



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 14 Feabhra 2017

Tuesday, 14 February 2017

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.
Prayer.

Leaders' Questions

An Ceann Comhairle: Happy St. Valentine's Day.

Deputy Heather Humphreys: We are having a love-in.

Deputy Micheál Martin: We will try to avoid a massacre.

Last evening I met Maurice McCabe and his family in his home in Mountnugent. It is shocking and horrific that any family should have been put through what they have been put through over many years. I read the Tusla file when in Maurice McCabe's home. It is truly shocking. What strikes one is the incredibly casual approach to a monumentally false allegation on the part of the authorities in terms of the fact that the report was left hanging around in Garda stations without being corrected and in terms of the length of time it took for either Tusla or the HSE to deal adequately and properly with it. The lethal aspect of all this is the fact that the report in question was used to fundamentally undermine the integrity of Maurice McCabe. There is no doubt, in my opinion, that there was an attempt and a campaign to undermine the integrity of Maurice McCabe because he was proving to be a major thorn in the side of senior people within An Garda Síochána or on foot of the fact that he was raising issues that have subsequently been vindicated by a commission of investigation.

There is a need - I would like the Taoiseach to confirm this - for a public tribunal of inquiry under the Tribunal of Inquiries Act. Any inquiry cannot be secret. There must be the right of public cross-examination. People may ask why this should be the case. The McCabes made it very clear to me that they will never again engage with an O'Higgins-type process because what they went through in that regard was shocking, with the kitchen sink and all thrown at them by senior counsel representing the Garda Commissioner. The senior counsel said that he would be attacking McCabe's integrity and motivation all the way through the inquiry. He said that his instructions were to challenge the integrity of Sergeant McCabe and his motivation all the way through the inquiry. There was a five-page document prepared by the Chief State Solicitor's office on behalf of the Garda Commissioner. That is why they do not want to

be involved in a similar exercise again under any circumstances. They want a public inquiry, Taoiseach. I know that Deputy O'Callaghan, who has acted in good faith throughout this situation, has sent out draft terms of reference for such an inquiry, which must include events at the O'Higgins commission of investigation that were designed to entrap Sergeant McCabe. Had he not had the tape recording of the Mullingar meeting, God knows where this would have ended up. That has to be investigated. I want confirmation from the Taoiseach that the Government is agreeable to including events at the O'Higgins commission of investigation in the terms of reference and that it is agreeing to a tribunal of inquiry.

The Taoiseach: I thank Deputy Micheál Martin for his question. Since responsibility came my way as a result of the office I hold, for the first time since the foundation of the State we have had a senior ministry for children, a Department for children, an agency for children, children's rights enshrined in the Constitution by way of a referendum and a statement in respect of sexual abuse in Cloyne and the cover-up engaged in and the limbo that existed in respect of what went on in this country for years. The entire country has sympathy with Sergeant McCabe and his family. I have made that point on many occasions. What is required is an effective process to deal with a central issue, namely, was there or was there not a deliberate smear campaign against Sergeant McCabe and his family by senior gardaí. That is what needs to be dealt with.

The Tánaiste and Minister for Justice and Equality received two protected disclosures some time ago. Four days later, she sent them to a judge, Mr. Justice O'Neill, who assessed them. His response was that what was needed was a commission of investigation to determine the truth and he set out the terms of reference for that commission of investigation. Following on from Deputy Micheál Martin's meeting with Sergeant McCabe and my meeting with the Deputy this morning, I understand that the McCabe family will not participate in a private investigation. They want a public investigation. I want to be very clear about this. When we proceed down the road of having a tribunal of inquiry under the 1921 Act, dealing with tribunals, we have to be very clear that this is right down the middle in respect of everybody. The presumption of innocence until proven otherwise stands for every citizen, and people should be very careful in respect of this. Yes, Sergeant McCabe has pointed out the appalling litany of instances of his treatment. There is nothing worse in this country than being called a sexual abuser. It has to be soul-destroying for the individual or his or her family to put up with that.

I can confirm to the Ceann Comhairle and the House that the Government agreed in principle this morning to set up a tribunal of inquiry under the 1921 Act, with the terms of reference to be worked out and the details and the structure by which the central issue here can be addressed, that is, the determination of the truth and justice for everybody in respect of the central question as to whether there was an organised smear campaign against Sergeant McCabe by the senior Garda officers. The Government will work with the individual parties in respect of the terms of reference. I want to make it clear, however, there can be no bias or over-reliance upon anybody in the determination of how these terms of reference will be set out and the purpose for which they are intended.

Deputy Micheál Martin: I welcome the confirmation that there will be a tribunal of inquiry. The Taoiseach made the point that we must be very careful. I suggest to him that maybe we were all too careful in our response to this saga over the last number of years, particularly considering that the O'Higgins commission of investigation was conducted in an unacceptable manner. That said, I put it to the Taoiseach that the establishment of a tribunal of inquiry - it has not been established yet - is no basis for Ministers not coming into the House to answer questions and being accountable to it in regard to the Tusla file, which is over and above and

additional to the protected disclosures issues that gave rise to the inquiry in the first instance. As the Taoiseach, the Minister for Health, the Minister for Justice and Equality and the Minister for Children, in particular, know, the Tusla file indicates an apology was to be given by a State agency to a citizen, namely, Mr. Maurice McCabe. Incredibly, his family was on the file. They were embroiled in it; it is appalling. It is very difficult to understand why that was not revealed to the Cabinet, that is, that a State agency is about to apologise to someone who at this stage is a major public figure in respect of very high-profile cases. There is an onus. This is an important Chamber in terms of accountability. This week, Ministers should come before the House to answer in regard to their responsibilities in this matter and to give straight, clear answers which may clear up a lot. There has been incoherence at the heart of the Government's response to the Tusla file, and that is to put it mildly. There is an opportunity this week in this House for Ministers to do what is normally done in Parliaments, that is, account in the House for their stewardship regarding a particular issue and enlighten the Deputies on whatever challenges and constraints they were operating under, or give explanations as to the lack of coherence in articulating their position on an issue that has given rise to major public interest and major public scandal.

The Taoiseach: I am before the House myself. I have said to the Deputy that the Cabinet has agreed in principle to hold a public inquiry under the Tribunals of Inquiry (Evidence) Act 1921. The Deputy mentioned the O'Higgins investigation. Without being too political about this, I understand one of the Deputy's own Members was a number of years ago allegedly given very important information that could have been germane to the report but chose not to give it for a period of three years. People should understand that, over the past period of time, the Government has tried to set up the independent inspectorate, to revamp and restructure GSOC after ten years and set up the completely independent Policing Authority because the perception of the Garda at higher levels over many years has not been what it should have been. It will take some time to change that culture by the independence in appointment of the independent Policing Authority.

I want to make it clear, as the Minister, Deputy Zappone, pointed out, that when she informed me that she had spoken to the McCabes, the discussion that she had with them was about false allegations made to Tusla. She did not indicate to me any issue of the detail of the discussions she had with the McCabe family or, indeed, the existence or any content of a file that the Deputy mentioned. Obviously, this became very public knowledge on the relevant "Prime Time" programme. The Minister, Deputy Zappone, is very clear that the discussions she had with Sergeant McCabe were of a confidential nature, that she had to respect his privacy and that these things were not in the public domain at the time that she met with them.

I might say *mea culpa*, because I did say, and I am guilty here of not giving accurate information, I understood, from thinking myself that I had, that she had asked me about meeting Sergeant McCabe in the first place. It actually was her office that consulted with my officials, who told me. She is very clear that she did not tell me that she intended to meet Sergeant McCabe but she did tell her official to tell my office, so I regret that.

Deputy Mary Lou McDonald: Oh dear.

(Interruptions).

An Ceann Comhairle: Quiet.

Deputy Brendan Howlin: “I said to her.”

Deputy Pearse Doherty: Who told her to take notes?

(Interruptions).

An Ceann Comhairle: Ciúnas, please.

The Taoiseach: I regret that. That is the same information. I did not actually-----

A Deputy: Is that the best the Taoiseach can do?

Deputy Mary Lou McDonald: Is that it?

Deputy David Cullinane: Has the Taoiseach got his story straight yet?

(Interruptions).

An Ceann Comhairle: Deputies, please.

The Taoiseach: She did not tell me herself that she was meeting Sergeant McCabe.

(Interruptions).

The Taoiseach: She did tell me before the Cabinet meeting last Tuesday that she had met with him and they had discussed allegations that were false in respect of those given to Tusla.

Deputy Gerry Adams: The Taoiseach will know that Sinn Féin has tabled a motion of no confidence in the Government. If he wants to know why, he should reflect on his *mea culpa* of a moment ago. His little deal with the Fianna Fáil leader may delay that necessary development. It will also delay the search for truth by Maurice McCabe. The tipping point for Sinn Féin was the way that the Government dealt with the campaign of vilification, smears and false accusations against Garda Sergeant McCabe. That is a campaign that the Garda Commissioner now acknowledges, although she says that she did not know it was happening at the time it was happening.

This is not the time to go into the twists and turns, lies and spin of this long episode, but it is remarkable that Maurice McCabe, his wife, Lorraine, and their family have survived it all. That is obviously because of their resilience, bravery and commitment to each other and the need for the highest standards in public life, including in An Garda Síochána.

There are two issues - allegations of a criminal conspiracy by senior gardaí and the enabling of that by the Government. This series of scandals began when Maurice McCabe raised concerns about corrupt practices in the hierarchy of An Garda Síochána in 2008 and then publicly when he and Garda John Wilson did so in 2012. They were smeared, bullied and undermined. So were Teachtaí who raised concerns in this Chamber.

Then there was the Taoiseach’s role in the retirement of Commissioner Martin Callinan, the resignation of the confidential Garda recipient, the resignation of the Minister, Alan Shatter, and the transfer of the Secretary General of the Department of Justice and Equality. It goes on and on. Eight years of public defamation and State vilification of Sergeant McCabe and his family.

What of the concerns of the other whistleblowers? Last week, the Government proved itself once again to be incompetent, incohesive and without any authority to govern except that gifted

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to it by the Fianna Fáil leader. Citizens deserve a 21st-century, accountable policing service. So do members of An Garda Síochána. The Government is not capable of establishing that. The Taoiseach and the Fianna Fáil leader in their choreographed, staged little exchanges of a moment ago may laud the merits of the public inquiry that the Taoiseach has just belatedly announced, but the credit for that public inquiry is entirely Maurice and Lorraine McCabe's.

Deputies: Hear, hear.

Deputy Gerry Adams: It should not proceed without their full agreement. While the Government remains in office there will be no truth. There will be no justice for Maurice McCabe and no resolution of the wider issues underpinning this shameful episode. A criminal investigation is needed. Last week the Government rejected a Sinn Féin amendment to the terms of reference of its ill-fated commission. The amendment would have allowed investigation of contacts between members of An Garda Síochána, members of the Government, former members of the Government, Members of the Oireachtas and other State agencies relevant to the allegations made against Sergeant McCabe. The Taoiseach blocked that. Why was that blocked by you, Taoiseach, and the Tánaiste and Minister for Justice and Equality?

The Taoiseach: You are an absolute hypocrite-----

Deputies: Hear, hear.

The Taoiseach: -----after what you did and what you said to former Senator Máiría Cahill.

Deputies: Hear, hear.

The Taoiseach: And what you did and did not do in respect of safe houses, including on this side of the Border, where sexual abuse was conducted on young men by members of your organisation.

Deputy Mattie McGrath: And Jerry McCabe.

The Taoiseach: You are an absolute hypocrite.

Deputy Frances Fitzgerald: Hear, hear.

Deputy David Cullinane: You have brought shame to your office again.

The Taoiseach: Let me tell you something, Deputy Adams. If you want to play politics with an issue that is so sensitive and so personal that it goes to the very heart of the public soul of Ireland then do so, but I do not agree with you because four days after this Minister got two protected disclosures about these very serious issues, she sent that to an eminent judge to examine them. He carried out his analysis and said he could not determine the truth here and that what the Tánaiste needed to do was set up a commission of investigation. The Government followed his recommendation to the letter in respect of the terms of reference and the way that it should be conducted. It is, Deputy Adams, not about running away but about facing the issue here-----

Deputy Mary Lou McDonald: Really.

The Taoiseach: -----which is to determine the truth as to whether there was a deliberate smear campaign against Sergeant McCabe and his family by senior members of the Garda.

Deputy Mary Lou McDonald: There was and the Taoiseach knows it.

The Taoiseach: Here is the issue. Deputy Adams has never gone through this because he ran away each time it was raised.

Deputies: Hear, hear.

Deputy Patrick O'Donovan: In his kangaroo court.

Deputy Frances Fitzgerald: He wants to convict before he hears the evidence.

Deputy Patrick O'Donovan: Shoot first ask questions later.

The Taoiseach: When one sets out to have a tribunal of inquiry under the 1921 Act, one cannot show any bias to anybody in the setting up of the terms of reference. One cannot determine the outcome of the inquiry before it ever begins. I understand the difficulties, stress and pressure this has caused for the McCabe family. There is nothing worse in this country than being called a sexual abuser, but everybody has a presumption of innocence-----

Deputy Aengus Ó Snodaigh: Who is the hypocrite now?

The Taoiseach: -----and there are two people here who vehemently deny that they were guilty of any smear campaign against Sergeant McCabe. That is why the Cabinet in its wisdom today has decided to have a tribunal of inquiry, under the 1921 Act-----

Deputy Mary Lou McDonald: It is a disgrace.

The Taoiseach: -----which will be fair to everybody and which will be drawn up with terms of reference that will include all of these relevant issues to get at that central question of whether there was or not a smear campaign against Sergeant McCabe.

Deputy Mary Lou McDonald: Shame on you, Taoiseach. It is a disgrace. You should resign.

Deputy Heather Humphreys: Shame on you.

Deputy Patrick O'Donovan: Ask Máiría Cahill what you did.

The Taoiseach: It is utterly hypocritical of Deputy Adams to come into this House after what he did and said about Senator Cahill and young men on this side of the Border who were abused in safe houses by members of his organisation.

Deputy Mary Lou McDonald: You are a disgrace.

The Taoiseach: This Government will set up the facility, together with Members of the House, so that central question can be answered.

Deputy Gerry Adams: Well Taoiseach, I am not going to rise to your bluster-----

Deputies: Hear, hear.

Deputy Gerry Adams: -----to your diversions, to your distractions-----

Deputy Patrick O'Donovan: What about your kangaroo court?

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Deputy Gerry Adams: The fact is, Taoiseach, it was on your watch that all of these malicious accusations, allegations and malpractice happened. Every single proposition put forward by Sinn Féin to the Taoiseach to deal with it, to “Pattenise” the process, to radically reform An Garda Síochána and to have transparency was dismissed. Aithníonn ciaróg ciaróg eile. Let me ask the Taoiseach the question again which he refused once again to answer. Why did he block the amendment to allow the investigation of contact between members of An Garda Síochána with members of the Government, former members, Members of the Oireachtas and other State agencies relevant to the allegations made against Sergeant Maurice McCabe? The Taoiseach can say what he wants about me but he would have much more credibility if he answered that straightforward simple question. The Taoiseach should tell the Dáil when he was briefed about the false child abuse allegations made against Sergeant McCabe. He should stand up now and tell the Dáil when he was briefed about that and who briefed him.

Deputy Pearse Doherty: A bit of truth - Paddy wants to know.

Deputy Gerry Adams: The Taoiseach will stagger on. His Government’s sole achievement has been to completely undermine public confidence in his ability and that of the Government. He is now a major obstacle to a satisfactory resolution of this crisis and other matters of public concern. Sinn Féin will not put up with that. Fianna Fáil might prop up an arrangement that has delivered nothing but perpetual crisis. Will the Taoiseach answer those two questions and then have the grace to call an election?

The Taoiseach: On Sinn Féin’s instructions, the Northern Ireland Executive was collapsed to cause chaos. There is no leadership there now. Does Deputy Adams want to do the same thing down here? Sinn Féin has tabled a motion of no confidence in the Government simply because it wants to cause chaos down here as well. Allegations, rumour and hearsay do not count in our dictionary here but truth does. Sergeant Maurice McCabe and his family deserve, as do others, the fairness and justice that will come from a tribunal of inquiry under the 1921 Act. Deputy Adams should not come in here and try to determine what the outcome of that might be before it is even set up. We have had all of Sinn Féin’s stuff over the years - run away and deny everything. Sinn Féin’s deputy leader says “sure Gerry couldn’t be wrong”. That is the way it is. When our Tánaiste received these two protected disclosures, they were given to a judge within four days and the judge took an extra six weeks to examine them. The important point made by Deputy Micheál Martin and others, including myself, is that the central issue here is that Sergeant McCabe has made the case that there was a deliberate smear against him to denigrate and do him down. The only way we can deal with that is by getting at the truth. The way you can determine that truth is by having compellability, cross-examination, publication and everybody understanding what went on here so that the central question can be answered. What Deputy Adams wants to do is bring down the Government so that this cannot happen. It is the same old story from Sinn Féin. This is a very sensitive personal issue for this family. It is also an issue for the Garda Commissioner and the previous Commissioner. This is why there must be fairness and a recognition of innocence until proven otherwise. Under our legal system, we do not jump to conclusions or have kangaroo courts as happens in some other places.

Deputy Paul Murphy: The Taoiseach mentioned the truth quite a few times. He is well known for having a casual relationship with the truth.

The Tánaiste: That is outrageous.

Deputy Paul Murphy: The admission, or *mea culpa*, made by the Taoiseach a moment ago

goes well beyond the man with two pints in his hand, the Army protecting the ATM machines or the people ringing up the Department of the Taoiseach to tell it how great the budget was. It goes well beyond that. Let us quote what the Taoiseach said on “This Week” on Sunday. He said:

Minister Zappone, who is doing a very good job, did tell me that she intended to meet with Sergeant McCabe in a private capacity. That’s all I knew. I said to her “well if you do have a meeting make sure that you have a thorough account of it.”

That is not some slightly inaccurate remembrance of his conversation with the Minister for Children and Youth Affairs. It is a completely inaccurate statement. He has said that this conversation did not take place. How could he remember it in such detail if it did not take place? It is a central untruth and the reason it matters is because it means that at the Cabinet meeting on Tuesday, the Taoiseach knew about Tusla and did not brief the Cabinet and it means that he consciously did not include it in the terms of reference and that he misled the public on RTE.

Having admitted that moments ago, how can he now continue as Taoiseach? It is not the only matter of fact on which there is a difference. Fianna Fáil and Fine Gael can agree that the difference between the Tánaiste and Deputy Jim O’Callaghan does not really matter now. However, it does matter. It matters because one of them is telling the truth and the other one is not. If Deputy O’Callaghan is telling the truth, that means the Tánaiste misled the Dáil on Thursday.

Deputy Frances Fitzgerald: I did not.

Deputy Paul Murphy: We need facts and statements from all of these and we need the ability to question them.

Mr. Martin Callinan described what the whistleblowers were doing as “disgusting”. That is the word that sums up the actions of the top gardaí in smearing Mr. Maurice McCabe, engaging in a pattern of black propaganda of a similar sort against at least two other gardaí, political policing, Operation Mizen, spying and trumped up charges against Jobstown protestors. It is disgusting. The Commissioner has said that she will not step aside because “a campaign of false accusations ... do not make me guilty of anything”. Tell that to Mr. Maurice McCabe, who had his life ruined. Tell it to Mr. Dave Taylor, who was suspended from his job for 22 months with the Commissioner’s husband leading the investigation. The Commissioner’s husband took control of his mobile phones, upon which, allegedly, there is a text from the Commissioner saying “Perfect” in response to the idea that a journalist was meeting the alleged victim of Mr. Maurice McCabe. How can the Taoiseach allow Commissioner O’Sullivan to remain in place? How does he know that she will not use her position to obstruct the inquiry?

The questions that Mr. Maurice McCabe has posed do not need a tribunal. We are in favour of a tribunal, but Mr. McCabe has posed six simple questions that the Government and the Ministers can get answers to from the Commissioner, Tusla and the HSE. When will Mr. McCabe have answers to those questions?

The Taoiseach: It is a funny thing that when one comes to the House and to the people in this position and actually tells the truth, one gets pilloried also. There are many people who were here before me for many years who made mistakes. I stand here to say that I had spoken to the Minister about the information on her meeting with the McCabe family. She notified my office, which told me of that information. I put that in the public domain and I regret that be-

cause I should not have. The Minister did not refer to any of the details of the discussion with the McCabes, the existence of a file in Tusla or the information contained in that file. It is not true to say that I had any information about the existence of that prior to the Cabinet meeting in Government Buildings.

The judge who was appointed to conduct the commission of investigation confirmed that what he saw on the “Prime Time” programme was covered by the existing terms of reference. After Judge O’Neill examined both protected disclosures, he was unable to determine the truth. He set out the terms of reference that Government followed faithfully. That included covering the issue of erroneous sexual allegations against Sergeant McCabe.

I will return to the central point. There is an issue of truth and justice that needs to be determined. It is a very sensitive, serious and public matter now. The way to achieve that is to have the co-operation of everybody in order that this work can be done. There is no point in having some private investigation or commission if the McCabe family is not willing to participate in it. As far as I am concerned, the Government was very anxious to decide in principle to have a tribunal of inquiry under the 1921 Act, to be fair to everybody and draft terms of reference that will allow the tribunal to do its work. I hope that can be concluded within the next 48 hours and that it can go through both the Dáil and the Seanad in order to let that commission and tribunal of inquiry get on with its work.

The central issue is whether there was or was not a concerted smear campaign by senior gardaí against Sergeant Maurice McCabe. That is the question which needs to be answered and it is the question I hope the tribunal of inquiry will be able to deal with in everybody’s interest.

Deputy Paul Murphy: Will the Taoiseach agree that what has happened here is utterly chilling, namely, a criminal conspiracy led by the hierarchy of the Garda to destroy the lives of gardaí who pose difficulties for them? If they felt able to do that against gardaí, what else are they willing to do to those who they consider to pose a threat to them? Does the Taoiseach agree that it is a fundamental threat to any notion of democratic rights when those at the top of a police force feel able to do that? Will he agree that it is not a question of one or two bad apples but that, in the context of the Garda, the barrel is evidently rotten at the top? We need a police force that is democratically controlled and accountable to the communities its members are supposed to serve.

I suggest to the Taoiseach that the reason he has made the *mea culpa* is not because he re-remembered what happened but because he got caught out by the contradiction between what he said and what was said by the Minister, Deputy Zappone-----

Deputies: Hear, hear.

Deputy Paul Murphy: -----just as either the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, or Deputy O’Callaghan were caught out. Facts are stubborn things. They cannot exist in two different states at the same time.

Do I take it from the Taoiseach’s response that he does not agree to Maurice McCabe’s request that the six questions that have been posed be answered in advance of, or at least parallel to, any tribunal of inquiry? They are simple questions and the Government has the power to ask them of the relevant authorities and get the answers. For example, who contacted the counsellor or who was contacted by that counsellor such that this matter ended up in the domain of being put back on the Tusla file? Where did that come from? The answer will clearly establish

a train of events in terms of where this comes from? Does the Taoiseach agree that the questions should be answered?

The Taoiseach: Deputy Murphy is supporting, in principle, the setting up of a tribunal of inquiry and then prejudging its outcome before it starts. That is the Deputy's position. I have pointed out already that the Government has made serious adjustments to bring about greater trust, confidence and belief in the Garda, both in terms of the restructured Garda Síochána Ombudsman Commission, GSOC, which is a totally independent police authority, and an independent inspectorate to help create that trust and confidence that the public and gardaí themselves need in the force.

The questions posed will be answered in so far as they can but I would say to Deputy Murphy that there is clearly an interaction between the substance of a number of those questions and the tribunal of inquiry to be set up. In so far as the Department of Justice and Equality can answer from relevant information, that will be done. However, the fundamental issue is that a tribunal of inquiry must be balanced, fair to everybody, have terms of reference that include that and then be allowed to do its job. I hope that can be approved by the Dáil and by the Seanad this week so that this tribunal of investigation and inquiry can start its work at the earliest possible time.

Deputy Mick Wallace: The public inquiry should have a criminal investigation running in parallel to it and this should be pursued by police from outside the country. Many bad things have happened.

The Taoiseach said that everybody has the presumption of innocence. He has a short memory. For several years, according to the Fine Gael-Labour Government, Maurice McCabe was guilty until proven innocent. Nóirín O'Sullivan talked yesterday of a campaign of false accusations against her. Is she saying that Maurice McCabe was lying? Is she saying that David Taylor, Keith Harrison, Nick Keogh, Sinéad Killian, Eve Doherty, Donal O'Connell and others are all liars? If she genuinely did not know how whistleblowers were treated, she is not fit for the job because she did not know what was going on in the force.

In the context of the O'Higgins inquiry, she instructed her legal team to give false evidence until Maurice McCabe's tape turned that upside down. If she was innocent, why did she not sanction or discipline the two gardaí involved? It is a long time ago. How can the Taoiseach explain that when Nick Keogh reported Garda involvement in the heroin trade in Athlone he faced five internal investigations that same year but none before that. Why? Why was the superintendent whom Nick Keogh accused of bullying and harassing him put on the promotion list? In 2014, the Garda Commissioner appointed an assistant commissioner to look at Keith Harrison's complaint. The assistant commissioner leaked information back to the superintendent who was the subject of the complaint. On foot of a different complaint involving the very same superintendent that same assistant commissioner was asked to carry out an investigation. If all this was not bad enough, when GSOC, following its investigation into the second matter, asked for disciplinary proceedings to be taken by An Garda Síochána, whom did Nóirín appoint over it? One would never guess - the same assistant commissioner.

In early 2014, a journalist contacted David Taylor when he was press officer. The journalist told him he had been to the family of the girl at the centre of the sex allegations against Maurice McCabe. He told him he had a great story which would be really damaging for McCabe. Taylor texted Callinan and O'Sullivan and told them the good news. Callinan texted him back to

welcome it. Nóirín decided to ring him and have a good chat about it. This is the woman who said several weeks ago on “Today with Sean O’Rourke” that she had absolutely no knowledge and nor was she privy to any campaign to undermine any individual in An Garda Síochána. The press officer, David Taylor, who was given back his job yesterday, stated everybody in headquarters knew about the campaign against Maurice McCabe. Everybody, seemingly Taoiseach, except Nóirín. What does the Taoiseach think?

The Taoiseach: I thank Deputy Wallace. What he is doing is making his comments and he is also concluding the outcome of a tribunal of inquiry. What is the question being asked here? Was there a deliberate smearing campaign by senior gardaí against Sergeant McCabe or was there not? We can talk all we like about it in here, but it will not answer that fundamental question. Judge O’Neill was unable to determine what that truth was and he examined both of those protected disclosures in great depth and got a six-week extension to do his work. He concluded at the end of it all that he was not in a position to determine what the truth was, so he said to the Minister and the Government they had to hold a commission of investigation and gave them the terms of reference. The Government followed that faithfully, but clearly the judge appointed was also happy that the terms of reference covered agencies that might or might not be involved. The position is the Government has agreed in principle to set up the tribunal of inquiry. The question of the terms of reference, its structure, its range and all these are issues to be decided now, and I hope this matter can be accepted and approved by Dáil Éireann and Seanad Éireann this week and that the person to be appointed, whoever that might be, will be able to get on with his or her work and start the process of effectively finding out the answer to the central question on whether there was or was not a concerted effort of smearing Sergeant McCabe from the highest echelons of Garda Síochána na hÉireann.

Deputy Mick Wallace: Everyone says the Garda Commissioner is innocent until proven guilty. That is grand. We are not saying lock her up and throw away the key, but for God’s sake take her out of the police job because she is not fit for it. I am not throwing notions plucked out of the sky at the Taoiseach. I am throwing information and facts at him. In 2008, when Maurice McCabe first raised issues of wrongdoing in An Garda Síochána and systemic problems in how the force worked, he was trying to change the culture in An Garda Síochána. Here we are in 2017 and, sadly, the culture has not changed.

The Government did not change anything. It brought in a few changes in legislation but these were not nearly enough. It changed the Commissioner but appointed one who was at the shoulder of the other one when he called whistleblowers “disgusting”. Since then she has hounded and harassed whistleblowers. It is not as if the Tánaiste was not told about this. The Government knows it is going on but it has decided to turn a blind eye. It did not want to know what is happening because it did not suit. If the Taoiseach has any interest in how we do policing in Ireland he should change it now by getting rid of the Commissioner. He should get rid of all the hierarchy too as several assistant commissioners are due for retirement. He should do as the Patten report recommended in Northern Ireland and start afresh. Let us find someone from outside the country or a civilian and get a new hierarchy from the lower members of the force who were not able to get promotion because they were clean. Let us make a fresh start before the Taoiseach retires and let us do something for policing. There was a time when Fine Gael was seen as the party of law and order but this Government has rubbished that.

The Taoiseach: I disagree fundamentally with the view of the Deputy from Wexford on this case. He said we should look outside but this was the first competition held internationally for a Garda Commissioner. The Commissioner is the first person to come through an indepen-

dent competition trawled internationally for that purpose. The Deputy said we should change history. He might think he is in a position to fire everybody but this Government introduced a totally independent policing authority, the first since the foundation of the State.

Deputy Mick Wallace: Where has it been in the past two weeks?

The Taoiseach: Its function is to make senior appointments to An Garda Síochána and that is what it will do. It takes time to change perception and culture.

Deputy Mick Wallace: The authority has no power over the Commissioner.

The Taoiseach: Everybody understands the way some gardaí were perceived over the years. This is why Ms Justice Mary Ellen Ring is changing the structure of GSOC to ensure people have trust and confidence in the organisation and that if they want to make complaints those complaints will be examined confidentially and be subjected to a full and thorough analysis of their value or otherwise. This Government, like the previous one, is changing the nature and the perception of the structure of the Garda, which is necessary. The Deputy can talk about it but there is now an independent police authority and a changed structure, with confidentiality in the way complaints are made and in the way business is done, all under an eminent judge. We are doing all of that to protect whistleblowers and we are having a tribunal on the central issue, namely, the alleged smearing of Sergeant McCabe on the basis of erroneous sexual allegations. The Deputy should support the holding of a tribunal of inquiry, which should be drafted in a way that is fair to everybody so that justice and truth will be the outcome.

An Ceann Comhairle: That concludes a much extended Leaders' Questions.

Order of Business

An Ceann Comhairle: I call Deputy Eamon Ryan to announce the Order of Business for the week and to make proposals regarding the arrangements for the taking of that business.

Deputy Eamon Ryan: This refers to business agreed last Thursday. The Business Committee will convene again at 4 p.m. today.

Today's business shall be No. 9, motion re Parliamentary Questions rota change, without debate; No. 10, motion re report of services by the Defence Forces with the United Nations in 2015, referral to committee, without debate; No. 16, National Famine Commemoration Day Bill 2017 - Second Stage; and No. 17, Disability (Miscellaneous Provisions) Bill 2016 - Second Stage resumed. Private Members' Business shall be No. 90, motion re North-South interconnector, selected by Fianna Fáil.

Wednesday's business shall be No. 18, statements on the recent US executive order on immigration; No. 19, Communications Regulation (Postal Services) (Amendment) Bill 2016 - Order for Report, Report and Final Stages; No. 1, Knowledge Development Box (Certification of Inventions) Bill 2016 [*Seanad*] - Second Stage; and No. 17, Disability (Miscellaneous Provisions) Bill 2016 - Second Stage resumed. Private Members' Business shall be No. 91, motion re no confidence in the Government selected by Sinn Féin.

Thursday's business shall be motion re proposed approval by Dáil Éireann of draft Commission of Investigation (Certain matters relating to two disclosures made by members of An

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Garda Síochána under the Protected Disclosures Act 2014) Order 2017; No. 1, Knowledge Development Box (Certification of Inventions) Bill 2016 [*Seanad*] - Second Stage; No. 17, Disability (Miscellaneous Provisions) Bill 2016 - Second Stage, resumed; and No. 11, report on the Rising Costs of Motor Insurance and the Cost of Insurance Working Group - Report on the Cost of Motor Insurance, January 2017, will be debated in the evening slot.

The proposed arrangements for this week's business are as follows. In relation to today's business, there are two proposals. It is proposed that:

(1) motion re Parliamentary Question rota change and motion re report of services by the Defence Forces with the United Nations in 2015, referral to committee, shall be taken without debate; and

(2) National Famine Commemoration Day Bill 2017 will conclude within 90 minutes; that the speeches confined to a Government proposer and the main spokespersons for parties or groups, or a Member nominated in their stead shall be ten minutes each; that there shall be a ten-minute response from the Government proposer; and that all Members may share time.

In relation to Wednesday's business, it is proposed that the Dáil shall sit at 9.30 a.m. for statements on the recent US Executive Order on Immigration, which shall be brought to a conclusion after two hours and 30 minutes; the statement of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead shall be 15 minutes each; a second round of 30 minutes in total for members of the Government, Fianna Fáil and Sinn Féin to be divided proportionally on a 40-40-20 basis, respectively; all Members may share time and if the item concludes before 12 noon, the House shall suspend until 12 noon and Leaders' Questions shall commence at 12 noon.

In relation to Thursday's business, there are two proposals. It is proposed that:

(1) motion re proposed approval by Dáil Éireann of draft Commission of Investigation (Certain matters relating to two disclosures made by members of An Garda Síochána under the Protected Disclosures Act 2014) Order 2017 shall be brought to a conclusion after 85 minutes; the speech of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead be ten minutes each with a five-minute response from a Minister or Minister of State and any division demanded thereon shall be taken immediately; and

(2) report on the Rising Costs of Motor Insurance - Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, shall be debated with the Cost of Insurance Working Group - Report on the Cost of Motor Insurance, January 2017 - Department of Finance.

An Ceann Comhairle: There are three proposals to put to the House today. Is the first proposal, for dealing with today's business, agreed to?

Deputy Richard Boyd Barrett: Not agreed. No way.

Deputy Micheál Martin: I understand that the Business Committee is due to meet at 4 o'clock. The entire nation has been convulsed by an issue of major public concern. During Leaders' Questions I asked the Taoiseach if he would confirm that Ministers would come before the House to answer questions about their stewardship on this issue and be accountable to the

House on the specifics of this issue. I think that should happen. The most important thing the Oireachtas can do to respond to this issue is to try to get to the truth. I understand that people will agree to a tribunal inquiry. Motions of confidence would not get that this week, but we can agree to a tribunal of inquiry. However, that does not mean that Ministers cannot come before the House to answer questions. To be fair, the McCabes issued a statement last evening with six straight questions in it. Answers to those questions do not require a tribunal of inquiry. It is no basis for people to run to the hills and seek protection and cover over very basic things that can be explained and on which Ministers can answer questions.

There was a time in this House when Private Notice Questions were *de rigueur* and the norm in situations like this, involving matters of great public concern. In recent years, including the last Dáil, that was not so much the case. I put it to the Taoiseach that, given the enormity of this issue, Ministers should come before the House. The Dáil is relevant in responding to it and acts in the public interest in endeavouring to get answers to the one major issue that has convulsed the nation over the last week or so. Our overriding consideration should be to get answers not just for the McCabe family but also for the administration of justice and the administration of Tusla. Apart from all the other issues, how Tusla dealt with this is shocking when one reads the file. It beggars belief that any State agency could allow something like this to happen. There is a lack of checks and balances. With all of what the Taoiseach said about reforms and modernisation, this is as basic as it gets. It is quite shocking how poor it is.

An Ceann Comhairle: We cannot have the debate now. The Deputy has made the point.

Deputy Micheál Martin: On Tusla and the HSE, there are questions that need to be answered and which can be answered by Ministers. There is nothing to worry about in coming before the Dáil. It could enlighten debate, give more coherence to the arguments and take away a lot of the hype that surrounds this.

Deputy Richard Boyd Barrett: The Order of Business is completely unacceptable. While the issue of the smear campaign against Maurice McCabe can be dealt with by a public commission of investigation, that is not the only issue at stake here. There are questions which need to be answered in terms of the Taoiseach's management and the management by Ministers of the Government. At the very least, the Tánaiste, the Taoiseach and the Minister for Children and Youth Affairs, Deputy Katherine Zappone, must come before the House to make statements clarifying direct contradictions in accounts about who knew about the Tusla reports, when they knew, what they decided to do or not do about those things or whether to include them in terms of reference. All of those things need to be addressed by the Taoiseach. The Government must address why it refuses to suspend the Commissioner or to ask her to step aside, without prejudice, pending the outcome of an investigation when that is normal practice for somebody against whom such allegations are made.

There was supposed to be a Business Committee meeting at 1 p.m. which was requested by a number of parties. The Government collapsed that meeting to discuss this issue. On the insistence of ourselves and others, a meeting took place at 1.30 p.m. but the Government came in and no discussions happened. It came in to say the meeting had been put off until 4 p.m. It is unacceptable to have any delay for people to concoct new stories. We want direct, factual accounts and statements from the various people.

Fianna Fáil did not speak up against the move to delay that Business Committee discussion. We need an answer about statements today, not tomorrow or Thursday, from the relevant

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Ministers and, for that matter, from those who have made statements on this on the Opposition benches so that the public gets truth and clarity.

An Ceann Comhairle: For the record, the Government did not collapse the Business Committee meeting. The Government made no proposal in respect of the Business Committee meeting. I did because the Government Chief Whip was not available as she was attending a Cabinet meeting. I felt, therefore, that the meeting, in order to be fruitful, needed to have all the players present.

Deputy Micheál Martin: Which was reasonable.

Deputy Jim Daly: Now, Richard.

Deputy Richard Boyd Barrett: We still need a debate

Deputy Brendan Howlin: The public would find it bizarre in light of the events of the last number of days if we voted through the Order of Business agreed last Thursday at the Business Committee. In advance of any discussion of the terms of reference of, as now seems to be the consensus, a tribunal of inquiry, the issues put on the table by the McCabe family in the six questions should be addressed by the relevant Ministers in so far as they can be addressed. Most of us have tabled Private Notice Questions but it would probably be better if the Taoiseach, Tánaiste and the Minister for Children and Youth Affairs would make short statements on the unfortunate but clear contradictions in their individual statements over the last number of days. If there is an explanation, let us hear it and move on then on the basis of clear knowledge. It cannot be the case that contradictory statements are left standing.

Last week, the terms of reference of a commission of inquiry into these very important issues were not discussed in advance with the Opposition parties. Certainly, they were not discussed with my party.

In fairness to the Tánaiste, she did accept the proposition of taking amendments during the course of the debate and we deferred that.

In respect of what will be a much more extensive body of work of a tribunal of inquiry - I understand that the Fianna Fáil Party has already submitted draft terms of reference - in advance of publishing any terms of reference, I ask that there be proper discussion among the parties here. We are all anxious to avoid a multi-annual inquiry. We need to ensure that terms are comprehensive and where there are interacting issues that need to be dealt with together or in tandem before we can get an accurate picture of the truth that these things would be done.

We are all working from the basis of knowledge we have on ensuring that the terms of reference are comprehensive. I ask that the Taoiseach cause a meeting to take place where we could have a proper and full discussion on these matters.

Deputy Gerry Adams: If the Taoiseach gave one fig about being accountable to the Dáil, it should not have taken Members of the Opposition to rise here and ask for a special debate on these matters for things to happen. There are totally contradictory statements from him, other Ministers and Government representatives on all of the pertinent points that passed us last week. We also have the six questions from Maurice and Lorraine McCabe.

I am still waiting for an answer to the question I put to the Taoiseach a number of times

today. The Taoiseach has agreed, in principle, to a public inquiry, but we need to get sight of the draft terms of reference. Last week, the Minister for Justice and Equality failed to meet the Sinn Féin justice spokesperson, Deputy Jonathan O'Brien, despite him asking, on a number of occasions, to meet her. There is an e-mail on that if the Taoiseach is looking for a paper trail.

Will the Taoiseach meet with all of the leaders to thrash out the terms of reference? Will he give a very clear commitment now that he will not proceed unless Maurice McCabe is satisfied with the terms of reference that are going forward?

Deputy Mattie McGrath: I want to concur with what was said at the meeting. We could not make a decision because the Cabinet meeting had not finished. I suggested that we postpone until 4 p.m. This matter is extremely serious, as we all know. The last thing I want to see is another tribunal that drags on, makes fat cats fatter and gets us nowhere. All of the groups here should be represented at an all-party group to try to formulate terms and conditions. The Taoiseach, Tánaiste and the Minister, Deputy Zappone, should come in here and make brief statements, and then take questions and answers from people across the floor. That is very necessary.

Deputy Eamon Ryan: I do not think anyone I met at the Business Committee meeting at 1.30 p.m. thought that we were actually going to follow the Order of Business I had the great pleasure of reading out at length. We agreed that we would have to come back at 4 p.m., re-order the business and start the process again. We should be seeking to prioritise statements from Ministers who, as best they can, should provide answers to the six questions raised by Sergeant McCabe. We should also prioritise in any work we do or debates we have the setting of the terms of reference, the means of bringing in outside expertise, ensuring that we cover every base and getting this absolutely right. We should concentrate on that rather than political motions when we meet in an hour's time to set the Order of Business. Everyone agreed at the earlier meeting that was what we would do at 4 p.m. No one believed that this order would survive the full length of the day.

Deputy Róisín Shortall: It is important to remind the Taoiseach that he is part of a minority Government and that this is not a matter that can be sorted out behind closed doors between himself and the leader of Fianna Fáil. This is a matter that should be dealt with and agreed by the Business Committee. Apart from a general consensus in respect of the need for a full public inquiry, there are a number of aspects to the proposed inquiry which need to be agreed. In addition, we need short-term responses in respect of the conflicting statements made by Ministers in recent days. There is a demand for replies to questions from the McCabes. There is also the not insignificant issue of the serious shortcomings that have now been exposed in Tusla and the need for reassurance that our child protection services are fit for purpose now and not at some point at the end of a lengthy period of inquiry. Finally and not least, there is the need to discuss and agree the most appropriate action to be taken by the current Garda Commissioner and also her position. This needs to be agreed in detail on a cross-party basis and is not something that can be readied up between the two main parties. This needs to be dealt with at the Business Committee as soon as possible.

An Ceann Comhairle: I call the Minister of State at the Department of the Taoiseach, Deputy Regina Doherty.

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): First, I apologise for the fact that I was not at the meeting at 1.30 p.m. It certainly was not deliberate. I

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was, as the Ceann Comhairle stated, at Cabinet and there was no intention to collapse anything. Notwithstanding what others have stated, I wish to make a suggestion. Can we agree the Order of Business until 5.17 p.m. today? The House could carry on until we have our meeting at 4 p.m. when we can agree what we want to do from Topical Issues thereafter. I know I may have changes to make to the Order of Business for tomorrow and Thursday arising from the potential establishment of a tribunal. It would mean that we would not go dark. We could carry on with questions to the Taoiseach and perhaps questions to the Minister for Children and Youth Affairs, Deputy Zappone, until we decide what we are doing.

Deputy Richard Boyd Barrett: A Cheann Comhairle-----

An Ceann Comhairle: Hold on now. Does the Taoiseach wish to comment?

The Taoiseach: I agree with Deputy Shortall. It is clear that there are shortcomings in Tusla. The Minister, Deputy Zappone, has pointed out that there will be a root and branch analysis of the way it does its business-----

Deputy Mattie McGrath: It is out of control.

The Taoiseach: -----which will have to be directed by HIQA and the Minister for Health. That is an important point. When a case comes to light, it has to be dealt with expeditiously and with a sense of accountability and responsibility. Issues such as this cannot be left lying around indefinitely without being dealt with in terms of what they mean for people. Deputy Boyd Barrett made the point that this could be dealt with by a commission of investigation.

Deputy Richard Boyd Barrett: Tribunal.

Deputy Brendan Howlin: He misspoke.

The Taoiseach: My understanding is that the McCabe family will not participate in a commission of investigation, which is why Government decided that there should be a tribunal of inquiry. I would like to think that we could get this set up this week. Believe me, it will not be an issue of drafting terms of reference behind closed doors. People will have plenty of opportunity to say what they think should be in those terms of reference. This is a major decision but it needs to be got right in the interests of a comprehensive response.

Deputy Adams made the point about the questions. They are interconnected to the tribunal of inquiry. There are certainly elements to those questions that I read that I think can and will be answered. However, when he makes the point about the tribunal of inquiry, I want to make it very clear to Deputy Adams that one cannot show favouritism to any person in the drafting of the terms of reference.

Deputy Gerry Adams: I am not asking the Taoiseach to do that. What are you telling me that for?

The Taoiseach: If one does, one runs the distinct danger of-----

Deputy Gerry Adams: Answer the question I asked.

Deputy Frances Fitzgerald: One will scupper it.

Deputy Gerry Adams: The Taoiseach is rabbiting on with complete nonsense.

The Taoiseach: Deputy Adams mentioned the point about the tribunal of inquiry. One cannot show any bias or favouritism towards anyone in setting it up because if one does so, one will scupper the tribunal of inquiry itself.

Deputy Mary Lou McDonald: I do not think that it would unduly influence a judge. What does that suggest? Nonsense.

The Taoiseach: One has to be very careful in the drafting of the terms of reference. The meetings, the phone calls and the connections that are made here-----

Deputy Mary Lou McDonald: When was the Taoiseach briefed-----

An Ceann Comhairle: Deputy, please.

The Taoiseach: Once this is under way, it must be absolutely without favouritism or bias-----

Deputy Ruth Coppinger: We get the point.

The Taoiseach: -----or indeed too much connection with any one party or the other. That is what the tribunal of inquiry legislation means. In the context of drafting terms of reference, the Department of Justice and Equality and the Tánaiste will consult as widely as possible, but we need to get this under way this week. I would like to think that today and tomorrow people will look at what they would consider appropriate terms of reference, be it by the Business Committee or whatever-----

Deputy Micheál Martin: It is not for the Business Committee, it is for the spokespeople.

The Taoiseach: -----but that it would be conducted under the aegis of the Department of Justice and Equality, which will have to set this up, and that Members will have their views-----

Deputy Micheál Martin: It is not a Business Committee issue.

Deputy Frances Fitzgerald: The spokespeople.

The Taoiseach: The spokespeople would probably be best in terms of drafting the terms of reference.

Deputy Brendan Howlin: Justice spokespeople.

The Taoiseach: The justice spokespersons. Deputy Howlin agrees. I would like to think that this could be set up this week, that it would go to the Dáil and Seanad for approval and we could let the tribunal of inquiry commence and do its business.

Deputy Ruth Coppinger: The Taoiseach did not answer the question on the need for him and his Ministers to make statements.

An Ceann Comhairle: Deputy Boyd Barrett wishes to make a point of clarification.

Deputy Richard Boyd Barrett: The time proposed for the meeting of the Business Committee is only acceptable if the Taoiseach indicates that the Government, at the committee, will be agreeable to have the relevant Ministers make statements and take questions. A debate must then follow and this must happen today. Otherwise, we will not agree to shunt the issue off to a meeting of the Business Committee which will then bury it until the Taoiseach decides he wants

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it discussed. We need an indication now that the Taoiseach is agreeable to having statements from the relevant Ministers and a debate today.

Deputy Pearse Doherty: On a point of order-----

An Ceann Comhairle: Deputy Pearse Doherty may not raise a point of order.

Deputy Pearse Doherty: Why not?

An Ceann Comhairle: Only leaders may speak on these matters and Deputy Adams is the Sinn Féin leader.

Deputy Gerry Adams: As I said, if the Taoiseach gave a fig about accountability, we would not have to tear this out of him. He needs to say “Yes”, that he will facilitate the type of debate we have asked for and that he will do so today. He should stand up and say that.

The Taoiseach: The Chief Whip made a valid suggestion to have a meeting at 4 p.m. to decide what to do. Deputies can shout and all the rest of it but that will not solve anything. The important point is that we have agreement from everybody that there should be a tribunal of inquiry. Can we not move ahead now to put in place a structure and terms of reference to allow it to happen?

Deputy Richard Boyd Barrett: The question was about statements from Ministers.

Deputy Micheál Martin: In response to the Chief Whip’s proposal, there is a basic logic in proceeding with Questions to An Taoiseach and Topical Issues. It would be perverse not to do so and we should deal with those matters. The Business Committee, which orders the House, must meet. The emphasis should be on questions. The Ministers should come to the House and answer questions about this issue. I take Sinn Féin’s point with a grain of salt because it wanted a motion of confidence and did not want any questions about any inquiry this week. If its motion had passed, it would have meant we would not have an inquiry or questions this week.

Deputy Gerry Adams: We still want to have a motion of confidence.

Deputy Aengus Ó Snodaigh: We have no confidence in Deputy Micheál Martin.

Deputy Micheál Martin: We all want answers.

Deputy Richard Boyd Barrett: We first want an answer to our question on statements.

Deputy Micheál Martin: That is what I want. The Government will attend the Business Committee meeting at 4 p.m. and that will have to happen.

Deputy Richard Boyd Barrett: We need the Taoiseach to answer the question.

Deputy Micheál Martin: We should continue until 5 p.m.

Deputy Mattie McGrath: On behalf of the Rural Independent Group, I agree with the proposal to proceed with Questions to An Taoiseach and Topical Issues. We will have a meeting at 4 p.m., after which we will come back with the new order. If the so-called tribunal of inquiry is set up, when will it end? It cannot go on for ever.

Deputy Brendan Howlin: Nobody will object to the Business Committee meeting at 4 p.m. However, as the Taoiseach is present, I ask him to indicate that he and the two relevant Minis-

ters will make themselves available to make statements and take questions later today. This is a simple solution which would, I believe, satisfy the House.

Deputy Gerry Adams: It is a wink and nod.

The Taoiseach: We could agree to that.

An Ceann Comhairle: “Yes” is the answer.

Deputy Richard Boyd Barrett: We did not hear the Taoiseach’s answer.

The Taoiseach: On having short statements and a number of questions, if the Business Committee makes that recommendation, I will be very happy to go along with it.

An Ceann Comhairle: We have four minutes remaining for questions on promised legislation.

Deputy Micheál Martin: Prior to Christmas, there was significant concern and debate on the Public Health (Alcohol) Bill. Following disagreements in the Seanad and Fine Gael Parliamentary Party, the Bill was essentially withdrawn. Will the Taoiseach indicate when it will be brought back for discussion, debate and passage through the House?

The Taoiseach: The Minister of State at the Department of Health, Deputy Corcoran Kennedy, is dealing with the Bill. I believe she intends to reintroduce it in the House quickly. It was in the Seanad and I will have to confirm to the Deputy whether she wants to continue with it from the point it reached there. The Minister of State did a considerable amount of work on it over the Christmas period and I believe it is her intention to move on with it very quickly. I will confirm that for the Deputy later.

Deputy Gerry Adams: I raise again with the Taoiseach the very grave threat that Brexit poses to the Good Friday Agreement. Last week, in a debate in the British Parliament on the Brexit Bill, the British Government, the Conservative Party, the Democratic Unionist Party, the Ulster Unionist Party and the United Kingdom Independence Party all voted down an amendment which would have blocked any changes to the Good Friday Agreement. This is clearly in breach of the assurances given by Prime Minister Theresa May to the Taoiseach. I understand that the Minister for Foreign Affairs and Trade will today meet the Secretary of State, James Brokenshire, who voted against protecting the Good Friday Agreement. I ask the Taoiseach to have his Minister tell the British representative that this is totally unacceptable to the Government. The Taoiseach should also revise his narrative on this issue and start fully and wholeheartedly protecting the integrity of the Agreement.

The Taoiseach: I note the vote in the House of Commons and that the Minister for Foreign Affairs and Trade, Deputy Flanagan, is meeting the Secretary of State, James Brokenshire. I assure Deputy Adams that I made it perfectly clear to the British Prime Minister when I spoke to her originally and more recently in Dublin that the Good Friday Agreement is absolutely central and sacrosanct, as are the votes of the people, North and South. This issue will be a clear priority for us in all of this. We want to see the Good Friday Agreement continue and its successor agreements implemented in full. This is an issue on which we will negotiate hard from a European perspective to see that it continues as a central issue in the negotiations when they commence.

Deputy Brendan Howlin: Last week, I raised an issue that is causing real concern among

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many workers and employers, namely, the threat posed to defined pension schemes. As I indicated, three Private Members' Bills have been drafted by the Opposition, one each from Fianna Fáil, Sinn Féin and the Labour Party. It is my understanding that the spokespersons of the three parties will meet this week to discuss a consolidated Bill. If the Opposition reaches a consensus, will the Government consider embracing this important issue and encompassing it in the proposed Social Welfare and Pensions Bill which will be due in the coming weeks?

The Taoiseach: That is a matter to which consideration would certainly be given. If an agreed position is reached among the three Opposition spokespersons, the Minister for Social Protection will need to reflect on that. In the event that they do agree, I suggest they meet the Minister to explain the nature of what it is they wish to have included in the Social Welfare and Pensions Bill.

Deputy Gino Kenny: I propose to raise an issue I have raised many times in recent weeks and comment on the report of the Health Products Regulatory Authority, HPRA, published last Friday. The HPRA report is flawed and does not go nearly far enough. Will the Taoiseach indicate when the Bill we introduced on 1 December 2016 will come before the Select Committee on Health? It should be taken within 12 weeks.

On a serious related matter, Deputy Harty made comments over the weekend which prejudiced the Bill proposed by People Before Profit. The Deputy stated that the Bill is no longer needed. I have asked him for clarification but he has not provided it. His role as chairperson of the Joint Committee on Health is untenable. He has shown disrespect to me, my party comrades and the people in the Public Gallery on 1 December last. I ask him to comment. I also ask the Taoiseach to provide a precise date for the taking of the Bill in committee.

The Taoiseach: The Bill mentioned by the Deputy is being considered by the Minister for Health. As the Deputy is aware, it did go through Second Stage unopposed. As I said, it is now being considered by the Minister for Health and he will advise the Deputy of his reflections on the quality and extent of it.

Deputy Richard Boyd Barrett: Will it go to committee?

Ministerial Rota for Parliamentary Questions: Motion

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

That, notwithstanding anything in the Order of the Dáil of 6th May, 2016, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Tánaiste and Minister for Justice and Equality, shall be set down to Ministers in the following temporary sequence:

Minister for Social Protection

Minister for Foreign Affairs and Trade

Minister for Housing, Planning, Community and Local Government

Minister for Finance

Minister for Education and Skills

whereupon the sequence established by the Order of 6th May, 2016, shall continue with Questions to the Minister for Public Expenditure and Reform.

Question put and agreed to.

Defence Forces Service in United Nations in 2015 Report: Referral to Select Committee

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

That the proposal that Dáil Éireann approves the report by the Taoiseach and Minister for Defence, regarding service by the Defence Forces with the United Nations in 2015, copies of which were laid before Dáil Éireann on 9th September, 2016, in accordance with section 13 of the Defence (Amendment) Act 2006, be referred to the Select Committee on Foreign Affairs and Trade, and Defence, in accordance with Standing Order 84A(3)(b), which, not later than 28th February, 2017, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Ceisteanna - Questions

Programme for Government

1. **Deputy Joan Burton** asked the Taoiseach if there are understandings rather than agreements with any of the Independent Deputies. [4572/17]

2. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the agreements in place to support the Government and the role of his Department in overseeing them. [6037/17]

3. **Deputy Gerry Adams** asked the Taoiseach if he will report on the agreements in place with parties and Independents to support the Government. [7355/17]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

There are no understandings of the nature suggested by the Deputy with any particular Independent Deputy. A Programme for a Partnership Government sets out the agreement between the party groups and Deputies who are participating in or supporting the Government.

The parliamentary liaison unit, which is based in my Department, was set up to perform a liaison function to help ensure that Ministers and Departments are properly informed of their responsibilities and procedures in the Thirty-second Dáil.

Deputy Joan Burton: We read in the papers today in the context of today's discussions that Independent Deputies Michael Harty and Michael Lowry appear to have an understanding with the Government in the sense that they are considering supporting it in the context of Sinn Féin's motion of no confidence in the Government. In the context of the extraordinary Kafkaesque accusations which were made in respect of Sergeant Maurice McCabe via Tusla and those Deputies who as indicated in the media will perhaps be supporting the Government - Deputy Harty

says he makes up his mind on a case-by-case basis and Deputy Lowry says he has not decided which way he will vote but he is likely to back the Government - has the Taoiseach had any discussions with those Deputies or other Deputies from whom he may possibly gain support about Tusla and what, in effect, through their agency and offices has been done whether against the internal rules of the agency or against the law? Has the Taoiseach had any discussion with the Deputies mentioned or with anybody else because they are indicating that they propose to back the Government, presumably based on reason and context and the understanding as indicated by Deputy Lowry on a previous occasion unspecified he has with the Government?

The Taoiseach: No, I have not had any discussions with the Deputies Deputy Burton mentions are considering supporting the Government or with any other Deputies about the matter she raised.

Deputy Brendan Howlin: The Constitution is clear that the Cabinet acts as a collective in terms of responsibility for all Departments. It is reasonable to state that collective Cabinet responsibility has broken down in recent times in terms of Ministers flatly contradicting one another. I understand the Taoiseach had a meeting this morning with the leader of Fianna Fáil in advance of Cabinet. Are there regular meetings between the Taoiseach and the leader of Fianna Fáil in relation to the confidence and supply arrangements or how are the confidence and supply arrangements supported at leadership level between the Taoiseach and the leader of Fianna Fáil?

In regard to the question raised by my colleague, Deputy Burton, on the Government's maintained support of Deputy Lowry, the Chief Whip was reported as saying that she provided weekly briefings to him but information obtained under a freedom of information request indicated that there was no available material in that regard. Are weekly briefings provided to Deputy Lowry or any other Deputy outside of Government?

The Taoiseach: In regard to the Deputy's second question the answer is, not that I know of. It may well be that a Deputy may not read his or her notification of business and may contact the Whip's Office about the business of the House but as far as I understand it there are no individual briefings of the nature mentioned by Deputy Howlin. I have often said that in terms of party leadership there are occasions when it is necessary to talk to all of the party leaders. I have not met individually with Deputy Martin for some time.

Deputy Brendan Howlin: It is Valentine's Day.

Deputy Micheál Martin: It might have been better if the Taoiseach had done so.

The Taoiseach: This is a matter of particular importance. Deputy Martin had a meeting yesterday with Sergeant McCabe and he requested that we might meet this morning to discuss that and I was happy to oblige. If Deputy Howlin made a similar request, I would be happy to meet him, as leader of the Labour Party.

In regard to the confidence and supply agreement between Fine Gael and Fianna Fáil, that is a matter that is reviewed. If Deputy Martin or other Deputies on the far side wish to make a comment about an element of the confidence and supply agreement, which is published, then they do so. There are not regular meetings about it to the effect of whether we have addressed No. 5 or No. 6. Meetings between leaders take place as necessary. It has been a while since I had an individual meeting with Deputy Martin. The meeting today was in response to a particular request that I was happy to accede to.

Deputy Gerry Adams: As everybody knows, last week we had a series of contradictory statements from a number of Ministers, including in the Dáil Chamber. Contradictory accounts have been given by Ministers and by the Taoiseach in terms of his contradiction earlier of what the Minister for Children and Youth Affairs said.

It appears from what the Taoiseach said that the Fianna Fáil arrangement with the Government stands. As the Taoiseach said, he met this morning with Deputy Martin. Perhaps he would brief the Dáil on whether the Fianna Fáil leader committed his party's continued support for the Government and what commitments, if any, he gave in return for that support. Will he also brief the Dáil on what discussions or contacts the Government has had with any Deputy about the upcoming vote of no confidence in the Government?

The Taoiseach: The discussion this morning between Deputy Martin and I followed on from Deputy Martin's meeting with Sergeant McCabe in terms of his reflections on that meeting and the view of the McCabe family and on behalf of his own party. It was important to have those views made known and articulated. The Government has not been talking to other individual Deputies. I am aware that Sinn Féin has tabled a motion of no confidence in the Government and that it wants to collapse the system.

Deputy Gerry Adams: I want you to go, Taoiseach.

Deputy Darragh O'Brien: Many people want Deputy Adams to go.

The Taoiseach: As far as I am concerned this is far too serious a matter to be playing politics with. There is an issue that needs to be addressed and, as agreed today at Cabinet, a formal tribunal of inquiry to determine the truth will be established. We now need to work on the terms of reference for that inquiry.

Deputy Micheál Martin: I would like to confirm that it is okay for party leaders to seek a meeting with the Taoiseach and to meet him. I have heard Deputy Adams frequently request meetings with the Taoiseach over the last six or seven years, particularly when he had some campaign or other going on.

Deputy Gerry Adams: What is Deputy Martin's point?

Deputy Micheál Martin: My point is that there is nothing wrong with anybody meeting the Taoiseach.

Deputy Gerry Adams: Nobody is objecting to that.

Deputy Micheál Martin: What is important in the context of the question is that such meetings are transparent and are not secret. In terms of this morning's meeting, it was indicated prior to the meeting that a meeting was to be held and it was acknowledged following the meeting that a meeting had taken place. The purpose of that meeting was to convey the view of the McCabe family that a public tribunal of inquiry was necessary. My concern this week is not to play politics or play political games in terms of a vote of confidence just like Sinn Féin brought down the institutions in Northern Ireland at the very time when the North needed a coherent voice on Brexit.

Deputy Gerry Adams: It did not have it.

Deputy Micheál Martin: There was, actually. The parties were forming something to-

gether but Sinn Féin broke it up. It is extremely important right now in the Republic that, in response to the crisis, we have meetings to obtain answers on a core public issue that is convulsing the nation and that goes to the heart of the administration of justice. It is important that we meet and convey the views and emotion of the family at the heart of this. That is important and that manifests itself in a public policy which has now broken away from the idea of a commission of investigation, with all the perils a tribunal can involve.

Deputy Michael Lowry is very clear that he has an understanding with the Government. He says it puts him in a privileged position when it comes to having meetings with Ministers and influencing the allocation of funds to the constituency. I acknowledge the Taoiseach differs with him in that regard. Is the Taoiseach saying the Deputy is not telling the truth in this matter? Does the Deputy have an arrangement with the Taoiseach?

Could the Taoiseach indicate when Deputy “Boxer” Moran will be taking over from Deputy Seán Canney as Minister of State? When is the exchange, the toss-of-the-coin job as to who will be Minister of State for a year? When is the decision due?

The Taoiseach: Deputy Lowry plays the high ball. There is no favouritism shown here. People who have their ear to the ground might know that things are going to happen. I know there was a case recently which had been announced quite some time ago and which seemed as if it had fallen into the lap of Deputy Lowry but there is no agreement, formal or informal. Any Deputy is entitled to have access to Ministers; that is the way it is.

What was the second question about?

Deputy Micheál Martin: The swap-over. When will Deputy Moran assume high office?

The Taoiseach: That agreement is to be worked out among themselves. There is no specific date for it. I am sure they will come to a conclusion on it in the next period ahead.

Deputy Joan Burton: The Taoiseach’s Cabinet comprises a large number Fine Gael Ministers, Ministers from a number of Independent groupings and the Minister for Children and Youth Affairs, who is an Independent alone. Has the Cabinet reached an understanding yet with its constituent groupings and its Independents on the matters relating to the formation of the tribunal and, more important, as I said on the last occasion, relating to the grave wrong that was done, the Kafkaesque experience of Sergeant McCabe and his family regarding the complaint made against them via Tusla? Has the Cabinet reached any understanding or agreement in that regard?

The Taoiseach: Deputy Bruton is aware that Mr. Justice O’Neill considered two protected disclosures over a period of some time. He determined that he was unable to say what the truth was. As a consequence, he recommended that there be a commission of investigation and suggested terms of reference to cover all the relevant matters. Clearly, we have moved on from that because there is no point in having a commission of investigation if there will not be participation by one of the central elements, the McCabe family. Therefore, the Government reached agreement in principle this morning to have a public inquiry under the Tribunals of Inquiry (Evidence) Act 1921. The issue now is to draft the terms of reference for that inquiry and determine its structure, range and how it is to be set up. I hope that can be done today and tomorrow and that the matter can go through the House on Thursday, and also the Seanad, so the commission of inquiry can start its work.

Deputy Joan Burton: I asked whether the Cabinet had reached agreement in regard to the Tusla matter and what happened to Sergeant McCabe.

The Taoiseach: The indication is that Tusla will be included as part of the inquiry. The Minister is to organise a root-and-branch analysis by HIQA of Tusla and the way it does its work.

Urban Renewal Schemes

4. **Deputy Joan Burton** asked the Taoiseach his plans to provide an update on the Dublin north inner city task force; and the terms of reference, chair and timescale. [4574/17]

5. **Deputy Gerry Adams** asked the Taoiseach if he will report on the work of the north inner city ministerial task force, which he chairs. [5744/17]

6. **Deputy Micheál Martin** asked the Taoiseach if he will report on the task force on Dublin inner city. [5819/17]

7. **Deputy Brendan Howlin** asked the Taoiseach the status of the interim report from the Dublin north inner city task force. [6038/17]

8. **Deputy Seán Haughey** asked the Taoiseach when the Dublin city task force report will be published. [7133/17]

The Taoiseach: I propose to take Questions Nos. 4 to 8, inclusive, together.

Last July, the Government launched a major initiative for the Dublin north inner city with the establishment of a ministerial task force to oversee the long-term social and economic regeneration of the area. To support the work of the ministerial task force, Mr Kieran Mulvey was appointed to engage with the local community groups, representatives and other interests and to report back with specific recommendations. The terms of reference for this work were published in July and these include making recommendations on specific measures to support the long-term economic and social regeneration of the area, including in the areas of community safety and policing; early intervention programmes for children; education and training; employment opportunities; housing; improving the physical environment; tackling the impact of drugs; and community development, including family, youth and recreation activity. Part of the work involves reviewing and making recommendations on structures and procedures to ensure better co-ordination of statutory and non-statutory programmes in the area. A number of short-term measures were announced to help the community address some of the immediate challenges facing it, and these have been progressed by the responsible Departments and agencies.

Those Members close to the area will know that Mr. Kieran Mulvey has spent a lot of time in the area since he started his work last September. He has walked the area many times, visiting projects and residents, and he has engaged with the business community, local community and political representatives. Throughout this extensive period of consultation, he has formed his views on what is needed to regenerate the area and help the community of the north inner city. He briefed the ministerial task force in late December, setting out the main areas of recommendations. As promised, he met with members of the community on 1 February and set out the broad outline of the report, including the main areas of recommendations, providing time

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and space for the community to respond. I understand that was a very positive engagement and was well attended, with strong contributions covering a broad range of issues of importance to the community. Mr. Mulvey has finalised his report, which will be published later this week. I expect the Government to move quickly to respond to the report's recommendations and it will work with all the people involved to ensure a properly resourced implementation plan is put in place.

An Leas-Cheann Comhairle: There are five questions. I suggest that Members pose their questions and that the Taoiseach give a composite response. Is that agreed? Agreed.

Deputy Joan Burton: I understand Mr. Kieran Mulvey presented the interim report to members of the local community just very recently. I have been told by quite a number of people that while people very much welcome the fact that the report has been issued at all, they have serious concerns over the fact that no mention was made of the investment of money to implement the various proposals, some of which are very good. Can the Taoiseach give an undertaking to the House that these proposals will be fully funded? There were not even any costs in regard to most of them. We know there was about €1 million extra allocated last year and carried over into this year for much-needed sports facilities, for instance. Can the Taoiseach state what will happen to the many iconic buildings in the area, particularly the old Rutland Street school, which is now standing empty for a long time? There seemed to be a difficulty with the task force accepting that historic buildings with a very prominent history in community life may not be restored. Will the Taoiseach commit to addressing these issues?

The other issue is that Mr. Kieran Mulvey suggested very strongly - I support his suggestion - that the employers in the IFSC should become responsible for providing employment opportunities, training and education to local people. Despite agreement on this, there is no mechanism in the report by which to follow it up.

Deputy Gerry Adams: The Taoiseach will recall that the task force was set up after a spate of shootings in the north inner city but, of course, the social and other difficulties facing people in the area date back decades. We welcome the setting up of the task force and Mr. Kieran Mulvey's recommendation of initiatives and interventions needed immediately in the north inner city. The Taoiseach will recall that in July 2016, he met the community representatives and stakeholders. I understand he made a commitment on the refurbishment of Rutland Street school. Apparently, that is not now being delivered on. The Taoiseach also made a commitment that this would be a community-led initiative. The community came together and developed a substantive submission that was presented to Mr. Mulvey. The community was under the impression, or at least believed, that it would have access to this report, but it has not had that. Community members have been told that it was with the task force or was going to the Cabinet. There is a rumour going around - maybe it is a false one - that the Minister for Public Expenditure and Reform, Deputy Donohoe, met the business community about the Mulvey report, but did not meet the community group that made the substantive submission. Will the Taoiseach provide some clarity on this matter?

I am familiar with the inner city area. It is a community that has been let down by politicians and the elites for a long time.

Deputy Darragh O'Brien: By criminals and thugs.

Deputy Gerry Adams: There is generational poverty, neglect-----

Deputy Brendan Howlin: Criminal activity.

Deputy Gerry Adams: -----and so on. When will the Mulvey report be given to the community, will there be a period of consultation and will there be a timelined and funded implementation plan?

Deputy Micheál Martin: I have a question, but I thought that was classic from Deputy Adams, to make the allegation - "There is a rumour going around" about the Minister, Deputy Donohoe - and then ask the Taoiseach to clarify.

Deputy Darragh O'Brien: Yes.

Deputy Gerry Adams: I did not.

Deputy Darragh O'Brien: Deputy Adams did.

Deputy Micheál Martin: Many people are concerned and anxious that this initiative is more about giving the appearance of doing something than being a step change in engagement with the local community. To a certain extent, we have seen evidence of planned-for spending being repackaged and the main reports have been delayed.

I wish to address two aspects. First, the one consistent demand from the community has been for the development of a new community facility in the old Rutland Street school buildings. It is an historic location and its development would be symbolic of faith in the long-term spirit of the community, yet Dublin City Council has announced that the likely cost is too high. Will the Taoiseach agree to step in and ensure that the project can go ahead?

Second, many areas need systematic planning and support. It should not require high-profile murders before the State pays attention. In 2011, the Taoiseach abolished the role of the Minister of State for local development and the Government got rid of the many area-based schemes targeted at the most disadvantaged communities. The schemes had an excellent record and delivered substantial improvements. When I met the local community, the constant criticism was that many of the community supports that it had enjoyed for more than a decade had been whittled away in recent years. That was a mistake and the community suffered as a result. In particular, the RAPID programme has been undermined. There was much behind it. It was a yardstick by which Government investment was allocated. It should be properly restored nationally.

Will the Taoiseach assure the House that none of the funding for the inner city allocations will come from reducing allocations to other areas of the city?

Deputy Brendan Howlin: Although the catalyst for this process, which had cross-party support in the House, was probably the spate of gangland killings that blighted and gave a negative view of this remarkable area, given the day that is in it and in the teeth of the controversy about An Garda Síochána, it is an appropriate moment to say that the Garda has done terrific work on this issue. This is coming directly from the community. We should say it on the day that Garda morale has been impacted by other developments. There are exemplary gardaí doing work on the ground.

I am interested in asking the Taoiseach about the implementation of the plan. He stated that it would be published at the end of the week. What will the Government do with it then? What is the implementation strategy? When we discussed this at the beginning, the idea was that we

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would have all-party buy-in and a commitment to fixed resources over time so that the plan would be an exemplar to be replicated in other socially disadvantaged areas. What is the Government going to do once the plan is published? What is the implementation procedure? Does it involve the House debating, deciding and committing ourselves over a number of Dáileanna to ensure that the proposals are implemented?

Deputy Seán Haughey: I understand that Mr. Mulvey updated the local community on 1 February and that it made 150 submissions. The community is anxious to get a response to those submissions, but my information is that the commitments given at that meeting were vague and uncosted, there was a rehearsing of old themes and no new real commitments were made. There was nothing tangible on housing, community facilities, the integration of new communities, youth services or supports for the elderly, all of the issues that need to be addressed, and there was a reliance on previous commitments. Most importantly, no commitment on additional funding in 2017 was given. If there are to be new projects and initiatives, new funding is needed. The Government must be conscious of this.

There has been a suggestion about renaming the north inner city. That is a matter for the local community, but I am unsure as to whether it is a good idea.

Deputy Joan Burton: “Seán O’Casey”.

Deputy Seán Haughey: The north inner city is an historic place, and the north inner city is just that, the north inner city. I will leave that up to the local community, but it is not a good idea.

The report will be published at the end of this week. The November 2016 deadline has already been missed, but I am glad that the report will be published.

I am long enough around here to know how these things work. There is a crisis, the Government has to be seen to be doing something, there is a media frenzy, a task force is set up, and once the media frenzy ends, the interest from and commitment by Government wanes. I hope that is not the case in this instance and that there is a serious programme of implementation. I appreciate the Taoiseach’s commitment to the project and I hope that he will be there to implement it.

The Taoiseach: The report will be published on Thursday. It is very comprehensive. The outline that was given by Mr. Mulvey to the community on 1 February was not for it to have all of the detail, but to reflect generally on the improvements that were being recommended. For instance, there is €5 million being spent there on smaller issues like the multi-use games pitch on Sheriff Street and the resurfacing of the existing pitches at the-----

Deputy Joan Burton: That is the road to-----

The Taoiseach: -----Sheriff youth club and the Larkin community college. These are works that have been going on since 2016 since we went down there before. As Deputy Burton is aware, there is quite a number of communities that have been receiving moneys of smaller amounts over the years. That work continues, of course.

The initial estimate for Rutland Street was €2 million. It is now-----

Deputy Joan Burton: How much?

The Taoiseach: €2 million. It is now at €12 million. It is a very substantial difference. Obviously, the Minister for Public Expenditure and Reform is looking to see how we can deal with this.

Deputy Joan Burton: The Taoiseach was defending the rise in the estimate of the children's hospital.

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

The Taoiseach: The projections for the project have grown from an initial estimate of under €2 million to over €12 million now. It is an important building. It is owned by DCC, which does not intend to dispose of it. We are working to see how best we can accommodate that and deal with it, but it is a substantial increase in the estimates, as the Deputy is aware.

Deputy Haughey mentioned the renaming of the area. It is a rebranding, as it were. Okay, the Deputy does not agree with it. It is to rebrand it without losing its identity and it is to be carried out by the community itself. It may wish to do this, it may not wish to do it.

Deputy Howlin is right in talking about the Garda superintendent involved there. He has done a superb job with his members, both in dealing with understanding who the people are - their names, their families, their involvement in the community - and also dealing, of course, with the more serious issue of crime and gangland crime. That is one of the reasons why the Fitzgibbon Street station is an iconic building just up the road from Croke Park. The intention is to re-open Fitzgibbon Street station as a really central Garda station within a stone's throw of half a dozen murders. There is some preparatory work to be done on that. The board of works has carried out its estimates and I expect that to move ahead shortly.

There is a whole list of smaller things that are important. Examples include the improvement works at the swimming pool, the public lighting upgrade, the painting of public lighting, signposts and all of these things to improve the general look of the area. This has been a central feature of what communities have said - broken footpaths, windows smashed, places that are overgrown and derelict - in terms of making an improvement in all of those things. I refer, for example, to the Mountjoy Square railings, the restoration and the improvements, the public domain improvements, including roads resurfacing and realignment, vacant sites, hoardings, the Sheriff Street recreation centre equipment upgrade and sporting facilities for many of the communities such as indoor pitches, all-weather pitches, boxing clubs and all of the various measures. It will all be published on Thursday. Deputy Martin inquired about how it will be implemented. The intention is that it will be done by Dublin City Council, DCC, and some of the groups themselves. The implementation plan will be followed faithfully. There is money involved and sizeable allocations will be made to improve the general lot of the area in the coming years.

Deputy Micheál Martin: Will it be additional to the existing allocation of the city council?

The Taoiseach: Additional moneys are being allocated but the funding will not all be additional because some moneys have been allocated to existing programmes. We will proceed with the development of Rutland Street school and Fitzgibbon Street Garda station, which are two major iconic buildings. There is involvement with the corporates from the IFSC and interest has been expressed by the National College of Ireland in working with disadvantaged children through its schools programme. Quite a deal of activity has taken place recently to give everybody an opportunity, from Grangegorman on one side to the National College of Ireland

on the other, flanked by the IFSC, together with the improvements throughout the area. The streets are quite wide in the area and they were well built initially but many of them have fallen into disrepair. That is all part of the general improvement of the environment and presentation of the locality. The schools are working very hard to bring about a situation where every child in the north inner city gets a real opportunity.

National Economic and Social Development Office

9. **Deputy Brendan Howlin** asked the Taoiseach his plans to transfer responsibility for the National Economic and Social Development Office Act 2006 from his Department to another Department of State; if the National Economic and Social Development Office (Amendment) Bill under preparation and referenced in the Government legislation programme proposes to effect such a transfer of responsibilities to another Department; if not, if his statutory responsibilities in relation to social partnership, as set out in that Act, will remain with him; if questions regarding social partnership are accordingly properly addressed to him; and his plans to further develop relations with the social partners in the context of his statutory responsibilities. [5690/17]

The Taoiseach: The National Economic and Social Development Office, NESDO, comes under the aegis of my Department and there are no plans to change this. The NESDO is the corporate body of the National Economic and Social Council. The function of the council is to analyse and report to the Taoiseach on strategic issues relating to the efficient development of the economy and the achievement of social justice and the development of a strategic framework for the conduct of relations and the negotiation of agreements between the Government and social partners. NESDO has offered a valuable combination of economic, social, environmental and institutional perspectives that are necessary for good policy making.

I last appointed the council in 2011 and the five-year term has expired. At the moment my Department is assessing the arrangements that will work best for a new council. As part of the considerations the Secretary General of my Department wrote to members of the outgoing council seeking views and suggestions on the future role and work programme of a council in advance of a plenary discussion held on 17 November last. The meeting provided the opportunity for the council to reflect on its work to date, and to discuss its views on the best arrangements for the council and its future work programme in a changing policy landscape. It is important that we have the best arrangements in place and I expect that these will be finalised shortly.

Deputy Brendan Howlin: From the Taoiseach's reply and one I received to a similar question previously I am not sure his heart is in this process. Perhaps it harkens back to a different time and while the idea of social partnership might be a loaded concept now but it is a relevant one and an important one still.

We have already reached a period of some considerable industrial disputes. Tesco workers are on strike today. In the public sector nurses and teachers are about to go on strike and in the semi-State sector there is the possibility of bus drivers going on strike, and there are others. In that context does the Taoiseach think we need to have some restoration of a mechanism for social dialogue? I refer in particular to the old employer-labour conference concept, which was a final appeal mechanism when intractable disputes could not be resolved and representatives of labour and employers could knock heads together, as it were. The mechanism has worked very

effectively in the past. When people run out of space sometimes one needs a third-party mechanism to enable intervention. In the context of what we are probably facing into in the coming months in both the public and private spheres we need to be alert to the need for mechanisms that can defuse disputes before they do serious damage to the well-being of our people and to our economic well-being.

The Taoiseach: Deputy Howlin has raised a very important point. He knows from his own experience the importance of being able to deal with issues in advance. Clearly there are concerns in respect of rail workers, bus workers, some teachers, nurses and staff in the medical profession other than nurses. The business of public pay in general is being considered by the Minister for Public Expenditure and Reform.

We have had a number of interventions both from unions and business to have discussions about the perspective that lies ahead. Without returning to social partnership, as was, or the employer-labour conference, we are putting in place a mechanism by which people can come and discuss forthcoming issues in a forum that is not a decision-making process but would give the Government a clear indication of their views so that issues do not become siloed. One can have a general discussion about the issues that affect people and the impact they will have on them. As Deputy Howlin is well aware, discussions are about to begin in respect of Brexit and the negotiations that will take place once Article 50 is moved. Unions and employers across a range of sectors have turned up at meetings on the issue around the country to give their views, both North and South. The second all-island forum is on Friday of this week in Dublin Castle. I suppose Deputy Howlin will attend it. That is the facility we have in place now and I hope it will continue to prove beneficial without going back to the old social partnership concept of the past.

Deputy Micheál Martin: There is a clear need to restructure various bodies that grew up along with the previous approach to social partnership. What is not clear is where in government leadership will come from in this area because we are seeing more and more examples of strife and conflict in the public service concerning both service provision and remuneration. The Government is making it up as it goes along, and that is taking a charitable view. Before Christmas there was the Garda dispute and the Labour Court intervention was a catalyst for bringing forward the Lansdowne Road pay agreement. There is the transport dispute with Bus Éireann. There is also the health dispute involving nurses and now general care staff are looking for concessions. That is a huge worry for people given the prospect of industrial action in hospitals.

In previous times there was a social partnership framework and since the crash it is a concept that dare not speak its name. When one talks to people either in the public service or elsewhere there seems to be a general lament and longing for some framework, forum or dialogue on a consistent and ongoing basis so as to have a greater vision and sense of a collective approach to the future of the country and society. It seems that the baby has been thrown out with the bathwater, so to speak, in terms of the concept of social partnership. I do not say we should go back to it, as it is clear there were errors and mistakes made in previous iterations of it, but given what Deputy Howlin raised in his question on the NESDO it seems there is relevance in terms of what structures we have nationally to facilitate the pursuit of common ideals between partners in society, namely, the trade union movement, farmers, the community and voluntary pillar and the Oireachtas. That absence is contributing to a vacuum which, in turn, is lending itself to periodic and episodic bouts of conflict and industrial disputes, one leapfrogging another and there is a real danger the situation will spin out of control in terms of the public service.

The Taoiseach might indicate what he intends to do in the coming weeks to try to prevent the escalation of industrial conflict.

The Taoiseach: There was a review of NESC and NESDO in 2012. The review concluded that NESC continued to provide an important forum for discussing social, economic and environmental issues on a multilateral basis across a number of sectors. A number of other fora exist for engagement such as the National Economic Dialogue, the new Labour
4 o'clock Employer Economic Forum, the Climate Change Advisory Council and the Social Inclusion Forum. NESC remains the only forum where national economic, social, environmental and institutional views can engage and interact. These other fora or opportunities are also important. In particular, I hope that the Labour Employer Economic Forum will prove to be somewhat beneficial for discussions of this nature.

The Minister for Public Expenditure and Reform has been very careful in his assessment of the range of services for public service for the time ahead in order to put in place a successor to the Lansdowne Road agreement. I regret that the ASTI executive was not in a position to recommend acceptance of the improved offer in respect of Lansdowne Road to teachers. The Garda dispute went before the Labour Court and that matter has been attended to. Clearly, there are issues about whether capacity to strike will be considered in terms of the legislation. These are important elements.

Deputy Gerry Adams: This all boils down to how we engage with the social partners. Our little discussion about the north inner city shows the merits of proper engagement with the community and voluntary sector based on equality. We have the same thing in terms of our farmers and rural communities. The Taoiseach has acknowledged the economic crisis presented by Brexit and the fact we are facing major strikes, one of which is in the health service. There is a strike at Tesco where the employer is trying to force a section of the workforce to accept a new contract which would give these workers inferior terms and conditions. There is a threatened strike at Bus Éireann. God knows what might present. We know these workers only take up this action because they feel they have no other options. The statutory responsibility for social partnership rests with the Taoiseach. How does he manage? How does he structure these relations with the social partners? The issue of demolishing NESDO goes back to 2013. To my knowledge, we do not even have a date for when these matters will be debated here. Could the Taoiseach tell us how he manages relationships with these sectors in a structural way and when the process of scrapping NESDO will be completed?

Deputy Brendan Howlin: The NESDO legislation is in draft form. It is on the legislative programme. Is it intended to transfer responsibility for answering questions on social partnership to another Minister or will the Taoiseach retain it?

The Taoiseach: The Deputy will recall that the Government decided in 2012 to dissolve NESDO and place NESC on a statutory footing. All Ministers engage in dialogue on these matters. Formal structures in place include the National Economic Dialogue, the Labour Employer Economic Forum, the Climate Change Advisory Council and the Social Inclusion Forum. The role of NESC needs to be assessed in light of these arrangements. In addition to these structures, we now have the national risk assessment process. We have just published the national risk assessment for 2016, which identifies the strategic risks in the economic, environmental, geopolitical, social and technological areas. The programme for Government also points to the need for longer term planning, specifically citing areas like housing, broadband, climate change, pensions and long-term funding models in higher education and health. The question

of pensions was raised earlier today. We need to find a way to bring all these elements together in a coherent fashion and to tap into the knowledge and expertise that is out there regardless of whether it lies with academic experience or other experience. I did not set a specific timeline for the completion of the assessment process. A great deal of work is being carried out by the Department and this work will, hopefully, come to a conclusion soon. I will return to the House in respect of this issue.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Bobby Aylward - the future of the regional veterinary laboratory in Kilkenny; (2) Deputy Sean Fleming - the stabbing of a person (details supplied) in Kilkenny city in 2012; (3) Deputy John Curran - the lack of dental services for children in Clondalkin; (4) Deputy Brendan Griffin - the need for a new primary school in Waterville, County Kerry; (5) Deputy Louise O'Reilly - capacity for new entrants starting primary schools in north County Dublin; (6) Deputy Brian Stanley - the future of the Bord na Móna plants at Kilberry, County Kildare, and Cuil na Móna, County Laois; (7) Deputies Seán Crowe, Dessie Ellis, Mick Barry, Clare Daly, Aengus Ó Snodaigh and Bríd Smith - the proposed strike by Tesco workers; (8) Deputy Imelda Munster - the collating of data on council-owned landbanks zoned for housing; (9) Deputy Pat Buckley - ambulance services in east Cork, including the Midleton area; (10) Deputies Alan Kelly, Mattie McGrath, Jackie Cahill and Seamus Healy - the new DEIS programme, with specific regard to schools in Tipperary; (11) Deputy Michael Healy-Rae - resources for the national park in Kerry; (12) Deputy Pearse Doherty - access to services at Letterkenny University Hospital for chemotherapy patients; (13) Deputy Richard Boyd Barrett - the *Daft.ie* report on rent increases; (14) Deputies Kevin O'Keeffe and Mick Wallace - the closure of Harold's Cross greyhound track; (15) Deputy Gino Kenny - the exclusion of those aged over 16 from mental health long-term illness schemes; (16) Deputy Billy Kelleher - the need for the Minister for Health to make a statement on the provision of FreeStyle Libre under the long-term illness scheme; (17) Deputies John Lahart, Darragh O'Brien and Seán Haughey - the need for the Minister for Health to make a statement on the future of Dublin fire brigade and ambulance services; (18) Deputy Fiona O'Loughlin - funding for necessary health treatment abroad; (19) Deputy Thomas Byrne - the need for a major examination in respect of the N2 road, safety issues and the general effectiveness of the road as a national route; and (20) Deputy Martin Heydon - the need for urgent support for medical treatment for a sick patient (details supplied).

The matters raised by Deputy Brendan Griffin, Deputy Louise O'Reilly, Deputies John Lahart, Darragh O'Brien and Seán Haughey, and Deputy Richard Boyd Barrett have been selected for discussion.

Ceisteanna - Questions (Resumed)

Priority Questions

Family Resource Centres

40. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs her views on whether family resource centres are provided with adequate funding and supports to carry out their responsibilities; and if she will make a statement on the matter. [7351/17]

Deputy Anne Rabbitte: It would be remiss of me not to acknowledge what has happened over the past number of days. I will not dwell on it but it is important for people to understand that these questions were tabled in advance of the programmes and revelations of the past number of days. I hope the Minister for Children and Youth Affairs will get the opportunity to come before us to make a statement and answer whatever questions we need to ask. Does the Minister believe family resource centres are provided with adequate funding and supports to carry out their responsibilities?

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I very much value the role that family resource centres play in providing support to vulnerable children and families. Tusla provides a significant level of financial support to family resource centres across the country to assist them in their work with vulnerable children and families. Tusla provides funding to some 109 communities through the family and community services resource centre programme. This typically covers the employment of two to three members of staff and some overhead costs. In 2016, Tusla provided €13.5 million in core funding under the programme. In addition, Tusla provided funding of €595,000 to family resource centres for counselling services under the agency's counselling grants scheme. In December 2016, in recognition of the valuable work that the family resource centres do, Tusla provided additional once-off funding of €1.422 million to centres. This additional funding, which was in the form of minor capital assistance, allowed for the upgrade of equipment and other remedial works at centres.

Family resource centres are supported by two regional support agencies, which are funded by Tusla under the family and community services resource centre programme. These support agencies play a key role in promoting good practice providing technical support, advice and training to family resource centres.

Tusla also provides funding under the programme to the family resource centre national forum. The forum operates as a network for all family resource centres. It provides networking and training opportunities as well as information and support. Tusla plans to build on the strengths of the programme in the years ahead as it continues to deliver on its mandate for community-based early intervention, prevention and family support. Tusla is currently finalising details of the funding to be allocated to family resource centres in 2017 and will be confirming funding levels for individual centres shortly.

Deputy Anne Rabbitte: After listening to the Minister's reply, one would nearly believe that Tusla is whiter than white with the amount of funding it gives to family resource centres. It is not the first time I have put down this question but rather the second. The reason I put down

this question is because family resource centres are stretched to capacity. By and large, most family resource centres have approximately two key workers. The Minister is right. Funding covers salaries and a bit of capital. Most centres do not have a development worker. They provide valuable resources to families in need, particularly in respect of counselling services for children. An example is Gort family resource centre, where they are helping with the undocumented. They need three times the amount of staff to deal with what is being presented. They are carrying out the role of the community welfare officer also. When is the Minister going to allocate funding to support the development workers that are required on the ground and to deliver a good service and support to Tusla?

Deputy Katherine Zappone: I thank Deputy Rabbitte for those qualifying questions. Tusla is currently finalising details of the funding to be allocated to family resource centres in 2017. As the Deputy knows, I was able to increase the overall budget for Tusla for 2017. It will confirm funding levels for individual centres shortly. I understand the various issues raised by the Deputy in terms of the difficulties and the levels of funding. Tusla is looking at that and is engaging with the Family Resource Centre National Forum, which represents the views of all the family resource centres nationally. It also meets with individual family resource centres on an annual basis to discuss governance, funding and service issues. Tusla recognises the benefits that additional funding can bring to family resource centres. In my 2017 statement to Tusla, I emphasised the importance of prevention and early intervention in enhancing outcomes for families and children as one of my key priorities.

Deputy Anne Rabbitte: I welcome what the Minister has said. Support for the family resource centres has to be front and centre of what we are looking for from Tusla. From 2011 up to the previous budget, the centres endured a huge number of cuts. That has impacted on the service they deliver at a local level, which affects every family that requests their support, be it from the very young to the most vulnerable and the aged. They provide an outstanding service. I witness it myself in Loughrea family support centre, where the additional capitation means that they can now look forward to moving into a new centre and can cut down on the fundraising they were continuously doing. It is amazing how the little bit of funding directed in that way can support the family resource centres, the development workers and the extra capitation. Many families can benefit from that quality of care.

Deputy Katherine Zappone: I have no doubt that Tusla will be aware of and listening to the comments that the Deputy is raising, as I am myself, in terms of the ways in which the supports and resources that are being provided to the family resource centres can be used in the most effective manner. The Deputy has suggested that there are certain ways in which additional resources should be targeted in order to increase the efficiency of the family resource centres that work in conjunction with their own communities and, no doubt, with a number of volunteers. As I said earlier, Tusla recognises the benefits that additional funding can bring to family resource centres, as I do myself. It is Tusla's intention to review the funding and resource allocation model as it applies to family resource centres. The review will take account of significant resource pressures experienced by family resource centres up and down the country.

Early Childhood Care and Education Programmes

41. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Children and Youth Affairs her views on the sustainability of zero to three years services in the community setting in view

of changes in regulations; and if she will make a statement on the matter. [7091/17]

Deputy Donnchadh Ó Laoghaire: There are many people watching and I believe we could have had a very different session. I wish to express my dismay and concern about revelations regarding Tusla. I hope that we have the opportunity to discuss this later with the Minister and the CEO of Tusla.

My question relates to services for those aged zero to three years. I have raised this with the Minister. There are obviously a number of issues that have arisen recently around changes in regulations, capitation and the rest of it. These have created particular difficulties for the sustainability of services for those aged zero to three years.

Deputy Katherine Zappone: I acknowledge the Deputy's initial comments. I am very willing and happy to participate in any of the decisions that the business committee is now engaged in. With regard to the parliamentary question, I am aware that providing care for children below the age of three results in higher costs to services than caring for older children. This is as a result of the legally required adult-child ratio, which is as low as 1:3 in the case of the youngest children.

Some services providing this care have been impacted by the full implementation of the Child Care Act 1991 (Early Years Services) Regulations 2016, which requires that all staff should hold a minimum FETAC level 5 qualification when working directly with children. In several cases, services have been utilising staff working on community employment, CE, schemes to count towards their required ratios. Under the regulations, this will only be allowed when the individual in question has the necessary qualification.

In order to assist the services in addressing this challenge, I recently announced that €1 million of additional funding will be made available to child care providers who have been facilitating the training of community employment scheme workers to ensure that regulatory changes do not impact on service delivery or the availability of childcare places.

In preparation for the implementation of the Child Care Act 1991 (Early Years Services) Regulations 2016, which the Deputy's question refers to, child care committees Ireland were commissioned by my Department to investigate the impact of new child care regulations on community childcare providers.

This research indicated that the vast majority of services would not face financial hardship as a result of changes required under the regulations. However, it did find that some services had come to rely on community employment scheme workers and I determined that these services should be provided additional funding to enable them to recruit and retain qualified staff to work alongside their CE scheme participants.

Deputy Donnchadh Ó Laoghaire: I acknowledge the Minister's response, but I do not believe that that €1 million is going to cut it. I attended a meeting yesterday in Cork. It was entitled "perfect storm". I believe it was aptly named because it was about the combination of the changes in regulation, the new child care scheme and the pressures on the community sector generally. It related specifically to 13 services in and around Cork city and 349 children attending those. As the Minister will be aware, I am on the board of management of one of those as a non-executive director. It is an issue of very particular concern. They believe that those 13 services in Cork city will all be closed by September 2018. This is obviously not just about Cork, it is a nationwide issue. The Minister is aware of the benefits of this in terms of

early intervention. Clearly, there is a need for a recognition of how we fund these services for the complex additional needs that many children attending these services have. For example, in Cork, 26% of the children attending those community services have an additional need and 24% are awaiting diagnosis. There needs to be a financial recognition of that additional need.

Deputy Katherine Zappone: As Deputy Ó Laoghaire is well aware, we have had these discussions extensively with regard to concerns that he has raised about centres in his own constituency. We have been attentive to those and I have been specifically concerned about the centres he has raised. I know that resources are required. The Deputy questioned that €1 million figure. However, we did set aside a significant sum of money in order to ensure that the concerns the Deputy raises are going to be addressed. As a result, I have made available with that money up to €2,000 for services to assist with the recruitment process or to provide expert support in HR management. I will make sufficient additional money available to each service after analysis of their individual financial situation to ensure that they can fully meet the cost of these staff until September 2017. After this time, these services should be in a position to fund these places through their own income, but this will be kept under review. No service will be forced to close.

Deputy Donnchadh Ó Laoghaire: To an extent, that last point is the crux of the matter.

Deputy Katherine Zappone: It is.

Deputy Donnchadh Ó Laoghaire: It is possible for the Department to provide additional funding for these settings to take on additional staff. However, maintaining them through their own income either involves cutting some services or increasing fees. These are services that service disadvantaged areas. If there is not going to be a commitment to an additional long-term funding for additional places, it will not be sustainable for those settings to maintain those staff and settings. They will focus on ECCE and ACS schemes. Some of the services for those aged zero to three years will lose out. Will the Minister introduce sustainability measures for the long term to ensure that services will remain open? Will she take into account the additional need per child for increased payments? Will she meet with myself and the other Deputies from my constituency to discuss the specific issue that was raised at that meeting yesterday?

Deputy Katherine Zappone: I will answer the Deputy's last question first. I would be happy to hold a meeting such as the one he requests. Second, with regard to funding for sustainability measures in a long-term capacity, the answer is "yes". The setting aside of €1 million for budget 2017 indicates the initial commitment and the ways in which my Department and I, in the discussions, try to support the services to ensure they do not have to close and that they can maintain the commitment to communities, particularly communities of disadvantage. There is no question that we do not have that commitment. However, the commitment to sustainability comes in the establishment of the affordable child care scheme and my intention is to ensure, in budget 2018, that we get more moneys into that sustainable child care scheme, always with a focus on other communities where people with disadvantage live.

Foster Care Supports

42. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs if her attention has been drawn to widespread reports that a large number of those children leaving foster care here on their 18th birthday do not receive aftercare support plans; and if she will make a

statement on the matter. [7352/17]

Deputy Anne Rabbitte: This is a question I have asked previously and it is to do with the widespread reports that a large number of children leaving foster care on their 18th birthday do not receive aftercare support plans. I ask the Minister to make a statement on that.

Deputy Katherine Zappone: I thank Deputy Rabbitte. I am happy to reply to her question again, with perhaps some additional information.

Under Tusla's current national leaving and aftercare policy, young people leaving care are expected to have an aftercare plan. Tusla has informed me that from January up to the end of September 2016, 467 young persons in care turned 18 years of age. Of these, 457 young people were eligible for aftercare supports and 412 are availing of the aftercare supports. There were a total of 1,841 young people aged 18 to 22 years in receipt of aftercare supports from Tusla at the end of the third quarter in 2016, and 82% of these young people had an aftercare plan in place.

Tusla is putting in place revisions to its operational national leaving and aftercare policy to bring it into line with the Child Care (Amendment) Act 2015. Once the amendments to the 1991 Act are commenced there will be a statutory obligation on Tusla to have an aftercare plan prior to the young person leaving care. Those who have left care before the changes and who do not have an aftercare plan can, under these amendments, obtain an aftercare plan from Tusla up to their 21st birthday. Tusla is identifying gaps in the aftercare service nationally and has indicated that this will require an expansion in aftercare management and workers. Tusla is currently finalising arrangements for the publication of its 2017 business plan, which sets out the priorities for these important services in 2017. Its 2017 budget, as Deputy Rabbitte knows, was increased by €37 million, bringing its funding to over €700 million in Exchequer funding, and this included additional funding to support service delivery to implement legislation.

Deputy Anne Rabbitte: I heard everything the Minister said, including the figures and so on, but I am meeting the people on the ground. I attended the Empowering People in Care, EPIC, conference before Christmas and the main point from it was the lack of access to aftercare plans and the lack of continuity with social care workers. That they did not have that was their biggest concern.

I met with a provider last week who looks after children in residential care to whom I put the question of aftercare, and I did not get a positive response. He told me of the 18 year old who is literally left at the front door with black bags. That is not what I call an aftercare plan and whether it is Tusla, or whatever organisation is responsible, we need more than statistics. I need to hear that as does the Minister. The social care workers must tell us that their aftercare plans are working but that is not what I am hearing.

Deputy Katherine Zappone: As Deputy Rabbitte knows, I always appreciate hearing her examples and about the conversations she is having as it is important for me, as Minister for Children and Youth Affairs, to hear that as I feed into, in terms of my priorities, what Tusla is doing, particularly with regard to aftercare which, as I indicated to the Deputy earlier, it is reviewing.

Statistics are important but as the Deputy said, they are not everything. I will make some additional comments in response to the questions the Deputy raised. I refer to young persons who are eligible but perhaps not availing of supports. Young persons who are eligible for aftercare supports may choose not to avail of them. I accept that is not Deputy Rabbitte's example

but there are instances where that is the case. However, Tusla maintains contact with the young person where that is possible. The young person may have disengaged with Tusla as they return to the wider family for support or for their own reasons but Tusla keeps the door open for contact and will help in terms of the immediate and longer term support for the young person that can be provided by the State. There are supports also that are provided by Tusla without an aftercare plan.

Deputy Anne Rabbitte: I thank the Minister. The reason I continue to harp on about this issue is because for the 233 children in full-time residential care, the only people who are responsible for them and charged with their governance - effectively their parents - are this Government. I continue to ask the question because we have a duty of care to those young people who sometimes do not have a voice, do not know how to access the proper services or might be misguided because they think they know it all at 17 or 18 years of age when in fact they do not. It is not just me conveying what I am experiencing. Focus Ireland, in its submission to Tusla, stated that one of the problems was the lack of continuity among social care workers, that relationships had not been built and that young people below the age of 16 or 18 years are not governed by having the aftercare plan. I raise this issue with the Minister on a regular basis for the simple reason that we are the parents governing these children.

Deputy Katherine Zappone: I accept and acknowledge the responsibilities of which Deputy Rabbitte speaks. It is correct that she should do so. What I have been indicating is an awareness of what the Deputy is saying while at the same time giving a commitment, as the Deputy has done, to ensure that the aftercare provisions are improved on and that any young person who wants to engage in aftercare as they age out of care has the possibility of doing that. In terms of the numbers, I have indicated to the Deputy that most of them do have that at this stage. However, Tusla is aware that there are gaps in the aftercare service nationally and it is revising its policy on aftercare and carrying out a number of consultations in that regard. It has also mapped the availability of aftercare staff nationally and identified a number of areas that could benefit from additional aftercare sources. Its business plan commits to the completion of aftercare policy and supporting documents by the second quarter of 2017. It is currently recruiting social care staff, including recent graduates, who will allow Tusla to fill the gaps in its services. In those ways it is, under my direction, following an effort to prioritise and increase the capacity of provision of aftercare plans.

Child and Family Agency Data

43. **Deputy Jan O'Sullivan** asked the Minister for Children and Youth Affairs the number of children that have been brought to the attention of the child welfare and protection services and have not yet been allocated a social worker; if targets for reduction in these cases in 2016 have been reached; and if she will make a statement on the matter. [7016/17]

Deputy Jan O'Sullivan: Like other Deputies, I want to express my concern that, unfortunately, we cannot ask the questions we should be asking today. We need time to raise the issues, particularly from the perspective of spokespersons on children and youth affairs. The fact that incorrect information was in the system in An Garda Síochána long after it had become apparent that it was not true and that that data could have come from what was the Health Service Executive, HSE, at the time but is now Tusla's responsibility is something on which we all want to ask questions and need to ask questions on behalf of the public.

14 February 2017

The question I tabled is on the number of unallocated cases that have not been assigned a social worker and are under the child and welfare protection services. The target for the end of 2016 was for a 60% reduction in the number of open cases. My question is to find out if that target has been reached.

Deputy Katherine Zappone: I acknowledge Deputy O'Sullivan's concerns. Of course, I understand them. As I said, I am willing to engage should that be the decision of the Business Committee.

On the question the Deputy has put before me, as she is aware, I have placed a high priority on addressing the number of children who are without an allocated social worker. I secured additional funding for this purpose in 2017 and Tusla is now in its second year of a three-year plan to ensure a social worker is allocated to all children and young people who need one. In its 2017 business plan it identified additional funding of €2 million for the recruitment of more than 120 social workers to further reduce the number of unallocated cases.

The number of cases without an allocated social worker stood at 6,718 at the end of 2015. The figure at the end of 2016 was 5,413, representing a reduction of 19%, or 1,305, over the course of 2016. Cases to be allocated to a social worker include children known to Tusla whose social worker is no longer available to them, as well as children waiting to be allocated for the first time. All unallocated cases are assessed and prioritised according to risk. It will continue to be challenging to address the problem of unallocated cases, but we made good progress during 2016 and Tusla will continue to prioritise the issue in 2017.

I have provided Tusla with the necessary financial resources to tackle the problem. I secured additional funding of €37 million in 2017, bringing its overall allocation to more than €700 million.

Additional information not given on the floor of the House

A key challenge to achieve our objectives will be the recruitment of sufficient social workers and other professional and supporting staff. Tusla is engaged in a major recruitment of social workers, social care workers and business support staff for this purpose. It is important to emphasise that, as Tusla's three-year plan to address unallocated cases continues, all urgent cases are dealt with immediately and prioritised, as required. These children do not simply go on a waiting list. My Department will continue to closely monitor progress in this regard. I attach a high priority to tackling this matter and will continue to engage directly with the Tusla board and senior management team over the course of the year to review progress.

Deputy Jan O'Sullivan: I suspect that my next question is the one the Minister was just about to answer. The target figure was 60%, but what has actually been reached is 19%, which clearly is totally inadequate for the children who have had no social worker allocated to them, despite the fact they are at risk. Why is this the case? The Minister has just said extra funding was allocated, but I believe there is a problem with recruitment. We were told Tusla expected to reach its target by the end of 2016, but it is clear that the target has not been reached.

I wish to ask about the 24-hour service. There is a very limited service available. There is an on-call social worker whose number is available to the Garda and a very limited number of other agencies but not to all those involved in child welfare services. There is no opportunity to have a one-on-one meeting between a social worker and a child at risk.

In the context of the issues I mentioned at the very start, including closing cases when there is no longer perceived to be a risk, this point must be reached at some stage, but we really need to know how come in a case in the public arena of which we are aware incorrect data were still on the Garda system a year or so after it had been identified that they were not correct.

Deputy Katherine Zappone: I thank the Deputy. I concur that her ability to do maths is good and accept what she said. Although there was a significant reduction of 19% in the number of unallocated cases in 2016, that does not mean the target was reached. It was a self-imposed target, but I am aware that it was not reached. Additional funding of €4.2 million has been allocated for the recruitment of almost 70 social workers and to deal with legislative issues related to Children First, adoption and aftercare services. The target for the number of social workers at the end of 2017 is 1,675 whole-time equivalents, an increase of more than 200 on the number at the end of 2016. As the Deputy is aware, this is a key issue in dealing with unallocated cases. The target is still ambitious. Tusla is in the second year of a three-year plan.

On the 24-hour service, I am aware of the issue, as is Tusla. We hope that in time we will be able to improve it and move beyond the current arrangements.

Deputy Jan O'Sullivan: I will pursue the other issue I raised as to how a case is closed. Is there a sign-off? Is there a management system in place, whereby it is stated a case is closed and information on it should not be in any arena? The Minister obviously knows that I am speaking about Sergeant McCabe. There should be a system in place, whereby Tusla ticks boxes to state an issue has been fully dealt with.

Deputy Katherine Zappone: What I will say in response to the Deputy's question is that there are systems now in place. As she is aware, I have requested a full review of the systems and processes of Tusla in connection with the issues which she has raised because I also have those concerns. We will scope the terms of reference. It is my intention that this piece of work will be done as quickly as possible.

Child Care Services Staff

44. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs her views on reports that Ireland's child care sector is becoming financially unviable, particularly with regard to working conditions and pay for staff; and if she will make a statement on the matter. [7353/17]

Deputy Anne Rabbitte: What are the Minister's views on the report that Ireland's child care sector is becoming financially unviable, particularly with regard to the working conditions and pay for staff? She has covered some of it already, but I ask her to expand on what she said in reply to Deputy Donnchadh Ó Laoghaire.

Deputy Katherine Zappone: Staff in the child care sector have a critical role to play in delivering high-quality child care services and deserve to be valued and respected for the important role they play with children. Because child care costs for parents in Ireland are among the highest in the OECD, we need to address the issues of affordability and quality at the same time. The Department is not an employer of child care workers, but it is a significant funder of child care services. I am very conscious that there is an issue with the pay and conditions of workers in the sector and the Department is engaging with the early years sector to explore how

it can be addressed in the short, medium and long term.

The programme for Government commits to carrying out an independent review of the cost of providing quality child care, which probably has more to do with what will happen in the medium term. This commitment aligns closely with work on the design and development of a new single affordable child care scheme and we are progressing this work in that context. The review will feed into future policy development, including on levels of payments to services.

I am pleased that the previous two budgets delivered a 35% increase each year in funding for child care services. We need to continue to invest and I will argue for more resources in 2018. To go some way towards addressing cost pressures faced by providers in the sector, I have secured €10 million to enable them to be paid for non-contact time, when they will have no children present and will be able to pay staff to concentrate on the administrative workload. The services can decide how to use the payment when it is received. That is to happen in the short term.

Deputy Anne Rabbitte: I thank the Minister. It is welcome that she has said she will argue for more funds. All of the child care providers and staff watching will be delighted to hear this. Representatives of Early Childhood Ireland, ECI, appeared before the Joint Committee on Children and Youth Affairs at its most recent meeting, as did Ms Marion Quinn from the Association of Childhood Professionals, ACP, and representatives of the city and county child care committees. ECI and the ACP stated they would have preferred if the review had been carried out before we went down the route of the affordable child care scheme. As someone who is committed and true to her word, the Minister has delivered on the objective of providing affordable child care, but people are still looking for the findings of the review. What exactly is its status? When can we expect to hear the results? Will they feed into the Minister's budgetary recommendations later this year?

Deputy Katherine Zappone: I will take the Deputy's last question, on whether it would feed into the negotiations for budget 2018. The answer is "Absolutely". I am happy to come back with an exact, or almost exact, deadline for when we expect to have it but I need to check with officials first. The terms of the review are being worked on. I appreciate that the child care sector will be looking for them but its own research will feed into the review and is guiding us now in the decisions we make on how to use the money I got in budget 2017.

We anticipate that this will come and will give us more evidence than we have now to enable us to have strong negotiations for budget 2018.

Deputy Anne Rabbitte: I compliment the child care providers of programmes like the ECCE and the ACP because they feed into the picture with valuable information. There are concerns among community providers and private providers over the sums provided by Early Childhood Ireland. They show that private providers have to pay commercial rates and this makes them different from community providers, who in turn are concerned over wages. Up to the end of last year they had CE workers to help with their ratios. We talk about universal care and affordability but different providers are quite diverse in their concerns. One has concerns over the ECCE worker and the other over commercial rates.

Deputy Katherine Zappone: I am very aware of those issues, which the organisations in question have also brought to my attention. There is a diversity of cost bases, depending on where they are located, and we must address these and take them into account in our review of

costs. The review will provide us with better evidence than we have at the moment. That will enable us to make the case more strongly for increased resources and to take account of the diversity in the cost of providing services.

I agree that concerns around the pay and conditions of the child care workforce are real, and evidence for these is backed up by the reported difficulties. These concerns have been discussed in the early years forum, where many organisations have raised them. I am delighted that steps are being taken towards the unionisation of the early years sector and I and officials from the Department met ICTU on this subject. We agreed to continue to engage.

Deputy Ruth Coppinger: It should also include au pairs.

Other Questions

Child Protection

45. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the steps her Department has taken or proposes to take to identify and provide the necessary back-up for children at risk, whether from physical or mental abuse, neglect or other failure; if she is satisfied that the existing structures are efficient to meet the challenges of the future; and if she will make a statement on the matter. [7032/17]

Deputy Bernard J. Durkan: This question relates to the extent to which the Minister can investigate, identify and support children deemed to be at risk or likely to become at risk through various means, whether they be mental, physical or otherwise.

Deputy Katherine Zappone: I assure the Deputy that Tusla, the Child and Family Agency, deals immediately with emergency cases, including for instance if a child has been abandoned or is in immediate physical danger or at immediate risk of sexual abuse. Social work duty teams keep high-priority cases under review by regularly checking to ascertain risk to the child and where necessary will reprioritise the case.

Tusla holds the statutory responsibility for child welfare and protection and is the appropriate body to receive reports of concerns relating to children at risk. Each referral received by the agency is assessed and dealt with on an individual basis by the relevant social work team. Every report of concern for the safety and well-being of a child is assessed and required action is identified.

I am committed to commencing the Children First Act 2015, which is due to be commenced by the end of the year. As the Deputy will be aware, the Children First Act 2015 will see mandatory reporting by key professionals, mandated assisting, comprehensive risk assessment and preparation of child safeguarding statements by services for children, and the establishment of the Children First interdepartmental implementation group on a statutory basis. Tusla is developing online training for mandatory reporters. Children First guidelines will continue in parallel with the Act. This sets out the roles and responsibilities for all citizens to report child welfare and protection issues to Tusla and, where criminal matters are involved, the Garda.

I believe we have made significant progress in our structures and practices for child protec-

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tion. The Children First Act 2015 is of particular significance but I see it as part of a suite of child protection legislation that includes the Acts relating to the National Vetting Bureau and the withholding of information on offences against children and vulnerable persons.

Additional information not given on the floor of the House

There is no room for complacency about our safeguarding measures and we will constantly review them to ensure they are effective.

Tusla works closely with other care providers, including the HSE, in respect of access to primary care services, child and adolescent mental health services, disability and other services. Tusla and the HSE monitor their interagency relationship to ensure they are working effectively in the best interests of children and families.

Deputy Bernard J. Durkan: To what extent does the system operate in respect of children admitted to emergency departments with suspected self-harm or who are otherwise hospitalised? Is there a system whereby an investigative team can identify particular households and ascertain the causes for a child being referred in these ways? In a reply to a previous question, I was told that, in the space of one and a half or two years, 300 children aged between ten and 14 were referred to emergency departments having self-harmed. What is the underlying cause? How can the system deal with it? I applaud child care workers for doing what is a very responsible job. It is a difficult job and the public can often be very critical. I am concerned about adequate resources being available and that they can be deployed as necessary.

Deputy Katherine Zappone: Tusla is responsible for children who need protection and need to be entered into care. The implementation of the Children First guidelines will be the basis on which concerns about children self-harming can be addressed. There will be training and manuals for persons working with children, across departments and in different settings, and these will assist people in dealing with such matters.

Deputy Bernard J. Durkan: Is there a particular system whereby emergency staff can be deployed to deal with cases of children presenting at emergency departments showing evidence of self-harm? There have been repeat situations with tragic consequences so how can we achieve a speedy response and pursue each case personally, leaving no stone unturned and nothing in doubt?

Deputy Katherine Zappone: Interagency co-operation is key, involving HSE, hospitals and Tusla and the Department. The interdepartmental working group is looking at this and ensuring that protocols of interagency co-operation are developed. In this way, any child who is in harm's way, whether because of self-harm or any child care or protection issues, will be dealt with appropriately and not left to chance, or dealt with inappropriately because of a lack of interagency co-operation.

Unaccompanied Minors and Separated Children

46. **Deputy Eamon Ryan** asked the Minister for Children and Youth Affairs the way in which her Department is working with the Departments of Justice and Equality, Foreign Affairs and Trade, Education and Skills and Health to ensure that concerted adequate provision is made for refugee minors in all aspects of State responsibility on entry into Ireland, in view of the

complexity of the integration process; and if she will make a statement on the matter. [7044/17]

Deputy Eamon Ryan: I do not know if the Minister read the *Sunday Times* magazine, because she had a busy day yesterday. However, Christina Lamb had an article in that paper about unaccompanied migrant children. Some 25,800 unaccompanied minors arrived in Italy last year, half of whom have now gone missing. Some 91% of the children on those boats coming across the Mediterranean do not have their parents with them. We now have a slave trade or trafficking problem as well as a migration one. In that context, it is welcome that we have the Dáil motion on taking in such children, but there is no legislative basis for it. In addition, it is not clear what rights such children will be granted. How will the Minister be working with other Departments to define those rights and ensure that we play our part in what is an incredible tragedy across Europe at the moment?

Deputy Katherine Zappone: I am working closely with my Government colleagues in regard to unaccompanied minors being received through the Irish Refugee Protection Programme. The new International Protection Act 2015 has been commenced and it contains an enhanced provision from the previous legislation. It allows the Tánaiste to recognise the children from Calais as programme refugees. This means that the children can be accepted into the country, with refugee status, once they have completed identity, age and security checks. Tusla, the Child and Family Agency, receives these children into care. It also looks after unaccompanied minors who arrive at our ports and are referred by the immigration services.

My colleagues, the Tánaiste and Minister for Justice and Equality and the Minister for Foreign Affairs and Trade, and I are working closely to progress the Dáil resolution on unaccompanied minors who were previously in unofficial camps near Calais. Tusla staff have undertaken two missions to France so far to meet and assess a number young people who have a desire to come to Ireland.

At the end of last year, I visited Greece and saw the valuable work being done under the Irish Refugee Protection Programme. I met with resilient families and young people who need our help. My Department is part of the programme, which co-ordinates the interdepartmental and interagency work, and includes the Department of Education and Skills and the Department of Health. I supported the setting up of an IRPP office to facilitate improved co-ordination by arranging the secondment of a senior Tusla manager to it. Separately, Tusla has seconded a social work team leader to the Reception and Integration Agency, in the Department of Justice and Equality, to assist with its work with families living in direct provision.

Deputy Eamon Ryan: I thank the Minister for that reply. I have some specific follow-on questions but if she cannot answer them directly perhaps her Department could write to me. I am keen to know whether children will be entitled to family reunification rights after they have been relocated to Ireland. If so, will this extend to their parents, siblings and grandparents? In many cases, these children only have distant relatives, so what are the provisions in that regard? I understand many of these children may be 16 or 17 years old, so what kind of supports will be provided to them once they turn 18?

As regards those minors coming from Calais, I understand that the UK Government has taken 750, which is roughly half the unaccompanied minors. Does the Minister have any details of the numbers she expects to take from Calais? Have they been identified and selected for relocation to Ireland? What collaboration has gone on with the French authorities in that selection process?

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Deputy Katherine Zappone: I will try to answer.

Deputy Eamon Ryan: I am sorry. There were a few questions.

Deputy Katherine Zappone: There were two or three questions. In regard to family reunification rights for any unaccompanied minor who comes into the country by whatever route he or she arrives, one of the first things Tusla engages in is finding family members and assisting the child in being reunited with them. Young people who were formerly in the Calais camps will come in under a different legal mechanism. They will already have refugee status which provides them with more security and a sense of stability in traumatic and stressful circumstances. Having arrived in six to eight weeks' time, if we find when engaging with them and assessing their particular needs that they wish to be reunited with their family, that is one of the first things we try to support them with. I know there was another question but I will be happy to address that the next time.

Deputy Eamon Ryan: On a slightly wider front, I understand that those unaccompanied minors from Calais are, in a sense, going to be treated in the same way as the 160,000 refugees from Italy or Greece the European Union has agreed we would take as programme refugees. In that regard, however, I understand that only 8,000 of those refugees have been relocated, and there are only 171 unaccompanied minors in total. Where are we in our commitment to accept approximately 4,000 refugees from Greece, in particular, but also within that European programme? Those 160,000 were meant to be catered for by September 2017. Where will we be by September in terms of our commitment? How many unaccompanied minors will there be within the overall total we may take under that scheme, which I understand is the one the Minister is using?

Deputy Katherine Zappone: I can certainly get the information on how many we have taken in under the terms of the overall programme. The numbers are increasing subsequent to the visit the Tánaiste and I made to Greece to solidify the kinds of practices undertaken between both countries. It is approximately 2,000 now but I will have to check.

I am clear about the unaccompanied minors. There was a commitment in the initial programme for 20, and we have approximately four or five now. One of the issues concerning unaccompanied minors coming from an Italian route was that we were not provided with an opportunity to address security and bring gardaí over with us to identify those young people. That has inhibited the numbers coming in. At the same time we have already identified 16 coming through the Calais route on the two missions that my Department, Tusla and the Department of Justice and Equality have been engaged in. We anticipate that we will be able to identify up to 40 before the summer using that route. They will be fully provided with supports, including efforts to integrate, which was the original context of the Deputy's question.

An Leas-Cheann Comhairle: Deputy Hildegarde Naughton has requested that Question No. 47 be answered by way of a written reply.

Question No. 47 replied to with Written Answers.

Homelessness Strategy

48. **Deputy Ruth Coppinger** asked the Minister for Children and Youth Affairs her views on children of homeless parents being put into care; and if she will make a statement on the matter. [7030/17]

Deputy Ruth Coppinger: It is good to see the Minister for Social Protection sitting beside the Minister for Children and Youth Affairs, Deputy Zappone, today. I wonder why that is. I am sure the Minister will join with me in expressing solidarity with the women and men who are on strike at Tesco. They work to prevent their kids from falling into poverty.

My question relates to the greatest fear that parents have of their children being taken into care. I am not referring to children at real risk, which I fully support. I am talking about people who are victims of the homelessness crisis. I have good reason to believe that this is happening and they are being forced to put their own children into care.

Deputy Katherine Zappone: Being homeless is distressing and stressful for children and adults alike. In the context of the Child Care Act 1991, my Department has policy responsibility for children under 18 years of age who present as “out of home” without their parent or guardian.

Children under the age of 16 who present as homeless without their parent or guardian are taken into care. Children aged 16 and 17 may be taken into care or provided with a service under section 5 of the Child Care Act 1991 which deals with accommodation for
5 o'clock homeless children. Children who are homeless and in emergency accommodation are in the care of their parent or guardian. Notwithstanding the clearly challenging circumstances that families in emergency accommodation find themselves, I do not think that residing in emergency accommodation, in and of itself, should be the basis for taking children into care.

Where there are no welfare or protection concerns, Tusla’s role is to provide family support where this is required. Tusla has agreed a joint protocol with the Dublin Regional Homeless Executive which covers child welfare protection matters for children in emergency accommodation. It is fully operational in the Dublin area and it is intended to roll it out across the State. It will be extended to Galway, Limerick and Cork this year.

My Department is working closely with Tusla to provide additional supports for families in emergency accommodation to mitigate the challenges faced by parents and children in this situation. Tusla is funding child support workers for this purpose and has also appointed a homelessness liaison officer. My Department is providing free child care for homeless children in the Dublin area for up to 25 hours a week. Ultimately, my concern is that we minimise and then eliminate the problem of homelessness. In the meantime, I will continue to support measures to help to the greatest degree possible those who are affected.

Deputy Ruth Coppinger: The inability to maintain stability and security is used as a euphemism for homelessness when taking the children of homeless parents into care. I am getting information that this is happening in three ways. Orders are being sought by social workers because children are often presenting as frequently ill due to the poor quality of emergency accommodation, lack of routine, bad food, etc. It is also the case that parents feel pressure to voluntarily place their children in care due to the nature of emergency accommodation with

drug users and people with addiction issues nearby. Others have had their children forcibly removed as a result of problems stemming from their homeless situation. When I asked the parliamentary question on 31 January, it emerged, amazingly, that Tusla did not keep information on the number of children going into care as a result of homelessness. Tusla seems to keep a lot of information, but not on something like this. The head of Barnardos has said that parents are making the heartbreaking decision to leave their children in care because they are unable to secure appropriate accommodation. It is the biggest child welfare problem we have arising from the homelessness crisis, yet Tusla does not keep any information on the number of parents landing in this situation.

Deputy Katherine Zappone: I thank Deputy Coppinger for setting out the ways in which she has information on her concern that somehow children of homeless parents are entering into a route of care. This not my understanding of how children come into care or from a statutory perspective how they should come into care. I have listened to what Deputy Coppinger has said and I will certainly take it into account and bring it back to my Department and Tusla. Why do children come into care? It is for a wide range of reasons. Deputy Coppinger is identifying some additional ones which we need to investigate. I note what she is identifying there. Children come into care for a range of reasons, including the death of a parent, the serious long-term illness of a parent or the significant ongoing mental illness of a parent. However, homelessness is not a reason to take children into care. The State only intervenes in family life in exceptional cases. Homelessness as part of a family group is not, in and of itself, a basis for seeking to receive a child into care.

Deputy Ruth Coppinger: Will the Minister give a commitment that Tusla will start to collect this information? How can we know it is not a problem if we do not have the data? It is unbelievable that there are no records on homeless children in care yet Tusla has records on people who give important information to the State. I raise the issue of the Minister's credibility on this. She gave a commitment to the people of Dublin South-West that she would not enter Government without a referendum. She went into Government. She wore a repeal jumper, but would not vote for a repeal Bill. Now, she tells us that she did not think it was significant that Tusla had terrible information about a whistleblower or that the Cabinet should know it. Who can believe a solitary single thing she says at this stage? I question that.

Deputy Katherine Zappone: If there is a child protection concern, Tusla will investigate. The immediate safety of the child is the social work department's first consideration. A social work assessment is child-centred and considers individual and family needs and takes into account the child's development needs, parenting capacity, family and environmental factors. I will certainly raise the issue of the collection of data which the Deputy requests I raise with Tusla. I will come back to her directly on that when I have had discussions with the agency.

In terms of the commitment to children in the context of emergency accommodation and homelessness, the plan Rebuilding Ireland commits to the identification of young people leaving State care who are at risk of homelessness and to catering for them through appropriate housing and other needs supports. The provision of accommodation for young people leaving State care is now eligible for funding under the capital assistance scheme operated by the Department of Housing, Planning, Community and Local Government. That Department and mine are working in conjunction with voluntary bodies to begin to plan for the ways in which we can develop additional housing for those young people who are leaving State care.

Unaccompanied Minors and Separated Children

49. **Deputy Maureen O’Sullivan** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 2 of 14 December 2016, her views on the length of time children will spend in State care before they can be fostered by families and while all necessary protocols need to be addressed. [6760/17]

Deputy Maureen O’Sullivan: My question is a follow-up to a previous one. What length of time will a child spend in State care before he or she can be fostered by families and while all the necessary protocols are being put in place?

Deputy Katherine Zappone: The Deputy’s question last December referred to unaccompanied minors who are received into State care and remain in care until they are 18, whatever their placement type. Tusla is determined to provide a high level of service for unaccompanied children. In order to best meet their needs, all children on arrival in the State are placed in small residential assessment units so that social workers can get to know them and understand their needs. I visited one of these units with European Commissioner Jourová and was very impressed with the facilities and services available and in meeting the young men there. The assessment period is usually in the range of six to eight weeks, but it can be shorter where preliminary work is carried out before the child arrives or where the child’s needs are not very complex. Assessments are wide-ranging and take into account age, language, health and well-being, cultural or religious requirements and evaluations of the child’s emotional state and mental health. Tusla also tries to identify any family or relations with whom the child might be reunited.

As I noted previously, the equity of care principle that each child receives the same as any other child ensures that services focus on the needs of the child. The child will have a care plan developed to match identified needs. Unaccompanied minors, therefore, receive the same level of protection and care as any other child in State care. There is no differentiation of care provision, practices, care priorities, standards or protocols. Tusla’s foster and statutory residential services are subject to inspection, including services for unaccompanied minors. If an unaccompanied minor is to remain in Tusla’s care, a foster family will be considered if it is in the best interests of the child. Tusla arranges for training and support for foster families to address the child’s cultural and religious identity. For some, however, it is likely that a residential setting may be better suited to meet the identified needs.

Deputy Maureen O’Sullivan: We can all sympathise with the plight of some unaccompanied minors, especially those fleeing war zones, starvation or other particularly difficult situations. Moving those young people into as normal a family life as possible must be the priority. I listened to what the Minister said about the timeframe and it appears to be improving between needs assessment and actual placement. What number of foster parents and families is willing to foster or adopt? In the last Dáil, we had a lot of correspondence from Irish couples and individuals who wanted to foster or adopt from other countries but were unable to do so because certain protocols and agreements were not in place. Does the Department have a waiting list of parents or is there a shortage of parents who are prepared to foster and adopt?

Deputy Katherine Zappone: I was asked about the waiting lists for unaccompanied minors and whether there were foster families for them. In the case of unaccompanied minors who come through the former Calais route or those coming through other routes, the older they are the better it is for them to have an additional assessment in terms of residential settings.

Such a setting may be supported lodgings because they are older, more independent and look for that kind of support which is provided by Tusla. If people are interested in fostering unaccompanied minors, having heard they are coming to Ireland, particular training is available for that. We would welcome people identifying their interest in that.

Deputy Maureen O'Sullivan: I want to acknowledge the progress that has been made. There were some significant cases of reunification outlined in the previous reply. I also want to acknowledge improvements. At the age of 18, at a time when they could have been in the middle of doing their leaving certificate course in a school in Dublin, young people were moved outside of Dublin.

The Minister opened the YPAR conference and met many young unaccompanied minors and other young people. Their status is a major issue because it will determine whether they can go on to third level, can work, etc. Some are in a state of limbo. They said they feel like ghosts because they do not have the correct status. They have been able to get through primary and secondary level education, but because of their starters third level is not an option. Even those who have funding for PLC courses develop skills but cannot work. I am not referring to those in direct provision alone; rather, I am also referring to other unaccompanied minors the Minister met. We have to address the issue of status.

Deputy Katherine Zappone: In terms of ensuring we provide the kind of security and base out of which they can continue to live in this country and look for education, training and employment opportunities, I agree with the Deputy. I would be happy to meet her and others in the community to examine these issues.

As the Deputy will appreciate, the issue of status is not something for which I am directly responsible. On reaching the age of 18, many decide to stay with their foster families and Tusla supports that in all sorts of different ways. If they decide to move on, we are then in the arena of aftercare plans which we discussed earlier in terms of whether individual plans are in place. Tusla makes every effort to ensure there is engagement and support for young people as they move beyond 18 years of age. As I said, the issue of status lays the foundations for security and opportunities and entitlements. I appreciate they are issues and would be happy to continue to discuss them.

Housing Issues

50. **Deputy Maureen O'Sullivan** asked the Minister for Children and Youth Affairs her views on the effects that the housing crisis is having on children in view of the fact that parents in emergency and transitional accommodation are by their very nature in a precarious position regarding settling their children's education and after-school activities and the need for additional resources for those children. [6758/17]

Deputy Maureen O'Sullivan: This question refers to children who are living with their parents in emergency or transitional accommodation, which we can all recognise is a very precarious position in terms of children's education and other school activities, and the need for additional resources for those children.

Deputy Katherine Zappone: I am very conscious of the effects of the housing crisis on children when they and their families are in emergency accommodation. As part of a whole-

of-Government approach to homelessness, I am committed to helping families by supporting implementation of Rebuilding Ireland action plan. It acknowledges that any medium to long-term period living in a hotel seriously affects normal family life and is particularly detrimental to children. While the concerted efforts and actions outlined in the action plan will result in families moving on from hotels more quickly, my Department, together with Tusla, is working to support parents and children in order to minimise, as much as possible, the impacts of living in emergency and transitional accommodation. We have commenced the roll-out of a special provision under the current community child care subvention programme, which will provide access to free child care, including a daily meal, for homeless children aged 0 to 5 years, inclusive. A flat rate of €110 per week, for part-time child care over five days per week is being paid for each eligible child. Over 50 child care services have applied to be part of this programme in the Dublin region and we are examining mechanisms to make the subvention available outside of Dublin. In recognition of the difficulties associated with homelessness and school attendance, the educational welfare office offers a range of supports. In DEIS schools where there is a home school community liaison co-ordinator on the school staff, that co-ordinator proactively engages with parents who are experiencing homelessness. The co-ordinator also supports families to access any other supports that can be of assistance to the family while they are homeless. Children experiencing homelessness who are at risk of early school leaving are also targeted by the school completion programme. A number of supports are being worked on.

Deputy Maureen O’Sullivan: It is good to hear some positive initiatives. I had a fear, given that many issues were taking up the attention of the Minister and the House, that housing and homelessness, in particular how they affect vulnerable young people living in such situations, would get lost along the way. We are shoring up problems for the future because young people do not have access to proper cooked meals - a lot of fast food and takeaways are being eaten. There are issues regarding laundry, privacy, homework and after-school activities. Schools in my constituency are working to try to compensate for the fact that children are living in emergency accommodation.

It is a difficult task, but there should be a timeframe regarding how long people stay in emergency accommodation, following which they are of absolute priority to get out of the accommodation. Is the Minister having discussions with the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, on this?

Deputy Katherine Zappone: On the last question Deputy O’Sullivan raised, I fully agree with her on the amount of time that children ought to be with their families in that context. I have held discussions with the Minister for Housing, Planning, Community and Local Government and some of his advisers, along with my advisers. I have also raised questions and conducted investigations in the context of my constituency, Dublin South West, and the local authority’s provisions for homeless families and their children. A transitional housing model is being developed that provides wonderful accommodation in a setting that is like any other rental setting for families and which provides them with some security to enable them to move on. I am aware of the detrimental impact of emergency accommodation and the need for a focus on timeframes. We need to be more ambitious than we have been to date.

Deputy Maureen O’Sullivan: I know about the roll-out of Leap cards, but some people have difficulty accessing them, which may need to be examined. Children also face problems depending on where their homeless accommodation is located. It could be a significant distance from the schools which they have been attending this, which causes more disruption.

Children are living in appalling private rented accommodation. Some of the homeless and emergency accommodation is better than some of the private rented accommodation I have seen. Families are at the mercy of landlords. I acknowledge there are good progressive landlords but, unfortunately, I am seeing the other kind. As we speak, some are trying to increase rents, which will increase the number of evictions and create more stress for homeless services.

Deputy Katherine Zappone: On the issue of transport in the context of emergency accommodation, as the Deputy is aware I have been committed to trying to mitigate the impact of that since taking up office. It is important that children are able to travel between their new place of residence, including emergency accommodation, to the schools they attend. The Dublin Regional Homeless Executive and Dublin City Council are working with the National Transport Authority to develop and implement the scheme. A total of 524 Leap cards were distributed to families in hotels in 2016 as an interim measure pending the development of what is called a “ticketing solution”. The percentage breakdown of the education level of the children using those cards was approximately 58% at primary school level, 19% at secondary level and 4% at third level. Therefore, they are, first, assessing in terms of the need and, second, developing what they are calling a “ticketing solution”, which they assure me will be in place by the end of this month.

Youth Services

51. **Deputy Maureen O’Sullivan** asked the Minister for Children and Youth Affairs her views on linking in community and youth services with schools in the local area in terms of awareness programmes dealing with the dangers of misuse and abuse relating to drugs, alcohol and gambling and the possible positive effects this will have on children, particularly those from backgrounds of high risk. [6759/17]

Deputy Maureen O’Sullivan: This question relates to prevention and education programmes on addiction. Is there a way to link more definitely the community and youth services that are rolling out these programmes in other settings with the schools in their area, especially in those areas where children are at high risk?

Deputy Katherine Zappone: I agree with the Deputy that we need an integrated approach to the programmes that aim to support children and young people, especially for those at high risk. My concern is to ensure that we target our programmes and funding so that the most vulnerable people are reached effectively and in a way that makes sense in their lives.

My Department administers a range of funding schemes and programmes to support the provision of youth services by the voluntary youth sector to young people throughout the country. The funding schemes support national and local youth work provision to some 380,000 young people. The voluntary youth sector involves approximately 1,400 paid staff, including youth workers, and 40,000 volunteers working in youth work services and communities throughout the country.

I was pleased to provide an additional €5.5 million in current funding for voluntary youth services in 2017. This is a 10% increase over 2016 and will support, in the main, the targeted programmes for young people who are at risk of drugs or alcohol misuse, homelessness, unemployment or early school leaving.

From within this budget, my Department provides funding to projects that are located in disadvantaged areas where a significant addiction problem exists or has the potential to develop. The objective is to attract at-risk young people into facilities and activities and divert them away from the dangers of substance abuse. These schemes target young people who are at risk because they live in a disadvantaged community context and are vulnerable to drugs, addiction and alcohol misuse or are out of school or at risk of homelessness. These schemes account for 70% of the funding available to my Department for the provision of youth services.

As the Deputy knows, these services are generally delivered on a non-formal or out-of-school basis to supplement the work of the education sector and to reach young people through non-formal means. I agree with the Deputy that the co-operation between the schools and this work of the youth services in terms of the schemes that they are involved in would ensure a more effective and efficient way of tackling these issues.

Deputy Maureen O’Sullivan: I thank the Minister. I work with a prevention and education sub-committee in the north inner city that has been involved in quite a number of interventions with young people. Recently we had a round table discussion with youth workers involved in various projects, including sports, the SPHE programme, SASSY and Community Against Drugs to look at what is the best way forward. Excellent programmes are happening within youth services. In some areas, they are very much welcomed into the schools but there is a need for a more formal arrangement or agreement. I have tried to pursue this with the Minister for Education and Skills but he was not buying because he tells me that the new well-being programme to come into schools will practically solve all the problems. As a former teacher, I know that is not going to happen because it is very hit and miss in the schools. We have these programmes, many of which the Minister is funding, and they are working. I was taken aback at the extent of the work they are doing with young people.

Deputy Katherine Zappone: I thank Deputy O’Sullivan. She referred to the day I came to her constituency and the conference that was being held by all of the groups that are engaged in working with young people. Many young people were there themselves as well as representatives of the schools. It was impressive. The Deputy works with people who put into practice that which she is arguing for. We ought to encourage and enable more integration between those working within the schools and those working within the youth sector to provide the supports that are possible, particularly for young people who are at risk. These things need to be taken into account, particularly from my Department’s perspective, as we are involved in the design of a new funding scheme that streamlines some of the past funding schemes. We need to build into that a way of ensuring the kind of integration Deputy O’Sullivan is speaking about does happen. There could be some sort of criteria involved and I am happy to continue to discuss the matter with the Deputy.

Deputy Maureen O’Sullivan: There has to be a much more holistic approach that takes into account physical education as well as food, nutrition and diet. I will make two points. When a blanket amount of funding becomes available, it must be directed at those areas that are most at risk, which is exactly what the young people’s facilities and services did. My second point is on the amount of paperwork required of youth services and community services that have voluntary boards. I agree with governance and accountability but the amount of form filling required is taking away from the direct and face-to-face engagement of youth and community workers with young people. It is good to hear the Minister is looking at streamlining it because sometimes the form filling is out of proportion to the amount of funding that has been applied for.

Deputy Katherine Zappone: I agree with what the Deputy presented. She will be aware that I have a number of years of experience working in similar and comparable communities as well. I am aware of the absolute importance of working in an integrated fashion. The Deputy was also concerned with the amount of paperwork etc. that may at times get in the way of doing the job and bringing about effectiveness. She is aware of the value for money review that was done in terms of youth work. One of its focuses was the importance of governance and accountability and I am sure the Deputy agrees with me in that regard. At the same time, there are ways of ensuring that we can do that without overburdening the sector with administrative duties that do not necessarily enable the effectiveness in a way that the review is calling for and, in fact, may be a barrier to it. We need to examine these matters in the designing of the new scheme and to examine ways of ensuring that the funding supports the integration of which the Deputy speaks.

Child Poverty

52. **Deputy Thomas P. Broughan** asked the Minister for Children and Youth Affairs if she will establish a cross-departmental task force to address the recent finding of a survey on income and living conditions that children in one-parent families are much more likely to live in consistent poverty in comparison to those in two-parent families; and if she will make a statement on the matter. [6739/17]

Deputy Thomas P. Broughan: Of the 800,000 or so of our fellow citizens who live in poverty, approximately 250,000 of them are children. This question refers to the EU-SILC report that we received recently. The at risk of poverty rate for one-parent families was up four points to 36% and the consistent poverty rate for lone-parent families was up from 22% to 26%. The deprivation was also highest for that group of families, at 58%. What is the Minister and the Minister for Social Protection, who is sitting beside her and who has a huge responsibility in this area, planning to do, if the Government is still in place later into 2017? Will it come up with a response to these disappointing and worrying figures?

Deputy Katherine Zappone: The reduction of children's poverty is a key political priority for the Government. The Taoiseach has described tackling child poverty as a moral imperative and I too believe that it is a vital issue that we must address robustly. In recognition of the higher risks and lifelong consequences of child poverty, the Government set a child-specific poverty target in Better Outcomes, Brighter Futures to reduce consistent child poverty by at least two thirds by 2020. This figure currently represents 102,000 children who need to be lifted up from this threshold.

The Department of Social Protection has the lead role in co-ordinating Government strategies on child poverty and is adopting a cross-departmental approach. It also has lead responsibility for the national action plan for social inclusion and has identified child poverty as a key cross-sectoral priority to be addressed. Officials in my Department are working closely with the Department of Social Protection in informing the development of this cross-sectoral priority. Officials in the Department of Social Protection have convened a subgroup with members of the advisory council for Better Outcomes, Brighter Futures to progress solutions to child poverty. In recognition of the fact that child poverty is a multifaceted problem, the group includes officials from other Departments, including the Departments of Health and Education and Skills. Led by the Department of Social Protection, it has produced a paper which outlines

a whole-of-Government approach to tackling child poverty. This is based around the three pillars outlined in the European Union's recommendation on investing in children, namely, access to adequate resources, access to affordable quality services and children's right to participate. The paper will come before the consortium of interdepartmental officials working on the issue in the near future.

Deputy Thomas P. Broughan: One of the areas on which the Minister and her colleague, the Minister for Social Protection, may have an influence is the changes the previous Government made to the one-parent allowance in 2012. At the time, many Opposition Deputies predicted that these changes, specifically the change in respect of payments to children when they reach seven years of age, would exacerbate rates of child poverty. This has been exemplified in the SILC report. In that regard, I welcome the Minister's comments on the establishment of an interdepartmental group. Are these matters being considered, including by the Minister for Social Protection? Will the fundamental issue of income be reconsidered? Some of the issues that frequently arise are savage rents that place one-parent families in danger of homelessness and the fundamental change that occurs when the child of a single parent in part-time work reaches seven years of age. The Minister is continuing with a policy change introduced by the austerity Governments that should be reversed.

Deputy Katherine Zappone: We are fully committed to a whole-of-Government approach to reducing child poverty. We understand that addressing child poverty requires access to adequate resources and that this issue is related to income, specifically, as the Deputy noted, changes in household incomes. This is not the only way we are addressing child poverty. Other areas being addressed include access to affordable quality services and children's right to participate. My Department's role in providing access to affordable quality services for children includes heavy investment in the affordable child care scheme. A number of measures in the programme for Government are directed at lone parents.

On the issues the Deputy raised, the Minister for Social Protection is working on a new initiative on working family payments. It focuses specifically on reducing child poverty and ensuring greater access to employment, particularly for lone parents. This is where we hope to address some of the issues the Deputy has identified.

An Leas-Cheann Comhairle: Deputy Anne Rabbitte has kindly agreed to forfeit the two minutes remaining to facilitate a proposed change to the business of the House.

Written Answers are published on the Oireachtas website.

Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): It is proposed, notwithstanding anything in Standing Orders or the Orders of the Dáil of today, that the Dáil shall sit later than 10 p.m. tonight and the sitting shall suspend on the conclusion of Oral Questions until 6 p.m., whereupon statements of clarification on statements by the Taoiseach and Ministers shall be taken and the following arrangements shall apply: the Taoiseach, Tánaiste, Minister for Health and Minister for Children and Youth Affairs shall each make a statement of ten minutes; following the Ministers' statements, each group has eight minutes in total for questions and answers, with each question and response thereto lasting for one minute; following the groups' questions, the questions shall be opened to the floor, with each question

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and response thereto lasting one minute, to be brought to a conclusion at 8.30 p.m. tonight, followed by Private Members' business for two hours; and in relation to tomorrow's business the Taoiseach shall make a statement for 15 minutes after the sos to be followed immediately by Private Members' business; Private Members' business shall be followed by a motion re confidence in the Government, to be brought to a conclusion at 10.15 p.m., and the following arrangements shall apply: the opening speech of a Minister or Minister of State and a representative of each group shall not exceed ten minutes in each case; the opening speeches shall be followed by 30 minutes to be divided between the Government, the Fianna Fáil Party and Sinn Féin on a 40-40-20 basis; the speech of each other Member called upon shall not exceed five minutes in each case; Members may share time; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes.

An Leas-Cheann Comhairle: Is the Government's revised proposal agreed? Agreed.

Sitting suspended at 5.35 p.m. and resumed at 6 p.m.

Clarification of Statements made by the Taoiseach and Ministers: Statements

The Taoiseach: The sole objective of the Government in regard to the shocking allegations that are now in the public domain has been and remains getting the full truth for all of those involved. These allegations are extremely grave. At their heart is the suggestion that there was a deliberate smear campaign against Sergeant Maurice McCabe based on false claims of sexual abuse and that that campaign was orchestrated by senior Garda management.

Sexual abuse is probably the worst crime a person could be wrongly accused of. The suggestion that false allegations could be spread to undermine the credibility of a serving member of the Garda force is truly shocking. It should be noted that the Garda Commissioner has emphatically denied these allegations. We owe it to Sergeant McCabe and his family, and to all others about whom allegations have been made, to ensure that the truth of all of these matters is definitively established. This objective has been central to the Government's approach to these issues.

When two protected disclosures were made to the Tánaiste and Minister for Justice and Equality in October 2016, she referred them within four days to Mr. Justice Iarfhlaith O'Neill for examination and assessment. Following a thorough analysis of the protected disclosures Mr. Justice O'Neill reported back to the Tánaiste and recommended that Government establish a commission of investigation to determine the truth. Last week, the Government accepted this recommendation and published Mr. Justice O'Neill's draft terms of reference in full and without any changes. The Government also announced the nomination of the eminent serving Supreme Court Judge, Mr. Peter Charleton, as head of the commission.

An Leas-Cheann Comhairle: Is a copy of the Taoiseach's statement available for circulation?

The Taoiseach: I will have a copy circulated.

Deputy Mary Lou McDonald: Will each of the Ministers also circulate a copy of their statements?

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): Yes, they

will be circulated.

The Taoiseach: Some in the House have suggested that the Government tried to constrain the work of the commission. I utterly reject that assertion. Not only did it accept Mr. Justice O'Neill's draft terms of reference in full but the Tánaiste agreed to accept some amendments from Opposition parties and to consider others. It has now emerged that Sergeant McCabe has indicated that he is not happy to participate in a commission of investigation because of the private nature of its proceedings. This would make it difficult for a commission to establish all of the facts. In that context, the Government decided this morning to have these matters investigated by a tribunal of inquiry under the 1921 Act. The Tánaiste is drawing up the terms of reference for this tribunal and will be in contact with Opposition spokespersons on justice in that regard. It is essential that these terms of reference are fair to and respect the rights of all those involved in these matters.

I want again to refer to the important work being undertaken by the Minister for Children and Youth Affairs. As Minister with responsibility for Tusla, Deputy Zappone engaged with Maurice McCabe about very sensitive and personal matters. She quite rightly respected his right to privacy and confidentiality in relation to those matters. As I have said previously, I was aware of the meeting between the Minister, Deputy Zappone, and Sergeant McCabe but I was not aware of the details of, or the very serious and disturbing issues that arose at the meeting. In referring to this last Sunday I mistakenly said that I had spoken to the Minister, Deputy Zappone, prior to her meeting with Sergeant McCabe. That comment was inaccurate. The correct sequence is that I was informed through officials in my office that the Minister intended to meet Sergeant McCabe and last Tuesday she informed me that she had met Sergeant McCabe. However, as confirmed by the Minister, Deputy Zappone, she did not divulge any of the details of those very serious issues to me or to anyone else in government, which was the correct course of action.

I remind the House that this Government, like the previous Government, has a strong track record on justice reform in terms of the changes in structure, the analysis being carried out by Ms Justice Mary Ellen Ring in regard to the Garda Síochána Ombudsman Commission, GSOC, the putting in place of the first ever independent policing authority since the foundation of the State, an independent police inspectorate and protection in legislation for whistleblowers.

In my responsibilities, it was my direction that we would have a Ministry for children, a Department of children and an agency for children and that we would deal with enshrining the rights of children in Bunreacht na hÉireann by way of referendum and deal with the issues of the separation of Church and State, with particular reference to sexual abuse over the years. I referred to the latter in a speech delivered in respect of the Cloyne issue. Only last year, when I had an opportunity to speak to Pope Francis, I brought to his attention another case of sexual abuse.

I believe the central and fundamental issue here is that there is a claim and allegation that a deliberate smear campaign was carried out against a serving member of the Garda by Garda senior management. I am happy the House is accepting in principle the setting up of a tribunal of inquiry under the 1921 Act. I hope the Opposition and the spokespersons on justice for all the parties can agree on the terms of reference so they may be approved by both Houses of the Oireachtas this week. I hope this commission of inquiry, under whoever is chosen and agrees to direct it, will be allowed to commence its work as soon as possible in order that everybody involved in this can have fairness in terms of the terms of reference and that the truth of the

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fundamental question being asked can be determined, that is, the question of whether Garda senior management were involved in a deliberate smear campaign against Sergeant Maurice McCabe and his family.

Deputy Frances Fitzgerald: I welcome this opportunity to put on the record of the House certain matters. I want to deal with the events of last week. Last Tuesday, I brought a memorandum to Government to seek approval for the establishment of a commission of investigation under Supreme Court judge, Mr. Justice Peter Charleton. That memorandum arose in the context of protected disclosures which had been made to me by two members of An Garda Síochána last October.

I have always made it clear that any wrongdoing within An Garda Síochána must be addressed fully and fairly. It was with that in mind that within days of receiving the disclosures, I had appointed Mr. Justice Iarfhlaith O'Neill to review the allegations and to make recommendations to me. He reported to me in December, having asked for extra time. Complex legal issues arose and when these were resolved I brought a memorandum to Government last Tuesday. The purpose of the memorandum was to give effect to Mr. Justice O'Neill's recommendations, or terms of reference, which the Government accepted in full. I published the terms of reference and his conclusions and recommendations through the process of laying documentation before the Houses of the Oireachtas, required under the Commissions of Investigation Act 2004. I published what was legally possible. Mr. Justice O'Neill, having access to the information contained in the protected disclosures, believed that it was the matters which he set out in the terms of reference which required investigation by the commission.

Suggestions have been made that I had knowledge of Tusla records at the time the matter was before the Government, which would have required me to amend the terms of reference. As I have repeatedly stated, this is not the case. I was as taken aback - and disturbed - watching the revelations about Tusla that were aired last Thursday as anyone else. Clearly, very serious issues have arisen.

Throughout my entire career I have worked to ensure that cases of child sex abuse are not kept hidden and are dealt with openly and properly. I was the first Cabinet Minister for children in the history of this State. I was responsible for initiating Children First and for suggesting a referendum to enshrine children's rights in our Constitution.

On a different topic, my engagement with Deputy Jim O'Callaghan last Wednesday was constructive throughout and entirely focused on ensuring that a commission of investigation would establish the full truth. I accept that each of our positions on this aspect of the discussion is genuinely held and I acknowledge very much that this is the spirit in which Deputy O'Callaghan has worked. I regret that differences have arisen between the two of us as to what exactly was said. I have always found the Deputy honourable and I know he made very helpful suggestions about changes that might be made to the terms of reference, which, indeed, I accepted in full.

It is very relevant to note that Mr. Justice Charleton indicated that he thought the terms of reference as I brought them forward would have been sufficient to cover the matters that had arisen in the "Prime Time" programme. Let us remember he was the person who had access to all the information and all the people involved in the protected disclosures, and had an opportunity to link with them during the course of his investigation.

As I have already said, the Minister for Children and Youth Affairs, Deputy Katherine Zappone, telephoned me on 25 January to say she was meeting Sergeant McCabe later that day. I have also said that I respected the integrity of that meeting between her and the McCabes. I know as a former Minister for Children and Youth Affairs how sensitive some of the matters in that portfolio are.

I welcome the fact that there has been a full apology by Tusla and that the Minister for Children and Youth Affairs, Deputy Katherine Zappone, is to establish a statutory HIQA inquiry into the terrible issues that have arisen there.

There is no question of me having misled the Dáil in any way in what I had to say last Thursday. Deputies have referred to a series of questions in the McCabe statement yesterday. In particular, there is a series of six indented questions relating to contacts between the Garda and others relating to the false rape offence allegation. My Department is not involved in Garda operational matters and would not have details like that in its records. They are, of course, matters that will be dealt with fully by any inquiry, and this gives rise to a difficulty with the suggestion it is simply a matter of asking the Garda Commissioner to ask the gardaí involved. I have not had a chance to get detailed formal advice on this from the Attorney General but there are clearly implications for the rights of the people involved. To say, on the one hand, we are going to establish an inquiry into what someone did but that, in the meantime, we want that person to provide answers which we need to give to a person who will be party to that inquiry clearly is fraught.

Of course I understand well the concerns that people have expressed about the treatment of Maurice McCabe but it would be a great pity for people here to try to rectify one injustice by causing others. Whatever anger people might feel, in this country we do not set up tribunals of inquiry simply to confirm what people already believe. We set them up to look at all the evidence, hear all sides, and establish what the truth is. We have to be careful not to rush to judgment. Above all, everyone is entitled to basic, fair procedures enshrined in our Constitution. I cannot ignore that in a rush to judgment which ignores anyone's fundamental human rights.

We have to investigate the matters fully, but it must be done fairly too. I cannot uphold the integrity of the office to which I have been honoured to have been appointed by setting at naught the rights of others, so I cannot yield on that point.

In the course of today, we should not lose sight of the fact that day in, day out An Garda Síochána is doing excellent work, and I believe that credit is due to all ranks for that. I have embarked on a programme of major reform of An Garda Síochána, including the establishment of the Policing Authority. I hope that, over time, these reforms will bed down in the force. Obviously, I am totally open to constructive suggestions on any further reforms that might be required.

In the meantime, we need to get on with addressing the issues that have arisen. Today, the Government agreed in principle to establish a public tribunal of inquiry to establish the truth for all concerned in this situation. It is incumbent on us all now to get on with that work.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I met Lorraine and Maurice McCabe on 25 January 2017. Many Members of this House have also met them and will be aware of the heavy burden of the hurt and wrongdoing that has been inflicted on them. They have spoken very clearly of the devastating impact this has had on them and their

family. They told me that the most recent development, involving the information they had received through the freedom of information process from Tusla, was worse than anything else that had already happened to them.

I was deeply conscious then and since then that it is the State that has almost destroyed this family. I was absolutely determined that, in every action I took, I would try to ensure that I, as a Minister, would not inadvertently cause them any additional hurt. They have now and will always have my support. They told me what was contained in the file. It is shocking. It showed an unacceptable breakdown in procedures. This translated in human terms into the most vile, graphic and false allegations made against Maurice.

At my request, Tusla provided a chronology and outline of their case to me on Friday, 27 January. I made arrangements to give these to the McCabes on Saturday, 28 January. I also included a letter saying that the report may “raise further questions” that they would need answered. I advised them that the CEO of Tusla had offered to meet them if they wished, but I acknowledged that I would understand if they chose not to accept this offer. I offered to facilitate them in getting further information directly from Tusla as an alternative.

Tusla has apologised to the McCabes, will co-operate fully with the tribunal of inquiry and has deleted the information held electronically on the McCabe family, including Sergeant Maurice McCabe and his four children. A paper file only will be retained holding all information to date for the purpose of review and the tribunal. The paper files relating to the McCabes have been put under lock and key. They have been taken out of the system where they would normally be held. These are the requests that the McCabes made of me at that meeting.

It is my view, though, that the apology and these actions are not enough. An independent external review must take place of Tusla procedures and protocols for dealing with child abuse complaints. That review is separate from the matters under investigation by the commission. It is wider. As the Minister with responsibility for Tusla, I have asked HIQA to undertake an independent, statutory investigation under section 9 of the Health Act 2007 into how Tusla manages child abuse allegations. In conjunction with the CEO of HIQA, Mr. Phelim Quinn, the terms of reference for the statutory investigation are going to be drawn up to ensure that it is focused and timely. The Secretary General and senior officials from my Department met HIQA today in order to progress this. I will seek advice from the Attorney General as part of that process. This process must be swift so that we can begin to restore public confidence in Tusla and ensure that its systems are fit for purpose in dealing with these issues as we move into the future.

In terms of political developments, there were three interactions with Government colleagues. My adviser met an adviser from the Taoiseach’s office on Tuesday, 24 January, the day before I was due to meet Sergeant and Mrs. McCabe, and told him about the upcoming meeting. She told him that it was in respect of a complaint that the McCabes had about Tusla. Before meeting the McCabes, I told the Tánaiste and Minister for Justice and Equality that I was meeting Sergeant and Mrs. McCabe. As I stated when I spoke to the media yesterday, I also spoke with the Taoiseach prior to the Cabinet meeting last week. Just to be clear, this was after my meeting with the McCabes. I told him that I had met the McCabes and that we had discussed false allegations of sexual abuse made against Sergeant McCabe to Tusla. The Taoiseach said that this would be covered by the commission of investigation, which is what we were calling it at the time. I did not go into the detail of any of the allegations that I was aware of, but I did indicate to him that this was the nature of the conversation.

During the Cabinet meeting, it was my belief that Tusla would be covered by the inquiry under the terms of reference before us. I noted from radio and television interviews and debates over the weekend that the chair of the commission shared this view, that is, that the contents of the RTE “Prime Time” programme would have been covered by the initial terms of reference.

Perhaps I was overly cautious in protecting the details of the information that I had, and if that is the case, then I accept that. However, let us be clear that incorrect information circulating about the McCabes is at the root of the horrendous damage done to this couple and their family. I for one did not want to risk spreading these false allegations any further. In conversations I have had since, the Taoiseach and other ministerial colleagues have accepted the reasoning behind my decision and that it was an extremely difficult one.

The question remains as to whether I should have spoken up at Cabinet. The situation I was in was to consider whether providing information at Cabinet was necessary to achieve what I wanted to achieve, that is, to ensure that Maurice and Lorraine McCabe got truth and justice. I believed that the terms of reference covered all matters relating to Tusla. In order to bring clarity, however, I accept now that some colleagues would have preferred if I had made a contribution at Cabinet. I will learn from that.

As part of this learning, I would like to explore with my colleagues if there is a way that we could have time to look at sensitive memos for the Government in advance of Cabinet meetings. There is a practice of bringing memos directly to Cabinet. I understand the issue of sensitivity and confidentiality, but I would also like time to prepare adequately.

I also accept that there was confusion around my statements on Friday last. As the House knows, Friday was difficult in terms of communication, as I was on a brief visit to the west coast of the United States for family reasons and time zones came into play. The first statement said that I had informed relevant Government colleagues, and it is true that I had informed them of my engagement with the McCabes. That has been acknowledged by others, but some public commentary during the course of Friday led to the second statement to bring clarity. I wanted to be absolutely clear that I had not passed on files and information of confidential, graphic, disturbing and highly sensitive information. As I said then, this was also information that one could reasonably have assumed was the subject of the protected disclosure that was leading to the establishment of the commission.

I would like to reiterate that, for my own part, it was always my view that Tusla would be subject to the commission or tribunal of inquiry, a view that the chair of the commission seems to share. I believed that the information I was becoming aware of through speaking to the McCabes and through Tusla was the protected disclosure that had been a matter of public comment.

I have a job to do. I am the only Independent woman in the Cabinet and I like to think that I bring a different perspective than my colleagues. I believe that I can bring an influence that would be missing if I were not there. My only motivation in being cautious about the moment of information that I shared was that I did not want to cause any further distress to the McCabe family. There was no other motive. I believe that it was reasonable to assume that the information I had may also have been part of an existing protected disclosure. Colleagues accept that I believed Tusla was covered by the terms of reference.

People can accuse me of being politically naive. I do not agree, but people are entitled to their opinion. I would prefer that charge, even if I do not agree with it, rather than be the source

that spread false allegations of the most horrific type further.

I have read the statement issued by Maurice and Lorraine McCabe. They have asked questions of present and former members of Government. They have asked if persons acting as Minister for Children and Youth Affairs since 2013, among others, were briefed formally or informally of the making of such allegations at any time by the Garda Síochána or by the Commissioner of An Garda Síochána since August 2013. As I fall into this category, I can confirm that I have never been briefed of such allegations by the Garda Síochána or the Commissioner.

They further identify six questions that they would like answered. I believe that two of these questions could relate to Tusla. Who interviewed the alleged victim in respect of that allegation in May 2014 as claimed by her solicitor? Was any decision made not to inform Maurice of the making of the 2013 allegation and, if so, why and by whom? I have been in touch with Tusla to establish the answers to these questions. I have received a response this afternoon and have this evening e-mailed that to Sergeant and Lorraine McCabe. They may wish to come back on this and interrogate it further. If they do, and if I can, I will assist them with it.

An Leas-Cheann Comhairle: Anois an tAire Sláinte, an Teachta Simon Harris.

Deputy Caoimhghín Ó Caoláin: I beg the Leas-Cheann Comhairle's pardon, but before the Minister rises, could I ask the Leas-Cheann Comhairle to please intervene? My colleague and our deputy leader, Deputy McDonald, had requested copies of the respective contributions of An Taoiseach, the Tánaiste and Minister for Justice and Equality and the Minister for Children and Youth Affairs, Deputy Zappone, in turn. Two separate lots have been circulated to a certain number of Members in the Chamber and the rest have been completely ignored. We have yet to receive even a single copy of the first contribution. While I am interested in listening to what is being said, I would also like to have the opportunity to peruse the detail as presented in the circulated paper. If the Leas-Cheann Comhairle could please organise that.

Deputy Brendan Howlin: At least for those who are going to ask questions.

Deputy Caoimhghín Ó Caoláin: Colleagues throughout the Chamber have been completely ignored in this respect. It is simply not good enough.

An Leas-Cheann Comhairle: The contributions of the Tánaiste and the Minister, Deputy Zappone, have been available, but not to all. They should-----

Deputy Caoimhghín Ó Caoláin: That is what I-----

Deputy Mary Lou McDonald: They should be. This is ridiculous.

An Leas-Cheann Comhairle: The scripts should be available to all. I will ask the Government to ensure that happens immediately to give Members a chance to peruse them before the question and answer session. The Taoiseach's script has not been made available yet. I call the Minister for Health, Deputy Harris. In the meantime, I ask those responsible to ensure that copies of scripts are made available to all Members of the House.

Minister for Health (Deputy Simon Harris): I wish to state on the record of the House what I have already said in other public fora, namely, Sergeant Maurice McCabe, Mrs. Lorraine McCabe and their family deserve truth and justice. They deserve answers and indeed all of us, as citizens, require answers to fundamental questions which go to the core of our democracy, the administration of justice, the valuing and protection of whistleblowers and the integrity of

the structures we have worked so hard as a country to put in place to ensure that children are protected. The establishment of a public inquiry will ensure that a light is shone on all these issues. It will ensure that there is no room for secrecy. It will also ensure transparent, forensic examination of many key issues.

For my part, I wish to inform the House of the following information. I was contacted by the director general of the HSE on Friday evening, 10 February and made aware that a HSE counselling service was involved in the Tusla file concerning Sergeant Maurice McCabe. This was the first time I was made aware of that and I had not seen the Tusla file nor have I seen it now. I was informed that the HSE director general only became aware of the involvement of a HSE counsellor on the same Friday, 10 February when he was also contacted by Tusla. The HSE issued a statement the following morning, Saturday, 11 February, clarifying its involvement and offering a full apology to Sergeant McCabe and indicating its intention to make arrangements to formally deliver that apology to the McCabe family.

On the Saturday night, my special adviser received a text message from Sergeant McCabe outlining that he and his family rejected the HSE's apology and the HSE's statement. This contact was brought to my attention and that of the HSE on Sunday morning and attempts were made by the HSE to directly contact the McCabe family and their solicitor. I understand that yesterday the HSE, through the director general, issued a formal written apology to Sergeant McCabe and his family. Prior to 11 February, the only contact between the McCabe family and my departmental office was when Mrs. McCabe phoned that office on 17 January. The call was returned on 18 January and once the official who took the call established that the call concerned Tusla he made arrangements for the office of the Minister for Children and Youth Affairs to contact Mrs. McCabe. I was not made aware of the call and remained unaware of it until last Friday.

I am determined that the McCabes get answers to the questions they posed through their statement last night. Some of the questions relate to the health services. I do not have these answers today nor do I have the information in my possession to provide these answers. However, I wish to obtain the answers and I have written to the director general of the HSE to endeavour to provide the McCabe family or their solicitor with as much information as possible and as exists in HSE records. However, the HSE and indeed the Government will need to be conscious of relevant legal advices and how they interact with the tribunal process on which we are about to embark. I am also aware that the director general, in his written apology to Sergeant McCabe, has offered to meet him directly if Sergeant McCabe believes that would be helpful. It is very important that how the counselling services of the HSE have interacted with Tusla and other agencies is examined by the tribunal. I have vocalised that view to the Attorney General, the Taoiseach and the Tánaiste and I am pleased that it will, as it must, form a part of the terms of reference for the tribunal which I hope this House will establish this week.

In addition to the very important issues currently being debated and which will be examined by a tribunal, separate and distinct to that process, I have also asked that the director general would now provide me with a report which would endeavour to provide reassurance that the current policies, practices and procedures for the National Counselling Service are operating effectively and in an appropriate way. When I receive this report, I will share it with the relevant Oireachtas committees for the appropriate scrutiny.

An Leas-Cheann Comhairle: In accordance with the order, each of the groups has four minutes. It is a matter for the groups but I suggest four minutes of questions and then four

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minutes of response or do they wish to ask questions of one minute duration and have a commensurate response? They might indicate to whom they wish to address the questions.

Deputy Jim O’Callaghan: I wish to address four questions of one minute each to the Tánaiste.

Deputy Ruth Coppinger: I am sorry a Leas-Cheann Comhairle but we have not yet received the statement of the Taoiseach. Could the rest of us have a chance to read the statements before the questions begin? We have only received one of the statements.

An Leas-Cheann Comhairle: Are arrangements being made to circulate the Taoiseach’s speaking notes or speech?

Deputy Regina Doherty: Yes. They are on the way.

An Leas-Cheann Comhairle: They are on the way. Could we clarify the position, for housekeeping purposes? When the Minister of State proposed the Order of Business for the rest of the evening it was expected that we would start earlier and conclude at 8.30 p.m. but in order to give everyone an opportunity I believe it is now being proposed to extend the debate until 9 p.m. to allow for further questions.

Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): It is proposed, notwithstanding the order of the Dáil of this day, that the questions and answers following the statements of clarification made by the Taoiseach and Ministers shall, if not previously concluded, be brought to a conclusion at 9 p.m.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Clarification of Statements made by the Taoiseach and Ministers: Statements (Resumed)

Deputy Jim O’Callaghan: Last Wednesday evening I met the Tánaiste in a quiet area of this House to tell her that I wanted the terms of reference of the proposed commission of investigation extended. I told her that I had become aware, from speaking to my party leader Deputy Micheál Martin, who had spoken to Sergeant McCabe, that Sergeant McCabe had informed him that there would be a “Prime Time” programme broadcast on Thursday evening which would contain a story about a Tusla file that contained a false allegation of sexual abuse against Sergeant McCabe. I told the Tánaiste that paragraph B of the terms of reference needed to be extended to cover that. The Tánaiste agrees that I asked her to extend the terms of reference. She also agrees that I asked her to extend the terms of reference because of a forthcoming “Prime Time” programme. However, she denies that I told her about any Tusla file contained in that programme. If she is correct, why did she agree to consider my amendments, as she did, without asking me what the “Prime Time” programme was about?

Tánaiste and Minister for Justice and Equality(Deputy Frances Fitzgerald): I got a phone call from Deputy O’Callaghan at about 6.30 p.m. last Wednesday. He asked me if I would meet him and I left the parliamentary party meeting and went to meet him. We had a

discussion for about 12 minutes. Deputy O'Callaghan informed me that there was a "Prime Time" programme the next evening. He used the word "documentary" in relation to Maurice McCabe and the allegations. He said the programme would cover the smear campaign allegations that had been made against Sergeant McCabe and he said to me that I needed to look at the terms of reference because if they did not cover what emerged on the "Prime Time" programme that would not be a good place to be in and it would leave "egg on our face" in terms of the Dáil and the work we are doing. He said to me that he wanted to make sure that the allegation of a smear campaign against Sergeant McCabe was covered and whether it had been carried out by the Garda Commissioner and the previous Garda Commissioner. I said to him that they were already covered in the terms of reference and the vast majority of our conversation was about the detail of the amendments and how they needed to be changed because the Deputy was concerned that the reference in relation to Superintendent Taylor was too restrictive and would mean that there was not a proper examination of the allegations. For that reason, I agreed to consider how we would extend the terms of reference to make it absolutely clear that this could be covered. He also asked that Ministers would be included and I said there was no reason not to include them. I went away to do some work on the changes to the terms of reference. At no time did Deputy O'Callaghan mention Tusla, and if he had, or if he had said to me he wanted a particular reference in that regard I would have included it. It would have been to my advantage to include it if I had been told about it, and if he had made it clear to me that Tusla should be included because "Prime Time" was covering it, I would have included it. It would have been totally to my advantage to come back to the Dáil and insert Tusla. Deputy O'Callaghan made no mention the next day about Tusla when he made his speech.

An Leas-Cheann Comhairle: There are four minutes left so I suggest that the Deputy be as crisp as possible to get his answers.

Deputy Jim O'Callaghan: I disagree with the Tánaiste. I referred to Tusla in our conversation. What the Tánaiste has said in her statement is that she was prepared to seek the amendment of important terms of reference based upon a forthcoming television programme I was telling her about. At no stage is she saying that I indicated to her what the programme was about and at no stage did she ask. Is it credible that a Minister for justice would agree to amend terms of reference of an important commission of investigation based on upon a television programme and not ask what the programme was about?

Deputy Frances Fitzgerald: Deputy O'Callaghan made an extremely strong case that he felt the way the terms of reference were formulated as the judge presented them - because they were the judge's words - regarding the allegation of a smear campaign in Superintendent Taylor's protected disclosure was too narrow. The Deputy spent most of the time talking to me about how it circumscribed the investigation too much and ought to be broader. He made his case entirely on the fact that the terms of reference were too narrow, not on the "Prime Time" programme. He made his case on the basis that the way the judge had written them made them too circumscribed. I accepted in full the Deputy's bona fides on it. He wanted the terms of reference changed so that there was no doubt whatsoever that all of those allegations could be investigated and I responded on that basis. What was in or not in the programme was not the central point. It was that the Deputy wanted clarity in respect of the allegations and that they would be fully investigated and would not be circumscribed by reference to Superintendent Taylor. That was the main point of the discussion.

An Leas-Cheann Comhairle: I suggest that Deputy O'Callaghan combines his two questions into one because there are only two minutes left.

Deputy Jim O’Callaghan: The Tánaiste is correct in stating that most of our discussion was about paragraph (b) and I emphasised to her that it was too limited in terms of how it referred to Superintendent Taylor’s communications with the media and that it needed to be broader. However, I commenced the conversation with her by telling about the forthcoming programme which was in respect of a Tusla file. My final question for her is this. After her discussion with me, who did she contact and what did she say to them?

Deputy Frances Fitzgerald: The first point I would make to Deputy O’Callaghan is that if he was so concerned about Tusla being included in the terms of reference, why did he not raise it himself? Why did he not raise it in his speech? I came in here last Thursday and asked for statements so I could take on board the point of view of everybody here. I was completely flexible in terms of what I wanted to include in terms of investigating it and getting at the truth. After Deputy O’Callaghan spoke to me, I contacted the Attorney General, asked her about changing the terms of reference, told her what Deputy O’Callaghan’s formulation was and asked her whether it was legally sound and whether it was the way we should proceed. I had a further discussion with Deputy O’Callaghan about how it should be changed. Deputy O’Callaghan reiterated the points made here the next day but he never mentioned Tusla. Other people mentioned different things they wanted included. Deputy O’Callaghan did not mention Tusla. I had a conversation with him primarily about making sure that the terms of reference included Government Ministers, that they included great clarity and that the commission would investigate the allegations fully.

Deputy Jim O’Callaghan: Were any of the Tánaiste’s officials or Government officials aware of the Tusla allegation prior to the programme being broadcast on Thursday evening?

Deputy Frances Fitzgerald: I was not aware of what was in the Tusla file prior to the programme being broadcast and neither were my officials. Nobody had brought it to my attention.

An Leas-Cheann Comhairle: We now move to Sinn Féin, which has eight minutes. What way do its Members propose to proceed?

Deputy Gerry Adams: Tá mé ag roinnt ama le Teachtaí eile.

An Leas-Cheann Comhairle: Deputy Adams might indicate the Deputies to which he is referring.

Deputy Gerry Adams: Deputies Mary Lou McDonald, Donnchadh Ó Laoghaire and Jonathan O’Brien. The purpose of this evening’s proceedings was for Ministers to set out what they knew and when they knew about the shameful campaign against Maurice McCabe. Can we start the time again? The Taoiseach was engaged in a conversation. My question is for him. I would like him to hear the question I am putting to him.

An Leas-Cheann Comhairle: We will give Deputy Adams 20 seconds of injury time.

Deputy Gerry Adams: The purpose of this evening’s proceedings was for Ministers to set out what they knew and when they knew about the shameful campaign against Maurice McCabe. The Taoiseach has not done this. I have asked him repeatedly to tell the Dáil when he became aware of the false child abuse allegations against Maurice McCabe. Perhaps it was years ago. We do not know. He has ignored my questions, stonewalled and refused to answer. So far, the Taoiseach has given three different versions in as many days about what he says the Minister for Children and Youth Affairs told him. For her part, the Minister is very clear about

this, what the Taoiseach said to her and what her official told an official in the Department of the Taoiseach. While giving his contradictory versions, the Taoiseach has refused to say when he first became aware of the false allegation of child abuse against Garda McCabe. I would like to put that question directly to the Taoiseach now. When did he first become aware of this false allegation?

The Taoiseach: I have answered this before. I do not deal in rumours, hearsay or allegations. Deputy Adams's question is irrelevant to the central issue here - how to define and determine the truth of a central issue, namely, senior gardaí carrying out a deliberate smear campaign against Sergeant McCabe and his family.

(Interruptions).

An Leas-Cheann Comhairle: I call Deputy Jonathan O'Brien. To which Minister is he addressing his question?

Deputy Jonathan O'Brien: It is addressed to the Taoiseach initially. In her speech, the Minister for Children and Youth Affairs stated that she spoke to the Taoiseach prior to last week's Cabinet meeting, which was after her meeting with Sergeant McCabe. She told the Taoiseach that she had discussed false allegations of sexual abuse against Sergeant McCabe that were made to Tusla. The Taoiseach stated that this would be covered by the commission of investigation. First, did the Taoiseach say that? Second, how was he aware that it would be covered by the commission of investigation when the very Minister tasked with drafting the terms of reference for the commission of investigation claims she was not even aware of the existence of a Tusla file?

The Taoiseach: The Government was considering the setting up of a commission of investigation arising from two protected disclosures dealing with matters of sexual allegations. The Minister for Children and Youth Affairs is the Minister responsible for Tusla. My assumption was that the terms of reference would cover that. That was clarified by the judge appointed at the time to conduct the commission of investigation.

Deputy Mary Lou McDonald: I thank the Minister for Children and Youth Affairs for clarifying the fact that she did in fact brief the Taoiseach as regards the Tusla file in advance of the Cabinet meeting. There was no confidentiality or sensitivity around that. Maurice McCabe came to see the Minister not to discuss an allegation or a live investigation but to complain about a false allegation. He also made the Minister aware that he had been talking to the media and that a "Prime Time" programme would be broadcast. The Taoiseach repeatedly refused to say when he first learned of allegations of a sexual offence made against Maurice McCabe. Let me help him. It was reported in the *Irish Independent* on 12 April 2014 that Deputy Micheál Martin met with the woman alleging sexual assault or abuse by a serving Garda. On 15 April, the same newspaper reported that the alleged victim wished to meet with Deputy Micheál Martin. On 2 May, it was reported that Deputy Micheál Martin wrote to the Taoiseach and told him about this and it was mooted in an article that the Taoiseach was going to order an investigation into this matter. The Garda about whom the woman spoke to Deputy Micheál Martin was none other than Maurice McCabe. So the Taoiseach was aware from that point. Did he instigate an investigation and why does he persist in a game of make believe that he did not know about these allegations? He knew about them going back to May 2014. Will he and Deputy Micheál Martin be witnesses at the tribunal of inquiry?

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The Taoiseach: I think Deputy Micheál Martin presented a number of issues from the far side of the House about matters of importance. That was transferred by me to the Minister for Justice and Equality. It was transferred to the independent review mechanism, which was assessed by legal opinion and all of that. It is a matter that was handled from my Department to the Department of Justice and Equality. Following all of the cases there, there was an independent review mechanism set up to deal with it.

Deputy Micheál Martin: May I correct the record?

Deputy Mary Lou McDonald: Did Deputy Micheál Martin write to the Taoiseach and report that he had a meeting with a woman who made a complaint of sexual abuse against Garda Maurice McCabe? Yes or no? It is reported that this happened in May and that the Taoiseach was to instigate an investigation. I ask the Taoiseach to confirm this.

Deputy Micheál Martin: Can I make a correction?

An Leas-Cheann Comhairle: I will take a point of clarification from Deputy Martin and then the Taoiseach.

Deputy Micheál Martin: With respect-----

Deputy Dessie Ellis: Let the Taoiseach answer the question.

An Leas-Cheann Comhairle: I will call the Taoiseach.

Deputy Micheál Martin: I want to correct the record of the House. There have been enough smear campaigns going on and undermining-----

Deputy Caoimhghín Ó Caoláin: Deputy Enda Kenny is supposed to be the Taoiseach.

An Leas-Cheann Comhairle: Correct the record.

Deputy Micheál Martin: I wrote to the Taoiseach. I want to make this point because it is very important.

Deputy Dessie Ellis: No it is not.

Deputy Fiona O'Loughlin: How do you know?

Deputy Micheál Martin: Either we live in a democracy in which we correct the record or we do not.

Deputy Dessie Ellis: The Taoiseach is the man being asked the questions, not Deputy Martin.

An Leas-Cheann Comhairle: Please, Deputies. A point of clarification.

Deputy Micheál Martin: I want to make it clear. Whether the Deputy wants the truth or not-----

Deputy Dessie Ellis: No, Deputy Martin wants to distort the truth.

An Leas-Cheann Comhairle: Please, Deputies. A point of clarification.

Deputy Micheál Martin: It is a matter of record that I sent a dossier of complaints that Maurice McCabe sent to me when I met him about Garda malpractice in Bailieborough at that time.

An Leas-Cheann Comhairle: Thank you.

Deputy Micheál Martin: No, please. Subsequent to me sending the dossier, an individual approached me following articles in a newspaper about an allegation of sexual abuse that was dealt with by the DPP back in 2006 with regard to a case from 1997 or 1998. The alleged victim at the time said to me that the DPP had made a decision on it but was anxious that the Guerin investigation would cover the manner in which the case was handled. The contention was that it was because it was a Garda sergeant-----

Deputy Mary Lou McDonald: And it was Maurice McCabe?

Deputy Micheál Martin: Yes. Maurice McCabe was made aware of this at the time because I made him aware of it. He was fully anxious that it be dealt with by the Guerin investigation. He spoke to Mr. Guerin about it as well-----

An Leas-Cheann Comhairle: Thank you. The clock has stopped.

Deputy Micheál Martin: -----and made the background very clear. I believe it is important-----

Deputy Seán Crowe: It is all coming back now.

Deputy Micheál Martin: -----that we get the light and the truth out of all of this.

An Leas-Cheann Comhairle: There will be other opportunities to speak.

Deputy Micheál Martin: I asked the Taoiseach to ask Mr. Guerin to include it. He decided not to.

An Leas-Cheann Comhairle: I call the Taoiseach. The clock starts again.

The Taoiseach: The letter Deputy McDonald refers to was a letter in respect of how a case that had been dismissed by the DPP had been handled by the Garda. It has nothing to do with the current exposés on the “Prime Time” programme or the so-called Tusla file. The letter was a complaint about how the process and the procedure was handled. That case had already been previously dismissed by the DPP.

Deputy Donnchadh Ó Laoghaire: My question is directed to the Minister for Children and Youth Affairs. It is clear that there was error upon error and failure upon error with regard to the child protection and Tusla handling of the file relating to Sergeant McCabe. As regards the involvement of the HSE counsellor, the reason the counsellor was in contact with the Garda and who contacted who, it is all contrary to Children First processes. How could a file of such seriousness be treated as casually as to allow copying and pasting? Most of all, how could a file exist on alleged child abuse and not be picked up for several years? If this file was not a false accusation, why was there no review, no oversight and no investigation? How could it happen that it was not followed up and was allowed to sit there?

It is clear that normal procedures were not followed. That raises questions about the handling of child protection by Tusla on a systematic basis. There have been examples of this

before. A June 2016 report found 822 unacknowledged Garda notifications of alleged abuse from Tusla in the midlands region. Mr. Fred McBride has refuted that he would knowingly allow collusion with the gardaí. However, it happened before his watch. How can the Minister account for the facts that normal procedure was so comprehensively ignored in this instance and that the Children First policy was not followed? Can Tusla disprove the charge of collusion by some of its staff and does it intend to do so?

Deputy Katherine Zappone: I thank Deputy Ó Laoghaire for those questions. I believe they are excellent and relevant questions. These are the issues that I expect will be covered in the statutory investigation that we are requesting of HIQA. The terms of reference are being drawn up. As we are having this debate, work is going on. I am going to bring those terms before the Attorney General to take a look at them. It is very important that we get those terms right and that the issues that the Deputy has identified are asked and answered. I also believe that it was extremely important to establish this, in addition to the commission of investigation or the tribunal of inquiry, because my understanding is that that is going to be focused on a particular case. The Deputy is also raising systemic questions about processes that have inflicted this extraordinary damage on this family. That would be my feeling and belief as well. Therefore, we needed another type of investigation, an independent, robust and external review to come up with the answers to the Deputy's questions.

Deputy Brendan Howlin: I want to put my first question to the Taoiseach. I wish to refer to his meetings with the Minister, Deputy Zappone. I cannot understand how it could be the case that the Taoiseach could have such a flawed recollection of such significant meetings. On the radio last Sunday, the Taoiseach referred to what he "said to her", referring to the Minister, Deputy Zappone, at a meeting that never took place. How could it then be when he actually did meet the Minister, Deputy Zappone, just before the Cabinet meeting, during which he was told of the Tusla involvement in the McCabe affair, that he proceeded to forget about this meeting almost from that moment and denied it existed when he was asked about it last Sunday? Why did he not mention the Tusla piece of information to the Cabinet? Is the Taoiseach actually suggesting that he did not remember that piece of information when the terms of reference were being discussed? The Minister, Deputy Zappone, said, "I let him know that I had met with the McCabes, that we had discussed Tusla". Is it not the case that if the Minister, Deputy Zappone, had not insisted upon her version of fact, that an entirely incorrect sequencing of events would have remained on the public record subsequent to the Taoiseach's interview last Sunday?

The Taoiseach: I actually told the truth today in the House. I reflected-----

Deputy Paul Murphy: Which time? Was it the first, second or third time?

The Taoiseach: -----on many things that come my way on the average day. As I pointed out today, and as the Minister, Deputy Zappone, pointed out, her office informed my office of her intention to meet with the McCabe family. That was relayed to me. In all of the activity, I was mistaken in saying that I had actually spoken to the Minister about her meeting with the McCabes.

Deputy Mary Lou McDonald: She has just contradicted you.

The Taoiseach: She did inform me just before the Cabinet meeting began that she had met with the McCabes and that they had discussed false sexual allegations against the sergeant. She did not make me aware of the existence of a file in Tusla or of any contents of that file-----

Deputy Pearse Doherty: To Tusla.

The Taoiseach: She did not make me aware of any of the content of the discussion that she had with Sergeant McCabe or his wife.

Deputy Brendan Howlin: When was the Taoiseach first made aware of Tusla involvement in this affair and by whom?

The Taoiseach: The Minister said that she had discussed false allegations that had been made to Tusla about Sergeant McCabe. The Cabinet was in session dealing with protected disclosures, which it is not-----

Deputy Brendan Howlin: Is the Taoiseach saying that she told him during the Cabinet meeting?

The Taoiseach: -----allowed to discuss the content of. Obviously, the terms of reference had been set out for the commission of investigation by Mr. Justice Iarfhlaith O'Neill.

Deputy Brendan Howlin: The Taoiseach did not answer the question. When was he first told about Tusla involvement and by whom?

The Taoiseach: As I said to the Deputy, before the Cabinet meeting, the Minister, Deputy Zappone, said that she had met with the McCabes and that the question of false allegations of sexual abuse had been made to Tusla and had been discussed by her with the McCabes.

Deputy Brendan Howlin: Can I ask the Tánaiste a question? Her version of events and that of Deputy Jim O'Callaghan both cannot be true. Being able to depend on the word of the Minister for justice is important in any jurisdiction, all the more so when discussing matters of the gravity that we are now discussing in the events of recent days. I ask the Tánaiste for complete clarity. When was the first time she heard that the Tusla agency was involved in the Maurice McCabe case? Again, from whom did she learn that?

Deputy Frances Fitzgerald: As I have said consistently, in terms of the facts as they emerged on the programme regarding false allegations, the first time that I heard of those details was when I went home and saw the "Prime Time" programme. I had never been briefed on a
7 o'clock Tusla file. I did not know whether there was any Garda involvement, for example, with Tusla in regard to Maurice McCabe. I never knew there was a counsellor involved. I never knew about the set of false allegations that had been made by the counsellor to Tusla. I had no information on those facts as they emerged on the "Prime Time" programme. I had had no briefing from anyone on that because no one in my Department knew, and I had never been briefed by anybody else that these allegations were around.

Deputy Brendan Howlin: Prior to the "Prime Time" programme, was the Tánaiste aware of Tusla's involvement in any other whistleblower case?

Deputy Frances Fitzgerald: Many whistleblower cases come to my attention. I cannot investigate them myself but I have the responsibility to pass those on to the Garda Síochána Ombudsman Commission, GSOC. It has been noted publicly, and I can confirm, that in one of those cases there was a mention of Tusla and that was passed on to GSOC for investigation.

Deputy Brendan Howlin: Can I ask the Minister for Children and Youth Affairs a question? In terms of the critical information she had given to the Taoiseach concerning Tusla

involvement, an involvement that the Minister had vastly more knowledge of than the Taoiseach, how could it be that she did not mention that during the Cabinet discussion on the terms of reference? She is specifically entitled, under the Child and Family Agency Act of 2013, and is required under Article 28.4.2o of Bunreacht na hÉireann, to ensure that her colleagues are informed. Was the Minister advised by any departmental official to take this extraordinary course of action? In other words, was she advised to deny her Cabinet colleagues of the full knowledge when they were making such an important critical national decision?

Deputy Katherine Zappone: I will answer Deputy Howlin's last question first. No, I was not advised. I was not aware of the contents of what we would be discussing that morning regarding the response to the O'Neill report. No, I did not have any advice in that regard.

With regard to the Deputy's first question, I have already answered that. I made a decision. I discerned the information that had been shared with me by the McCabe family in that original meeting and had Tusla respond very quickly to their questions in terms of a further file and what was going on. As I said already here in the Chamber, the letter that went with that was to ask if there were any other issues they wanted to clarify. That was where I was at with them at that stage, and I decided that is where it should stay.

Deputy Brendan Howlin: When then did the Minister first see the terms of reference that were proposed for Cabinet? Were they circulated in advance of the Cabinet meeting? I refer to the terms of reference for the proposed commission of investigation.

Deputy Katherine Zappone: No, they were not.

Deputy Brendan Howlin: They were brought to Cabinet directly.

Acting Chairman (Deputy Jim Daly): I am moving on to the Independents 4 Change whose Members have eight minutes.

Deputy Paul Murphy: AAA-People Before Profit is next.

Acting Chairman (Deputy Jim Daly): I have it in the other order. To be clear, I intend to limit everybody asking a question to one minute and everyone giving an answer to one minute. I will treat everybody with the same parity of esteem.

Deputy Paul Murphy: I will take two minutes, Deputy Coppinger will take two minutes and Deputy Boyd Barrett will take four minutes.

People tuning in will be a little bemused to hear that the Taoiseach is looking for a pat on the back for telling the truth in the Dáil today and that it is some sort of event that is newsworthy. However, they have to ask themselves which version of the truth was he telling. Deputy Adams referred to three versions of the story in three days but we have had three versions of the story today. At 2.16 p.m., in answer to Deputy Micheál Martin, the Taoiseach stated that the Minister, Deputy Zappone, told him before the Cabinet meeting last Tuesday that she met with him and they discussed allegations that were false that were given to Tusla. At 2.32 p.m., the Taoiseach answered me and stated: "It is not true to say that I had any information about the existence of that prior to the Cabinet meeting in Government Buildings". That was in response to me saying that he knew about Tusla. With regard to the Minister, Deputy Zappone, not only does she state: "I told him that I met the McCabes and we discussed false allegations of sexual abuse made against Sergeant McCabe to Tusla"-----

Acting Chairman (Deputy Jim Daly): Thank you, Deputy. Who do you want to answer the question?

Deputy Paul Murphy: -----the Taoiseach responded by stating that this will be covered by the commission of investigation.

Acting Chairman (Deputy Jim Daly): To whom is the question aimed, Deputy?

Deputy Paul Murphy: Is the Minister, Deputy Zappone's version-----

Acting Chairman (Deputy Jim Daly): Deputy, your time is up.

Deputy Paul Murphy: -----accurate?

Acting Chairman (Deputy Jim Daly): To whom is the question aimed?

Deputy Paul Murphy: Did the Taoiseach engage in a conversation around it and therefore he was fully aware of Tusla's involvement?

Deputy Ruth Coppinger: Will the Acting Chairman lighten up a little bit?

Acting Chairman (Deputy Jim Daly): Sorry, I am in the Chair and I make my decision, as Chair. I do not need Deputy Coppinger's assistance. The Taoiseach has the floor.

The Taoiseach: No, I was not aware of any of the details of the discussion the Minister, Deputy Zappone, had with the McCabe family and I was not aware of any of the details contained in the Tusla file. What the Minister did say to me was that she had met the McCabes and that they had discussed false allegations of sexual abuse that had been sent to Tusla.

Deputy Paul Murphy: Did the Taoiseach say to her that this would be covered by the commission of investigation?

The Taoiseach: The Cabinet was meeting to adopt terms of reference set out by Mr. Justice O'Neill regarding matters that clearly were of a sexual nature. The Minister, Deputy Zappone, is the Minister with responsibility for Tusla. Obviously, she had said that the discussion she had had with the McCabes, without giving me any detail, had been about false allegations of a sexual nature that had been made to Tusla.

Deputy Ruth Coppinger: With regard to the wording the Minister, Deputy Zappone, used, she stated: "I told him I had met the McCabes, that we had discussed false allegations ... made against Sergeant McCabe to Tusla". She then stated: "The Taoiseach said that this would be covered by the commission of investigation". That is what she has said and it is written in black and white. Is that accurate?

The Taoiseach: Will Deputy Coppinger repeat her question?

Deputy Ruth Coppinger: Did the Taoiseach tell the Minister, Deputy Zappone, that the Tusla issue would be included in the terms of reference of the commission of investigation because she says in her statement that he did? She went on to state: "During the Cabinet meeting it was my belief that Tusla would be covered by the inquiry under the terms of reference before us". She said that because the Taoiseach told her it would be covered.

The Taoiseach: I had looked at the terms of reference and I was clear in my mind that

anything to do with allegations of a sexual nature would be covered by the terms of reference.

Deputy Ruth Coppinger: Did the Taoiseach tell her, or not, that it would be covered in the terms of reference because the Minister says he did?

The Taoiseach: Yes. I said these will be covered in the terms of reference because they were false allegations of a sexual nature but I want to make it clear again that in informing me that she had met the McCabe family, she did not tell me the detail of the discussion she had with the McCabes or of the existence of a file in Tusla and the contents of that file.

Deputy Ruth Coppinger: Is the Taoiseach saying that the Minister, Deputy Zappone, is telling a lie in black and white in her script tonight-----

The Taoiseach: No, I am not.

Deputy Ruth Coppinger: She said that the Taoiseach assured her it would be in the terms of reference and he is saying he did not.

The Taoiseach: The Deputy is incorrect. The Cabinet was considering the terms of reference as set out for the Government by Mr. Justice O'Neill. Clearly, the Minister for Children and Youth Affairs has responsibility for Tusla. She informed me before the meeting that she had met with the McCabes, that questions of false allegations of a sexual nature-----

Deputy Ruth Coppinger: Yes, the Taoiseach said that.

The Taoiseach: -----that had been presented to Tusla were discussed by her. That is what she said to me. Obviously, the terms of reference dealing with those covered by Mr. Justice O'Neill would cover that, and that was actually confirmed by the Supreme Court judge, who was determined at that stage-----

Deputy Ruth Coppinger: Why did the Taoiseach not go on then to ensure, having told his Minister it would be in the terms of reference, that it was in the terms of reference?

The Taoiseach: It was in the terms of reference and it was-----

Deputy Ruth Coppinger: The Tusla allegations.

The Taoiseach: No, the terms of reference were sufficiently flexible to cover Tusla.

Deputy Mary Lou McDonald: No, they were not.

Deputy Ruth Coppinger: I have a question for the Minister for Justice and Equality. She spoke to the Minister, Deputy Zappone, about her meeting with the McCabes. She stated that all she said was, "Thank you, Katherine". She had read a full transcript from the O'Higgins commission which went into detail-----

Deputy Frances Fitzgerald: No.

Deputy Ruth Coppinger: She had it in her possession, according to Maurice McCabe, so if she did not read it, there is a problem. Why did the Minister not think to ask the Minister, Deputy Zappone, who is in charge of Tusla why she was going to meet Sergeant McCabe and his family that day? Why did she not think to ask that, given that she is the Minister for Justice and Equality and it would ultimately be her responsibility to ensure this entire matter is dealt

with?

Deputy Frances Fitzgerald: First of all, let me correct Deputy Coppinger. It would be illegal for me to read the transcripts of the O'Higgins commission. They are meant to be under lock and key for 30 years except that GSOC went to court a few weeks ago to have access to them because I had asked GSOC to investigate and the court decided it could access those records. Just be very clear, I would have no right to read the transcripts of the O'Higgins commission and I have not read them.

The Minister, Deputy Zappone, on the morning she was meeting the McCabes, phoned me and said she was having a meeting with them that afternoon. I think I said to her, "complex situation" and "thank you for letting me know". That was what I said. I respected the integrity of the process in which she was involved with them. I was working on protected disclosures which I could not speak about anyway in any detail. I could not speak to anybody about them. I was drawing up the terms of reference for the commission, and I assumed the Minister would get on with whatever work she had to do with them. I probably assumed it was a personal matter that they wanted to talk to her about, and that if it was relevant it would emerge in any further discussion at a later point. The Minister, Deputy Zappone, has also made the point she had not finished her engagement with the McCabe family.

Deputy Richard Boyd Barrett: Maurice McCabe has lifted a rock and what has appeared from underneath it does not look pleasant at all. I want to know from either the Taoiseach or Tánaiste whether they will be led by what Maurice McCabe, the brave whistleblower, has asked for in terms of answering the questions. I note the Minister, Deputy Zappone, has responded to the questions that relate to her Department and has already sent answers to the McCabes and she is willing to further engage, but the Minister for Justice and Equality has suggested she will not respond to the questions that the McCabes believe can be answered even before a tribunal of inquiry is established. Why is the Minister taking a different line from the Minister, Deputy Zappone?

Deputy Frances Fitzgerald: Let me clarify this. With regard to Sergeant Maurice McCabe and the various issues he has unearthed, I must agree with the Deputy. I have already spoken in the Dáil about the changes he has brought about, for example, with regard to penalty points and the issues that arose subsequent to the O'Higgins commission where a huge amount of action has followed given the points he raised regarding Garda management of investigation of crime.

With regard to the question about the legality of answering the questions, I believe any of us with information should provide answers where we can, but I have just made the point there is an interaction with setting up a tribunal of inquiry, and if the same issues are about to be investigated by the tribunal of inquiry then we have to be sure we are fair to everybody. Otherwise we could scupper the inquiry by showing we were dealing more favourably with one party to the inquiry than the other. This is the legal advice I have at this stage. In so far as we can answer any of the six questions put forward by Sergeant Maurice McCabe, and already the Ministers, Deputies Harris and Zappone, have said they would be in a position to answer some of those questions, of course I want to see it done. Just be conscious we have to be aware we have to be fair to all parties, otherwise one party could go to court and say it was not fair procedure.

Deputy Richard Boyd Barrett: I have another question.

Acting Chairman (Deputy Jim Daly): I will bring the Deputy back in when we have free-

flowing questions.

Deputy Richard Boyd Barrett: I have one more question.

Acting Chairman (Deputy Jim Daly): No, the eight minutes have gone for the Deputy's group.

Deputy Mick Wallace: My first question is to the Minister, Deputy Zappone. I commend her on her contribution. It struck me as being honest. Rian Counselling made a report on 9 August 2013, which turned out to be the false report. It rectified the matter, or amended it, on 14 May 2014. Does the Minister know the personnel involved on both ends on each occasion in August 2013 and May 2014? Is she aware of the personnel from Rian Counselling? Is she aware of the personnel from Tusla who were dealing with the case?

Deputy Katherine Zappone: I have information. I am sorry, Deputy, but I am just trying to recall absolutely clearly information that went back and forth that may have had initials as distinct from full names of the people about whom the Deputy is asking. I can check that in the context of this debate. I am trying to recall that now, with all the information and the back and forth I have had in terms of what the McCabes spoke about with me in coming to me that day and the subsequent report I requested from Tusla.

Deputy Mick Wallace: From the information the Minister can recall, is there any indication there may have been any interference on the part of An Garda Síochána in any way, as far as she knows?

Deputy Katherine Zappone: I do not have that explicit information.

Deputy Mick Wallace: I will ask the Minister for Justice and Equality the same question. Is she aware of any potential interference on the part of An Garda Síochána on either end of those two different correspondences? We are speaking about 9 August 2013, when a report was made to Tusla which made the false allegation about Maurice McCabe, and then the amended report on 14 May 2014. My question is whether the Minister is aware of any possible Garda Síochána interference on either end of these two correspondences?

Deputy Frances Fitzgerald: No, I am not aware of that. Since yesterday I have a copy of the HSE file, but I am not aware of any because I do not have any of that information. I have nothing in relation to that because, as I said, I did not know about the false allegation. I did not know a referral had been made like that to Tusla. I had no information on that or any of the interactions around it because I did not know about it. I was never briefed on it and it was never brought to my attention, for example, by any member of An Garda Síochána or at any briefing I was at. The answer is I do not have the information the Deputy is asking about. I do not have any information that happened.

Deputy Clare Daly: It is not clear whether the Minister does not have the information because she has not read the file yet or because that information is not contained in it. She might answer that with my next question. I want to put on the record that the Minister, Deputy Zappone, has responded efficiently, sensitively and appropriately. I am not just saying that as my opinion, I have seen the evidence that supports it was an adequate response when she was made aware of those allegations. Her account today has been eminently believable, and I must put it to the Taoiseach and the Tánaiste that their accounts have not been the same. The account of the Taoiseach and Tánaiste has not been as full or as humble. They have tried to hide behind

the Tusla files, as if this is a get out of jail card. All of us, including the Taoiseach and Tánaiste, know from the protected disclosure of Dave Taylor that false allegations of child sex abuse were being made against Maurice McCabe. Do the Taoiseach and Tánaiste expect us to believe that when Deputy Zappone told them she was meeting the McCabes they thought it might have been on a personal matter and not something they should be interested in?

The Taoiseach: The protected disclosures received by the Minister for Justice and Equality are not public information. No member of the Cabinet other than the Minister had access to those files. When they were referred to Mr. Justice O'Neill he considered them and made his recommendation for a commission of investigation, giving the suggested terms of reference.

Deputy Clare Daly: Having had access to the information in the protected disclosure, the Minister was aware that a false allegation of child abuse was made against Maurice McCabe. Dave Taylor's allegation was that he had been instructed to spread word to journalists. This was included in the terms of reference and the criminal misconduct could have been investigated but now the Taoiseach tells us that no one had any knowledge about it. It is just not credible and there is a huge problem if we cannot believe the word of the Minister for Justice and Equality.

Deputy Frances Fitzgerald: I am not hiding behind anything but telling the Deputy the facts. I had a protected disclosure. The Deputy seems to know what is in that protected disclosure.

Deputy Clare Daly: The Minister does. She has read it.

Deputy Frances Fitzgerald: The Deputy says it is about child sexual abuse allegations but the protected disclosure in the terms of reference was to do with a smear campaign. When I say I had no information or briefing, I am not hiding behind any one file. The allegations are not in any file I hold, or in anything of which I was aware. Deputy Wallace asked me about An Garda Síochána but I have no information about that. The file to which I refer is the file which Deputy Zappone has, giving details of the counselling service and interactions relating to that.

Deputy Clare Daly: If the allegation was about a smear campaign, why did the terms of reference include an allegation of criminal misconduct? If that criminal misconduct was not alleged child sexual abuse, the Minister might tell us what it is.

Deputy Frances Fitzgerald: The judge decided that any allegation of criminal misconduct made against Sergeant McCabe should be included in the terms of reference. It would cover sexual allegations.

Deputy Clare Daly: The Minister just said there was no allegation other than the one about the smear campaign.

Acting Chairman (Deputy Jim Daly): Please do not talk over the Minister.

Deputy Frances Fitzgerald: The Deputy misunderstands me and is misrepresenting what I am saying.

Deputy Pearse Doherty: That is what the Minister said.

Acting Chairman (Deputy Jim Daly): It is now the turn of the Rural Independent Group, who have eight minutes. I will limit each question and response to a minute.

Deputy Mattie McGrath: I am glad the Business Committee agreed to this question and answer session as it is vitally important. Did any of the Ministers have any intent to mislead the House during this saga? Might they have inadvertently done so at any point?

The Taoiseach: I have corrected my mistaken comment in regard to the Minister, Deputy Zappone's meeting with Sergeant McCabe.

Deputy Frances Fitzgerald: What I said in the Dáil last week was absolutely accurate and that is plain to anyone who reads the record of the House. What reason would I have to mislead the House in this matter? What would I be trying to hide? I freely admit that I was scrupulous in referring to Sergeant McCabe at all times, lest I put anything on the record of the House that might be damaging to him. In formulating his terms of reference the judge spoke about criminal allegations so I was scrupulous not to put lurid details on the record and was very careful in the way I referred to issues. I have never, ever misled the Dáil and I did not mislead the Dáil last Thursday.

Deputy Katherine Zappone: This is the first time I have spoken on this issue in the Dáil. I do not believe I have misled the Dáil. As I said in response to Deputy Wallace earlier, certain information is available but it is not appropriate to bring the names of those concerned to the Dáil.

Deputy Simon Harris: I have never been asked to address the Dáil on this matter before and only became aware of information relating to this on Friday evening, receiving the first report at midnight on Saturday, 11 February. I have provided the Dáil with all the information I have available to me.

Deputy Mattie McGrath: I believe the return of the Minister for Children and Youth Affairs, Deputy Katherine Zappone, was welcome and brought a lot of clarity. It is refreshing and I compliment her on it. I accept the answers to my questions from the Ministers.

Deputy Zappone used words like "vile" and "graphic" and said false information was put out there by Tusla. Can the Taoiseach and Ministers say whether they have faith in Tusla and in its CEO? Do they have full confidence in Tusla? I certainly do not. I have raised many issues in this House in this regard and I opposed the children's referendum. People get in touch with me on a weekly basis about horrific cases and the answer I always get is that Tusla will investigate this matter itself. It is farcical in the extreme for a relatively new organisation to investigate itself. I was told there was a grandparent rule meaning a child was not allowed to be cared for by grandparents. That has been changed now but this rule was made up by the agency itself - it was not in the Act. Tusla has tried to account for this as a copy and paste mistake but it is far from it. There are many, many mistakes and they are being covered up.

The Taoiseach: The Minister has ordered a root and branch review of the mechanics of the way Tusla does its business. Clearly, in the outline in the programme on the treatment of Sergeant McCabe, this was incompetence on a major scale. There are requirements in law for Tusla to assess every case that comes before it, but to do so with accountability and responsibility in an expeditious and fair manner. Clearly, this particular issue was not dealt with in accordance with the standards one would expect and that is why the Minister and the Minister for Health will see to it that there is a root and branch examination of the mechanics of the way Tusla does its business.

Deputy Frances Fitzgerald: Anybody who has looked at the details of this case and how

it was handled by Tusla would be very concerned - absolutely very concerned. It is a relatively new organisation, which was set up to get more focus on child sexual abuse cases and on all the issues relating to children in care, in foster care, adoptions and so on. It is extremely disappointing that there was a delay of a year and a half in what it thought was a very serious child sexual abuse claim. It turned out that, in fact, it was based on false information. It is equally upsetting to see that in the report of false information that was given back to them by the counsellor, the bits were not joined together and that Sergeant McCabe had to suffer the appalling situation where he had contact from Tusla on what was a totally false allegation. Therefore, of course, I would be concerned. I am pleased that the Minister, Deputy Zappone, is setting up an inquiry under HIQA.

As we well know, child sexual abuse has been hidden away for a long time. Let us make it clear, however, that at present, with Children First now in place, everybody in the country is under an obligation to report it if they suspect child sex abuse. The public must have confidence in how those allegations are handled.

Acting Chairman (Deputy Jim Daly): I have only one minute left for the other two Ministers to respond.

Deputy Katherine Zappone: In response to Deputy Mattie McGrath, I am deeply concerned about Tusla which is why I have requested that statutory investigation. As the Tánaiste has said, it is a relatively new organisation. There has been a change of leadership even within its short period of life, so I think it is important to note that at this stage as well. Yes, I have deep concerns and that is why it is absolutely critical that we have the inquiry, but also an investigation into the systems and processes that will allow us to see whether they are fit for purpose.

Acting Chairman (Deputy Jim Daly): The Minister for Health has ten seconds.

Deputy Simon Harris: In reply to Deputy Mattie McGrath, I am also extraordinarily concerned about so many of the revelations that we have heard in recent days. I do think, however, that people are entitled to due process, as is this organisation. It is a welcome development that the head of Tusla is going before the Committee on Children and Youth Affairs. It is vital that the tribunal this House will set up includes both Tusla and the HSE, and their interactions with An Garda Síochána.

Acting Chairman (Deputy Jim Daly): I am now moving on to the Social Democrats who have eight minutes. I call Deputy Catherine Murphy.

Deputy Catherine Murphy: I wish to share time with Deputy Shortall and Deputy Catherine Martin. I want to address my question to the Tánaiste and Minister for Justice and Equality.

(Interruptions).

Acting Chairman (Deputy Jim Daly): I ask Members to refrain from consulting in the Chamber, please.

Deputy Catherine Murphy: The Taoiseach made the point that at the heart of this is a smear campaign against Sergeant Maurice McCabe, and a suggestion that it was orchestrated by senior gardaí. The Tánaiste expanded that to say the Commissioner and somebody at the next level to the Commissioner. Given that the Garda Commissioner is charged with handling discipline in the force and serious breaches of discipline, is it tenable for the Commissioner to

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appear as a witness potentially at the tribunal, and refute claims by people in her own organisation, and maintain discipline in the force? Is it tenable for the Commissioner to continue in position while this tribunal is in place?

Deputy Frances Fitzgerald: Mr. Justice O'Neill investigated and did a preliminary report into the allegations that had been made. I made a mistake earlier when I said that Mr. Justice Charleton had done so. It was Mr. Justice O'Neill, so I want to correct that. I have just realised that I had said that. In his preliminary report, Mr. Justice O'Neill made contact with all of the people who were involved in the protected disclosures. Having done that preliminary report he decided that he could not arrive at a conclusion in relation to the matters before him. He said it was not possible for him to do it. He recommended a commission of investigation. Allegations are not convictions, however, and people are entitled to the presumption of innocence. That applies to all of the parties involved, including the Commissioner.

Deputy Róisín Shortall: My questions are to the Taoiseach. The issue of public concern is not so much who said what when, but rather the Taoiseach's failure to do the right thing by the whistleblowers. Their complaints go back to November 2012. On seven occasions since then they have been vindicated in official reports.

Therefore my questions to the Taoiseach are as follows. In light of the vindication of the whistleblowers and the clear evidence of corruption within the gardaí, why did it take a conflict in Cabinet to force his hand to agree to a public inquiry? When was the Taoiseach first made aware of the scurrilous rumours about Sergeant McCabe, and by whom? When did the Taoiseach decide to include these in the commission of inquiry? Finally, when did he become aware of the content of the meeting between Deputy McGuinness and the then Commissioner, Martin Callinan?

The Taoiseach: The latter case was referred to here in the Dáil on whatever date that was. I have already referred to the changes that are under way with the Garda Síochána Ombudsman Commission, GSOC, under the direction of Ms Justice Mary Ellen Ring. Protected disclosures are-----

Deputy Róisín Shortall: I did not ask the Taoiseach that.

The Taoiseach: The Deputy mentioned about protected disclosures.

Deputy Róisín Shortall: When did he first become aware-----

Acting Chairman (Deputy Jim Daly): One second Deputy, I will let you back in. Let the Taoiseach finish.

The Taoiseach: The Cabinet did not draft the terms of reference. They were drafted by Mr. Justice O'Neill having examined the two protected disclosures. He made the recommendation that he was not able to determine the truth after analysing both protected disclosures. The terms of reference were drafted by him.

Deputy Róisín Shortall: On a point of order, the Taoiseach is not prepared to answer a straight question. I asked him when did he first become aware of the scurrilous rumours circulating about Sergeant McCabe. Can he tell us that?

Acting Chairman (Deputy Jim Daly): I am sorry, Deputy, but that is not a point of order.

Deputy Róisín Shortall: The point of order is that the Taoiseach is refusing to answer questions.

Acting Chairman (Deputy Jim Daly): I have no role or function in making anybody accountable in this House. I am just trying to administer the rules as fairly as possible. If she has a point of order it applies to the rules.

The Taoiseach: I want to correct Deputy Shortall. She made a comment about my drafting the terms of reference. These terms of reference were not drafted by me or by the Cabinet, they were drafted by Mr. Justice O'Neill.

Deputy Róisín Shortall: That is not what I asked the Taoiseach.

Acting Chairman (Deputy Jim Daly): Can I stop the Taoiseach for a moment? Deputy Shortall will have to let the Taoiseach answer without interruption. She will be brought back in and can then further pursue her line of questioning. That is how I have treated everybody to date and I am not going to make any exceptions.

Deputy Róisín Shortall: The Taoiseach is answering questions that he was not asked. He is refusing to answer straight questions that he has been asked.

Acting Chairman (Deputy Jim Daly): Deputy Shortall can highlight that when she comes back in. I should not have to raise my voice. I am going to move on from the Deputy's group.

Deputy Róisín Shortall: When did the Taoiseach first become aware of the rumours?

Acting Chairman (Deputy Jim Daly): If the Deputy continues to shout down the Chair I will move on from her group and will move on with the proceedings. Please bear with me and do not interrupt the other speaker. She will get a minute to come back in and can then make whatever complaint as eloquently as she wishes.

Deputy Róisín Shortall: He will not answer the questions.

Acting Chairman (Deputy Jim Daly): The Deputy can make that point in a second.

The Taoiseach: They were rumours, allegations or hearsay. After the "Prime Time" programme things became very clear indeed. The Deputy did comment, rather than asking a question, saying we had drafted the terms of reference. Let me correct her and repeat that they were drafted by Mr. Justice O'Neill.

Acting Chairman (Deputy Jim Daly): The Deputy has one minute.

Deputy Róisín Shortall: When did the Taoiseach first hear about those rumours?

The Taoiseach: I do not act on rumours, allegations or hearsay. I act on fact.

Deputy Catherine Martin: Considering the grave extent of incompetencies and mistakes made to date by Tusla, can the Minister, Deputy Zappone, confirm whether or not similar mistakes of this magnitude have been made by Tusla, and whether or not Tusla made this mistake in respect of any other members of An Garda Síochána, or persons who are not members of the force? Is this an isolated incident? Or have other individuals - be they members of An Garda Síochána or not - been adversely affected by such appalling false allegations? If there are other cases, what supports can be given to these individuals and their families? Apart from

the investigation that the Minister announced yesterday, what immediate steps have been taken to safeguard against this ever happening again? Surely there is no need to have to wait for the findings of an investigation or inquiry to assure the public that immediate steps are in train to ensure that this never recurs.

Deputy Katherine Zappone: I appreciate Deputy Catherine Martin's questions. Of course, that is exactly what I want to do - to ensure that this will not happen from this day forth. That is what we have communicated in our conversations with Tusla, even from the beginning, subsequent to my meeting with the McCabes. In order to ensure that, however, it needs to be complemented by an investigation, as I have outlined. At the moment, this has been presented to me as an isolated case. That is what I know. At the same time, I have deep concerns about the nature of this case. It is critical in terms of my leadership to ensure that we have that investigation to determine if the systems and processes are part of what led to this.

Acting Chairman (Deputy Jim Daly): The time is up in the group's eight minute slot. I can bring the Green Party Deputies in as part of the next round. I note that Deputy Eamon Ryan wants to come in, but I ask if I can bring him in as part of the next session to be fair to every grouping. I gave them all eight minutes and do not want to change the rules for anybody.

Deputy Eamon Ryan: No. If I can come in-----

Acting Chairman (Deputy Jim Daly): I ask the Deputy to be very brief. Deputy Shortall took all of his time.

Deputy Eamon Ryan: I ask the Tánaiste in any investigation regarding Garda whistleblowers, what regulations will cover the examination, treatment and disclosure of phone, e-mail and Internet records of Members of the House, journalists and members of An Garda Síochána, given that this is an unprecedented inquiry and that the institution with access to those records is the one we are investigating? How will we have independent certainty and auditing in the terms of reference whereby we have safe access to phone records and are not reliant on gardaí to do that work? How will we do that work?

Deputy Frances Fitzgerald: It is a very good question. Mr. Justice Charlton will be the person dealing with that. He has given some indication already that he will also take independent expert advice on the management of all those issues.

Acting Chairman (Deputy Jim Daly): I now move to questions and answers from the floor. Any Member can indicate. Currently, 12 Members have indicated and they are Deputies Micheál Martin, Jonathan O'Brien, Louise O'Reilly, Anne Rabbitte, Mary Lou MacDonald, Alan Kelly, Caoimhghín Ó Caoláin, Pearse Doherty, Peadar Tóibín, Richard Boyd Barrett, Mick Barry and Jan O'Sullivan.

Deputy John McGuinness: Here.

Acting Chairman (Deputy Jim Daly): Deputies Catherine Murphy, Roísín Shortall, Billy Kelleher, Catherine Connolly, John McGuinness and Catherine Byrne have also now indicated. Members can indicate as they go along. I will stick to the same format as I now have 18 Members. There will be one minute for the question and one for the answer. This will take approximately 40 minutes and we may have a few minutes to take in a few more Members at the end. Is that agreed? Agreed.

Deputy Micheál Martin: My question is, in the first instance, to the Tánaiste and then to the Minister for Children and Youth Affairs. On the file, there is a reference of the counsellor who made the false report which was subsequently corrected which states: “Following our phone conversation yesterday, I am contacting you to inform you that I had another call in relation to the retrospective report which you are aware contains a clerical error. I was informed that the superintendent in the jurisdiction referred to in the report was not yet aware of the clerical error and has been asked to meet with the Garda Commissioner in relation to the case. I have agreed to send the superintendent the amended and corrected report by registered post today. If you have any queries relating to this, do not hesitate to call me.” The deduction from that is that the counsellor who made the report which turned out to be false was, in essence, discussing the case with a senior garda who seems to have been advising her on how to deal with the error which had been made. That is a very serious issue in one respect. It is an issue which demands clarity.

Acting Chairman (Deputy Jim Daly): I thank Deputy Martin.

Deputy Micheál Martin: It demands clarity from both Tusla and An Garda Síochána and does not have to await the establishment of an inquiry.

Acting Chairman (Deputy Jim Daly): Okay.

Deputy Micheál Martin: With the Chair’s forebearance, I want to put something to the Minister, Deputy Zappone.

Acting Chairman (Deputy Jim Daly): Be very brief. I do not want to change the ground rules for everybody.

Deputy Micheál Martin: The sexual abuse regional team has reviewed Tusla’s handling of the case. What is striking is that in one paragraph it says it is also not clear why a decision to proceed with the allegation was made without the co-operation and corroboration of the alleged victim and without having formed some opinion with regard to the credibility of the allegation referred.

Acting Chairman (Deputy Jim Daly): What is the question?

Deputy Micheál Martin: This is extraordinary and demands more than the systemic type inquiry HIQA might do. There is something very untoward or - how to put it - very odd about all this in terms of the creation of this and the initiation.

Acting Chairman (Deputy Jim Daly): What is the Deputy’s question?

Deputy Micheál Martin: My question is to the Minister, Deputy Zappone, and the Tánaiste. The interaction between gardaí on the one hand and Tusla on the other, and the counsellor, begs a lot of questions in terms of how this file was created and how it is described as a mere administrative error subsequently. The file screams out-----

Acting Chairman (Deputy Jim Daly): The Deputy is still making statements. Will he just ask a question, please?

Deputy Micheál Martin: -----an inertia. Does the Minister agree that it screams out an incredible casualness about a monumental mistake about a very well known-----

Acting Chairman (Deputy Jim Daly): I have given the Deputy too much latitude to be

fair.

Deputy Richard Boyd Barrett: Three minutes.

Deputy Pearse Doherty: The Chair was shouting down Members earlier. He shouted down Members when they were over their one minute.

Acting Chairman (Deputy Jim Daly): There is a bit more latitude in this section, but if Deputy Doherty wants me to enforce it strictly, I promise I will. It was a rather serious issue and I allowed him a little bit of latitude.

Deputy Micheál Martin: I apologise.

Deputy Mick Barry: They are all serious.

Acting Chairman (Deputy Jim Daly): I will adhere to the one minute strictly and allow no further latitude on any event if the Deputy insists.

Deputy Frances Fitzgerald: I appreciate the importance of the issue Deputy Micheál Martin raises. There is always ongoing contact between An Garda Síochána and Tusla. There is a very close interaction in relation to child sexual abuse. In this case, the counsellor, as I understand it from that file, which I just got yesterday, was the person dealing with the issue to begin with. The Deputy asking questions on that and thinking we can get answers at this point is not, I think, possible and I will tell him why. It is so much the essence of what is going to be examined in the tribunal of inquiry. We will have to be clear and follow scrupulously fair procedures for everyone. I acknowledge that there are questions there about who was involved and when and what the interaction was between members of An Garda Síochána, the counselling service and Tusla.

Deputy Katherine Zappone: I support what the Tánaiste says. I can understand why the Deputy is asking the question. He may have a suggestion in terms of other ways to get at that more quickly than what we are identifying here. The tribunal of inquiry may be appropriately placed or the investigation I have ordered. In light of the questions he raised and an earlier question from Deputy Catherine Martin on Tusla and An Garda Síochána, I indicated that I understood that this was an isolated case. I took Deputy Catherine Martin to be asking the question in terms of sexual abuse. If she was asking if it is wider than that, I can confirm that on Friday I received correspondence from a Garda whistleblower in another part of the country in relation to gardaí and Tusla.

Deputy Jonathan O'Brien: My first question is for the Tánaiste. Last week, when we sought to extend the terms of reference for the commission of investigation which was going to be established, we asked that other agencies would be included in terms of their contact with gardaí. Why was that ruled out? Why did the Tánaiste not take that on board?

My next question is to the Taoiseach. Earlier in reply to my question to him about how he knew the terms of reference would cover the Tusla connection, he said he made an assumption they would. Is that how the Taoiseach does business on such a serious issue? He made an assumption that it would be covered. Did he not think to go and check with anyone within Government that it would be covered under the terms of reference which were only being brought before Cabinet at that moment?

My final question is to the Minister, Deputy Zappone. She says that when she telephoned

the Tánaiste and said she was meeting Maurice McCabe and his family, she did not inform her as to the purpose of that meeting. Is that correct?

Deputy Frances Fitzgerald: When we had the debate here last week, it was statements in order to hear what people had to say about the terms of reference. I gave an indication that I would accept various amendments which had been put forward. After I had seen the “Prime Time” programme, it became very clear there should be a specific reference to Tusla or, indeed, other agencies. Now, I would include the HSE as well. I have since then indicated that I believe that those need to be involved in the terms of reference. Obviously, the programme made it absolutely clear that they should be involved. Many people here have suggested that Tusla, the HSE and other relevant agencies should be involved in the tribunal of inquiry, and I accept that and will include them.

Deputy Katherine Zappone: When I communicated with the Tánaiste, I did not say what the meeting was about because I did not know what it was about at the time.

The Taoiseach: In respect of the Deputy’s question, I refer to the terms of reference set out by Mr. Justice O’Neill covered in the disclosure made by Sergeant Taylor and the question of criminality. This was dealing with matters of sexual abuse, and the Minister, Deputy Zappone, met the McCabe family. The discussion centred on false allegations of a sexual nature. The Minister has responsibility for Tusla and obviously the terms of reference would cover that.

Deputy Jonathan O’Brien: No, the Taoiseach said Tusla would be covered under the terms of reference. He made an assumption on that.

Deputy Louise O’Reilly: The Taoiseach’s statement earlier that he told the truth in the House is very welcome, but it beggars belief that he felt the need to say it nonetheless. I thank him for clearing that up.

My questions are to the Minister for Health. I would like to know the nature and format of the information held by the HSE regarding the disgusting allegations made against Sergeant McCabe. Are there paper files? Are there electronic files? Does the Minister know where they are? Can he share that information with us? Can he assure us that the information is held in the secret and confidential manner?

With regard to the counsellor referred to during the course of the discussions, is the individual employed directly by the HSE? Is the person covered by HSE terms and conditions of employment and all of the rules that govern those explicitly? Is the person paid on the grade of counsellor? Is that his or her substantive post? Can the Taoiseach confirm that he or she is not acting or in some other way seconded?

The Taoiseach: There seems to be an assumption in some quarters that people are going around telling deliberate lies or that I am not telling the truth. We have now spent two hours that would have been very well spent on discussing the terms of reference for the public inquiry into this matter. The central issue is was there or was there not a deliberate smear campaign against Sergeant Maurice McCabe carried out by senior members of the Garda, that is, the Commissioner and the previous Commissioner. That is the central allegation. For that purpose, we need a tribunal of inquiry.

I understand Deputy Shortall said the reason one does not have a commission of investigation is that the McCabe family said it would not participate in it and instead wanted a full public

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inquiry. Today, the Cabinet agreed that there should be a full public inquiry under the Tribunal of Inquiry (Evidence) Act 1921 which has to be fair to all persons associated with this. For that reason, I am much happier to hear people talking about the decision to have a tribunal of inquiry and determine its terms of reference.

Deputy Jonathan O'Brien: Yes, that is-----

Acting Chairman (Deputy Jim Daly): Please, Deputy. Do not shout across the Chamber.

Deputy Simon Harris: Since I became aware of this at midnight on Friday, my priority has been to make sure that the HSE fully co-operates with what will now be a tribunal of inquiry, that the HSE apologises to Sergeant Maurice McCabe and that the HSE makes itself available to meet Sergeant Maurice McCabe and provide him with as much information as possible. In terms of whether the HSE employee is acting or otherwise, I do not have that information but I will get it for the Deputy. In terms of whether there are any records held, I do not have that information but I will get it for the Deputy.

In regard to the National Counselling Service in general, as the Deputy heard me say in my statement, I have asked the director general to report to me regarding the procedures, policies and operations of the National Counselling Service. When I get the report I would like it to be discussed by the Joint Committee on Health to consider whether there is room for improvement. If the Deputy wishes, I can tell her all I have heard from the HSE so far. A note given to me states that the HSE was advised on Friday afternoon of potential involvement in the allegations relating to Garda McCabe which had been covered extensively in the media. While the details surrounding the cases are currently being determined, it seemed that a client who self referred to the HSE's national counselling service-----

Deputy Louise O'Reilly: The answer to my question is that the Minister does not know.

Deputy Anne Rabbitte: My questions are for the Minister, Deputy Zappone. When was she aware that the "Prime Time" programme was going to take place? When did her officials become aware of the "Prime Time" programme? When did the Minister become aware that Tusla issued a statement of apology to the McCabe family and when did she share that information with her colleagues?

Deputy Katherine Zappone: I was aware of the "Prime Time" programme as it was being aired. I was not aware that it would happen prior to that. I think that covers the Deputy's first two questions. The third question concerned the apology.

Deputy Anne Rabbitte: When was the Minister aware that Tusla issued an apology to the McCabe family?

Deputy Katherine Zappone: Just prior to it doing that.

Deputy Anne Rabbitte: What date was that?

Deputy Katherine Zappone: I think I was away at that time. I need to recollect and I will come back to the Deputy on that.

Deputy Anne Rabbitte: When were the Minister's officials at the Department aware of the apology that was issued?

Acting Chairman (Deputy Jim Daly): The Minister will return to the matter.

Deputy Mary Lou McDonald: We have made a bit of progress in the session. We have established that the Taoiseach was made aware of allegations of sexual abuse against Garda Maurice McCabe in May 2014. He was well aware of the narrative around this man. The Minister, Deputy Zappone, has finally clarified that she briefed the Taoiseach in advance of the Cabinet meeting of the meeting with Maurice McCabe and the false allegations. The idea that the Taoiseach comes back and says that he knew there were allegations but he did not know there was a file is a bit far-fetched. What did he imagine there would be? Of course there would be a file where there is a complaint, and of course that would be with Tusla.

My question is for the Tánaiste. Last Thursday, I asked her a very specific and open-ended question. I asked her of her state of knowledge of communication with other State agencies in respect of Maurice McCabe. She misled the Dáil. She did not put on the record her knowledge of meetings in terms of the McCabes and Tusla.

The Taoiseach: The Minister, Deputy Zappone, informed me just before the Cabinet meeting that she had met the McCabe family and that discussion centred around false allegations of a sexual nature made to Tusla about Sergeant McCabe. That is the briefing that the Minister gave me. These matters were covered in the terms of reference set out by Mr. Justice O'Neill, in that Tusla was covered in that. The judge appointed at that time for the commission of investigation was happy that that also included all of the issues he saw on the RTE "Prime Time" programme on the Thursday evening.

Deputy Frances Fitzgerald: The Deputy's party thrives on rushing to judgment. She is wrong to say that I misled the Dáil. I did not know that there had been contact between the Garda and Tusla when I was in here last week. If I had known it, I would have thought of saying it to the Deputy when she asked the question.

Deputy Mary Lou McDonald: I do not believe the Tánaiste.

Deputy Frances Fitzgerald: The Deputy may not believe me, but I am telling her that is what happened. She rushed to judgment immediately and said that I had misled the Dáil and that I did not mention other agencies. I did not know about the Tusla involvement.

Deputy Alan Kelly: Many people have asked the Tánaiste when she first heard of the allegations in regard to Sergeant McCabe. Maybe she should think about that for 24 hours and come back to us because she has not answered the question on numerous occasions. We need an answer to that.

My main question is to the Tánaiste and Minister for Justice and Equality. Garda Keith Harrison has publicly come out and made a statement today on how he was treated as a whistleblower, along with his partner Marisa.

Among 13 letters he sent to the Minister for Justice and Equality, the last three of which she has not even replied to, was a letter dated 21 October in which he outlined his issues regarding Tusla. Did an alarm bell not go off for the Minister when, on 25 January, the Minister, Deputy Zappone, came to her and said that she was meeting Sergeant McCabe that there was more than one case in relation to Tusla and whistleblowers? Finally-----

Acting Chairman (Deputy Jim Daly): Very briefly, Deputy.

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Deputy Alan Kelly: -----would the Taoiseach and the Minister for Children and Youth Affairs - I am sorry now for breaking a bit of protocol - and also the leader of Fianna Fáil and its justice spokesperson be willing to meet Garda Harrison's representatives in the next 24 hours before the terms of reference are closed off in order to ensure that we get the proper terms of reference to what is an incredible situation?

The Taoiseach: I do not think that nominating a date for having heard allegations or rumours or hearsay or innuendo would do anything to deal with the central question: Was there or was there not a systematic campaign to smear Sergeant Maurice McCabe and his family? That is why Mr. Justice O'Neill examined two protected disclosures; why the Cabinet, at the time, decided there should be a commission of investigation; why Mr. Justice O'Neill set out his terms of reference as he did, which covered issues within those protected disclosures, including criminality; and why the Cabinet this morning decided to move beyond that and to have a full scale public inquiry under the Tribunals of Inquiry (Evidence) Act 1921. It is because one could not conduct any inquiry without the participation of the McCabe family. We should be discussing what should go into those terms of reference. They should be comprehensive and fair so that they work effectively in the interests of answering that question, which is whether there was a definitive smearing campaign by senior gardaí against Sergeant McCabe. That is what is at stake here.

Deputy Frances Fitzgerald: I have never commented on other disclosures that I have received and I believe it is incumbent on me not to do so. In fact, I have only given details in respect of the protected disclosures that are relevant to the setting up of the commission. I have only commented on those in so far as I needed to do so to establish the commission. I want to make the point to Deputy Kelly that I do not investigate protected disclosures.

Deputy Alan Kelly: I did not ask that of the Minister.

Deputy Frances Fitzgerald: We have a process to investigate protected disclosures. Every Department receives protected disclosures and there are clear ways of dealing with them. When I get a protected disclosure from a member of An Garda Síochána, and there have been a number of them, GSOC is the body that has been appointed to investigate-----

Deputy Alan Kelly: Does the Minister not see the similarities?

Deputy Frances Fitzgerald: We spend a lot of time in this House talking about setting up-----

Deputy Alan Kelly: Does the Minister not see the similarities between-----

Acting Chairman (Deputy Jim Daly): I will move on, Deputy.

Deputy Alan Kelly: I did not ask the Minister-----

Acting Chairman (Deputy Jim Daly): I will move on from the Deputy's question. That is it.

Deputy Frances Fitzgerald: We spend a lot of time in this House talking about setting up independent procedures to remove policing from this House. We give these protected disclosures to GSOC so that they can be independently assessed. That is what I did with the information I received.

Deputy Alan Kelly: I asked-----

Acting Chairman (Deputy Jim Daly): The Minister, Deputy Zappone, wanted to come in.

Deputy Katherine Zappone: I wanted to respond to Deputy Rabbitte.

Deputy Alan Kelly: I asked the Taoiseach and the Minister for Children and Youth Affairs if they would meet Garda Harrison in the next 24 hours.

Acting Chairman (Deputy Jim Daly): I am aware of that. Will the Minister, Deputy Zappone, respond to Deputy Rabbitte and I will then deal with-----

Deputy Katherine Zappone: On the question about an apology, we asked Tusla to issue an apology after our meeting and were examining the most appropriate way to do it and we did see it before it was issued. If I may, I will take this moment to correct myself again so as to not mislead the Dáil. Deputy O'Brien asked about my communication with the Tánaiste and whether I told her what the meeting was about. I did not tell her what the meeting was about. There were a couple of phone calls between my office and the McCabes. There was some information available. When I said that there was no information, I was thinking "not full information". I think his question was whether I shared that at all with the Tánaiste. I did not.

Acting Chairman (Deputy Jim Daly): Does the Taoiseach or the Minister for Justice and Equality want to respond to the question on the invitation to meet-----

Deputy Alan Kelly: It was the Taoiseach and the Minister for Children and Youth Affairs. Garda Harrison does not want to meet the Minister for Justice and Equality. Will the Taoiseach and the Minister for Children and Youth Affairs meet Garda Harrison in the next 24 hours. It is a simple "yes" or "no" answer.

Deputy Katherine Zappone: In relation to the protected disclosure?

Acting Chairman (Deputy Jim Daly): Does the Taoiseach want to answer that question? Very briefly, please.

The Taoiseach: The priority here is that the Government-----

Deputy Alan Kelly: Is that a "no"?

The Taoiseach: -----that is, the Cabinet, has made a decision which I understand the House accepts in principle and which is that we should have a commission of inquiry. It is important because of this sensitive matter that the commission of inquiry be set up as quickly as possible and allowed to do its work.

Deputy Alan Kelly: That is a "no".

The Taoiseach: Therefore, we have agreed, I understand, that the spokespersons on justice for the different parties will get together with the Minister for Justice and Equality to draft these terms of reference and nominate a chairperson to conduct the proceedings and determine the question that needs to be answered. The answer to that question is in everyone's interest.

Deputy Alan Kelly: The Minister for Children and Youth Affairs has to answer the question.

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Acting Chairman (Deputy Jim Daly): One second. Relax, Deputy. I think the Taoiseach has addressed the issue.

Deputy Alan Kelly: The Minister for Children and Youth Affairs has to answer the question as well.

Acting Chairman (Deputy Jim Daly): Excuse me, Deputy. I am not responsible for the responses they give. The question was asked and a response was given.

Deputy Alan Kelly: I asked the question of the Minister for Children and Youth Affairs.

Acting Chairman (Deputy Jim Daly): Also, it is somewhat-----

Deputy Alan Kelly: It would take five seconds. It would be over by now.

Acting Chairman (Deputy Jim Daly): It is somewhat outside of what we are discussing.

Deputy Alan Kelly: It is a “yes” or “no” answer.

Acting Chairman (Deputy Jim Daly): Does the Minister want to give an answer to it?

Deputy Katherine Zappone: To meet them about what?

Deputy Alan Kelly: About the letter he wrote to the Minister three days ago.

Deputy Katherine Zappone: In which he indicated a series of questions on which he was looking for a response.

Deputy Alan Kelly: Yes, before the terms of reference are closed off.

Deputy Katherine Zappone: My understanding, from what the Tánaiste has said, is that is in reference to a protected disclosure.

Deputy Pearse Doherty: No.

Acting Chairman (Deputy Jim Daly): We are straying into an area. I am going to leave it there.

Deputy Richard Boyd Barrett: Tusla and a false claim of sexual-----

(Interruptions).

Acting Chairman (Deputy Jim Daly): Shouting will not change anything.

Deputy Katherine Zappone: I will consider it.

Acting Chairman (Deputy Jim Daly): I thank the Minister.

Deputy Alan Kelly: That is not an answer.

Acting Chairman (Deputy Jim Daly): I am moving on. I call Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: Would the Taoiseach not accept that it is critically important that we establish when he first became aware of the smear of sexual activity with children involved in relation to Garda Sergeant McCabe? It is important we establish how the Taoiseach

acted on receipt of that information. Dismissing it as rumour or whatever it might be does not inform us as to how the Taoiseach acted. The only way we can establish if the Taoiseach acted appropriately is if he tells us when he first became aware of it. The fact of the matter is that we can only conclude that the Taoiseach bought into the smear and did nothing if he does not share that information. It is critically important that the Taoiseach informs this House. In relation to the reference to a “private capacity”, what does the Taoiseach mean by “private capacity” in the context of everything to do with Garda Sergeant McCabe? I ask this of the Minister, Deputy Zappone, too. There can be no question that Garda Sergeant Maurice McCabe and his wife were meeting the Minister for Children and Youth Affairs in a private capacity.

Deputy Charles Flanagan: It was a private meeting.

Deputy Caoimhghín Ó Caoláin: They were meeting the Minister because she is the Minister with responsibility for children and youth affairs. There is no two ways or pick a cap. She is either the Minister or she is not. I want that cleared up. I want the Minister to clarify in what capacity she met Garda Sergeant Maurice McCabe and his wife.

The Taoiseach: I can help the Deputy. The Minister met privately with the McCabes but she had personnel with her from her Department.

Deputy Mary Lou McDonald: What does that mean?

The Taoiseach: Hold on. The Secretary General of the Department-----

Deputy Caoimhghín Ó Caoláin: She was meeting as the Minister-----

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

The Taoiseach: The Minister, who is doing a very good job by the way, was quite entitled to meet privately with Sergeant McCabe and his wife and to have a note taker there to have an account of the meeting.

Deputy Róisín Shortall: That was not a private meeting.

The Taoiseach: The Secretary General of the Department of Children and Youth Affairs sent a copy of the note taken at the meeting to the Secretary General of my Department.

Deputy Róisín Shortall: Then it is not a private meeting.

Deputy Caoimhghín Ó Caoláin: How can that be in a private capacity?

The Taoiseach: In respect of knowing-----

Deputy Caoimhghín Ó Caoláin: That is total nonsense.

The Taoiseach: It is a little bit far fetched for Deputy Ó Caoláin-----

Deputy Caoimhghín Ó Caoláin: That is nonsense.

Deputy Louise O'Reilly: The Taoiseach should stop trying to deflect.

The Taoiseach: It is a little bit far fetched for Deputy Ó Caoláin to accuse me or anyone else over here of buying into a smear campaign against Sergeant McCabe.

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Deputy Caoimhghín Ó Caoláin: Will the Taoiseach tell us when he first became aware of that smear against Garda Sergeant McCabe?

The Taoiseach: I became aware of it the same as most of the rest of the nation, which was after the “Prime Time” programme. For Deputy Ó Caoláin to suggest that someone deliberately bought into a smear campaign is certainly not the way Deputy Ó Caoláin normally conducts his business.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has to clarify when he became aware for us to be able to establish whether he acted appropriately or not.

An Leas-Cheann Comhairle: Le do thoil, a Theachta. Ní féidir leat leanúint ar aghaidh. Glaoim ar an Teachta Pearse Doherty.

Deputy Caoimhghín Ó Caoláin: He has to do that.

The Taoiseach: It was after the “Prime Time” programme.

Deputy Caoimhghín Ó Caoláin: That does not appear to be the case.

An Leas-Cheann Comhairle: Bomaite amháin, a Theachta.

Deputy Pearse Doherty: I have three questions, one of which is for the Taoiseach. Obviously, the Taoiseach is not aware of what is in the protected disclosures from Superintendent David Taylor. He stated that there are allegations of criminality. We know that from the terms of reference, but the Taoiseach stated that they were of a sexual abuse nature. Perhaps the Taoiseach should clarify it. Is he aware that is what the protected disclosures included? How was the Taoiseach able to satisfy the Minister for Children and Youth Affairs, Deputy Katherine Zappone, that the allegations, as she made them to the Taoiseach - that they discussed false allegations of sexual abuse made to Tusla against Sergeant McCabe - would be covered in the terms of reference?

My second question is directed to the Minister, Deputy Zappone. Keith Harrison is a whistleblower who has been in direct communication with the Minister for Justice and Equality for a while. He was also in communication with me at a very early stage, namely, when he was about to blow the whistle and go public. At that time, he mistakenly believed that if his case was raised in the Dáil, he would have protection from the type of victimisation that he has since suffered at the hands not only of the Garda, but also Tusla. Will the Minister do what she rightly did with Sergeant McCabe and meet Keith Harrison before the Cabinet signs off on the terms of reference of the inquiry?

On many occasions over many years, I have asked the Tánaiste and Minister for Justice and Equality, her predecessor in the Department and the Taoiseach why the Tribunals of Inquiry Bill 2005 had not been progressed. As every Deputy knows, the tribunals of inquiry legislation dating back to 1921 is flawed as it provides a gravy train for the legal profession. The 2005 Bill imposes a cap on this by providing that people presenting evidence to a tribunal who hire public relations consultants would not be able to recoup their costs for so doing.

An Leas-Cheann Comhairle: The Deputy has exceeded his time.

Deputy Pearse Doherty: Why has the Bill, which reached Report Stage, not been progressed so that the tribunal can be held under the new legislation and the most contentious

aspects of tribunals removed?

Deputy Caoimhghín Ó Caoláin: The Minister for Children and Youth Affairs did not answer my question.

An Leas-Cheann Comhairle: The Deputy may have another opportunity.

Deputy Caoimhghín Ó Caoláin: I ask her to answer the question when she next speaks.

The Taoiseach: In reply to Deputy Pearse Doherty's question, the judge in question would have had contact with all the persons involved in this. Clearly, the terms of reference, as drafted by the judge, would have covered all the issues that are relevant. It has been confirmed by the judge appointed to look after the commission of investigation that all the issues that were seen on the "Prime Time" programme were included.

Deputy Pearse Doherty: The judge did not know that at the time.

The Taoiseach: I am saying that Mr. Justice O'Neill obviously had contact with all the principals involved here and would have covered in his terms of reference all the issues that were raised, including the agency, Tusla. This was confirmed afterwards by Mr. Justice Charleton who stated the terms of reference included all the issues that he saw on the "Prime Time" programme on Thursday.

Deputy Frances Fitzgerald: The wish of this House has been that we should use commissions of investigation as opposed to tribunals of inquiry. Therefore, the focus in recent times has been very much on commissions of investigation.

In relation to further legislation regarding tribunals, I certainly do not want to delay the establishment of this tribunal by starting to change the terms of reference or how tribunals operate at this point as to do so would unduly delay the new tribunal.

Deputy Pearse Doherty: The Bill in question has been on the Order Paper for 12 years.

An Leas-Cheann Comhairle: In replying to Deputy Pearse Doherty's questions, I ask the Minister for Children and Youth Affairs to respond to the question asked by Deputy Ó Caoláin.

Deputy Katherine Zappone: I am sorry but I did not hear the Deputy's question.

Deputy Caoimhghín Ó Caoláin: In what capacity did the Minister meet Sergeant Maurice McCabe? Was it as Minister for Children and Youth Affairs?

Deputy Katherine Zappone: Yes, it was as Minister for Children and Youth Affairs.

An Leas-Cheann Comhairle: Deputy Doherty asked the Minister a question.

Deputy Katherine Zappone: I will meet him.

Deputy Peadar Tóibín: It is very significant that the Taoiseach stonewalled the question on when he first knew of the false allegations because to answer that question would require him to change his narrative on the issue again. Such was the importance of the Tusla revelations that the Minister for Children and Youth Affairs apparently decided it would be best to leave to chance its inclusion in the terms of reference. The Taoiseach and Tánaiste stated they did not have the full details of the Tusla allegations but they could guess in advance that the terms of

reference would be robust enough. Why did the Tánaiste not speak directly to Maurice McCabe before the terms of reference were finalised? The one individual who could have shed light on the full frame and necessity of this investigation was not part of the discussion.

Deputy Frances Fitzgerald: There is a very easy answer to the Deputy's question. I met Maurice McCabe and his wife some time ago because I felt it was important to meet him and hear what he had to say given the various events that were happening at that time. He made a request to meet me so I met him. There is a reason I did not change the terms of reference. If I had come into the House and changed the terms of reference that Mr. Justice O'Neill had recommended, I would definitely have been open to criticism. I wanted to accept the terms of reference the judge had suggested. Why did I want to do that? It was because Mr. Justice O'Neill was the person who had direct access to the persons who had made the protected disclosures, including Sergeant Maurice McCabe and Superintendent Dave Taylor, the people the allegations had been made against, if one likes. The judge, having discussed the issues that were in the protected disclosures with all these people, suggested these terms of reference. I accepted fully that the judge had heard everything that needed to be heard because he had direct access to Sergeant Maurice McCabe. I, therefore, accepted the recommendations he made. I was not going to second guess what the judge had to say because he was the one with the direct access to the people who had made the protected disclosures.

Deputy Richard Boyd Barrett: Do the Tánaiste and Minister for Children and Youth Affairs not believe it is relevant to the terms of reference of the tribunal of inquiry to be discussed that we now have two Garda whistleblowers against whom false allegations of sexual abuse have been made involving Tusla? Do they not believe this is relevant to the decision on the terms of reference? I ask the Tánaiste and the Minister to give straight answers to that question because it is highly relevant. If there is a pattern of using Tusla to-----

Deputy Alan Kelly: On a point of order, while it may have been inadvertent, the Deputy's statement is not accurate.

Deputy Richard Boyd Barrett: Child abuse is what he said. It was child abuse via Tusla. Is it not relevant to look into those matters and engage with-----

Deputy Alan Kelly: The Deputy's statement is not accurate.

Deputy Richard Boyd Barrett: I am reading from the report today.

An Leas-Cheann Comhairle: The Deputy's time is up.

Deputy Richard Boyd Barrett: The Government has made clear its view on this matter but does the Minister for Children and Youth Affairs believe it is tenable for Nóirín O'Sullivan to remain *in situ* as Garda Commissioner? Notwithstanding the Commissioner's right to due process, if any of these allegations were true - we do not know and it should be without prejudice - her being *in situ* potentially prejudices the ability of any tribunal to get to the truth of the matter.

An Leas-Cheann Comhairle: The Deputy must conclude. Other Deputies wish to contribute.

Deputy Richard Boyd Barrett: Does the Minister consider that to be a tenable position?

Deputy Frances Fitzgerald: When the judge was given this task and looked at the protected disclosures he said they were unique because they were about the most senior members

of An Garda Síochána and incredibly serious. He said that if, at the end of the process, it was proven that whomever was not telling the full truth, there would be the most serious consequences. He said that these matters should be dealt with alone because they were so serious, they deserved a commission of investigation on their own. One of the central points there, and I discussed it with Deputy Micheál Martin earlier, will be in relation to the interaction between the whistleblower, Sergeant Maurice McCabe, and what happened to him in his dealings with Tusla. It is in the interests of getting at the truth and dealing with the very issues the Deputy raises that this goes ahead because it will investigate, in the context of Sergeant McCabe, the very issue the Deputy is highlighting. It is important that we move ahead quickly to establish this tribunal of inquiry. If people want quick answers, we have to be very careful not to extend the terms of reference so much that this becomes impossible.

An Leas-Cheann Comhairle: I call Deputy Mick Barry.

Deputy Richard Boyd Barrett: The Minister for Children and Youth Affairs did not respond to a direct question I asked.

An Leas-Cheann Comhairle: I have no control over the answers Ministers give.

Deputy Richard Boyd Barrett: She is about to respond.

An Leas-Cheann Comhairle: My apologies. The Minister must also watch the clock.

Deputy Katherine Zappone: In relation to the Commissioner, I believe in due process.

Deputy Mick Barry: The Taoiseach told the Minister, Deputy Zappone, that the false allegation about which she told him would be covered by the commission. That means he had to have known in advance of the Cabinet meeting that this was more than any false allegation, that this was an allegation which related specifically to the smear campaign. Why, therefore, did he not ensure that Tusla was specifically and explicitly included in the terms of reference?

The Taoiseach: As I have already stated, Mr. Justice O'Neill had contact with all the people involved in the two protected disclosures. He was not in a position to determine the truth and so he advised the establishment of a commission of investigation in respect of which he set out the terms of reference. Is the Deputy suggesting that an eminent judge would examine two protected disclosures and draft terms of reference that did not include issues that were relevant? As I said previously, the Minister, Deputy Zappone, pointed out to me that the discussion she had with Sergeant McCabe was about false-----

Deputy Mary Lou McDonald: A Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: Deputy McDonald, please.

The Taoiseach: -----allegations of a sexual nature that were given to Tusla.

Deputy Mary Lou McDonald: May I intervene to ensure that the record of the Dáil is correct?

Deputy Billy Kelleher: The Deputy will be here quite a while so.

The Taoiseach: The terms of reference cover Tusla. The Tánaiste and Minister for Justice and Equality said she would broaden them explicitly to cover that later on but the justice was happy that was the case.

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Deputy Mary Lou McDonald: On a point of order, to ensure that the record of the Dáil is accurate-----

An Leas-Cheann Comhairle: I will allow the Deputy's intervention.

Deputy Mary Lou McDonald: The Taoiseach is wrong in his response for the following reason. At the time of the protected disclosure Maurice and Lorraine McCabe were not aware of the particular file.

An Leas-Cheann Comhairle: Thank you.

Deputy Mary Lou McDonald: The Taoiseach is not answering the question factually and it is essential to point that out.

An Leas-Cheann Comhairle: The Taoiseach will have a further opportunity to respond. I call Deputy Jan O'Sullivan.

Deputy Richard Boyd Barrett: Given that intervention, the Taoiseach needs to respond further.

An Leas-Cheann Comhairle: Hold on, Deputy. I have a lengthy list. I have to ensure that everybody gets an opportunity to speak. The Taoiseach will have further opportunities to contribute, at which point he may address that question.

Deputy Pearse Doherty: The Taoiseach did not know what was in the protected disclosure so how could he reassure the Minister that it was covered?

An Leas-Cheann Comhairle: I have called Deputy Jan O'Sullivan.

Deputy Pearse Doherty: It is impossible.

Deputy Jan O'Sullivan: If I may, I will repeat that question to the Taoiseach and perhaps he might answer it. Maurice and Lorraine McCabe wrote a long letter yesterday explaining that they wanted a public inquiry because of their experience of the previous inquiries that were private. That now, I presume, will be a decision of this House. They also set out six specific questions that they said could be answered in the interim as we await answers from a tribunal of inquiry. The Minister, Deputy Zappone, referred to two of those questions in her contribution.

My first question is to the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald. Can she answer, in whole or in part, any of those six questions in advance of the tribunal and, if so, will she do so? My next question is to the Minister, Deputy Zappone. The Minister said that she has already corresponded with the McCabes on the second question of whether a decision was made not to inform Maurice of the making of the 2013 allegation. If so, why and by whom? I do not see any reason that information cannot be put into the public domain. Will the Minister, Deputy Zappone, put into the public domain whether a decision was made not to inform Maurice McCabe in 2013 of the allegation made? If he had been told at that time the family would have been spared a huge amount of pain because they would have been able to clarify the situation. I believe that is information that should be in the public domain. It is not specifically about any individual and so I do not see any reason it should not be in the public domain. Perhaps the Minister, Deputy Zappone, would respond to that question and the Minister, Deputy Fitzgerald, would respond to my other question.

The Taoiseach: Tusla deals with matters of sexual abuse in so far as children are concerned. Mr. Justice Iarfhlaith O'Neill examined two protected disclosures, the contents of which I did not see or have knowledge of. He had contact with everybody involved and he then drafted terms of reference that were broad enough to include Tusla. Separate from that-----

Deputy Mary Lou McDonald: No, that is wrong.

The Taoiseach: -----the Supreme Court judge who was appointed to head up the commission of investigation said that the terms of reference as drafted by Mr. Justice O'Neill were broad enough to cover all the issues that were raised on the "Prime Time" programme on the Thursday night.

Deputy Mary Lou McDonald: The Taoiseach continues to brazen it out-----

An Leas-Cheann Comhairle: Deputy McDonald, you are usually very orderly.

Deputy Mary Lou McDonald: I know.

Deputy Pearse Doherty: This is unbelievable.

An Leas-Cheann Comhairle: I call Deputy Zappone to respond.

Deputy Katherine Zappone: Is Deputy O'Sullivan asking if the question she has raised is one of the six submitted?

Deputy Jan O'Sullivan: Yes.

Deputy Katherine Zappone: I have received answers from Tusla. We have sent them to the McCabes and are waiting to hear back from them in terms of whether or not as far as they are concerned they are correct. When I get that response I will be happy to share it.

Deputy Jan O'Sullivan: Will the information be put into the public domain?

Deputy Frances Fitzgerald: May I respond to the Deputy's question regarding the decision not to inform the McCabes?

An Leas-Cheann Comhairle: I call Deputy Billy Kelleher.

Deputy Jan O'Sullivan: The Tánaiste has not answered my question.

An Leas-Cheann Comhairle: My apologies.

Deputy Frances Fitzgerald: I do not have that information at present. The only place where there is any information about that of which I am aware at this point is in the file that the Ministers, Deputies Zappone and Harris, have in relation to the contacts of HSE and counsellors. I do not have that information but I will try to get it in terms of reply to the questions from Sergeant McCabe in regard to the contact between the counsellor and the HSE and so on. If I can get any information that I can give to Sergeant McCabe I will do that. I must, however, make the point that if it is connected with the establishment of and central to the issues that are to be examined by the tribunal of inquiry then it would be unfair to other parties to do so because it would be seen as a preferential response to one party. As I said already, that is my legal advice. I do have to be careful that I do not do that. None of us would want to see that happen because it would mean that other parties could say that the origins of the tribunal of in-

quiry were unfair to them. I have to be careful in terms of what precise information I can give.

Deputy Billy Kelleher: My question is to the Minister for Health. The HSE statement of last Saturday states: “The HSE wishes to confirm that there was an administrative error by a staff member of the HSE National Counselling Service in the referral made at the time”, which was August 2013. It goes on to state that the administrative error was brought to the attention of the National Counselling Service in May 2014. It further states that the National Counselling Service responded immediately in May 2014 and corrected the report and brought it to the attention of Tusla and An Garda Síochána and that in line with due process it was brought to the regional manager for data protection and consumer affairs. Given the seriousness of the allegations contained in the report of serious sexual abuse was any internal investigation, other than a preliminary review of procedures, carried out?

The Minister for Children and Youth Affairs said that under section 9 of the 2007 Act a statutory investigation into Tusla is being commenced. Is the Minister for Health considering commencement of a similar investigation? Perhaps both Ministers would respond on whether it will be possible for those statutory investigations to be carried out in conjunction with the tribunal of inquiry?

Deputy Simon Harris: With the indulgence of the House it would be helpful to my answering Deputy Kelleher’s question if I can make available the information that I have from the HSE. Before doing so I would like to clarify that the HSE at national level and I, as Minister for Health, only became aware of the role of the HSE counsellor on Friday evening, whereas other Departments and agencies have been aware of this for some time.

The HSE was advised on Friday afternoon of potential involvement in allegations relating to Sergeant McCabe which had been covered extensively in the media. While the details surrounding the case are currently being determined it would appear that a client was self referred to the HSE’s National Counselling Service in July 2013, making an allegation of retrospective abuse. In line with process, this allegation was referred to the HSE’s child protection service in the area in August 2013. It is understood that this incident was also previously reported to the Garda Síochána in 2006 but that the DPP did not proceed with a case at that time. It would seem that the client was then contacted by the Garda in May 2014 in relation to the allegation. However, she became concerned that the detail of the allegation as advised to her by the Garda was incorrect. She then - she being the client - contacted the HSE counsellor and advised her of this. The counsellor, in turn, reported the error to the HSE director of counselling. Immediate steps were taken by the director of counselling that very day and it was found that there was an administrative error on the report form. On that day in May 2014 a letter was hand delivered to Tusla child and family services as HSE child and family services had transitioned to Tusla in 2014 and it was marked for the attention of the social work team leader, informing that it had come to the attention of the HSE National Counselling Service that there was an administrative error on a report submitted to its office on 9 August 2013. The letter described the error and included an amended report with the correct information. This report was dated 14 May 2014.

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy Simon Harris: I beg the indulgence of the House because it is important to put this on the record. The letter requested that the original report containing the error be replaced with the correct version of the report, which was enclosed. The Tusla social work team leader advised by phone on 15 May 2014 that the garda in charge of the investigation of this report had

been contacted and informed of the error and advised that an amended report would be issued to him. Between 16 May 2014 and 21 July 2014, there were several communications between the HSE and the gardaí clarifying the nature of the error on the form. A letter from the HSE director of counselling to An Garda Síochána clarified that the administrative error occurred as a result of a typographical mistake when information from a report template was cut and pasted into another template, and the letter stated that the inaccurate information in the original report was in one section only, as previously outlined, and did not relate to the person who was alleged to have abused client X but that all other information contained in the report was accurate. Letters were also sent to the client updating her on the actions that had taken place and to the HSE regional director of consumer affairs.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Simon Harris: Maybe I can contribute again in a moment.

Deputy Brendan Howlin: Could the Minister circulate that?

Deputy Joan Burton: Could the Minister circulate that?

Deputy Simon Harris: That is a note available to me which I have-----

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Joan Burton: No other question was asked. I have to be-----

Deputy Billy Kelleher: Could what was not read into the record be circulated?

An Leas-Cheann Comhairle: Is it possible?

Deputy Joan Burton: On a point of order-----

An Leas-Cheann Comhairle: I have to deal with one at a time.

Deputy Joan Burton: Could it be circulated?

Deputy Simon Harris: To be helpful to the House, including Deputy Kelleher, I made information available that is now on the record of the House.

An Leas-Cheann Comhairle: Can it be circulated? It is going on the record.

Deputy Simon Harris: It is on the record of the House.

Deputy Joan Burton: Can it be circulated?

Deputy Frances Fitzgerald: It is on the record.

Deputy Simon Harris: I will arrange for it to be circulated.

An Leas-Cheann Comhairle: Does the Minister, Deputy Zappone, want to intervene?

Deputy Katherine Zappone: No

An Leas-Cheann Comhairle: The information will be circulated.

Deputy Billy Kelleher: What is the position on section 9 of the Health Act 2007?

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Deputy Simon Harris: In answer to Deputy Kelleher's substantive question-----

An Leas-Cheann Comhairle: We must proceed.

Deputy Simon Harris: It is important.

An Leas-Cheann Comhairle: It may well be but-----

Deputy Simon Harris: These are important matters, but I need the time to answer the questions properly. I have asked the director general of the HSE to carry out a review of the national counselling service and its operations, policies and procedures and to report to me and the Oireachtas health committee. If at that stage we need a further review through HIQA, I will be more than happy to have that.

Deputy Catherine Connolly: The note that was read is extremely germane to the whole debate. Following all that clarification, Tusla wrote to Sergeant McCabe in December 2015 and said it was going to investigate whether he was a danger to children. One should bear that in mind. The Minister is now asking the same executive to carry out a root and branch investigation and asking us to have confidence-----

Deputy Simon Harris: HIQA.

Deputy Catherine Connolly: HIQA for Tusla and the Minister for the Health Service Executive.

I am addressing my questions to the trinity of Ministers. They are asking us to have confidence in a root-and-branch investigation carried out by the very management that allowed this mistake to happen.

With regard to the six questions posed by Sergeant McCabe, I see a difference in the responses. The Minister for Children and Youth Affairs, Deputy Zappone, has clarified that two questions have been answered and she is sending that information to Sergeant McCabe. With regard to the other four questions, I am not sure what the Tánaiste and Minister for Justice and Equality is telling the House. She seems to be speaking out of both sides of her mouth. On the one hand, she is saying the Government will do its best to give the information and, on the other, she is saying it relates to the very essential nature of the inquiry. I fundamentally disagree with her in that practically every judge associated with every inquiry and tribunal has pointed out that if questions were asked in this House and replied to, tribunals would not take so long and would not be as costly. These are six factual questions. Was there a meeting between the HSE and the Garda on the date in question? I seek a "Yes" or "No" answer. The same applies to the other practical questions. The Tánaiste should please confirm tonight which are the questions she says cannot be answered factually and which go to the heart of the proposed independent tribunal.

Deputy Frances Fitzgerald: I have made this very clear. I have been very clear that if it is possible to answer those questions, I will get those answers. My advice is that if at the request of one of the parties to the tribunal we answer some of those questions and they are central to the work of the tribunal, it could invalidate the tribunal. The other parties would then be in a position to go to court and effectively stop the work of the tribunal because it would have been seen as unfair. I absolutely take the point that if we can put information into circulation that answers these questions, we should do it. I will certainly endeavour to do that. That is what I

am currently investigating, but I am not in a position to answer them tonight.

Deputy Catherine Connolly: They are factual questions.

Deputy Frances Fitzgerald: That is the Deputy's interpretation of them. That has to be determined.

Deputy Catherine Connolly: Did a meeting take place between An Garda Síochána-----

Deputy Frances Fitzgerald: That is factual but, in terms of-----

Deputy Catherine Connolly: Which one is causing the difficulty?

Deputy Frances Fitzgerald: It is not that any particular one is causing the difficulty. I am making the general point in regard to answering them that we have to be-----

(Interruptions).

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Frances Fitzgerald: It is totally straightforward. If I or my colleagues can answer the questions, we will answer them. If they turn out to be dangerous in terms of setting up the tribunal and would prejudice the rights of other parties and make a tribunal of inquiry unlikely to go ahead, I do not want to answer them. It is very simple and very straightforward.

Deputy John McGuinness: There was a mass wringing of hands going on in Leinster House for the last while over this issue. The fact that we are here now discussing a public inquiry is because Maurice and Lorraine McCabe have absolutely no trust in a private inquiry. We have had enough of such inquiries.

In regard to the smear campaign, why is it that we cannot admit that, for the past number of years, anyone who supported Maurice McCabe or wished to listen to what was being said in this House about him was sold the narrative that he had abused people sexually? That is what they said. Therefore, those who supported him were dissuaded from supporting him by virtue of that gossip, innuendo and accusation. The fact of the matter is that while that was going on, the Tusla file existed. How many gardaí knew about that Tusla file? How many in this House knew about the allegations that were being made? When Maurice McCabe appeared before the Committee of Public Accounts, great efforts were made by this House and Members within it to stop him from coming forward. We are here today because we have ignored Maurice McCabe and the other Maurice McCabes who exist.

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

Deputy John McGuinness: If we are to have any public inquiry into this, we have to take into consideration the culture that has sent all of those people out sick. Some are now struggling with mental illness. We cannot ignore those people. The Government cannot ignore them. How many in government knew about the allegations that were being made? Even though it might have been gossip, it was gossip that was spread maliciously to take the Government off its game so it would not support Maurice McCabe. All of us in this House knew what was going on.

An Leas-Cheann Comhairle: The Deputy should ask a question. Does the Taoiseach have a response?

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The Taoiseach: I think it is obvious that the entire country feels sympathy because of the pressure and distress experienced by the McCabe family. Did Deputy McGuinness have a meeting with the former Garda Commissioner and did he hear information relevant to a smear campaign against Sergeant McCabe? If he did, what did he do about it?

Deputy John McGuinness: The Taoiseach knew about it. He knew a long time ago about the accusations that were being made against Maurice McCabe. Everyone in this House knew. Great efforts were made to derail Maurice McCabe and the story that he was telling.

An Leas-Cheann Comhairle: I am moving on.

Deputy John McGuinness: Everyone knew. The fact of the matter is that it was a deliberate attempt to undermine Maurice McCabe.

Deputy Frances Fitzgerald: Why did the Deputy not tell the investigation that was sitting at that point that he had his meeting? That would have meant that some of these issues he was told about could have been dealt with by the O'Higgins commission.

An Leas-Cheann Comhairle: No, wait one minute.

Deputy Frances Fitzgerald: That would have meant that some of these issues that Deputy McGuinness was talked to about could have been dealt with in the O'Higgins commission.

An Leas-Cheann Comhairle: Sorry, Tánaiste.

Deputy John McGuinness: On legal advice, Tánaiste.

Deputy Frances Fitzgerald: But-----

Deputy John McGuinness: I followed legal advice.

Deputy Frances Fitzgerald: The Deputy followed legal advice.

Deputy John McGuinness: Like the Minister, Deputy Zappone, I did not want to give legs to something that was totally untrue.

Deputy Frances Fitzgerald: Then what is the Deputy saying the rest of us should have done?

Deputy John McGuinness: I judged for myself that it was untrue. That is the fact of the matter, but the Government did nothing about Sergeant Maurice McCabe-----

Deputy Frances Fitzgerald: I am sorry, but the Deputy did not want to act on legal advice.

Deputy John McGuinness: -----until it had been put in the spotlight and it could not cover up anymore.

Deputy Frances Fitzgerald: Deputy McGuinness had direct information-----

Deputy John McGuinness: I gave it to this House.

Deputy Frances Fitzgerald: -----which is more than anyone else in this House did.

Deputy John McGuinness: Everyone knew. Do not try to simplify.

(Interruptions).

Deputy Regina Doherty: Can I ask Deputy McGuinness to please withdraw a statement that he has made on a number of occasions? He has made the accusation that others in this House knew. That is categorically not true. Will the Deputy please withdraw it?

Deputy John McGuinness: Those of us who were clearly associated with supporting Sergeant Maurice McCabe-----

Deputy Regina Doherty: Then the Deputy should have said that.

Deputy John McGuinness: -----knew about this, but not everyone in the House.

An Leas-Cheann Comhairle: Not all Members.

Deputy Regina Doherty: I thank the Leas-Cheann Comhairle.

Deputy Róisín Shortall: We did not all hear it from the Commissioner, though.

It is notable that the Taoiseach has refused on seven occasions to disclose when he first heard about the smear campaign against Sergeant McCabe. I cannot understand why he set out to mislead people regarding the status of the meeting that the Minister, Deputy Zappone, had by claiming that it was private. What exactly was the Taoiseach trying to achieve there?

I have questions for the Minister, Deputy Zappone. Who approved the deletion of the digital copy of the McCabe file in Tusla? Were the metadata of who created it retained for the public inquiry? Does she know the identity of the person who created that file and what was the role of Tusla's data protection officer in all of this?

The Taoiseach: I referred before to the meeting of the Minister, Deputy Zappone, with Sergeant McCabe, and that was a meeting that was held as a private meeting, but the Minister had officials with her, an account was taken of that meeting and an account of that is available and was sent by the Secretary General of the Department of Children and Youth Affairs to my own Secretary General last evening. Therefore, the meeting was with the Minister for Children and Youth Affairs with responsibility for Tusla, meeting privately with the McCabe family but in respect of which an official note was taken.

Deputy Róisín Shortall: The Minister just said that it was a ministerial meeting.

An Leas-Cheann Comhairle: Can we have-----

The Taoiseach: That is the status of the meeting.

Deputy Róisín Shortall: What does the meeting-----

An Leas-Cheann Comhairle: Be conscious of the time.

The Taoiseach: That is the status of the meeting.

An Leas-Cheann Comhairle: There are Members who have been here since 6 p.m. I call Deputy Catherine Murphy-----

Deputy Róisín Shortall: I am sorry, but I posed more questions to the Minister, Deputy Zappone.

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An Leas-Cheann Comhairle: -----and if she does not have questions, we will move on to Deputy Quinlivan.

Deputy Róisín Shortall: I posed questions to the Minister about the digital file.

An Leas-Cheann Comhairle: No.

Deputy Róisín Shortall: Who deleted that?

Deputy Katherine Zappone: It was done-----

An Leas-Cheann Comhairle: I call Deputy Catherine Murphy. I cannot force anyone to answer.

Deputy Mick Barry: The Minister is about to answer.

Deputy Róisín Shortall: She is about to. Please allow her.

Deputy Katherine Zappone: It was done at the request of the McCabes.

An Leas-Cheann Comhairle: I call Deputy Catherine Murphy.

Deputy Katherine Zappone: There is a paper file available that will go to the public inquiry.

Deputy Róisín Shortall: Were the metadata retained?

An Leas-Cheann Comhairle: Colleagues-----

Deputy Katherine Zappone: I am sorry-----

Deputy Alan Kelly: Were the metadata retained?

An Leas-Cheann Comhairle: Colleagues, I have been very patient.

Deputy Catherine Murphy: Why was the HSE counsellor in contact with the Garda? Obviously, it was someone who had been seconded to Tusla. Being in contact with the Garda was against the Children First guidelines. Why did that happen?

The Minister, Deputy Zappone, stated another garda had been in contact last Friday about a similar situation. If the tribunal of inquiry is extended to include Tusla, is it not then necessary to include that other file and, by definition, another whistleblower?

Deputy Katherine Zappone: Let me be perfectly clear. I had communication from another Garda whistleblower. I did not say that it was explicitly about a similar type of case, but there was engagement between Tusla and the Garda. I am agreeing to meet the garda at the request of Deputies Kelly and Pearse Doherty.

Deputy Catherine Murphy: What about my other question on Children First?

Deputy Katherine Zappone: I am sorry-----

Deputy Catherine Murphy: It was a breach.

Deputy Katherine Zappone: That will be a part of the investigation.

Deputy Maurice Quinlivan: My question is for the Taoiseach. In response to a question from my party colleague, Deputy Adams, the Taoiseach stated that it was irrelevant when he first became aware of the false allegations against Sergeant Maurice McCabe. Numerous Deputies in this Chamber have asked him that question. We are up to ten Deputies. My question is simple. When did the Taoiseach first become aware of the false allegations against Sergeant Maurice McCabe?

The Taoiseach: After the “Prime Time” programme last Thursday night.

Deputy Jonathan O’Brien: What?

Deputy Róisín Shortall: Who could believe that?

Deputy Pearse Doherty: That is unbelievable. It is not fair on the Minister. She told the Taoiseach.

(Interruptions).

Deputy Donnchadh Ó Laoghaire: Following on directly from that, the Taoiseach is now saying that he first became aware of it after the “Prime Time” programme. On the previous Tuesday, he advised the Minister that he believed that the terms of reference would be adequate to cover the allegations. Is that not correct? That is my understanding. There is no way that the Taoiseach could have accurately and comprehensively advised her of that unless he was aware. He has said that he was not aware of any of the detail except that there had been a false allegation of sexual abuse. Unless he was aware that this specifically related to a smearing of Sergeant McCabe by members of the Garda Síochána, he could not possibly in any reasonable way have reassured the Minister that that was covered by the terms of reference. That is not possible or credible.

Is the Taoiseach aware of whether any other member of the Cabinet was contacted by Sergeant McCabe about these allegations or by any other garda?

The Taoiseach: I have answered this before. Mr. Justice Iarfhlaith O’Neill responded after assessing and examining two protected disclosures. The Deputy will be aware that one cannot see or read the protected disclosures because they go to a particular Minister; therefore, the Cabinet was considering the terms of reference drafted by Mr. Justice O’Neill to cover all of the issues in respect of the people that he had contact with arising from the two protected disclosures. The Minister for Children and Youth Affairs is the Minister responsible for Tusla. Tusla deals with allegations of sexual misconduct against children. Clearly, the terms of reference were flexible enough to cover Tusla-----

Deputy Jonathan O’Brien: The Taoiseach did not know about those allegations before Thursday. He just said that.

The Taoiseach: -----and that was agreed by the justice who was appointed to look after the commission of investigation, who said that the terms of reference were sufficiently flexible to deal with the issues but also to deal with all of the evidence that he had seen arising from the “Prime Time” programme on the Thursday night.

Deputy Donnchadh Ó Laoghaire: They could only have been flexible enough if the Taoiseach was aware that there was an element of discretion.

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Deputy Frances Fitzgerald: “Criminal misconduct” was the term used.

The Taoiseach: “Criminal misconduct”-----

An Leas-Cheann Comhairle: I want to accommodate-----

Deputy Donnchadh Ó Laoghaire: There was a second question.

The Taoiseach: “Criminal misconduct” is the broad term that is used in respect of the protected disclosure and the Cabinet was considering the terms of reference, not drafted by the Cabinet but drafted by Mr. Justice O’Neill, to deal with all of these matters.

Deputy Donnchadh Ó Laoghaire: The second question.

An Leas-Cheann Comhairle: I am sorry, but I want to accommodate the four Deputies-----

Deputy Pearse Doherty: The Taoiseach needs to answer the question.

Deputy Mary Lou McDonald: He cannot.

An Leas-Cheann Comhairle: I cannot force anyone.

The Taoiseach: Mr. Justice Charleton said that all of the relevant matters that he had seen on the “Prime Time” programme-----

Deputy Pearse Doherty: Was the Taoiseach aware of any of the-----

The Taoiseach: -----on the Thursday night were covered in the terms of reference.

Deputy Donnchadh Ó Laoghaire: My second question was on whether the Taoiseach was aware of whether any other member of the Cabinet had been contacted by Sergeant McCabe or any other garda in respect of these allegations.

The Taoiseach: Excuse me? Was any other member of the Cabinet-----

Deputy Donnchadh Ó Laoghaire: Is the Taoiseach aware of whether any other member of the Cabinet has been contacted by Sergeant McCabe or any other garda in respect of these allegations?

The Taoiseach: I am not so aware.

An Leas-Cheann Comhairle: I want to accommodate Deputies Griffin, Ó Snodaigh, Pringle and Mattie McGrath. Please-----

Deputy Catherine Byrne: I am sorry, but I had raised my hand.

Deputy Regina Doherty: Before the Leas-Cheann Comhairle entered the Chamber.

An Leas-Cheann Comhairle: To be honest, I thought that it was a mistake.

Deputy Catherine Byrne: No, it was not a mistake.

An Leas-Cheann Comhairle: Normally. The Minister of State will understand.

The Taoiseach: Her name was in early on.

An Leas-Cheann Comhairle: I am calling Deputy Griffin.

Deputy Catherine Byrne: That is fine.

An Leas-Cheann Comhairle: I will get to the Minister of State.

Deputy Brendan Griffin: I am happy to give the floor to the Minister of State. I saw her name on the list when I went down.

Deputy Catherine Byrne: I have been here for nearly three hours now and I have listened carefully to the debate. I suppose that some Deputies in this Chamber have said that people misled them and told lies, which is totally false.

Deputy Róisín Shortall: This is completely inappropriate.

Deputy Catherine Byrne: We are not in a court of law. We are in the Dáil Chamber.

Deputy Róisín Shortall: We are here to ask questions.

Deputy Mary Lou McDonald: The Government must be accountable to the House.

Deputy Catherine Byrne: We are not the judges. We are not the jury.

Deputy Róisín Shortall: We are here to ask questions.

Deputy Denise Mitchell: Questions.

Deputy Catherine Byrne: Above all, we are not the executioners. Now I have a question.

Deputy Louise O'Reilly: Come on, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: A question, please.

A Deputy: This is a speech.

Deputy Catherine Byrne: Some people believe they are all of the above.

An Leas-Cheann Comhairle: The Minister of State has a right to ask questions.

Deputy Catherine Byrne: I have a question for the Taoiseach, the Tánaiste and the Ministers, Deputies Zappone and Harris. It is simple. I want them to give a commitment here this evening that every assistance will be given by their Department to the public inquiry and that they will help the McCabe family, in fairness and truth, to be able to get on again with their lives. The Government owes that to them. I ask that of the Taoiseach and the three Ministers.

An Leas-Cheann Comhairle: Will the Taoiseach and each Minister give every assistance?

The Taoiseach: The Minister of State, Deputy Catherine Byrne, can rest assured that the issue is to determine the truth of whether there was a deliberate smear campaign by senior gardaí against Sergeant McCabe. The tribunal of inquiry must be comprehensive, fair and balanced to all persons associated with it. We understand the stress, pressure and distress of the McCabe family. The Minister of State can take it that I speak on behalf of the other Ministers that the facilities and resources necessary to do this properly will be provided.

An Leas-Cheann Comhairle: The Taoiseach is speaking on behalf of all four.

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Deputy Aengus Ó Snodaigh: My question is for the Tánaiste. She stated earlier that she met Maurice and Lorraine McCabe a while ago. What transpired at that meeting and what allegations or facts did they divulge to the Tánaiste when they met her? Is she positive that they made no disclosure regarding the false allegations of sexual abuse made against Maurice as part of the smear campaign we are now hearing more and more about? If they disclosed anything it would give the lie to the Tánaiste's account tonight.

Deputy Jonathan O'Brien: Deputy Howlin raised the matter on Thursday morning on Leaders' Questions.

Deputy Aengus Ó Snodaigh: I do not believe they did not raise any question at that time about one of the most serious allegations they have about a smear campaign with the Tánaiste, given what was transpiring in the life of Maurice McCabe and his family?

Deputy Frances Fitzgerald: It is two years since I met them and I have a detailed note of the meeting. It was about a range of issues that Sergeant Maurice McCabe was concerned about at that time. The Deputy is rushing to judgment again because at that point-----

Deputy Aengus Ó Snodaigh: I just asked a question.

Deputy Frances Fitzgerald: -----Sergeant Maurice McCabe did not know about the series of false allegations that had been made, the referral to Tusla and the file that had been created that we all now know about. Of course he knew that an historical allegation that had been made against him had been dismissed by the Director of Public Prosecutions.

Deputy Thomas Pringle: My question is for the Tánaiste. The Minister for Children and Youth Affairs, Deputy Zappone, has already answered two of the six questions posed by Sergeant McCabe in his questionnaire. If I heard the Tánaiste correctly, she said earlier that the reason she could not answer the four questions that apply directly to the Garda is that she could possibly risk prejudicing the tribunal. Is it the Tánaiste's contention that the Minister, Deputy Zappone, has prejudiced the tribunal by answering the two questions that apply directly to her? If not, why can the Tánaiste not answer the remaining four questions?

Deputy Frances Fitzgerald: I have already made it clear that if I am in a position to answer those questions that Sergeant McCabe posed then of course I will. They do go to the heart of what is going to be investigated by the tribunal. One question is "Who was the garda or gardaí who engaged in phone conversations with a HSE counsellor about the false rape allegation?" As the false rape allegation is central to the tribunal of inquiry, I must be careful about how I deal with the question, but that is not because I want to hide anything it is because I do not want to impugn the tribunal process in any way. If I am in a position to respond to those questions, I will.

Deputy Thomas Pringle: The Tánaiste has less than 24 hours to do it.

Deputy Mattie McGrath: It beggars belief that the Taoiseach could tell the House tonight that the first he heard of the serious sexual abuse allegations was on "Prime Time" last week. I do not know who the Taoiseach is talking to all night in his ear piece or who is listening or if there is a third or fourth person in the House or someone outside advising him.

An Leas-Cheann Comhairle: The Deputy should concentrate on the question.

Deputy Mattie McGrath: Yes, but the Taoiseach is not concentrating because he is listen-

ing to someone else.

Deputy Frances Fitzgerald: He is listening to the Deputy.

Deputy Mattie McGrath: He did not hear what he should have heard.

Deputy Frances Fitzgerald: He is listening to the Deputy.

Deputy Mattie McGrath: If he did not hear the allegation before last Thursday night it is time for him to move over and make room for someone else. I said earlier that I have no faith in Tusla.

Deputy Billy Kelleher: They are like vultures over there. They are circling around him already.

Deputy Mattie McGrath: I have no faith in Tusla whatsoever. If the Taoiseach did not know, he should have known, as should the line Minister. The sooner Tusla is reined in, and the HSE with it, and made accountable to this House or to someone, the better. This kind of carry on is totally unacceptable. I do not know to whom the Taoiseach is listening, whether it is the man in the moon or somebody else but we are not all eejits.

The Taoiseach: I assure the Deputy that I was listening to him and I had to take out the ear piece because he has blown the head off me.

Deputy Mattie McGrath: It is about time the Taoiseach listened to someone.

The Taoiseach: As I said in respect of the “Prime Time” programme, that became very clear. Deputy McGuinness made comments here but he did not specify what the issue was. In respect of the allegations of the smear campaign, that became perfectly obvious after the RTE programme.

Deputy Mattie McGrath: Only.

The Taoiseach: I referred to a question earlier in regard to a letter that came to me through Deputy Micheál Martin about the process that was involved in carrying out an investigation of a case a number of years ago where it had been determined by the Director of Public Prosecutions that no further action should be taken. I have put that on the record already.

Deputy Brendan Griffin: I welcome the opportunity for the Dáil to ask questions on this very important matter. I also welcome the fact that the Minister for Children and Youth Affairs has given a commitment to meet with Garda Harrison, but I am conscious that there may be many others in similar situations who were afraid to come forward up to now or for various reasons who feel they have relevant information and an important input to make in the context of the tribunal. Could I ask if a specific point of contact will be established in the Government for such individuals so that we could provide every opportunity to facilitate those people in order that they can be heard?

Deputy Frances Fitzgerald: As far as the tribunal of inquiry is concerned, that would be a matter for Mr. Justice Charleton to determine. If people want to come forward it would be up to him to decide the exact mechanisms he would make available to them. Once the tribunal is established that is how the matter would be handled. When the tribunal is established it will be under the direct control of the judge as opposed to these Houses.

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Deputy Jonathan O'Brien: As this is the final question I would like to give the Taoiseach the opportunity to clarify the record of the Dáil. He just said in response to my colleague, Deputy Quinlivan, that the first he heard of the false allegations being made against Sergeant Maurice McCabe was after the "Prime Time" programme on Thursday night. Obviously he is not aware that Deputy Howlin raised those allegations earlier that day during Leaders' Questions. Does he honestly expect anyone to believe he did not hear of those allegations until the airing of the "Prime Time" programme when they were aired on the floor of this Chamber six or seven hours prior to the programme being broadcast?

The Taoiseach: Deputy Howlin raised a matter here in respect of which he was pulled up by the Ceann Comhairle for his actions. Had Deputy Jonathan O'Brien heard those allegations before?

Deputy Jonathan O'Brien: I am asking the Taoiseach the questions.

The Taoiseach: And I am telling him that I heard it after the "Prime Time" programme. I have already said that three times.

Deputy Jonathan O'Brien: Did the Taoiseach not hear Deputy Howlin?

An Leas-Cheann Comhairle: The Taoiseach should be allowed to speak without interruption.

The Taoiseach: Yes. Of course I heard him, and I heard the Ceann Comhairle and I answered Deputy Howlin.

Deputy Jonathan O'Brien: The Taoiseach just said, "Of course I heard him."

An Leas-Cheann Comhairle: The Deputy should not interrupt.

The Taoiseach: I have already put on the record in respect of a letter that was received about a case that the Director of Public Prosecutions had heard and had dismissed.

Deputy Jonathan O'Brien: The Taoiseach just said he heard Deputy Howlin.

An Leas-Cheann Comhairle: The Deputy should please not interrupt.

The Taoiseach: That letter was about the process of examination and the way the procedure was dealt with.

An Leas-Cheann Comhairle: In accordance with the order of the House that completes questions and answers. We now move on to the motion re the North-South interconnector.

North-South Interconnector: Motion [Private Members]

Deputy Timmy Dooley: I move:

That Dáil Éireann:

recognises:

- that the North-South interconnector is a vital piece of infrastructure for ensuring a

safe and sustainable source of energy for both Ireland and Northern Ireland;

- that communities across Cavan, Monaghan, Meath, Tyrone and Armagh are very concerned about the present proposals for the North-South interconnector;

- that the recent decision of An Bord Pleanála to approve planning permission for the overhead pylon project did not consider an alternative underground option, which was not put forward by EirGrid;

- the negative impacts that an overground interconnector will have on the landscape of these areas, particularly on their more scenic and ecologically sensitive locations;

- the potential detrimental consequences for the tourism sector in these areas;

- that the present plans for the North-South interconnector would have adverse effects on the livelihoods and farming practices of farming households along its route; and

- that some 2,550 homes are potentially impacted by the proposed overhead line;

acknowledges:

- the continued failure to address the concerns raised by local residents;

- the need and requirement that the communities concerns must be addressed;

- that considerable technological advances have occurred since the most recent analysis of undergrounding was conducted in 2009, such that the cost and technical feasibility of undergrounding the North-South interconnector have changed greatly;

- that EirGrid has recognised that undergrounding the project is feasible; and

- that A Programme for a Partnership Government committed and affirmed the need for “much better engagement with citizens and communities about the energy policy decisions that affect them” and committed to “effective community consultation on energy infrastructure developments”;

and calls on the Government to:

- commission immediately an independent report, incorporating international industry expertise to:

- examine the technical feasibility and cost of undergrounding the North-South interconnector, taking into account the most recent developments in technology and experience gained from existing projects abroad;

- evaluate the potential impacts of both undergrounding and overgrounding the North-South interconnector on surrounding areas, considering such aspects as its impact on local tourism, health, landscape, agriculture, heritage, etc.;

- analyse the real costs to date, and estimated future costs, of the current proposed overhead pylon project; and

- ensure that no further work is done on the North-South interconnector until this analysis and a full community consultation is completed; and

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- implement its commitment in A Programme for a Partnership Government in relation to better engagement and community consultation about energy policy decisions that affect them.

I welcome the opportunity to bring this motion before the House on behalf of the Fianna Fáil Parliamentary Party. The North-South interconnector has become a serious issue for the people of Cavan, Monaghan and Meath and, unfortunately, for the Government, it is an issue that will not go away. Noting the recent decision by An Bord Pleanála to award planning permission to construct 299 pylons that are between 25 m and 51 m, we felt compelled to bring this motion before the House. An Bord Pleanála's decision comes despite protracted and intense opposition from local residents and their repeated calls for EirGrid to seriously consider undergrounding the North-South interconnector. EirGrid and this Government have simply stopped engaging with technological advancements in the arena of electricity transmission.

If the Government refuses to listen to local residents' concerns of its own accord, we must bring these concerns to its attention. In this regard, our motion highlights the considerable negative impacts that an overground power line would cause to communities in Cavan, Meath and Monaghan as well as those in Tyrone and Armagh. Furthermore, in recognition of the lack of dialogue that the proposers of the North-South interconnector have had with local communities and industry experts, our motion calls on the Government to commission an independent expert analysis drawing on international expertise to examine the technical feasibility and cost of undergrounding the North-South interconnector.

As a party, Fianna Fáil supports the upgrading of the national grid to ensure security of energy supply, boost capacity for renewed economic growth and allow for the possibility of electricity links with either Great Britain or France in the future. EirGrid and Northern Ireland Electricity are jointly planning this major cross-Border electricity scheme. This scheme is a 400 kV overhead line linking the existing 400 kV substation in Woodland, County Meath, with a planned substation in Turleenan, County Tyrone. It will provide a second high-capacity electricity transmission line between the Republic of Ireland and Northern Ireland. We recognise that the North-South interconnector will play an essential role in preventing energy blackouts in either jurisdiction on the island of Ireland as well as bringing an increased amount of renewable energy into the system and ensuring that there is an appropriate competitive environment, increasing competition and ensuring lower energy costs into the future. That said, Fianna Fáil is concerned with the installation of overhead pylons throughout the country by EirGrid near residential areas and areas of scenic beauty.

In its application to An Bord Pleanála, EirGrid only made a submission for an overground line. In other words, EirGrid did not consider the merits or possibility of an underground power line in its application. This is blatant discrimination against the people affected by the North-South interconnector. Why has the Government not listened to their concerns and investigated them? When concerns were raised over Grid West and Grid East, analysis of an undergrounding option was undertaken. EirGrid has flip-flopped repeatedly on whether it is economically and technologically feasible to underground these pylons and those involved in the Grid Link projects. Its inconsistency and overall unwillingness to engage with this is central to why the people of Meath, Cavan and Monaghan will feel that they are not been treated equally or fairly. People in these counties are asking themselves why no underground cabling proposals are outlined for the proposed North-South interconnector?

In a 2013 report on the same, EirGrid considered three studies completed on the costs of

undergrounding the project that were completed between 2008 and 2009 and concluded that the cost would be closer to eight times the cost of overgrounding the cables. This is in contrast to the findings of an international independent commission which suggested that an underground solution would be three times more expensive than an overhead option. That is a significant cost differential and is one of the main reasons behind our motion. We are deeply concerned about the very significant changes and are concerned that some are relying on what is clearly out-of-date data. In April 2015, EirGrid stated an underground system would cost in excess of €500 million more than the overhead option, which would be approximately three times more than the overground option. Again, this appears to be a significantly reduced cost compared to what was previously relied upon to make a decision to go overground.

Two clear trends emerge here. First, EirGrid cannot be seen as independent when it comes to assessing the costs of undergrounding the North-South interconnector. Since the beginning of the process, EirGrid has been intent on placing the North-South interconnector above ground and it is clear that any cost estimate it may provide may be perceived to favour the overground option. What is needed now is an independent group of experts to assess the specific needs of the North-South interconnector and to calculate a precise cost estimate using rigorous and transparent methods.

It is also clear that the costs involved with using an underground AC option change rapidly with technological changes. Clearly, in just over two years, EirGrid acknowledged that the price of undergrounding the North-South interconnector had fallen fivefold. Furthermore, recent international experience has disproved claims that underground technology is not suitable for developments like the North-South interconnector. One example which springs to mind is the ALEGrO project, which runs between Aachen in Germany and Liège in Belgium, which is approximately 90 km in length and which can carry 1,000 MW. It will be constructed entirely underground using high voltage direct current, HVDC, technology that we understand to be most suitable for the voltage involved. While I accept that there are many similarities, there are some differences in length and the voltage concerned but it certainly draws significant comparisons as an option. This project is very similar to that relating to the North-South interconnector. It carries in the region of one tenth of what is required in terms of Belgium's overall energy consumption and is key to maintaining Belgium's energy security. It is also intended to increase energy efficiency in Germany and Belgium and to push down the price of electricity in both jurisdictions. As such, it is very much on a par with the proposed North-South interconnector in terms of purpose. The ALEGrO project will achieve these aims without impinging on the landscape along its routes. Not a single mountain vista or rolling hill will be tainted as a result of steel pylons being erected and no local resident will face land devaluation, health issues or a reduced quality of life because of its construction. In short, the only glaring difference between this project and the North-South interconnector is that the residents of Cavan, Meath and Monaghan have not been treated with the same respect as their counterparts in Germany and Belgium.

With these issues in mind, we are asking the Government to conduct an independent analysis of the possibility of undergrounding the North-South interconnector. This analysis must also assess and detail the impacts that constructing the North-South interconnector overground would have on local communities. For example, what would be its impact on local heritage sites and tourism? Would an overground interconnector impact on agricultural production? Would there be ramifications for the health of local residents? These are the types of questions my party colleagues and I are hearing from people in the counties through which the North-

South interconnector is to pass yet they are not questions to which this Government has provided answers leading me to believe that it is not so concerned by the impact of the North South interconnector on local communities. Instead, it prefers to allow EirGrid to proceed over the will of local people ignoring the concerns that have been rightly raised by the various different interest groups and people who live in the area.

As elected representatives, it is incumbent on all of us to give voice to the concerns of the public and to give careful consideration to how the decisions that are taken by us impact on their daily lives. Frankly, it is sad to see a Government that should be accountable and answerable to its people so blatantly ignore the concerns I have outlined. With the support of those Members present, I hope this motion can reverse this worrying trend and finally address the concerns of communities in Meath, Monaghan and Cavan. I commend the motion to the House.

Deputy Brendan Smith: I am very glad to have the opportunity to support this extremely important motion. As Deputy Dooley, our party spokesperson on communications, environment and natural resources, said, it is a comprehensive, thorough and well thought-out motion. It reflects the concerns of communities and families throughout the affected areas in counties Monaghan, Cavan and Meath very well. It correctly identifies the measures to be implemented to deal with all aspects of the North-South interconnector. I appeal to all Members of this House, both in opposition and in government, to support this motion. Over the past ten or 12 years, member of the County Monaghan Anti-Pylon Committee and members of the North East Pylon Pressure campaign in County Meath have been extremely active in conveying the views and concerns of local communities regarding these proposals. I attended many meetings in the past few years in Aughnamullen and Castleblayney in County Monaghan, in Muff and Kingscourt in County Cavan and in Kells and Navan in County Meath. There were huge crowds at each one of those individual meetings. People were there to express their outrage and concerns at the EirGrid proposals. They were particularly angry that EirGrid made no effort to listen to local people and local communities.

In 2007 and 2008 when this project was first mooted, we were told that the cost of undergrounding the project would be 20 to 30 times the cost of overgrounding it. Things have changed dramatically in the meantime, as Deputy Dooley said. Thankfully, the cost factor has diminished very substantially and the technology has advanced. At an Oireachtas committee meeting in April 2015, I and other Members of this House and of Seanad Éireann put particular questions to the chief executive of EirGrid. That was the first time that he publicly admitted that it was possible to place underground these transmission cables from an engineering and technical perspective.

I believe it is important to note our motion. It notes very importantly that the North-South interconnector is a vital piece of infrastructure for ensuring a safe and sustainable source of energy for our State and for north of the Border also. The motion calls on the Government to immediately commission an independent report incorporating international industry expertise to examine the technical feasibility and cost of undergrounding the project and to evaluate the potential impacts of both undergrounding and overgrounding with regard to landscape, tourism, heritage and agricultural practices. That report must also analyse the real cost. We also ask that no further work be carried out on this project until these studies are undertaken. We welcome the commitment in the programme for Government on the advancement of energy projects targeting better engagement and community consultation on energy policy decisions that affect communities. We see very well that this is not happening with regard to EirGrid.

On 21 December, the decision from An Bord Pleanála approving the EirGrid proposal was most disappointing. Together with many other Members of the Oireachtas and individual councillors in counties Cavan, Monaghan and Meath, I made detailed written submissions. We also participated in the oral hearing. Many public representatives at local authority and Oireachtas level in our three counties have been highly vocal and have worked extremely hard to convey the concerns of our communities. I am glad that some of our councillors are present tonight, including the cathaoirleach of Monaghan County Council, Councillor PJ O'Hanlon, Councillor Seamus Coyle and others. I pay tribute to all councillors in those counties who have taken a particular interest.

It is appalling that the An Bord Pleanála inspectorate report did not even record the contributions of the public representatives who participated in the oral hearing. It was appalling for a statutory agency to come out with a report that ignored the views and concerns expressed by the local community representatives. We must examine how An Bord Pleanála went about its business. On the first day of the oral hearing in 2010, it sought permission to move 400 pylon positions by 80 m in all directions. After seven weeks of that oral hearing in 2010, it withdrew. In 2015, EirGrid got away with submitting an inadequate and deficient application. It modified the application on the opening day of the oral hearing when 73 modifications were allowed. If any of us were constructing a small extension to a house or farm building, we would not be going in with modifications when the planning process was already under way.

All of us as Oireachtas Members have participated in and attended meetings of Monaghan County Council and Cavan County Council. We have listened to the serious concerns expressed at official level and at political level in the councils. The councils made detailed submissions, which came from both individual councillors and the county councils in their local authority role.

The Minister facilitated us with a good meeting last week. It was the first meaningful meeting that I had with a Minister for communications since 2011 with regard to this particular project. The Minister listened to an exceptionally good and detailed presentation. It was given by the County Monaghan Anti-Pylon Committee and by North East Pylon Pressure. It is a very detailed presentation and it stands up. I welcome that the Minister said there will be engagement with his officials with regard to all the views outlined in this particular proposal.

As Deputy Dooley said, a major project, the ALEGrO project, going from Aachen in Germany to Liège in Belgium, is being undergrounded. As Deputy Dooley noted, it will not interfere with the landscape, the communities or the residences of people along that route.

We support the upgrade of the national grid. I was disturbed on Saturday to get calls from Northern Ireland trying to say to me that Fianna Fáil is opposed to the all-Ireland energy policy-----

An Leas-Cheann Comhairle: There are four minutes remaining in the slot.

Deputy Brendan Smith: -----and that we do not agree with a national grid. Nothing could be further from the truth. I received correspondence today from a business group. I say to that business group that Fianna Fáil is as interested in upgrading the national grid as any other interested party on this island. As a party that is firmly attached to the workings of the Good Friday Agreement, many of us in this House have outlined clearly on many occasions the need to maximise its potential. We are not against progress, but by God we are not in favour of tram-

pling on the people of rural Ireland either.

An Leas-Cheann Comhairle: I have no control over internal party times. I call Deputy Niamh Smyth.

Deputy Niamh Smyth: I hope the Leas-Cheann Comhairle will facilitate me and let me go a little over my time.

An Leas-Cheann Comhairle: No. It is a 20-minute slot.

Deputy Niamh Smyth: I thank the Minister for being present for this important debate. I also welcome the members of Monaghan County Council. They have been very much to the forefront in leading the charge on this issue. I indicate my total objection to this proposed development in its current form of overhead power lines. The people of my constituency of Cavan-Monaghan and our neighbours in Meath want this project to be undergrounded. Some 2,500 homes have the potential to be impacted in a negative way by the proposed overhead line. Do their concerns deserve to be listened to? Yes, they do. Poor consultation has led today's debate on the planning process for the North-South interconnector. It is time to put right the wrongs of the past and take away the sour taste of this project that has been left in the mouths of the people of Cavan-Monaghan. I ask the Minister not to railroad this through.

I accept the need for a North-South interconnector but clearly and vehemently disagree with both the scale of the proposal and the choice of overhead transmission lines instead of underground cables. I have been informed through parliamentary questions on this issue. The Minister and I have previously debated in the Chamber the subject of Brexit and the impact it could have on the North-South interconnector. I have been informed it will have no impact. It is unfair to state the implications of Brexit will have no effect because we honestly have not realised the full impact that Brexit will have on the South of Ireland. No one knows what is in store for the country. Therefore, I ask the Minister again to be prudent and to put all State funding for the capital phase of this project on hold. The Minister should remind EirGrid that despite receiving the green light from An Bord Pleanála in the South, the development of the project depends on the outcome of the public inquiry in Northern Ireland, which is scheduled for this month.

EirGrid has agreed that undergrounding is indeed feasible and reliable. It is on that premise that I urge the Government to reject the application in its current status. It could be argued that the money spent to date on blunders in planning and opposition to this project could have gone a long way to paying for the undergrounding option. The people of my constituency have many concerns, none of which has been addressed adequately by EirGrid to give them peace of mind. The application does not have the basic principle of public acceptance in place and therefore cannot go ahead in its current form.

The people of Cavan and Monaghan have been offered only lip service, and when we look at the stringent consultation protocols of the project being tested in the North of Ireland, we deserve the same here.

Early last year I attended the An Bord Pleanála oral hearing in the Nuremore Hotel in Carrickmacross for hours - some people attended for days on end - and heard at first hand the logical reasons people in those areas do not want this project to go ahead. It is not an overstatement to say the landowners are distraught for reasons of health, devaluation of land, the impact on their livelihood, the destruction of heritage, flora and fauna, and the detrimental impact on tourism.

Last month we attended the meeting in Kells, County Meath. It is not an overstatement to say it was attended by hundreds of people. The Monaghan anti-pylon group and the North East Pylon Pressure Campaign have been to the forefront and have given the Minister a very clear presentation, as my colleague outlined, of the reason this project should not go ahead.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I move amendment No. 1:

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

notes:

- the benefits that the North-South interconnector will bring to electricity consumers across the island of Ireland through lower prices, as a result of more efficient operation of the single electricity market and increased security of electricity supply;

and

- the importance of Ireland’s close relationship in the energy sector with Northern Ireland and the United Kingdom, UK, and the European Union, EU, and the UK Government’s continued support for the single electricity market against the backdrop of the UK decision to exit the EU; and

calls on the Government to:

- take account of the concerns of the communities of Cavan, Meath and Monaghan; and

- publish an independent analysis of international developments in relation to the relative cost differences, technologies and engineering solutions of overhead and underground technologies fully integrated in an all-island electricity system and be cognisant of same.

This proposed North-South interconnector is a new 138 km high-capacity electricity interconnector along overhead lines between the transmission networks of Ireland and Northern Ireland.

On 21 December last, An Bord Pleanála granted planning permission for the interconnector in Ireland, with a number of conditions attached. The decision concluded a lengthy process which included an oral hearing completed over 11 weeks from March to May last year. The planning process in Northern Ireland is still ongoing, with a planning inquiry due to commence on 22 February this year.

The proposed interconnector is a vital piece of infrastructure for ensuring a safe and sustainable source of energy for both Ireland and Northern Ireland. It is expected it will deliver significant benefits to electricity consumers across the island of Ireland through lower prices as a result of more efficient operation of the single electricity market. Further delays to the development of the project will increase security of supply risk to Northern Ireland in the first instance but also to both Ireland and Northern Ireland as the benefits of mutual reinforcement of the single electricity market would be delayed.

In the context of Northern Ireland’s security of electricity supply challenges post-2020, it

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is vital in terms of maintaining solid North-South relations in the area of energy that Ireland provides certainty in relation to developing the North-South interconnector. I must stress in the House the crucial need to continue Ireland's close relationship in the energy sector with both Northern Ireland and elsewhere in the United Kingdom in the context of Brexit. As a nation we are facing the most significant economic and social challenge of the past 50 years, and energy is one of the critical sectors that we must protect in our Brexit negotiations.

In 2015 Ireland had an energy import dependency of 88% and the United Kingdom is the source of much of this energy. A total of 97% of the natural gas used in Ireland in 2015 was imported from the United Kingdom. Maintaining secure trade in energy with the United Kingdom and the continued effective functioning of the single electricity market are key Brexit priorities for Ireland.

I remind this House of the UK Government's continued support for the single electricity market as set out in the UK White Paper on exiting the European Union and the letter of 14 October last by the British Prime Minister, Theresa May, to the First Minister and the deputy First Minister of Northern Ireland.

Given the importance placed on the single electricity market and the key role of the North-South interconnector in this market, the uncertainty created by accepting the proposed Fianna Fáil motion would be of significant concern. The bilateral relationship we have with the United Kingdom in energy cannot be viewed in isolation. It is a matter for all of us here to consider the implications of any potential impacts a change in our energy relationship, perceived or otherwise, could have on other sectors. It is critical, in the context of Brexit, that we maintain a close and positive relationship with the United Kingdom across all sectors.

In a wider European context, the North-South interconnector was designated a project of common interest by the European Commission in October 2013 and again in November 2015. Projects of common interest are energy projects deemed by the European Commission to be of strategic cross-border importance.

Any development of national infrastructure must strike a balance between the overall benefits of the project and the local impact on people, landscape, tourism, farming and homes. I am well aware of concerns that have been raised by the communities across Cavan, Meath and Monaghan about the proposals for the North-South interconnector. I am aware that there is a long-held and passionately argued belief on the part of some within local communities along the route of the interconnector that the transmission lines should be laid underground, rather than built overhead. However, all evidence available to me through my chief technical adviser indicates that this would cost substantially more and deliver less.

In short, the interconnector is proposed as a high voltage alternating current overhead line because various studies, many of them independent, deem it to be both the best overall technical solution as well as the most cost-effective option for this project.

This proposal is fully in keeping with EirGrid's statutory obligation to develop a fit-for-purpose electricity transmission system as cost effectively as possible. The studies include the international expert commission report of 2012 which found the construction of an underground option to be approximately three times the cost of the overhead option. The July 2014 statement of the independent expert panel, chaired by Ms Justice Catherine McGuinness, found that in all material respects, the methodologies employed on the North-South interconnector

were compatible with the methodologies on other grid development projects such as the Grid Link and the Grid West projects.

From a technical perspective it should be pointed out that direct current lines would need to be used if the lines were laid underground over this distance, and these do not efficiently integrate the electricity systems of Ireland and Northern Ireland into a single meshed grid system. This is a key technical disadvantage that an underground option would have when compared with the proposed overhead project.

All studies and information pertaining to undergrounding were available to An Bord Pleanála as part of its recent planning process. In the oral hearing, the inspector heard evidence both in favour of and against the overground and underground solutions. The inspector examined those issues thoroughly and concluded that a high voltage alternating current overhead line is the best technical and economic solution for the North-South interconnector to achieve national energy objectives.

I would stress, therefore, that the statutory independent planning process has determined that the proposed North-South interconnector should be developed and I fully accept the outcome of that planning process.

I also understand the concerns of the communities of Cavan, Meath and Monaghan regarding the project. I met and listened to the groups last week. I believe I am the first Minister for energy since Deputy Eamon Ryan to meet with the groups and hear what they said. I listened intently to the submission they made to me and I gave a commitment based on that to have further engagement with my officials and my chief technical adviser on the issues they had raised. However, the reason the Government does not support the motion as proposed is due to the uncertainty it would create with regard to our energy relationship with Northern Ireland and the United Kingdom as a whole. To do so would put our country at a distinct disadvantage in our Brexit negotiations and would serve only to jeopardise investment, impacting jobs, economic survival and our credibility. The proper functioning of the economy and society is reliant on energy. It is, therefore, imperative for me as Minister with responsibility for energy to ensure the continued secure trade in energy between the United Kingdom and other EU countries.

An issue that has been raised by community representative groups and others is the need to carry out further independent analysis of international developments in the relative cost differences, technologies and engineering solutions of overhead and underground technologies. This is what is proposed in the amendment I have tabled. It would do so without introducing undue uncertainty to our energy relationship on an all-island basis and with the United Kingdom. Therefore, I urge Deputies to support the proposed amendment which I believe is fair and balanced.

Deputy Brian Stanley: We fully support the North-South interconnector project which is not to connect Ireland with some mythical country called Northern Ireland but to connect two parts of Ireland. The piece of infrastructure is vital if we are to have a fully developed energy market across the country that is secure, efficient and environmentally sustainable and that can deliver real gains by significantly reducing costs, North and South. If the project is completed successfully, it will help to secure the future electricity needs for homes, farms, businesses and communities, help Ireland to meet its renewable energy targets for the period 2020 and 2030 and provide a platform for further economic development and growth.

It makes sense to plan on an all-Ireland basis. Many businesses and industries already look at Ireland as a whole. Partitionist thinking until now in the planning of national infrastructure is what has made the interconnector necessary. The transmission network is considerably restricted where electricity transmission lines cross the Border. There is a lack of connection in the Border region which limits power flow either way and does not prevent great stress on the power grid. We understand this.

Only three transmission connections traverse the entire length of the Border, only one of which has any significant capacity. This creates inefficiencies which lead to extra costs for all electricity users. That is why we support the advancement of the project via underground cables. We cannot ignore the concerns of communities living within range of the planned construction. This is not something with which we will deal a decade from now, but if the Government and EirGrid plough ahead with it in its current form, it is certain it will be delayed by several years. Communities have strongly objected to the current plans and have strong concerns, particularly about its effects on tourism, agriculture and health in local areas. Forcing through such a project without proper community consultation is certain to result in further local opposition and legal challenges which will take years to resolve. When the Government costed the overhead line, did it factor in the added costs of delays, as well as legal costs? We know that €34 million has already been spent on overhead line planning. It is estimated that the loss per annum as a result of the delays in the project is anything up to €30 million.

Underground projects have been successfully completed in Ireland and abroad. I draw the Minister's attention to the Rush to Woodlands project in County Meath and the ALEGrO project which runs from Germany to Belgium. It has proved to be a model for how this can be done and the infrastructure can be built. The Government needs to take a closer look at the cost benefit analysis of underground transmission lines. The international expert commission employed by a previous Government found that putting the cables underground was a viable option. We question the arguments put forward that the project must proceed overhead.

There would be benefits in undergrounding resulting in long-term savings in maintenance. Underground networks do not require the same level of maintenance as overhead networks. Underground cables have lower transmission losses and a much longer lifespan than overhead lines. Disturbance to underground cables is less frequent than to overhead cables which are affected by severe weather, something we must take into consideration. In Germany, a project extending to almost 100 km has cost €263 million in total. I do not have time to rattle off all of the costs associated with the project, but they are running at between €500 million and €600 million for 140 km.

We reiterate our support for the North-South interconnector project to connect the two parts of Ireland, but the project will never reach completion unless the Government and EirGrid engage with communities on the underground option and they change their attitude. The Government's amendment is a serious dilution of the motion. It mentions being cognisant of matters, but in local authority speak this is the same as having regard to, which those of us who have served in local authorities know does not mean anything. We need to be open to new technologies. The Government is behind the curve. We need to look at recent developments in the past two to four years and move ahead with undergrounding the project.

Deputy Caoimhghín Ó Caoláin: The scale of public opposition to the North-South interconnector project as proposed, with overhead power lines supported by gigantic pylons, cannot be overstated. Most of us in the Chamber are very cognisant of that. Communities throughout

the counties of Meath, Cavan, Monaghan, Armagh and Tyrone are up in arms about the proposed construction of a sky high wall of 45 m high pylons linked by cables bearing 400 kV of power across their lands and close to their homes. They are right to be incensed. The construction of this overhead power line structure will have devastating consequences, most especially for those immediately impacted on but also for all of us who cherish our relatively unspoiled countryside.

During the An Bord Pleanála oral hearing last year local landowners, residents, campaign groups and political voices from all parties raised concerns about health, house and land prices and the negative impact the development would have on the environment, with calls from across the board for the interconnector to be put underground. Needless to say, the news from An Bord Pleanála in December when it approved the construction of 299 giant pylons across counties Meath, Cavan and Monaghan came as a huge blow to campaigning communities across the affected counties which have steadfastly opposed this approach and a blow to all who are rightly offended at the prospect of these monstrous structures across what I have described as our relatively unspoiled countryside.

Owing to time constraints, I will not have the opportunity to make reference to all of my concerns about the proposed overgrounding of the cables. For this reason, I wish to focus on one particular concern that EirGrid, the advocate of the overhead approach, is always eager to dismiss, namely, health. I will focus on one example, in particular. I have been advised of the reality - many Deputies will be aware of the case - faced by one young man whose mother spoke to me a number of months ago. They live in immediate proximity to an existing line of lesser capacity and know the facts. This young man has special needs and is unable to leave the family home to access the periphery of their smallholding because of the continuous crackling from the line and the real effect the line has on his condition. Even in damp weather conditions, there is also occasional flickering. There is a noise factor, even with this significantly lower capacity line which will be replaced, yet no consideration is given to the fact that this young man has a severe level of autism, with all of the complicating factors it entails in terms of his health and that of his family whose fears are real.

It is important to indicate that Sinn Féin absolutely recognises the importance of this infrastructure and the need to strengthen the supply of electricity across the island of Ireland, North and South. Our position has been very clear from the start. From the time the project was first mooted we recognised its importance to the future of the island economy. However, this project can only be delivered by undergrounding the cable. We have heard the arguments from those who favour the overground pylons approach that the undergrounding is neither affordable nor achievable. The contrary was found in the Oireachtas-commissioned expert report which stated that undergrounding the North-South interconnector was now a realistic solution and due to significant technical developments and a commercial breakthrough of the most recently developed voltage source connector HVDC technology. Furthermore, the claim by EirGrid that undergrounding the cable would cost 25 times that of erecting overground pylons was found to be totally incorrect as proven by the Grid25 review strategy document that showed that the cost of undergrounding had reduced to close to 1.5 times the cost of overhead lines. Even that differential has likely been further reduced.

It does not have to be this way and we do not have to gamble with people's lives. Tá bealach i bhfad níos fearr ann. Níl sé ceart nó cóir neamhaird a dhéanamh ar na pobail atá an-bhuartha faoin bplean seo. Mar fhocal scoir, Sinn Féin welcomes this motion and we will be supporting it. I urge Fianna Fáil to stick with its motion and not to buckle and accept the Govern-

ment amendment. We are committed to continue with our opposition to the overhead pylon approach. We call on the Government and all parties, as well as Independent Dáil and Seanad representatives, to join us in supporting the underground approach that already has the signal support of the overwhelming majority of those directly affected.

Deputy Peadar Tóibín: Fine Gael seeks to construct the North-South interconnector overground imminently. The purpose of the interconnector is to link the electricity markets in the North. We, in Sinn Féin, support an interconnector and an all-Ireland energy market but we only support it if it goes underground. The pigheaded will to proceed with this interconnector overground has delayed the construction by years. As it is currently designed, that is overground, it will never be built, and the people along the curtilage of the proposed interconnector are immovable with regard to its construction. In EirGrid's own words, it costs €30 million every year this project is delayed and if the two Ministers opposite do not stop this process, they are leading the people of Meath into an intractable dispute with no prospect of ending. I support this Bill but I am disappointed that Fianna Fáil did not go as far as seeking an undergrounding of this piece of infrastructure. I understand Fianna Fáil supports the undergrounding of this interconnector and Sinn Féin does, as do some Independents in the House. We should have used our mandate to create a Bill to underground it and put an end to the whole process. This motion falls short of the key democratic mandate we all have to underground this. Last January, I tabled a Bill to underground the interconnector but it has been superseded by the planning process. My colleague, Deputy Ó Caoláin, and I made efforts to get cross-party support for the Bill and many Fianna Fáil Deputies attended with goodwill. When the motion was published it reduced the mandate to one of simply carrying out research.

I am desperately disappointed with the amendment of Fine Gael and the Independents. It makes a wishy-washy document of the original motion. One can have bucketloads of cognisance but it does not add up to a hill of beans. There can be a massive amount of goodwill and listening to people, but unless the key decision is made, the necessary action will not happen. The Minister for Communications, Climate Action and Environment, Deputy Naughten, is an experienced Deputy and he knows how to dress up a motion to sound like one thing but will fail the core objective of the people of County Meath.

We are talking about the construction of hundreds of pylons, some up to 51 metres in height, carrying 400,000 volts through Meath, Cavan and Monaghan. Some of them will be at a distance of some 20 metres from people's homes so there are significant worries about threats to health, especially with cancers and leukaemia in children. There are real fears as regards damage to the value of homes and businesses and to the tourism, agriculture and bloodstock industries, which will be significantly affected in County Meath. The technology the Government is seeking to build is being superseded with new technology that can do the same job. The cost of undergrounding is falling all the time. I suggest the Ministers across the floor join me and contact Siemens, who are carrying out this work, in a preliminary effort to compare the costs of the projects. It should not be without the bounds of the Government to say it will not just take cognisance of an independent international analysis but will promise, on the basis of that analysis, it will follow through with a real decision to underground the line once and for all.

Deputy Sean Sherlock: The Labour Party is supporting the Fianna Fáil motion because the motion seeks to examine the technical feasibility and cost of undergrounding, evaluate the potential impacts of both undergrounding and overgrounding and analyse the real costs to date and estimated into the future. It seeks to ensure no further work is done until this analysis and a full community consultation takes place. Nothing in what is being asked for is unreasonable

to our minds. There is a decision of An Bord Pleanála but there is precedent for taking on board independent advice, specifically the Grid Link project which was a report for the independent expert panel of September 2015. This looked at the Grid Link project, a dogleg project linking Cork, Wexford and Kildare, and made a recommendation to use the regional option. With series compensation, a process of using smartgrid technology to allow more power to flow through existing lines, it eliminated the need for significant new transmission circuits, meaning no new infrastructure was needed. This is a different project and there was pre-existing infrastructure but there was a report of an independent expert panel which looked at the options and came to the conclusion that no new infrastructure was needed on Grid Link to manage the 400 kV potential that was coming down the line. If new information comes before us and new technologies, as well as precedents in other parts of the European Union, we should take them on board if we can. There is nothing in the Fianna Fáil motion that would damage the long-term potential of a North-South interconnector.

I note the correspondence from a number of business organisations in the North of Ireland such as the Institute of Directors, Manufacturing Northern Ireland, the Derry Chamber of Commerce and others who are seeking to remove the constraints in the current market and are seeking the delivery of the interconnector because it will place downward pressure on consumer bills. I am quoting directly from their correspondence. We all agree on the need for a greater degree of interoperability between North and South across so many different sectors, including electricity. There are times, however, when there may be a need to revise one's opinions on issues when they arise. If it is having such an impact, then the community's concerns, as articulated by the vast bulk of its representatives, should be heard. That is why we are supporting the motion.

I want to refer specifically to the what the Minister said. He indicated that there is a report from his chief technical adviser. It would be appropriate if that advice were published. If he is willing to place the chief technical adviser's advice on the record, it would be pertinent for this House to have sight of it. This would not do any harm and it would inform the House as to the type of advice the Minister is receiving.

I respectfully take issue with the use of Brexit as an argument against supporting the motion. We all understand the complexities of Brexit as they relate to the UK White Paper and the letter issued by the British Prime Minister, Theresa May, asserting continued support for the single electricity market. We all understand that dynamic, but if one of the signatories to that market is no longer a member of the European Union, it puts a hole in the Minister's argument.

We must now question the status of the project of common interest. Even though these plans clearly state that energy projects are deemed by the European Commission to be of strategic cross-Border importance, we must question what the status of that project of common interest is in the light of the departure of the United Kingdom from the European Union, notwithstanding our own position of ensuring that North-South interconnectedness should continue to be embedded in every way, both societally and economically.

I respectfully suggest to the Minister that using the Brexit argument as a mechanism to support his position will not cut the mustard for people living in this region. I ask him to consider the Fianna Fáil motion which we are supporting.

Deputy Michael Fitzmaurice: I support the motion before the House. No one wants pylons near their houses. People build houses in rural areas to have a nice view, not to have some

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eyesore stuck at their back door. They tried it in the west and there was fierce resistance, yet they now seem to be persisting with this North-South interconnector. The country needs to decide where it is going in this regard. As I have worked in the construction industry for long enough, I would like to see the figures for running such an interconnector underground or overhead. I am damn sure we could put it underground a lot quicker than overhead, particularly in light of the time it takes to build pylons.

In the south, west and north west, we are promoting a lot of wealthy people. We are pumping them with money through subsidies for turbines. We are subsidising it uneconomically and creating fat cats while the ordinary people are paying PSO levies. We can see the rise in PSO levies this year that are paid by businesses or householders. We do not hear about those things, however, because the ordinary people will keep paying while the fat cats get richer.

People may talk about Brexit but governments have to make decisions. One does not look at something on a five, ten or 15-year basis; one looks at it long term. It is the same with road building, which is considered over a 20-year period. I would encourage farmers and other householders in County Meath to stand up and be counted. Let us not forget that what is happening to them today may befall the rest of us in other parts of the country tomorrow. I urge people in various areas who are opposed to this to row in behind the people of Meath, Monaghan and other counties affected. If a precedent is set, the rest of the country will be in trouble with this.

Deputy Mattie McGrath: I am delighted to be able to speak to this important motion. It is welcome that Fianna Fáil has tabled it. While the Minister has left, it is welcome that he met the communities involved. He is the first Minister to do so since An Teachta Eamon Ryan. That is a help at least.

The one part of the Minister's contribution to which I object is that relating to Brexit. I know that Brexit is very serious. The House will debate the matter tomorrow. This is the latest reason he has given us for big people getting richer and fat cats getting fatter, and to hell with the communities. He will be blaming something else next week. It is outrageous. Figures were supplied to me two years ago which showed that EirGrid blew €2.7 million on legal fees while fighting communities. Just imagine, people in communities are trying to survive, do everyday chores, pay mortgages, educate their families and eke out a living in farming, yet €2.7 million was spent on legal fees. I would love to know where the legal eagles are. It was the same tonight when we discussed the tribunal - another gravy train for the fat cats. When are we going to cop on and say "Stop"?

I have no faith in EirGrid. I have dealt with the company in the south east where it is trying to wreck our lovely county of Tipperary, across the hills of Aghda, from Cahir, Clonmel and Kilsheelan, to the scenic Slievenamon and into Ahenny in south Kilkenny. EirGrid has shown disrespect to those communities. There is a disconnect because its people fly into the area in helicopters or drive in for big open days at hotels. Instead, they should take off their suits, get on their wellies and meet people in their homes, which will be 25 m away from electricity lines in the future. Why would anyone want them? We heard such stories earlier from Deputy Ó Caoláin and I have heard such concerns also. EirGrid should get out and meet the people.

I have less faith in An Bord Pleanála following the lovely Christmas box they gave to EirGrid on 20 December. It was almost Christmas Eve when they said "Off you go. Reap the money, while there is some left, and plunder Ireland." It is something similar to what Cromwell

did. I have less faith when we saw a gentleman retired from An Bord Pleanála being made the head of EirGrid. That is disgusting. Can the Government not see it? I asked the Taoiseach earlier if he could not hear. There are none so blind as those who do not want to see. It is big business, with people moving from An Bord Pleanála. In the first instance, they left the county councils for An Bord Pleanála and then moved again - without any two-year moratorium - straight into EirGrid. They know every nook and cranny, including how and what to submit to An Bord Pleanála. That is what is wrong with this country. It stinks to high heaven. It is corrupt. If it walks like a duck and looks like a duck, it is a duck - so let us call it a duck.

I cannot believe the impact that there will be on families and livestock. I include the equine sector in this regard. The Government is not listening. The people in America were not listening either when the media wrote him off and now we have President Donald Trump. We also have Brexit because the British people and the Eurocrats would not listen. They will not listen to anybody except big money. We have it here every day of the week. We had two or three Bills last week whereby we tried to curtail the impact of the media, of what is happening in the equine industry in Tipperary and of what is going on in Tesco, with staff going on strike.

It is big and powerful and to hell with the ordinary people. Last year we celebrated the events of 1916. The people are revolving in their graves so fast now that it is unbelievable. Monopolies are what count. The Competition and Consumer Protection Commission might as well be the three good Ministers of State opposite me. It is useless, toothless and fruitless. It does not do anything. It does not listen to people who are told the resources are not there. Why would it listen when its masters who appoint people to boards do not want to listen? It is big business. It was there under Fianna Fáil, it was there under the last Government and it is there now. The ordinary people have to rise up. They must get out of their beds, do their work and fight these campaigns where that kind of money is pumped to legal eagles and PR. We see brochure after brochure.

Someone said €39 million had been spent already on planning for the overhead cables. We know they are a danger to light aircraft and at risk of being blown down in storms. Flocks of birds, including geese and swans, regularly hit overhead pylons. Why will the Government not listen? We were able to do it in Howth and underground across from Ireland to England. Under the last Government, the Department got an award for its expertise in being able to do the underground connector across the Irish Sea. Here it is, however, telling the people what it wants. It was to hell or to Connacht with Cromwell. The PSO levy is going up and up. To the ordinary person it feels like penal servitude or else. The ordinary people who are objecting to this are to be made to pay to subsidise these fat cats. It is sickening in the extreme.

I appeal to the Ministers of State. Some of them were very vocal in the last Government and in opposition six years ago against this proposal. Now that they are in government, they want to get in with the fat cats and get on the roller coaster. The Minister of State can smile all he likes, but that is the fact of it. I have been consistent in opposing this since I came in here and these proposals were mooted. Like Deputy Fitzmaurice, I have experience of construction and I know it can be done underground. In fact, the motorways should have had ducts when they were built but that would be forward thinking and there would be no more money.

Deputy Danny Healy-Rae: A couple of minutes.

Deputy Mattie McGrath: I did not see the Deputy.

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An Ceann Comhairle: Will Deputy Mattie McGrath give him some time?

Deputy Mattie McGrath: Gladly. I did not know that he was there.

An Ceann Comhairle: I was reluctant to interrupt.

Deputy Mattie McGrath: I did not know if the Ceann Comhairle was waving his finger at me or what he was doing, but I am waving my finger at this crowd over here and they had better listen. When the people go to the ballot box the next time they will obliterate Fine Gael, having decimated the party last time. Please, listen to the people.

An Ceann Comhairle: I call Deputy Danny Healy-Rae. Follow that.

Deputy Danny Healy-Rae: I would not like to have power lines close to my house or closely overhead to where my family live. In fairness, the Government should take the concerns of the people into account in making a decision on this issue. It has been proven where there was only a 38 kV line that it affected five families who got sick and passed on. The places the debate is about are far away from me and I do not know what kind of ground is in issue. There is a case to be made for pylons where there is a mountain and it is not possible to put the cables underground. In those remote places, it might be all right to have overhead power lines. However, where the line is passing near houses or close to where people are travelling, it is not fair to do that. The companies involved are making enough profit to sustain undergrounding the cables where they are near people and where children are going to school who might be affected. We must safeguard people first and let the companies strive to make profit after. If they told the truth, in some cases it is cheaper to underground the cables where there is a certain kind of ground. If the ground is rocky, there is a case for building the pylons overground. If the ground is very boggy or swampy and it is hard for machinery to travel or to open trenches, it might not be practical either. In places like that, however, one will find there are no people.

I ask the Minister to take into account the well-being and health of the people being asked to live close to these power lines because it is not fair. There is another way around it, which is to underground the cables. I ask that cables are not put overhead where there are people. It is not fair. I hope the Government will take cognisance of what previous speakers have said because it is a very genuine case. The health of the people must come first and everything else is after that.

Deputy Eamon Ryan: I want to give the House some history of my involvement in this project. It goes back to my time in opposition in the Twenty-ninth Dáil from 2002 to 2007. At that time, we were starting to consider how we would develop an all-island electricity system. We had been blowing up power lines for the previous 30 or 40 years, which had left the North completely cut off. It was a dysfunctional system. It was incredibly expensive for us and for them because one had to keep two spinning reserves to manage this balanced system that is an electricity system. I remember the first plans. The members of the committee at the time were brought down to EirGrid in around 2005 and the project was explained, including the thinking behind it and what we needed to do. In 2007, we created a single all-Ireland electricity market. It was a very significant political connection on the island, perhaps because it was not on the radar of the St. Andrews Agreement or the Good Friday Agreement and the political difficulties of getting things done in those contexts. We were able to get agreement because it made sense on both sides. We asked EirGrid at that stage to look at building this interconnector because we had such poor interconnection between the North and the South.

Already at that stage, concerns were raised. There was a series of “Prime Time” programmes on the issue where people in the relevant areas were, understandably, concerned and asked for consideration of the underground options and alternatives. We did that. I remember going to Denmark at the time as Minister responsible to talk to its TSO because they had the very same problem. They had a line of approximately 140 km on the western part of an island and had been tearing their hair out for ten or 15 years because local communities did not want power lines above ground. They could not find a way to do it. They went everywhere. They went to Japan and all over the world to see if it was possible to provide the grid needed in a balanced system by putting it underground. To this day, they have not found a way and had to build it overground. I was very taken by that.

Deputy Mattie McGrath said these people were fat cats. They are typically public servants, civil servants and engineers working for the Danish state or the Irish State. They are not on a profit margin and they are not fat cats. They are trying to provide an energy system for the people. In Denmark, they could not do it across 140 km of flat, sandy soil whereas we were looking to do something in drumlin country. If they could not do it in flat sandy soil, we were going to have incredible difficulty in drumlin country.

We would love to see this underground. It would be lovely not to have to put power lines up. However, I have yet to see that it is technically feasible. It is technically feasible to send power on a high voltage DC line for 140 km and in fact there will be less transmission loss, but one will end up with a completely different electricity system because the rest of the electricity system is run on AC. Factories and homes are run that way going back to the battle between Edison and Tesla 135 years ago. The battle was won by Tesla and we created an AC electricity system. It may be that in 50 years, on foot of developments at local level, an alternative DC system will develop. However, that is in the nature of 50 years away whereas we do not have 50 years to wait because we are in danger of dividing our island. We are in danger of creating a hard border for energy, which would be a disaster for both North and South. It is not technically feasible because of what happens when one runs a direct current, or DC system. One can think of it in a simple way. The physics is tiny. The alternating current is like a rope with kinks in it whereas the direct current is what it says on the tin. One can pull a direct current over distance and not have much transmission loss. Converting it back into AC to run in the system is an incredibly difficult process. I do not know if people have seen the converter station in Woodtown. It is much bigger and taller than this building. To crack or create an AC current is no small matter. If we want to use this line to help to develop industry in Meath, Monaghan and Cavan, we would have to put a DC converter station in the middle. It is really expensive.

The reason we want AC is because the first thing any employer or any factory owner will ask for is two AC lines rather than one because a factory full of medical equipment, semiconductors or whatever cannot afford a power outage. The reason we are good at attracting foreign direct investment is because we are relatively good at providing a relatively secure electricity grid. It is not because of fat cats that we are doing this. Rather, it is to create jobs and a network that works for Cavan, Monaghan, Meath and Tyrone as much as anywhere else. The reason most of the investment and all of the data centres and factories are coming to Dublin is because we have a dense electricity system here.

There are two AC lines in Dublin which investors know work. Deputies from the west have stated that the grid link project is all about fat cats not thinking of the people. If we want jobs we need to put digital fibre optic cable beside electricity networks that are AC synchronised. That is how we encourage economic development. If we continue to provide DC links we will

cut out a part of the country and not develop it.

I am outlining my experience and views. I would love to see this undergrounded, but it is not easy to do so. A large trench is involved, through drumlins, which is bloody difficult to put underground. It could be done, but we will not end up with the functioning electricity system we need to create employment in other areas.

Deputy Sherlock said he did not think the issue of Brexit should be raised. I do not know. There is a real risk in terms of the Northern electricity system. The reason we all received letters from people involved in industry is that they know Northern industry is at risk, as is Border county industry. At some point, if we do not build this they will say, "Feck it, forget the Republic. We will build our own system. We will do an interconnector with the UK. We will have to do it on our own." That would be an historic mistake in terms of the reunification of this island and what we need to do at a time of Brexit.

They will not wander off. It makes sense for us to maintain an electricity system that is connected North and South no matter what happens with Brexit because the physics make sense. It also makes sense in terms of supporting other industries and development. We cannot develop the project if we wait another ten years. We have been planning this for ten years and if we wait for another ten years the border will be in place and will be set for generations.

I very much understand the motives and communities involved. If there was a miracle tomorrow and the whole system could go DC or we could have a DC system without a massive converter station to convert it to AC in order to provide power connectors connections in the region, we would develop that. To be honest, I do not believe it is technically possible to do so and will not be possible within the next ten or 20 years. People mentioned the Aachen line, but that is a DC line. We know we can develop DC lines, but can we get a synchronised energy system that lifts the Border counties and Northern Ireland? I do not see that, and for that reason I cannot agree with or support the motion.

Ultimately, we would be shooting ourselves in the foot in the Border areas more than anywhere else. We need to get development out of Dublin. In order to do so, we need an electricity grid and fibreoptic cables. If we give up on the grid, we are giving up on economic development.

Deputy Brendan Smith: The chief executive of EirGrid said in an Oireachtas committee meeting in April 2015 that it was technically feasible to underground the project.

Deputy Eamon Ryan: It is technically possible.

An Ceann Comhairle: This is not a committee meeting.

Deputy Shane Cassells: The Government amendment is a dish cloth of an amendment. There will be no buckling with the amendment. It will not fly. Given all of the discussion and debate that has happened, for the Government to come to the House with the amendment is an insult to the people who have campaigned, fought and petitioned us to represent them. I cannot believe that my Meath ministerial colleagues would back this. For the past ten months, the Minister, Deputy Naughten, has said he is listening. Last week and again today he told us that he is listening to the concerns of the people, yet he has come in with a dish cloth of an amendment. It is a disgrace to the time and effort people have put into their campaign.

The simple act of deleting words shows that the Government amendment will not recognise the negative impact the project will have on the landscape, the detrimental consequences for our tourism sector and the impact it will have on people's livelihoods, farming practices and households. I stand to be corrected, but I have attended many public meetings over the past ten years and have listened to many Deputies and councillors. They are the words they have used, yet the Government is seeking to delete them in its amendment.

The issue we are debating may be very precise in terms of geographic location, but it has ramifications for the rest of the country in terms of how communities are treated by our planning authorities, as Deputy Fitzmaurice said, and what we set as the bar for the provision of infrastructure. It has implications for what becomes the defining issue in determining what form the required infrastructure will take and how it is delivered. That is the crux of the matter.

Nobody is disputing the need for the provision of the interconnector. What we are debating is the manner in which it will be provided, that is, the overhead pylon manner which is being relentlessly pursued by EirGrid. I was in the chamber of Meath County Council when its representatives came to meet us and told us they would engage in a strong advertising campaign. Some ten years later, they are doing so but at the time advertisements appeared in the death notices of a newspaper the week after the meeting. It was very apt.

EirGrid has made a lot of noise about no other option existing for the provision of the interconnector, other than the overhead pylon option being put forward. Let us get beyond the noise because this goes to the heart of the issue. No other option was ever considered by EirGrid or the Government in the provision of the line. The motion before us is very clear in its objective.

What is frustrating about the amendment is that all Deputies have accepted the need for facts to be established independently on the technical feasibility and financial cost of undergrounding for this project, taking into account all of the developments that have happened over the past ten years. EirGrid and Department officials have dismissed the option of undergrounding on simple formulas which I heard outlined in the audiovisual room last week, which is not acceptable.

If the Minister or any Department officials stood in the fields where these monstrous pylons will be built and saw the impact on the homes of people living along the route, the landscapes of Monaghan and Cavan and the historic Royal landscape of my county, Meath, they would have an understanding of what is at stake. The same principle applies to EirGrid officials because they have not stood in too many fields.

A cursory glance at their botched planning application that got the nod shows that it has access routes that do not exist and proposals for pylons to be constructed on top of houses and sheds. Google maps has its flaws. I have heard Ministers speak on this topic on several occasions in the Chamber and, more important, listened intently to the Minister, Deputy Naughten, in the audiovisual room last week when he spoke with campaigners. I give him credit for being the only Minister who had the courage to meet campaigners. It is clear his mind is not for turning. His statement tonight is quite worrying because, according to himself, unless he sees figures which show the project is viable in an underground fashion, he is not for turning. The Government is not for turning.

Please give us the independent expert industry analysis in order that we can establish what all the sides want, which is the facts, because the project is going nowhere in its current guise, as the Minister of State, Deputy Regina Doherty, so eloquently put it. It will be plagued by

judicial proceedings and the power of the people who will protect the landscape against this desecration. It would be easier and more sensible to engage positively with an independent analysis of the project's feasibility from both technical and cost points of view in order that there can be no dispute around the debate.

Ultimately there has to be an adjudication on behalf of the Government as to what will be the determining factor. What is the acceptable cost for the State when it comes to progressing this project? Will the Government consider the cost to our landscape, heritage and tourism and equine industries, to farmers and fishermen and to playing fields across County Meath? By God, EirGrid can splash some money when it comes to the GAA and when it wants to show it cares about playing fields. What about the people? What is the cost? According to the Minister, we are more concerned with bilateral negotiations and the situation with Theresa May than our own people. Does the human cost not count? Obviously not when it comes to the pounds, shillings or pence and EirGrid is totting up the figures.

If the figures are the only thing that matters, let us deal with them. The cash figures used by EirGrid vary almost daily. The project manager at the oral hearing in 2016 stated the cost to be six times the overhead line cost. The CEO of EirGrid on "Prime Time" in January of this year had it at three times the overhead line cost. The cost varies with these guys depending on the day of the week. Converter stations are a major component of the undergrounding cost, but new lines in the future will significantly dilute the overall cost per kilometre of these stations. The planned Sligo-Tyrone project is never highlighted by EirGrid, but it could reduce the Tyrone converter cost by some 50%. If cost is the determining factor, let us put the real figures on the record of the House in order that we can refute what is being put forward by EirGrid and have an honest debate. I asked the Minister, Deputy Naughten, about it last week, but he could not answer me. What is the determining factor? Is it the money? If it is the money, let us get an independent analysis so that we can cost it once and for all.

Two weeks ago during the Order of Business, I asked the Taoiseach about the energy section in his programme for Government. It speaks about better engagement and community consultation on energy policy decisions that affect the people of Ireland. Is there any better opportunity to implement the very words in the programme for Government than this one? Let us make those words count for something tonight. Let us make the words spoken by Deputies of all parties in public meeting halls and in this Chamber for the past decade count for something and let us back the motion so that we can show EirGrid and the Government that there is an alternative that people can accept.

An Ceann Comhairle: Is the Minister of State, Deputy Helen McEntee, sharing with her colleagues, Deputies Damien English and Seán Kyne?

Deputy Helen McEntee: Yes.

An Ceann Comhairle: Who is going first?

Deputy Damien English: I will go first.

An Ceann Comhairle: The oldest has to go first.

Deputy Damien English: Is that debatable, Deputy Kyne? We will have to work it out.

Deputy Seán Kyne: I do not think so.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I welcome the opportunity to have this debate. The Minister, Deputy Naughten, wanted me to explain that he had to leave. It was not out of rudeness and he is watching the debate in his office, but he just could not sit here any longer. In case people are wondering, he is watching the debate because he values everyone's input. I express my thanks to the Minister for meeting all involved last week and for listening with a genuine ear to what the groups had to say. Individually, as Deputies and Ministers, we have all been in his ear for the past couple of months since he took up his role. We have done it with other Ministers as well. He took time out to meet everyone last week and spent nearly two hours going through all the information and the data. We will work on and come back on those data. I welcome that too.

Deputy Danny Healy-Rae put it best; no one wants to live beside a pylon. No one likes or wants them. Since the start of the project I have said that we have a duty to prevent the use of pylons if at all possible. I have always held that view. I have listened to people over the years differ but I have never changed my view. Whether in opposition or in government, I have had the exact same approach to this issue. For me, this is not politics; it is personal. This project goes through my neighbours' lands where I grew up. As it goes through those townlands, to me it is personal. It is not politics. However, I have watched people playing politics with it over the past ten years and, to be honest, it is very annoying but I will not go there. However, for me this is not politics.

I have consistently had the same approach in opposition and in government, which is that we have to do all we can to try to prove we can avoid the use of pylons. I have stated on record that I do not believe EirGrid has done enough to prove that we can avoid using them. However, people such as Deputy Eamon Ryan and those in EirGrid and elsewhere take the view that we have to use pylons. Deputy Ryan genuinely believes that we cannot avoid it but I believe that we should be able to and can prove him and EirGrid wrong. I have held that view all along. We will not win this by demanding it, but by proof. That is why I welcome tonight's debate and the various motions and amendments that were tabled. A combination of all these measures will give us the information we need to win the argument. I believe we need to examine and analyse projects that are going underground abroad. Let us prove to Deputy Eamon Ryan, EirGrid and those who are involved in the decision making that this can work and that we can use one of those models here. We have never done that. I thank the Minister, Deputy Naughten, for being prepared to do that. I said it of Pat Rabbitte as well when in July 2012, he published the statement directing EirGrid to use the most up-to-date technology and best engineering solutions. We must prove there are better engineering solutions available and an analysis of what is happening abroad will give us the case we must make to win that once and for all.

People ask if this is about money, reliability or security. I understand that it is all of them. EirGrid will always say that it is not the money. When it comes to the money, we have come a long way from the first meeting I had with EirGrid when it said it was 40 times the cost. It was then 25 times, 20 times and 16 times the cost. Then it was ten times the cost. Thankfully, we are down to three times or two times the cost now. Anywhere in that bracket, however, means we can have this conversation. We must be able to prove that we can do it, reliability-wise and security-wise, which is why we need to look abroad to find an example that suits our project here also.

Minister of State at the Department of Health (Deputy Helen McEntee): The Ceann Comhairle is well aware that this is not the first time the North-South interconnector project has

been debated on the floor of the House. After almost ten years, it has been debated, discussed and dissected - whatever word one wants to use - at every level. It was, therefore, extremely disappointing for me, representatives and those I represent to learn on 21 December last that An Bord Pleanála had given approval for the overhead power lines. No one has ever doubted the need to develop the national grid or infrastructure. No one has ever doubted the need to develop a single electricity market or the need to ensure consumers across the whole island of Ireland have access to cheap electricity. However, I firmly believe we must question the manner in which the project has been developed and delivered by EirGrid. It has been absolutely shambolic to say the least.

I have worked with my colleagues, constituents, organisations and groups to try to convince previous Ministers - sometimes unsuccessfully - and EirGrid that this project should and could be put underground. I want to put on the record of the House that this is still my policy and preferred option. I believe undergrounding to be feasible, including economically feasible.

Deputy Cassells referred to our infrastructure policy from 2012. It states:

The State network companies are mandated to plan their developments in a safe efficient and economic manner. They are also required to address and mitigate human, environmental and landscape impacts, in delivering the best possible engineering solutions.

I am sorry to say it but EirGrid still has a long way to go to convince me and local communities of its commitment to those principles. The 2012 policy also refers to the importance of best available knowledge and informed engagement on the impact and cost of different engineering solutions. I agree fully with the statement, as we all do. However, I do not believe this has genuinely been taken on board by EirGrid. In order for this project to be delivered while upholding this policy, we need further information and we need EirGrid to listen.

I welcome the commitment given by the Minister to publish an independent analysis of international developments with respect to the relative cost differences, technologies and engineering solutions of overhead and underground technologies, fully integrated in an all-island electricity system. I also thank him for his engagement to date. Within one day of the decision being made, he agreed to meet and engage with local community groups. The analysis to which he agreed will highlight the technological and cost changes that have occurred internationally since the project was produced almost ten years ago. This plan has caused devastation in counties Meath, Cavan and Monaghan and people in these areas must be listened to.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne): As we have heard, the proposed North-South interconnector is a critical link in the all-island single electricity market. The effectiveness of this market is limited because of the existence of only one high capacity interconnector between the electricity systems of Ireland and Northern Ireland. Building the interconnector will further integrate the two systems such that greater efficiencies are realised from the single electricity market. This will ultimately benefit all electricity consumers across the entire island.

The interconnector has received planning permission for the construction of overhead electricity transmission lines. However, there exists a strong view that the transmission lines instead should be built underground. It is clear from a wide variety of studies, however, that undergrounding the project would have significant cost and technical implications. The evidence available from projects around the world, which was summarised in the 2012 international

expert commission report, in evidence given to a recent An Bord Pleanála oral hearing and elsewhere, is that undergrounding costs are between three and ten times those of the equivalent overhead project. The 2012 report remains relevant.

On the technical side, the findings indicate that to underground the interconnector, direct current transmission lines would be necessary. These would have to be introduced in the existing alternating current meshed grid system. However, doing so would reduce the usefulness of the whole system.

For international context, it is important to note that fully 98% of on land high voltage electricity transmission networks in Europe are of alternating current overhead line construction. In addition, there are already two high voltage overhead lines in Ireland linking Moneypoint in west County Clare to the east coast. For the next ten years, overhead lines will remain the settled technology across Europe, with more than 27,000 km of high voltage alternating current overhead lines planned. In that context, it is clear that what is being proposed here is not unusual.

The interconnector is of critical importance to our ongoing positive relationships with authorities in Northern Ireland and the United Kingdom. Further delays to the development of the project will increase security of supply risks to Northern Ireland in the immediate post-2020 timeframe. Owing to our great reliance on the United Kingdom for the import of the majority of our energy, it is self-evident that energy must continue to be a key focus of our Brexit engagements. Passing the proposed motion would be of significant concern given the express support of the Northern Ireland and UK authorities for the interconnector in the context of the single electricity market.

Furthermore, to reiterate a point made by the Minister, the bilateral relationship with the United Kingdom in energy cannot be viewed in isolation. We must consider the implications of any potential impacts a change in our energy relationships, perceived or otherwise, could have on other sectors. It is, therefore, critical in the context of Brexit that we maintain a close and positive relationship with the United Kingdom across all sectors. The proposed amendment strikes a reasonable balance between the need to ensure certainty for the project and providing the updated analysis the affected communities seek.

Speaking on the Order of Business several weeks ago, Deputy Cassells referred to a speech I gave at EirGrid. During the question and answer session after my speech, I raised concerns expressed by local communities, my ministerial colleagues, and Opposition Deputies and Senators about the information and costings provided and their desire to have the line constructed underground. I appreciate Deputy Cassells may not have been aware of this from the speech which was published online. Richard Curran hosted the question and answer session where I was joined by the chief executive of EirGrid. I raised the concerns I had been hearing from colleagues in the Fine Gael Parliamentary Party. Some years ago, a meeting of my parliamentary party passed a motion on this important project and its impact on counties Cavan, Monaghan and Meath.

Deputy Shane Cassells: It would have been good if the Minister had included those concerns in his speech to EirGrid.

An Ceann Comhairle: Is Deputy Thomas Byrne substituting for Deputy Dooley?

Deputy Thomas Byrne: Yes, I will wrap up the debate. I thank my party colleagues for

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agreeing to support the motion. I also thank colleagues from other parties who supported the motion. When this debate concludes the will of the Dáil will become exceedingly clear. Should the motion be passed, the Government will have no option but to implement its terms and accept what the representatives of the people in Dáil Éireann have said by commissioning an expert industry analysis to examine the technical feasibility and cost of undergrounding the North-South interconnector.

The project was conceived more than ten years ago when the technology available now was not available. The Ministers of State, Deputies McEntee, English and Regina Doherty, have spoken at public meetings throughout County Meath about technological developments in this area. The technology has changed.

Deputy Damien English: I spoke about the same technology in 2007.

Deputy Thomas Byrne: It was not available in 2007. The Minister of State was a great advocate for undergrounding the pylons when he was in opposition.

Deputy Damien English: I adopted exactly the same line today. The Deputy should not try to change my words.

Deputy Thomas Byrne: I have attended virtually every meeting, both in government and opposition, and took the flak when my party was in government and sometimes when we were in opposition. I have always worked to achieve the will of the people on this issue, which is the sensible solution. Let us consider the time that has been wasted on this project, which was conceived as a means of having a secure electricity supply because there had been terrorist attacks on the electricity network at the time. The small interconnector in place at that time was not working properly and it was proposed to have a full interconnector between both parts of the island.

Fianna Fáil supports the creation of a North-South electricity connection, whether to buttress our supply or to help our friends in the North of Ireland. This is crucial for us and the island of Ireland. It is important, not only in a technical and electrical sense but also to bring together both parts of the country. While we support a North-South interconnector unequivocally, we do not support blindly erecting pylons in open countryside in some of the most well known heritage areas or beside homes. We do not support blighting the countryside when we are dependent on tourism and when such a large number of people live in rural areas. We must move with the times and recognise that the undergrounding of electricity lines is starting all over the world. Electricity companies realise that the costs of delay are substantial, as we have seen here. Ten years ago, who would have thought the Dáil would be debating this issue and the project would still not have commenced? I would have been shocked ten years ago if I had been told this would happen because EirGrid informed us in public documents at that time that the South of Ireland would have electricity supply problems in 2011 or 2012 if the project was not approved. We are five years on from 2012 and we have not seen negative effects on the electricity network as a result of the delay in installing the line. I accept, however, that problems have arisen in the North of Ireland.

We must take into account the acknowledgement by the An Bord Pleanála inspector that it is possible to put the line underground. The inspector also suggested to the board of An Bord Pleanála that it commission a specific independent study on undergrounding the project. The board's decision not to do so does not mean the Oireachtas should not do it. On the contrary,

we should commission a study. The motion seeks to do nothing more than to put in place something the community is asking for and an independent An Bord Pleanála inspector has suggested could be worthwhile. While An Bord Pleanála can probably legitimately, as a planning authority, decide on the merits of a particular planning application, the Dáil is a public authority as opposed to a planning authority and we decide what happens in this country. If an option is available, it needs to be fully explored, which is what the motion seeks to achieve in pursuing the will of the people.

It is essential that the Government take cognisance of and acts on the motion if it is passed. Fianna Fáil views it as a high priority in terms of our interactions with Fine Gael on how the Dáil operates. The Government will have to deal with this and I want to clearly convey this message to the Minister and the Minister of State. This view is not confined to Fianna Fáil Deputies. It seems that regardless of who is appointed Minister with responsibility for energy, his or her position is always that we do not have a choice in the matter. There is a choice and an An Bord Pleanála inspector opened the door to this choice by showing, in an independent way, that this can be done. Deputies cannot say one thing in opposition and do another thing when in government. That is one of the biggest lessons I learned arising out of the economic crisis. Fianna Fáil in opposition is putting forward proposals that it is prepared to stand over 100% when it gets into government. It is to be hoped we will get into government at some point. We often do not support Bills put forward by other parties not out of disrespect to them or because we do not want to support them but because we have taken a decision that if to do so would not be credible in government, we cannot support it in opposition. The same applies in this regard.

This is something that we would do if we were in government. It is a simple measure. We need to get the independent study done and show that this can be done. We cannot have the nay-sayers in officialdom saying it cannot be done and that we should ignore the will of the people, such that, as in Sassoon's poem, they can toddle home safely and die in bed like the generals in the war. They do not have to live beside or suffer the effects of these pylons every day, all the while knowing that they can be put underground along with other utilities and away from everybody. We will welcome that line being put underground. Unlike a former north County Dublin Dáil colleague of the Ministers of State, Deputies English, McEntee and Kyne, I will not be part of any campaign to stop a line going underground. We already have a line underground in south county Meath, in respect of which there was community buy-in. It has proven highly successful. It is important to point out that EirGrid's engagement with the community in regard to that line was very good. If, by applying political pressure and so on, we can get EirGrid past the stage of adhering to what it wants to do, in my experience EirGrid will be good to deal with. It is, after all, a State body. Our only disagreement with EirGrid is that we do not believe this line should go overground. We want it underground. It seems, subject to the vote on Thursday, that Dáil Éireann will also agree with this. The Government will then have to act on it. I know that in the discussions our parties have on the ongoing arrangements, this will be a feature.

Amendment put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 16 February 2017.

The Dáil adjourned at 10.45 p.m. until 9.30 a.m. on Wednesday, 15 February 2017.