

DÁIL ÉIREANN

AN COMHCHOISTE UM DHLÍ AGUS CEART AGUS COMHIONANNAS

JOINT COMMITTEE ON JUSTICE AND EQUALITY

Dé Céadaoin, 5 Deireadh Fómhair 2016

Wednesday, 5 October 2016

The Joint Committee met at 9 a.m.

MEMBERS PRESENT:

Deputy Colm Brophy,	Senator Frances Black,
Deputy Jack Chambers,	Senator Lorraine Clifford-Lee,
Deputy Clare Daly,	Senator Martin Conway,
Deputy Alan Farrell,	Senator Niall Ó Donnghaile.
Deputy Jim O'Callaghan,	
Deputy Mick Wallace,	

In attendance: Deputy Jonathan O'Brien.

DEPUTY CAOIMHGHÍN Ó CAOLÁIN IN THE CHAIR.

Business of Joint Committee

Chairman: The main purpose of our meeting is to engage in a mid-year review of the Estimates in the Department of Justice and Equality Vote group, but we have a very busy agenda. These are only guide time limits, but I seek the committee's agreement. We could spend roughly one hour on No. 1, the mid-year review of the Estimates; 45 minutes on No. 2, a briefing on the recent UN summit and related matters; and 15 minutes each on Nos. 3 and 4. Is there agreement on what is a rough timeframe in which to address the matters before us? Agreed.

Estimates for Public Services 2016: Minister for Justice and Equality

Chairman: I welcome the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, and her officials. During the summer months the Department of Justice and Equality provided briefing material on the Estimates. It was circulated to members in advance of the meeting, the purpose of which is to consider the performance of the Department in the light of information supplied. Specifically, the briefing material is intended to help the joint committee in considering the performance of the Department measured against its own output targets, whether emerging pressures are likely to impact significantly on its performance and spending in the remainder of the year, whether there is likely to be a significant underspend or overspend before year end and whether any significant policy decision taken this year will impact on the 2017 Estimates for the Department.

The format of the meeting is that the Minister will be invited to make a brief opening statement which will be followed by a question and answer session. Witnesses are protected by absolute privilege in respect of the evidence they are to give to the committee. However, if they are directed by it to cease giving evidence on a particular matter and continue to so do, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against a person or an entity, either by name or in such a way as to make him, her or it identifiable. Members should aware that under the salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the Houses or an official, by name or in such a way as to make him or her identifiable.

I invite the Tánaiste to make her opening statement.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I welcome the opportunity to engage with the joint committee on the Estimates in the justice Vote group. The upcoming budget is another stepping stone in our plan to build a strong economy that sets out to create a fair and compassionate society in which everybody will have the chance to succeed and nobody will be left behind and where we will measure ourselves by our national well-being rather than national income.

As members are aware, in June we injected a further €40 million into the justice Vote, an increase of more than 6% on the corresponding Revised Estimate for 2015. The expenditure position in a detailed review of the performance measures set out in the Revised Estimates covered the period 2014 to 2016. It was recently provided for the committee and I hope that document and the subsequent exchanges of correspondence and briefing material have proved

useful to members.

The eight Estimates in the justice Vote group comprise a total gross expenditure budget of €2.4 billion in 2016, of which €2.3 billion is current expenditure and €158 million is capital expenditure. More than 63% of this expenditure relates to the Garda Vote, while less than 1% relates to the justice Department. They are smaller but vitally important roles which we have often discussed here in the Policing Authority, the Irish Human Rights and Equality Commission and other bodies. As the committee knows, the budget covers a vast range and scale of programmes and expenditure areas. I will outline some of the key changes in the data provided for the period up to the end of June. I will comment in so far as I can on my priorities for budget 2017 and discuss performance-related information.

As I mentioned previously, an important development to be noted is that in the Revised Estimates Volume published in June the Government provided an additional €40 million in Exchequer funding for the Garda Vote in response to the unprecedented challenges faced by An Garda Síochána this year. Let me reiterate that the Government has consistently made it clear that we will fund whatever measures are needed by An Garda Síochána to best tackle the critical and unprecedented challenges it faces. In terms of performance, I will focus on the impact the funding available to An Garda Síochána is having.

A number of targeted Garda operations have been established and resourced by the Government in response to violent crime in Dublin and to address public concerns about community safety. As of last month, for example, there had been 40 arrests and five charges brought in connection with the recent shootings. In addition, the Garda has seized 22 firearms and conducted more than 8,000 lines of enquiry. There have been in excess of 11,520 high-visibility checkpoints. It is important that the committee note this information. The measures have been implemented with significant support from the armed support unit. Of course, there was a huge response from members of An Garda Síochána who wanted to be part of the newly established unit, the members of which have been selected and are in training. We have them looking at a significant amount of CCTV footage, as well as mobile phone traffic and forensic evidence, all of which is being examined. The close co-operation between An Garda Síochána and the Spanish police led to the recent arrest of a suspect in Spain, as well as to search operations targeting criminal activities in Ireland and Spain.

Operation Thor, beginning in 2015 and focused on burglary and related crime, is an example of the Government's response to crime in both rural and urban areas. It has two key objectives: strengthening the law to get tougher on serious and repeat offenders - we brought in new legislation last year to provide for consecutive sentencing; and investing in the capacity of An Garda Síochána to enforce that law effectively.

Operation Thor has provided a swift return on the Government's investment in Garda resources and this is reflected in the recently released official recorded crime statistics published by the CSO. Of course, there is an ongoing programme. I met the CSO early after the inspectorate report was published to discuss the importance of having absolute reliability in the figures. It has an ongoing programme of examination of those figures to ensure that they meet its high standards. As I say, I met the CSO, discussed that and that programme is under way. The figures on Operation Thor show that for the first three months of this year, there were 36% less burglaries than in the first three months of 2015.

These CSO statistics provide a clear measure of the success of Garda strategy under Operation Thor. There has been concentrated police activity throughout the country, including more

than 30,000 crime prevention patrols, 38,500 targeted checkpoints nationwide, 2,500 arrests and 2,900 charges, covering a range of offences which, in addition to burglary, have included handling stolen property, possession of firearms and drugs offences.

In the material provided, I brought to the attention of the committee that we plan to bring forward a technical Supplementary Estimate to provide a further €15 million to the Garda Vote from savings elsewhere in the justice sector to complete the additional funding package to An Garda Síochána before the end of the year. In the context of the technical Supplementary Estimate, it is likely - based on expenditure trends to date - that capital expenditure will be reallocated within the Garda Vote and between the prisons and Courts Service Votes to provide for additional capital expenditure in the courts. Prisons will also benefit from this investment as it includes the provision of additional video link facilities in courts thus reducing prison transport costs. These reallocations are the result of close co-operation across the sector.

I will provide the members with more information on these proposals when I return later in the year in regard to the technical Supplementary Estimates. I stress there is no additional Exchequer funding involved, just prudent use of available resources and more effective management of the capital allocation on a multi-annual basis.

I will turn now to the 2017 Estimates process which is well advanced at this stage given that budget day is less than a week away. Members will also appreciate that a key aspect of any budgetary and Estimates process is that no details are released until the whole package is agreed by Government and announced on budget day.

Of course, I have shared some of my priority areas in correspondence with the committee and I will reiterate a number of the main requirements I am seeking to reflect in the Estimates 2017 for my own Department, including accelerated Garda recruitment - this remains a priority and it is a commitment in the programme for Government. We have also said, in order to get more effective management in An Garda Síochána and to continue the reform programme, that we need to recruit more civilians. I want to see this happening next year and I am looking for a budgetary allocation for that. I am also looking for increased funding and, indeed, staffing for important areas that come under the Joint Committee on Justice and Equality, such as the Charities Regulator. We all are aware of the various issues that have been raised about the charities sector in the past year and the increasing governance issues that must be dealt with by the Charities Regulator, and I want to ensure that it has the resources to do that work. Obviously, data protection remains an ever more important issue. This week I met the CEO of Microsoft. We have considerable investment, from that company and from other industries, here and the approach of this Government to data protection is critical. Funding to maintain policing operations targeting gangland and other serious crime remains an important focus for us in the budget for the future and in the work of An Garda Síochána next year.

In regard to additional capital expenditure, if finances permit, I would like to bring forward expenditure to 2017 to allow for the commencement of a new forensic science laboratory. This would mean that this important capital project will be completed in 2019 rather than commencing in that year as originally provided for in the capital plan. Everybody recognises the importance of having new appropriate facilities for forensic science in terms of the prosecution of crime and evidence building.

Finally, before I conclude I will comment briefly on the linkage of performance measures to the Revised Estimates which is an important development. No doubt the process can be improved and we all have a part to play. An Garda Síochána is currently undertaking a revised

approach to performance measurement in the context of the 2017 policing plan. The Policing Authority has a significant interest in this also and will have input into this process. Similarly, my Department's working group on efficiency measures in the criminal justice system has also set the development of performance indicators in order to measure the output of the various efficiency measures as one of its priority objectives over the coming months. There is no shortage of data but the availability of more consistent data across the criminal justice area is a priority area for my Department. Of course, the development of IT and inter-operable IT systems remains a big challenge, but one that must be met if we are to have a more effective justice system. We want to do this in a structured and collaborative way, with the benefits outweighing the cost of providing the information because IT is expensive and the end product should realise the objective of better information that can guide both policy and criminal investigation and prosecution. This will support and enable the work of policy makers and the important oversight role of Oireachtas Members and ensure that the taxpayers' resources are being used in a constructive way. On that note, I will conclude for now. Obviously, I look forward to hearing the views of members.

Chairman: I thank the Minister. Before opening up to members, I reiterate that we will focus on this first section with the Minister. She will be making a second opening statement in which we will address matters in regard to refugees and migrants and that will follow in approximately one hour's time. We should focus on and stick with the Minister's opening statement, which is the purpose of this first part of the meeting. Deputy Wallace is the first to show.

Deputy Mick Wallace: The Minister is talking about a number of areas here where things can be done better, better organisation, etc. I was surprised the Minister did not address the issue that the CSO statistics showed there has been a serious massaging of crime figures. That was highlighted by it. It reminds me that I gave the Minister evidence of the massaging of crime figures in the Athlone area almost a year ago but I never heard back from her. The Minister acknowledged it but I did not hear anything since, unless I missed it.

On all these measures, I can see the rationale behind what is happening here. It is well-intentioned, but as long as the top hierarchy of the organisation of An Garda Síochána remains as dysfunctional as it is, a lot of this is merely aspirational. We are aware of the fact that this has probably been brought home strongly to the Minister by the document that landed on her desk on Monday morning last which, I am sure she will be aware, is fairly frightening. At this stage, if the Minister really wants to make these aspirations that she has discussed here this morning a reality, should she not first deal with the fact that we need new leadership in An Garda Síochána? We do not need another investigation. We do not need any more inquiries. The Minister has enough evidence now to see that it was a mistake to give Ms Nóirín O'Sullivan Mr. Callinan's job. We are paying a price for it and the longer the problem is not addressed, the worse it will get.

Deputy Jim O'Callaghan: I have three questions. The Tánaiste stated one of her main requirements is accelerated Garda recruitment. How many gardaí will be recruited in 2017? Second, she said she wants to expand civilianisation in the Garda. How many Garda reserves will be recruited in 2017? Third, although the Tánaiste did not refer to this, departmental expenditure arises in respect of the salaries of judges. Has there been a Government decision not to nominate any more judges until new legislation is enacted?

Deputy Frances Fitzgerald: I addressed the crime statistics question. I have a keen interest in them myself because I want the public to have as much confidence as possible in the statistics that are published. I said that when the first Garda Inspectorate report on crime statistics

was delivered, I initiated contact with the CSO, which is an independent body and which had an interest in doing this anyway, and I asked its officials to put a process in place to make sure the figures that were published were as robust as possible because it is essential that we have accurate and reliable data on crime. We want to ensure the policing services provided by An Garda Síochána are responsive to emerging crime trends and we want to keep the public fully informed. It was only in June 2015 that the CSO published its first crime data quality report. The most recent report highlights progress in addressing a range of issues since then, many of which were originally examined in 2014. It also says there is need for ongoing improvements. I accept that, as do the Garda and the CSO.

The issue of the reliability of crime data is a big issue in many jurisdictions and not just this country. This is an international issue and the key point is we are taking steps to address it, which is important. I welcome the fact that the CSO concluded that the estimated impact on the issues identified in respect of recorded crime is substantially less than was the case in the first review, but Deputy Wallace is correct that we need to keep a strong focus on this. It is a work in progress and there have been improvements to the PULSE system, including the recording of investigations. The clear directions internally are to clearly record crimes that are reported. Crimes are being investigated. Recording is a separate issue but we have to have both. It will take time for the full effect of upgrading Garda systems to be reflected in the crime statistics.

I remain committed to this work and that is reflected in the allocation of €205 million to this area in the 2016 to 2021 capital plan. There is ongoing discussion, both at national and international level, about improving recording and the interoperability of various recording systems. While this work goes on, CSO officials are satisfied that they are in a position to continue to publish crime statistics and the need for improvement in this area should not distract from the comparative assessment of the statistics, which shows a real and consistent improvement under a number of headings. I want the figures to be as accurate as possible and a process is under way. The CSO, which is a reliable, objective, independent body, is monitoring this on an ongoing basis and in the publication of crime statistics over the coming years, I expect to see a closer connection between what the CSO demands in terms of the highest standards and the way the figures are published. It is a work in progress but there has been an improvement.

I will not go into the detail about An Garda Síochána but we have a five-year reform and high level workforce plan and that will be important as a vehicle for reform. Significant work has been done throughout the organisation through a modernisation and renewal programme. The Policing Authority has an important role in monitoring that. We set up the authority in order that it would discuss the programme of reform with the Garda authorities in respect of priority areas and the strategic plan for each year. Almost 1,000 recommendations were made in the Garda Inspectorate reports and work is under way to implement them.

I will try to be as helpful I can to the committee in response to reports that have appeared publicly about recent protected disclosures relating to the treatment of whistleblowers. The committee should recognise I have real difficulties commenting on the matter. Others may be free to comment. I want to ensure we have a just and fair approach to this issue. What I have is a body of allegations that have come through protected disclosures. I am bound by the provisions of the Protected Disclosures Act 2014. I have to take every step to ensure the confidentiality of the whistleblowers. Whatever is out there in the public arena is out there but I have a duty as Minister. The Act is clear about my legal obligations and about the legal obligations on the person to whom a protected disclosure is made. Earlier this week, I received correspondence from members of An Garda Síochána under the Act. I cannot for obvious reasons go into the

detail but I assure the committee that I am carefully assessing and considering the appropriate response to those disclosures and how they can best be dealt with and I will consider in great detail how to respond to them and what is the best possible way to take this further to make sure a process is in place to analyse the detail of that body of allegations. However, I will certainly do it in a way that protects the whistleblowers and that is fair and is seen to deliver justice to all.

Deputy O'Callaghan asked a number of questions about recruitment. Subject to the outcome of the Estimates process, I expect that a further 800 trainees will be recruited in 2017 in order that we can arrive at the point where there will be 15,000 members in the Garda over the next few years. There will be approximately 1,200 trainees in place at the end of 2016. The recent competition for recruits to An Garda Síochána closed last Friday. There was a report that 1,600 members of the public had applied but the correct figure is more than 5,000. A review of the Garda Reserve is being undertaken. A superintendent has been given responsibility for the development of the reserve force and the review is nearing conclusion. I expect that recruitment to the reserve will begin mid-year. The goal is to double its numbers. The recruitment of more civilians is central to the reform programme and we have included it as a commitment in the programme for Government. It is again subject to the Estimates process but I hope several hundred civilians can be recruited next year to make sure jobs that can more effectively be done by civilians are done by them. In some instances, this will release gardaí for front-line duties; in other instances, this will support the Garda's work. In other instances, it will support the work of An Garda Síochána.

Deputy Jim O'Callaghan: Can I-----

Chairman: I was going to come back to the Deputy, in deference to other members-----

Deputy Jim O'Callaghan: No problem. It is just that the Minister did not answer the question.

Deputy Frances Fitzgerald: It might be helpful if I made the point that the judges are not paid from this Estimate; they are paid from the Central Fund.

Chairman: That was the Deputy's initial question rather than a supplementary.

Deputy Jim O'Callaghan: Yes.

Chairman: Is that okay?

Deputy Jim O'Callaghan: No. It is not an answer.

Chairman: Would the Deputy like to come back on it?

Deputy Jim O'Callaghan: It is not an answer. I asked if a decision of Government has been made that no further judges will be nominated until new legislation is in place.

Deputy Frances Fitzgerald: I can answer that question.

Chairman: If you would, please.

Deputy Frances Fitzgerald: The preference of Government is that new appointments to the Judiciary would take place under new legislation. I note the Deputy has published a Bill on the process of appointment. It is an issue Government will keep under review, but the preference would be-----

Deputy Jim O’Callaghan: No decision has been made by Government, as of yet.

Deputy Frances Fitzgerald: There is no formal Cabinet decision.

Deputy Jim O’Callaghan: That is what I wanted to know. I thank the Minister.

Chairman: I was going to call Deputy Wallace after the other speakers but if he wishes to make a brief point, he may do so.

Deputy Mick Wallace: The Minister might have forgotten my question about the evidence I gave her about the massaging of figures in Athlone about a year ago. Whatever happened to that?

Deputy Frances Fitzgerald: I have to revert to the Deputy on that but I have taken up the issue, and I have answered parliamentary questions on the reliability of the figures. I will revert to the Deputy on the detail of the issue he raised with me.

Chairman: I will call as many of the other members as possible. I will take Deputies Jack Chambers and Colm Brophy together. If they want to ask a supplementary question, I will call them again.

Deputy Jack Chambers: My first question relates to the Policing Authority. Ms Josephine Feehily was before the committee last week, as the Minister is aware, and she outlined the collaborative co-operation ongoing between her authority and An Garda Síochána. Does the Minister believe it is appropriate that the Policing Authority is engaging in workshops and an active collaboration with An Garda Síochána in the creation of the policing plan when it is also the body that provides oversight and monitoring of An Garda Síochána? With regard to their autonomy, is it appropriate for both organisations to have a cloud over them in terms of the creation of the policing plan? That is a core issue of governance. There are only 13 staff in the Policing Authority. The chair of the Policing Authority did not outline to me the Chinese walls that exist within that authority to ensure that the people who are monitoring, reviewing and providing the oversight are not also guiding the Garda in its policing plan. As the authority is established and progressed, it is important we ensure that proper governance mechanisms are in place so that we have that system of oversight.

My second question relates to the current Garda dispute. There are significant morale issues in An Garda Síochána, and the Garda Representative Association, GRA, and others have outlined that to the Minister. What does she expect to occur in that regard, and how does she hope the dispute will be resolved? With new and probationary gardaí on disgraceful starting salaries, it is fundamental that the Minister acts so that there is hope for new gardaí as they enter the force.

My third question relates to automatic number plate recognition, ANPR, technology. Investment in that technology has been stagnant over the past two or three years. In 2014, 116 cars were fitted with ANPR, and about 100 so far this year. That is a fundamental technological tool and it is important there is further investment in it. I hope the Minister will incorporate that in her budgetary Estimates.

My next question relates to a debate I had with the Minister last week. I welcome the €40 million additional investment this year because of the current issues in our city. Currently, there is a temporary presence there but in terms of the Minister’s own initiative, I ask her to ensure there is a permanent replacement of community gardaí, whose numbers have been haemorrhag-

ing in recent years. That is a priority, and we must get an assurance on that.

My final question reiterates an issue Deputy Wallace mentioned. In her initial contribution, the Minister praised the gardaí and said that the number of burglaries are down by 36%. I agree the gardaí are doing good work, but the Minister cannot welcome a statistically significant change on one level and then say that the other statistically significant change the CSO mentioned is being addressed. The CSO outlined that 17% of calls and dispatches were not recorded on the PULSE database, and that the 50% of detections by An Garda Síochána is closer to 40%. It is important to qualify any remarks about statistically significant change with what the CSO and the Garda Inspectorate has stated so that we do address the serious matter of statistics. We cannot welcome change on one level because it is a positive news story for the Minister and her Department while on another level say the CSO statistics are being addressed. We do not know that until a number of years pass, and anyone who does basic statistics would tell the Minister that. We need to qualify any remarks about statistical changes. I have heard many anecdotal stories from people who have been burgled. They called the gardaí but did not have anyone call to their house. I doubt those crimes are being recorded. When they contact the gardaí, they are often asked if the burglar is still in the house and if they are not, nothing happens. There is no follow up. Who is to say that is not in the incorporation of statistics? Serious work needs to be done on that. We need to be careful with the way we massage and talk about crime statistics because what we heard from Government and the previous Minister in the past five years was that crime levels were dropping, there were no issues with recruitment, and we had a sufficient number of gardaí. We then saw a massive statistical change, which intensified recruitment. It is important that we qualify any remarks about statistics with what is reflected in the Garda Inspectorate report and by the CSO.

Deputy Colm Brophy: I thank the Minister. Some of my questions interlink with the issues to which Deputy Chambers has alluded. In terms of the figures, I would make the point that the CSO made it clear that it welcomed the significant improvement. It behoves us, as committee members, to be accurate in our comments rather than using terminology which does not reflect what the CSO stated.

I have a couple of questions. In terms of Garda recruitment, I welcome the figure of 5,000 applications. That so many people in our society are willing to become involved in An Garda Síochána, which is at the core of protecting our communities and our country, is very welcome. In that regard, the additional numbers coming through the recruitment process this year are welcome but I refer to the deployment of those recruited throughout the country, between urban and rural areas. How will that address the Minister's comments about tackling urban crime, which is the subject of a great deal of reporting, but also rural crime as well?

I want to raise another issue, which has not been raised by previous speakers. In light of the comments made by the British Prime Minister on Brexit, which are contrary to what we in this country will no doubt work for tirelessly and what we would like to see, which would be some form of soft exit without the imposition of a Border, there must be substantial implications from that, not least in terms of a planning process but also budgetary implications in terms of policing between the North and the South. As we know, a large number of criminal groups have tried to wreck our economy for decades in their funding efforts for various others. If we are to go towards a hard Border, which none of us wants, what provisions can be put in place to address that? Otherwise, that will once again be a major financial drain on the resources of both the Minister's Department and An Garda Síochána. I may contribute again after the Minister has answered those two questions.

Deputy Frances Fitzgerald: The first question from Deputy Chambers was on the role of the Policing Authority and its work with An Garda Síochána. This is a new Vote in 2016. The Policing Authority is newly established. It is an independent agency under the aegis of my Department. It was established on 1 January this year, following the enactment of the new Garda Síochána Policing Authority Act 2015, which amended the Garda Síochána Act of 2005. The Estimates provide funding for the Policing Authority to implement a programme of independent oversight of the policing functions of the Garda Síochána. The board has outlined its priority areas and the outputs it wants to see this year. It wants to establish the authority, get it up and running, and hold public and private meetings. It wants to hold four meetings in public with the Garda Commissioner and make all the practical arrangements for the establishment of a new authority and so on. The point Deputy Jack Chambers raised is about the actual way it does its work. This is an independent agency, with a highly qualified board. There has not been one question from anybody about the calibre of the people who were selected through the PAS system for the board. The chair, Ms Josephine Feehily, is highly respected and the board has got on with its work.

The agency has had various meetings with the Garda Síochána and other parties, including the Garda Inspectorate, to gain an understanding of the structure, the resources of the organisation, and the impact of the reform plan. It uses various methods, such as workshops and meetings. It is entirely appropriate that the Policing Authority decides how it does its work. At the end of the day what one wants to see is a strong relationship between An Garda Síochána and the Policing Authority, but an appropriate relationship where people are held to account and there are public meetings. I certainly do not intend to interfere. It would be completely inappropriate for me to direct the Policing Authority on how to do its work and how to develop relationships and the different methods it uses. I have confidence that the way it will do its work will be appropriate and within its remit. That is very clearly understood by both the chair and members of the authority. Obviously, the joint committee has an opportunity to invite the Policing Authority to appear before it to explore these issues, and the committee has done so.

Obviously nobody wants to see An Garda Síochána taking strike action. That is the first very clear statement I want to make in respect of the current situation. I will do everything possible, and the Government's negotiating team will do everything possible, to ensure there is progress on the current issues. To recap, following negotiations, the AGSI accepted the proposals by a 70:30 majority and signed an agreement just two or three weeks ago. Since then, its representatives have raised concerns about a number of issues and I met them yesterday. I listened to their concerns and I have undertaken to have further discussions. My officials will be in contact with them to work on the areas of concern, one of which is in respect of the Public Service Pay Commission and how it will do its work.

In regard to the GRA, we reached a draft agreement last Friday week, which we hoped would be accepted by the broader executive. As it turned out, it was not accepted and they have taken the action, with which members are familiar. The draft agreement involved the lifting of the increment freeze and restoration of the rent allowance for new entrants, which is worth €4,150 per annum. The proposed agreement provided for it to be restored in two phases, 50% with effect from 1 January 2017 and the remaining 50% with effect from 1 January 2018. This would have led to an immediate improvement in conditions. Obviously, the unwinding of the financial emergency measures in the public interest will also have an impact on members of An Garda Síochána in the next number of years. There was a commitment of flexibility in respect of additional hours and for the Commissioner to have the flexibility to work out a way that would be best suited to the organisation's needs and those of members in consultation with the

GRA. There was also a provision about extra hours and a commitment to move to a 39-hour week. There were a number of other points, for example, the period of six months of on-the-job training completed by members recruited between 1989 and 2013 being recognised for the calculation of pension entitlements, subject to the payment of the contribution, and promotion opportunities to increase as Garda recruitment increases and so on. The draft agreement has been rejected. To respond to Deputy Jack Chambers, I would like to see a continued focus on negotiation with the GRA. I made the point that we want to deal with the issues the AGSI has now raised, which is different from what was on the table a couple of weeks ago when its members were balloted.

There are parameters in respect of public sector pay. A total of 285,000 public sector workers have accepted the approach by Government, with 21 unions having signed agreements, and we have a clear programme in terms of restoration of pay. Having said that, I believe we can find a way forward in the very near future in relation to gardaí having their own industrial relations mechanisms for dispute resolution. Mr. Horgan is examining the review of the IR mechanisms and other issues and I have given a commitment the review will be completed by the end of this year. We need to tease out the connections between that review and the Public Service Pay Commission. I have undertaken to look at that and we will continue to discuss the various issues with the GRA. I am meeting the GRA on Thursday. Clearly, I am not negotiating myself - there will be a negotiating team in place - but I am having these early meetings to try to ensure we can find a pathway forward.

Chairman: Will the Tánaiste respond to the other members please?

Deputy Frances Fitzgerald: Deputy Brophy asked about the deployment of those who were being recruited. Let me stress that deployment is an operational matter for the Garda Commissioner. I do not interfere in any way whatsoever in the deployment of members of An Garda Síochána. That may have happened many years ago but it certainly did not happen under the previous Government and it will not happen under this Government. Deployment is an operational issue for An Garda Síochána.

The Garda Inspectorate focused in its assessment of An Garda Síochána on the point that deployment is linked to levels of crime in different areas, and that it has to be appropriate deployment. In relation to those who were recruited in the past number of years, gardaí have been deployed all over the country in both urban and rural areas. It is the Commissioner's job to assess the precise location for the new recruits. I believe it has been done in a fair and objective manner, and the important point is to accelerate recruitment. We know that the economic situation impacted seriously on An Garda Síochána. There has been no recruitment since 2008 and Templemore was closed. There was no investment in vehicles. Members have heard stories about the lack of vehicles, but there has been significant investment of tens of millions in new vehicles that are better suited to the demands of modern policing. The vehicles are more appropriate to deal with the criminal gangs and their resources. Garda deployment is very much an operational matter. If we recruit more gardaí, we can deal with the impact the economic recession had on An Garda Síochána by making sure there are more members to be allocated.

Brexit will have many implications for the Department of Justice and Equality. I met the Minister at the Department of Justice, Ms Claire Sugden, at the North-South Crime Conference in Enniskillen last week. This is a very welcome initiative that takes place between North and South with the highest levels of management of the PSNI and An Garda Síochána meeting and discussing cross-Border work. The relationship has never been better between the PSNI and An Garda Síochána. It is a very good basis on which to go into discussions in the justice area

regarding Brexit. At ministerial level, the relationship has never been better. This means we are starting from a very good base in discussing the very serious justice issues that arise. At the meeting, I was told that the officials in Northern Ireland have been analysing the impact of Brexit and carrying out a risk assessment. There are 18 items of legislation in the family law area, 11 of which impact Northern Ireland, regarding which they are examining the domestic, international and EU legislation and analysing what will change in the context of Brexit. This is just one area.

We recently had some very serious issues regarding illegal immigration and sham marriages, and there has been cross-Border co-operation on them. We will continue to work on immigration issues together. There is a new task force arising from the Fresh Start agreement and it has focused on cross-Border work on child pornography. The task force has done very detailed operations on rural crime North and South which have had good impact. A number of people are being prosecuted. Both groups are working on a range of other areas. Issues relating to the common travel area are key to the justice sphere, as is working through the implications of Brexit. We have started this work and have held ministerial meetings and meetings between officials. Our Secretaries General are in London today meeting the Home Office officials and also their counterparts from all UK Government Departments. There is a huge amount of focus on the issue. The very important point is that we do not want anything to interfere with the peace process.

Deputy Clare Daly: We are talking about performance measures and whether money is being well spent. We cannot measure anything when the data are flawed. It is not good enough to say that the Central Statistics Office, CSO, says things are improving and that is grand. Against the backdrop of the criticisms, reports and the thousand recommendations by the Garda Síochána Inspectorate about improvements that had to be implemented, we still have a scenario in which there are major discrepancies in the reporting of crime, which means we cannot measure anything. Items are not being put on the PULSE system and activities are being consciously downgraded to understate crime levels. We must return to it.

The Minister is aware that the Garda Síochána Inspectorate has commented on the situation. GSOC and the Policing Authority have said they are not adequately equipped legally to do the job the public expects them to do, namely, to be the body of oversight and to deal with complaints. We are putting money into these valid Garda oversight organisations, but they are saying they do not have the legislation to do the job for which they are receiving the money. Where is the legislation to support their work? Without it, what is the point? Are we just putting money into a cosmetic exercise of accountability if we do not beef up the layer of independence?

The fact that Vote 21 on prisons has not been mentioned anywhere is indicative of the fact that it is the poor relation. People are forgotten when they are sent to prison and we do not spend enough time examining and addressing the vast amount of money we spend on imprisoning people and whether it is successful. In the report and in the mid-year position, the Minister said Vote 21 should be dealing with providing a “safe, secure, humane and rehabilitative custody for people who are sent to prison”. The fact that the educational programmes in prisons are appalling and access to drug rehabilitation is, in many instances, non-existent, makes a mockery of the statement. I wonder what measurements are being put in place in technology, particularly regarding P19s, which are complaints by prisoners regarding the prison process. There is no system for computerising them. Legal representatives of prisoners are submitting freedom of information, FOI, requests to try to get information about the complaints their cli-

ents have submitted, and the Department and the Prison Service are saying they cannot provide the information given that it is not computerised. At the same time, when a prisoner goes to court, a list can be provided of all their alleged wrongdoings. What level of investment is going into technology regarding P19s?

Prisons are expensive. What is the point in putting somebody in prison if he or she is going to come out and be exactly the same. Deputy Mick Wallace and I had a horrific experience on Friday when we visited Portlaoise Prison and saw the treatment of a clearly troubled young man. It was worse than anything I have ever seen and constitutes a violation of human rights. Five prison officers in riot gear spend all day, every day accompanying the young man as soon as his door is opened, wherever he needs to go. This is a complete and utter breach of medical reports about how he should be treated. It is ridiculous. I imagine five prison officers could be doing something much more constructive. All the young lads told us he would like to develop his education and reintegrate into the prison population. Unless we address it, we will send seriously damaged people back out into society.

Since the departure of Brian Purcell, has a new Secretary General been appointed to the Department? Does the Department not need a Secretary General? Is it a saving that one has not been appointed and can the money be spent somewhere else?

Deputy Jonathan O'Brien: I will follow up on Deputy Clare Daly's final point, which I was going to raise, namely, the Prison Service Vote. We do not measure the outputs. We have very broad statements from the Department, for example, "ensure that drug addiction treatment programmes are available for all prisoners ... willing to participate". We all know there are not enough drug treatment programmes in prisons for those who wish to participate. Such broad statements give us no tangible evidence that they are working. We do not follow up with prisoners when they are released and we do not know how successful these programmes are. Even the Department says there is no dataset in place which provides the necessary information to measure all prisoner reintegration. The recidivism studies published in conjunction with the CSO can be used as a key indicator for reoffending rates. We do not have the outputs and inputs and the data to be able to measure it. While we have broad statements such as a certain number of people engaged in juvenile diversion programmes, we have no data to show the number of people who did not go on to commit crime or who went into education. We need to examine this issue of broad statements.

In 2012 there was a major issue with family law courts and long waiting times. The Department implemented an initiative called the family mediation initiative. We also considered a business and commercial mediation pilot scheme, which was to resolve commercial disputes. The Department is saying it is too early to measure how successful they are. When will we get some feedback on these two initiatives to see how successful they are and whether we are saving money as a result of them?

I will welcome the construction of the new prison in Cork. The facility caters for up to 310 prisoners and more than 250 no longer have to slop out. However, there is a major issue in the local community around the old prison and the future plans for it. I am not up on the Estimates. I presume there is an ongoing cost to having it there, even though it has been closed.

Although we keep hearing we will get a certain number of extra gardaí coming through Templemore and via recruitment, we do not get net figures, and it is the net figures off which we need to work. Yes, we will have 800 new recruits in 2017 but we also need to see what is the net figure when retirements are taken into account. When we speak about Garda numbers,

we should be talking about Garda hours and how the numbers of Garda are being used, how many are on traffic duty, how many are on burglary duty and how many are on drug detection. That would give a more accurate indication of how effective the numbers are and whether we are getting value for money. That may be an operational issue but I am sure it is information that can be provided.

My final question goes back to the CSO report, and yes there are two conflicting reports and it is important that we do not just cherry-pick from one report as opposed to another report. The Minister said in her opening statement that she has spoken to the CSO with regard to the report. Perhaps the Minister will indicate if she has spoken to the Commissioner about the reports. The Minister made a bizarre statement this morning when she said that all crimes have been investigated, even if they have not been recorded. I do not know how we can qualify that statement. How do we know crimes have been investigated if they have not even been recorded? Again, as Deputy Jack Chambers said, we cannot just make statements - we must be able to support them. To state that all crimes are investigated even if they are not recorded is a very broad statement. We still have not received a reason 16% of crimes have not been recorded on PULSE. We do not know why crimes are being reclassified. There may be very legitimate reasons but we have not got that information. As well as speaking to the CSO, has the Minister also spoken to the Garda Commissioner? If she has, maybe she would give the committee some feedback on that conversation.

Chairman: Minister, could you answer the issues raised by Deputies Daly and O'Brien?

Deputy Frances Fitzgerald: Yes. The first issue that Deputy Daly raised was in regard to the statistics, and a number of Deputies continued to raise that. I will summarise the important issues that were noted in the CSO report this year. Compared with the CSO report that was published last year, the amount of non-recording of crime onto PULSE fell very slightly. The previous issue of the degree of misclassification of criminal incidents to non-crime categories fell significantly. The number of crimes incorrectly marked as detected fell significantly. I want to put on the record that some of the key findings of the CSO report can be summarised as follows: an estimated 17% of crime reported, which does not appear to be captured on PULSE, reduced from 20% in the first CSO report on quality. These are quality reports that monitor the changes in an ongoing way. An estimated 2% of crime incidents were incorrectly classified, a reduction from 5%. It is now 2% and we want to work on that 2%. Some 3% of incidents were classified as attention and complaints - a non-crime category - which should have been classified as a crime. That is reduced from 7%. That is an improvement from 7% of those incidents being wrongly categorised down to 3%. Some 1% were classified as property lost, a reduction from 4%. Some 2% were classified as domestic disputes, a reduction from 7%. That is also very significant. One can see in each of those areas, the monitoring, discussion and reform in statistics by the CSO's objective monitoring, that improvements are being made. The CSO's review of detections suggested that 10% of the detections sampled should not have been recorded as detections. That was reduced from 16%. We are getting more accuracy in the recording of crime. This is an international issue and one that we must continue to work on.

Deputy Jonathan O'Brien referred to all crimes being investigated. Of course, I cannot say that every crime that is reported has been investigated, but I repeat what the Commissioner said that the fact it had not been recorded properly did not mean the crime had not been investigated. This issue with regard to crime statistics is clearly ongoing, and I have no doubt that the committee will be discussing it next year when we have a new CSO report. As we put more investment into IT and as PULSE records ongoing investigations, which it is now doing, as opposed

to just the recording of crime, a difference will be made.

Members raised the issue of prisons. I was in Portlaoise Prison last week looking at the conditions in the old building and getting an update on the work planned there and the improvements that can be made in the meantime. There is a big refurbishment programme which I believe is to start next year and perhaps the old building will be gone completely in a few years as there is a plan to replace it. The capital has been earmarked for that project. As Deputy O'Brien will know from the Cork situation, there have been huge improvements made in prison buildings in the State - for example, in slopping out. There is a very small amount of work still to be done in that regard. Over the lifetime of the next Irish Prison Service strategy, there are plans for a new cell block and a new female prison unit in Limerick and plans for the construction of a new maximum security unit in Portlaoise Prison to replace the existing one. Members will be aware that the E blocks in Portlaoise Prison are very outdated and they will be progressed. Taken in tandem, these two developments will result in the final elimination of the practice of slopping out across the entirety of the Irish prison estate. Figures for July 2016 in the census show that only 55 persons were slopping out in the prison estate, a reduction from 1,003 in 2010. That practice is about to be finished completely. There have been huge improvements in regard to the prison build and Cork Prison is an example of best practice when it comes to conditions. I was at the opening of that prison and saw the standard of that new building, of which Deputy O'Brien is clearly aware, and the facilities for prisoners, for the staff and for families who come to visit. The staff has had to endure extremely difficult conditions in our prisons.

With regard to the other points raised by members about the quality of drug treatment and how prisoners are actually dealt with, this is an ongoing issue. I met the international committee on the issues of health care, mental health and drug treatment in our prisons. Clearly, there is scope and a need for improvement in that area. The fact that we now have an independent inspector for prisons and that we get individual reports from him on incidents in the prisons is very important. We are examining this and have had a consultation on a broader inspectorate that could be established. I will also meet with the Minister for Health, Deputy Harris, in the near future to discuss more engagement between the Departments of Justice and Equality and Health on improving the medical care, the psychiatric care and mental health facilities in our prisons. I believe this issue needs further investment. We need to address it. Drug treatment services are now in place in all closed prisons. The policy of the Irish Prison Service, where a person who is committed to prison gives a history of drug use and tests positively, is to offer them detoxification if clinically indicated. There is a full assessment. There is quite a significant number of prisoners now and information from the Irish Prison Service would suggest that there is currently a significant number of prisoners currently self-detoxifying from methadone, resulting in a marked reduction in the average dose of methadone. The drug treatment programme has nine places and it is provided in the medical unit of Mountjoy Prison. There are other facilities available there also, such as slow detox and destabilisation relapse programmes. The IPS is committed to reviewing and developing further treatment and rehabilitation services in the prison. Deputies Jonathan O'Brien and Clare Daly raised the treatment of prisoners and working with them longer term. One of the key initiatives currently involves a much closer relationship between the Probation Service, gardaí and the Prison Service. I launched a joint action programme for those three bodies last week in Portlaoise. The programme focuses on persistent offenders. The programme has already been implemented in Dublin with 90 offenders and has now been extended to Dundalk, Waterford and Limerick. It is the kind of programme we need to see if we are to work effectively with prisoners. It is not just about working with people during the period that they are in prison. It is about having the proper links with the Probation Service and An Garda Síochána when they leave prison and for persistent offenders

when they are in the community. That is very much the direction those three bodies are moving in to engage in inter-agency work of a type which we have not, surprisingly, had before. I was speaking to young gardaí from Limerick who were at the launch. They welcomed strongly the close collaboration with the Probation Service around particular individuals to give them better support and increase the chances of them avoiding becoming recidivist and of rehabilitating them. That is very much the focus in terms of prisoners.

Deputy Daly talked about a particular case. I cannot comment on individual cases here but I will certainly take up the points she raised about the young man she met. It is, however, an operational matter to decide what number of prison officers are assigned to look after that young man during his stay in prison. It will not have been a decision that was taken lightly. I do not know the individual details, but I do not think for a moment that prison officers will lightly have taken a decision to have that level of supervision if there was no need for it. However, the Deputy can provide me with the details. I cannot act as judge and jury on it, no more than I can on other issues. I have to ensure that fair procedures are in place.

There is a Secretary General in place in the Department but it is an acting position. Clearly, all of the functions of Secretary General are being carried out by the person in the position. The post was advertised across the Civil Service over the summer. All serving civil servants are eligible to compete. I expect to make an announcement on that shortly. I think I have covered some of the issues Deputy Jonathan O'Brien raised.

Deputy Jonathan O'Brien: I mentioned the family law mediation initiative which was put in place last year to address the long waiting times in family law cases.

Deputy Frances Fitzgerald: It is a priority for me to bring forward the family mediation legislation. We need to put it in place. I will revert to the Deputy on the detail of the initiatives. It is a joint project between the Legal Aid Board and the Courts Service.

Deputy Jonathan O'Brien: My last question was on net figures for gardaí.

Deputy Frances Fitzgerald: I will get those for the Deputy and revert to him. In terms of the use of the old Cork Prison, a decision has not been made. Various suggestions have been made - I am sure the Deputy might have some himself - about how best it might be used and as to whether it should remain as a facility. From what I remember from my visit there, the issue is that the level of investment required to make it operable is high and that must be considered in terms of any plans for its future, whatever they might be. There are a range of ideas that have come forward.

Deputy Alan Farrell: Many of the points I was going to make have been covered, but I have a couple of small questions and points for the Minister. Following the visit of GSOC not too long ago, the first one is the suggestion and follow-up correspondence from GSOC on the need to review legislation in its area. We have been requested to make suggestions and-or work with GSOC to achieve that. Does the Minister agree that it would be worthwhile to have a specific meeting or series of meetings with GSOC on the legislative review and, indeed, with the Policing Authority also? The Minister, I know, agreed when the legislation was enacted to have a review period associated with it. Her comments on that matter would be appreciated.

I am very pleased to hear that garda recruitment has gone so well in terms of the numbers who have applied. Clearly, the overtures by the Department and gardaí on entry level pay and other conditions were welcome. Can the Minister outline the estimated cost of the agreement

reached with the Association of Garda Sergeants and Inspectors, notwithstanding its current status, in terms of the restoration of pay over a two-year period? Is it covered under this Vote or will it be? Does the Minister have the figures associated with the overall pay structure of An Garda Síochána under Haddington Road over the next number of years?

In line with a matter raised by Deputy Daly, the treatment of prisoners, I refer to an area she touched on, educational programmes. Does the Vote we are discussing cover educational programmes within the Prison Service and would the Minister agree that the rehabilitative knock-on effects of having a solid, robust and worthwhile education programme within the Prison Service would be of great help? I know there are programmes there and am referring, of course, to additional investment and whether that is a policy objective of the Department and of the Minister during her term of office?

Deputy Jack Chambers raised an issue in relation to deployment and I accept entirely the Minister's response that it is an operational matter for An Garda Síochána. However, most Deputies across the State and our Seanad colleagues accept that there was a significant reduction in the number of gardaí when Templemore was closed in terms of resources not being replaced within An Garda Síochána. As such, there is a relevant issue as to whether there is a policy within An Garda Síochána or the Department to address the officers who left various divisions; not necessarily individual stations, because that would be micromanagement, but certainly from a divisional perspective.

We have a fundamental difficulty with statistics as has rightly been highlighted. Statistics are a product of the manner in which they are recorded and therefore there have been problems, most likely for decades, in the way they have been presented. It is difficult, notwithstanding the point that was made very well by Deputy Chambers. We have a problem with the collation of statistics and the manner in which they are presented even with the significant improvements the Minister has highlighted. Therefore, it is not right simply to say that because crime figures are down significantly, the crimes are not being recorded. That is often thrown back. In fact, they have not been recorded properly for decades.

The Minister has systematically increased budgets as did her predecessor over the years. Notwithstanding the funding that has already been allocated through the IT systems of An Garda Síochána, I would like to see the eventual replacement of PULSE. What is the potential cost to the Exchequer? PULSE is obviously extraordinarily antiquated software. An Garda Síochána has decried its deficiencies publicly and privately. It even lacks the capacity to add certain fields for recording purposes. Does the Tánaiste have a contingency plan?

We are speaking about Brexit a great deal at present, and rightly so, in terms of planning. A major question I have for the Tánaiste on the deployment of officers of An Garda Síochána is whether the Department has a contingency for a hard Border on the island of Ireland. What plans does the Department have to tease out any response that might need to be made over the two years after the clock starts ticking in March?

With regard to allowances for members of An Garda Síochána, a matter I have raised on a number of occasions with the current and former Commissioners and the current and former Ministers is the importance of continuing professional development in An Garda Síochána and providing an allowance for members in order that they can avail of training to upskill themselves and present a better service to citizens throughout the State. I firmly believe An Garda Síochána is a service and not a force and that it provides a service to citizens, notwithstanding its important role in dealing with crime and criminality.

Senator Lorraine Clifford-Lee: I have a number of questions on immigration, asylum and family law and I will try to keep them as brief as possible. The immigration system is of particular relevance.

Chairman: A small point I made at the outset is that the focus of those matters is for the next section. The Tánaiste has not addressed refugees and immigration issues. That opening statement is yet to happen.

Senator Lorraine Clifford-Lee: That is fine. I will keep my questions on immigration for the next session.

Chairman: Please.

Senator Lorraine Clifford-Lee: I missed the opening remarks.

Chairman: That is okay.

Senator Lorraine Clifford-Lee: Apologies for that.

Chairman: Not at all.

Senator Lorraine Clifford-Lee: Regarding family law, the Legal Aid Board is a fantastic institution but it is seriously understaffed. Will the Tánaiste tell us whether there are any plans to recruit further to the Legal Aid Board? The minimum contribution for legal aid was increased from €50 to €130 by the former Minister, Alan Shatter, a number of years ago. People who qualify for legal aid are on social welfare payments, and the difference between €50 and €130 is phenomenal for many people. This increase deters individuals from getting legal advice. We have situations where children are affected with regard to access, maintenance, custody, guardianship and number of domestic violence applications. Are there any plans afoot to decrease the minimum contribution back to €50, as it had been?

Deputy Frances Fitzgerald: I want to take up the questions asked by Deputy Daly on the Policing Authority and the Garda Síochána Ombudsman Commission, GSOC. Of course I take note of what the new chairperson of GSOC had to say when she appeared before the committee. I will meet her, and the Department is in contact with GSOC. She has been in position for approximately a year. She is a very effective and competent chair doing a very good job. As the committee will see from the annual GSOC report for 2015, which has just been released, the Garda Commissioner and An Garda Síochána came back to GSOC within approximately 22 days with the details of 93.5% of complaints raised with GSOC. They are allowed 30 days but on average they come back in 22 days. There is very high compliance. With regard to a number of individual cases, the chairperson indicated she would feel extra powers were necessary or would be helpful for GSOC, but the vast majority, more than 90%, of details sought from An Garda Síochána were given immediately and within the timeframe outlined in the legislation. We have to welcome this.

It will never be an easy relationship, and it should not be, between GSOC and An Garda Síochána because it is in a supervisory role and is the ombudsman for complaints to An Garda Síochána. We made very significant changes to the powers of GSOC over the past two years, including making it a body for receiving protected disclosures and giving it the power to investigate complaints against the Garda Commissioner. These are significant powers. The establishment of the Policing Authority brought a new dimension to oversight of policing in the State. We have been continually asked to move policing away from any sort of political involvement.

We set up these new bodies, the Policing Authority and GSOC, and these independent bodies are charged with very important work regarding policing. My view is we need to support them to be as effective as possible.

GSOC received an increase of €500,000 in 2016 and the Estimates are being kept under review. It has had some difficulties in recruiting people and the recruitment has been somewhat slower than it could anticipate. I do not believe it spent all of the money we have given it for recruitment. We are committed to increasing its staff, supporting recruitment and supporting it financially. If there are particular issues with which it feels it needs financial support, we are committed to doing this. If legislative change is required, and I will meet Ms Justice Ring to discuss the points she made to the committee, I will examine any changes that are necessary.

Regarding the Policing Authority, I restate my view that it is one of the most important changes that has been made in the history of policing in this country. It is fulfilling a very important role in terms of public confidence in policing. It is very important, and we do not say it often enough, that public confidence is maintained in An Garda Síochána because so much of its work is about confidence and the community having the confidence to report crimes and the confidence they will be investigated properly.

With regard to the cost of the elements of the pay agreement, the rent allowance applies to a particular cohort and the cost is approximately €4 million. The unwinding of the financial emergency measures in the public interest, FEMPI, is in the Estimates which the Department of Public Expenditure and Reform has provided for. It is allowed for in the budget Estimates being discussed by the Government.

A point was made on developing educational programmes in the Prison Service, and this is very important. We continue to fund and support these educational programmes.

A detailed question was asked about PULSE and whether it ought to be replaced. What is happening at present is that new technologies are being introduced. Three new initiatives were funded and introduced last year. We have other funding and we must go to tender and have the tenders worked through, but effectively there will be new platforms so, as time goes on and we get greater investment, we will see that PULSE is almost being replaced because new technologies and new platforms are upgrading it all the time and making it more effective. It will not be in one big fell swoop where we decide to put in a totally new technology different from PULSE. What we are doing is building on what is there and bringing in new platforms.

A question was also asked about training, and the reform programme has a huge emphasis on training.

Senator Clifford-Lee asked about the Legal Aid Board. There is no intention to reduce the contribution. In fact, what I have said is where people are shown to have means, we will look for further contributions. Many people who are eligible for legal aid do not have the means, and this is why they get the supports they do. Equally, quite a lot of Deputies have raised with me a concern about people getting legal aid. If they are shown to have resources and supports then they should make a contribution.

Senator Lorraine Clifford-Lee: I specifically referred to the family legal aid system. The entry level to that is very low.

Deputy Frances Fitzgerald: In relation to the criminal legal aid system, that would be my view.

In relation to the point that the Senator made about contributions, they were increased. The impact was monitored carefully by the Legal Aid Board. They did make a recommendation to the former Minister and I do not intend, at this point, to reduce funding.

The money that was gained from it has been used to reduce the backlog. In last year's budget we increased the amount of money for legal aid so that the board could bring in extra solicitors to reduce the backlog. Obviously in family law cases that was very important. I know the board has a waiting list as I spoke to its CEO in the past few days. If it requires funding in the coming year then we will attempt to address the matter, as far as we can.

Senator Lorraine Clifford-Lee: As someone who has participated in the private practitioner scheme, I know that a lot of people do not apply for legal aid because the fee of €130 acts as a barrier. Therefore, people cannot access legal representation and perhaps that is another reason the backlog is clearing. People who are in domestic violence situations, trying to gain access to their children, resolve custody battles or trying to get maintenance paid by a parent cannot access adequate legal representation. I ask the Minister to take another look at the matter.

Chairman: Before the Minister responds Deputy Farrell wishes to comment. I presume that his query is on his list of questions.

Deputy Alan Farrell: Yes. The Minister did not answer my question on Border control and Brexit contingency plans. Can I ask two follow-up questions while I have the floor?

Chairman: Yes.

Deputy Alan Farrell: We are discussing the current budgets. Do they provide for the Office of the Attorney General and the Office of the Director of Public Prosecutions? Are they covered by a completely different Department?

Deputy Frances Fitzgerald: Yes.

Deputy Alan Farrell: I thank the Minister.

Deputy Frances Fitzgerald: I shall return to Senator Clifford-Lee's question. I invite her to correspond with me in detail on the points that she raised. I will bring them to the attention of the Legal Aid Board. I will ask for their comments and see whether follow-up action is necessary.

Deputy Farrell asked about Brexit. Everybody has said that they want a soft Border. Precisely what that means and how it will work clearly needs to be further analysed and various solutions will need to be considered. For example, when I met Minister Davis with the Minister for Foreign Affairs and Trade, we had a conversation about an increased use of technology. Yesterday, Mrs. Arlene Foster made the same point about developing technology to assist trade and borders. It is one area for discussion. Right now we are examining that issue rather than focusing on a hard Border following Brexit. It is clear that nobody wants a hard Border. Everyone has given the commitment but officials are currently engaging in a discussion about the actual detail. The Cabinet committee on Brexit and the Taoiseach briefed all party leaders yesterday. We are focusing on the implications of Ireland being a border for the EU and how we will interact in the context of the various issues that arise whether it is services, people or the common travel area. It is about further discussion on what precisely that will look like. Of course that will be subject to very detailed negotiations both with the UK - north, south, east and

west - but also with other EU members because they will have a view on the matter. One may well find that many other countries will talk about having a special relationship with bordering countries or the UK. There are more than 1 million Polish citizens living in the UK so Ireland will have to make its case very carefully. We do not want anything to happen that would interfere with the peace process and keep it in mind. We have work to do with other member states.

Chairman: Is Deputy Farrell happy with the response to his last question?

Deputy Alan Farrell: Yes.

Chairman: I apologise for having to say that we are well beyond our time and I ask the last two speakers to be as succinct as they possibly can. I call Senators Niall Ó Donnghaile and Frances Black.

Senator Niall Ó Donnghaile: I apologise to the Minister for missing the first part of her presentation this morning.

Brexit has been touched on slightly. Regardless of whether we have a hard or soft Border, many of us do not want a Border at all. Certainly, the people of the North voted to remain and it should form the central component in all of our considerations here whether that is negotiating north, south, east and west or with EU colleagues.

I did not quite catch what the Tánaiste said about officials carrying out impact assessments. Did she mean the Department of Justice in the North, the Department of Justice and Equality in the South or both Departments, which would be good? All of the positive cross-Border policing initiatives that she outlined are in jeopardy because of the uncertainty and unknown nature of what is ahead of us. A hard or soft Border would not be particularly advantageous in terms of the well-being of the people across the island.

I do not know if the following issue featured in the Minister's engagements thus far, and I hope it will, as the Taoiseach's national dialogue progresses and her own engagements progress. There are many thousands of Irish citizens who I presume have the right, under the Good Friday Agreement, to remain Irish citizens post-Brexit and thus EU citizens. Will they be afforded the same rights and entitlements enjoyed by EU citizens even though they live in the North? It is of deep concern to many of us that the British Prime Minister has campaigned strenuously against the Human Rights Act, for example. The Irish Government and successive Governments have refused to introduce a human rights Act for the North despite it being a commitment given in various agreements.

Just as Irish citizens live in the North there are other EU nationals who live in the North or may travel to the North to work in Dungannon, Strabane or Newry. When considering issues under the common travel arrangements we also need to think of the new Irish and migrant workers who live in the South but work in the North. They may be adversely impacted as a result of England's decision to leave the EU.

Chairman: Go raibh maith agat, a Sheanadóir.

Senator Frances Black: The Tánaiste has covered a lot of the questions that I wanted to ask but I will highlight a couple of issues.

There is a lack of services provided to help people recover from addictions and mental health issues in the Prison Service. I appreciate that the Tánaiste has spoken a lot about the

matter. I have worked closely with many of the women in the Dóchas prison so have seen the issues that arise for them and the lack of services. It is shocking to see those women go through certain experiences, particularly those who want to step into recovery but do not know how to do so. I hope that the Minister will make the provision of services a priority.

I want to highlight staffing issues in the Prison Service. They work at the coalface. It can be soul destroying for them to work around people with addiction and they are firefighting. I have seen how hard prison staff try to cope but a lot of them struggle with issues themselves around trying to deal with the impact of what they are trying to cope with. They need greater understanding and more funding should be provided in that area.

Deputy Jack Chambers brought up the issue of community policing. Again, I work with family members who have been impacted by having a loved one with an addiction problem. Community policing is vital in this area, as they have really good understanding, empathy and compassion for the person who has a problem with addiction or mental health. They can sit down and speak to the family and the person who may be heading into that area of addiction. It is particularly important in rural communities. It is time for people to have trust in the gardaí, as they have lost that trust, particularly in the past few years. It is time to build a relationship with communities, as that is vital.

I apologise because I must head off but I do have a particular interest in direct provision. I look forward to hearing what the Minister has to say about that.

Chairman: Before responding to the Senators, I would like to ask two additional questions that have not been specifically touched on, although it has been a very comprehensive engagement. In her opening address, the Minister referred to Operation Thor and emphasised the example of the Government's response to crime in both rural and urban areas. Looking at the areas indicated with respect to what the Minister is pressing for in the 2017 Estimates, she is talking about accelerating Garda recruitment and increased civilianisation in An Garda Síochána. With regard to additional capital expenditure, the only example she gives is the commencement of the new forensic science laboratory. Is there anything in the proposal to address rural crime amounting to a proposal or intent for investment in or the reopening of any number of rural Garda stations that have been closed, the loss of which has had a very adverse impact on the addressing of rural crime? It has also had, very clearly, a significant negative psychological impact on people living across rural Ireland.

The Minister addressed other matters in the course of questioning from members and there was reference to the report in yesterday's media of the two recently presented protected disclosures from Garda officers. A further protected disclosure, I understand, arrived on the Minister's desk last May and that has been sent to the Garda Commissioner to be addressed. The garda involved has not had any correspondence or indication from the Commissioner as to what address is being given to it. Is the Minister in a position to advise us if she had any response to that particular protected disclosure?

The Barrett report concerned the conduct of the investigation into Garda sergeant Maurice McCabe and how he highlighted issues. It considered how he was treated as a serving member of the force. The Minister has the Barrett report but is she giving any consideration to its publication? It is a critical area of consideration by the members with regard to our pending report on oversight and accountability, of which the whistleblowers issue is a key area of address. Would it be of help to members in the consideration of our position? Has the Minister intent to share the content of that report?

Deputy Frances Fitzgerald: To answer Senator Ó Donnghaile, the impact assessment is being done in both Departments. With regard to the analysis of the implications of Brexit, I was informed by officials from the Northern office at the North-South meeting I attended in Enniskillen that they were doing their own analysis, as we would expect. All Departments are doing that here, as well as in the UK. There are very different perspectives, of course, and implications. I quoted the area of family law just to mention the scale of the work that needs to be done in the North with the kind of changes that will be brought about.

There are a number of areas of particular concern to us, including the continuation of the European arrest warrant. That is essential and we hope the UK will continue to engage in Europol, for example, and the broader areas I mentioned such as maintaining the common travel area. It is very important and links to the question about Irish citizens. There are many Irish citizens in the UK and the North in particular. They will maintain the rights associated with being an Irish passport holder but the environment is changing as a result of the UK decision to exit. I certainly take that point.

I was in Belfast recently and I met somebody who told me about the number of people crossing the Border for work in his firm, which is a very big insurance company. He outlined the connections between Derry and Donegal, for example, and the kind of movement that takes place on a daily basis in terms of getting to work without any Border implications. All these issues must be considered in much detail in the context of Brexit because the process has been working so well and has been to the mutual advantage of North and South. We want that to continue. The Common Travel Area predates membership and those rights go back much further. The Border and how it will be managed in the new context will be very much part of ongoing discussion. It is always a priority for us.

I will take up a comment made by the Senator about various North-South operations being at risk. I do not really accept that. The level of engagement North and South, and the intention to engage both at a policing and security level, remains very high on the agenda. It continues to be an absolute priority, whatever the changing context of Brexit. That co-operation is at a certain level and the relationship building has got to a point where there are very strong North-South operations under the new task force established under the A Fresh Start agreement. I see that continuing, and that is the commitment of both police forces. This is in the context of Brexit but that level of co-operation for the security of the island as a whole and our people will need to continue and develop further, as opposed to going backwards anyway, even in the new position.

Senator Niall Ó Donnghaile: I am glad and heartened to hear that. However, with the greatest respect, it is not within the Minister's gift to make that commitment. The difficulty, as mentioned by various Ministers and members of the Government at committees, is that a hard Border would present obvious infrastructural, political and social problems. That includes issues of policing and justice. Comments from the British Government indicate they are taking a certain trajectory with regard to a hard Border and there will be input from other EU member states. I know I am preaching to the choir and do not need to say this to the Minister but this is happening at a much broader level. I flagged this and our accessibility to the EU structures and rights afforded to us as Irish and EU citizens because they are all in jeopardy. In negotiations that will take place at the various levels of government across the EU, there must be a steadfast and resolute position with regard to looking at Ireland in its entirety.

With the greatest respect, I mentioned rights and accessibility to EU rights and courts. They are different but it is not quite the same for an Irish citizen living in Ballymurphy as an Irish citi-

zen living in Birmingham. I say that with the greatest respect for our emigrant community. It impacts on the legacy issue. The British Government currently refuses to engage in the legacy process using national security as a veto. All the options open to us, whether that is through engagement with the Government or EU structures and EU courts, could potentially be at risk and this presents massive political and social difficulties.

Deputy Frances Fitzgerald: The point I was making is that there is a clear commitment to maintain the level of North-South engagement on policing and security. That has been stated at ministerial and policing levels in all my recent contacts with Ministers from both jurisdictions and the Chief Constable and the Commissioner.

The Chairman asked about Operation Thor, capital expenditure and station closures and commitments. Last year, I reported to the committee on the large capital plan that is in place for the refurbishment and development of police stations throughout the country. There is a huge number of projects. He will be familiar with the need in Bailieborough, County Cavan. There is upgrade work on the Garda College and in Limerick and a long list of PEMS stores that need to be put in place. I will not go into detail but there is a significant capital allocation for new buildings and refurbishment for 2016 and 2017. I can forward the details of the programme to the committee but that was announced by the former Minister of State at the Department of Public Expenditure and Reform, Deputy Harris, and myself last year. There is a huge capital commitment for these projects, including a new regional headquarters in Sligo that is badly needed. Three other headquarters are being developed in Wexford, Galway and Dublin and those projects are under way.

The Programme for a Partnership Government commits to asking the Policing Authority to examine Garda station boundaries, which is an issue. As part of the review, I have said we will launch a pilot scheme to reopen six Garda stations, both urban and rural, to determine positive impacts such openings would have on criminal activity with special emphasis on burglary, theft and public order. I have asked the authority to put in place the necessary arrangements for the review. That is ongoing and I do not have an update.

The Chairman raised issues relating to protected disclosures. I would like to clarify that I did not get a report from the person he mentioned in HR because that person has no such role in sending a section 41 report to me. That would be the Garda Commissioner and she forwarded those reports to me. I am legally precluded from putting them in the public arena because of the details that are in them and the various considerations I have to have in respect of the issues I mentioned earlier in terms of protection of identity. I have to be conscious of that. As I said earlier, I have real difficulties commenting on individual cases, as the Chairman will appreciate. Certain matters following the O'Higgins report have also been referred to GSOC for investigation. That investigation is taking its course as well. I want to be helpful to the committee in whatever way I can but I am not in a position to publish those two referrals to me now. I am considering carefully the action I can take in respect of the protected disclosures currently on my desk. My main consideration is that I want to ensure the rule of law applies in respect of the body of allegations within them and a fair and just procedure is put in place. I cannot be judge and jury on them. My job is to make sure that I follow the letter of the law; I will certainly do that. There are a number of options regarding the management of the protected disclosures. They have been just been received and I am carefully considering them. I am doing a comprehensive assessment to decide the best route forward. There are a number of routes open to me for consideration and I am carefully analysing what is the best possible route to deal with those protected disclosures. I cannot talk here. Other people may but I cannot talk about individual

cases. There is material in the public arena; I cannot address that. What I can do as Minister is ensure a proper, fair procedure, under which the rule of law is applied to any allegations that are put to me, is in place. That is what I have to oversee and I will ensure that they are dealt with appropriately and comprehensively in the right forum.

With regard to the point the Chairman made about other protected disclosures, I face the same constraints in respect of dealing with individual cases. However, in terms of the analysis of any whistleblower complaint, it would not be appropriate at all for reports to come back to me and for me to be in correspondence with a whistleblower regarding the conduct of a case while that case is under way. The protected disclosures legislation provides that whoever has been appointed to work on the case must do that and remain in touch with the whistleblower. If issues arise, and there has been some public reporting of this, I will deal with them, but it is not appropriate for me to be back and forth in correspondence about what is precisely happening in a whistleblower case. It is unacceptable if persons who report wrongdoing in any organisation, whether it is An Garda Síochána or any other, are not treated properly and to the highest standards. I assure the Chairman that whistleblowers have to be treated properly and to the highest standards and it is incumbent on all organisations to have the proper policies and protections in place to ensure people are not further victimised if they report wrongdoing. Any organisation under my remit has to have a policy and protections in place and has to make sure the policy is implemented. That is what I want and my determination is to ensure that, whatever happened in the past, An Garda Síochána should operate to the highest standards in this area. This involves ensuring that allegations of wrongdoing are dealt with properly and that the persons making the allegations are fully protected and respected. However, when allegations emerge, I will certainly not be judge and jury on them. I will make sure the proper processes are put in place and the proper avenues are used to ensure whatever allegations are made are fully tested and fully investigated.

Chairman: I welcome that assurance. The committee has indicated that it will address this issue as part of its continuing work.

Deputy Frances Fitzgerald: I am sorry I did not answer Senator Black's question. I was going to suggest that I would ask Mr. Michael Donnellan, head of the Irish Prison Service, to do a report for the committee on drug treatment in prisons and to outline the numbers needing drug treatment and what is available. There is a great deal of interest among members about this and it might be helpful.

Chairman: We welcome that.

Deputy Jonathan O'Brien: In light of the new national drugs strategy, it would be important for the Department to feed into that.

Chairman: That is noted. We have run significantly over time. I thank the Minister and her officials for addressing this section of our meeting. I propose a suspension for a changing of the guard before taking our next item.

Sitting suspended at 11 a.m. and resumed at 11.02 a.m.

UN Summit on Refugees and Migrants: Discussion

Chairman: The purpose of this part of the meeting is to have a discussion with the Tanaiste

and Minister for Justice and Equality on the recent UN summit for refugees and migrants. I once again welcome the Tánaiste and her officials for this section of the meeting and I invite the Tánaiste to make her opening statement.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I attended the UN Summit on Refugees and Migrants on 19 September 2016 and the Leaders' Summit on Refugees on 20 September 2016 on behalf of the Government. Both summits have highlighted the need for international co-operation to address the growing refugee and migration crisis and I share the concern at the scale of this crisis. A total of 65 million people are estimated to be displaced, 40% of whom are children. As the committee is aware, the Government voluntarily agreed to join the EU response to this crisis and to accept 4,000 refugees under the Irish Refugee Protection Programme. Progress was initially slow, and it has been slow across Europe because there were many logistical difficulties in registering the refugees, many of whom wanted to continue to Sweden and Germany and their relocation within Europe across every country. Some of the commentary has suggested this is unique to Ireland, and it is not. We are involved in a process within the EU. We are playing our part and these issues have been resolved in respect of the registration of refugees and the hot points, particularly in Greece. There are continuing problems in Italy because Italy is having problems with security vetting and does not want other countries involved in that. We are working on that issue too.

Both summits highlighted the need for international co-operation to address the growing refugee and migration crisis. The numbers are now increasing quickly, with 555 refugees having already come to Ireland. More are coming over the next few weeks. Each month, we anticipate a further intake. The aim is that between 880 and 1,000 people will have arrived before the end of this year.

Preparations are under way to bring a further 260 persons from Lebanon early in 2017 under the resettlement programme. My aim is to make a further pledge next spring to accept more refugees from those currently located in Lebanon. While the EU element for relocation has been slow, we have moved ahead to meet our commitment under resettlement, that is, people coming from refugee camps. We have to send officers out to meet the refugees to assess their various files and make arrangements. We have done that and are ahead of schedule in respect of the resettlement. That was in part to deal with the delay in relocation.

These pledges are in addition to the number of people due to come to Ireland from Greece. We have formally notified the Greek authorities that we wish to accept 1,000 relocated refugees by the end of September 2017. That programme is subject to change and acceleration as well. The success of our programme depends on international co-operation and on developing the international mechanisms that enable us to bring vulnerable people across Europe to a new home here in Ireland. We have seen now at first hand how differing systems internationally and implementation problems externally can delay a national programme. We have to operate within a system that has been agreed at EU level on responding to the crisis. That is what we are doing. We are not a front-line state - people do not arrive on our shores as they do in Greece and Italy - but we are working with the mechanisms there and want to develop and strengthen those mechanisms to tackle the refugee crisis.

Ireland co-facilitated the UN summit with Jordan, and there was much comment on the part our diplomats played in getting the refugee response framework together, which was agreed there. It is very important to have that in place. The framework sets out an extensive range of concrete actions which, once implemented, should bring about real improvements in the situation and the experience of refugees across the world. It is addressed to host countries, transit

countries and third parties and covers issues such as reception, the immediate and ongoing needs of refugees, the importance of support for host countries and the action needed to achieve durable solutions. It commits countries to protect the human rights of all refugees and migrants, regardless of status. This includes the rights of women and girls, promoting their full, equal and meaningful participation in finding solutions to refugee situations. It aims to ensure that all refugee children are receiving education within a few months of arrival in their country of resettlement. We are ahead of other countries when it comes to access to education for young people who arrive here. They have immediate access to primary and secondary level education. Another aim is to prevent and respond to sexual and gender-based violence experienced by refugees and migrants. This is a very serious issue and women in these situations are very vulnerable. It commits to work towards ending the practice of detaining children for the purpose of determining their migration status. Some countries do this; we do not, but that was part of the goal. Another is to improve the delivery of humanitarian and development assistance to the countries most affected, including through innovative multilateral financial solutions, with the goal of closing all funding gaps. Another goal is to find new homes for all refugees identified by the United Nations High Commissioner for Refugees, UNHCR, as needing resettlement, that is, the group we have been responding to, and expand the opportunities for refugees to relocate to other countries through, for example, labour mobility or education schemes. That is an area where Ireland could play a greater role.

It is a menu for action by the international community. It is a current crisis. We need to see action now and it is intended as the foundation for a more global compact on migration. This was the first time that migration had been discussed by the General Assembly, in the same way as refugees have been discussed there. It is intended as the foundation for a global compact on migration, to be agreed in 2018, which seeks to develop a global response to the issue of migration more broadly. It names the issue of migration, which is so prevalent today with the movement of 200 million. We are well used to that issue in Ireland given our history of emigration and of migration into the country.

Ireland's practice on resettling refugees meets the obligations of the refugee response framework. We enable refugees to access mainstream services such as health, education and social protection. This is not said often enough, although there are problems. Refugee children are enabled to attend school, for instance, from the time that they come to Ireland. We also fund resettlement workers to support the integration of refugees into their new communities. This is challenging for all front-line services but we have several hundred refugees who in the past few months have gone to live in various communities around the country and are receiving local services. They have been housed. I would say that the UN summit process and the refugee response framework have confirmed that tackling the refugee crisis must be an international priority. This is an international priority for the years ahead. As a result, I anticipate that the Irish refugee protection programme will have to run beyond 2017. Ireland will be expected to continue to accept programme refugees in the years ahead. In light of the level of movement we are seeing, it is clear this is an ongoing crisis. Our ships are still rescuing people in the Mediterranean. The leaders' summit is intended to secure international co-operation towards three principal aims, the first of which is to increase funding to humanitarian appeals and international organisations. Ireland contributed €65 million to Syria last year and has made a contribution to the World Food Programme over a three-year period. We give a high level of international aid. The second goal is to admit more refugees through resettlement or other legal pathways. The third aim is to increase refugees' self-reliance and inclusion through opportunities for education and legal work. We have joined the legal statement that is being issued from the leaders' summit. That statement commits participating countries to do more on humanitarian assistance

and on the resettlement of refugees. It also commits participating countries to work together in support of the development of the global compact on responsibility sharing for refugees.

As I said at the summit, and I do not think anyone would disagree, we need a multifaceted international and global response because no single country can solve this issue. This response involves working with countries of origin on conflict prevention. I cannot let today pass without calling on everybody involved to take further action to resolve the appalling situation in Aleppo and elsewhere in Syria. Obviously, we need to deal with the core causes of this movement of people. In many cases, we can do this by focusing on conflict prevention. When I was at the summit, I pointed to the specific role that can be played by women and girls. If they are facilitated to join peace processes, this can lead to good and durable solutions to conflicts. I also reported on the establishment of the Irish refugee protection programme and referred to Ireland's strong record on overseas development aid. Ireland committed €647 million to development aid in 2015, approximately €140 million of which was provided in the form of humanitarian assistance. I have already mentioned the amount of money we are contributing to Syria and the role of the Naval Service in rescuing 12,400 people. I think these summits are important as a signal of the international community's determination to do more to address the refugee crisis and as an important next step in the international response to this issue. We certainly want to support those international efforts by providing humanitarian aid to specific areas and by vindicating our commitment within the EU to the refugee programme.

Chairman: Senator Lorraine Clifford-Lee and Deputies Alan Farrell and Clare Daly have indicated that they wish to speak. If other members want to do so, I ask them to communicate that to me. Perhaps we will do a little grouping to move things along. We will see how we get on.

Senator Lorraine Clifford-Lee: I would like to ask the Tánaiste a number of questions about immigration and asylum. I will keep them as brief as possible because I know many other members want to make contributions.

The McMahon report, which was published last year, made a number of recommendations with regard to the direct provision and protection systems. The report was supposed to be fully implemented by July 2016. While some of the recommendations have been implemented, the more meaty ones have not been. I refer, for example, to the recommendation that individuals who have been in the asylum process for five years or more should be automatically granted leave to remain. Having spoken to practitioners in this area, it seems there has been a soft implementation of this recommendation on an *ad hoc* basis. Leave to remain is being granted to families, which is leaving many single men in a kind of limbo because they have not been granted leave to remain. Could the Tánaiste address that issue? The Minister of State, Deputy Stanton, indicated in the Seanad in July that this recommendation would be implemented when the Oireachtas returned after the summer.

On a related issue, the bifurcated system for asylum and subsidiary protection was supposed to be integrated into a single system. The Minister of State indicated that this was coming on stream fairly shortly. Having spoken to people involved in the processing of this, it appears that no progress has been made in this regard. I would appreciate it if the Tánaiste could give me some answers.

Does the Tánaiste intend to extend the remit of the Ombudsman for Children to children within the direct provision system? If not, can she explain why not?

I would also like to ask about the business permission visa system, which was suspended on 16 March last. The old version of the system allowed people to apply for residence if they were investing €300,000 and creating and maintaining at least two Irish jobs. What is happening in this regard? When will the system be reintroduced? A number of people in this country who are working on business proposals are in limbo. As a result, we are losing out on potential jobs and investment in business in Ireland.

My attention has been drawn to the requirement for a chef to be paid a minimum salary of €30,000 in order to be eligible for an employment permit. While there is a chronic lack of chefs in Ireland, the salary level of €30,000 at which this requirement has been set is far too high. Exemptions have been made for workers in other areas, including IT professionals and individuals working in the meat industry. I appeal to the Tánaiste to reduce the lower salary level to allow chefs to be employed under the work permits system.

People who make applications to the EU treaty rights section currently have to wait approximately ten months. This is in contravention of the directive, which states that applications should be processed within six months. This is having a significant impact on many people in this country. I ask the Tánaiste to address that issue.

The Tánaiste referred earlier to sham marriages. There are a number of issues with regard to the manner in which applications have to be made when EU nationals want to get married to non-EU nationals. There is now a special application process, including a personal interview with both parties. People are being racially profiled under this system. Some people have been refused permission to marry on the basis of statistics rather than individual assessment. More importantly, people who are deemed to have failed the interview are not being informed of the reasons for that failure. They are merely told they have 28 days to appeal the decision. It is not possible for people to appeal these decisions unless they are given correct information on the specific areas of their interviews on which they were failed. The timeframe I have mentioned does not allow people to get information from freedom of information requests. This needs to be addressed urgently because it is creating big problems.

Chairman: I will call Deputy Farrell after the Tánaiste has responded to Senator Clifford-Lee. Given the complexity of some of the questions asked by the Senator, it would not be fair to ask the Tánaiste to come back to them.

Deputy Frances Fitzgerald: Okay. We have ongoing meetings at which we review progress with the stakeholders involved in the McMahon report. The up-to-date position is that 91 of the recommendations have been implemented and 47 of them are in progress. We are conducting an update on the audit now. I want to correct the Senator on one point. There was no question of an automatic entitlement to stay here. Obviously, every case had to be assessed. We are talking about the implementation of one of the main recommendations of the report, which related to people who were here for over five years. The Senator is right when she says that assessments have now been made in the vast majority of cases of people who were in direct provision for over five years. It would be difficult to find anyone currently in direct provision who has been there for more than five years. I want to put that on the record. That is the reality. The people who are still there are those who are involved in judicial review applications. If they are not involved in a judicial review, they will be assessed and are eligible. Hundreds of decisions have been made and the vast majority of them have been given leave to remain.

Senator Lorraine Clifford-Lee: Is the Minister saying that if people who have been in the system drop their judicial review applications, they will be automatically granted leave to

remain?

Deputy Frances Fitzgerald: I could not possibly say to anyone to drop a judicial review application. It is entirely a decision for the person involved. However, one of the main recommendations in the McMahon report relates to people who have been here more than five years. Issues in respect of security or other information that emerges during the assessment are obviously a separate matter. However, the implementation of that recommendation has been progressed. We hear about people who have been here for more than five years who are not in direct provision, but they have to make contact. They have to make themselves available. It can be difficult to find some of these people. They are not necessarily in contact and have left the country in many instances.

In terms of the main recommendation in the McMahon report, huge resources have been invested in examining and dealing with those cases. As stated, leave to remain has been granted in the vast majority of them, which has been for the obvious reason that people have been here for such a period of time. It is important to say that. There is not an automatic entitlement but there has been a serious focus on those people for obvious humanitarian reasons. People should not have to wait that long, which is why I introduced the International Protection Act. The Senator's question on that-----

Senator Lorraine Clifford-Lee: For clarity, is the Minister saying that anyone who has been in the asylum system for more than five years - if there are no legal cases pending - is granted leave to remain.

Deputy Frances Fitzgerald: We have expedited the assessment of those cases and each is decided on its merits.

Senator Lorraine Clifford-Lee: If there is no issue relating to criminal activity or a threat to the State, are they granted leave to remain?

Deputy Frances Fitzgerald: That is a key consideration, as one would expect, but there is a full assessment and all of the factors involved are considered. One would be hard pushed to find someone in direct provision who has been there more than five years where there is not some outstanding legal or, perhaps, security reason. More likely it will be a legal reason. If, however, the Senator knows of someone in that position, I ask her to let me know the details.

Senator Lorraine Clifford-Lee: Therefore, if there are no pending cases or other security considerations, they are granted leave to remain. Will the Minister confirm if that is the case?

Deputy Frances Fitzgerald: I will not say that definitively because every case is assessed. However, an applicant in that situation, for the reasons I have outlined, is very likely to be granted leave to remain.

Senator Clifford-Lee also asked about subsidiary protection and the implementation of the International Protection Act. There is a huge amount of work ongoing on the Act so that we arrive at a point where what applies will be the provisions of that Act. That will happen towards the end of this year. As the Minister for Justice and Equality, I am happy to see the Ombudsman for Children go into direct provision centres and have communicated that position to him. I consider it the right thing to do in terms of the protection of children and am working on making it a reality. There is still an investment programme under way and I ask the Senator to write to me on the particular points she is making so that I can respond to her directly.

On the issue of work permits for chefs, I ask the Senator to take that up with the Minister for Jobs, Enterprise and Innovation.

A number of court cases on the application of EU treaty rights are ongoing and we must wait their outcome before further action is taken. Approximately 10,000 people from Iraq and Afghanistan have applied for Irish citizenship and are using EU treaty rights as the basis for their applications. There is huge demand and we have to assess carefully and examine the precise nature of those applications, including their legitimacy. As noted by the Senator, this falls under EU treaty rights as they stand at present.

Senator Lorraine Clifford-Lee: On that point, Minister-----

Chairman: The Senator will have to direct any questions through the Chair. I am also conscious that time is moving on. There cannot be a continued exchange between the Senator and the Minister. If the Senator allows the Minister to conclude and there is time at the end, I will bring her back in. Deputies Farrell and Daly have indicated that they wish to speak and are waiting.

Deputy Frances Fitzgerald: An Garda Síochána has strong evidence relating to sham marriages in the country. I was very concerned for the women being brought into the country, some of them from other member states. We focused on this issue as it can be closely connected to the trafficking of women. We had huge co-operation from registrars and the Department of Social Protection. Operation Vantage has been particularly successful and has resulted in a significant decline in the kind of applications that led to this situation. It is important that we focus on the issue of sham marriages and that we have procedures in place, whether it is with An Garda Síochána or registrars, to ensure these are real and not sham marriages used for the convenience of immigration purposes. We are careful in terms of training and ensuring that proper assessments are carried out.

Deputy Alan Farrell: I thank the Minister for her report. As the head of the Irish delegation to the OSCE Parliamentary Assembly, I have the privilege of regularly meeting delegates of the 56 other members states involved. The vast majority of them are in Europe and they are suffering exactly the same difficulties we are having with regard to the numbers of migrants that have been committed to through various agreements at an EU level versus the numbers applying. As the Minister has identified, we are not unique. The vast majority of migrants crossing from Syria and beyond are applying for visas to remain in Germany, Sweden and elsewhere.

I spoke to my counterpart in the Former Yugoslav Republic of Macedonia, which is not a member state, on Saturday. That country has approximately 200 migrants who are in limbo because of the agreements in the European Union. These migrants have no desire to be in that country but, because of a variety of agreements, they are being left in limbo. Regrettably, I only find out about this scenario after the Minister's attendance at the summit because it is a matter worthy of being raised and aired at such an event.

I have two short questions for the Minister, who was rather frank in the information she provided. We have a determined target in terms of the number of migrants we will accept. There is then the number of people who have applied or been processed. From an EU perspective, does the Minister foresee a scenario where we will make a determination on certain groups approved by Irish and/or fellow EU authorities in some form of arrangement which would allocate them into a specific country regardless - and this may be a bit of an issue - of their own desire? If we have a problem, particularly on the cusp of Europe, and it is a problem that is getting worse,

where individuals do not wish to come to these shores for a variety of what I am sure are valid reasons, from a humanitarian perspective, even temporary settlement or resettlement in this jurisdiction would give them relief and would relieve the pressures on our European counterparts. I might add that this is not a matter the OSCE parliamentary members from across the globe have raised. It is rather one that might be seen as a response to and a move away from issues such as the crises we have in Calais and elsewhere across Europe.

My final question relates to migrants having access to third level education. It also applies to those wishing to become Irish citizens or remain in the State. I appreciate it is not within the remit of the Department but I would welcome the Minister's view on the matter. We give children and young people access to our education system. This is an excellent endeavour on our part and I imagine it is echoed in other countries. We deny these people access to third level education. Having put them through the Irish education system, especially given the legacy of delays within direct provision and so on, this is bordering on cruel. Many of these children have been brought up here and they are as Irish as my two children. This is something we really should address. I know there was a debate about the matter in the last Dáil. The question should be given another airing given the new environment in which we find ourselves.

Deputy Frances Fitzgerald: The first issue raised by Deputy Farrell relates to the discussions taking place at EU level on asylum policy generally. There are divided views on the question of a mandatory quota and it is difficult to see where agreement will emerge. Effectively, under the relocation scheme a mandatory quota was not agreed but rather a quota for each country. Clear criteria were set out on how that was to be decided. They are published and take into account population, GDP and various other factors. Under that arrangement we have a quota. Of course it was optional for us; we were able to opt in. The figure of 2,622 is our effective quota and that is what we are working towards.

The mandatory question is a matter of ongoing discussion. Committee members will have seen the Hungarian response and other responses. Other countries have strong views on the matter and will not support it.

There are choices for refugees at present in terms of country of destination. If family are in place already there is choice, to a degree. It is not 100% but this is taken into account when our teams go to Greece and the refugee camps there. If people there proactively indicate that they want to come to Ireland, that is helpful and we try to respond to that. As part of the assessment process if people already have members of the family in a given country, they get priority when it comes to going to that country. It is not an absolute right. Under international refugee practice, it is not seen as a definitive right for a person in that situation to choose the country in question. Although, if any of us were in that situation, I imagine we would like to go to the country with which we might identify ourselves. Choice is taken into account as much as possible.

Deputy Farrell asked about third level education. If a person has leave to remain, he or she is eligible for third level. A programme is in place for children in direct provision going to third level. The former Minister for Education and Skills, Deputy Jan O'Sullivan, made a decision last year in respect of children who had been in direct provision and who were at that point ready to go to third level. She decided they could do that without having to pay foreign fees. Sponsorship programmes are in place. However, this area requires a more long-term policy from the Department of Education and Skills and that Department is working on the matter.

Deputy Clare Daly: I found the introduction a little demoralising in some ways. It summed up for me the point made by Deputy O'Brien earlier to the effect that we get nice statements

and lofty aspirations but the reality on the ground is rather different. We have heard a great deal from the Government about the thousands we are taking in, how the numbers are far beyond any commitments given and so on. The reality is, as the Minister of State, Deputy Stanton, said last month, 486 people have been resettled in Ireland, 69 of whom came from Greece while none has come from Italy. The figure includes one unaccompanied minor. This is despite the Minister's public commitment that this would be a priority area.

I hate talking about numbers because we are talking about human beings, each of whom has to endure a horrendous journey to get to these outposts of Europe. They bring the legacy of a life almost annihilated. It is not even clear to me what the figures are. For example, the Minister of State, Deputy Stanton, said previously that of the 4,000 only 2,622 persons would be relocated from Italy and Greece, while the others would come on the family resettlement programme. That is deeply troubling given the manner in which we are implementing that programme already. For example, I am aware of a Syrian who lives here with Irish friends and who has been trying to relocate some of her family to Ireland under family reunification provisions. Such has been the concern of some friends in Ireland that they have travelled to Greece to assist this woman to be reunited with her family. They have been through extreme trauma. Anyway, they have been unable to do what they set out to do.

The stories from the people on the front line do not back up the points made to the effect that it is a bureaucracy operated by the Greeks and Italians and it is all their fault. Moreover, they do not correspond to Deputy Farrell's version to the effect that no one wants to come to Ireland anyway. That is not what Irish volunteers are saying. They have been in Greece and Lebanon. To a man and to a woman the story they come back with is that no one there is aware of Ireland. There is zero recognition of Ireland as a destination. Irish volunteers have gone to every camp in Lebanon. They have seen hardly any presence of Irish people there, albeit they are not there all the time. They have interviewed people with the help of interpreters. In the case of each of the sites, the people there simply did not know about Ireland, the type of country it was, whether they would be welcome or anything like that. Deputy Wallace and I went to Calais. Given the geography and given that Ireland is a small country, many people do not realise that Ireland is an English-speaking country. However, language is one of the key reasons the people in Calais want to go to England. They do not realise how the system works.

The approach taken to family unification has been adversarial rather than a sensitive or sympathetic approach. I put it to the Minister that she has considerable latitude in this regard. Ultimately, the decisions are taken by the Minister and she has discretion. Why does she not intervene and exercise that discretion?

The Minister has made public statements to the effect that addressing the question of unaccompanied minors would be a priority. This is a real area of concern, especially given the decision of the French Government to shut down "the jungle" later this month and the fact that France has said it cannot accommodate more than 250 of the unaccompanied minors there. There is potential for hundreds of children to be lost and unaccounted for. I want to know what we are doing in that regard. What accommodation is available for these children? We have tried to pursue this with Tusla and we have asked how the agency is dealing with these matters. The Minister has spoken publicly of the extraordinary and generous offers by the public of accommodation and taking on children. All of that is true but it is not being processed. Where are the log-jams in that placement? For example, Tusla has said it has vetted three people for foster care arrangements. I and others have said publicly that we would be happy to put ourselves forward to care for an unaccompanied minor and to be vetted and so on. If we were to publicly

advertise these schemes I believe there are large numbers of Irish people who would be willing to participate and it could happen at no extra expense to the State. It could alleviate the trauma those children are experiencing. Why not establish a temporary consulate and humanitarian visa scheme? We could bring some of those children here. They are in imminent danger.

I am conscious of the time and I would like to discuss this more. We have not done enough and there are things we could do if we had the will. It would be great if we did something to stand out in terms of our dealings with the hot spots. For example, there are 18 places for unaccompanied minors at the moment. That is completely and utterly inadequate when it comes to the assessment of facilities here. There should be at least 100 places. Berlin, which has a population of 3.5 million people, has 900 residential places for unaccompanied children. We need to do far more. I am embarrassed and ashamed as an Irish person because of how little we have done. I do not think it is bureaucracy or that people do not want to come to Ireland. They know where it is and if we went out and promoted ourselves, there are many who would take the arm off you for the right to come.

Deputy Frances Fitzgerald: The Deputy is questioning the commitment of Ireland to respond to refugees but she must understand that we are part of the international response. We are working with an international and European response and we have given a commitment to bring in refugees. The Deputy is not alone in her feelings and every one of us who sees the work our Naval Service is doing and the plight of unaccompanied minors, wants to respond as fast as possible. We all care and want to do the very best we can.

The Deputy is wrong about a number of things. We have people on the ground and Ireland has the fourth or fifth highest staff numbers working on our current response. Calais is not included in our resettlement programme.

Deputy Clare Daly: I did not say it is.

Deputy Frances Fitzgerald: It raises hugely complex issues. According to Greek figures and in terms of numbers taken for resettlement up to 28 September 2016, Lichtenstein is ahead of us, as are Norway, Luxembourg, Austria, Finland, Iceland and Malta. However, we are not a front-line country with people arriving on our shores. However, we are absolutely committed to taking the numbers I have outlined within the structures of the EU. It has been a slow start and I regret that but it is outside my control or that of Government. Nevertheless, the procedures are in place and staff teams from the Department of Justice and Equality are going out to refugee camps to identify people. We are working with Greece to ensure that people know Ireland is an English-speaking destination. The numbers are increasing now and will rise very significantly.

We have only dealt with several hundred to date but those people have come into our emergency reception centres, they have received English language training and have been put in contact with local services. They have moved out to communities across Ireland and they are now beginning the integration process. There is an absolute commitment to meet the targets we set. I take the Deputy's point that the scale of this is appalling. We must ask if there is more we can do and also what else we could be doing. We are open to reconsidering the numbers next year but our first commitment is to take the numbers we said we would take within the EU scheme. We have spoken to the Greek authorities about identifying young, unaccompanied minors. Deputy Clare Daly has the numbers for Calais but we are not working in Calais.

We are, however, working with the Greeks to identify young unaccompanied minors. Some

significant issues arise in respect of unaccompanied minors. The first one of these is identifying them and many of those who were initially identified as unaccompanied minors were actually 19, 20 or 21. This is a problem that is recognised by all groups carrying out assessments in Greece. I have spoken to the CEO of Tusla and that organisation has a commitment to take unaccompanied minors. We are in the process of identifying them and we want to do the very best for them. We believe the best thing would be to have foster homes for them but there is a shortage of foster carers in Ireland at the moment. We must do everything we can to encourage more people to become foster parents. I am advised that unaccompanied minors will begin to arrive shortly and will be placed in foster care.

The Deputy said that nothing had been done in terms of a public response but that is incorrect. I chaired a meeting on Monday at which the Red Cross was represented. That organisation has worked with all the people who have offered pledges and it has identified people who are willing to supply housing. Some very difficult issues arise in the context of pledges which come in from the public. It is not the role of this committee to go into huge detail on them but the Red Cross has done very significant work in the past number of months with people who have given pledges, many of whom offered accommodation for three months or a year. We need to consider the sustainable issues around that and where refugees go afterwards. They will be citizens at that point, actually, but the question remains of where they go when their accommodation ceases to be available after a year or so. Local authorities were also at the meeting on Monday and they are giving a very significant response, as evidenced by the numbers who have already gone through the emergency reception centres. Insurance issues arise and there are health and safety issues.

The Red Cross has now got to the point where it can say there are a certain number of houses available for the refugees who are coming in. A total of 640 have been supplied already and I think the figure for pledges from the public is approximately 160. The Red Cross is working assiduously with the Department and other stakeholders to make sure that, as refugees arrive, they will be in a position to utilise those pledges. The Deputy is wrong to say that the work is not being done. The work is being done by the Red Cross. There is a huge amount of detail in this work. It is one thing for the public to respond to what they saw on the beaches of southern Greece but it is quite another thing to put in place a system whereby we can use the pledges we have received.

The churches are also involved in offering accommodation and that is also being worked through with the church representatives. I held a meeting with them and the Minister of State at the Department of Justice and Equality, Deputy Stanton, is doing a huge amount of work in this area. There has been a slow start, not to our resettlement programme but to our relocation programme. People are now arriving every month, however, in increasing numbers. This will test the systems and we will have to make sure that our education system and our health system respond locally to the needs of the refugees. These needs are complex, as anybody who has met Syrian refugees in this country or any group of families will know. Young men who have spent four or five years in refugee camps and are now trying to rebuild their lives have very complex health needs. We have met the Departments of Health and Education and Skills to ensure we have a proper response to all these issues.

I understand the Deputy's frustration and that she wants to do more but the work is under way and we will meet our commitments. We are meeting them now in an accelerating way. The Deputy also asked about family reunification, for which people who arrive here are eligible. Many of the 4,000 who are arriving are families and a ratio is built into the system for ap-

plications made for family reunification on the part of people whose families are not with them.

Deputy Clare Daly: I wish to correct the record on one point. People can be doing things but getting nowhere and that is the point I am making. I am not saying that people are doing nothing but I am saying that the Irish presence in the camps is not visible enough, in Greece or in Lebanon. I do not say there is no one there but they are not advertising Ireland. I am not saying, either, that no work was done. However, we have to look at the outcome of the work. We have 10% of the committed numbers. That is all we have taken.

Deputy Frances Fitzgerald: There is a reason, as I have explained.

Deputy Clare Daly: If one takes the Red Cross, well over 800 people made offers but now we have 160, which shows there is a roadblock. Many people made offers for unaccompanied minors. It is not just that there are not enough foster carers. There have been no advertisements to seek them.

I have no hesitation in saying the relocation and facilities provided for the small number who got here under the scheme are excellent. I could not fault a single thing with the manner in which the people have been treated when they got here. However, the issues are the numbers are not getting in and there are roadblocks which need to be removed.

Irish people working in Calais have done an assessment of the situation. We have given a report on this to the Tánaiste and Minister for Justice and Equality and the Minister for Foreign Affairs and Trade. While we are not compelled to do anything, we can consider it for humanitarian reasons and circumstances.

Deputy Frances Fitzgerald: There is one correction I want to make. There are 383 currently active accommodation offers which include 280 shared accommodation properties. The balance consists of self-contained properties. This is on the Irish Red Cross side.

Deputy Daly claims there are barriers. Some of these are international. No country can take people in without some vetting. There are issues with vetting in Italy, for example. I have explained the international context. Within these constraints, we are working to ensure our pledges are met as quickly as possible.

The information I gave to the committee highlights the fact we have the background work done. I am glad the Deputy acknowledged our facilities are excellent. The experience of the couple of hundred refugees who have come here has been very good. The agencies are responding and the numbers will accelerate. The barriers have not been in Ireland but in the hotspots. This is about getting the vetting process working effectively and efficiently. Next time I report to the committee, there will be many more numbers involved.

Chairman: The Department of Justice and Equality has the primary responsibility for asylum and immigration. There is a target for 4,000 refugees to be brought in under the Irish refugee protection programme. So far, 439 have come from Lebanon. The quota for 2016 of 500 is expected to be reached. Up to 260 refugees will be added to that in the first half of 2017. All of these developments are welcome.

However, when we look at the Greek situation, my information is that, up to last week, we have 69 Syrians with 40 more cleared for arrival, as soon as the International Organisation for Migration has the travel arrangements made. It is a small number in that regard. The Tánaiste touched on the Italian situation. I am conscious of the efforts of officials and the Minister of

State, the former Chairman of this committee, Deputy David Stanton, and wish them every success. Deputy Daly is not just expressing a personal view. There is a sense among many that we need to move up a gear. I am of one mind with that. I welcome the fact the Tánaiste has said that is her intention and expectation. We are not at loggerheads here but about getting the job done.

On the issue of unaccompanied minors, I note the Tánaiste said Calais is not included under the Irish refugee protection programme. Only last week, the French President, François Hollande, indicated he intends to disperse the thousands congregated in the Calais camp in three weeks to 164 new and different locations across France. There are a significant number of young children and minors at this camp. We know up to 10,000 minors have disappeared across Europe, are untraceable and we are not able to determine what has happened to them. We have questions about a number of minors and children who presented in Ireland and it is not known where they are. My concern is that this dispersal planned by the French President, François Hollande, will add to that number and we will lose young people and knowledge about them into the ether. Is there anything we can do about this specific cohort of unaccompanied minors?

The House of Commons recently passed an amendment to its Immigration Bill, tabled by the Labour peer, Lord Alf Dubs, committing the British Government to accept a significant number of unaccompanied minors. As to whether the current Prime Minister there, Theresa May, and her Government have shown any appetite to follow it through is another matter. The critical point is that it has made the decision and it is passed into law. Are any amendments required to existing legislation here that could contribute positively to our focusing with greater intent on the relocation of unaccompanied minors from across the various sites in Europe to Ireland? It demonstrated itself in the neighbouring island. Is there any such need regarding legislation on our Statute Book?

Tusla's preference in this regard is for the 13 to 15 year old age group. We are advised that Ireland has requested four unaccompanied minors from Greece in the next tranche to be interviewed by Irish officials in October. Deputy Daly indicated we have had only one from Greece so far. Essentially, only one child has met the requested profile. Is the requested profile prepared and presented by Tusla? Is it limited to age or are there other factors involved in the profile? Do other factors militate against other children coming to our shores? Is there anything that can be done in a re-examination of Tusla's preference which might accommodate a greater take-up? Can the Tánaiste offer us any information in this regard? It is to be hoped we are all on the one page in terms of our collective intent.

Deputy Frances Fitzgerald: Both the Chairman and other Deputies are pointing out the huge vulnerability of unaccompanied minors caught up in the refugee crisis and who disappear in the system. I know this is a significant concern internationally. They are difficult to identify in the first place and clearly are not being registered. Accordingly, it is difficult to reach out to them and ensure we can take them in Ireland or elsewhere. The UK decided it would not participate in relocation. It is introducing its own measures and is involved in resettlement by taking people from the refugee camps.

The French President, François Hollande, has recognised the situation in Calais is intolerable and unsustainable. The people there, for the most part, want to go on to the UK. He has signalled his intention to disband the camp completely and have the people living there provided with accommodation in other parts of France. Many people will welcome this because, given what we have all seen, the situation there is intolerable. The migrants in Calais have the same rights to apply to the French authorities for asylum as they would have in Ireland. Many

want to travel to the UK.

We are focusing our resources in the areas of greatest need. We are taking people from, for example, the camps in Lebanon. Lebanon has taken in the equivalent of one third of its population, as has Jordan. A large percentage of people in Lebanon are refugees. There is a huge need to take people from its camps. That is what we have done and by the end of the year, several hundred will have come from there.

As we must under the EU agreement, we are prioritising our focus on asylum seekers in Greece, given the large scale of the problem on its islands and mainland. I meet the Greek justice Minister regularly at the Justice and Home Affairs Council. Greece wants us to do this and we have made it clear that we are prepared to take hundreds more refugees. That is our policy. This work will accelerate. Now that the system is working more effectively in Greece, people are registering because they cannot go to Sweden or Germany in the same way as before. A part of the context that we need to understand is that people were simply moving through Europe. That has stopped because individual countries have taken action. Our focus must be on the programme to which we are committed, as opposed to Calais. From a foreign affairs point of view, though, there will be discussions on the issue between the Minister, Deputy Flanagan, and the relevant Ministers in France and I will bring the committee's concern to his attention.

To answer the Chairman's question on unaccompanied minors, there are no legislative barriers. We do not need any legislation to address this issue. It is a question of identifying the unaccompanied minors. The age issue is not a barrier because we and Tusla will take any children who are under 18 years of age. Age is only a barrier in so far as many of those who were named as unaccompanied minors turned out on investigation to be much older, but that is a different issue. Tusla is committed to taking some unaccompanied minors. Many children are coming to Ireland as a part of family groups, but our people on the ground in Lebanon and those who will return to Greece are making it clear that we will take unaccompanied minors. We have done that from the beginning. The process has been slow for everyone, but we are committed to taking unaccompanied minors as part of the broader group. If they can be identified to us and Tusla can respond, I hope those numbers will increase.

Chairman: I thank the Tánaiste. With no other members showing, I thank the Tánaiste and her officials for this engagement with members of the committee. That concludes this part of the meeting. We will move on to the next item on our agenda. I appreciate the members remaining. Two motions will be before us before we move into private session. I have allowed members across the board to participate fully. This is the explanation for our running over time. I would like it if allowing everyone could always be the case, but people have to consider whether, if we find ourselves strapped for time in future, we should limit contributions in terms of time. I would like to avoid that if possible.

Proposal on Matrimonial Matters, Parental Responsibility and Child Abduction: Motion

Chairman: This is a motion re a proposal for a recast Council regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction. We will commence our consideration of this motion, which was referred to us by the Dáil on 27 September 2016 and the Seanad on 29 September 2016. I invite the Tánaiste to make her opening statement.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): This is a relatively straightforward motion. The Dáil and Seanad have referred it to the joint committee to seek the approval of both Houses to opt into the proposal for a recast of the Brussels IIa regulation to allow judicial co-operation in the EU in respect of cross-border matrimonial and parental responsibility and child abduction cases. It is a good regulation and contains provisions to determine which member states are responsible for divorce, custody and access proceedings. It ensures that judgments issued in one member state are recognised and enforced in another. It sets out a procedure to settle cases where a parent takes a child from a member state without the other parent's agreement. Cases like this will have been brought to many committee members' attention.

A network of central authorities deals with this matter. The Brussels IIa regulation applies only in cross-border cases within the EU and would not apply in cases where the members of a couple are Irish nationals who both are habitually resident in Ireland. It relates only to the procedural aspects of cross-border cases. Importantly, it does not affect substantive law, for example, the legal requirements for obtaining a divorce.

An analysis of the regulation has been conducted and a consultation process was undertaken. This is about quicker and simpler procedures in the context of an increasing number of EU cross-border custody cases as well as child abduction cases arising from marital breakdowns. The review is timely.

Article 20 proposes that a child who was capable of forming his or her view would be guaranteed an opportunity to express it in proceedings on custody, access and the return of children abducted by one of their parents. This is a welcome proposal, given that our Constitution now contains the provision that the view of the child should be heard in such proceedings.

There are a number of other articles, all of which are intended to ensure that processes in these difficult matters work across borders. The proposal will have some operational and resource implications for various bodies, including the central authority, the Legal Aid Board and the Courts Service. These will be examined as the negotiations on the proposal continue. It is a measure under Title V of Part 3 of the Treaty on the Functioning of the European Union. The legal basis is Article 81.3, which provides for a special legislative procedure for judicial co-operation in family matters.

I am of the view that we should opt into the discussions, which will maximise our ability to influence the final outcome. There are no policy reasons of a pressing nature that would suggest we should not opt in.

Chairman: Are there views that members would like to express?

Deputy Colm Brophy: I welcome this proposal. I am also of the view that we should opt in. It contains a number of key and progressive proposals, in particular that relating to Article 21.

Senator Niall Ó Donnghaile: It is a good move but, in line with my previous contribution, the obvious problem of Brexit immediately presents itself, specifically whether the UK will be compliant within this landmass, for example, people running with their children from Lifford to Strabane. I am not trying to be facetious, but what overt and immediate problems can the Tánaiste foresee as a result of Brexit, in particular for families living along the Border corridor?

Deputy Frances Fitzgerald: This is a proposal for an EU regulation on jurisdiction and

recognition of decisions in matrimonial matters. We are deciding to opt into the discussions. Brexit is in its early stages. The implications for criminal justice and family civil law will need to be subjected to analysis on both sides of the Border. Here is another EU regulation and Northern officials will have to examine it in the same way as they do all others and determine what new bilateral arrangements may be necessary. The UK is deciding to opt into several areas. It will take decisions on many issues as to whether it will opt in. Europol is an example where it will have to make a decision, probably by January. It has indicated it wants to continue with the European arrest warrant. All of these will be part of the Brexit implications to be worked out as they impact North and South.

Chairman: In fairness to the contribution of the Seanadóir, I wish to reflect to the Tánaiste that the issue of the uncertainty of times ahead is very much part of the daily currency of conversation in our end of the island. It would not be unique to it, but it would be more acutely in evidence and that is just a fact of life. It crosses almost into every realm of daily life.

Deputy Frances Fitzgerald: There is a point to be made that international treaties remain in place. As far as children are concerned, we will still have the 1980 Hague Convention, to which the UK is a contracting party. There will be many areas where the UK will remain committed. There is no intention to change this relationship. This sets the parameters for many issues regarding children and it remains unchanged.

Chairman: And hopefully will remain so.

Messages to Dáil and Seanad

Chairman: In accordance with Standing Order 90, the following message will be sent to the Dáil:

The Joint Committee on Justice and Equality has completed its consideration of the following motion:

That the proposal that Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Council Regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast),

a copy of which was laid before Dáil Éireann on 27 July 2016.

In accordance with Standing Order 73, the following message will be sent to the Seanad:

The Joint Committee on Justice and Equality has completed its consideration of the following motion:

That the proposal that Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on

European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Council Regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast),

a copy of which was laid before Seanad Éireann on 27 July 2016.

Legal Services Regulatory Authority: Motion

Chairman: We will now commence consideration of the motion referred by the Dáil on 27 September 2016 and the Seanad on 29 September 2016 regarding the appointment of Eileen Barrington SC, to be a member of the Legal Services Regulatory Authority.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): The resolution for consideration today is a key step towards completing the nomination and appointment of the members of the new Legal Services Regulatory Authority, which is being established under the Legal Services Regulation Act 2015 by way of structural reform to the legal services sector and by way of enhancing legal costs transparency and an independent complaints system for the legal profession. This is a very important step forward.

The authority, whose members are nominated by the ten prescribed nominating bodies set out in the 2015 Act, is intended to represent a balance of interests between legal practitioners and those consumers who avail of their services. It has a lay majority and a lay chairperson, with consumer interests, legal aid representatives and others on the body. On behalf of the Government, I seek the approval by resolution of the Houses of Eileen Barrington SC for appointment as a member of the new authority.

I must come back to the committee on this because her nomination arises from the fact the initially approved candidate put forward by the Honorable Society of King's Inns is no longer available. The initial candidate was one of the 11 candidates approved for appointment to the new regulatory authority by resolution in the House, and because of the change I must come back and ask the House to approve it once again. The other ten candidates already approved by the House remain in place. We agreed to appoint these ten people, and the Government did so on 27 September. They were approved in July and at a Cabinet meeting on 27 September we agreed to appoint the ten remaining candidates as members of the new Legal Services Regulatory Authority and Dr. Don Thornhill as the chairperson of the new regulatory authority. It was also agreed at that time that following the relevant procedures, which we have now followed and are coming to the committee to ensure the Dáil and Seanad can support it, Eileen Barrington SC will be put forward as the new and alternative King's Inns nominee. This is our consideration of the matter today. If this is forthcoming, the one remaining nominee for membership will complete the 11 person configuration of the new Legal Services Regulatory Authority. I commend today's resolution for the committee's agreement.

Chairman: There is unanimity on the acceptance of the Tánaiste's recommendation.

Messages to Dáil and Seanad

Chairman: In accordance with Standing Order 90, the following message will be sent to the Dáil:

The Joint Committee on Justice and Equality has completed its consideration of the following motion:

That Dáil Éireann, noting that the Government agreed on 27 September 2016 to propose, for the approval of Dáil Éireann, the appointment of Eileen Barrington SC to be a member of the Legal Services Regulatory Authority, and pursuant to section 9 of the Legal Services Regulation Act 2015, approves the appointment, with effect from the establishment day to be appointed by the Minister for Justice and Equality in accordance with section 7 of that Act, by the Government of Eileen Barrington SC to be a member of the Legal Services Regulatory Authority, six of whom shall hold office for a period not exceeding four years from the date of his or her appointment as the Government shall determine and five of whom shall hold office for a period of three years from the date of their appointment in accordance with section 10(2) of that Act.

In accordance with Standing Order 73, the following message will be sent to the Seanad:

The Joint Committee on Justice and Equality has completed its consideration of the following motion:

That Seanad Éireann, noting that the Government agreed on 27 September 2016 to propose, for the approval of Seanad Éireann, the appointment of Eileen Barrington SC to be a member of the Legal Services Regulatory Authority, and pursuant to section 9 of the Legal Services Regulation Act 2015, approves the appointment, with effect from the establishment day to be appointed by the Minister for Justice and Equality in accordance with section 7 of that Act, by the Government of Eileen Barrington SC to be a member of the Legal Services Regulatory Authority, six of whom shall hold office for a period not exceeding four years from the date of his or her appointment as the Government shall determine and five of whom shall hold office for a period of three years from the date of their appointment in accordance with section 10(2) of that Act.

Business of Joint Committee

Chairman: On behalf of the committee at the conclusion of this marathon session, I record our gratitude to the Tánaiste for her openness and engagement with members on a complex range of topics this morning. I do not propose to suspend for five minutes. We will take a 30 second breather and go straight into private session to allow the Tánaiste and her officials to depart for their coffee.

Deputy Frances Fitzgerald: I thank the Chairman.

The joint committee went into private session at 12.15 p.m. and adjourned at 12.30 p.m. until 9 a.m. on Wednesday, 12 October 2016.