachtaí Dála an Fhreasúra gur chóir go n-éireodh Coimisinéir na nGardaí as a post, ach níl an Rialtas sásta é sin a dhéanamh. Mar gheall ar sin, níl againn ach an dara rogha agus an rún seo a leagadh os comhair na Dála sa dóigh is go gcuireann an Dáil brú ar an Rialtas an rud ceart a dhéanamh. There are many reasons why Nóirín O'Sullivan should leave her position as Garda Commissioner and there are many Members in the House who have outlined those reasons. I support the motion, obviously, that Sinn Féin has tabled.

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I will recall for the Minister of State, Deputy Stanton, the case of a former garda in the Donegal division, with whom I have engaged over the past number of years and who has engaged with the Garda Commissioner over that period. In May 2001, a former garda in the Donegal division met two detective inspectors from the Garda Bureau of Fraud Investigation in a hotel in County Monaghan. Accompanied by a witness, the detectives had invited the officer to meet them. During this exchange, the now retired garda disclosed to the interviewing detectives a number of very serious allegations against a former Garda superintendent, since retired, who was also stationed in Donegal. These allegations related to suspected tax evasion, social welfare fraud and persons being in possession of a fraudulent bank account into which thousands of pounds were being lodged regularly. This meeting in Monaghan lasted for over five and a half hours. As the meeting drew to a close, the detectives stated that they would be in contact again with the whistleblower shortly in order to take a written statement. However, this did not happen.

In September 2014, a solicitor acting on behalf of the whistleblower wrote to then acting Garda Commissioner, Noírin O'Sullivan, in which he divulged all of the allegations of criminal wrongdoing suspected of having been committed by the whistleblower's former colleague. The letter also expressed his client's alarm at the apparent lack of any follow-up having been carried out on the part of the investigating gardaí. A similar letter, dated 24 September 2014, was subsequently sent to the Minister for Justice and Equality, Deputy Fitzgerald, around which time the whistleblower himself contacted me to request that I bring the case to the Minister's attention, which I did. On 16 December 2015, the Minister replied to me in a letter in which she stated that inquiries were being made with the Garda Commissioner regarding the whistleblower's complaint. A further letter, issued in May 2016, declared that inquiries into the claims were ongoing. Then, last September, the whistleblower finally received the news that he had long suspected. The Garda advised him that, following an extensive search of files and records held locally and at Monaghan Garda station, no record of his complaint or of any subsequent investigation could be found. The correspondence went on to say that inquiries made with the Garda Bureau of Fraud Investigation revealed that no investigation was ever carried out by personnel in respect of the whistleblower's allegations.

The whistleblower to whom I refer is former Garda Kieran Jackson. His story leads us to one of two conclusions. First, either Kieran Jackson is lying - I have no reason to believe that he is and there are other former gardaí who will corroborate his story - and no meeting between him and the detectives ever took place. The other conclusion is that somebody in An Garda Síochána has gone out of his or her way to cover it up and to ensure that his claims never saw the light of day. If the latter conclusion is the case, then questions need to be asked as to who took the decision? Kieran Jackson informs me that a failure to follow up or investigate a criminal incident is, in itself, a crime. Questions must be asked about who took the decision to not pursue his complaint. Why has Garda Commissioner Noírin O'Sullivan - who has known about this for over two and a half years - done nothing about it?

The Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, and her Government say that they have full confidence in the Garda Commissioner. Try telling that to Garda whistleblowers across the State. Try telling that to Kieran Jackson who has had no response from the Commissioner in respect of the allegations he brought forward many years ago, and again in 2014, to the Garda Commissioner and to the Minister, with absolutely no action whatsoever taken. We hear time and again, however, that the Tánaiste and the Commissioner embrace whistleblowers. The results are clear. There is only one course of action left for the Govern-

ment, namely, to express no confidence in the Commissioner.

Deputy Kathleen Funchion: I am sharing time with Deputy Ellis. It is clear that public confidence in An Garda Síochána will be further eroded by Nóirín O'Sullivan remaining as Garda Commissioner. Her position has become untenable. The Government should now use the power provided to it under the Garda Síochána Act 2005 to remove her from office.

Commissioner O'Sullivan claimed that a collective failure caused the controversy and has apologised for the grave mistakes and wrongdoing which have taken place and which have seen almost 1 million drink driving tests falsified and almost 15,000 people wrongly convicted for road traffic offences. Addressing gardaí at the AGSI annual conference in Killarney yesterday evening, the Commissioner said that somebody somewhere either did not count the figures right or put the wrong figures into the machines. It is quite embarrassing for that to be the answer from somebody at the Commissioner's level, given the absolute fiasco that we are seeing. It is embarrassing for the Commissioner. Gardaí have also openly challenged the Commissioner, accusing her of frequently pointing downwards, with the effect that the blame culture deepens within the force. There is an obvious lack of confidence not only among the public but, critically, within the Commissioner's own ranks.

People are entitled to a proper standard of policing and accountability should form the foundation of that service. Sinn Féin is calling on the Government to remove the Garda Commissioner as it is clearly in the best interests of An Garda Síochána and the future of policing and justice in this State. The falsification of the breathalyser figures, wrongful prosecutions and allegations of financial impropriety in the Garda College at Templemore do little to promote public confidence in the force. Confidence must be the basis of any relationship between the Government and the Commissioner of An Garda Síochána. Root-and-branch recovery can only come from the top down. The culture at senior level needs to change if we are to see genuine reform throughout the Garda. The Commissioner has proven, particularly over the last weeks, that her position is completely untenable. We need an open and transparent policing service that is accountable for its actions. The Government needs to end the charade, remove Commissioner O'Sullivan and replace her immediately with a representative who is fit for purpose and who the gardaí themselves and the public can be confident will make the changes needed.

Deputy Dessie Ellis: Sinn Féin is bringing this Private Members' business to the House tonight in the best interests of the State. It proposes that the removal from office of Commissioner O'Sullivan would also be in the best interests of An Garda Síochána. As a society, we need a policing service that prosecutes the law without fear or favour. Everyone the length and breadth of the country is entitled to a force that serves them fairly. As a society, we need a Garda force that is accountable, representative of the community and held to the highest professional and ethical standards.

There have been a number of reports into Garda misconduct over the last years and each report has eroded public confidence in the gardaí and Garda management. The recent Garda errors, which led to the wrongful conviction of 14,700 people for motoring offences and to 937,000 breath tests being wrongly recorded on the PULSE system, are just another case of mind-blowing corruption or sheer incompetence. While 14,700 people were wrongly convicted, that may be only the tip of the iceberg. It has also been our experience that calls made to local Garda stations are not registered on the PULSE system, hence we are not seeing a true picture of what happens based on actual reporting of crime.

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Members should think about the fact that 937,000 breath tests were wrongly recorded. No one seriously thinks that Garda management was running around the country blowing into breathalysers to inflate figures but someone was, and it highlights the major problems that must be ingrained in the Garda system. To find out what happened, the investigation process must start at the top. That is where the consequences must also first be felt, before dealing with the issues further down the ranks.

This motion aims to start a process that will make senior Garda management responsible for the actions of the force. It seeks to meet the need to hold the police and criminal justice systems to account on the basis of fairness, impartiality and objectivity. We are not going to change how we do policing in Ireland until we change the system. This is the crisis point; any hesitation from the Government at this stage in dealing with these major issues will only further erode public confidence in An Garda Síochána. It is now the case that the Garda Commissioner does not enjoy the confidence of the Dáil. More importantly, she does not enjoy public confidence and therefore has no choice but to show a strong lead in accountability and go.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): The Government of course acknowledges and shares many of the concerns expressed tonight. However, in its counter-motion, the Government has set out a comprehensive approach to addressing many of these concerns. The Government is fully cognisant of the seriousness of the issues that have arisen recently in respect of the enforcement of road traffic legislation. If not dealt with fully, those issues, together with the troubling findings of the report of the Fennelly commission, have the real potential to undermine the traditional strong public trust that An Garda Síochána has enjoyed since the foundation of the State. Trust in policing is a cornerstone of any democracy and, once broken, is difficult to restore. The Government is determined that this will not happen and is committed to continuing the major programme of reform under way in respect of the oversight of An Garda Síochána and within An Garda Síochána itself.

There is frequent commentary by Members of this House and others to the effect that little or nothing is being done to reform policing in Ireland. That is simply not the case. During the lifetime of the last Government, the independent Policing Authority was established to oversee the performance of An Garda Síochána with the goal of depoliticising policing. The powers of the Garda Síochána Ombudsman Commission and the Garda Inspectorate were also strengthened. Protections were introduced for whistleblowers. I could go on. The fact is that we are in a much stronger position in terms of oversight than at any time in the past.

Inevitably, strengthening oversight leads to stones being turned over and wrongdoings being revealed. We in politics need to be mature enough not to demand a head at every revelation. We need to have patience and allow the bodies that we have established to get on with their work and we need to support them in that. The Policing Authority made its first appointment to the senior ranks of An Garda Síochána last month. This followed a successful competition, open to those at inspector level and above in An Garda Síochána and the Police Service of Northern Ireland. This is a potent symbol of the authority's reforming power.

I am strongly of the view that in the short period since it was established, the authority has demonstrated that it has the capacity and determination to oversee the performance of An Garda Síochána, including through its public meetings with the Commissioner and senior management. Most importantly, in addition to overseeing the general performance of An Garda Síochána, it is overseeing the reform programme under way within the organisation and, specifically at the Tánaiste's request, the implementation of the agreed recommendations of the

inspectorate's report, *Changing Policing in Ireland*. That report covers the full gamut of organisational matters including governance, structures, deployment of resources, ICT systems, human resources management and culture and financial management. Its implementation will address many of the problems within An Garda Síochána.

An Garda Síochána cannot be, and is not, a passive spectator in all this. It published a *Modernisation and Renewal Programme 2016-2021* last year to chart the way forward to a modern, professional police service that is trusted by the public and provides an effective service to all communities throughout the country. Approximately 130 reform initiatives are encompassed in that programme, which reflect the themes of the inspectorate's report. The programme is well under way and is backed by a major investment programme in terms of both personnel and capital, including in ICT, the fleet and other facilities.

In respect of personnel, I draw Members' attention to a significant reform, namely, the twin commitments on the part of the Government to reach 15,000 sworn officers by 2021 alongside a target of 20% civilian staff over the same period. The figure of 20% civilian staff equates to 4,000 civilians, a doubling of the current number. Implementation of this reforming measure will facilitate not only the filling of critical capacity and skills gaps in An Garda Síochána with suitably qualified civilians, but also the redeployment of significant numbers of gardaí from administrative and technical posts to front-line policing duties. The appointment of three senior civilians to take responsibility for the functions of legal and compliance, strategy and transformation, and chief information officer are part of this initiative to bring in outside expertise. Other important reform initiatives that have been completed include the establishment of victim support offices throughout the country, upgrades to PULSE to improve victim services and incident management, and enhancements to the management of property and exhibits.

As I have said, the Policing Authority is overseeing the reform programme. It is without doubt conscious of the priority of this area of work and has established a dedicated committee to ensure that it receives focused attention. At the Tánaiste's request, the authority is to report to her regularly on progress on the reform agenda. The Tánaiste has undertaken to publish those reports.

We all want to see change and I understand that there is a sense of frustration at the pace of change. However, I am keen to caution against expecting resolution of myriad issues overnight. Real change takes time. It involves changes in behaviour on the part of everyone in an organisation. It is not achieved by issuing circulars. In the Policing Authority we now have an independent body with the capacity to oversee reform. The Government is fully committed to supporting the authority in carrying out its functions. It has made clear that further resources will be made available to support the authority in its task, if required.

The Government has also moved to strengthen the powers of the other bodies that make up the oversight regime, namely, the Garda Inspectorate and the Garda Síochána Ombudsman Commission. The House will be aware that the Government recently approved the preparation of legislation to enable GSOC to carry out its functions more effectively and efficiently as well as continue to ensure proper accountability of An Garda Síochána in providing a service to the public. The Garda Inspectorate has invaluable expertise in policing. Its reports are the basis for the reform programme under way in An Garda Síochána.

Reflecting concerns raised relating to the culture and lack of diversity within An Garda Síochána as well as the need for new thinking, the Tánaiste has tasked the inspectorate with

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a review of entry routes into An Garda Síochána. The review will be completed this year. It is examining entry routes for police officers from other police services at Garda rank as well as opening up appointment opportunities at the middle and higher ranks to persons outside An Garda Síochána, including persons who are not police professionals but who may have other management experience that would be beneficial to the organisation.

Much has been done and much more is under way. Notwithstanding this I believe it is now time for a fundamental review of policing in the State. I emphasise the term “policing” as distinct from An Garda Síochána.

There have been many reports into An Garda Síochána. Some arose from inquiries into allegations of misconduct while others arose from reviews into aspects of the operation and administration of the organisation. While these have made and continue to make an invaluable contribution to ensuring we have an effective police service, none was tasked with examining policing in a root-and-branch manner.

Institutional arrangements for governance and oversight have evolved significantly in recent years in a piecemeal fashion. An Garda Síochána is approaching its 100th anniversary. Its members have served with dedication and courage over the decades. Sadly, some have made the ultimate sacrifice. In any event, Ireland is significantly different today from the country it was at the time of the foundation of the State. It is facing challenges rooted in the rapidly changing nature of society and of crime. I believe it is right that we take a step back in these circumstances and ask some fundamental questions about how our State should be policed in future as well as what structures are appropriate. Is a single police and security service still the best model? To whom should it be accountable? What sort of culture should it embody?

I believe the decision taken by Government yesterday to establish an independent commission on the future of policing will prove to be an important move capable of leaving a valuable legacy. It will allow a mix of Irish and international people of immense expertise and experience to bring their judgment to bear on one of the most important institutions we have. The Tánaiste published the draft terms of reference yesterday and intends engaging with other parties on their views before bringing the document back to Government for approval.

The future of policing concerns all of us. I urge all parties to take this opportunity to bring their collective wisdom to bear on this consultation progress. Against this background, I commend the Government amendment to the House.

Acting Chairman (Deputy Declan Breathnach): Deputy Jonathan O’Brien will conclude the debate. I believe you are sharing with Deputy Mary Lou McDonald.

Deputy Jonathan O’Brien: No, I am sharing with Deputy Pat Buckley. Deputy Buckley will go first.

Deputy Pat Buckley: The frequency of serious scandals coming from the Garda in recent years is truly shocking for many people throughout the State. While historically working class communities have been aware of the potential for some gardaí to abuse power, cut corners or misuse their positions, for many in middle Ireland this has been a grave surprise. The Garda top brass have proven themselves utterly incapable of addressing the concerns of the public in the context of these scandals. In fact, they have not really even tried. Their main interest has been to defend, shift blame and control the damage. When the then Commissioner, Mr. Callinan, spoke of his disgust at whistleblowers, he was really expressing a disgust for the idea that the

Garda could be questioned by anyone. However, holding the Garda to account and ensuring the law is administered justly is precisely the job we are here to do.

Members of the Garda have a difficult and important job to do. Their efforts have not been served by the response of the Commissioner or the Government to date, as evidenced by the litany of scandals. Unfortunately, the attitude of Callinan was not unique. In fact, it is quite common at this level of the Garda. It seems the Commissioner, Ms O'Sullivan, has carried it on, aided and abetted by a Fine Gael Government that has been found to be in increasing confusion over how to deal with each crisis.

Our motion tonight is clear. The response of the Commissioner to serious questions about the scandal has been confusing, misleading and contradictory. The Government and the Commissioner have failed to take responsibility, calling it a collective failure. This failure has led to almost 15,000 people being wrongly convicted on road traffic offences.

The Government has announced a commission on the future of policing. This is something Sinn Féin has been promoting for some time and we welcome the move, but there is need for urgent action to attempt to restore some confidence in the Garda. Root-and-branch reform must be undertaken and it must start from the top down. The Commissioner, Ms O'Sullivan, must be asked by the Government, in line with its powers under the Garda Síochána Act 2005, to step aside in order for a clean sweep to be effected. If this step is not taken, then the goals of reform, restoration of public confidence and ensuring a functioning police service are already set at an unlikely if not impossible outcome.

I note the decision of Fianna Fáil to join Fine Gael in circling the wagons and protecting the top brass of the State rather than support our motion in the interests of real reform and accountability. The rank hypocrisy of the Government in claiming that the motion is out of order is clear for anyone who remembers the method by which the Taoiseach dispatched a servant to give the former Commissioner, Mr. Callinan, his marching orders. The motion seeks to provide a united voice from the Dáil that the current Commissioner does not have our confidence.

The response of the Government is not determined by this motion. The Government has a record of ignoring motions passed in this House anyway. Whether this Government, Fine Gael or Fianna Fáil accept it, the Commissioner has significant questions to answer and does not have the confidence of the people. The Commissioner does not have the confidence of a significant section of this Dáil. Circling the wagons will not change that fact. It simply highlights the emptiness of the so-called ambitions of the Government for real Garda reform.

Deputy Jonathan O'Brien: I thank everyone who has contributed to the debate, those who have expressed their support for the motion as well as those who have outlined their opposition. Everyone can agree that debate is healthy. One of our functions in the Chamber is to debate issues.

I take exception to some of the comments made by Deputy O'Callaghan. He criticises the fact we brought forward this motion. I take exception to the fact that he is trying to misrepresent what we are proposing. Nowhere in this motion are we mandating, directing, instructing or ordering the Government to carry out the wishes contained in the motion. It is beholden on all of us to look at what is being proposed and to be honest in that regard. What is being proposed is that the Chamber should consider that the removal from office of the Commissioner, Ms O'Sullivan, would be in the best interests of An Garda Síochána.

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I have listened to all the political parties that have contributed to the debate. It is clear that Sinn Féin, Fianna Fáil, Independents 4 Change, the Social Democrats, Solidarity-People Before Profit, the Labour Party, the Green Party and even some of the members of the Rural Independent Group have all expressed either no confidence in the Garda Commissioner or have stated that they cannot express confidence in the Garda Commissioner. These groups represent the majority of Members. Whether the motion is passed, we cannot get away from that reality. The majority of Members do not support or cannot express confidence in the Garda Commissioner. The Government needs to take that into account. I appeal to Fianna Fáil to put aside party politics and consider the motion. It calls for the removal from office of the Commissioner, Ms O'Sullivan, in the best interests of An Garda Síochána. By supporting this motion, Fianna Fáil is not breaking any laws or asking the Government to act beyond its remit.

Fianna Fáil would just be saying what it has said outside of this Chamber, namely, that it considers that Nóirín O'Sullivan cannot have its confidence. That is all Fianna Fáil would be doing. I do not understand why we cannot do that. People talk about Members acting collectively. If the vast majority of this Chamber has that opinion, then let us come together. Let us send a clear signal and message, not only to Nóirín O'Sullivan, but to any members within An Garda Síochána who think they can act with impunity, arrogance or throw the hands up and say it is nothing to do with them and they were not aware of the problems. That is not good enough.

I will tell the House how this will be spun tomorrow if this vote is not passed. I can guarantee that Commissioner O'Sullivan will be out saying she has the support of the vast majority of Members of the Oireachtas to continue in her position because they did not express their lack of confidence in her or call on Government to remove her. She would take that as a tacit signal of confidence and support from this Chamber when that would be the wrong analysis. I ask people to put aside their differences and come together to look at exactly what is being proposed in the motion. If we are all serious, and I believe we are, that we want what is best for An Garda Síochána as an institution, then we have to put aside our differences and express that confidence not outside the doors of this Chamber but within this Chamber. There is no reason why we cannot do that.

Regardless of whether this motion passes, Nóirín O'Sullivan as the current Garda Commissioner needs to recognise that, following this debate tonight, there is a clear message from the vast majority of Deputies elected to this Chamber that she does not have our support and that we cannot express our support in her. She should consider that. I know that she will consider it and ignore it like she has ignored everything else that has been put to her. She will not answer questions. However, that is the only way that we can get on with a process of reform that is badly needed in An Garda Síochána, which we all support.

I was disappointed in the Tánaiste's own remarks when she said in her statement that Sinn Féin is not articulating a vision for the future of policing in Ireland. She also quoted the very policy document that we published yesterday articulating that vision. The Tánaiste knows that my own record in contributions at committee and in discussions with her around the future commission does articulate a vision, which we all believe is badly needed. Let us take the politics out of it. Let us say what we are saying outside the doors of this Chamber clearly in the House and send a message to Nóirín O'Sullivan and any other member of An Garda Síochána who think that they can get away with what is happening currently. We must send a message that it is not acceptable, that they will be held to account and that the Government will stand up and respect the wishes of both the public and the vast majority of Deputies within the House and will remove Nóirín O'Sullivan from her position.

Amendment put.

Acting Chairman (Deputy Declan Breathnach): In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 13 April 2017.

Report of the Fennelly Commission: Statements

The Taoiseach: I welcome the opportunity to discuss the final report of the Fennelly commission in the House today. I received the final report of the Fennelly commission on Friday, 31 March. In accordance with the Commissions of Investigation Act, I arranged for its publication as soon as possible, after consulting the Office of the Attorney General on Thursday, 6 April.

I want to put on the record of the House my own thanks and the thanks of the Government to Mr. Justice Nial Fennelly, the sole member of the commission, for his comprehensive, detailed and very clear report. Mr. Justice Fennelly is an eminent retired judge of the Supreme Court. We are fortunate that a man of such high calibre and judicial experience was available to lead the investigation.

The Fennelly commission was established by the Government in April 2014 following approval of a draft order by both Houses of the Oireachtas. The establishment of the commission reflected a concern about information which came into the public domain at that time concerning the recording of telephone calls to Garda stations. All sides of this House agreed that this was a matter of significant public concern. The commission completed its interim report with regard to paragraphs 1(n) and 1(o) of its terms of reference on 31 August 2015. The findings were extensively debated here in the Dáil in September 2015. With regard to allegations made against me yesterday in this House, I reiterate that the interim report was very clear in its findings. The commission found that I had no intention of forcing the resignation of the former Garda Commissioner and the commission also found that the former Garda Commissioner himself had decided to retire.

7 o'clock The commission's final report into very extensive telephone calls made to Garda stations finds that it is "reasonable to conclude, based on the evidence before it, that no widespread or systematic, indeed probably no significant, misuse of information derived from non-999 recordings took place". The commission also found no evidence of knowledge of the recording of non-999 telephone calls on the part of relevant Ministers for Justice and Equality, the Department of Justice and Equality or other State agencies. However, the report makes many findings of great concern to the Government and, I am sure, to the House.

The commission finds that recording and retaining non-999 calls was not authorised by common law or by statute and that An Garda Síochána therefore infringed the constitutional rights of those recorded. This was a very serious finding about the police force charged with protecting citizens of this State. On its own, I believe this finding justifies the establishment of the commission in 2014. It is also clear that the Attorney General acted correctly as legal adviser to the Government in 2014. When she became aware of these very serious matters about the unlawful recording of telephone calls to Garda stations, she acted appropriately and properly in bringing them to my attention as Taoiseach.

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The commission also makes damning findings about the lack of effective oversight and procedures within An Garda Síochána over a lengthy period, and the failure to respond when some technicians and officers raised concerns and questions. For example, the commission finds that “the lack of understanding at higher levels [concerning the operation and use of non-999 recording systems] does not excuse the fact that no formal policy or Directive was issued from Garda HQ covering such essential matters”. This echoes structural and cultural problems which have been identified in other scandals in recent years. The commission also makes very disturbing findings about the content of certain telephone recordings relating to the investigation of the death of Ms Sophie Toscan du Plantier.

The Fennelly commission also makes a number of recommendations with regard to legislation to regulate the recording of phone calls by An Garda Síochána, the technology used to record and retain calls, the need for robust procedures for monitoring the use of any telephone recording system operated by the organisation and the destruction of all unlawfully recorded information derived from the Garda telephone recording system. Taken together, the findings of the Fennelly commission reinforce the Government’s determination to carry out a fundamental review of the future of policing in Ireland.

Yesterday, the Government approved draft terms of reference for a commission on the future of policing in Ireland. The Tánaiste is consulting with all parties in the House before these are finalised. This review will look at all functions carried out by An Garda Síochána, including community safety, state security and immigration. It will also consider the full range of bodies that provide oversight and accountability for policing in Ireland. It will take account of the changing nature of crime, society and public expectations; best practices in other countries; previous reports concerning policing in Ireland; and any specific challenges to delivering consistent reform in policing.

Importantly, the Government has explicitly stated that this review should not impede ongoing reforms. The Garda Commissioner’s modernisation and renewal programme seeks to implement many of the recommendations of recent Garda Inspectorate reports. The Policing Authority is now preparing quarterly progress reports on the implementation of this plan, and these will be published by the Tánaiste. The Policing Authority will be given additional resources if required.

Other work which will continue in parallel includes the following: strengthening of senior management in An Garda Síochána, starting with three new senior level civilian appointments; examination by the Garda Inspectorate of how to open up entry routes into An Garda Síochána; a cultural audit of An Garda Síochána, which is being procured at present and the results of which audit will be published; the selection and appointment of senior members of An Garda Síochána being undertaken completely independently by the Policing Authority, and the first assistant commissioner was appointed through this process last month; and a review of the legislative provisions relating to how complaints are made and dealt with by GSOC, which is under way.

In addition to this comprehensive reform agenda, the Government has also agreed that the Tánaiste will do the following: refer the Fennelly report to the Policing Authority to oversee implementation of its recommendations in the context of its oversight of An Garda Síochána; examine the need for legislation in regard to the recording of calls and related matters, on foot of the recommendations of the Fennelly commission; and refer matters in the report relating to the Bailey case to GSOC to consider whether it believes any further investigation is necessary

against the background of the investigation it has been carrying out already into the case.

The Fennelly report and other recent controversies have shown that An Garda Síochána is not in a position to meet the challenges of policing Ireland in the 21st century. The Government believes we need a fundamental review of the overall structure of An Garda Síochána and all aspects of its mandate. It is also essential that the reform processes already put in train by this and the previous Government are sustained. The position of the Government in regard to confidence in the Garda Commissioner remains unchanged. It is inappropriate and unhelpful to the reform process to seek to interfere politically with the statutory process of accountability which already exists through the Policing Authority.

I also acknowledge that An Garda Síochána comprises ordinary men and women who go to work on the front line every day with the best of intentions to serve and uphold the law. They are committed to providing the best public service they can, often in challenging and testing circumstances where they have to put themselves in danger. Of course, this does not mean that An Garda Síochána should be immune to criticism or censure. It makes it all the more important that its work is done correctly and appropriately to the highest standards. The Government and I look forward to continuing to work with the members of this House so the people can have the modern, efficient and effective police service they deserve.

Deputy Jim O’Callaghan: The Fennelly report and the recording of non-999 phone calls in Garda stations provides a good example of how we in this country create, maintain and respond to a crisis. To take the issue of the non-999 phone calls first, a practice develops in Ireland to record phone calls in Garda stations and no one gives any consideration to whether it is lawful or not. Second, the practice continues for a long period, and even though its unlawful status is noticed by people in authority, nothing is done about it and no one takes responsibility in respect of it. Third, this is not a devious conspiracy caused by abuse of public office but, like most things in Ireland, a mistake that is created through inadvertence, misunderstanding, fecklessness, careless and other such characteristics. Fourth, when it comes to the attention of a person in a position of authority in government, they do not notice its significance in the first place. Fifth, when they do belatedly become aware of it, the Government responds to it in an alarmist and excessive way and overreacts to the problem. Sixth, when Governments are in panic and in crisis, what do they do? They go off and look for a judge to sort out the mess. Seventh, the judge comes in and clears up the mess. The eighth and final phase is the one we are in at present, where people thank the judge for having sorted out the mess that was in the political system in the first place.

Since I am in the eighth phase, I will play my role by thanking Mr. Justice Fennelly for the very detailed and comprehensive report his commission of investigation has prepared. It is a further example of how members of the Judiciary in this country play a valuable and important role in sorting out problems created in many instances by other arms of the State. It is sometimes not mentioned enough that the judicial arm of government in this country is one of the successes we have had since Independence. I may return to this point later.

It is noteworthy that it was on 25 March 2014 that the Government announced this commission of investigation was being set up to examine the recording of phone calls in Garda stations. When I went back to look at the debate from 26 March 2014, I was particularly interested to see the contribution of Deputy Shane Ross, who was Deputy for Dublin South in the previous Dáil, although he has not been seen much since then. This is what Deputy Ross said in response to the Government announcement that it was setting up a commission of investigation:

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It defies credibility. Two days ago, there was a Cabinet crisis of a fairly hefty dimension and, suddenly, to the rescue comes this bombshell of news about the system containing tapes which nobody knew about before. That was no coincidence. It is quite obvious that several persons were sitting on this ready to release it at an opportune time ... It came to the rescue and it also served the Minister's, and, indeed, the Government's, purpose well in that it accelerated the resignation of the former Commissioner ... There is no doubt about that.

I hope that, in due course, the Taoiseach, when he locates the Minister, Deputy Ross, will ask him whether he still maintains those views. He should ask him whether he still maintains this was no coincidence, but rather that it was an elaborate scheme to deflect attention from what happened to the former Commissioner.

There are a number of noteworthy points that we can identify from Mr. Justice Fennelly's report and I want to point them out. We know that between 1980 and 2013, non-999 calls to and from Garda stations were recorded. We know that this recording was unlawful in that it did not have a statutory basis, nor was it lawful under common law, and it was also in breach of the constitutional right to privacy. We know that the commission found no evidence of widespread abuse of the system and that the recording was caused by confusion, ignorance and misinformation. We know that the commission heard evidence from five former Commissioners and the current Commissioner and none of them was aware of the systematic recording of non-999 calls. In particular, none knew that the main station number at divisional stations outside the Dublin metropolitan area had been recorded as a matter of routine since 1995. We know that the commission has concluded that the recordings did not constitute an offence under section 98 of the Postal and Telecommunication Services Act 1983 because they did not take place in the course of transmission.

We know that, in November 2013, the Office of the Attorney General was informed of these recordings. We know that, in November 2013, when the then Garda Commissioner was informed of these recordings, he directed that they cease immediately. We know that, on 10 March 2014, the Commissioner wrote to the Secretary General of the Department of Justice and Equality providing full detail on the issue. The letter was not brought to the attention of the then Minister. We know this letter was also not brought to the attention of the Attorney General but she was given a copy of the letter of 19 March 2014 that had been written by the Garda Commissioner to the Data Protection Commissioner. We know that, on the evening of Sunday, 23 March 2014, the Attorney General briefed the Taoiseach and the Secretary General to the Government. The report of Mr. Justice Fennelly states at paragraph 1.2.30: "It is inescapable that the Attorney General presented an alarming picture to the meeting, to such an extent that the Taoiseach was, as he says himself, shocked." We know it was decided on the following day, 24 March 2014, that a commission of investigation would be established to look into the telephone recording issue. We know Mr. Justice Fennelly in his report notes that the Attorney General told the commission that the Taoiseach was very seriously concerned and immediately indicated that, in his view, given the gravity of the matter and the public importance of trust being restored and maintained in the Garda, a commission of investigation was warranted and that nothing less would be acceptable to allaying every public disquiet and anxiety.

I want to pause there and say it is extraordinary that the one person who actually did something about this, the Commissioner who stopped the recordings, is the one person in all the *dramatis personae* who lost his job. It is also surprising that there was no discussion between the Office of the Attorney General and the Minister for Justice and Equality in November 2013, when the Office of the Attorney General became aware of these recordings. What it reveals, I

regret to say, is the serious lack of communication that then existed at the top of Government and which led to this unnecessary crisis.

I said at the outset that there are eight stages to how we create, maintain and respond to a crisis in Ireland. Let us look to see how this should have been dealt with when it was discovered that the calls were unlawful. Had the issue been considered, discussed and deliberated upon in a considered and careful manner, then there would have been discussions between representatives of An Garda Síochána and officials from the Office of the Attorney General, who would have discussed it with the Minister for Justice and Equality or officials from his Department. The Department of the Taoiseach would have been brought into the matter only when a resolution had been reached. That is how this potentially serious issue should have been dealt with at the time. Instead, there was an overreaction. In fairness to the Taoiseach, his reaction was based on advice given to him. The overreaction was that the Taoiseach believed the prisons were going to be emptied, that criminals were going to walk free and that decisions of tribunals would be overturned. There may have been validity to some of the concerns at the time but it is clear that the concern itself was significantly overestimated.

One aspect of this is worth pointing out. The Taoiseach may legitimately say, or he is saying, we should not have had a commission of investigation. In my opinion, it was right that we had a commission of investigation. There were serious allegations put into the public domain. The allegation was that members of An Garda Síochána were involved in an abuse of public office and some pernicious conspiracy to undermine the rights of individuals before the courts and while they were being considered before trial.

It is clearly in the public interest for wrongdoing to be disclosed. Similarly, however, when there is no wrongdoing, it is equally in the public interest for that absence of wrongdoing to be disclosed. We know from the report that the activity was unlawful. It arose, however, as a result of inadvertent mistakes and misunderstandings. We now need to implement the recommendations of the report, as identified by Mr. Justice Fennelly. We need to put in place a legislative framework to make lawful the recordings of conversations in Garda stations. There is a public benefit in having telephone calls to Garda stations recorded. It is in the interest of the public and An Garda Síochána. We also need to examine the offence of interception under the 1983 Act to determine how we can make it more effective.

I thank Mr. Justice Fennelly. The work done is an important illustration of the important role the Judiciary plays. I acknowledge the Taoiseach is going to introduce some legislation in respect of reforming the Judiciary. I ask him to be careful before he hands over control of that reform to his Minister for transport, judicial reform and local Garda stations.

Deputy Martin Kenny: I too welcome the report and express our gratitude to Mr. Justice Fennelly for the work he is doing. When part one of the Fennelly report was published in 2015, we in Sinn Féin said the Taoiseach's spin on it was not credible. We believed it was clear at the time that sending the Secretary General of the Department of Justice and Equality, Mr. Brian Purcell, to the home of the Garda Commissioner, Mr. Martin Callinan, had the obvious effect of conveying to Commissioner Callinan that he should resign. The Taoiseach's spin at that time on the findings of the report, which contained evidence of serious and multiple Government failures, was simply not credible. In response to all that at the time, Fine Gael and its partners in government focused entirely on political damage control instead of attempting to address the root cause of the problem in An Garda Síochána. We in Sinn Féin tabled a motion of no confidence in the Taoiseach and the Attorney General following the Fennelly commission pub-

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lication. We did not do this lightly. The Taoiseach and his Government failed to take responsibility for their actions in the whole affair, and the Attorney General changed her testimony to the Commission, which in itself was a shocking indictment. Since then, we have watched as the current Garda Commissioner, Ms Nóirín O'Sullivan, became the subject of a tribunal of inquiry. She remains backed by this Government because the potential consequences of not doing so might trigger a general election.

The latest Fennelly report extensively criticises the Garda Commissioner and some of her colleagues due to her failure to respond properly to the recording of non-999 calls in Garda stations. News of this emerged first in 2013 but the report is clear that the Holness trial in 2011 should have flagged the issue to senior gardaí. In that case, the presiding court judge ruled that recording all incoming and outgoing calls in the station was a breach of the law. While the ruling, and the clear statement that the calls in that case were obtained unlawfully, was conveyed to Garda headquarters in reports from various senior members, nothing at all happened. We know that Mr. Martin Callinan was informed of the ruling but was never told that the recordings in question were of non-999 calls, which means he either believed 999 calls were no longer allowed to be recorded or that most senior gardaí in the country simply never thought to ask. He did stop for long enough to write a note to Ms Nóirín O'Sullivan, the then Deputy Commissioner, to ask the legal implications of the ruling but the person who was to replace Mr. Callinan as Commissioner never replied. If she did, the reply was never made public or given to Mr. Justice Fennelly. The information eventually made its way to the crime policy unit of the Garda, and the people whose job it was to come back to the Commissioner on it did not do so.

For nothing to happen following systemic incompetence of that level is astounding. Even when GSOC flagged that this was something to be addressed, nothing at all happened. It was not until 2013, when the Ian Bailey tapes were discovered, that more general inquiries were instituted by Nóirín O'Sullivan, which led to the story breaking of a more general recording system that involved the mass illegal recording of phone calls in and out of Garda stations, including those between citizens and their solicitors. It was Ms Máire Whelan's outlining of the potential ramifications of this for trials that led to Mr. Martin Callinan's retirement.

The second Fennelly report is clear that the illegal mass recording is not due to a deliberate abuse of power but is, rather, the result of ignorance among management. Importantly, however, abuse of the system is not ruled out in the report. The system was abused. That nobody has taken responsibility for this beggars belief. That the Taoiseach, who made decisions, has not taken responsibility is shocking but not surprising. While the second Fennelly report does not contain the extent of criticism of the Taoiseach or the Attorney General, as the first Fennelly report did, it does conclude that, had further explanations been sought around the recordings, events in reference to the resignation of Mr. Callinan would undoubtedly have been different.

This week we have a debate on a motion in which we ask the Government to use its power under the Garda Síochána Act 2005 to remove Garda Commissioner Nóirín O'Sullivan from her post while she is subject to the investigation of a tribunal. The Government rode roughshod over this process, over the legislative provision, when it suited it to give Mr. Callinan the boot. It suited it because it was politically expedient for it to get rid of Mr. Callinan at that point and then to accept the resignation of Mr. Alan Shatter. Meanwhile, the Taoiseach and Attorney General are still in their posts. Of course, they are not the only people affected by the outcome of the Fennelly investigation. In this report, we also see how the gardaí investigating the murder of Sophie Toscan du Plantier were prepared to look at altering, modifying or suppressing evidence that might speak in favour of Mr. Ian Bailey. We acknowledge that while the report

states no evidence was actually tampered with, it still found evidence that gardaí were willing to allow or encourage false allegations to be made. Members of the public will hear this and quite legitimately wonder where else, and in what other cases, was there a garda willing to alter evidence to secure a desired prosecution.

There are decent gardaí trying to get on with their work on the ground, but the system itself is completely dysfunctional. We know that, in regard to the illegally recorded telephone calls, there is no allegation of systemic abuse of power, but we do know that in one call investigated a garda is recorded as threatening a member of the public with a false accusation of assault against a child. What would happen in that case?

The truth is that, in all these circumstances, there is a huge problem. The problem is at the very core. In the Taoiseach's speech, he said the commission makes damning findings about the lack of evidence, oversight and procedures within An Garda Síochána over a lengthy period. Commissioner Nóirín O'Sullivan has been at the very head of An Garda Síochána for a lengthy period. The truth is those at the very top who are being protected by the Government are the ones who are the problem and the Taoiseach and the Government need to deal effectively with that problem. Having more reports and more situations where we have various inquiries, tribunals and commissions will never get the solution that the people need. What the people need is to restore trust in the Garda Síochána. The ordinary citizens of the State have lost trust and, when they have lost trust, the Government has lost the confidence of the people. The only way to restore that is to remove Nóirín O'Sullivan, to have a clean out of those at the very top and, indeed, around the country. There are many individuals within An Garda Síochána whose contribution to policing seriously needs to be looked at to determine whether it has been a positive one. The Taoiseach will be aware of that.

Fennelly is another example in all of this. Fennelly finds that the senior officers in An Garda Síochána did not know that this was going on yet all of them came up through the ranks. They all were inspectors, superintendents and chief superintendents in the various districts around the country and their role in all of those positions over the past 20 years would have been to monitor and be aware of the data and communications in all of those district stations around the country. The reality is they knew all about it. Unless Ministers open their eyes and sort out this problem, we will be in a desperate situation. We already are in a desperate situation because the people have lost trust. The only way to restore that trust is to deal with the situation.

Fennelly did a particular piece of work. That work is only a small part of the jigsaw. It is time to act to clean out the rubbish that is there and to put a proper policing policy in place so the people can have confidence again.

Deputy Jan O'Sullivan: There is a Groundhog Day aspect to this Dáil week. Two Private Members' motions about gardaí and their Commissioner, and then this report from Mr. Justice Fennelly. What connects this report with the other events is the consistent level of official Garda ignorance about what seems to have been happening right under their noses. We discussed yesterday how over 145,000 District Court summonses for road traffic fixed charge offences were wrongly issued at the behest of the Garda, how 14,700 of those cases resulted in convictions and penalties wrongfully imposed, and how each of these cases must now be brought back to court to have its verdict reversed. Then there was simultaneous news that the Garda Síochána was withdrawing its breath test data because it was irreconcilable with data from the Medical Bureau of Road Safety. The scale of that discrepancy is breath-taking. The Garda claimed almost twice as many tests as its members could ever have carried out. How or

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why did this happen? The official line is a vague one: that there is no one single reason. When asked if gardaí had been making up the figures, Assistant Commissioner Michael Finn said, “I don’t know. Certainly they weren’t recording them correctly.” The Garda Commissioner has acknowledged that it “may well be” the case that gardaí deliberately entered false information on to the PULSE system. They have been examining the issue for some time now and they seem to be no clearer or closer to a credible explanation. That is really hard for anyone to understand. More worryingly, a further review of the classification of incidents by gardaí, including domestic violence incidents, is now under way. Apparently, the AGSI, at its conference, is as baffled as the rest of us. Now this report, and a judge who is baffled as well.

My party believes this state of affairs highlights the chronically dysfunctional state of Garda management. According to the narrative of events accepted by Mr. Justice Fennelly, telecommunications equipment was wrongfully deployed in Garda stations throughout the State simply and solely due to a misunderstanding of the technical jargon by a single chief superintendent back in 1996. There was no policy or rationale for the illegal use of the system. In fact, there was never any policy at all. Furthermore, no one at senior level in the following decades knew that the system was in place, what it was for and how it was being used, even though they negotiated funding and procurement to have it upgraded twice.

Nobody, least of all Garda management, knows what the system was all about and why it was replaced twice. In fact, the report publishes figures showing that news of the system and its use had reached almost 32% of current members of Garda rank and most current and former divisional chief superintendents but just one of 14 former regional assistant commissioners and exactly 0% of the commissioners and deputy commissioners.

I referred earlier to this level of official Garda ignorance, and its consistent application across all the current controversies besetting the force. That is perhaps the benign interpretation. More hard-nosed commentators refer to a culture of *omerta*, a great corporate silence that descends on the force and its members collectively. I do not know whether any of the current and former gardaí who took part in Mr. Justice Fennelly’s voluntary surveys to assess the state of knowledge of all this in Garda ranks could have told him more than they chose to do. It is, I suppose, in the nature of things that none of us will ever know but it is depressing that so many of our fellow citizens are willing to assume as much, as a matter of course. It is dispiriting that so many seem so unsurprised, and even unconcerned, about what is at a minimum a monumental failure of governance.

In that regard, I have to say I am disappointed that Mr. Justice Fennelly raises his quizzical eyebrow, not just at gardaí and their management but at those in government who reacted so swiftly and decisively when all this was discovered. It is bizarre to categorise as “alarmist” those who were alarmed, as the judge seemed to do in his first report; it seems unfair. I believe their response was not only legitimate, but the only legitimate response, particularly when one bears in mind Mr. Justice Fennelly’s key finding, which was postponed by him until this final report. That key finding is that the installation and operation of this system was not authorised by common law or statute law, that it operated in breach of the Constitution and of constitutional rights, that it breached the European Convention on Human Rights and that it also breached European Union law and the EU Charter. That there was for decades a scheme for surreptitiously recording telephone calls in Garda stations without any official authorisation or legislative underpinning amounts in anyone’s language to a wholesale violation of the law. I repeat that it was quite properly a matter of utmost concern to the previous Government when this was discovered.

It is quite simply bizarre that this system could have been in place for decades under the noses of Garda management. The quite incredible finding is that at operational level the Garda Síochána somehow managed to maintain and operate a legally unsanctioned and unconstitutional recording system unbeknownst to not only the Minister of the day but also its own Commissioner and senior management.

Even taken fully at face value, these findings point to a profound failure of governance, both within the Garda and in the parent Department. The previous Government was quite right to raise concerns, not only about the legality of the system but about its initiation and authorisation, management and use and the level of knowledge about its existence at Garda, departmental and ministerial level. Mr. Justice Fennelly's findings do not set our minds at rest. On the one hand, he finds no evidence of improper use. On the other hand, he seems to conclude that not only was there no improper motive but there was no proper motive either, no thought-out policy or purpose at all.

This whole sorry saga reinforces our conviction in the Labour Party that the systems and structures of Garda management are not fit for purpose and no longer command the confidence of the public or their representatives. More positively, it reinforces our belief that what we need now is an examination of Garda structures and processes that is sufficiently thorough and far-reaching that we can say we have put an end to our fire brigade-style response to successive Garda crises and that we have resolved the issues, if not for good then at least for our political lifetime.

Deputy Mick Barry: The Fennelly report tells us many things. I want to focus on what it tells us about one matter, that is, a murder investigation. I am talking, of course, about the investigation into the murder of Ms Sophie Toscan du Plantier at her holiday home in west Cork in December of 1996 - an horrific crime. The murder investigation team was based at the Garda station in Bandon. Their phone calls were recorded without their knowledge. The Fennelly report tells us that all bar a few of the tapes were destroyed in a flood at the station in November 2009. I wish to read into the record of the House part of what Mr. Justice Fennelly states about this issue in his report:

It is of serious concern that, in the small [number] of recorded calls available to the Commission, evidence is disclosed that members of An Garda Síochána involved in the investigation, including the officer responsible for preparing the report for the Office of the Director of Public Prosecutions, were prepared to contemplate altering, modifying or suppressing evidence.

However, Mr. Justice Fennelly makes the point that the commission found no evidence that such actions were actually carried out. The report focuses on two instances in which gardaí appeared willing to contemplate allowing or encouraging false allegations to be made or false evidence to be given. The report highlights the case of an unnamed detective sergeant who considered doctoring a written statement prepared by another officer and removing detail from a second statement. A curious incident from June 1997 is recorded in the report. It concerns the case of a local Teachta Dála who was told over the phone that Mr. Bailey's rearrest was imminent. I wonder how common it is for Deputies to be informed of the next move in a murder investigation.

The question can be asked: is this a complete outlier? Is this murder investigation of a type which occurred in Bandon station but could occur nowhere else in the State? Are there other

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stations where murder investigations are carried out in this way or similar ways? This was a horrific murder, and whoever was responsible needs to be brought to justice, but the approach taken, as highlighted by Mr. Justice Fennelly, would undermine the chance of justice prevailing and does a complete disservice to the murder victim.

The issues focused on by Mr. Justice Fennelly in the report are just the latest scandal in a series of policing scandals in this State. We have had the scandal of what was attempted to be done to Sergeant McCabe, the way in which the other whistleblowers were treated, the faking of nearly 1 million breath tests and the nearly 15,000 false convictions. The Government talks about a root-and-branch review and assessment of the role of the Garda Síochána. It uses the example of, and quotes as a reference, the Patten inquiry into the Royal Ulster Constabulary. The Patten inquiry recommended the disbandment of the RUC.

I wish to outline aspects of our position on the question of the way forward for policing in this State. In the first instance, there should be an inquiry but it should not be an inquiry by the establishment into the establishment like so many other inquiries we have seen in the past. The ordinary people of this country whose taxes fund policing services and who are the policed, to put it that way, should play a decisive role in any inquiry, assessment or report that takes place. The biggest organisation representing ordinary people in this country is the trade union movement. There are, I think, more than 500,000 trade union members in the State. A way should be found for them to have a significant role to play in any such assessment. There needs to be a way for people who come from the thousands of communities across the country that are policed and for representatives from those communities to play a role in any assessment. This would represent a decisive role for ordinary people.

We need to see the removal of the Garda Commissioner from her position. Her position is untenable. We need to see the removal of the top brass from An Garda Síochána. It becomes increasingly clear that they are part of the problem, not part of the solution. Are reforms needed? Absolutely, but the sheer number of reforms required, and the far-reaching nature of many of them, means that what is required is a sharp break with the current policing model. Effectively, we need a new and different police force.

A cornerstone of policing must be the decentralisation of policing services. All these scandals have happened in a very centralised police force, which is unaccountable in any real sense, and that is not an accident. In reality, what we need is a series of local policing services. There needs to be democratic community control over policing. Local police services need to be run by democratically elected local committees. These committees should be allocated budgets and should decide the policing priorities in their own areas. They should be able to direct resources accordingly. There will, from time to time, be a need for initiatives and resources to organise policing on a national level, but the power should be delegated upwards, not in a top-down fashion as is currently the case.

There is no room for political policing. Special units, such as that appointed for Operation Mizen to spy on anti-water charge campaigners, should be disbanded. This would also involve the disbandment of the Garda special branch.

Policemen and policewomen should have the right to join a trade union. They should have the right, through their organisations, to have access not just to the Workplace Relations Commission, WRC, but also to the Labour Court. More than that, they need full trade union rights up to and including the right to strike. However, with rights come responsibilities. Never again

should the communities in this country which the police are meant to serve be treated in the same way that communities were treated during the anti-water charge campaign. We saw the arrest of nearly 200 such campaigners over the course of those few years. In our view, that is a scandal on a par with all the others.

In a capitalist society, policing serves the interests of the ruling elite - in today's society, the interests of the 1%. Instead, we need policing which serves the interests of society and the majority in society, namely, the 99%. That is what we fight and campaign for and what we will continue to fight and campaign for.

Deputy Clare Daly: In some ways, the report is a little like the much awaited sequel to a Hollywood blockbuster: the second version never really cuts it like the first. That is not a reflection on Fennelly but it is a reflection on the fact that, despite the hyping up of this issue, it was never a case of covert mass surveillance of the population ruthlessly organised by An Garda Síochána. That is not to say I do not think the Garda is morally capable of that; I just do not think it has the wherewithal. It is too disorganised to pull off something of that nature. Mr. Justice Fennelly gives an incredibly accurate portrayal of the technical, procurement and management systems that led to this debacle in the first instance. He gives a very good legal oversight of the illegality and unlawful nature of this practice and he should be complimented on that. What does it say that the Government and the hierarchy can take relief and breathe a sigh saying it was only ignorance and that it was not malpractice, and thank God we are not corrupt, we are only incompetent? What the Fennelly report says is scathing. The report says "senior management of An Garda Síochána failed to formulate or promulgate any policies or directives", that there was a "failure to draw up any formal set of rules" and "that there was a great deal of confusion, amounting to ignorance" as well as "fundamental and regrettable defects in how the NICE recording system was managed" and so on. Mr. Justice Fennelly said the decision to set up the system in the first place was based on a misunderstanding by the fella who signed the order, and then it was just built upon after that. If one reads the report, across the whole thing we have statements being made which say one thing and the gardaí who read them - or do not read them - drawing a different conclusion.

It is incredible, unbelievable stuff which amounts to mass ignorance, until it gets to the Holness case in Waterford. Let us remember that that was the first time GSOC initiated a criminal investigation. Three gardaí were convicted of assaulting a citizen. It was a very serious case in the course of which evidence was attempted to be introduced of phone calls, including from those stations. The judge said the recordings had been obtained in an unlawful manner and were therefore inadmissible. It is very clear in the Fennelly report that that information was immediately given to the hierarchy of An Garda Síochána. It is also clear that former Commissioner Callinan acted upon it straight away. He sent an instruction to Nóirín O'Sullivan to ask what were the legal implications of the ruling, an explicit ruling which said it was unlawful and there were questions regarding the evidence. We know that Assistant Commissioner Ludlow also faxed Nóirín O'Sullivan about that. She responded in one instance to John O'Mahony saying that he should report on the question as a matter of urgency but he did not and she did not follow it up. Years later, they said they did not actually know it meant non-999 calls, even though when GSOC wrote to them it specifically spelt out that it was questioning the lawfulness of incoming and outgoing phone calls. How could an outgoing phone call be a 999 call? It was very clear what they were being told but either they did not have the ability or did not care enough to take it to its logical conclusion. That in and of itself is disgraceful. It is also disgraceful that they did not consider, even without the Holness case, the question of the legal-

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ity of the entire practice to begin with, in particular in light of the phone tapping scandals in the State previously. Those points need to be taken further as they are very serious.

I wish to put on record that the handling of the situation by the former Commissioner Callinan, as we said following the previous report, was perfect. It could not be faulted. Of course he was not sacked because of that. It was all the other stuff which we have put on record previously and about which we said he should have been asked to stand down, but in this instance he handled it perfectly, unlike the Attorney General who, as other Deputies have said, has a huge amount to answer for. How that woman was reappointed is beyond me to be honest, because she did present an alarming picture despite the evidence that was presented to her. We know that she substantially altered the evidence she gave to the Fennelly commission. She excluded the Minister for Justice and Equality from those situations and her actions were not rational in light of her statements. They did not follow a reasonable sequence. That is the person from whom we must take legal advice on a range of issues. That is a very worrying situation and there is a lot to be answered in that regard.

The main point on which I wish to concentrate is paragraph 1(m) in the terms of reference. Mr. Justice Fennelly was asked to examine whether the recordings of the investigation into the murder of Sophie Toscan du Plantier “disclose evidence of unlawful or improper conduct by members of An Garda Síochána”. The bottom line is that they did. Mr. Justice Fennelly said he viewed that term of reference as a preliminary task for the commission “to report on the existence of evidence that might warrant further investigation”. The evidence the report unearthed in the tapes, which is not isolated from the evidence that was in the unpublished internal Garda report into that situation, and the court cases concerning Ian Bailey, means that does warrant further investigation. For the Government to say it will refer it to GSOC to see if it wants to have any further investigation is not good enough. The evidence is before us of a willingness to falsify, alter and suppress evidence. A young garda said Jules Thomas, Ian Bailey’s partner, was being truthful and trying to recollect the situation. Liam Hogan said: “it is in the statement, it has to be... [effing] taken out.” He said they had to put a stop to this “honest man”. Another garda said: “[it] undermines the whole thing” and “I will take that out so to fuck will I?” He said they could not have that. It is evidence of tampering with statements.

The Fennelly report did not rule in terms of the illegal drugs issue but the phone calls were tapped with the knowledge of the garda involved and much of the evidence would lead one to believe that there could be planting of drugs and certainly money was paid to a witness in that regard. We know of six different phone calls where Detective Garda Liam Hogan was telling everybody who rang the station willy-nilly that Ian Bailey was guilty. We know in the assault claim against Marie Farrell’s husband how gardaí tried to curry favour with her as a witness in this case by pretending they were going to drop the charges. That is absolutely outrageous.

Two years ago I put on record that Ian Bailey’s legal team reckoned that the handling of his case had cost the State €40 million to €50 million. That is before all of the hours in assembling and analysing these tapes, which prove yet again the attempts made by An Garda Síochána to fit up this person, which has had an horrendous consequence on him, a huge human cost to his partner and leaves the family of Sophie Toscan du Plantier without any answers. It is particularly serious that this tainted evidence, which the DPP’s report revealed previously, has been sent to France and is the basis upon which the French authorities are pursuing this man. It is not good enough. We need an independent commission of investigation now into that case.

Deputy Mick Wallace: Unlike Deputy Daly I did not read all of the report. I read less

than half of it and that was tough going enough. I will not go over it all again. The scariest thing in what I read is that for me, sadly, things have not changed dramatically in how we do policing. There is still a serious lack of management in how the system operates and there is capacity for people to act without having to be accountable. There is very little transparency in how the force operates. As we have seen, when whistleblowers point that out, they suffer the consequences.

In his conclusion the Taoiseach said, “It is also essential that the reform processes already put in train by this and the previous Government are sustained.” As I said to the Minister in the previous debate in the House, we have been hearing that since 2014 and, sadly, things are as dysfunctional now as they were three years ago. The Taoiseach said also, “It is inappropriate and unhelpful to the reform process to seek to interfere politically with the statutory process of accountability which already exists through the Policing Authority.” He talked about the independence of the authority. The authority is only independent in the performance of its functions, subject to the Act. According to the Act, all of the authority’s powers and functions are either shared with or subject to the approval or consent of the Minister or Government. It is not independent. The Garda Commissioner remains exclusively accountable to the Minister rather than the authority. The Minister alone has the power to issue directives to the Garda Commissioner.

Deputy Mattie McGrath: I, too, am delighted to get the opportunity to speak tonight on the Fennelly report. I will stick to the findings regarding the Tipperary division as I represent Tipperary with my colleague who is in the Chamber, Deputy Cahill, and others.

I thank the eminent justice and his team for the work they have done in dealing with this hugely significant issue. I thank the Minister for her briefing last week also.

Given that it is impossible to focus on all the issues raised, such as possible breaches of privacy, legal confidentiality and so forth, I will limit my remarks to putting on the record the findings the commission made with respect to County Tipperary and the Tipperary Garda division.

There is an adage that where Tipperary leads, Ireland follows. Unfortunately, in this case I hope it did not, although it appears that it did. There were 23 divisional headquarters identified in the 1995 Garda code. These divisions remained broadly the same over the following 20 years. Each of these divisional headquarters developed its own practices around telephone recording. This is part of the problem. They appeared to grow organically in many divisions and do not appear to have been directed by Garda headquarters in any meaningful way. It is similar to the helicopters spreading fertiliser in the forestry, which appears to be very organic. It was not possible for the commission to pinpoint the exact date of the installation of recording devices in each case. It beggars belief that it could not get that information from An Garda Síochána.

However, the commission gives a list of approximate dates for when the equipment was installed in each division. It notes that for the Tipperary division the recording devices were installed on 24 November 1996. Of the two technicians working at Thurles Garda station who gave evidence to the commission, one said that he was aware of the NICE model of recording policy document emanating from the telecommunications section, while the other said he was not. It is a 50% failure rate immediately. As a matter of practice, they responded to verbal and written requests for recordings without seeking authorisation from the superintendent. In or around 2010, the regional telecommunications sergeant provided a template form to be used by

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officers requesting recordings, but it appears they were not often used. One would wonder what was happening given that they were not used in the vast majority of cases. Only six such forms were produced to the commission in response to a request for the records kept. If a person was in school and he or she provided that type of result, that person would receive a bad fail. It would not be an E but a grade further down the line.

In terms of divisional stations and the solicitors' telephone numbers gathered - this is huge - the Commission found that 166 numbers had been gathered while a total of 60 had been recorded. The calls of 60 solicitors in Garda stations in Tipperary were being recorded. Further results for the Tipperary division reveal that searches for telephone call recordings were made by the commission team on 11 and 12 August 2015. As I mentioned, it was found that a total of 60 solicitors' telephone calls had been recorded in this division. To test these results, in or about March 2016, technicians at Garda headquarters searched the database for Tipperary for the period between 22 August 2008 and 19 August 2009. A total of 210,000 calls were found. A further search of the period from January to December 2012 was conducted and more than 150,000 calls were found. That is a total of 360,000 calls recorded, unknown to solicitors when they were dealing with clients detained in the Garda station. One wonders who could have the time to listen to the calls and why there were so many recording devices. What was the need for it?

The commission further informs us that one of the technicians stationed in Thurles, during the early period of the digital audio tape, DAT, system, employed a different system from the other technicians regarding requests made to him for copies of recorded calls. He would locate the relevant call and prepare the machine to make a copy of the recording, but would then ask the member seeking the recording to press the record button. Clearly, it was to ensure he would not be identified as doing the recording. In his view, this meant the member requesting the call was then responsible for the recording and for making any statements of evidence that might be required relating to it. The technician told the commission he did this to avoid having any involvement in the process beyond the purely technical aspect of locating the call. This member transferred from Thurles in 1998 and his approach was not adopted by any other member.

All of these issues reveal an incredible lack of oversight and managerial guidance from those at the top of An Garda Síochána, not the ordinary gardaí who, as I said last night, provide a very thin line between people and violence, all kinds of debauchery, attacks and crime. They always stand in the face of death and adversity. Many rank and file members had to use their own discretion and judgment in the absence of a coherent policy on these matters. This is borne out by the finding of the commission that the technician stationed in Tipperary in 1996 did not recall ever seeing instructions from his chief superintendent. However, he developed his own policy regarding the tapes which was to similar effect, that is, retaining the tapes for 30 days. He told the commission he adopted this practice because it was similar to that used for the storage of videotapes of closed circuit television, CCTV, footage.

Two tapes recorded simultaneously in the DAT recorder. In the other divisions, this meant that there were two identical copies of the recordings and the two tapes were changed at the same time. In Thurles, however, the technician staggered the tapes and one tape was changed every fortnight. For a period of two weeks, therefore, there were two copies of each call available. After the two week period, only the recording on the tape was available. This was then kept for one month. From 1998, a new technician was stationed in Tipperary. He continued the practice that had been in place before his arrival and the DAT tapes were kept in his office at Thurles Garda station. They were kept in a wooden cabinet. The cabinet was not locked but the

door to the office had a key code and was locked. This technician was not aware of any policy relating to the retention or storage of the tapes.

I do not know where we will go with this. I do not know how the senior people in the Garda can wash their hands and plead ignorance, and I accept that the Minister cannot give the answers either. I thank Mr. Justice Fennelly for doing so much work. I tried to access telephone calls that I made one night in 2006 to Dungarvan Garda station. I made two calls but I could not get the calls. They were not recorded as they were inward. They were of a distressed nature. When I sought the records I could not get them. I received blank pages for an entire weekend of calls on my telephone. Somebody is praying for me because, thankfully, a few days later the full records came from Eircom with the calls I had made. How do I know what telephone calls were listened to during that period and during the following court case in which I was involved? I must talk to the Minister face to face about this at some stage, with her permission. Thankfully, I was never detained in a Garda station but how can I know whose solicitors' calls were being recorded?

I realise it is *sub judice* but there is an ongoing, and very weird, case in Dungarvan in respect of a member of my family. I was in the same place at the same time but no statements were taken from me, nor were statements taken from my daughter or from 20 or 30 people who were there. A charge has emanated from it. It is downright disgraceful. There is another superintendent in that station running amok and doing what he likes. I will greet him head on in the courts and will deal with him. He will not get away with this one, but it is a mockery.

Acting Chairman (Deputy Declan Breathnach): That is not in the Fennelly report.

Deputy Mattie McGrath: Of course, but I am personally involved in a situation and I wish to put it on the record that I am not happy. As the Minister knows, I support the Garda Síochána, at least 99%. However, where there are bad apples they must be rooted out, and bad practices also must be rooted out. People are getting this type of treatment. They are entitled to their good name, which is all one has, and to due process, not to the selective sending of certain statements to the Office of the Director of Public Prosecutions, DPP, which happened previously in my case, with others not being sent. I will speak to the Minister privately about that.

I welcome the report. There is much work to be done as a result of it.

Deputy Catherine Murphy: The Fennelly report is another absolutely damning assessment of the upper echelons of An Garda Síochána and Garda management. An alarming situation emerged in which a number of ex-Commissioners, a serving Commissioner, and their deputies were allegedly unaware of the existence of the practice of recording non-999 calls. Mr. Justice Fennelly has had to take at face value their accounts and their apparent lack of knowledge of the practice of recording those calls. In view of the fact that all of those gardaí were progressing through the upper levels of An Garda Síochána over the past 30 years, it paints a picture of a glaring disconnect between Garda management and its officials. At a basic level, there is an apparent lack of understanding of the implications of the data collection, data control and data retention procedures.

The decades old practice of recording calls was fundamentally changed by one garda in the course of upgrading the telecoms hardware equipment at divisional stations. A garda in charge of the telecoms sections of the force appears to have kicked all of this off. This garda, who was in charge of a specialised section - I stress a specialised section - did not have a full grasp

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of the technologies he was installing or their capabilities. These changes have proved to be a consequential shift in policy across the telecoms operation of An Garda Síochána about how certain information and intelligence was gathered and possibly used. Such a shift, if it was to be implemented, would normally only be made by top management.

The lack of good governance and the lack of procedures and rules to be adhered to has again come to the fore in An Garda Síochána. A situation developed in which it was left to the telecoms staff at each divisional station to implement their own rules around what was recorded, who would have access to recordings and what was to be done with them when they were no longer required, which is just as important. That is the door which was opened to further abuse of the recording facilities.

Members of Bandon Garda station investigating the du Plantier case recorded a line that was not authorised by the telecoms section. To date, despite investigations, it still has not been determined how this situation arose. It is standard practice for every other organisation that takes calls from the public to be obliged to inform callers that the call may be recorded for whatever reason or to ask if consent is given to that recording. It is very difficult to see how the question of what led An Garda Síochána to believe that procedure did not apply to the recording of non-999 calls can be answered.

The fact remains that An Garda Síochána has in its possession, by virtue of this illegal practice, a huge volume of recorded sensitive material about citizens in this country. It is becoming increasingly clear that the State and its institutions have a sense of entitlement to the personal data of its citizens and are far too relaxed about it. The Data Protection Commissioner's warnings of late are indicative of a deep-rooted problem which goes way beyond An Garda Síochána.

In relation to this report, the Attorney General did not go to the line Minister in the first instance. There is a question there that absolutely has to be answered. Was there some reason there was no trust between the Attorney General and the line Minister? Why did the Taoiseach not go directly to the line Minister? I think they are fair questions. They are fair questions that the Taoiseach needs to answer because it seems there is something not routine about this. It does not matter who that line Minister was. There is something very odd about that practice and about what happened. It is absolutely essential that these questions are fully replied to. The Taoiseach asked the Attorney General to go back and check the information. She came back empty-handed. Obviously the visit to the Garda Commissioner on the Sunday night happened. That whole area requires a proper reply.

To finish up, I feel really sorry for people in An Garda Síochána who are out doing their work every day and who are trying to do it to the best of their ability. Morale is definitely on the floor. It is one crisis after another. It is essential that morale is rebuilt, but it will not be unless trust is re-earned. Re-earning trust is about addressing issues and about those kinds of questions being answered. Why, for example, was the line Minister bypassed in this particular instance by both the Taoiseach and the Attorney General? Was there some lack of trust? What was the reason for that?

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): It is right that I should first acknowledge the very valuable and painstaking work carried out by Mr. Justice Fennelly and those who supported him in his work. It is a relief that what the report finds and what it sets out is not a history of anything approaching a deliberate abuse of power by An Garda Síochána and that we are not facing a situation where criminal cases are being

jeopardised.

None of that, however, can hide the fact that for many years calls were recorded by An Garda Síochána in a manner that breached people's fundamental rights. As Mr. Justice Fennelly puts it, "the entire history of the matter is associated with error and misunderstanding". I said in the House last night that problems were allowed to accumulate over many years, indeed decades, in An Garda Síochána which were not properly addressed. There is no need for me to repeat the detail of what is in the report but I think it represents overwhelming evidence of that proposition.

I have also set out in detail our proposals for reform of An Garda Síochána. Of particular relevance to some of what is outlined in the report is the making of senior civilian appointments to the leadership team in An Garda Síochána. In particular I would say one is executive director of legal and compliance and another is chief information officer. We can see the very central role of ICT and the importance of having the highest standards available. We discussed it at my Estimates discussion earlier this morning. That is why the Government has made more than €300 million available for ICT.

Aside from the extensive programme of reform which is already under way and which, as I said earlier, must continue apace, the House will be aware that yesterday I circulated draft terms of reference for a commission of investigation into the future of policing in Ireland. I want that examination to be as wide as possible, and of course I will consider any more suggestions from the House before finalising those terms of reference. As they stand, they provide for a very thorough review of all aspects of policing in Ireland, including the structures, leadership, management of policing, composition, recruitment and training, and the culture and ethos of policing. They also account for all aspects of oversight and accountability. Many Deputies have talked about the range of oversight bodies that are in place at present and the need to examine that matrix of relationships, including with the Department of Justice and Equality and the Government.

Clearly the commission will have to take into account previous reports related to An Garda Síochána. This also means that it will take into account what is set out in the Fennelly report. It makes very specific recommendations. Some of these relate to legislation, and my Department is examining these. Others relate to Garda matters and I am asking the Policing Authority to oversee the implementation of these recommendations by An Garda Síochána. The report also refers to the Bailey case. There is a limit to what I can say about that because there are a number of related court proceedings going on at present. I am, however, aware that the Garda Síochána Ombudsman Commission has been investigating matters related to this case. In the circumstances I am forwarding the relevant parts of the report to the commission to consider whether any further action is necessary on its part.

On a personal level I want to say that I find some of the comments which have been made recently about the Attorney General particularly distasteful. She has never sought public praise or a spotlight for the work she has done. I expect she might be embarrassed by what I am about to say. It is the nature of the role of the Minister for Justice and Equality that there has to be contact with the Attorney General on a range of difficult, often pressing, issues and I have to say that in those dealings I have found her to be a beacon of knowledge, wisdom and practicality. She meets the enormous demands made on her with grace, fierce determination and no guides other than the law and the public interest.

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There seems to be an implication in some of what has been said in the House tonight that the decision to establish a commission of investigation into these matters was rushed or disproportionate. The report gives the lie to that. People are in danger of overlooking one simple fact: if the Government had not established a commission of investigation at the time, the people who would have been loudest in their demands to have one established are some of those who have spoken on this issue in the House tonight.

Deputy Jack Chambers: As Deputy O’Callaghan said, it is important to look at how the future legislative framework is structured in the context of the new and different policing framework that we have. There is the Policing Authority, the Garda Inspectorate, GSOC and senior management in the force. We need to listen to what the AGSI has said about the number of bodies and agencies with which it is dealing. It is important that the commission will be able to look at the overall architecture of the Garda institutions to see how best the AGSI can interact with those institutions.

As we know, the Fennelly report looked back, from a historical perspective, at recordings that were illegal and unlawful. It is important that the Government addresses that legislative lacuna and ensures, as others have said, that this becomes a lawful practice.

The Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, mentioned that the Attorney General has a difficult job and has been criticised. This issue is not about personalising matters, nor is it about praising the Attorney General. It is important to recognise the mistake made by the Attorney General and the alarmist nature of her actions. That is reflected in the report and cannot be ignored. The Attorney General holds an important legal office in this State and she failed to bring the knowledge given to her to the attention of the Taoiseach in a speedy manner. The Tánaiste mentioned how, during their interactions, the Attorney General offered proper advice and wisdom. I am sure that is the case. However, the previous Minister for Justice and Equality was not informed about this matter by the Attorney General. Both he and the Department of Justice and Equality were ignored. The interaction between the previous Minister and the Attorney General did not live up to the words the Tánaiste has used.

We need to go through the timeline again. If one looks at the timeline, one can see why this matter gave rise to alarm on the part of the Attorney General and why it became an immediate problem for her. She received information in October and it took her a number of months to inform the Taoiseach. That flurry of events led to the resignation of the then Garda Commissioner. While the Taoiseach reiterated that he did not sack the former Commissioner, the interim Fennelly report says that the actions of the Taoiseach were a catalyst for the resignation. We need to look at the definition of the word “catalyst”. In science, it is a substance that causes a chemical reaction to occur but is not involved in the act. In this case, the Taoiseach was the substance, the Secretary General of the Department of Justice and Equality caused the act and the former Commissioner resigned.

The former Commissioner acted prudently in giving the advice and knowledge to the Attorney General. Unfortunately, the person who acted properly got the sack even though it was the lack of action on the part of the Office of the Attorney General which resulted in the alarmist and unfortunate move by the Taoiseach’s office. That move has legal implications under the Garda Síochána Act. The Government was not consulted and that must be addressed in the context of this report.

The commission needs to look at the overall recommendations over 30 years. The Govern-

ment needs to address the legislative lacuna and provide a factual account of what happened rather than using words such as “catalyst” when we know that there was a central involvement at the top levels of Government in the subsequent resignation of the former Commissioner who did the right thing at the time. That is very unfortunate.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Housing, Planning, Community and Local Government has completed its consideration of the Planning and Development (Amendment) Bill 2016 and has made amendments thereto.

Report of the Joint Committee on the Future Funding of Domestic Water Services: Motion

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): I move:

That Dáil Éireann accepts the Report of the Joint Committee on the Future Funding of Domestic Water Services, copies of which were laid before Dáil Éireann on 12th April, 2017.

Deputy Barry Cowen: Turn on the tap.

Deputy Simon Coveney: I recognise and respect the spectrum of views that people have in this House and across the country on the provision of domestic water and how we fund it. This is a very political and emotive issue for many people. However, as a country, we have allowed ourselves to be convulsed by a negative and divisive debate in respect of it for far too long. My focus on water since taking office as Minister almost a year ago has been to put a process in place that could move us on from political division and uncertainty and to achieve a majority consensus to progress a new approach which responds to the various political viewpoints while delivering a water service infrastructure that meets the needs of our society, our growing economy and fulfils our environmental obligations. Therefore, I welcome the report of the Joint Committee on the Future Funding of Domestic Water Services. It provides a sound basis for Ireland to move forward on this issue in a sustainable way.

Let us remind ourselves of the process by which the committee reached this point. The terms of reference for the special Oireachtas Committee on the Future Funding of Domestic Water Services were quite clear: it was tasked with considering and making recommendations on the report of the expert commission which was published in November last year. It is also worth reminding ourselves what the independent expert commission recommended. It proposed that the funding of water services for normal domestic and personal use should be out of taxation. It also recommended that excessive or wasteful use of water should be paid for directly by the user at tariffs determined by Commission for Energy Regulation, CER. It recommended that excessive or wasteful use of water should be discouraged by charging for such use and, therefore, be consistent with the polluter pays principle, and it recommended that measurement by meter is the optimal approach to managing consumption.

The expert commission argued that this model would provide for clarity around long-term investment, support the application of the polluter pays principle and meet the requirements of basic equity and fairness and to ensure Ireland complies with EU Water Framework Directive.

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I believe the expert commission's report was correct and has provided the basis for what has now been agreed in the committee report. I thank Mr. Kevin Duffy, in particular, but also everybody else who played a part in the expert commission.

The European Commissioner, Karmenu Vella, in his latest letter to me on 12 January this year, also emphasised the central importance of cost recovery and encouraging sustainable consumption through metering to our future funding model. The final paragraph of the Commissioner's letter is worth quoting for the record for clarity purposes. It states:

The European Commission encourages therefore the Irish authorities to give particular attention to the following key issues which, taking into account the specific circumstances of Ireland, and at the same time striking a fair balance between the interests of the consumers and the needs of the water sector, are indispensable for an outcome that complies with the Directive:

- the recovery of costs must ensure that the Irish water sector meets its serious needs in terms of both maintenance and investment in water and waste infrastructure

- in order for the charge on excessive or wasteful use of water to attain its purpose, the consumption of water for normal use should be set at a reasonable level, and the charge for excessive or wasteful use of water should be dissuasive [which is a term used in the report]. The completion of metering will be instrumental to this effect.

Since it began its deliberations in December, the discussions at the committee have been wide ranging. It has had the benefit of inputs from regulators from other jurisdictions, our own policy makers and regulatory bodies and other stakeholders from across the water sector. As the work of the committee moved towards conclusion and draft text was presented for discussion there have been robust and, on occasions, quite fraught exchanges.

Fine Gael and the Government have come to this process willing to engage constructively and to seek a compromise outcome that respected people's differing perspectives while meeting certain fundamental requirements and obligations. What Fine Gael members of the committee have been trying to do for the past four months of intensive discussions at the committee is ensure that the final report clearly reflects these fundamental requirements. They did this for a number of reasons, not least to make it clear to the European Commission precisely how Ireland intends to go about meeting our EU obligations. However, more importantly, the Fine Gael members want to be clear with the Oireachtas and with the people, in an upfront and honest manner, how the changed water funding model will work for families and their households.

Early drafts of the report last week raised significant concerns for the Fine Gael members of the committee and, more broadly, for me and the Government. I believe, on the basis of legal advice available to me, that last week's amended report would have clearly failed to satisfy our EU obligations with a significant consequence in terms of potential EU fines which the Irish taxpayer would ultimately have to fund.

I am very pleased that the report has come back on track with the benefit of further committee legal advice around certain key aspects of that report. The committee has now agreed that households responsible for the wastage or excess usage of water would be required to pay but that a generous allowance would apply for households consuming normal volumes of water, paid for through taxation. It has agreed that average consumption would be determined independently by the Commission for Energy Regulation and that only households using 70% more

than average consumption would pay an excess usage levy.

It has also agreed that the basis for measuring consumption would be the existing meters, both domestic as well as district meters, and that all new homes or refurbishments would be required to be fitted with meters. It has also agreed that all apartment complexes would be metered through bulk metering. This is particularly welcome given the number of apartments to now come under that new metering objective.

There are a number of facts from which we cannot hide. We require significant investment in our water infrastructure to address years of under-investment and support the modern economy we are trying to build. We cannot walk away from our obligations, including those we face under the Water Framework Directive. The European Commission will not tolerate continued non-compliance by Ireland and has indicated a willingness to go the distance to force Ireland into compliance through the European Court of Justice. We will face significant penalties should this happen and if we do not put an arguable case in place. We have an opportunity now to make responsible, long-term, sustainable decisions around how we fund our domestic water services.

Taking account of these, Fine Gael and I have always had five priorities from the outset of this process that we wanted to deliver: first and foremost, maintaining Irish Water as a single utility structure for the delivery of water services - I believe it is proving its worth now in that regard; second, increased funding certainty for future investment in water infrastructure; third, a conservation-based approach using meters; fourth, a charging system that is fair for households and that encourages sustainable consumption patterns; and, fifth, equitable treatment for people who currently pay for their domestic water through group water schemes as well as for those households who have already paid water bills.

I believe the report of the committee delivers on these in a reasonable and coherent way that will not only enable us to demonstrate compliance with our environmental obligations but will also secure a sound future for the delivery of high-quality water services to households throughout Ireland.

I have a serious responsibility to lead and to legislate for a responsible package that gets Ireland to where we need to be. Following the Oireachtas vote, my Department will then commence the drafting of a Bill on the basis of the report and will engage with the Office of the Attorney General as part of this process as I have committed to do.

I sincerely thank all the members of the committee for their input to the deliberations. I thank Fianna Fáil, in particular, for its willingness to commit to a process nine months ago and following through on that process. I think it is a victory for sensible politics.

I thank my Fine Gael members specifically for their resolve during the negotiations. Above all, I thank the Chairman, Senator Pádraig Ó Céidigh, for undertaking this role with calm authority and grace under pressure.

Deputy Barry Cowen: I welcome the opportunity to speak on the work of the special Oireachtas committee on water. This has been a deeply contentious and politically divisive issue for the past few years. I understand the deep frustration of the public around a debate that never quite seems to end. When so many other pressing concerns such as the escalating housing crisis or the threat of Brexit are knocking on the door, water charges continue to suck up an inordinate amount of time and energy. Now is the time to settle this issue once and for all. It

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is time to get to grips with the other challenges that face us all. I believe the report of the committee forms a basis for us to do that.

It is important to give this discussion its proper context, which has often been neglected in coverage and discussion in the past few weeks. The water charges regime introduced by Fine Gael and the Labour Party was a complete and utter failure. By any metric, it had failed to achieve its objectives. After a dizzying series of over 12 U-turns, the Government actually lost money on domestic water tariffs. In 2015, only 53% of bills due were paid while €100 million was spent on the water grant, €41 million is due in interest repayments over the year and another €25 million was spent on administration costs. On this basis, the State actually lost €22 million in total on its water charges regime in 2015 so water charges have actually cost the State money. This policy debacle combined with the failure to pass the EUROSTAT test meant that the very reason Irish Water and water charges were introduced was completely lost. No additional revenue was available for investment in the water infrastructure due to domestic water charges. No wonder the Government Chief Whip, Deputy Regina Doherty, admitted last Saturday that the water charges regime introduced by the last Government was a “catastrophe [...] a cock up”. Their impact on struggling households and communities across the country was very real.

It is incumbent on all Deputies to address those very real concerns and confront the scale of the failure of the previous Government’s water charges system. However, some are shirking that responsibility. Deputy Alan Kelly who is still spinning from the number of U-turns he introduced as Minister continues to suffer from an angry form of Stockholm syndrome - a political Patty Hearst if you will. However, he has failed to admit that it was his own Government that ended the EU derogation in 2013, that being the established practice model, and not as he has previously stated and continues to state, the 2010 river basin management plan. That was confirmed in the independent legal advice given to the committee and it was worth noting and was noted by me and others. Neither has he admitted that the water meters the previous Government spent an enormous €500 million on installing were rendered redundant by the flat rate he himself introduced, nor has he taken responsibility for the €110 million water conservation grant bribe, which was to sweeten a rotten deal. Where is the honesty he speaks about in sticking with a regime that was turned inside out by U-turns and has failed abysmally?

It is against that backdrop that Fianna Fáil entered into a confidence and supply arrangement with Fine Gael. While other parties were content to take a ten-week holiday, we sought to lead and then help facilitate a Government. The country did not want another election that would resolve nothing. We stood up to the mark and in a spirit of compromise, set out a path to achieve our core policy aims. Ending the failed water charges regime was foremost among those objectives.

This brings us to the report of the Oireachtas Committee on the Future Funding of Domestic Water Services. The committee has met 22 times since December 2016 and drawn from a wide range of experts. There has been give and take on all sides to reach a viable and legally sound outcome. The central outcome for Fianna Fáil is that the water charges regime is abolished and over 92% of households will not pay for water. The remaining 8%, or 70,000 households, will be given an opportunity to apply for extraordinary circumstances exemption such as a large family or medical conditions. People who waste water will be penalised under the Water Services Act 2007.

It is important to highlight the summary of what is contained in the report. The existing

water charges regime will be abolished. The Labour Party, Sinn Féin, People Before Profit or anybody else who wishes to do so, will be rejecting the report by voting against it. The definition of excessive use will be set at 70% above average usage, which is 133 litres per day per person. That is 1.7 times that rate. Those rejecting this report will be rejecting that threshold. Any remaining households above this will be given an opportunity to fix leaks and reduce usage before being subject to fines. If they waste water, they will be penalised.

In rejecting the report the Labour Party, Sinn Féin and anybody else who wants to vote against it are rejecting that process. Water services will be funded through Exchequer funding. In rejecting the report the Labour Party, Sinn Féin, People Before Profit and anybody else who opposes it are saying it should not be paid for out of general taxation. Households that have paid their bills will be refunded. Those rejecting this report are rejecting that fact. A detailed report on ensuring equal funding for rural and urban dwellers will be published and used for future budgeting. In rejecting the report the Labour Party, Sinn Féin, People Before Profit and anybody else who votes against it do not think this is the right thing to do. A referendum to enshrine Irish Water in public ownership will be held. In rejecting the report the Labour Party, Sinn Féin, People Before Profit and anybody else who rejects it are saying they do not want a referendum on ownership of public water to be held. Independent advice indicates this and all the recommendations contained with it will satisfy EU legal requirements.

Much attention focused on the argument over the report between Fianna Fáil and Fine Gael in the past fortnight. I am confident that what we have now agreed is essentially the same deal that was settled two weeks ago. The agreement saw Deputy Eoin Ó Broin of Sinn Féin and the Minister clamouring over each other to claim victory on the airwaves and social media. That should hold true today but, of course, it will not. Our fear in the past two weeks was that Fine Gael was shifting the goalposts around the threshold level and creating a gap to allow water charges through the back door to the amount of 20% to 25%. That was the fundamental basis for the dispute. The agreed report closes off such a back channel for water charges by specifying the threshold levels and clarifies the average use per person. Despite the spin that has been prevalent today, it will ensure all household types are fairly accommodated in the amendment put forward by Deputy Noel Grealish and agreed by other parties.

We have showed a willingness to compromise on such areas as water meters on new builds based on the 2008 building regulations and the best practice initiatives that are contained within them that allow water meters to be inserted across the country in many local authorities, including my own, for the past seven years, which nobody will admit has been happening. In the future, water meters will be based on conservation, not on a charging regime. I am now satisfied that the Water Services Act 2007 put forward by Fianna Fáil will be used as the basis for legislation. Fianna Fáil has continually advocated this as the best way to abolish charges, satisfy our EU obligations and tackle wastage. Now we need to turn the report into actual legislation and we will fully engage in the legislative process as it progresses.

Regardless of whether one likes it or will admit it, ending water charges is an achievement of constructive politics. The confidence and supply arrangement, the expert commission, the special Oireachtas committee and forthcoming legislation are the product of hard work. They are not the product of shouting from the sidelines. Fianna Fáil has always been the party of the centre ground. We have taken a practical approach to address this serious problem and come forward with a viable solution that will end charges and secure future investment in the water network. Others have promised or continue to promise, we have delivered.

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Many people from all perspectives on water charges, be they urban dwellers or people on group water schemes, are no doubt deeply frustrated by the time it has taken to reach this point. I understand their annoyance. I assure them that Fianna Fáil is committed to settling this issue and moving on to address the mounting risks we face as a country. Now is the time to settle this issue and heal the divisive wounds that opened up. The country faces uncertain times. Choppy seas await us in respect of Brexit. The housing crisis demands real leadership. We need to show that the political maturity and sense that has prevailed on this issue can agree a new framework for water, for example. We will face greater challenges in the months and years ahead but the House must rise to that task and I have no doubt that a constructive House that recognises the opportunities contained within it can play a part in effecting change and real policy initiatives that can determine positive outcomes.

An Leas-Cheann Comhairle: Anois-----

Deputy Barry Cowen: That is the job that was given to us when we were elected and given the privilege of doing so. We have taken that seriously and want to work seriously to ensure it happens across many other areas.

Deputy Eoin Ó Broin: Three years ago the Right2Water movement hit the streets. It was a mass movement of communities, trade unions and political parties. It was a reaction to the austerity assault of Fine Gael and the Labour Party. It was about much more than water, but at its heart it was always about water. Just like housing and health, decades of under-investment left people with a crumbling public service. Almost half of all treated water was being wasted by the State. Raw sewage was being pumped into our seas and rivers. Rather than invest in fixing the system, the Ministers at the time, former Deputy Phil Hogan and then Deputy Alan Kelly, had better ideas. This was to commodify water, turning it into a produce that could be bought and sold, and to financialise water services by taking them off the books and running them like a corporation that was buried in debt. Just as night follows day, the next move was always going to be privatisation. We were told that people would get the water service they deserved. This was a shortcut for delivering where past governments had failed. The truth, of course, was very different. All that people would get would be meters, bills, water poverty and the guarantee of rising prices in the future. Three years of hard campaigning had hundreds of thousands of people marching, boycotting and voting. The sheer strength of the campaign forced Fianna Fáil, the party that introduced water charges, to change its position. That party's election manifesto in 2016 had clear commitments to abolish the water charges and, I remind Deputy Barry Cowen, to abolish Irish Water.

We all know that a majority of Deputies elected to this Dáil gave clear commitments to abolish water charges and the utility. When it came to the deal, however, to put the Taoiseach back into government, Fine Gael and Fianna Fáil could not agree on the water issue. They bought some time with an expert commission and a water committee, and here we are today with the end product of the Minister, Deputy Simon Coveney's unwanted and utterly unnecessary process.

The Right2Water movement can rightly be proud of the impact we have had on the water debate. The Frankenstein water charge regime of former Ministers Phil Hogan and Deputy Alan Kelly is dead. This is probably the only matter on which I agree with Deputy Barry Cowen. The principle that domestic water services should be funded through general taxation and Government investment has been accepted, with Denis O'Brien's metering programme stopped in its tracks. People who were bullied into paying water charges will get refunds and people

in group water schemes will finally be treated equally. Crucially, a referendum enshrining the public ownership of water and water services has been promised. This is the only way to ensure that water services will not be privatised in the future. I look forward to the Minister's support for the Bill brought forward by Deputy Joan Collins, which calls for a referendum on water ownership and which is currently with the Joint Committee on Housing, Planning, Community and Local Government, as well as a commitment to legislate to reform the Water Services Act 2007.

None of this would have happened without the broad Right2Water movement. Fianna Fáil and Fine Gael would have blindly dragged us down the road of commodification, financialisation and eventually privatisation. They have not got their way. The Right2Water movement is not finished yet and the final report agreed by the committee falls far short of what the majority of people want. Irish Water remains in place and thanks to Fine Gael and Fianna Fáil, we were not even allowed to discuss in the committee whether it was the best entity for delivering water services. Mandatory metering in new builds and refurbishments is there and will continue, but contrary to what Deputy Barry Cowen said, a back door has been left open for universal metered water charges in the future through the so-called excessive use charges.

Last week, things looked very different. For once it seemed that Fianna Fáil was going to keep its election promise on water charges. Fianna Fáil joined with the five Right2Water Deputies and two Independents in closing any back door to water charges and by opposing mandatory metering. Then, however, the Minister, Deputy Simon Coveney, issued a last minute diktat at 11 p.m. last Friday.

Deputy Simon Coveney: My party does not go in for diktats.

Deputy Eoin Ó Broin: The subtext of the letter which was clearly a threat to his colleagues in Fianna Fáil was that he must get his way at the committee or he would force a general election. He said: "Give me my meters and give me my excess charge or we will go to the polls." What happened then was that, as he has just done here, Deputy Barry Cowen huffed and puffed and threatened to block the Minister's bid for Taoiseach. Deputy Barry Cowen did what has become his habit when the Minister, Deputy Simon Coveney, stands up to him - he backed down. Fine Gael got its meters, got its charge for so-called excessive use and even got a lower threshold based on household rather than individual average usage.

Deputy Barry Cowen: The Deputy is wrong. He should read the amendment.

Deputy Eoin Ó Broin: It is interesting to note the wide divergence between the Minister and Deputy Barry Cowen on that particular point. It will be an interesting battle when we come to the legislation to see how those two are going to square that circle. I must say that this week I almost felt sorry for Deputy Barry Cowen. It must be hard when one's party, fearing a general election, throws one to the wolves. I also felt sorry for the Fianna Fáil members of the Committee on Future Funding of Domestic Water Services. In the space of four weeks, they had four different positions on charging for so-called excess use and mandatory metering. Last week, they voted against both and on Tuesday they voted for both. They must have whiplash with the speed of their U-turns in that committee. Of course, they will hide behind the legal advice to the committee-----

Deputy Barry Cowen: The Deputy does not have any time for the legals.

Deputy Eoin Ó Broin: In fact, they almost sound like the Minister, Deputy Simon Coveney,

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on this issue. The decisions, however, on charges and meters have nothing to do with EU law. The Oireachtas Committee on the Future Funding of Domestic Water Services received nine separate pieces of legal opinion from six different legal sources, each of which gave conflicting legal advice. One senior counsel on mature reflection gave two conflicting sets of advice on the final draft report within a matter of days. The only conclusion that any reasonable person can draw from all of this is that there is no legal consensus on the matter.

Perhaps the greatest irony in this fake legal debate is that Ministers - past and present - who presided over flagrant breaches of EU water and environmental law that will result in hefty fines for the taxpayers of the State have a cheek to lecture the rest of us on legal compliance. I have no doubt that the State can be fully compliant with the environmental objectives of the Water Framework Directive without metered domestic water charges. They do it in Scotland and in Northern Ireland and there is simply no reason that we cannot do it here.

Fine Gael's victory is not really a victory at all. The distance the party has been dragged, kicking and screaming, by the Right2Water movement since 2014 is enormous. Fine Gael's failed efforts to introduce some kind of water charge regime is on its very last legs. Any attempt to use the room granted this week - by the grace of Fianna Fáil - to introduce water charges through the back door will be met with the same mass campaign that dogged and ultimately put a halt to the political careers of the Minister's predecessors. We will be watching the progress of the legislation arising from the water committee's report very closely and we will continue to hold Fianna Fáil to its election commitments. Having spoken with the other pillars of the Right2Water movement - the communities, trade unions and other political parties and independents - we are giving a commitment here today that we will continue to mobilise on the streets and through every possible means until our goal of a publicly owned and funded water and sanitation service, delivered on the basis of need and not ability to pay, is in place to meet the needs of the entire community.

We have heard much about an agreement between the two parties. The more I read the crucial amendment to the report agreed by Fianna Fáil and Fine Gael, the more I realise that they have not resolved the core tensions that led to the heated debate - ten hours this week and seven hours last week - between the two parties. The legislation will be very interesting. Many of the arguments we had in the committee will be replayed on the floor of the House when the legislation is published. There is no agreement, for example, on what is the proper metric for the threshold for excessive use.

Crucially, that will only be able to be applied to households that have meters. What the two parties are proposing is an excess use charge that will apply to 60% of the population only. That may or may not be constitutional and it certainly will not be fair or popular, including with Fine Gael and Fianna Fáil voters.

Deputy Jan O'Sullivan: I will begin by paying tribute to the Chairman of the Oireachtas committee, Senator Pádraig Ó Céidigh. In his foreword to the report he talks about the importance of water for us as human beings and the environment, as well as in protecting the country in not polluting rivers and streams. It is important that we include these issues in this debate. This is not about political point scoring but about an essential commodity that we all need. It costs a lot of money to treat water and remove wastewater. The European Commission and the Water Framework Directive are not in place to impose a penalty on the Irish people but to ensure we look after our water resource and do not pollute the environment. It is important to set the debate in that context.

I am not sure how much we have done in the committee to further this debate, having read the report of the Duffy Commission and the clear recommendations read out by the Minister. It is stated at the end, for example, that excessive or wasteful use of water should be paid for directly by the user by tariffs determined by the Commission for Energy Regulation, CER. Excessive or wasteful use of water will be discouraged by charging for such use and is, therefore, consistent with the polluter pays principle. The report the committee has come up with has, unfortunately, taken us backwards rather than forwards in addressing this issue. I wish the Minister well on the road he is going to have to take. In effect, in setting up the Duffy Commission and then the committee another can has been kicked down the road, where they are now sitting and waiting for somebody to set up an incinerator. The difference between the other cans and this one is that the Minister is obliged to take this one down a very perilous legislative route in complying with the Water Framework Directive and being fair to taxpayers and those who are careful in their use of water.

One would think from the debate so far that somehow or other no one is going to have to pay for water. If it is paid for through general taxation, it will be in competition with other items such as housing, to which Deputy Eoin Ó Broin referred, hospitals, schools and so on. I know that we said in the report that such funding should be ring-fenced, but it will be paid for by the ordinary taxpayer. The Labour Party agrees that there should be a free allowance for normal use in households. We do not agree that the taxpayer should pay for the excessive and wasteful use of water. We believe it should be paid for by those who are wasting it. Nor do we believe the 2007 Act is the way to do it. That is why we voted against the report. We do not believe it should be done through the criminal law but through straightforward charges, as recommended by the Duffy Commission and the European Commission, as well as by Professor Gavin Barrett, the Jean Monnet chair of European constitutional and economic law at UCD. He has also stated very clearly that there is a need for metering and that we do need to charge for excessive use. In the written advice he gave to the committee he said it should be noted that political difficulties concerning the acceptability of metering would not be an acceptable defence in such a prosecution under Article 258. The man is an expert on European law.

There is no point in pretending that what exists does not exist. There is no point in pretending that water is free. It has to be paid for through taxation. We have heard different interpretations of the same wording used in the report from different speakers. That is why I call it a fudge. People can read into it what they want. I wish the Minister well in trying to produce legislation from it.

I want to refer to Deputy Barry Cowen's contribution. He has gone back to the past, although I thought we were to focus on the future. He clearly decided to have a go again. I remind him that the first reference to introducing water charges in recent times was when the Government of which his party was part told the troika that it was going to introduce charges and at a much higher rate than was subsequently proposed. Cabinet papers recently published under the new freedom of information laws which my party also introduced in government with Fine Gael make it very clear that the then Fianna Fáil Government signalled its intention to introduce charges. That was when we lost the derogation.

Deputy Barry Cowen: We did not introduce them, though.

Deputy Richard Boyd Barrett: Pull the other one.

Deputy Barry Cowen: Deputy Jan O'Sullivan should have a word with Deputy Alan Kelly.

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Deputy Jan O’Sullivan: I did not intend to say any of that, but if the Deputy is going to make political charges, I am going to defend my party. We brought forward legislation to ensure water would be kept in public ownership. I absolutely reject any intention to privatise. We also published a Bill which would have required the holding of a referendum to keep water in public ownership, with other infrastructure, including gas and electricity, as did other parties. There are three pieces of legislation in train in that regard. We are quite clear that we support the holding of a referendum to maintain water in public ownership.

I absolutely reject the Deputy’s assertion that because we voted against the report, we reject everything contained in it. We support fairness for those who have paid and a number of other elements with regard to conservation, etc.

Deputy Barry Cowen: You are voting against it.

Deputy Jan O’Sullivan: The central issue in all of this is the charge for excess use which we absolutely believe is right. There should be free household allowances, including for illness and other specific reasons. However, those who waste water should not have the rest of general taxpayers paying for it.

I have had a day to reflect on all of this. I also reject the idea frequently expressed on the airwaves - it was also an element of Deputy Eoin Ó Broin’s contribution - that somehow or other, because all households in Scotland and Wales are not metered, they do not satisfy the directive and that, therefore, we can get away with not metering households. In Wales 53% of people have a meter. I am citing the evidence we received from Welsh Water. The others pay based on rateable valuation. People pay for water in Wales and Scotland which have largely addressed the problems of pollution and fixed many of the problems we have not fixed. In Wales someone who has a meter can apply to participate in the social schemes which allow for a reduced charge. For households which are metered, average usage is 110 litres per day, while the figure is 140 litres for households which are not metered. People chose to have meters because it allowed them to benefit from social clauses and schemes. Specific reference is made to poorer families in the evidence we received from Welsh Water. They go on to use less water. Using the examples of Wales and Scotland in a very selective way is not an accurate way of representing the situation here. There are also charges in Scotland which are collected by the local councils. The portion of the charge for water is sent to Scottish Water. It is not as simple as saying most people in Scotland and Wales do not have meters and that, therefore, we do not need them. They tick two of the boxes. They have addressed the issues we are only now beginning to address in terms of pollution, fixing leaks and so on.

There is an attempt to try to ignore the reality of what is in front of us. We have to comply with European law. If we do not, we will be charged excessive fines. Again, the evidence of Professor Barrett suggests that we will be charged those fines unless we charge for excessive use.

I wish the Minister well. I believe it will be a difficult job for him because he is obliged to use the 2007 Act, which is an Act of criminal law, rather than simply bringing in a charging regime.

The Labour Party position is clear. We support a referendum to keep the utility in public ownership. We are absolutely against privatisation. We support equal treatment for those who

have already paid. They should be refunded because it is not feasible to collect from those who have not paid. Ultimately, we do not agree with the idea that the Government can somehow fudge the issue of excessive use by purporting to use criminal legislation instead of simply charging people. That is simpler than having the rest of us who pay our taxes - people struggle to pay high taxes on relatively low incomes - paying for the person who keeps the sprinkler on in the lawn all day, who washes three or four cars or who lets the tap run. We do not believe that is the right thing to do. We believe people should have a fair household allowance that deals with normal use. Then, if they use excessively, they should pay.

An Leas-Cheann Comhairle: I understand Deputy Richard Boyd Barrett is sharing time with Deputy Mick Barry.

Deputy Richard Boyd Barrett: Those in Fianna Fáil have exposed their true colours. They are for water charges. They sign up with the troika for water charges. They commission reports from PwC detailing the plan for water charges. Then, a mass movement is mobilised on the streets against the charges. Then, they are against water charges. Then, the pressure comes on from Fine Gael and they want to leave back doors open for the return of water charges. By the way, that is the definition of the much misused term “populism”. That is what populism actually means.

Deputy Anne Rabbitte: The Deputy wrote the book.

Deputy Richard Boyd Barrett: It means saying what suits people when it suits them, as opposed to the words of people who are accused of being populist and who have a consistent principled position of opposition to water charges. I am referring to people who stick to that position and who build movements to vindicate that position. The same people have forced at least some of that position on a reluctant and resistant political establishment made up of Fianna Fáil and Fine Gael.

Every concession that has been wrought reluctantly from the twisting, turning and back-sliding Fianna Fáil or from Fine Gael which has at least been consistent as it has always wanted water charges and privatisation and has been pushing for these for at least a decade has been wrought because of the mass popular movement. Of course, that is what both those parties are afraid of. They are fearful of the example it could set for other battles on housing, health and the support of Bus Éireann workers. Hence, the need to go after the people of Jobstown and criminalise them. This was done to ensure there is a bitter taste on the victory of the movement of people power. People power has humiliated the Government and forced it into abolishing water charges, at least for now. The Government desperately wants to leave the back door open.

Let us be clear that the decision to meter new-build houses has nothing whatsoever to do with EU obligations. It does nothing to assist or advance compliance with the charges. Furthermore, the EU directives do not require domestic water charges, as has been suggested. If the Minister does not believe me - I do not care what Gavin Barrett says – I need only utter one word, namely, “Scotland”. There are no domestic water charges there. There are no EU enforcement obligations or actions against the Scots.

I am keen to ask the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, about his new-found concern for EU environment regulations. Does the Minister even know how many cases are currently being taken against Ireland on environmental matters? I am referring to cases in respect of which we will be fined because we are

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flagrantly in breach of EU environmental directives. We do not hear the Minister or Fianna Fáil talking about these. There are 15 such cases. Five are at the second stage of enforcement. Of itself, this is another revealing fact about the process that the Minister says will lead to certain penalties. These cases have been in train for years. Five of them are at the second enforcement stage but the Government is not saying anything about them, yet it is still flagrantly in breach of them. Interestingly, we still have not been fined.

We do not believe for a minute that the doors the Government has left open have anything to do with compliance with EU directives. They have everything to do with giving the Government the opportunity to come back and restore water charges at some point in the future. That is what the Government is about. At least Fine Gael is more honest in stating it wants water charges. Those from Fianna Fáil simply say whatever suits them at whatever time.

Fine Gael and Fianna Fáil will not get away with it. At every point in this journey the movement of people has trumped them and it will continue to do so. Fine Gael and Fianna Fáil need not think they are going to fool the people because the people will be back on the streets if there is any attempt to restore these unjust regressive charges.

Deputy Mick Barry: The anti-water charges movement has won a victory over the charges and the political establishment that backed the charges. The victory has been won by hundreds of thousands of people who marched as well as by the 1 million households who refused to pay either in full or in part. It has been won by the masses of people who voted against the charges and for change in the general election of 2016. However, the victory has been sold short by the U-turn executed by the Fianna Fáil Party when it came around to the Fine Gael position at the water committee last night.

People power has won the following gains. First, 90% of households will not pay charges for water next year. Second, households that have paid, many of which paid under duress, will be compensated in full. Third, a referendum to keep water in public ownership will be held. We will ensure it will be held. We will keep the pressure on. Fourth, there will be an increased subsidy for group water schemes in order that the participants need not pay more than their urban counterparts.

None of these gains would have been conceded without the actions of the anti-water charges movement and its hundreds of thousands of followers nationwide. People were sold short last night by Fianna Fáil. The Fianna Fáil Party signed up to a plan to meter all new houses and apartments. This plan will delight those who want to introduce water charges down the road. Those in Fianna Fáil have signed up to support a crazy situation whereby half the country has meters, the other half has none and new-build dwellings will now be metered. Where is the equity in that? I have no doubt that resistance to the Irish Water metering programme will continue.

The Fianna Fáil Party supported the excessive use charge. In doing so it has built a back door for the return of charges down the road. Everyone knows that an excessive use charge threshold means 10% can continue to be charged today. However, the threshold can be lowered and lowered again such that 20%, 30%, 40% or a majority can be charged in future. Fianna Fáil Members may well get this through the Dáil with their allies in Fine Gael but they will not get it through in society. If they attempt to go down that road, people will be back on the streets in vast numbers.

The Government has set the excessive use rate at a relatively low level. It is 588 litres of water per day per household. That is 133 litres by 1.7 times the average household use by 2.6.

Deputy Barry Cowen: That is incorrect.

Deputy Mick Barry: Those in Fianna Fáil shake their heads but those in Fine Gael are not shaking their heads.

Deputy Barry Cowen: That does not even add up.

Deputy Mick Barry: Those in Fianna Fáil are shaking their heads but those in Fine Gael are not.

Deputy Barry Cowen: What is the Deputy doing?

Deputy Mick Barry: Fine Gael is introducing the legislation.

Deputy Barry Cowen: What is the Deputy doing? He is doing nothing with his head.

Deputy Mick Barry: Fine Gael is introducing the legislation so we will see what happens in a month's time. A five-person household, using an average of 133 litres per person, comes to 665 litres. That is above 588 litres.

Deputy Barry Cowen: The Deputy is wrong.

Deputy Mick Barry: A six-person household using 798 litres is well above 588 litres. This is discriminating-----

Deputy Simon Coveney: For the record, there will be allowances for large households. That has been agreed.

Deputy Mick Barry: Yes, but what it says in the deal that Fine Gael and Fianna Fáil cobbled together yesterday is that there will be some allowances. Will there be full 100% allowances to bridge the gap? I do not see any heads nodding on that one.

Deputy Barry Cowen: Per household of more than two people per person-----

Deputy Mick Barry: I do not see any heads nodding on that one. They are discriminating against larger households and if they deny it today, we will see what the reality-----

Deputy Barry Cowen: It is not discriminating. The Deputy is scaremongering.

An Leas-Cheann Comhairle: Deputy Mick Barry to continue, without interruption.

Deputy Mick Barry: We will see what the reality is.

Deputy Barry Cowen: The Deputy is clinging to a straw.

An Leas-Cheann Comhairle: Let us have a civil debate.

Deputy Barry Cowen: The Deputy is a drowning man clinging to a straw.

An Leas-Cheann Comhairle: For those who disagree, there are other opportunities to come in.

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Deputy Mick Barry: I am not a drowning man. I am on the winning side that forced Fianna Fáil and Fine Gael to concede. I suspect that there is discrimination here against larger households.

Deputy Mary Butler: That is wrong.

Deputy Mick Barry: We will see the colour of their money on that when the legislation is tabled in a month's time.

The anti-water charges campaign has given street politics a massively increased credibility in Irish society. Governments are now nervous of the people rather than the people being nervous of the Government. That is the way it should be. The aftershock of the anti-water charges protest will last for many years to come. Already, the spirit of the protests is evident in the workplaces where workers campaigning for pay justice are taking a stand and fuelling the strikes of recent times. Politically, this movement has increased opposition and suspicion of the big two, Fianna Fáil and Fine Gael. It has boosted the rise of the radical left and it clearly shows the need for a far bigger level of real representation for working people in this House.

Deputy Joan Collins: Here we are again three years on from the initial introduction of unprogressive water tax. Who would have guessed a political somersault by the soldiers of destiny; surely not? New politics has yet again shown to be the same old business: a war of words in public and a shabby deal behind closed doors. The lessons have not been lost on the people. Fianna Fáil cannot be trusted. These are the people who said in their election material that they would abolish water charges and Irish Water. Comfortably for them, in their confidence and supply deal, they kept Irish Water out of the equation.

Despite these shenanigans, this is not a victory for those who wanted to commodify water as a step to privatisation, though I have got some concerns. If the two parties think they have managed to snatch victory from the jaws of defeat and from the Right2Water movement, they can think again. The changes to the report made over the weekend amount to nothing more than saving face and clutching at straws. Any attempt to use these changes as a backdoor to the reintroduction of charges down the road will be met with even fiercer resistance than in the last three years. The people have their victory and they will not give it up without a fight. However, what this demonstrates is the need to copper-fasten that victory. That involves two issues.

One of those issues is the referendum to enshrine public ownership and management of the public water system in the Constitution as per the Bill on this issue moved by myself and other Right2Water Deputies, which is now at Committee Stage. I urge all those who supported the Bill to continue to do so both at Committee Stage and when the Bill comes back to the House for Report Stage. The area I am very concerned about is the commodification of this so-called excessive use of water. The European rules and regulations of the markets allow private companies to come into that market on the basis of that excessive use and the commodification of the water. I am concerned about that and I want to see how that runs through the committee when we are discussing the referendum on this issue.

The other issue is that Irish Water as currently constructed has to go. I will bring in legislation or facilitate any other Deputy's legislation to achieve that when we are debating this in the near future. We need a national water authority with a remit to deal with the scandalous waste of the 47% of treated water. What we do not need is a bloated entity with a bonus culture that has wasted €1 billion on consultants and an unwanted and unnecessary metering programme

that it cannot complete.

Some people might be disappointed given that what looked like a resounding victory in the committee's report last week had been watered down by Fianna Fáil's about turn. It beggars belief that a senior counsel who said last week that the report was perfectly legit and within the boundaries of legislation and the water framework directive turned around this week to say that same report is not compliant with the water framework directive. I believe he said it was something to do with a letter he received from Fine Gael. I say to the Minister that that letter to the senior counsel should be produced to every Deputy in the Dáil to see what was written in it. I ask for that to take place.

Deputy Simon Coveney: The letter to what?

Deputy Joan Collins: The senior counsel said he had received a letter from Fine Gael.

Deputy Simon Coveney: No, he did not. I wrote to the Chairman of the committee.

Deputy Seamus Healy: He got a letter from Fine Gael.

Deputy Joan Collins: Exactly. That was my information. If there was a letter which the senior counsel said there was-----

Deputy Simon Coveney: There was no letter from me to the senior counsel. I do not know the senior counsel and have not interacted with him.

Deputy Joan Collins: From Fine Gael.

Deputy Simon Coveney: Do not mislead the Dáil.

Deputy Joan Collins: It was from Fine Gael. The Minister must be aware of it as it came from his party.

Deputy Eoin Ó Broin: Just to be clear, Deputy Joan Collins is not misleading the Dáil. The senior counsel said at the committee that he had received correspondence from Fine Gael.

An Leas-Cheann Comhairle: Perhaps one of the Minister's colleagues might clarify. For the information of Deputy Joan Collins, the clock is ticking.

Deputy Joan Collins: Every Deputy and I would like to see-----

Deputy Simon Coveney: The senior counsel did not receive a letter-----

Deputy Eoin Ó Broin: That is not what he said.

Deputy Joan Collins: The senior counsel said he had received a letter from Fine Gael. If he received that letter, we would all like to see it.

Deputy John Lahart: We did see it.

Deputy Mary Butler: We all saw it.

Deputy Joan Collins: If there are two letters, we would like to see the two of them, or three or four or whatever.

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Deputy Simon Coveney: There are not two.

Deputy Barry Cowen: There is only one.

Deputy Joan Collins: Any correspondence to the senior counsel should be circulated to all Deputies in this Dáil.

Deputy Barry Cowen: The Deputy is misinformed.

Deputy Simon Coveney: The Deputy is spreading a conspiracy that does not exist.

Deputy Joan Collins: We should be extremely proud of what has been achieved so far by the Right2Water movement. The collection of the PPS numbers by Irish Water as an asset to be sold when it was privatised was stopped in its tracks. Water charges intended as €800 to €1,000 per household per year has been abolished. There has been no attempt to force water meters on working-class communities who do not want them. The anti-water charges campaign has achieved an increased allowance for those on group schemes to match the urban dwellers in this country.

For the past week or so, we have been treated to an incredible farce over a row about something that does not exist, that is, the excessive use of water. Even within the 8% that the Minister talks about, he does not know whether there is excessive or wilful waste of water because we do not know if it is from the pipes or from the actual household. It could be a lot less than 8% and I suspect that it is.

Deputy Simon Coveney: That is why we have meters. That is why meters are important.

An Leas-Cheann Comhairle: Please, Minister.

Deputy Joan Collins: None of the parties involved in this row, Fine Gael, the Labour Party or Fianna Fáil, have any right to be righteous about water wastage, as I said on Saturday. They are the parties that presided over decades of under-investment in our water system which has allowed up to 47% of expensive treated water leak away through an antiquated system of underground pipes. They have some neck. It is unbelievable.

They are also the parties who have allowed companies like Glenpatrick Spring Water under Tipperary County Council to not pay a cent for extracting water that they sell on for huge profits in the markets. This part was not allowed to be discussed in the committee because the committee was only to do with domestic water meters. They have said nothing about other companies such as Ballygowan, which pays nothing to Limerick County Council for the extraction of water that it goes on to sell on the markets, making huge profits. We do not hear the European Commissioner coming out to say that this is disgraceful and that Ireland should make sure that those who use our water and extract water from our ground should pay for the privilege. We have the European Commission pontificating about conserving water and making the polluter pay, though it has nothing to say about the fact that 40% of our treated water is being wasted in the ground, or about the companies I mentioned. It is ironic that the Minister can quote from what the Commission has to state about the principle of the polluter paying, how water meters play an instrumental role in the Water Framework Directive, etc. However, when the Commission tells us to accept €13 billion from Apple, we say: "We cannot accept that. We will go to the courts in Europe and we will challenge that." This happens with Apple, one of the biggest companies in the world, but the Government cannot challenge what the Commissioner says in

regard to water.

It was people power which enabled a Bill on public ownership in the Constitution to come before the Dáil and not be arrogantly dismissed. It will be people power that will ensure that charges, the commodification of water and water poverty will not come onto the agenda in the future.

An Leas-Cheann Comhairle: I call Deputy Mattie McGrath who is sharing time with Deputy Michael Fitzmaurice.

Deputy Mattie McGrath: I am happy to speak on this issue. Having watched the debate and the prolonged activity, I was as aghast and bewildered as many of the public were at how long this has gone on. The Minister spoke about the recommendations of the independent commission. It proposed that the funding of water services for normal domestic and personal use should be out of taxation and that excessive or wasteful use of water should be paid for directly by the user at tariffs determined by the CER. The CER has an abysmal record in dealing with gas price hikes, the ESB and everything else. The independent commission recommended that excessive or wasteful use of water should be discouraged by charging for such use and, therefore, be consistent with the polluter pays principle, with which we all agree.

The Minister went on to take account of all he heard from Big Phil, the man who created this monster, and the people in Europe. He referred to maintaining Irish Water as a single utility structure for the delivery of our water services, increased funding certainty for future investment in water infrastructure, a conservation-based approach to using meters, a charging system that is fair for households and that encourages sustainable consumption patterns, and - here is the sting in the tail - equitable treatment for people who currently pay for their domestic water through group water schemes, as well as for those households who have already paid water bills.

Here is the problem. I salute this cohort of people, as I have done before in this House. They were the pioneers who went out and created the group water schemes from the bottom to the top of Ireland. This was when they were drawing water with horses and carts, as I did myself, to feed their families and their animals. These are the people who are bewildered with all this going on and they are not being taken into account at all. What is the Minister doing to them? In the past couple of years he has stripped away the grant aid they could get.

Deputy Simon Coveney: We have not.

Deputy Mattie McGrath: Statistics were released to me in a response to a parliamentary question last December by the Minister, Deputy Simon Coveney, regarding the amount paid to group water scheme operators which confirmed the absolute need to introduce exemptions in any future water charging regime. Where are the exemptions? My parliamentary question showed there was a massive drop in grant payments issued by the Department of Housing, Planning, Community and Local Government to group water schemes and private well owners from 2011 to 2016. In 2011, the Department funded all local authorities to administer the rural water programme to the tune of €70 million but by 2016 that amount had dropped to just under €21 million. That is an astonishing gap of almost €50 million which needs to be explained by the Minister, given it has happened during all this crisis and all the “can’t pay, won’t pay” debate.

In Tipperary alone, during the same period, there was a reduction in payments under the rural water programme from €1.953 million in 2011 to €718,000 in 2016, which is a cut of

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€1.2 million. We can see from the data provided that between 2015 and 2016 the amount paid to private well operators in Tipperary was down from €92,905 to €71,407. Kick in the teeth after kick in the teeth - that is what they are getting from the Government. This is the cause of huge frustration within rural society, particularly in the light of the recent proposals to impose an additional de facto water tax on this sector which is ostensibly aimed at maintaining and improving the current water infrastructure. The figures prove that more and more responsibility was being put on the group water scheme operators while less and less support was being given to them from the Department while the debate was raging here. Any national conversation we have on the water charging issue must prioritise parity of esteem for this vitally important sector within rural Ireland.

We also have other problems building in terms of the management of the water resource. In 2016, I asked the Minister to explain this and we now have the figures. These people have been cut and cut. Here we are tonight talking about all we did and did not do, and all the Minister's aspirations. I hear it said 92% will not pay anything and the remaining 8% might be penalised, but they will get time to fix their leaks. The group schemes have to go out and fix their own leaks. They mind the water because they know how costly it is. The man who has a well in his back yard which gets polluted must pay for his filters, must pay for the pumping costs and must replace the pump for €3,000 or €4,000. Nobody gives a toss about him in this country, apparently.

These are proud people, quiet people. The Minister will remember the grey vote that came out before with the attack on the medical cards. They could come out again very easily because they are disgusted with what has gone on in the past couple of years. They are disgusted with the people who do not want to pay anything and who have now won the battle. They are disgusted with the main political parties twisting and turning, and all their PR and stunts. They pay everything. They pay their general taxation too and they get nothing for it. They have to repair their own pumps and their own wells and look after their own children. If the wells get contaminated with effluent, as they do, they must be treated and sorted out but the grant aid has been diminished by the same Government.

This has been a monster from day one, created by Phil Hogan and then perpetrated by the former Minister, Deputy Alan Kelly - the AK-47 - who did not even have the good manners to come in tonight to contribute to the House. He ran away, hiding like a scalded cat. He is pontificating on what he can do. This is a disgrace perpetrated on the people of rural Ireland, who have carried the can for everything and who pay for roads and everything else. We in the Rural Independent Group intend to support those people. We are going to fight tooth and nail in order that the Minister gives them some semblance of respect for the way they pay for the provision of their own water not just for themselves, but for neighbours, schools and other places. They have done this since the 1950s, 1960s and 1970s. The pioneers of the water schemes sank their own wells and now they are discarded as if they do not exist. We have all this talk about fairness and equality. We had a referendum two years ago on equality for all. Where is the equality for the people I represent? The Minister represents a few of them as there are a few out his way also.

Deputy Simon Coveney: Has the Deputy read the report?

Deputy Mattie McGrath: Then there are the farmers and the small businesses such as funeral parlours and hairdressers. They all have to pay for water and the prices are going to be doubled and tripled for them.

Deputy Simon Coveney: They are not.

Deputy Mattie McGrath: They will have to carry the can again, no matter the business. Schools might get it for free but shops and other businesses will have to pay for water. The cost is going to be doubled and tripled to pay for the charade the Government has continued on with for the past two years. It is just silly. The ordinary, plain people of Ireland must hump off or do what they like. People with polluted wells must buy bottled water but there is no grant aid. If they have sick children, they must buy bottled water. If they are afraid for their well, there is not even an allowance to get it tested. They must leave our county of Tipperary and go to Limerick to have their wells tested, for which they must pay €50 or €60. I rest my case, but I believe they have been abused and misused by those in this House.

Deputy Michael Fitzmaurice: I thank the Rural Independent Group for sharing time.

The people in the group water schemes have been basically neglected in the past few years, although the Minister said earlier they were not. As I am chairman of a scheme, I know the reality is that the subvention has been cut in order that those in the schemes had to go to members to get more money. They have been pushed forwards and backwards for the past two years and they did not know where they were going. If the Minister is to treat them properly, at a minimum he will have to increase the subvention by €100 per house to treat them equally with everybody else. Unless that happens, it is no good to the group water schemes.

Will the people in rural Ireland have to pay their taxes on their work, as they do, and then on top of that pay for their septic tanks? We should bear in mind that the water in and the water out are going to be free. However, for those with their own septic tanks, any problem with the tank will cost up to €10,000. The Constitution states we will treat all citizens equally. Are we going to make sure they are treated equally in a fair society? I have no problem if we have to pay something in taxes. However, if we are going to pay it in taxes, we have to make sure the people right around rural parts of Ireland are treated fairly. In addition, those with their own private wells have their own pumps and have put in their own chlorination and filtering systems. In what way are they covered in the new system that will be brought in?

I advise everybody to go to a sewage treatment plant and a water treatment plant. Let us forget about charging or not charging, but anybody who does not believe in a meter is coddling themselves and does not know anything about water. I will give a simple statistic. In one group water scheme 950 cu. m. was being used per week and, with the help of the meters, it was brought down to 375 cu. m. That has meant less electricity, the addition of less chlorine and less work for people to do. In all such schemes around the country, people are doing this voluntarily. I have no problem paying through general taxation, but we cannot be treating those I describe completely differently.

I welcome the Minister's acknowledgment of the group water schemes. Irrespective of where the money is to come from, the Minister has now made a commitment in the House that there will be no charge and a levy for excess use. Whoever produced the figures on the excess was obviously not doing the mathematics very well, for the simple reason that it amounts to 90 cu. m. per person. On a group water scheme, a family of two adults and two children uses on average – one can go from the highs to the lows – between 75 cu. m and 120 cu. m. We are, however, going to give 90 cu. m multiplied by four, which is 360 cu. m.

Deputy Simon Coveney: No.

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Deputy Michael Fitzmaurice: Yes, it is in the excess. If one adds the litres and multiplies the sum to take a year into account, one realises those are the facts that emerge. I have always said there should be an allowance for water but if people waste water beyond that, there is obviously a leak. People do not genuinely waste water but 90% of most leaks are from what we call the stopcock to the house. Is Irish Water now to be moping around houses trying to find leaks? Anyone who says a district meter will solve the problem obviously has not learned about water.

Deputy Catherine Murphy: I am sharing my time with Deputy Eamon Ryan.

After years of wrangling, grandstanding, fake fights and false bravado, we have a report. Since the day the Opposition walked out of this Chamber *en masse* in December 2013, the inability of the Government and particularly its predecessor to listen to voices that were clearly pointing out what the Chief Whip, Deputy Regina Doherty, summed up earlier this week as an epic cock-up has been evident. The voices were ignored while we were preached to about waste. Even today, we are hearing about waste. Yes, there is water lost and there are those who waste water, but they comprise a small number in the overall scheme of things. Most water is lost through leaks.

When I think of Irish Water and waste I think about exorbitant consultant fees, the yoga classes and the gilt-edged bonuses. Everything about Irish Water screamed waste as it set out on its journey using consultants to turn citizens into customers. In the best systems in the world, one still will not get below a leakage rate of 20% to 25%. The reality is that water pipes leak.

Before Irish Water was established, local authorities used a particular method to calculate unaccounted-for water. That system factored in an amount that could be expected to be lost both on the public and private sides. Irish Water came along and totally changed the method of calculation. Therefore, one cannot make direct comparisons with what happened in the local authority regime. The two are completely different.

In the case of a leak, a cost-benefit analysis is very often completed on the public side. One is not going to dig up a road if the analysis does not prove there is a savings benefit to the disruption. Similarly, if an old-age pensioner finds he or she has a leak under the path, driveway or garden, must he or she face extensive costs to remedy it? It may not be feasible for him or her. I acknowledge the report states the first-fix policy is expected to remain but there will be other incidents after the first fix. Most unaccounted-for water is lost through leaks.

We accept that water services need significant additional investment but, as with other public services, this should come through the Exchequer. The money spent on Irish Water so far would have been far better invested in much-needed upgrades to the piping system. Some of the pipelines date back to Victorian times.

Let us not forget in all of this the very lucrative and sometimes wasteful contracts that were put in place and that have still some life left. I wonder what the intention is in regard to the Abtran call centre contract, for example, in the context of what is occurring now. That contract was awarded in 2013 for a period of five years up to 2018 and with the option of an extension of another two years at the discretion of Irish Water. The potential liabilities from such contracts are obviously of serious concern. People will be concerned that they will become a charge or that the Government subsidies to the quango that is Irish Water will have to continue to rise to fund such contracts. The Abtran contracts for the call centre, the original metering contracts, many of which were awarded to Sierra, a subsidiary of Siteserv, the €80 million on consultants

and the PPS numbers issue are all reasons people found it absolutely impossible to accept Irish Water. If this report is a fudge, one will know about it sooner rather than later. At the very least, there should be a full and open financial review of Irish Water and the related contractual commitments.

We feel strongly that the public utility is needed but it has to be backed by a constitutional referendum. That is the only way to restore any confidence in a utility that will exist at national level. That must be done.

Deputy Eamon Ryan: The Green Party and green movement in general are based on one simple, clear idea, namely, that if we can be efficient in our use of natural resources, we not only be successful in being sustainable in a world of scarce resources but also secure because we are facing an insecure world. The climate will change. Some areas in this country face flooding and huge water management problems and other areas will have a water shortage. When that day comes and the tap does not run, we will be cursing the fact that we did not manage this water issue correctly in the past three or four years.

The bigger picture is that to manage scarce resources, one has to monitor, measure and place a value on a resource. One has to discourage waste. I am glad there is some progress being made. I wish we had started three or four years ago with some of the principles we are finally getting to. We should have a referendum to insert into the Constitution a provision stipulating there is no possibility that the public water supply could be privatised. I would like us to go further. We have nothing in the Constitution about respecting the environment. Perhaps there is wording we could come up with that would embed in our Constitution a statement that we value our land, water and air, as exists in some other countries. That is important for us.

I am also glad we have come to the position that there is a right to water and that everyone will be entitled to it to meet their basic needs. It is not a commodity like other goods. It is not like electricity or telecommunications infrastructure; it is essential for life. In this country, where we have such access to water, it should be included as a basic right. I am glad we have come to this conclusion.

I am glad, even though the system is not perfect, that at least in this last deal that has been hammered out there is an agreement that all new builds will be metered. How could we not do so? How can people argue metering is a bad thing? If we do not measure, we do not value, as Deputy Michael Fitzmaurice said. I am glad this is realised and I hope that over time, as people opt in and see the sense of this, metering will start to become the norm and we will construct apartments in the way that has been provided for.

I am glad that there is, at last, a majority in this House that agrees we should have some charge on waste. Most people are not naturally wasteful but a charge on waste is the way to achieve conservation and reduce the amount of money we have to spend. This saves us money.

The main reason we did not support the report coming through yesterday is that we are concerned the actual mechanism to implement the charge on waste, find the leaks, cut down on waste and support conservation is not going to work or not going to work as best it might. I do not want to be political about it but this is all about politics. I fear that the use of the 2007 Act was just political cover for Fianna Fáil because it was fearful of Sinn Féin, which in turn was in need of political cover when it changed its position following Deputy Paul Murphy getting elected in Tallaght. That is what it is all about; we all know that. I do not believe that is

a particularly clever outcome in terms of how we introduce the charge. There may be some legislative mechanism and the Minister will show it is not a fines based system without all the court and other difficulties. I do not see how that will be possible using the 2007 Act. That was the reason my party stated it could not support it. My party supports the other principles I have mentioned and I hope we can get some sort of consensus here on those major blocks in order that perhaps we might start to move on.

I have a number of regrets. The first is that we are doing this because the EU states we have to do it. We should do it because it is right that we start to treat nature and our natural resources properly. I regret also that the lawyers have been all over this. I am mortified when I watch the committee. Parties are now bringing lawyers into Oireachtas committees. Where will that lead? I am told nine different legal opinions were presented in the committee. Our job is to set the law and the policy. Let the lawyers interpret it thereafter. Our job is not to abdicate our responsibilities to lawyers and ask them to become politicians because they are not as good at it.

Deputy Anne Rabbitte: We are the politicians.

Deputy Eamon Ryan: Yes. We, as politicians, are better placed to decide what the policy is and what broad legal approach we should take. It is the lawyers who interpret it. If it is not constitutional, the lawyers come back and tell us that but we should not abdicate our responsibilities to the legal system just because we have got ourselves into a political knot. We need to untie it. We need to win back the confidence of people. We will need to share resources, monitor their use and use everything efficiently, not only water but energy, raw materials and space. That is our big challenge. If we get that right, we will be an incredibly successful country. We are blessed with a natural environment that is rich in so many ways. Let us use it wisely.

An Leas-Cheann Comhairle: That completes the first round. We will move on to the second round. The list of speakers comprises Deputies Thomas Pringle, Mary Butler, John Lahart, Seamus Healy, John Brady in substitution for Deputy Eoin Ó Broin, Jonathan O'Brien, Kate O'Connell and Martin Heydon. Deputy Pringle.

Deputy Thomas Pringle: The Minister, in his statement this evening, said we should remind ourselves of the process by which the committee reached this point. That is a good place to start. On Thursday last, the committee had a final draft report and received legal opinion on it, which gave it the green light. In the legal opinion, particularly in section 4, the barrister stated, with reference to incentives and penalties, that these will assist in attempting to persuade the Commission that the purpose and intent of Article 9 has been complied with. The barrister added, as he had advised previously, that it would be a matter for the drafters of the legislation and the Legislature to ensure any laws passed by Dáil Éireann were in compliance with the directive. Lo and behold, in respect of the exact same document, he came back on Tuesday with a completely different legal opinion, recommending the insertion of three new paragraphs and totally changing the emphasis of the report. In relation to metering, on Thursday last he stated that while there have been some changes made to this section, they do not alter the advices previously furnished. Lo and behold, on Tuesday he came back stating that paragraph 7.5 had been substantially changed and the changes, in his view, caused difficulty. How did he arrive at that point, on the exact same document, with two separate legal advices? He told the committee the only difference was that he got a letter from Fine Gael. That was the only difference between Thursday and Tuesday. It is obvious what happened. He was got to. The advice was changed to facilitate it. It was changed to give the Minister and the Commission everything they wanted. That is what has been arrived at. That is why we ended up having 12 or 13 votes yesterday at

the committee, namely, to try to get back to the report, which the Thursday before was legally sound and which all of a sudden was not legally sound, according to the same legal adviser.

The difference was that over the weekend Fianna Fáil marched up the hill and huffed and puffed, and the Minister, Deputy Simon Coveney, faced it down. It is now Coveney, two, and Cowen, zero. Coveney faced them down. Fianna Fáil backed down, climbed back down the hill again, and came in and voted against everything it had voted in favour of the week before in the draft report, which, based on the legal advice to the committee, was legally sound. That is what happened.

It was interesting that the Minister, in his contribution, indicated he was now merely a messenger for the Commissioner and that the report reflects what the Commission stated it wanted. It is also interesting - we will have to look at this closely when the legislation comes through - that the legislation will merely push it all over to the CER and the CER will do the dirty work on behalf of it. The Commission has stated the charge for excessive or wasteful use of water should be dissuasive. That is more than merely a charge for water. According to the Commission, that is a dissuasive level at which to penalise those who end up in a position where they have used an excessive amount of water.

The completion of metering will be instrumental in this regard. The metering programme will take a bit longer. In metering new builds, by 2030 we will have an additional 300,000 meters installed across the country, which leaves that back door open to the Minister to reintroduce charges. That is the back door that we all will fight against and oppose. Fianna Fáil has stated it has ended the failed water charges regime. It may have ended the previous failed water charges regime but it is introducing a new future failure.

Fianna Fáil has made much of the fact that the 133 litres per person per day is included in the report but it is significantly weaker than it was in the report we had on Thursday last because section 4.4 states, "The Committee recommends that the CER should determine average consumption levels setting the threshold level at 1.7 times the average household use", which Fine Gael pursued religiously on Thursday last as being 127 cu. m per year. The section goes on to state, "The legislation should also provide for appropriate allowances for extraordinary circumstances such as medical conditions and above the average household size that falls beyond the threshold allowance and taking [only] into consideration that the average usage per person is 133 litres per person per day." That is significantly weaker than it was in the report on Thursday last. Interestingly, Fianna Fáil withdrew its amendment to allow Deputy Noel Grealish's go forward. Perhaps that was to give it a bit of cover when it blows up in its face.

I say to the Members who spoke in favour of the group water schemes that they should read section 6.2 of the report on group water schemes. I thank the Right2Water Deputies for insisting that the section was inserted into the report.

Deputy Mary Butler: The end of water charges for 92% of Irish people, as recommended by the Oireachtas Committee on the Future Funding of Domestic Water Services, is proof that debate, discussion and dialogue is much more beneficial to the interests of the people Deputies seek to serve than political posturing. The Fine Gael-Labour Party water charges regime failed and cost the State money - €22 million in 2015. The legislation was rushed through Government and the Dáil on the basis of claims which were systematically dismantled during the committee's work.

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We heard the point about the Government Chief Whip twice tonight and I will not repeat it. The Minister for Finance, Deputy Michael Noonan, labelled water charges a dead cat. The list goes on. The Minister, Deputy Simon Coveney, stated that it was a rushed, badly planned and appallingly implemented policy, and there no disagreement there.

I was delighted to hear Deputy Richard Boyd Barrett state that we had abolished water charges. The Deputy is not here at present but that is what he stated.

To clear up a bit of fake news we heard earlier, it was Fine Gael which proposed, in its NewERA document in 2009, produced a year before the troika came to town, that it would set up a new semi-State company called Irish Water. I remember the weekend when a lot of messages were tweeted and put up on Facebook. I watched with interest Deputy Mary Lou McDonald state she would pay water charges but perhaps it was when Deputy Paul Murphy won the by-election that all that changed. We all can talk about fake news. We all can score points.

Thanks to the work of Fianna Fáil this regime has now been abolished. In its general election manifesto, Fianna Fáil promised to abolish Irish Water and end water charges. We agreed to compromise on this in order to ensure the country had a stable Government.

The report has recommended that the failed water charging regime put forward by Fine Gael, and let us not forget the Labour Party, is now over. The vast majority of households will no longer face water charges but those who wilfully and excessively abuse water will be fined.

Many on the hard left of Irish politics have sought to claim that the report fails to deliver what Fianna Fáil sought. The following questions should be asked of them and if anybody would like to answer them, I have no problem. Have charges been eliminated for the vast majority of households? Will regular bills for water stop coming through people's letter boxes? Are we tackling those who abuse the system? Have we put in place a system that ensures Ireland meets its European obligations?

The answer is a clear yes and a clear vindication of Fianna Fáil's position before, during and after the 2016 general election. We did not win the election last year, but we decided to be constructive and use our mandate for the maximum benefit of voters. As part of the agreement we reached to facilitate the establishment of a Government, we set in train the events that led to yesterday's report. Those who sat on the sidelines and did nothing should not complain about those who worked with others to deliver on our manifesto commitments. Too many politicians talk a good game, but when push comes to shove, those on the hard left are too comfortable in hurling abuse from the ditch rather than getting stuck in. I am not afraid to get stuck in and do what is needed to achieve results.

I will be absolutely clear. I believe ensuring at least 92% of households will not be charged for water, making sure the small minority who abuse the system are addressed and securing a referendum on the public ownership of Irish Water is a good result. Yesterday we secured in writing the deal originally agreed to two weeks ago before the Fine Gael leadership race intervened. The deal was praised by Deputy Eoin Ó Broin on "Morning Ireland" on Thursday, 31 March, and the Minister, Deputy Simon Coveney, on 30 March; we believe, therefore, that all parties should be well satisfied with it.

The report recommends the following key points. Existing charges will be abolished. I am sorry that Deputy Mick Barry has left the Chamber because I wish to be quite clear: the definition of "excessive use" is 1.7 multiplied by 133 l per person per day for a household of

2.6. Water services will be funded by the Exchequer. Households that have paid their bills will be refunded. There will be no future metering programme for existing homes. A sum of €465 million has been spent on metering, with 58% of houses metered. As a party, we cannot stand over a further spend of between €300 million and €400 million. Finalising the State's position on water charges, as we have done, allows us all to focus on the other pertinent issues challenging the country, namely, housing, schools, health care and protecting ourselves from the risks associated with Brexit. The process from now is absolutely clear. It is the obligation of the Government to draft the changes quickly for inclusion in legislation to finally put behind it years of an arrogant, badly devised mish-mash of a water policy.

Deputy John Lahart: I ask the House to imagine what life was like under what was an unassailable Fine Gael and Labour Party Government when it came to charging for water. I have fought more elections than most in the House in the past three years - local elections in 2014, a by-election in 2015 and a general election last year. I was, therefore, close to the evolution of public opinion in the evolving water charges debate. As I have said before, something that had the potential to be as groundbreaking as the establishment of the ESB came, to quote the Minister, Deputy Simon Coveney, to be something rushed, badly planned and appallingly implemented. From what could have been a dynamic, smart and successful State utility with public support came in the end, to quote the Chief Whip, a cock-up and a catastrophe. It failed to win the moral support of the people who, whether the Minister cares to admit it or not, were justifiably suspicious that his game plan was to fatten a tax-funded State utility and sell it off. During the local elections of 2014 it became clear that the Government's proposed allowances were mean, with no account being taken of ability to pay. The Government terrified seniors and frightened families with students and non-working adults, for whom no allowances were made. It is very difficult to believe now that there were no waivers or medical allowances provided for in this context. Grandparents were frightened they would not be able to care for their grandchildren without exceeding the daily allowance the Government had set.

When it came to water charges, the previous Government was austere, mean and clinical. This meanness, indifference and arrogance was epitomised most by the then Minister Phil Hogan's threat to cut people's water supplies to a trickle. The previous Fine Gael-led Government had the largest majority in the history of the State and still managed to do 12 U-turns on water charges. It was Deputy Alan Kelly who rendered redundant the water meters on which €500 million of taxpayers' money had been spent. I ask the House to remember that the Government spent income tax, motor tax and local property tax receipts in the establishment of Irish Water. Water charges were introduced at a time when USC was applied in all its force, when property tax was applied and when VAT rates had been increased, levying an average increase of €2,000 per annum on the average family and household. Water charges were simply a step too far.

Sinn Féin is the carpetbagger when it comes to the Right2Water campaign. I fought the 2015 Dublin South-West by-election, in advance of which Deputies Gerry Adams, Mary Lou McDonald and Pearse Doherty said they were paying their water charges. They lost that by-election. Then it came to the 2016 general election and there is one party that made a commitment to the electorate in advance of it and one party that has delivered on that commitment. We achieved the suspension of water charges. No other party in this House can claim credit for this. The commission headed by Mr. Duffy followed, as did the Oireachtas Committee on the Future Funding of Domestic Water Services. We can, therefore, go back to our constituencies - I can go back to Tallaght and the constituency of Dublin South-West - and say we made a commitment, that we kept our promise and that water charges have been abolished.

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The last word must appropriately go to the Minister, Deputy Leo Varadkar. He has said there can be no victory for Fine Gael in the abolition of water charges. Common sense has prevailed; politics has won and Seán Lemass would be proud.

Deputy Seamus Healy: In the general election of 2016 the electorate democratically decided to abolish water charges and Irish Water in electing 90 Deputies committed to abolition. However, Fine Gael, Fianna Fáil, the Labour Party, the Green Party and the Independents have shamefully rejected the democratically expressed wish of the people. Yesterday Fianna Fáil caved in on water charges, ably assisted by the Labour Party and the Green Party. Water charges can now be phased back into operation over time. The intention is probably to do so after the next general election, but the Minister should make no mistake about it: the Right2Water campaign has not gone away and people power can and will stop any attempt to reintroduce water charges. Yesterday Fianna Fáil voted against amendments to recommendations on water charges which it had proposed last week. On all key row-back amendments the Labour Party and the Green Party voted with Fianna Fáil at the committee. Then the Labour Party and the Green Party, hardline supporters of charging for water generally, cynically voted against the final report.

It is important to recognise that the gains won by the Right2Water campaign have been retained. There will be no immediate return to general water charges, those who did not pay will not be pursued and those who did pay through fear or bullying will receive refunds. The metering of existing homes will remain halted. The anti-water charges campaign has also achieved an increased allowance and equity for those in group schemes. The recommendation that a referendum be held to change the Constitution to prevent the privatisation of water services also remains. However, the U-turn amendments make domestic water a tradeable commodity under EU law. Payments for excessive use to Irish Water Limited commodify water. This will facilitate the phasing back in of water charges over time. The Government can reduce the free allowance, thus making increasing amounts of water chargeable. This may also be used to prevent the holding of an anti-privatisation referendum or to change the wording as new private suppliers of water are entitled to enter the market under EU competition law. This, of course, was also facilitated by Fianna Fáil in agreeing with Fine Gael that the abolition of Irish Water would be outside the terms of reference of the Oireachtas committee. In addition, Fianna Fáil has conceded that the metering of new builds and refurbishments will continue in a further U-turn by the party. Fianna Fáil has proved again that it simply cannot be trusted. Right2Water campaigners will continue to campaign with the same vigour against these U-turns as we campaigned against water charges to achieve the gains made. We already pay for water and will not pay a second time. Fine Gael, the Independents, the Labour Party, the Green Party and Fianna Fáil must not be allowed to restore water charges. They will also attempt possibly to increase PAYE, VAT, or both, to make us pay for water a second time. We are already paying for water services through existing general taxation but the money has been diverted to other purposes, including tax concessions to the very wealthy. The financial assets, shares and bank deposits of the Irish super-rich are now €35 billion more than at peak boom levels in 2006 and €70 billion above bust levels in 2008. Those huge untaxed gains are due to the sacrifices and hardship endured by the blameless majority of the people. It is time the Irish super-rich gave back something. I will propose in the Dáil that significant taxes be imposed on those assets to pay for improved public services. There must be no increase in taxation such as PAYE, VAT or motor tax to make us pay a second time. I will also advocate at a legislative stage in the Dáil that Irish Water be abolished and its functions returned to local authorities and the Department of Communications, Climate Action and Environment.

The Right2Water campaign will continue to organise and to fight against the water charges. Fine Gael and the Independents, Fianna Fáil, the Labour Party and the Green Party are hell bent on using water charges and additional taxation to soak citizens in order to protect massive incomes and the assets of the Irish super-rich. We will continue to resist this agenda into the future.

Deputy John Brady: The irony is not lost on me that Fianna Fáil members bring themselves in here like knights in shining armour to save the day and bring an end to water charges. The irony is that this is the same political party that signed the deal with the troika that brought about the water charges in the first place. Fianna Fáil is the same political party that presided in government over cuts to local authorities that starved them of essential funding to put in place the infrastructure to deal with the 47% of treated water that is lost in the leaking and antiquated infrastructure across the State. It is ironic to hear Fianna Fáil come in here and lecture us on what it has done while it forgets its past.

Deputy Mary Butler: What about Sinn Féin's past?

Deputy John Brady: This is a long running saga that has been ongoing for three years. We know the grubby little deal that was put in place between Fianna Fáil and Fine Gael, kicking the issue down the road to this point to ensure that we did not go back to the polls and have another election in order that Fianna Fáil could have its say while propping up Fine Gael in government.

It is important that we remember that Deputies were given a mandate in the election. The people had their say and they gave the majority of Deputies in this Chamber a mandate to go and legislate to abolish water charges. We are constantly lectured by both the Fianna Fáil and Fine Gael parties about democracy and the principles of democracy. I will not take lectures from either political party, as a member of the oldest political party in this Dáil, Sinn Féin - the oldest political party on the island.

Deputy Mary Butler: The Deputy should stop. He should be quiet.

Deputy John Lahart: Deputy John Brady is not. We have more in common with the original Sinn Féin than his party does.

Deputy John Brady: I remind both political parties that democracy does not stop on ballot day. It does not stop when people go out to vote. Democracy is following through on the mandate that all politicians have been given.

Deputy Barry Cowen: It adheres to the Constitution.

Deputy John Brady: I hope that one lesson will be learned by the people out there who loaned Fianna Fáil their vote in the polls last year, that whether in government or in opposition - or in between in the little arrangement it has made with Fine Gael - Fianna Fáil simply cannot be trusted. It signed up to the water charges with the troika. It was in favour of water charges.

Deputy John Lahart: Sinn Féin was for water charges.

Deputy John Brady: Then it decided it was against water charges. Then the party flipped again and decided it wanted to suspend water charges for perhaps three years.

Deputy Barry Cowen: Is that a problem for the Deputy?

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Deputy John Brady: The current position is that Fianna Fáil is facilitating the comeback of water charges through the back door.

Deputy Barry Cowen: Is getting rid of water charges a problem?

An Leas-Cheann Comhairle: Deputy John Brady should be allowed to speak without interruption.

Deputy John Brady: The flip-flop party is a better definition of Fianna Fáil.

Deputy Bobby Aylward: What is Sinn Féin's policy in Northern Ireland?

Deputy John Brady: A mandate was given to Fianna Fáil in the election. People did loan Fianna Fáil their vote and there was a clear mandate given to abolish water charges.

Deputy Barry Cowen: Vote for the motion so.

Deputy John Brady: At the time some Fianna Fáil candidates, including Deputies, had election posters saying a vote for Fianna Fáil was a vote to abolish water charges.

Deputy Barry Cowen: Sinn Féin is going to vote against the report.

Deputy John Brady: I hope the electorate will remember that whenever the next election is held.

Deputy Barry Cowen: The people will be watching Sinn Féin vote against the report.

Deputy Pat Buckley: Quack, quack, quack.

Deputy John Brady: One could ask what has brought us to this point. It is the fact that hundreds of thousands of people right across the State engaged in civil disobedience, protest and took to the streets in their tens of thousands. We had one of the largest, most successful mass movement organisations this country has seen in many years – the Right2Water movement - which mobilised on nine separate occasions right across the State, bringing thousands upon thousands of people out onto the streets. I was proud to stand with the people in the Right-2Water movement in Wicklow when we engaged in such protests. There have been some fantastic results for the Right2Water movement as a result of the process. Refunds were secured and those who were bullied and cajoled into paying water charges will be repaid. An end was secured to the metering programme in existing dwellings. It must be borne in mind that €480 million of taxpayers' money has been wasted in the process to date.

As it stands, we essentially have a flip back to the original position. Fianna Fáil originally said it wanted to suspend charges and now the water allowances are back in place.

An Leas-Cheann Comhairle: I call on the Deputy to conclude. His colleague is next.

Deputy John Brady: I will just finish on this point, a Leas-Cheann Comhairle. People are not fools. They are watching this debate.

An Leas-Cheann Comhairle: I call Deputy Jonathan O'Brien.

Deputy John Brady: They are watching Fianna Fáil and Fine Gael and people will be back on the street in their tens of thousands and they will hold Fianna Fáil to account.

Deputy Barry Cowen: A total of 4% of households will be back.

Deputy Jonathan O'Brien: As a member of the committee, I pay tribute to and commend the Chairman of the committee, Senator Pádraig Ó Céidigh, who I believe acted impartially in all of his deliberations. It was not an easy task for him given the very diverse views within the committee.

The committee met on 22 occasions. I also pay tribute to all of the members of the committee. Regardless of their political affiliation or lack thereof, all 20 members came to the meetings to try to reach a consensus.

Deputy Barry Cowen: Hear, hear.

Deputy Jonathan O'Brien: It was probably very clear from the outset that we were not going to reach a consensus but everyone came to it hoping that we could. Everyone came to it with very genuine intentions and it is only fair that we recognise that point. It is only fair also that we recognise that at the end of the 22 meetings we had recommendations composed of eight sections. In the current back and forth of the debate, we are not focusing on what we have all agreed. There were only four paragraphs in the report which divided the committee. If those four paragraphs could have been resolved, we would have had a report before this House that had the unanimous support of the committee. While they are only four paragraphs, they go to the very heart of the debate on the future funding of water services. Some people will say this is a defeat for the anti-water charges movement. I do not agree. Some of the provisions in the report are welcome. The referendum is to be welcomed, as is the fairness and equity. People who paid willingly or were bullied into paying charges in the past will be refunded. The issue of conservation is something on which we are all agreed. However, there were areas where we could not agree.

It is not for me to judge whether Fianna Fáil did a flip flop. I have an opinion on it, but it will not be me making that judgment. As the general public will make the judgment at the next general election, I will leave it up to them. They are intelligent enough to know what each political party promised before an election and what they will deliver. However, the proof will be in the baking of the cake, which is the legislation. There are differences of opinion even among those who supported the report. Both Fianna Fáil and Fine Gael supported it but there are clear differences about how we measure water. There is an analysis from Fianna Fáil that it will be done on an individual basis, regardless of the household composition, while it is clear that Fine Gael is looking to the household composition. There will be challenges in drafting the legislation.

This debate will continue when the legislation is brought before the House. The campaign to abolish water charges in total is not over, because the abolition of water charges has not been achieved. In 90% of cases people will not pay for water, but some people will continue to pay. The excessive use charge is obviously a big issue that divided the committee. The metering programme also divided it. Last Thursday, there was a consensus on metering which I believed would have complied with the Water Framework Directive. That was the legal advice given to us that day. Unfortunately, that legal advice changed over the weekend. I will not question or second guess the senior counsel, but one cannot argue with the fact that we received two sets of differing legal opinion from the individual on the same report. He is the only person who can explain why he did that.

I do not wish a narrative to be conveyed that this is a defeat for the hundreds of thousands

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of people who took to the streets over the last three years. There has been some progress and some achievement. It is the job of Right2Water Deputies to ensure the matters we support, such as the referendum, the equity and fairness, the refunds and the conservation measures, are reflected in the legislation. We will vigorously oppose the provisions we do not agree with when the legislation is brought before the House.

Deputy Kate O’Connell: First, I pay tribute to my colleagues on the water committee. It was a tough task and we all embraced it. I believe we have reached a solution of sorts. Initially, I wish to correct the statement made by Deputy Richard Boyd Barrett, who insists on making the false assertion that there are no water charges in Scotland. Scottish people pay an average of €400 per year in water charges. They have an opt-in system for metering, which usually reduces their bills. It is important to make that point.

Some Members in this Chamber do not appear to deal in facts and disregard experts - experts who have no vested interest but who work in their fields and on behalf of this country. I genuinely hope the people who disregard the experts never need an expert. There are times in one’s life when one wants the lad who has done the heart operation previously, not the lad who googled it.

My party and I do not live by the philosophy of take what one can and give nothing back. It is one of our core principles. I also pay tribute to Irish Water as a utility. It is worth noting that it has fixed 28,000 leaks and that 70 million litres of water a day are supplied to 200,000 homes. That is a good thing. It is probably unusual for a Deputy from Dublin Bay South to talk about cutting roads illegally in the middle of the night. My father is almost 80 years old so he will hardly be arrested for it now. I spent many years doing things like that, drawing water from wells to feed cattle and breaking ice on water barrels to feed animals on farms. As a major part of me is rooted in rural Ireland, it is important to put my view on the record tonight, and I assume it is the view of Fine Gael, that people in rural Ireland, whether they are on group water schemes or have their own wells, will be treated no less favourably than people in urban centres.

I could give a history lesson, as some Members have tonight, but I see this as a forward measure. Deputy Eamon Ryan has left the Chamber, but he made an important point. This is about doing the right thing, and not because Europe made us do it. It is about aspiring to have state-of-the-art infrastructure for water and to put under the ground the foundations that will support what this Minister is doing and what he plans to put above the ground, which will complement Fine Gael’s vision for the future of our great country. I will work with the Fine Gael Party to get this legislation through and to make it fit for purpose to secure the future funding of domestic water services for this country, something that has been neglected in the past.

Inné, rinneamar an rud ceart. Tá béim ar uisce mhuintir na hÉireann agus infreastruchtúr uisce mhuintir na hÉireann a chosaint ar son gach duine sa tír seo. Rinneamar an rud ceart inné agus déanfaimid an rud ceart amárach.

Deputy Martin Heydon: I am delighted to have the opportunity to speak on this after four months as a member of the committee. During the debate I used my telephone to google the definition of the word “spin” because I was struck by some of the earlier contributions. It is defined as a heavily biased portrayal of an event or situation. There has been much spin in the Chamber tonight, as one probably would expect, from those of different political persuasions. There have been heavily biased portrayals of events in the last four months and of parties’ different positions in the last decade or so, with people trying to tell us that their current position

is what it always was.

Before the expert commission report and throughout the proceedings of the committee on the future funding of domestic water and wastewater, the Fine Gael position was very clear. I am delighted there is no need for spin on our side. When other parties opposed us on the need for an excess usage levy we made it clear that we simply could not support them. When others said there would not be mandatory metering in new builds, we let it be known that we could not support that. When others talked of penalties and criminalising people for using excessive amounts of water we said that it was okay if people wanted to use excessive amounts of water, but that they should pay for it. If it is far above the average allowance they should make a contribution for that, not expect their neighbour or somebody else to pay for it. One pays according to the excess one uses.

The core issues for us last week were legal concerns. The legal opinions that were returned to the committee vindicated our concerns. Four key Fine Gael principles relating to the future funding of domestic water have been achieved. Meters will go into new builds and apartments will be bulk metered. People who use water excessively will pay for that excess usage. When one considers that 8% of households in this country are using one third of all treated water, which is very expensive to produce, it is right for all of us to wish to see that figure drop. Many of those people do not even realise they are using that amount, due to leakages in the ground. Securing the future of Irish Water as a single utility is another key principle and certainty of funding to sustain our water services into the future is crucial. I believe the results of this report and the work we did are of great benefit to Ireland in terms of the environmental and economic sustainability of the public water system into the future. At all times Fine Gael has insisted that it could not leave the country open to very significant fines for being in breach of European directives but, as has been said earlier by my colleague and a couple of other contributors, this is also the right thing to do. Supporting the “polluter pays” principle is the right thing to do for our environment. Fine Gael is working towards achieving an outcome that is honest and fair. This report is honest and fair to the people, to the taxpayer and to the Members of this House who will ultimately vote on it tomorrow.

I take the opportunity to acknowledge the role of my Fine Gael colleagues on this committee and thank them. We worked very much as a team. Even beyond the six Members on the committee there was a number of other people who substituted at times when a member could not make it. It really was a team effort. I personally learned a lot from it throughout the process. I would like to acknowledge the chairman, Senator Pádraig Ó Céidigh, and his staff for the unwavering commitment to being an honest broker in a difficult set of circumstances. I also acknowledge the clerks and staff of the committee, the staff of the Department and the Fine Gael staff behind the teams who were always there as a support us when we needed them.

As I say I learned a lot from my time on the committee. One of the key moments, for me, that I will always remember was the visit to Irish Water headquarters. Very few of the committee members went out that day. To see, at first hand, the progress and commitment of the staff and management in Irish Water was really an eye-opener. For all of the bad press they have got, Irish Water replaced far in excess of 800 km of piping, that had been lying in the ground for years needing to be replaced, in three years when local authorities had struggled to do it in decades.

Opposition to Irish Water and talk of reverting to more than 30 local authorities proves that Governments do not get rewarded for strategic and long-term thinking. That is a concern.

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That is something on which everybody in this House needs to reflect. I acknowledge the role those staff in Irish Water have played, and continue to play, in what have been very difficult circumstances as they try to work to improve our water and waste water infrastructure. I hope the certainty of funding for the utility and the certainty of its future allows those staff to get on with that work without any distractions in order that their focus can be on the 44 pinch-points the length and breadth of the country where raw sewerage or untreated water enters our water schemes.

For me, at the back of my head throughout all of this process were places like Oak Park in Narraghmore in South Kildare and Walshestown Park in Newbridge, where residents who pay big mortgages and who go out to work every day are regularly subjected to raw sewage being thrown on their greens because of the mistakes of developers in the past and because of the difficulties we have in fixing those problems. Everything that drives us in Fine Gael to fix the problems and to secure certainty into the future is with those people in mind. We want make sure we can fix all those problems of the past quickly, and make sure that we do not make the same mistakes in the future.

Deputy Maria Bailey: I acknowledge the work of the committee in the past four months. It was a very robust, in-depth debate. It did not always agree on everything, as is very clear. I think we all enjoyed the process because it was very informative. I do not think I have ever learned as much about water as I did in the last four months. We were locked into that room many a time. I know that Deputy Barry Cowen was trying to get out of that room a number of times, as were many of us, but I think what we have brought to the floor tonight is a report that we can work with. There was consensus from the majority of people who were on that committee.

Fine Gael has been consistent on water because we recognise the infrastructure that is needed to develop this country after years of under-investment. We need a sustainable water infrastructure that can support the modern economy for which we all strive.

It is very easy for the anti-everything Solidarity party to be against everything and to never come to the table with reasonable solutions. Whatever about general taxation being used to pay for normal usage, I think it is unacceptable for general taxation to pay for the household that wilfully uses excessive amounts. I do not think anybody in this country would agree to that.

I think the people have had enough when it comes to Irish Water. They want solutions. They do not want to see any more protests or marches. What they want is solutions and for those solutions to be in the ground. We need to be honest with the people. I heard commentary this morning on a radio station, that I will not mention, from a Deputy who is not here to defend himself; therefore, I will not name him. He was deliberately misleading people and using sensationalism to sell his story. He was twisting the facts and the figures, to tell people that what 8% really meant to the Irish people was that large families would pay for water. That form of misleading people, sensationalising and preying on vulnerable people is not the kind of politics to which I signed up. It is very unfortunate that somebody would be disingenuous like that.

Deputy Richard Boyd Barrett has also left us. He is a colleague in my own constituency and one whom I have worked well with for many years since 2004, but it is also very disingenuous for him to come in here tonight and dismiss the commentary by a very eminent professor, Gavin Barrett, who has spoken on many airwaves this week. He is somebody with expertise in European and constitutional law. It is disingenuous to just dismiss his commentary, as if it does

not matter. As Deputy Kate O’Connell said, does one search for a heart surgeon on Google or does one go to somebody who has experience in these areas? I know exactly where I would take legal advice from and I do not think it would be from Deputy Richard Boyd Barrett.

I think the Deputy would also recognise the infrastructure that is required to develop the country. If I am going to be parochial, Dún Laoghaire will have the biggest growth in population in this country in the coming years. That growth has to be supported by proper, sustainable infrastructure. I am delighted that the Government has recognised that with the local infrastructure housing assistance fund and that we will be able to develop homes and communities for the people who want to live in the Dún Laoghaire constituency. It is disappointing that Deputy Richard Boyd Barrett is not thinking long term and that this is about short-term populism politics because I prefer to be honest and straight with people. I prefer to give someone a worst case scenario and to work back than to be deceptive and misleading.

This country needs, and the people need, a proper vision. They need an honest vision for the country to make sure no household is on boil-water notices, that raw sewage is not being pumped into any river in the coming years, that we can provide environments that will sustain the growth that is needed and that we can create the environment for development that is needed.

I do not want to go back over the past, but I would like to outline what Irish Water has done to date, because there was commentary earlier on the wastage in Irish Water in the past couple of years. There has been a significant increase in investment in water core infrastructure from the approximate €300 million invested by local authorities in 2013. There have been improvements to water quality and supplies. The elimination of boil notices has been prioritised, with this work resulting in the lifting of long-term boil notices affecting thousands of people. Irish water has removed the threat of contamination from four drinking water supplies in Dublin for 220,000 people. It has increased the spare supply capacity in Dublin from 2% to approximately 10% of water supplied in the region. In most European capital cities, head room is about 15%.

There has been a greater focus on reducing leakage. The Irish Water “first fix free” scheme for households has resulted in daily savings of 77 million litres by the end of the third quarter of 2016. That is equivalent to the water supply to 210,000 homes. It is developing a regional shared service approach to leakage and has set annual targets. With regard to communications to households about lead in drinking water, information has been supplied to more than 36,000 households with probable lead piping identified through the national metering programme. To say Irish Water has not done anything or has wasted money does not recognise what it has done in the past couple of years. There are many more examples, but I do not want to delay the House.

I will finish up by saying this is not about victory from any side. This is about providing a water infrastructure that the people deserve and that we as a country can develop in the way that we want to.

Question put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 13 April 2017.

The Dáil adjourned at 10.40 p.m. until 10.30 a.m. on Thursday, 13 April 2017.