

DÁIL ÉIREANN

AN COMHCHOISTE UM AIRGEADAS, CAITEACHAS POIBLÍ AGUS ATHCHÓIRIÚ, AGUS AN TAOISEACH

JOINT COMMITTEE ON FINANCE, PUBLIC EXPENDITURE AND REFORM, AND TAOISEACH

Dé Céadaoin, 27 Aibreán 2022

Wednesday, 27 April 2022

Tháinig an Comhchoiste le chéile ag 1.30 p.m.

The Joint Committee met at 1.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Mick Barry,	Jerry Buttimer, *
Pearse Doherty,	Pat Casey,
Bernard J. Durkan,	Aidan Davitt.
Mairéad Farrell,	
Jim O'Callaghan,	
Neale Richmond,	
Peadar Tóibín.	

* In éagmais / In the absence of Senator Maria Byrne.

I láthair / In attendance: Deputy Michael McNamara.

Teachta / Deputy John McGuinness sa Chathaoir / in the Chair.

Proposed Appointment to University Research Post: Department of the Taoiseach

Chairman: We are joined today by the Secretary General of the Department of the Taoiseach, Mr. Martin Fraser. The meeting will follow the usual format. Mr. Fraser will give an opening statement and then members may ask questions on that opening statement and the subject matter of the meeting. With regard to privilege, those attending from outside the Leinster House campus should note that their privilege is limited. Those attending from within have full privilege. Members are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. I ask members to remember that when they are asking questions. I now ask Mr. Fraser for his opening remarks.

Mr. Martin Fraser: I cannot actually see the Chairman. Can he see and hear me?

Chairman: I can, indeed.

Mr. Martin Fraser: All I can see is a notice that the joint committee is meeting at 1.30 p.m. and the logo of the Oireachtas but I can hear the Chairman so I am happy to proceed although I cannot see the Chairman. It may be an IT issue.

Chairman: Will Mr. Fraser hold on for a moment while we check the technology here?

Mr. Martin Fraser: Sure. That is fine; I can see the Chairman now.

Chairman: Mr. Fraser may proceed so.

Mr. Martin Fraser: I actually do not have an opening statement. I sent the Chairman a letter last week. If he would like, I could use that as my opening statement or it can be taken as read. I leave that up to the Chairman. I will do whatever he would like.

Chairman: Normally, there is an opening statement. We normally open with remarks from the witness. That is common and accepted practice. If Mr. Fraser would not mind, I ask him to pass some remark on this matter because it has been in the public domain and he will be aware of the issues involved.

Mr. Martin Fraser: Of course. My remarks will be along the lines of that letter. We are talking about the secondment of the Chief Medical Officer, CMO. I had a number of confidential conversations with the CMO about his future plans. This was in the context of our working relationship during the pandemic. I naturally have such confidential conversations with colleagues about their personal situations from time to time and, of course, I respect confidentiality in such circumstances. Towards the end of February, the CMO indicated to me that he was thinking of stepping down from his current role and was considering a possible role in the university sector that could make a continuing contribution to improving public health capacity in Ireland. He proposed a secondment from the Civil Service to an academic post in a university that would enable him to use his knowledge and experience to help strengthen public health leadership in Ireland and to deepen relationships between the university sector, State agencies and international organisations in the field of public health. As is common practice in the university sector, he envisaged that some research funding would be made available to support this work. I was supportive of this proposal as the Covid-19 pandemic clearly illustrated the need for strengthened public health capacity not just here in Ireland, but globally, and I believed that

Dr. Holohan could make a significant contribution in that regard.

I contacted the Secretary General of the Department of Health, who advised me that he was dealing with the matter. I had no further involvement as the detailed arrangements were a matter for the Department of Health. The Department of the Taoiseach had no other involvement nor did I discuss the proposal with anyone except the Chief Medical Officer and the Secretary General of the Department of Health until there were media reports about the matter towards the end of March.

Deputy Jim O’Callaghan: I thank Mr. Fraser very much for appearing before the committee. As I am sure he is aware, it is very important for the functioning of this committee that senior civil servants such as himself make themselves available and accept our invitations to appear. I thank him for appearing. When did Mr. Fraser first become involved in discussions with the CMO about his future work plans?

Mr. Martin Fraser: I had a conversation with him towards the end of the summer of last year. It was a fairly general conversation and I do not really remember the content other than that he was thinking of moving on. It was a fairly brief conversation. In the event, matters did not progress because, of course, we were all focused on dealing with the pandemic, no one more so than the CMO himself.

Deputy Jim O’Callaghan: Has Mr. Fraser had an opportunity to read Mr. Watt’s briefing note?

Mr. Martin Fraser: I have.

Deputy Jim O’Callaghan: I do not know if he has it with him.

Mr. Martin Fraser: I do, yes.

Deputy Jim O’Callaghan: Will he please go to paragraph 20 of it? In fairness, this accords with what Mr. Fraser has said but, in paragraph 20, Mr. Watt says that it was in February of 2022 that the CMO entered into detailed discussions with the third level sector. He says this followed on from initial discussions he had with the CMO in August 2021 regarding his future work plans, these involving the Secretary General to the Government and himself as Secretary General of the Department of Health. Is that a fair assessment according to Mr. Fraser’s recollection?

Mr. Martin Fraser: It is fair although I have seen reports that the three of us had a meeting, which is not my recollection and, in fairness, is also not what the Secretary General has said in that briefing note. If I recall correctly, I had a confidential conversation with the CMO towards the end of the summer last year, but that is a fair enough assessment.

Deputy Jim O’Callaghan: Who initiated the discussion?

Mr. Martin Fraser: To be perfectly honest with the Deputy, I do not remember. I would have been more than happy to speak to the Chief Medical Officer, CMO. I do not know and that is the truth. The discussions in February were initiated by the CMO. I suspect it was him but I could not be sure, to be honest.

Deputy Jim O’Callaghan: In fairness, it probably was him. It would be unusual for Mr. Fraser to initiate a discussion with the CMO about his future work plans. Is it fair to say that?

Mr. Martin Fraser: I feel I have to make this point once. I really do not want to have to get into it. I cannot answer the Deputy's question other than to say that I think he is aware of the CMO's personal circumstances.

Deputy Jim O'Callaghan: Of course.

Mr. Martin Fraser: This was not a usual situation, professionally or personally. That is why I cannot rule out that I did not, maybe, ask him how he was getting on. Hence the slight ambiguity in my answer. I just cannot remember. //

Deputy Jim O'Callaghan: Fair enough. That is fine.

Mr. Martin Fraser: With any other civil servant, I am pretty sure that party would have initiated the discussion. The Deputy understands there are particular circumstances here.

Deputy Jim O'Callaghan: There are secondments in the public sector and within the Civil Service. Is it regarded as unusual for a senior civil or public servant to move through a secondment to an academic job in a third level institution? Has Mr. Fraser encountered that before?

Mr. Martin Fraser: I have encountered it before. Yes. I do not know how usual it is. Most secondments are within the Civil Service but I have encountered it before.

Deputy Jim O'Callaghan: That is where somebody moves to an academic post in a third level institution.

Mr. Martin Fraser: Yes.

Deputy Jim O'Callaghan: Okay. I will now bring you to February 2021. Mr. Watt states the initial discussions went quiet because of the growth of the pandemic in late 2020 and in February 2021 there were further discussions with the CMO about this. Is that Mr. Fraser's recollection?

Mr. Martin Fraser: The years are wrong, I think, and the Deputy might mean 2021 and 2022.

Deputy Jim O'Callaghan: I beg your pardon. It is 2021 and February 2022. Mr. Fraser is absolutely correct. Is he aware of who contacted Trinity College or how Trinity College became involved with this discussion?

Mr. Martin Fraser: Not from personal experience.

Deputy Jim O'Callaghan: Is it something that was organised within the Department of Health? Mr. Fraser has not been involved in discussions with Trinity College. Is that correct?

Mr. Martin Fraser: Correct.

Deputy Jim O'Callaghan: When we look at this as a finance committee, we wonder why it is that maybe other third level institutions within the State were not given the opportunity to host a chair of public health strategy and leadership. Looking back, would it have been preferable if other third level institutions within the State had been given the opportunity to bid for this important and prestigious chair?

Mr. Martin Fraser: The Deputy is now asking me to comment on something in which I had no involvement.

Deputy Jim O’Callaghan: I know Mr. Fraser had no involvement but I am asking the question in general and from his perspective as Secretary General.

Mr. Martin Fraser: I do not know the circumstances and it is not fair. The Chairman asked me not to talk about other people anyway. I do not think I should offer an opinion on that. I was not involved.

Deputy Jim O’Callaghan: Okay. I am not asking Mr. Fraser to talk about other people.

Mr. Martin Fraser: The Deputy is doing so. Other people did this.

Deputy Jim O’Callaghan: I do not understand that point.

Mr. Martin Fraser: If the Deputy is asking me whether the matter could have been approached in a different way, he is clearly asking me whether the people who approached it this way could have done it differently.

Deputy Jim O’Callaghan: No, I am not trying to criticise other people. I am simply raising the question when the State was going to fund a prestigious chair of public health strategy and leadership of whether it would have been better for that option to have been open to other third level institutions, or that third level institutions could have expressed an interest in hosting that chair.

Mr. Martin Fraser: It may well have been better and perhaps the people concerned might have thought that too, on reflection. I was not involved so I do not believe I have enough information to be definitive on it.

Deputy Jim O’Callaghan: What was Mr. Fraser’s understanding of the funding arrangements for this secondment?

Mr. Martin Fraser: I was not involved with that either.

Deputy Jim O’Callaghan: What was Mr. Fraser’s understanding of it?

Mr. Martin Fraser: I had no understanding because I was not involved with it. I knew a secondment was proposed and research funding was envisaged to go with this post or the new position in the university sector. Beyond that I had no knowledge of how it was to be funded or what was involved.

Deputy Jim O’Callaghan: One of the matters of interest to this committee is that third level institutions are funded significantly but not exclusively by the State. Trinity is certainly not funded exclusively by the State. Was any request made to Trinity to see if it would part-fund the chair? If not, is it something that should have been considered?

Mr. Martin Fraser: Again, I was not involved so I cannot really comment.

Deputy Jim O’Callaghan: Everyone in this room, and I think the vast majority of people in the country, have great respect for Dr. Holohan and the work he has done. The following does not have to be interpreted as a criticism. Looking at the details of this proposal, it seems this was a job or secondment being designed for one individual. Does Mr. Fraser agree on that point?

Mr. Martin Fraser: It was certainly a secondment of the CMO. Yes, absolutely.

Deputy Jim O'Callaghan: Dr. Holohan is unquestionably very qualified for the post. Does Mr. Fraser think it might be better for the post of chair to be established and for other individuals to be able to apply for it as a result of a public advertisement? If Dr. Holohan got it, nobody would question his credentials or suitability.

Mr. Martin Fraser: I do not think it would be better. It would be an alternative approach and equally valid. The starting point is that Dr. Holohan wanted to move from his present role but wanted to continue to contribute to public health in Ireland. That was the background to this particular proposal.

Deputy Jim O'Callaghan: I will raise a broader point but it is an issue of public policy. When civil servants reach a position at the top of a Department, they traditionally stay there until retirement. I know Mr. Fraser's circumstances and the question is not about him. Is there a position in the country now where we must look to see what to do with very high-level and qualified civil servants if there are only seven-year terms, as there are now? What posts would they fill afterwards or is there a public issue that must be considered?

Mr. Martin Fraser: There is a very significant issue of public policy and the Deputy is absolutely right. We had a position where the default and almost exclusive outcome at the end of someone's term at a high level was to retire but people are now being appointed at a younger age or from outside the public service. There are term limits and the position is now different. It is a problem for the public service and the country because it is potentially a significant disincentive to people who want to join the public service.

Deputy Jim O'Callaghan: In fairness to senior civil servants, they need to maintain and continue work in order to get their full pension. What should we do as policymakers to ensure there is not such uncertainty about what happens to senior civil servants? I know Mr. Fraser is going off and we wish him well in his role in London. I know the case of Dr. Holohan, the CMO, is slightly different but it is an issue that will continue to arise. Do we need some form of a public policy response to this?

Mr. Martin Fraser: We do. There is a policy and everybody has terms of appointment that govern what happens when the term is up. It is somewhat imprecise at the level of individuals and what they must do. Dr. Holohan was doing this and people have to try to find something else to do. We do not want people in a post forever and that is not good. Neither do we want to put people in a position where they are disincentivised from serving in senior roles because they cannot plan their career.

Deputy Jim O'Callaghan: I thank Mr. Fraser.

Deputy Pearse Doherty: I thank Mr. Fraser and I appreciate his attendance before this committee. As the Chairman and the previous speaker has said, it is really important that the work of these committees is not impeded or frustrated. It is disappointing that for the first time in as long as I am member of this committee, at well over a decade, we have had to seek compellability because another Secretary General is refusing to attend this committee at this point. Mr. Fraser is before us, however, and I welcome his comments.

I will go back to a question that has been asked. In response to Deputy O'Callaghan, Mr. Fraser stated his recollection was that he, the CMO and the Secretary General at the Department of Health, Mr. Robert Watt, did not have a meeting. In what form was your conversation with Dr. Holohan at the end of the summer? Was it a telephone conversation?

Mr. Martin Fraser: No, that was a meeting.

Deputy Pearse Doherty: That was a meeting. It was a formal meeting at that stage-----

Mr. Martin Fraser: Formal?

Deputy Pearse Doherty: It was a formal meeting. Was it a meeting that was recorded?

Mr. Martin Fraser: It was two colleagues having a confidential conversation about one colleague's personal situation but it was a meeting, yes. It was a meeting..

Deputy Pearse Doherty: It was an arranged meeting as opposed to meeting somebody in the corridor and having a chat-----

Mr. Martin Fraser: No, absolutely we arranged to have a conversation.

Deputy Pearse Doherty: Was the purpose of the meeting to discuss Dr. Holohan's intentions for the future or what was the purpose of the meeting? Why did you arrange it?

Mr. Martin Fraser: Yes, broadly speaking, that is correct.

Deputy Pearse Doherty: Were there any records, notes, minutes or any-----

Mr. Martin Fraser: No.

Deputy Pearse Doherty: No notes?

Mr. Martin Fraser: No. This happens all the time Deputy, as I am sure you will understand.

Deputy Pearse Doherty: I understand.

Mr. Martin Fraser: It was just a conversation between two colleagues. There was no formal outcome or anything like that. It was just a chat.

Deputy Pearse Doherty: Okay. There was an arranged meeting that was entered into both of your diaries. I am sure both of you arranged a time to discuss Dr. Holohan's future intentions.

Mr. Martin Fraser: Yes.

Deputy Pearse Doherty: At that meeting, what did he indicate to you?

Mr. Martin Fraser: I do not remember it very clearly. I am sure he would have indicated that he felt that having served as CMO for as long as he did and indeed before that, as deputy CMO, that he would like to move on in the future. It was a general enough conversation. You have quoted back what I said to Deputy O' Callaghan but I think you heard the other issues I mentioned to him that I do not want to keep raising.

Deputy Pearse Doherty: Absolutely and I am only focusing on the process in terms of the secondment. At that point, he was indicating to you that he was looking at other options beyond CMO. Would that be correct?

Mr. Martin Fraser: Yes, I think that is a fair comment.

Deputy Pearse Doherty: In the briefing or report that Mr. Robert Watt furnished to the Minister, he states the following:

This followed on from initial discussions I had with the CMO in August 2021 regarding his future work plans. This involved the Secretary of the Government and myself, as Secretary General of the Department of Health.

I find it hard not to read from that the suggestion that the three of you met-----

Mr. Martin Fraser: I understand, Deputy-----

Deputy Pearse Doherty: He says “This involved the Secretary of the Government and myself-----

Mr. Martin Fraser: To be honest with you, maybe we did. I can check my diary but I do not recall the three of us sitting down together. It could have happened and I will check my diary if it becomes a major point. I am pretty sure that I had a conversation just between myself and the CMO. It does not feel like a meeting. It just sounds like three people is one too many for a conversation like that but I could be wrong. If you want, I will check my diary but my recollection is that I just met the CMO privately. I was trying to be supportive to a colleague, to be perfectly frank with you and I think-----

Deputy Pearse Doherty: Absolutely. I can understand that at that time and I understand the motivation behind that, in terms of seeing where people are at, but we are just trying to get to the facts. One of the parties will not come before this committee to answer these questions so we are trying to work on the basis of your recollection. Would there potentially have been a second meeting, a three-way meeting or would there only have been the initial meeting you had with the CMO?

Mr. Martin Fraser: My recollection of this, and I think it is in my letter, is that there was a conversation in the summer and then nothing really happened. The pandemic obviously got worse and we all had our focus elsewhere, particularly the CMO. I do not recall any engagement until February between any of us on this topic.

Deputy Pearse Doherty: The Secretary General of the Department of Health, Mr. Robert Watt, indicates that there was a three-way meeting and he suggests that it was in August 2021. Let me take you forward-----

Mr. Martin Fraser: Sorry, Deputy, I just want to be clear. I am looking at the paragraph and by the way, I apologise in advance if it turns out that I did have a meeting and I just do not remember it. I am pretty sure I met the CMO and I am quite sure I would have spoken to the Secretary General of the Department of Health, either on the phone or otherwise. I see him quite a lot. I just do not think there was a three-cornered meeting. A three-cornered meeting sounds like a far more formal thing than what I recall. I think I had a private conversation with the CMO but as I say, I apologise if it turns out that there was a meeting that slipped my mind; so be it. I do not think that sentence says there was a meeting. It uses “involved” as the verb and I think involved probably means telephone conversations.

Deputy Pearse Doherty: Okay, those telephone conversations are not in your opening statement or in Mr. Robert Watt’s statement----

Mr. Martin Fraser: No, sorry Deputy-----

Deputy Pearse Doherty: Let me clarify this. If you are suggesting that what is referred to in Mr. Robert Watt's statement was not a three-way meeting but may have been a telephone conversation that you had with him afterwards, at that time, then that is not referred to in your opening statement and neither is it referred to in Mr. Watt's submission to the Minister for Health.

Mr. Martin Fraser: I read out my letter, as you know. In the first line of my letter I say that I had a number of confidential conversations with the CMO. One of those was obviously the one in August that we are discussing. Mr. Watt does say that I was involved and he was involved. We are now arguing over whether we had a three-cornered meeting or several conversations but it was the same people talking about the same thing.

Deputy Pearse Doherty: Let me take you to the next point but details matter here, let us be clear.

Mr. Martin Fraser: I agree.

Deputy Pearse Doherty: Following on from Mr. Watt's suggestion that this "involved the Secretary of the Government and myself as Secretary General of the Department of Health", he says that the CMO "indicated that he wished to consider his future options including potential academic and international roles.". Mr. Watt goes on to say that both "the Secretary to the Government and I indicated our strong support to facilitate and help where possible. The understanding was that this would involve a public policy development role outside of the Department of Health.". How was Mr. Robert Watt aware at that stage, in August 2021, that you, the Secretary General of the Government, had indicated your strong support to facilitate, where possible, this role?

Mr. Martin Fraser: He must have been aware because I would have said it to him. It would have been my view at the time. He is the person in charge of the Department of Health, so I am quite sure I would have said it to him. Maybe I said it to him at a meeting I have forgotten, maybe I said it to him on the phone or maybe I said it to him when I met him in the course of other business but that is how he would have been aware.

Deputy Pearse Doherty: Okay. Your opening statement-----

Mr. Martin Fraser: That was my opinion at the time.

Deputy Pearse Doherty: Your opening statement gives the impression that the first contact you had with Mr. Robert Watt in relation to this secondment was after Dr. Holohan contacted you in late February and then in early March, you contacted Mr. Robert Watt to ask him if he was dealing with this issue. Are you now telling us that you had a telephone conversation with Mr. Watt following your meeting with Dr. Holohan about him moving on to a position in academia at that point in time?

Mr. Martin Fraser: No, I am not telling you that.

Deputy Pearse Doherty: Okay, what are you telling us?

Mr. Martin Fraser: All that paragraph says is that essentially, he wanted to move on from the CMO role and it would be to a "public policy development role outside of the Department of Health". That is a far more generic sort of proposal than the proposal which I understand has given rise to the controversy, which is the secondment proposal. I only discussed the second-

ment proposal, the specific one that we are now engaged in talking about, in February.

Deputy Pearse Doherty: Yes I understand that, but are you telling the committee now that you did discuss the fact that Dr. Holohan wanted to move on to academia, outside of the Department of Health-----

Mr. Martin Fraser: No, it does not say academia, Deputy, it says a “public policy development role”. It does not say academia.

Deputy Pearse Doherty: Sorry, if you read the line before that, it says that the “CMO indicated that he wished to consider his future options including potential academic and international roles.” It goes on to say: “Both the Secretary to the Government and I indicated our strong support to facilitate and help where possible.” I want to know how Mr. Robert Watt knew what you told Dr. Tony Holohan. Did you phone him and say that you had met Dr. Tony Holohan?

Mr. Martin Fraser: As I said Deputy, I could have met him while we were doing other business. We were in the middle of a pandemic and we were meeting more than once a week so I could have said it then or I could have rung him; I do not know. I would point out to you again that “potential academic and international roles” is a far more generic phrase than a specific secondment. So, if you are suggesting I discussed the secondment to Trinity in August-----

Deputy Pearse Doherty: I am not suggesting-----

Mr. Martin Fraser: If you are not, that is fine but if you are, I do not want to mislead you. That language, to me, is quite familiar. Deputy O’Callaghan spoke about civil and public servants moving on. It is quite familiar language and it is quite generic language. It could mean, for example, a role in the WHO or in the EU. It could mean any number of things.

Deputy Pearse Doherty: I am not suggesting that you discussed secondment at that early stage. From what we are learning here what I will say is that the opening statement, which is the letter sent to the committee, does not include all of the details. What Mr. Fraser says, to paraphrase his opening statement, is that he had confidential conversations with the Chief Medical Officer at an early stage last year. Towards the end of February it was indicated he was thinking of moving on, and in March Mr. Fraser contacted the Secretary General. Now we learn he contacted the Secretary General as far back as August of the year before work in relation to the Chief Medical Officer moving on.

Mr. Martin Fraser: If it is of any assistance I could change the first sentence of my letter to state I had a number of confidential conversations about his future plans including in August last year. I would point out the sentence the Deputy is quoting back to me states that he indicated he was stepping down from his current role and was considering a possible role in the university sector. This is more specific and it happened in February. This is what I was speaking about when I rang the Secretary General.

Deputy Pearse Doherty: This is the point. The Secretary General, who refuses to come before the committee, makes it very clear that Mr. Fraser was aware perhaps not of the complete details but much of the information at an earlier stage. Therefore, both statements are, in a way, conflicting. We are trying to get as much information here as we possibly can.

Mr. Martin Fraser: I think it is clear from my letter that I was aware of the proposed secondment in February. That is when the proposed secondment started to take shape.

Deputy Pearse Doherty: Let us go to February. What happened in February? Will Mr. Fraser explain the form of this conversation in February? Was it a meeting? Was it a telephone conversation? What did the Chief Medical Officer say to Mr. Fraser at that point?

Mr. Martin Fraser: It was a phone conversation towards the end of February. He outlined what I said in the letter, that he was looking at a possible role in the university sector on secondment. It was a telephone conversation.

Deputy Pearse Doherty: Mr. Fraser says in his letter the Chief Medical Officer was thinking of stepping down. Was he shooting the breeze saying he was thinking of doing so? Was he saying to Mr. Fraser, as Secretary General, that he was stepping down and would seek approval for the process?

Mr. Martin Fraser: I do not have a formal role as Secretary General. I am not the Secretary General at the Department of Health. The CMO was thinking of stepping down and considering a possible role. That was his position. He obviously intended to step down but he was also trying to work out what he would do if he were going to step down.

Deputy Pearse Doherty: On 25 February he had, at that point, sought formal support for a secondment to Trinity College Dublin. He was not thinking at that point. He sought formal support from the Department at that point.

Mr. Martin Fraser: From the Department of Health.

Deputy Pearse Doherty: Yes.

Mr. Martin Fraser: That is in the Secretary General's report. I was not involved in that.

Deputy Pearse Doherty: The Secretary General also tells us with regard to the formal support for a secondment to Trinity College Dublin that the Chief Medical Officer informed Mr. Fraser of this request.

Mr. Martin Fraser: He did.

Deputy Pearse Doherty: He was actually doing it and not just thinking. I am wondering why Mr. Fraser is putting down this language if that is not what happened.

Let us move on to the research funding. Mr. Fraser states Dr. Holohan envisaged some research funding. How did that conversation go? He was going in for a formal appointment, a secondment to Trinity College Dublin. He told Mr. Fraser this will envisage research funding.

Mr. Martin Fraser: At that point in time it was not clear. I said "the university sector" and there were a couple of universities he was considering. It was not Trinity at that point, as far as I knew.

Deputy Pearse Doherty: Okay.

Mr. Martin Fraser: In the name of accuracy.

Deputy Pearse Doherty: Okay. He told you he expected research funding would be available to support his work. What is Mr. Fraser's understanding of this? How does research funding work? Is it competitive? Can research funding be allocated? Is the core issue that research funding is not competitive?

Mr. Martin Fraser: I did not say he expected it. He envisaged that research funding would be made available. I did not discuss how this research funding would be made available. I am not familiar with how health research funding is made available. Normally in my experience these things are competitive but not always. I did not discuss the means by which the research funding would be made available.

Deputy Pearse Doherty: Will Mr. Fraser speak to me about the Government endorsement of open-ended secondment arrangements to the university sector for senior civil servants? When did that take place?

Mr. Martin Fraser: The Government endorsement?

Deputy Pearse Doherty: Has the Government endorsed open-ended secondment arrangements to the university sector for senior civil servants?

Mr. Martin Fraser: Where is that?

Deputy Pearse Doherty: It is in the report commissioned by Robert Watt for the Minister for Health.

Mr. Martin Fraser: I do not know what he is referring to. I assume he is referring to former Secretaries General who are seconded to the third level sector. I do not know whether they are open-ended, to be perfectly honest with the Deputy.

Deputy Pearse Doherty: I thank Mr. Fraser for his clarification. I want to go through two more parts.

Chairman: We have a list of speakers.

Deputy Pearse Doherty: I apologise. As far back as August Mr. Fraser was aware Tony Holohan was looking at his options of moving on from being Chief Medical Officer. In February Mr. Fraser was informed he was looking at academia. In March he asked the Secretary General to ensure he was facilitating such arrangements.

Mr. Martin Fraser: To correct the Deputy, again I do not know whether it was in March. It may have been in March but it may have been in February. I did not ask the Secretary General to ensure anything.

Deputy Pearse Doherty: Okay. In the conversation with the Secretary General of the Department of Health what did Mr. Fraser say?

Mr. Martin Fraser: I contacted the Secretary General because I had had a conversation with the Chief Medical Officer. The Secretary General is, of course, the line manager of the Chief Medical Officer. He is the head of the Department for administrative purposes. Quite appropriately, I rang the person whose responsibility these matters were. He told me he was dealing with it. I did not ask him to do this or to look after it. Other representatives, not the Deputy, have said this. That is not what happened. I rang the person who is responsible for these matters and he told me he was dealing with it.

Deputy Pearse Doherty: Okay.

Mr. Martin Fraser: My understanding was these matters would be dealt with by the Department of Health. The word "ensure" is inaccurate.

Deputy Pearse Doherty: That is fine. I will take it back. Mr. Fraser strongly supported, as Robert Watt suggests, this process.

Mr. Martin Fraser: I strongly supported the concept. It is a very good concept.

Deputy Pearse Doherty: That is fine. To go back to the question, in August, February and March, and it became known at the end of March, Mr. Fraser did not mention a dicky bird to the Taoiseach that the Chief Medical Officer was thinking about moving on. Is that right? I do not know how many telephone conversations Mr. Fraser has with the Taoiseach, or how many WhatsApp and text messages, or meetings and informal meetings. Not one word was mentioned to the Taoiseach during this period.

Mr. Martin Fraser: I certainly did not discuss my confidential conversation with the Chief Medical Officer of February with the Taoiseach. I cannot swear blind that I did not - but I do not think I did so - indicate at some point to the Taoiseach that he was thinking of moving on. I could not swear blind about this from August onwards. I am not saying I did. In terms of conversations with the Taoiseach, I had very few conversations with him in March, far fewer than normal because the Taoiseach, for a variety of reasons, was away on official business for much of the period the Deputy is speaking about. So no, I did not discuss it with the Taoiseach.

Deputy Pearse Doherty: With regard to the secondment policy in the Civil Service, I have a letter from the Department of Public Expenditure and Reform that went to all HR colleagues. This is Circular 27/2021, which indicates the new secondment policy for services being implemented. The first key principle is that all secondments will be temporary in nature and in general will be for a period of six months up to a maximum of five years. As Secretary General of the Department of An Taoiseach, how can a secondment be open-ended given this circular that was issued and which is legally binding?

Mr. Martin Fraser: I am not sure it is legally binding. It is a circular.

Deputy Pearse Doherty: A circular has legal standing.

Mr. Martin Fraser: It is the rule. It does not cover every case for a start. I agree with the Deputy in principle these things should be temporary. That is what they are designed to be.

Deputy Pearse Doherty: Can they be open-ended given this circular?

Mr. Martin Fraser: I am aware of them being renewed. I could not tell the Deputy there are no open-ended secondments. I would have to check. In general a secondment is temporary.

Deputy Pearse Doherty: There is a very important point here. There may be existing open-ended secondments given whatever rules were in place at the time. Given this key principle, Circular 27/2001 prohibits open-ended secondments, does it not?

Mr. Martin Fraser: I know the circular the Deputy is talking about, and it says it should be temporary.

Chairman: I call Deputy Tóibín followed by Senator Casey, and Deputies Mairéad Farrell, McNamara and Durkan.

Deputy Peadar Tóibín: Gabhaim míle buíochas le Mr. Fraser for appearing before the committee; it is appreciated.

There are a number of major questions relating to this issue. Those questions are as follows. Who makes the decisions within the State? For whom are the decisions made in the State? There is a strong feeling among the general public that there is an inversion of the democratic authority in this State. There is concern that the decisions are being made by unelected people without the necessary democratic oversight by the elected individuals in the State. The second element of that question is that there is also a group of people close to Government, who may be insiders and who may have a different experience of how they are treated by comparison with the general public. For most members of the general public who want to go for a job such as this, they need to take part in an open competition. I do not know any member of the public who would be able to sit down and have a job designed for them personally, with a budget of this amount paid by the State. That experience is not shared by the vast majority of people in the country.

There are two big questions here. This is not the first time we have seen this in the context of the Government. It is the latest in a long list of similar occurrences. The Zappone affair was another example of it in recent times. There is so much power vested in those who are unelected that many people feel what is happening makes “Yes, Prime Minister” look like a documentary. It is absolutely outrageous that any civil servant would refuse to appear before the committee to answer questions on their actions. These are the elected representatives of the people who are tasked to hold the State to account. There is no accountability when we cannot ask questions and have them responded to.

In Mr. Fraser’s view, is this particular role unique? Can he give another example of a similar role?

Mr. Martin Fraser: Probably not.

Deputy Peadar Tóibín: This is an unprecedented role, details of which have appeared on his desk and on the desk of another Secretary General. In an unprecedented situation, is there no process where alarm bells ring and somebody suggests that we need democratic oversight here?

Mr. Martin Fraser: It was dealt with in the Department of Health. The Deputy is getting into the question of whether the Minister was informed and what the Minister knew. I was not involved in all of that. The Minister is the-----

Deputy Peadar Tóibín: I am also speaking about the Taoiseach. Was the Taoiseach informed?

Mr. Martin Fraser: As I explained to Deputy Doherty, I did not really get an opportunity to talk to the Taoiseach in the period we are talking about. Before the announcement, I would have mentioned it to one of his advisers, but without the details because I did not know them. I cannot speak for what the Taoiseach knew and when.

Deputy Peadar Tóibín: When did Mr. Fraser know that it was an open-ended secondment, meaning that there would be two CMOs in the State, and that €2 million per year would be provided over ten years?

Mr. Martin Fraser: I do not know that I ever knew that it was formally an open-ended secondment. I did understand that the CMO did not intend to return to his post. I understand completely why that was, because he obviously did not want his successor to feel that somehow he was only a temporary person. He wanted to make that clear. That does not mean that the

secondment could not have ended and for him to be assigned to another role. I do not know what would have happened in that situation.

Deputy Peadar Tóibín: People are concerned about the notion of plausible deniability. Perhaps Ministers do not want to see everything that happens. See no evil, hear no evil is a tactic that a Minister might employ to ensure that he or she does not get caught, for example. What is the process whereby in an unprecedented unique situation such as this it is brought to the attention of Mr. Fraser's boss, the Taoiseach, or the line Minister in any other Department?

Mr. Martin Fraser: If it happened in this Department, I would tell the Taoiseach about it.

Deputy Peadar Tóibín: However, Mr. Fraser did not tell the Taoiseach about it.

Mr. Martin Fraser: It did not happen in this Department.

Deputy Peadar Tóibín: I understand, but Mr. Fraser had the information.

Mr. Martin Fraser: However, it did not happen in this Department.

Deputy Peadar Tóibín: I do not want to split hairs here, but the Taoiseach obviously has responsibility across all Departments. As a result, when something unique like this happens, is there no process for Mr. Fraser to tell the Taoiseach about things happening in other Departments if he feels they are unique and unprecedented?

Mr. Martin Fraser: I had a general but also confidential conversation with the CMO at the end of February. I actually discussed it with him to make sure Taoiseach knew before there was any public announcement. In the event, the Taoiseach probably did know, but not the details, no more than I did. There is no formal process and in the particular circumstances I did not see the Taoiseach for quite a while during March; that was nobody's fault.

Deputy Peadar Tóibín: Given that a Minister appeared on radio defending something without knowing what he is talking about and after the Zappone affair, etc., does Mr. Fraser think that there should be a process whereby democratic oversight is drawn to an unprecedented situation? Would that be a good idea in the future?

Mr. Martin Fraser: It is good that the Minister is informed. The Deputy is bringing me into an area where-----

Deputy Peadar Tóibín: I am just asking for a specific process. The problem is that we always hear that lessons have been learned every time something like this happens. It is such a mantra at this stage. I am asking what lessons have been learned? What processes have been put in place to ensure that this does not happen again? That is a very serious question which needs to be answered.

Mr. Martin Fraser: In this Department, I would have brought it to the Taoiseach's attention. I cannot comment on the exact nature of the engagement in the Department of Health because I was not involved.

Deputy Peadar Tóibín: There have been a number of examples where a Secretary General has investigated what has happened in his or her Department. Obviously, in the Department of Foreign Affairs, the Secretary General investigated what happened with the Zappone affair. On this occasion, Robert Watt carried out the initial investigation into the actions he was involved in. Does Mr. Fraser believe that practice where Secretaries General investigate what happens

in their Departments needs to come to an end? Does he believe that people investigating themselves is a good idea?

Mr. Martin Fraser: To be fair to the Secretary General, he was asked to provide a report and he did so. Now there is an external review. I do not know what choice the Secretary General had if he was asked to provide a report, other than to provide one.

Deputy Peadar Tóibín: I suppose Mr. Fraser is pointing out that it is not the Secretary General's fault and that perhaps it is the Minister's fault for proceeding along those lines. Does he believe that Secretaries General should be subject to any performance standards our reviews? Should there be processes in which they can be removed from their jobs? The Minister for Foreign Affairs, Deputy Coveney, said he did not have the power to make such decisions. Where does that power lie?

Mr. Martin Fraser: Is the Deputy asking about the power to remove a Secretary General?

Deputy Peadar Tóibín: Yes, and perhaps to penalise a Secretary General for performance issues.

Mr. Martin Fraser: Depending on the nature of the problem, it probably lies ultimately with the Government.

Deputy Peadar Tóibín: Therefore, it is a Minister's responsibility.

Mr. Martin Fraser: I think it is probably the Government's responsibility ultimately rather than the Minister's.

Deputy Peadar Tóibín: At collective-----

Mr. Martin Fraser: If a Minister is not happy with a Secretary General's performance, that is something that would need to be addressed. That is not currently the situation. The power lies with the Government.

Deputy Peadar Tóibín: I ask Mr. Fraser to provide a note to the committee to indicate exactly what the rule of authority is there. I also ask him to provide information as to what precisely the power of a circular is. What does a circular determine? Can a circular be ignored?

Mr. Martin Fraser: A circular cannot be ignored.

Deputy Peadar Tóibín: However, it was ignored on this occasion.

Mr. Martin Fraser: As I said, it cannot cover every eventuality.

Deputy Peadar Tóibín: Basically, there are two conflicting truths in existence at the same time in that answer.

Mr. Martin Fraser: I just do not think that the circular covers the situation we are talking about; it covers internal Civil Service secondments

Deputy Peadar Tóibín: Is the circular explicit in what it not does entail?

Mr. Martin Fraser: I would need to read it slowly and go through that. It would be encouraged to have people move between the public and private sectors or between the Civil Service and other public service bodies, laterally, by way of mobility and through secondment. It can be

a positive. It could have been a positive in this case. It is not bad in itself. It is actually refreshing and a good idea to have people move between organisations. Organisations and individuals benefit from the sharing and developing of experience from different contexts.

Deputy Peadar Tóibín: Will Mr. Fraser provide the committee with exactly how the circular is not inclusive of the particular case that we are discussing?

Mr. Martin Fraser: I will certainly help the committee but I have to say that these are matters for the Department of Public Expenditure and Reform. The Deputy will tell me that is another episode of “Yes Minister”, but it is true that the Department of the Taoiseach is not responsible for the circular. I will certainly try to come back to the committee on that.

Deputy Peadar Tóibín: In fairness, the Taoiseach’s Secretary General is responsible for the interpretation of the circular. If nobody in a Department is responsible for the interpretation of the circular, how-----

Mr. Martin Fraser: I am responsible for my own Department and how it is run.

Deputy Peadar Tóibín: -----can a circular be interpreted?

Mr. Martin Fraser: I am responsible for the administration of the Department of the Taoiseach, and not for other Departments. I do not have wider responsibility for public service management either. They are not my responsibilities in strictly speaking terms. The circular does not come from the Department of the Taoiseach. I interpret it in respect of the Department of the Taoiseach.

Deputy Peadar Tóibín: Will Mr. Fraser send his interpretation of a circular that is sent to the Department of the Taoiseach with regard to this?

Mr. Martin Fraser: I will talk to my colleagues in the Department of Public Expenditure and Reform and try to get back to the Deputy with that.

Deputy Peadar Tóibín: With regard to the recruitment process, I strongly suggest that open recruitment is by far the best way to employ anybody in any job within the State. All citizens should have an opportunity to go for a job on the basis of their skills, experience and studies. That is a very important issue. It is very important we get it embedded in the process that every citizen has the right to apply for a job on the basis of his or her ability.

Senator Pat Casey: I thank Mr. Fraser for coming in today. I am trying to explore the whole area of the secondments and will rely on his experience as a Secretary General since 2011. I will start off where Deputies Doherty and Tóibín finished with regard to Circular 27/2021. It would be great if that was made available to the full committee in order that we can have a deep understanding of exactly what is in Circular 27/2021. When Deputy Doherty asked, Mr. Fraser said it was not a legal document or one did not have to legally comply with it. Then he said one should comply with secondments. It outlines what a secondment should be. Is there any oversight? Does anybody scrutinise whether a secondment post complies with the relative circular before that secondment takes place?

Mr. Martin Fraser: I was trying to clarify that the circular does not have rule of law powers but of course one should follow circulars. First, it is the responsibility of the senior management of the Department to abide by the rules around secondment. As I said to Deputy Tóibín, secondments are not bad and trying to share experience and develop people and organisations

is good. Ultimately, sometimes one needs sanction from the Department of Public Expenditure and Reform. All organisations are audited as well. These things are looked at in a number of ways. The essence of a secondment is that a person moves organisation on the same terms. While it is good for the person concerned, it also means there is a sense he or she can come back to where he or she came from. It is an opportunity to learn and develop rather than to leave the organisation. That is the general reason for secondments.

Senator Pat Casey: I am not indicating that secondments are bad in any way. I am trying to see how each secondment complies with the circular that has been issued to each Department. How many secondments are in place in the Department of the Taoiseach?

Mr. Martin Fraser: I do know because I thought I might be asked. The number I have here is 22 which is probably approximately 10% of the staff.

Senator Pat Casey: Are any of those open ended? Do they all have a closing date? What is the breakdown on them? I can understand if Mr. Fraser does not know.

Mr. Martin Fraser: I do not really know. The fairest answer I can give the Deputy is that they are all probably temporary but many of them could be very long-running. They could have been renewed over time. I am aware of people who have been on secondment for a long time but I do not have an answer to hand.

Senator Pat Casey: A long time is a lot longer than five years. Mr. Fraser has been in the Department for ten years as Secretary General. How many people have returned to his Department from secondments?

Mr. Martin Fraser: I do not know but I am sure a good few have. I do not have that number. The Senator is asking me about staff numbers over 11 years. I just do not have those.

Senator Pat Casey: I am just trying to get a better understanding of how these secondments work within the Civil Service.

Mr. Martin Fraser: We are more likely to second people into the Department of the Taoiseach than second them out. Many people who are seconded into the Department would have gone back to their parent Department over time.

Senator Pat Casey: I am in business and I have gone through my own HR issues over several years. Have secondments ever been used to resolve a HR issue within the Department?

Mr. Martin Fraser: I would not have thought so. That is not the purpose of secondment.

Senator Pat Casey: I know it is not the purpose but that is not to say it would not be used in such a way.

Mr. Martin Fraser: I do not think so.

Senator Pat Casey: I am just asking.

Mr. Martin Fraser: The fairest answer is "No". It depends what the Senator means. Does he mean a HR difficulty or dispute?

Senator Pat Casey: Yes. All employers go through difficulties with employees. Sometimes they can be quite protracted and drawn out. Sometimes solutions are found.

Mr. Martin Fraser: I do not think secondments have been used for that. In their broadest sense, secondments are used if people want to develop themselves or they want to gain a new experience. That is a HR issue. It is also used to bring skills into the organisation which is also a HR issue. If the Senator means with regard to settling rows or something, I open to correction, but I do not think they have been used in that way. It is lovely in here. No one has any fights in here at all.

Senator Pat Casey: That is fine. I am just asking a question. Is it unusual that a secondment can allow additional earnings from the private sector? Is that compliant with Circular 27/2021?

Mr. Martin Fraser: I do not know why the Senator is asking me that question. Is it a reference to the thing with the Department of Health?

Senator Pat Casey: It is.

Mr. Martin Fraser: I do not know that. I was not involved in that Department either. Normally it is on the same terms and conditions but I cannot speak to that because I was not involved.

Senator Pat Casey: Mr. Fraser has never signed off on secondments that allowed additional earnings from the private sector on top of that secondment?

Mr. Martin Fraser: I will check that for the Senator. I do not think so but I would have to check. Some 10% of the staff here are seconded in. We are talking about hundreds of people for as long as I have been Secretary General. Most of our secondments are within the Civil Service. We have some with the public service but they are generally with the Civil Service and are fairly straight forward transfers between organisations.

Senator Pat Casey: What level of discretionary spending can Mr. Fraser sign off on without any other authorisation?

Mr. Martin Fraser: We are a very small organisation. I do not know. Ultimately, I am the Accounting Officer. I can sign off on the biggest bill we pay. The Chair understands where our biggest bills go. Neither he nor I would be greatly impressed with what they are because they go to tribunals, commissions and so on. I can probably sign off on the biggest bill we can pay but our budget is very small.

Senator Pat Casey: In the Civil Service generally, is there a policy on what a Secretary General can sign off on up to a limit?

Mr. Martin Fraser: There are two things here. If one is talking about the Department of Health, the Secretary General there is responsible for all €22 billion every year. In that sense, he has to sign off on it all.

As to whether he has discretion to allocate money or develop policy, that is a separate question. I think it is probably different in each Department. I assume that is what is really being asked of me rather than what one signs off on. Obviously these things must be consistent with Government policy, there has to be authority for them and so on. That is what guides what the Secretary General can do.

Senator Pat Casey: I just seek a better understanding. When a Secretary General signs off a €20 million fund from a research budget does he not have to communicate with that section

to agree that and then he can advise that?

Mr. Martin Fraser: I have read the Secretary General's report. I think he said that this would have to be a matter for the Estimates and all that. I do not think that it was his intention that he was just going to sign off on this off his own bat, if that is what the Senator has asked me. Again, I was not involved so I should not probably comment on it.

Senator Pat Casey: That is fine and I thank Mr. Fraser.

Deputy Mairéad Farrell: Coming in later in a meeting means many questions will already have been asked but I will follow up on a few questions. Gabhaim buíochas leis an Ard-Rúnaí as teacht os comhair an choiste. Is iontach an rud é go bhfuil sé anseo.

The CMO spoke about plans to step down and seek a secondment back to August. At that point would Mr. Fraser have been aware of the time limit? Was a secondment mentioned? If so, what was the time limit or how long it could, potentially, have been? Mr. Fraser said he was aware that the CMO said that he did not want to come back but what was the duration of a possible secondment?

Mr. Martin Fraser: I covered that somewhat with the Deputy's colleague, Deputy Doherty. On secondment, academia or international organisations, the conversation in August was of a more general nature. It was not specific. The issue of secondment came up in February.

Deputy Mairéad Farrell: I agree. I have read the different reports on that specific secondment. In August, when Mr. Fraser had a conversation with the CMO, was he aware that it was going to be for a longer period and he was not going to come back?

Mr. Martin Fraser: Yes. The conversation was about him moving on from the position of CMO, yes. It was not specifically about secondment, as I said.

Deputy Mairéad Farrell: Yes.

Mr. Martin Fraser: It could have been at home or abroad. As Deputy Doherty pointed out to me, it was a public policy development role that he was talking about. There is a number of things that it could have been but it was not as precise as it became. I understood that he felt that it was time to move on from being Chief Medical Officer and I think that we can all understand that is not an unreasonable thought for him to have had at the point.

Deputy Mairéad Farrell: In February, when it became clear that this was in relation to secondment, and where that secondment would be, had Mr. Fraser asked or been made aware of the length of the secondment? I note Mr. Fraser said that he knew that the CMO was not going to come back.

Mr. Martin Fraser: I did not deal with the details of that. It was dealt with within the Department of Health so I could not say definitively. I did not deal with it and that is the only fair answer that I can give.

Deputy Mairéad Farrell: Usually, when secondments happen, one assumes that they would just be for a certain period rather than be open-ended.

Mr. Martin Fraser: Do not forget that the age of the person concerned is also a feature here.

Deputy Mairéad Farrell: Yes, that is fair enough. Still, it usually would be and probably should be outlined exactly how much time is involved.

Mr. Martin Fraser: As I said, normally there is a time attached. I do not want to get into contentious situations.

Deputy Mairéad Farrell: That is totally fair. Obviously the length of the secondment would determine the cost of the funding required.

Mr. Martin Fraser: Again, I am reluctant to comment because I was not involved. I accept the questions Deputies and Senators have asked me about how this decision was made and what it meant. From my point of view, I think that there is a good case for more research funding for research into pandemics, preparedness, etc. The case for that is, in a way, separate and I know that they have been conflated. If a particular person had left after two years, I do not believe that we would not still be providing research funding. At least I hope that we would still be providing because funding should be provided on the merits of the topic and not due to the fact that a particular individual holds a particular post. I do not think that is right and I do not think that is what happens either. We do some research in the Department of the Taoiseach and it is certainly not attached to any particular official's tenure, nor should it be.

Deputy Mairéad Farrell: There have been reports across the media, etc., and this matter has come in front of this committee now. In terms of the possible impact on public finances, we heard that this would cost €20 million over the lifetime of the secondment. We can only deal with what could have actually happened. Perhaps that could have changed but we must deal with this matter now. Such a large sum would have a significant impact on public finances. Is Mr. Fraser aware of other initiatives taken by Secretaries Generals that would have had such a potential impact on public finances where the Minister would not have been fully across the detail?

Mr. Martin Fraser: First, I do not know what went on in the Department of Health as to what the Minister was or was not fully across because I was not involved. As I said earlier, if one is the Accounting Officer for €22 billion then I am quite sure one is involved in much bigger decisions than I am. I have a budget of between €35 million and €40 million with most of it being non-discretionary. I have a small amount of funding for research, which we allocate to the shared island initiative mainly. The Government will know about that and the Taoiseach knows about that as it is a very important issue from his point of view.

The overall research spending in the State is, I think, €950 million by Government. I cannot say that every single euro goes across the desk of a Minister. There should be proper processes for allocating the money and I am sure there is but it is €950 million so quite a substantial sum of money is spent every year on research.

Deputy Mairéad Farrell: A number of questions have been asked and my final question is on the Civil Service Accountability Board of which Mr. Fraser was a member. The board has not met since 2016 but I understand that it was never properly wound down. The minutes of the last meeting in 2016 indicate that its work was in some ways only beginning and there was a lot of talk about the introduction of key performance indicators for Secretaries General. I ask Mr. Fraser to comment on the disappearance of the Civil Service Accountability Board with no real comment and to confirm whether it has concluded its work.

Mr. Martin Fraser: The Deputy is right. The board has not sat for quite a while. I do not

know why and cannot explain that. It is obviously not entirely up to me. It is no longer, I think, in the Government's policy called Civil Service Renewal. We try to work hard on performance management for Secretaries General. We try to have strategy statements, indicators and processes around that.

Deputy Mairéad Farrell: It was quite a big thing when the board was introduced. I raised this matter directly with the Taoiseach either at this committee or the Committee on Budgetary Oversight and he was not fully across the detail of it either. Obviously the board has not sat but does Mr. Fraser believe that it has been fully wound down?

Mr. Martin Fraser: The board has not met for five or six years.

Deputy Mairéad Farrell: Not since 2016.

Mr. Martin Fraser: The board probably has been wound down. It is not my decision as to whether the board meets or not.

Deputy Mairéad Farrell: When I discovered that the board had not met since 2016 I just wondered where it went and why.

Mr. Martin Fraser: Thank you.

Chairman: As Deputy McNamara is not available, I call Deputy Durkan.

Deputy Bernard J. Durkan: I welcome Mr. Fraser to the committee. A number of speakers have referred to the procedure. Is an existing procedure in place where secondment takes place or a person decides to retire from business and take up another role?

Mr. Martin Fraser: Yes, there are processes, as we have said. There are circulars and guidance. As I said, sometimes one finds oneself in situations which are unusual but there are processes and guidance.

Deputy Bernard J. Durkan: Would Mr. Fraser regard this as an unusual situation?

Mr. Martin Fraser: I think it is unusual, yes.

Deputy Bernard J. Durkan: The fact of the matter is that a very senior person in the area of public health, who had given clearly sterling and sustained service to the country and its people over a long period, was seeking to take up a different appointment. Obviously, he is allowed to do that. He is not forbidden. There is no question at all as to his right or entitlement to take up a different position. Is that correct?

Mr. Martin Fraser: What he wants to do is obviously a matter for him, so, yes, of course.

Deputy Bernard J. Durkan: He would ordinarily be facilitated. He would not be impeded in any way.

Mr. Martin Fraser: It would depend on the circumstances of what he wanted to do but, as I said-----

Deputy Bernard J. Durkan: What types of circumstances are we envisaging as to what he might do?

Mr. Martin Fraser: In the circumstances in question, he wanted to move on from his

present role but still wanted to make a contribution to public health in Ireland, which, as I said earlier, I thought was a good idea.

Deputy Bernard J. Durkan: Without any hesitation, he is entitled to do that, or is he not?

Mr. Martin Fraser: Again, it depends on the details of what is proposed.

Deputy Bernard J. Durkan: I am a bit concerned about that. Either he has permission to do this or he does not, in general.

Mr. Martin Fraser: In general, it is fine.

Deputy Bernard J. Durkan: It should not be forgotten that this guy was a very senior public servant, was very visible and very active, was in the public eye over a particularly challenging period and had committed in full to it. He gave it his all in difficult circumstances, publicly and privately. Is it recognised that in those circumstances there might be a deviation from procedures? Would that be allowed or not?

Mr. Martin Fraser: I do not think there should be a deviation from procedures, but I think, and I thought at the time, that it was certainly worthwhile exploring how we could come to proper arrangements that would allow him to continue to make a contribution. That was a good idea and a good thing being pursued. Obviously, it has to abide by a process and so on, but, yes, I think it would have been a very good thing for the country.

Deputy Bernard J. Durkan: Yes. I accept all that. Has any information been gleaned as to whether the university in question had responded in a particular way, positive, negative or otherwise?

Mr. Martin Fraser: I was not involved in any of that.

Deputy Bernard J. Durkan: Who would be involved in that?

Mr. Martin Fraser: That was the Department of Health.

Deputy Bernard J. Durkan: And the Secretary General in the Department of Health.

Mr. Martin Fraser: I think so, yes, and possibly the CMO as well. He obviously had some involvement.

Deputy Bernard J. Durkan: The CMO had said he had expressed an interest in continuing in a particular way or making a contribution to public and private medicine, whatever the case may be, and availing of the opportunity to make improvements. I ask these questions against the backdrop of health services in the country. We are spending very valuable time at the moment investigating where the CMO was going to go, the conditions on which he was going to leave, whether he was entitled to leave, and his salary. The question arises as to whether or not the HSE, the Department of Health or whatever else was going to make a provision for his salary in a positive way. Is that correct? Would that be normal? Are there precedents for that?

Mr. Martin Fraser: Again, I was not involved in the details, but that is what was envisaged.

Deputy Bernard J. Durkan: I accept that Mr. Fraser was not involved, but is there a procedure whereby those who might be involved could follow, progress and proceed, or not proceed at all?

Mr. Martin Fraser: It would be a matter for the senior management of the Department of Health in the first instance.

Deputy Bernard J. Durkan: The senior management in the Department is the Secretary General, I presume.

Mr. Martin Fraser: He is the most senior manager, yes. He is the Accounting Officer. He is the head of the Department for administrative purposes.

Deputy Bernard J. Durkan: You could not very well send an assistant secretary, or could you, to-----

Mr. Martin Fraser: The CMO is probably at the same rank as an assistant secretary, or maybe slightly higher. He is a member of the management board, so the Secretary General is obviously the person with whom the CMO would be dealing. If it were someone of a lower rank, then, clearly, the matter could be dealt with by somebody else of a lower rank, but, obviously, given the rank of the individual we are talking about, it would have been a matter for the Secretary General.

Deputy Bernard J. Durkan: Would it be true to say that the CMO would have a meaningful role to play in organising the health services in such a way as to satisfactorily deliver the standard, quality and scale of the health services now required in this country?

Mr. Martin Fraser: I think he had a role along with many other people.

Deputy Bernard J. Durkan: Did he have a meaningful role or a minor role or what?

Mr. Martin Fraser: I do not work in the Department of Health. I do not know how the division of labour is. Many people work in the Department of Health and many people work in the HSE. I am sure he made a very constructive, positive and valuable role, if I may answer the Deputy's question in that way.

Deputy Bernard J. Durkan: I am worried about the degree to which we can get information. I realise that Mr. Fraser does not have a direct role in this, but it could have been referred to him. It was referred to him, or run past him, as they say nowadays, in the course of the events, apparently. Well, he is well aware of the matter and agreed - or did not agree, as the case may be. I presume he agreed. In those circumstances, again, we are talking about a time when the health services in this country are on their knees. There are waiting lists as long as your arm. One of the things we tried to do in the month of January was to avail of the opportunity to rebuild the health service, and that needed a plan. That needs the Secretary General of the Department and key people around him or her to deliver the quality and standard of service that is required. Does Mr. Fraser agree on that?

Mr. Martin Fraser: People around the Secretary General and people across the health service more generally, yes, of course.

Deputy Bernard J. Durkan: Is everybody aware of the urgency of the need to provide the kind of restructuring of the health services to which I have referred?

Mr. Martin Fraser: I am sure they are. I do not work in the Department of Health but I would be very surprised if they were not fully aware of that.

Deputy Bernard J. Durkan: Does Mr. Fraser agree that Dr. Holohan would have been

particularly aware of and in a particularly strategic position to be able to make that major contribution that is now required?

Mr. Martin Fraser: I think so, yes.

Deputy Bernard J. Durkan: What I am concerned about at this stage is this: here we are having a major discussion about how a particular job was supposed to have been done and was done. The health committee determined in January that it was necessary now to have a plan for the health services for the future. Presumably, that applied to everybody in the Department of Health. Is Mr. Fraser aware of anybody who did not agree to that?

Mr. Martin Fraser: I am not, but I do not work in the Department of Health-----

Deputy Bernard J. Durkan: I know. I accept all that.

Mr. Martin Fraser: -----so I cannot speak for what people think or are aware of in the Department of Health.

Deputy Bernard J. Durkan: I know, but if the matter was run past Mr. Fraser at the time, notwithstanding the fact that he does not work in the Department of Health, would he have been made aware of the fact that there is a serious issue in the provision of the health services of this country at this particular time?

Mr. Martin Fraser: The Deputy is asking me about the condition of the health services. That is an enormous question. I am sure that people in the Department of Health and in the HSE and everyone else who works in the health services are committed to giving the best possible health service to the country. I cannot really go any further than that.

Deputy Bernard J. Durkan: Yes, I accept-----

Chairman: We are straying into matters that relate directly to health, which are not appropriate to the meeting.

Deputy Bernard J. Durkan: With respect, we are holding sessions dealing with an important issue of the appointment or otherwise of a pivotal person in the provision of health services in this country over the past two and a half years. It now falls to us to make a determination as to what we are going to do in the future. Are we going to spend the next six months discussing this issue and asking questions about the whys and wherefores of what happened or are we going to do what needs to be done as a matter of urgency, to wit the provision of a comprehensive health service in this country, along the lines we have been speaking about for the past year at least, in the post-pandemic situation? Was Mr. Fraser made aware of the fact there was a serious difficulty and a serious health issue that had to be dealt with in terms of the provision of health services throughout the country in the post-pandemic era? What he aware of it? Was he made aware of it?

Mr. Martin Fraser: I do not think so. I am not quite sure what the Deputy means but I do not think so.

Deputy Bernard J. Durkan: I am quite sure what I mean. I am not criticising Mr. Fraser or anybody else but I am saying this. It is an item of futility if we are going to spend our time talking around the subject but never getting anywhere. We are going very close to that at present. We are going very close to it in the Department of Health. For example, nobody responsible, with the exception of your good self, wants to come before the committee to talk about the

issue. This is despite the fact that everybody knows there is an urgent need to deal with health service issues now and that whatever can be done needs to be done as a matter of urgency. The question remains. Are we all on the same hymn sheet on this one? Are we moving towards dealing with the issue or are we going to spend our time talking about the appointment or the failure to appoint or whatever the case might be?

Mr. Martin Fraser: The commitment in the Department and across Government is to try to deal with the important thing the Deputy has spoken about. I cannot obviously answer the other part of the question.

Deputy Bernard J. Durkan: If the issue is as important as it would appear to be and as it should be, why are we not indulging in the same urgency and the same degree of co-ordination and inquisition on the health services? Why are we not doing that now? Why are we side-tracked on this?

Mr. Martin Fraser: I am not sure the question is addressed to me.

Deputy Bernard J. Durkan: Unfortunately we do not have anybody else to ask the question of.

Mr. Martin Fraser: I know that. I do not think all the committee members would share the Deputy's analysis. I am not sure I can comment on that.

Deputy Bernard J. Durkan: If a committee member feels somewhat differently they should tell us all of this. I am a member of the committee the same as everybody else. I have the same rights as everybody else and I am raising the question. I am doing so because everybody else in the country is talking about the issue of the health service at present. We have found at every meeting of the committee for the past 12 months individuals prepared to take steps to address the issues, do something about it and prove they could do something about various issues under their remit. We are here today after a certain length of time, heading for 1 May, and we do not seem to have a plan. Six months of the year have gone. Again, I am not criticising Mr. Fraser for it but there needs to be somebody who can come before the committee and give the committee some satisfactory answers on what is going on. Does Mr. Fraser not agree?

Chairman: The Deputy is pressing Mr. Fraser and, quite frankly, he is saying it is a matter for the Department of Health. He has not been asked to address those issues today.

Deputy Bernard J. Durkan: Why is he here?

Chairman: Maybe the committee needs to take up the-----

Deputy Bernard J. Durkan: Why is Mr. Fraser here so?

Chairman: He is here to address the issues relative to this committee within its remit on the appointment or otherwise and the processes involved in the secondment. The issues the Deputy is raising seem to be broader health issues which are not for this committee but we can take it up on another day if the Deputy wishes. I am listening to the questions the Deputy is asking and I am listening to the answers from Mr. Fraser, who seems to indicate he has nothing further to add or that it is not for his Department and it is for the Department of Health. I do not think we are going to get any further with that.

Deputy Bernard J. Durkan: To be fair to the committee and the members of the committee, if he does not have anything further to add and he cannot answer any of the questions that

have been asked to the satisfaction of the committee then it is unfair to have him before the committee. There should be somebody else before the committee at present.

Chairman: Okay, we can deal with that another day. Right now we are dealing with Mr. Fraser in relation to the secondment issue and in general the processes involved in that.

Deputy Bernard J. Durkan: We asked-----

Chairman: I am not excluding the Deputy's question. I am simply saying Mr. Fraser has answered and I do not think he will add to that answer because either he cannot, he does not know or it is not for his Department. The Deputy will have to take that answer and then we will have to deal with it in terms of our work programme later on.

Deputy Bernard J. Durkan: We then need to define what his role is in his appearance before the committee.

Chairman: What whose role is?

Deputy Bernard J. Durkan: Mr. Fraser's role.

Chairman: I am after clarifying it. I will not cut the Deputy short. If he wants to ask the question again or if Mr. Fraser wants to comment further on it that is fine but in the absence of an answer that satisfies the Deputy I cannot do much about it. Does Mr. Fraser have anything further to add to the answers already given to Deputy Durkan?

Mr. Martin Fraser: Not especially. They are somewhat outside my remit. I am trying to be helpful to Deputy Durkan in so far as I can but I am not sure I can resolve this debate.

Chairman: Does Deputy Durkan have another question?

Deputy Bernard J. Durkan: As I said from the beginning I feel we should be otherwise engaged. If there is a role for Mr. Fraser before the committee in respect of this I cannot see it and I have not seen it. I believe somebody else should be before the committee. In the event of there not being somebody available from another Department to come before the committee then the committee should examine the issues involved and come to a conclusion itself, which it is quite entitled to do.

Chairman: We can do that but perhaps these are matters the Deputy should have raised when we decided to ask Mr. Fraser to come before the committee. We did ask Mr. Watt, as the Deputy knows, and he declined and did not attend.

Deputy Michael McNamara: As somebody who advocated that Mr. Fraser be invited to come before the committee I thank him very much for taking the time to do so. I appreciate that he is busy. All Deputies appreciate that civil servants are busy and cannot be attending numerous committees every week. Nor can they pick and choose which committees they appear before and I thank Mr. Fraser for coming before the committee.

I asked a parliamentary question over the vacation as to whether the proposed professorship of public health strategy and leadership at Trinity College Dublin would be proceeded with and whether the Minister for Health would make a statement on the matter. Fortuitously I received the reply last night. It states:

The establishment of a professorship within Trinity College Dublin is a matter for the

University itself as an autonomous Higher Education institution that controls its own staffing requirements and academic affairs. The Minister for Health has no role in deciding on these matters.

Mr. Fraser might not be surprised by that reply. Was he surprised at the fact this role was being created and at this synergy, to say the least, between the Department of Health, the Chief Medical Officer and Trinity College in developing this unique position? Mr. Fraser clarified to Deputy Doherty what he learned and when he learned it. Was he surprised this new role was being created in the way it was and that essentially Exchequer funding was going to be expended on the professorship, albeit indirectly, by seconding Dr. Holohan?

Mr. Martin Fraser: I was not involved.

Deputy Michael McNamara: I understand that.

Mr. Martin Fraser: I cannot describe my reaction to the parliamentary question from another Department, which Deputy McNamara has just read out nor can I describe my reaction to something I was not involved in. I was not across the details of this. I was not involved in the details of it.

Deputy Michael McNamara: I am not involved in the Ukraine war but I can describe my reaction to it. Was Mr. Fraser surprised at the creation of this professorship and that Exchequer funding was going to be used in that manner? When he learned about it was he surprised at the Exchequer funding? Mr. Fraser is here to discuss Exchequer funding, not the state of the Department of Health and so forth. Was he surprised that Exchequer funding was to be utilised in that way?

Mr. Martin Fraser: I think I am here to discuss my role in the matter and, obviously, the role of the Department.

Deputy Michael McNamara: Mr. Fraser is also the most senior civil servant in the State.

Mr. Martin Fraser: I understand that. I was not aware of the details so I could not convey my emotions. In fact, it is only in preparing for this meeting that I had even seen some of the paperwork, so I do not have strong emotions about it. I am aware of what went on and I am aware of the concerns that people have, but I could not express a particular set of emotions about it.

Deputy Michael McNamara: I thank Mr. Fraser. He will recall that in October 2020 there was what was perceived by some people, and some in the media, as something of a stand-off between the Government and NPHE as to whether there would or would not be another lockdown. The Tánaiste made a much-commented-on appearance on the Claire Byrne show. Suddenly, notwithstanding this stand-off, some would say the Government caved while others would say it just accepted the public health advice, and there was a lockdown. In December 2020 and at the start of 2021, the Government differed from the advice of NPHE and many blamed it for the fact that people socialised and so forth, as people usually do at Christmas. Was there a feeling in the Department of the Taoiseach, or did Mr. Fraser as the most senior civil servant there discern any concern, that there was a type of erosion of the authority of democratic government or that it was somehow being challenged by NPHE, whose role ordinarily would be to advise the Government but which instead was essentially telling the Government in public what to do? Was there any concern about that or did Mr. Fraser discern any concern in the Department of the Taoiseach about that unusual inversion of authority in a democratic state?

Mr. Martin Fraser: I do not necessarily accept the Deputy's description of the situation, but I know the situation to which he is referring. The Deputy mentioned the Claire Byrne show. That, in itself, illustrated a certain amount of concern. Of course, those were tense times, but everybody was doing their best for the country. It was an unprecedented situation and, of course, there was frustration. I am sure there was frustration on all sides and, most particularly, for the citizens of the country who were asked to do so much in such a difficult time. The Deputy and I both know there were emotional ups and downs, if we are in the emotion business, over the entire period.

Deputy Michael McNamara: Dr. Holohan clearly had become very prominent. I believe we would agree that he played a very prominent role. Did Mr. Fraser ever discern a feeling in the Department that his role had become perhaps too prominent, that he was a threat to the authority of the Government and perhaps a new position had to be found for him outside of government?

Mr. Martin Fraser: No.

Deputy Michael McNamara: Okay. Was there any relief in the Government when he made his announcement or when Mr. Fraser learned of it? Mr. Fraser would have learned that he was to leave before it became public. Mr. Fraser was very specific that he did not discuss it with the Taoiseach. Did he discuss it with any of the people around the Taoiseach, such as Ms Gillane or his various advisers? Did he discuss the fact that Dr. Holohan was leaving with them?

Mr. Martin Fraser: No, I did not discuss it with anybody except the CMO and the Secretary General-----

Deputy Michael McNamara: Okay.

Mr. Martin Fraser: -----except when there was a media query quite late in March. It was one of the Taoiseach's advisers who told me about the media query, at which point I said that as far as I was aware he was looking at a secondment to a university. I did not have the details so obviously I did not have any details to share.

Was the Deputy's other question about relief?

Deputy Michael McNamara: Not relief, but that a potential problem had been averted, that problem being this challenge that he posed to the authority of the Government. Many people felt a greater allegiance to what he had to say, and felt that his word was that which ought to be followed rather than that of the Government. There was huge confusion about what was law and what was guidelines. Of course, the Tánaiste fell victim to it when he attended Ms Katherine Zappone's party across the road from where Mr. Fraser works. All of that created a lot of confusion about the authority of the State and the authority of a democratic government. Essentially, who was in charge was not clear. Was there any relief that this potential problem had been averted?

Mr. Martin Fraser: Not that I am aware of.

Deputy Michael McNamara: Okay. I refer to what Mr. Fraser discussed at the beginning of the meeting. Previously, when people left or retired from the public service they usually went into retirement, but now everything has become more fluid. People come and go in the public service and their tenure is shorter. Politicians have a cooling-off period, and even some

political advisers have a cooling-off period, whereby they cannot work for a private entity immediately after carrying out a political function because there might be a perception of a conflict of interest. Does Mr. Fraser think it would be advisable to develop something similar for civil servants? Some would say they, too, have a more detailed knowledge of how the State apparatus in the Administration works, something that could be very desirable in the private sector and something which could create a conflict of interest. I am not saying that people should be prevented from continuing their careers, but that there should be a similar cooling-off period for public servants to what is there for politicians.

Mr. Martin Fraser: My answer is “Yes”, but I believe there are such arrangements in place through the Outside Appointments Board and possibly through the Standards in Public Office Commission, SIPO, as well. I would have to check the details for the Deputy, but his point is well made. I believe there are such arrangements in place. However, I am not an expert and I would have to double check. I am a member of the Outside Appointments Board, by the way, but it does not meet very frequently. That is one of the reasons I am not clear.

Deputy Michael McNamara: In the week that Dr. Holohan’s announcement was made, and that is why Mr. Fraser is here, it was announced that the HSE chief operations officer was leaving and going directly to work for Voluntary Health Insurance, VHI, which pays the HSE for services provided, and that the deputy national director of acute operations of the HSE was going to HIQA, which is still within the public sector but is supposed to regulate and investigate the HSE. Is the VHI in the private or public sector? Arguably, it is State-owned. I am not suggesting either of them has done anything wrong or breached any rules - far from it. However, it surprised me that there was no cooling-off period involved in their move. That is just my personal reaction. It strikes me that it would be beneficial if there was. That is just one minor example that happened to coincide with Dr. Holohan’s. There are many people who were key figures in the Covid-19 response leaving the HSE, and there appears to be many people leaving together.

However, to revert to my question, Mr. Fraser would agree with me that procedures around this would be advisable and potentially beneficial in the public interest.

Mr. Martin Fraser: Obviously, I am not commenting-----

Deputy Michael McNamara: I am not expecting Mr. Fraser to comment on that, I am just illustrating it by way of example.

Mr. Martin Fraser: In the Civil Service, I believe there are such procedures, but it is rare enough with senior civil servants. Senior civil servants can be reassigned or they tend to retire. I am not aware of too many requests for exemptions or of cases being submitted to the Outside Appointments Board, but I would have to check, to be honest. I am not fully up to speed with this particular topic.

Deputy Michael McNamara: Finally, Dr. Holohan has announced that he is leaving on 1 July. Other than his leaving, which is significant in itself, is 1 July a significant date in terms of things such as the financial emergency measures in the public interest, FEMPI, and so forth? What happens on 1 July in terms of public pay and so forth?

Mr. Martin Fraser: I am not sure.

Deputy Michael McNamara: There is no increment-----

Mr. Martin Fraser: This is really a matter for the CMO. I have no idea why he-----

Deputy Michael McNamara: I am not suggesting-----

Mr. Martin Fraser: I think he may have said that he wanted to give enough time for the selection of a replacement but I am not sure where I saw that. Possibly it was in the Secretary General's report. No, it cannot have been in the Secretary General's report. Maybe it was. Anyway, I do not know. I have no idea why that date was chosen but-----

Deputy Michael McNamara: On the reversal of Financial Emergency Measures in the Public Interest, FEMPI, cuts, you would obviously have been across FEMPI and all of that. There is no reversal of FEMPI cuts or incremental pay increases - not related to the CMO but to the entire public service, to which the pay of TDs is also linked, I hasten to add - happening on 1 July, is there?

Mr. Martin Fraser: I do not know.

Deputy Michael McNamara: I do not know, for sure, either.

Mr. Martin Fraser: I think you do, by the sound of things.

Deputy Michael McNamara: I do not know. I have heard murmurings but you obviously would have a lot more information. One hears murmurings in this place. That is why civil servants exist-----

Mr. Martin Fraser: I know that.

Deputy Michael McNamara: It is to set politicians straight.

Mr. Martin Fraser: The murmurings are dangerous things all right.

Deputy Michael McNamara: They are indeed.

Mr. Martin Fraser: I honestly do not know.

Deputy Michael McNamara: I do not know either.

Mr. Martin Fraser: Are you telling me there will be a pay rise on 1 July?

Deputy Michael McNamara: I do not know; I am asking.

Mr. Martin Fraser: I do not know either but we can both find out. I do not know.

Deputy Michael McNamara: Thanks. I thought you might know. Thank you very much for your time and for coming in. The best of luck in London.

Mr. Martin Fraser: Thank you Deputy.

Chairman: Mr. Fraser, how long have you been with the Department of An Taoiseach?

Mr. Martin Fraser: About 23 years.

Chairman: In the same Department?

Mr. Martin Fraser: Yes, the Department of the Taoiseach for 23 years.

Chairman: It is fair to say that you are an experienced civil servant and would know extensively about how the Civil Service operates, its faults and failures as well as the positive side to it, which must be considered too. You have a broad knowledge of it. You are referred to as the Secretary General of the Department of the Taoiseach but in correspondence I often see it stated that you are the Secretary to the Government. What does the role of Secretary to the Government entail?

Mr. Martin Fraser: I hold both roles. That has not always been the case but I carry out both roles. I am only one person so it is not as if I am split down the middle but the role of Secretary to the Government is as the title suggests. My main role is to look after the business of Government, including the agendas and arrangements for Cabinet meetings, the promulgation of decisions and the constitutional aspect of the job, if I may describe it thus, which includes relations with the Áras. As you may know, I am the Accounting Officer for Áras an Uachtaráin but I am also involved with relations with the Áras, transmitting Bills that are passed by the Houses to the President, constitutional business, formation of Government, the appointment of the Taoiseach and of judges-----

Chairman: Would you have much direct engagement-----

Mr. Martin Fraser: All of those constitutional aspects, the constitutional workings of the State from the Government point of view. Obviously, not Parliament or the Presidency or the Judiciary. I deal with relations with the arms of Government. It is the essential business of Government in the constitutional sense. It is probably-----

Chairman: What is your interaction in that role with other Secretaries General?

Mr. Martin Fraser: My interaction with other Secretaries General is not in that role or in another role. My interaction, in practical terms, is that every week I meet with the Secretaries General to brief them on the decisions made by the Cabinet. I chair the Civil Service management board once a month and I obviously then have to do what my job entails, which is trying to pull things together, organise things and co-ordinate things and do whatever the Taoiseach-----

Chairman: Yes, so you would have regular meetings with the Secretaries General.

Mr. Martin Fraser: Yes, I would.

Chairman: At any stage during those meetings was this issue raised?

Mr. Martin Fraser: Which issue precisely?

Chairman: The issue that we are discussing today, which is the secondment. Was it ever raised at a-----

Mr. Martin Fraser: At a meeting of all Secretaries General?

Chairman: Yes.

Mr. Martin Fraser: No.

Chairman: I just want to put things in context here. There is a significance in what Mr. Watt points out here, that the Secretary to the Government was told certain things. He comments on it in his report. I want to go back again to the circular which was spoken about here. The circular was issued on 23 December, 2021. It is not an old document but is a recent circular

that was sent out. Would that have been sent to every Secretary General?

Mr. Martin Fraser: I would have thought so, yes.

Chairman: In that, just for the information of members, there are three things. All secondments will be temporary in nature, all secondment advertisements will be sent to the Civil Service HR division and, in general, an advertised position should be circulated to all staff. It is very clear on the steps that one has to take.

Let us move then to the letter of 16 March to Professor Linda Doyle, which is a public document so I presume I can refer to it. That proposal or letter of intent sets out the agreement to the secondment of Dr. Tony Holohan and in the second paragraph Mr. Watt writes: "I recognise that agreement is conditional on the approval of any necessary authority within the University." I am not asking you to comment on this, Mr. Fraser. I am setting a scene here as to where all this started. The authority mentioned here is only the university. The superannuation arrangements and alignment with contractual terms and conditions relating to the position of CMO is addressed by the Department of Health, is what it says here. However, the letter of intent goes on to state clearly, under the proposed agreement, what the Department of Health commits to. It actually commits to the secondment and to continuing to pay the salary at its existing level. It refers to "salary terms and conditions equivalent to the position" on the date of signing of the agreement and also commits to "improvements, awards or regrading that may apply to the position of Chief Medical Officer over the course of the secondment". It commits to making an "annual, ring-fenced allocation of €2M for the duration of the secondment, to be administered through the Health Research Board, a body under the aegis of the Department of Health...". It goes on to talk about funds to provide for Dr. Holohan's salary "until his retirement". It asks that Trinity College would provide an office on the campus and that it would provide administrative support for the position. That is what was stated on 16 March 2022. All of that is what has brought us to this juncture and this examination. Let us be clear about this. It was advanced to a stage where the final document was to be signed at the end of March. The letter refers to the appointment of an officer in the Department of Health to work on details "such that a final agreement is signed prior to 31 March 2022". All of this was advanced, apparently, without any sanction from anyone except the Secretary General and it flies in the face of Circular 27/2021.

That is the backdrop to this. Questions have been asked about the remit of committees. It has been suggested Circular 27/2021 does not define the involvement and role of this committee clearly; it does. I am saying that because I am moving now to the recent happenings. In the public arena we have been fed a diet of smoke and mirrors, obfuscation, spin and a determined effort by Government to cloud the issues here. The issues are clear. They were set out on 16 March. They are set out in the document dated 21 December. It is quite clear that there is an issue here that should be dealt with by this committee.

On 12 April 2022, the Secretaries General were asked for information. They were told about the invitation. On 13 April 2022, Ministers were informed. They were advised that they might need to appear depending on what might be said by the three Secretaries General, Mr. Fraser being one of them and the Secretary General of the Department of Public Expenditure and Reform being another. There is an apology there; the Secretary General is not available which is fine. Then there is Mr. Watt. They were the three. We then asked for information just to inform the committee to put us into a position where we clearly understood what was going on, our role within what was going on and our oversight role as a committee. To say that some showed utter contempt for what was going on is an understatement. Deadlines were not met. Information was not given. Requests for further information were not acknowledged. Tele-

phone calls from the secretariat here were not returned. I think that shows an awful example to those at a junior level within the Civil Service where they should be seeing exemplary conduct from Secretaries General.

I now turn to the political situation and comments that were made before I get back to Mr. Watt's letter of last night at 8 o'clock. It is regrettable that the Taoiseach used the words he did because this committee - I am sure it is the same for every other committee of the House - is about its business. It is about accountability and transparency, and bringing before the committee various witnesses depending on the subject matter and doing it in a constructive, courteous fashion, getting to the truth of the matter. It would seem that there is no appetite in Government to get to the truth of this matter.

The Taoiseach has suggested that we should wait until the independent report is completed following due process at which point we can get the report and discuss it. That stands in stark contrast to the treatment of a Minister who asked for due process but was sacked. If that does not show double standards, I do not know what does. Therefore, the committee has a remit. It must answer the questions from the public in the context of the belief that there is a senior cabal of politicians and civil servants who are ignoring the due process, ignoring the Oireachtas committees and just doing as they please.

Last night's letter from Mr. Watt to the committee as usual provides a lot of packing. There is a lot of stuff in there, some of it irrelevant. He states: "I have answered questions on these matters at the Health Committee and I do not believe it is reasonable for me to be asked to attend a different sectoral Committee to answer questions on the same issue." He is not being asked to answer questions on the same issues. He is being asked to address the issues that are of public interest and of concern to the people of Ireland. He is being asked by a parliamentary committee, taking its task responsibly. He has been asked to appear before it to clarify matters. The circular letter puts him right in the frame to be asked to attend this meeting.

That answers that part of his letter. This is not personal. I just need to do my job as Chairman. It has been made seriously difficult by the attitude of Ministers, the Taoiseach and senior civil servants. He states:

I understand that it has been practice for some time now that one committee should look at each particular issue under its terms of reference rather than duplicate examinations of issues. I'm sure you would agree this is neither in the public interest, nor is it efficient use of members' or public servants' time.

I put it to Mr. Fraser that he has eaten up an enormous amount of this committee's time and indeed the time of the clerk and the people who serve this committee by not answering letters, by not giving information and by having everyone here chasing after the information not being responded to and the numerous telephone calls that are not returned. There is no dispute between the health committee and the finance committee. There is a clear line of responsibility for both committees. I would suggest, as I said earlier, all of it is contained not only in that circular, but in the title of the committee, the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. If ever we needed to look at public expenditure in this case, and reform, by God we need to do it now.

A politician cannot go anywhere publicly without someone pointing out the disgraceful behaviour of some politicians and some civil servants. I wonder if this attitude gave rise to the decision by those in the HSE, whom the Minister of State, Deputy Rabbitte, wanted to meet,

not to meet her.

Mr. Watt's letter continued:

I hope that we can carry out our respective duties in a respectful and courteous manner... issues that arise in a professional, factual, and policy focused manner, without unnecessary and distracting personal commentary.

None of this is distracting commentary. None of this is personal. None of this is outside the realms of being courteous to everyone. I find it a shocking state of affairs that this committee has to sit like this and work its way through nonsense and through all the misinformation and spin in order to try to get to the truth.

I go back then to the report from Mr. Watt to the Taoiseach. I hope the Taoiseach and his officials will ponder on what has been said at this committee. Point No. 20 in his submission states:

This involved the Secretary to the Government and myself as Secretary General of the Department of Health. [That implicates Mr. Fraser.] ... the CMO has an outstanding record of public service on behalf of the Irish State. Both the Secretary to the Government and I indicated our strong support to facilitate and help where possible.

Again, he refers to Mr. Fraser as Secretary to the Government. The report also states:

In early March, the Secretary to the Government spoke to me and I confirmed that I was working on the details of this arrangement, including the proposed research funding element. I was aware that the Government had recently endorsed open ended secondment arrangements...

The circular from the Department of Public Expenditure and Reform, which I refer to again, has other things to say about that. He then commits the research board: "...with details to be agreed between all three parties. It was never envisaged that this salary would be paid directly on the Vote of the Department of Health."

Yet it would be seen to be paid from an agency under the remit of the Department of Health.

Point No. 43 refers to "the Public Service Management Act 1997, which stipulates that the administration of Government Departments is a matter for Secretaries General", and I do not dispute that. He is not a lone ranger, however. He is a manager within a system that is accountable to the people through Oireachtas committees, and he should be accountable to the Government, if it is interested at all, particularly given the sums of money involved.

In point No. 44, Mr. Watt indicates:

It also has been suggested that the Taoiseach and other members of the Government were "kept in the dark". The Secretary to the Government was aware of the proposed secondment move (but not of course the precise details) and I understood that the fact of discussions regarding the CMO's future plans were known in the Department of An Taoiseach. I assumed that key decision-makers were aware of the proposal but of course not the precise details. [...] In early March the Secretary to the Government spoke to me and asked me to confirm that I was working on the details. I confirmed "yes". I inferred from this that this had political support in Government Buildings.

Everyone seems to be running a mile from that one.

In point No. 56, Mr. Watt states:

...it is disappointing that some commentary alleges erroneously that I failed to keep the Minister appropriately informed. The Minister was informed of the proposal for Dr. Holohan to take up a professorship at TCD in advance of the announcement and was supportive.

I wonder if the advance announcement the night before was his way of informing the Minister, as he did with us last night at 8 p.m., sending us the email that he sent.

This brings me to the final point. After all that, the committee was available to Mr. Watt and others such as the Minister to come before it. It is a two-way street here and people get the chance to clarify their positions. They get a chance to put the facts before the general public because it is a public meeting. We all get the chance to learn from mistakes because nobody gets it right all the time.

We are now faced with the investigation to bring what the terms of reference refer to as “learnings” from this. It has been a debacle from start to finish and it has cast a shadow on Dr. Tony Holohan, for whom I have the greatest respect. Even the commentary over the past few days in the Dáil has been nothing short of an attempt to cloud the matter, as I said earlier. I find it truly shocking that senior politicians and civil servants do not see beyond the position they are currently holding and cannot understand that the public is furious about what is going on. It is not so much about Dr. Holohan but the carry-on of Ministers, comments of senior civil servants and particularly the misleading commentary put to the Dáil by the Taoiseach when he speaks about a “witch hunt” in three committees taking this up and his referring to what should or should not happen. I made the point that this committee certainly has a remit to be involved. I ask for Mr. Watt to reconsider his position on attending before this committee. I ask the Taoiseach and the two Ministers to consider their position on attending before this committee and giving clarity not to me but to this forum as a committee of Parliament with representatives of the public. I ask that this be done sooner rather than later.

If Mr. Fraser wishes to clarify any point, he should please do so now. I acknowledge that this is not the first time he has come before this committee when others would not, and I respect him for that. It is a pity others do not take his example and attend committee meetings when they are asked to do so.

Mr. Martin Fraser: I do not really have anything else to say.

Chairman: Okay. So Mr. Fraser is off on his ambassadorial role now to the United Kingdom. I wish him well in that. I hoped the Civil Service could have been left behind well reformed and with its members attuned to attending committee meetings but maybe we have a little more work to do on that. As I mentioned, I recognise Mr. Fraser’s input to this meeting. I will leave it at that unless any other member wishes to come in. If they do not, we will leave it. It is unfinished work and as Bertie said, there is a lot done, more to do. There is certainly much transparency and accountability required. I thank Mr. Fraser and the members for attending.

The joint committee adjourned at 3.28 p.m. until 1.30 p.m. on Wednesday, 4 May 2022.