



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 28 Márta 2017

Tuesday, 28 March 2017

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: The public is genuinely shocked by the revelations of last week in regard to operational activities by An Garda Síochána, in particular the fact that 146,000 people were wrongly summoned to court for road traffic infringements and, of those, 14,700 received sanctions and convictions. It is a fundamental issue that undermines our criminal justice system, the relationship between our courts and gardaí, and the veracity of what they bring to the courts in terms of evidence.

Second, 1 million breath tests were falsely put up on PULSE. Essentially, in four years 1 million were actually done but gardaí were saying they did 2 million. It is a completely false figure. It is a very serious issue for a number of reasons, a fundamental one being the integrity of An Garda Síochána.

Of course, data and information of this kind informs policy, so the impression is out there that there is constant major attack on drink-driving, and that we are on top of it as we are doing 2 million breath tests, and so on. The reality is far from that, and it is arguable it neutered a policy response in regard to drink-driving. I can recall the former chairman of the Road Safety Authority, Gay Byrne, complaining about the lack of enforcement. Is this the response to the lack of enforcement - to falsify the figures? Is it to create promotion opportunities? What is it? We do not know. We have not been told why the figures were falsified. The language in all the press releases is cautious, careful and designed not to tell us. Three years on from when this was initially told to the Garda by the Medical Bureau for Road Safety, we are told the Garda still has to try to find out what happened. We know that the Garda wrote to the Department of Justice and Equality in June 2016. What did the Minister do with that? Did she intervene at any stage up to last week? Why did the Minister for Justice and Equality not inform the Dáil about this issue? We learned that the Minister, Deputy Leo Varadkar, apparently received correspondence from Mr. Gay Byrne again, in his capacity as chairman of the RSA, from a whistleblower outlining all of this.

There are fundamental questions. Why did the Garda Commissioner not inform the Policing Authority? She met its representatives six times in the last year but did not inform them that an audit was under way nor of the scale of the revelations that were about to unfold. Why did the Minister, Deputy Fitzgerald, not inform the Dáil and intervene much earlier? I ask that all

correspondence that the Minister received from the Garda on this issue be published and made available to Dáil Members. How can the Taoiseach still express confidence in the Commissioner and in the shambles that has unfolded in front of our very eyes?

The Taoiseach: A Government meeting concluded a short time ago. For the information of the House, the Government received a very detailed briefing from the Tánaiste this morning on the recent revelations regarding the Garda handling of matters relating to mandatory alcohol testing and to fixed charge notices. We also noted the public explanation given by senior gardaí, including the Garda Commissioner, over recent days. There was a very strong consensus in that discussion this morning that these revelations have given rise to the most serious concerns not just among public representatives but among the people generally. It is a matter of grave importance to our country that the Government, the Oireachtas and members of the public have faith and trust in the members of An Garda Síochána to carry out their duties fairly and impartially and in accordance with the laws of the land. It is crucial that the public can believe the statistics and other information provided by An Garda Síochána. That is why we are here as public representatives and as the Government.

It is absolutely essential, in my view, that a process of reform is rigorously implemented in An Garda Síochána and be seen to be implemented, including through the close oversight of the independent Policing Authority. People are aware that the Government has introduced a range of important reforms to policing in this State in recent years, including the establishment of the Policing Authority, additional powers for the Garda Síochána Ombudsman Commission, greater civilianisation, open recruitment and the provision of significant extra resources. The Garda Commissioner has also instituted a significant programme of internal organisation and reform, which is being overseen by the Policing Authority. However, I have to say that we continue to see a list of unacceptable revelations about the operations of An Garda Síochána, with these two issues being the very latest. The Government believes that the level of public concern is now so profound that it is time to conduct a thorough, comprehensive and independent root and branch review of An Garda Síochána.

Deputy Mick Wallace: One more.

The Taoiseach: This is clearly a proposal that will require further detailed consideration by Government. I also believe that such a proposition should have widespread support from the Oireachtas. I therefore propose that it should be the subject of consultation with the Opposition parties and, ultimately, approval by the Oireachtas. The Government will consider these issues again next week.

I should add that the Government continues to have confidence in the Garda Commissioner. The Government also believes that there must be an external investigation into these two specific matters, not one internally conducted by An Garda Síochána. The Tánaiste and Minister for Justice and Equality will revert on these matters later today during the Topical Issue debate she is dealing with.

Deputy Micheál Martin: The Taoiseach did not answer the questions I asked. Why did the Garda Commissioner not inform the Policing Authority? The Taoiseach spoke in his reply about the close oversight of the Policing Authority. It appears the authority was not informed. It is incredible. Under this radical new reform, the body that will take politics out of An Garda Síochána was not told.

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Yesterday, we were told this was an administrative oversight. That is not credible. I asked the Taoiseach whether he could defend that. How does he explain it? Does the Taoiseach believe it is right that the Policing Authority was not informed?

I also asked the Taoiseach when the Minister for Justice and Equality was informed about all this. This has been going on since 2014. In 2015, Professor Cusack said that instead of 200,000 cases being recorded, the Garda had indicated that the figure was 400,000. It is clear to all and sundry that something is seriously wrong on a large scale with the data emanating from An Garda Síochána, but nothing has happened.

I am insisting that the Minister for Justice and Equality comes before the Dáil today to answer questions, not during the Topical Issue debate or anything like that. It should be done under private notice questions or some other context. The Minister should answer questions from the House in respect of this matter. It has been rather opaque so far in respect of the information leaking from An Garda Síochána and the Department of Justice and Equality. We need far more transparency and serious accountability arising from these issues compared with what we have had up to now.

The Taoiseach: The Ceann Comhairle has made a decision in respect of the Minister answering questions in the House today. She will address the Topical Issue matter put forward by several Deputies.

Deputy Micheál Martin: I am asking the Taoiseach to volunteer the Minister and make her answer the questions directly.

The Taoiseach: Questions will apply under the Topical Issue debate.

Deputy Micheál Martin: The Minister will not answer questions

The Taoiseach: Deputy Martin does not attend for the Topical Issue debate. Questions are asked by Deputies at the end of their first contribution.

Deputy Micheál Martin: They are not. There is no questions and answers format during the Topical Issue debate. The Taoiseach should stop misleading the House.

The Taoiseach: Deputy Martin raised the issue of why the Policing Authority was not informed. However, the Government was not informed either.

Deputy Micheál Martin: The Government was informed.

Deputy Mary Lou McDonald: We should consider the scale of it.

The Taoiseach: The Minister for Justice and Equality received a letter in June 2016. The audit was ongoing. The Department was back to the Garda Síochána on several occasions. The deputy commissioner, Mr. Twomey, dealt with that at a press conference and apologised for it. However, it is not good enough, as Deputy Martin points out, that the Policing Authority, which has independent oversight of An Garda Síochána, was not told about this. An apology has been issued. That is the real culture issue that needs to be dealt with. The audit is under way as well.

Deputy Dara Calleary: The Government has had six years to do it.

The Taoiseach: I am very unhappy about this situation. We now know that systems are in place to deal with these kinds of circumstances from now on.

Deputy Michael McGrath: It is not about systems; it is about people.

The Taoiseach: How do we deal with a situation where we have 153% over-estimation in figures in terms of breathalysers and so on? That issue, no more than the issue of people not receiving a letter, should be the subject of an external examination. The Government made that decision this morning. The Government will meet again next week to look at the broader implications of where we are with An Garda Síochána so that the people can have trust and confidence in a fundamental institution of the State.

Deputy Mary Lou McDonald: Over recent days we have heard of yet another controversy surrounding the management and operations of An Garda Síochána. We have heard of 14,700 unsafe convictions for motoring offences and almost 1 million breath tests recorded on the PULSE system that were never carried out. This is simply another episode of scandal surrounding An Garda Síochána. Perhaps we should not be surprised by the latest debacle. It seems clear from the scale of the current controversy that malpractice was endemic. It was happening day in and day out.

As the Taoiseach has fully acknowledged, public confidence in the management and leadership of An Garda Síochána is now on the floor. The refusal of the Taoiseach and the Tánaiste and Minister for Justice and Equality to take the required action and to call time on the rotten management culture in An Garda Síochána is a dereliction of their duties. The Taoiseach knows that the Garda Commissioner has to go. He knows that the fish rots from the head down. Those who tuned into the Commissioner's press conference yesterday were left in absolutely no doubt that the upper echelons of An Garda Síochána are rotten with arrogance and chronically unaccountable. The top brass, it seems, is prepared to brazen this one out. The Commissioner herself seems determined to brazen this one out. The question is whether the Taoiseach will allow that to happen. Anybody who believes that the dysfunctional culture in An Garda Síochána will change while the current Commissioner remains is, frankly, living in cloud cuckoo land.

Deputy David Cullinane: Hear, hear.

Deputy Mary Lou McDonald: The game is up. This is an absolute mess. With thousands of unsafe convictions and 1 million fabricated breath tests, serious questions therefore arise regarding any data, statistics or information produced by An Garda Síochána. The entire controversy undermines the very integrity of An Garda Síochána and flies in the face of what citizens expect from their policing service. We have had an almost casual response from a very detached Commissioner to circumstances that undermine confidence in citizens' most basic and fundamental rights. Only in Ireland would politicians be standing here today, debating whether the person who is ultimately responsible for all of this mess should remain in her job. The biggest mistake that the Taoiseach and the Minister could make is to leave Commissioner O'Sullivan in position. Everybody knows that she has to go. We have tabled a confidence motion in respect of the Garda Commissioner but the Government should not wait for that. It should not have to wait for a motion to be tabled by the Opposition. The Taoiseach needs to show real leadership and make that decision today. His Government must act decisively. Will the Taoiseach now take the first steps in restoring that vital public confidence by removing Commissioner O'Sullivan from her post?

The Taoiseach: I have already indicated the view of Government in respect of Commissioner O'Sullivan, who did an outstanding series of interviews. For the first time, interviews were independently conducted and applicants independently sought for appointment to the post

of Garda Commissioner.

Deputy Dara Calleary: What has happened since?

The Taoiseach: This is not about an individual. It is about the structure, about all of the men and women who serve in An Garda Síochána and, more importantly, about those whom they serve, the people of our country. It does not take much to lose confidence in an institution. There are issues here that Deputies McDonald and Micheál Martin have rightly raised about fixed charge notices, breathalyser tests and the numbers actually carried out as against estimates and figures supplied. The Cabinet has made a decision that the analysis and the determination of the facts in regard to these two matters should and will be conducted by an external entity. It is much more important, in my view, that we collectively look at what it is that An Garda Síochána should become. We should examine that, through some sort of commission or entity, for the future because the restoration of confidence and trust is so important. Deputy McDonald knows that in so many areas around the country, outstanding work is being carried out by men and women who are so proud to serve in An Garda Síochána. We need to look beyond a personality, who happens to be the Commissioner of An Garda Síochána and look at the force, its role, responsibilities, actions, culture and the trust that people now have in gardaí. That is why the Government made a decision today that the analysis of the figures in respect of breathalyser tests and fixed charge notices should and will be conducted externally. The Government will meet again next week to consider the broader implications for the future of An Garda Síochána.

Deputy Mary Lou McDonald: This really is a disgraceful and astonishing turn of events. The Taoiseach should not try to hide behind the good work of gardaí on the beat right across the country. Very clearly, what is at issue here is the management and leadership within An Garda Síochána. We have heard many times the story about reform that the Taoiseach told again today. At this stage, with yet another scandal breaking, when senior management are revealed again to be incompetent and indifferent - certainly indifferent to the view of the Government or public - and when public confidence is on the floor, people expect the Government, including the Taoiseach, to act. This is not about an individual personality. It is not about Nóirín O'Sullivan as a woman; this is about Nóirín O'Sullivan as the Commissioner, the woman who is in charge. This is about the Commissioner failing to deliver on the reform agenda and, sadly, it is about An Garda Síochána being at such a low ebb and enjoying such low public confidence that the people to whom we speak will have no expectation or real enthusiasm for full reform.

The Taoiseach knows that the Commissioner has to go. Why is he delaying? Why does he refuse to do that which is his job? Is it because Brian Purcell is no longer available to him? Perhaps he does not have the bottle to do what he needs to do. Is it that he does not now have a senior civil servant to run and have a word in the Commissioner's ear? We have tabled a motion but the Taoiseach should not have to wait for that. The Taoiseach should do his job and relieve Nóirín O'Sullivan of her duties.

The Taoiseach: The Deputy's last comment was the subject of a sworn inquiry, which determined the outcome there. In respect of these issues here, it was pointed out at the press conference held by the senior members of An Garda Síochána that the solutions to the problems that were identified here, whereby figures are clearly not accurate or true, are now in place for 2017-18. We will find out the truth about the discrepancies here. We will find out what happened within the Garda traffic management system such that people did not receive letters giving them the option to accept their penalty points and pay their charge before they went to court. We will find out all that. It is also true to say that the Garda Commissioner herself pointed out

that other issues may well arise in the future when a radical and surgical-----

Deputy Mick Wallace: The Taoiseach is not wrong there.

The Taoiseach: -----reformation of ongoing issues is undertaken. That is why the Government today reflected very seriously, despite Deputy McDonald's shaking of her head, on the structure and nature of the Garda force for years to come.

Deputy Mary Lou McDonald: Absolute rubbish. Do your job.

The Taoiseach: We need to get this right and the Deputy and her party will have a part to play in this. The authorities will talk to the Deputy about it and to her leader, as with the leaders on this side. I hope we can have agreement from the Oireachtas about the nature of how we should have that process put in place to bring about a sense of confidence and trust among the ordinary people of the country in what is a fundamentally important institution of the State. Deputy McDonald might want to become narrowly political about this but I am much more interested in finding out the truth of these matters, which will be found by an external, independent analysis and examination, in a much broader sense, of where we want to be with An Garda Síochána to build that integrity and trust in order that those people who do their work to the highest standards-----

Deputy Mary Lou McDonald: Nobody believes that.

The Taoiseach: -----will have pride in the uniform.

Deputy Brendan Howlin: As somebody who worked very closely with the Taoiseach over five years, I can truly say that his responses to date on this matter are entirely inadequate. The facts need repeating, although they have been mentioned time and again. From 2006 to 2016, a total of 146,865 District Court summonses were issued in error and 14,700 of our citizens were brought before the courts and wrongly convicted. Some of them were told they were telling lies when they said they did not actually receive a summons. One should think of the impact that would have on their livelihood and families. All of this now has to be undone. If that was not bad enough, there were 1 million wrongly recorded breath tests, the data of which informed our entire policing and road traffic policies over the years but were based on falsehoods. The chief executive of the Road Safety Authority has said the absence of credible and reliable enforcement metrics makes it almost impossible to evaluate and measure the effectiveness of road safety interventions. That is a critical issue in saving lives. The Road Safety Authority is not the only one concerned. Today, Professor Denis Cusack of the Medical Bureau of Road Safety clearly said that both in 2014 and August 2015, the Garda was alerted to the significant discrepancies between the amount of equipment used and the amount of breath tests recorded.

I listened carefully to the Taoiseach's response. He said we are going to have another in-depth root and branch review of An Garda Síochána. That was the response of the Independent Alliance to the last crisis a few weeks ago. That was its bolt-in to that. Of course, we have heard nothing of it since.

We have a Garda authority. I agree with the Taoiseach profoundly on this. Let us have political consensus to have fundamental reform implemented now. Is it good that nobody takes accountability for what we know, namely, that 14,700 of our citizens were wrongly convicted, 147,000-odd summonses were wrongly issued and 1 million breath tests were wrongly recorded? Is nobody to be accountable, responsible or answerable for that? Is it acceptable to

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the Taoiseach that we are going to have a three-month period now when the people who were in charge will review their own performance and tell us what happened, although they have been seised of this in some shape or form for three years?

The Taoiseach: Deputy Howlin and I agreed on several issues relating to this previously and he has been clear on that. It is not acceptable that people were wrongly convicted. It is not acceptable that people did not get a letter indicating the option of accepting the penalty points and paying their charge but were summoned to court. In some of those cases, those charges were dismissed because they did not get the letter. In other words, they were wrongly convicted. The Garda has now apologised for that. It should not have happened.

When the law was changed to allow for that option to apply, that should have been known and understood by every garda throughout the country. It was common sense that if somebody was caught for speeding or whatever the charge might be, the first thing would be that the person should receive a letter giving them the option that was open there.

I am talking about a system that will restore integrity, as well as public confidence and trust in An Garda Síochána. It is not just about a cultural analysis but about a perception of the people now. Who do we believe? Here are the figures and here are the estimates but they are grossly out of kilter with each other.

Deputy Brendan Howlin: They were false.

The Taoiseach: The systems have been put in place, as was evidenced by gardaí in the past few days, to deal with that for next year and beyond. We need to find out what happened in this case? That can only be done by an external examination outside of An Garda Síochána.

Deputy Joan Burton: That is rubbish.

Deputy Mary Lou McDonald: It is a disgrace.

The Taoiseach: The Deputies opposite may well shake their heads. Somebody has to find it out, however, and that is what the Government decided this morning. It is not good enough that nobody is answerable here. Can we not determine what the facts are and the truth, more importantly, about those facts? I understand Deputy Ó Caoláin has summoned the Garda Commissioner to attend the justice committee at 9 a.m. on Thursday. I also understand the Commissioner will also be meeting with the independent Policing Authority shortly. It is open under the Act for the independent Policing Authority to contract persons to assist with its duties. That is not an executive function, but in respect of the oversight responsibility it has for the Garda. It is the Garda Síochána Inspectorate, which itself is independent under the chairmanship of Mr. Robert Olson, which conducts the investigations into issues like this. These are matters that are under very serious consideration. From the Government's perspective, it is to take a broader view of the nature and structure of the Garda force for the years ahead in order that we can, for once and for all, try to put in place a system that will restore pride to the uniform and the trust and confidence of the ordinary people of the country. After all, the duty of Government is to have safety and security for the people and for the State and the Garda is a fundamental and central part of that.

Deputy Brendan Howlin: The facts I set out at the beginning and which others have mentioned are not in dispute.

Deputy Mary Lou McDonald: Precisely.

Deputy Brendan Howlin: We do not need anybody to tell us that there were 1 million false breath tests were recorded or that there were 14,700 false convictions. They are facts and somebody must be accountable for those now.

As regards the notion that we will have another review, the Garda Inspectorate has published a series of very good reports. Almost 2,000 specific recommendations have been set out. Is it not now time to implement those rather than to set another body on another task of further reviews? Meanwhile the public are demoralised when it comes to understanding policing. Will the Taoiseach ask the Minister for Justice and Equality to bring legislation to the Houses as quickly as possible to empower the Policing Authority to draw up the implementation plan based on the Garda Inspectorate's report so that we can have the reform implemented and not talked about?

The Taoiseach: The Deputy made the point that these are facts.

Deputy Brendan Howlin: Yes.

The Taoiseach: That is true but we need to find out how those figures were accumulated because if breath tests were carried out on the roadside, there was a process involved and there is clearly a major difference between the number of breath tests that were carried out and the number that were reported.

Deputy Brendan Howlin: A difference of 100%.

The Taoiseach: If these figures are accurate in every region of the country-----

Deputy Pearse Doherty: They cannot be facts and there then be a questioning of their accuracy.

The Taoiseach: -----then we need to know how that happened and on whose instructions that happened. I think that is a fundamental issue that goes to the heart of confidence-----

Deputy Mary Lou McDonald: The Taoiseach is clutching at straws. It is most unedifying.

The Taoiseach: -----and integrity in An Garda Síochána and I am sure Deputy Howlin would think likewise.

Deputy Sean Sherlock: Where does the buck stop on that?

The Taoiseach: While the figures in terms of discrepancy speak for themselves, the question that needs to be answered is how those figures were accumulated. In what circumstances were those figures put down? In what circumstances were they put on the Garda website?

Deputy Pearse Doherty: Who is going to be held accountable?

The Taoiseach: These are the issues that need to be addressed not internally but externally.

Deputy Brendan Howlin: Whether it was a cock-up or malice, somebody is accountable.

Deputy Pearse Doherty: Ireland does not do accountability.

The Taoiseach: That is an issue that the Government decided should be done today and for

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the future. It is not a question of bringing in legislation for the Policing Authority. It has its oversight role by law-----

Deputy Brendan Howlin: It is not strong enough.

The Taoiseach: -----and the inspectorate's report and the other reports are being overseen and implemented by the Policing Authority.

Deputy Jonathan O'Brien: There is no onus on the Garda to implement the inspectorate's report.

The Taoiseach: My understanding is that the Policing Authority chairperson will meet the Garda Commissioner later this week and I am sure that is a matter that will be discussed by the two of them.

An Ceann Comhairle: Thank you, Taoiseach. I call Deputy Bríd Smith.

Deputy Bríd Smith: Over recent days I have had the honour and privilege of meeting some very fine Irish men and women on the Bus Éireann picket lines. One of them, Tommy St. Ledger in Broadstone, has worked 51 years of his life in Bus Éireann and is due to retire in June on a glorious pension of €97 a week, having given his entire adult life and some of his childhood to Bus Éireann. Rory, from the Taoiseach's neck of the woods in the west, takes home approximately €600 a week, and that includes all the premiums and his overtime. He is a man who has a growing family, some in college. Michael, who is a new worker, takes home approximately €450 a week, and that includes all his premiums. He is a young man with a mortgage and children so small he is now doing picket duty in the evenings to avoid having to pay child care while he is on strike.

I want the Taoiseach to answer this question directly. Does he believe anyone could justify taking 30% of the wages of those three people I have given him as examples? That is what is being proposed by Bus Éireann in its attack on the pay and conditions of workers throughout the country. There is a crisis in the company. I will not stand here and deny there is a deficit and a crisis. However, it is not a crisis like a volcanic eruption in Iceland or a storm hitting the west coast of Ireland. It is not a force of nature. It is a crisis created by this and previous Governments, and I will stand over that statement. The National Transport Authority, for which the Taoiseach's Cabinet has responsibility, has deliberately swamped the main bus routes between the cities, such as Dublin-Limerick, Dublin-Cork, Dublin-Galway etc., with private operators. It has over-licensed beyond capacity and beyond 100% of what is needed.

At the same time, this Government and the previous one have consistently cut the subsidy to Bus Éireann. The subsidy Bus Éireann gets as a public transport company is 12%. Guess how much public transport receives by way of subsidy in Belgium. In Belgium, a subsidy of 78% is allocated to run public transport. The figure for Holland is 49%. Ireland gives its public transport companies a lower subsidy than do most developed European countries. In addition, we subsidise a social function of the transport sector to allow for free travel. I have a letter here from the Minister, Deputy Varadkar, which clearly shows we give to the private operators a subsidy of 70% for that free travel and 40% to Bus Éireann. This is not a level playing field.

The crisis in Bus Éireann has been manufactured consistently and continually by this Government and the previous one. Then there is the extraordinary situation of a Minister for Transport, Tourism and Sport, who is on a multiple of the wages of these people who work hard day

in, day out, saying a national transport strike is nothing to do with him. He is the Minister with responsibility for transport but says he will not intervene in a national transport strike.

I have two questions for the Taoiseach. I ask him to explain that last position. How does his Minister for Transport, Tourism and Sport not have anything to do with a national transport strike? Can the Taoiseach justify a cut of 30% to the wages of the people whose earnings I have just described?

The Taoiseach: It is important to note that the trade unions and the management of Bus Éireann - both sides - have publicly acknowledged that there are efficiency issues in Bus Éireann. This is precisely why the Workplace Relations Commission, WRC, is still available for talks to resolve the dispute. It will not be resolved on the streets. It will only be resolved around the table, where all strikes are resolved. This is exactly the opportunity to sort out the dispute which the Minister, Deputy Ross, has identified on so many occasions.

I understand Deputy Smith's legitimate comment about the drivers and those who work for Bus Éireann. Last year, the taxpayer provided €230 million to Bus Éireann across the public service obligation, PSO, scheme, the free travel scheme, the capital and the school transport funding programmes, and that is a significant amount of money which has been increasing over recent years. Funding for the public service obligation units has increased over the past two budgets, but subvention is provided only for the PSO services. It cannot, by law, be provided for a commercial service such as Expressway, and this is where the difficulty is. This is a dispute within Bus Éireann involving, among other matters, the commercial Expressway service. One union has announced it will ballot members in other companies which are not party to this dispute. I hope that does not happen because the opportunity remains for the unions and the management of Bus Éireann to get together. The Minister, Deputy Ross, is playing his part-----

Deputy Ruth Coppinger: What is he doing?

The Taoiseach: -----by increasing PSO funding. The Minister, Deputy Varadkar, is doing his by examining the funding of the free travel scheme.

Deputy Brendan Howlin: Next year.

The Taoiseach: Where the Minister, Deputy Ross, can act and where it is appropriate to do so, he has done so.

Realistic negotiations between management and the unions are required to solve these internal issues, and that opportunity is available to them at the WRC. Very many people are inconvenienced by the dispute. It is causing much stress for people who have lost access to any public transport at all in many areas of the country. The point has been made that the resolution of and solution to the dispute is at the table of the WRC. Both sides have admitted that there are efficiency issues to be addressed. Both sides should have the courage to go back to the table again and attempt to resolve any differences in the consideration of these efficiencies. That is where the solution lies. Obviously, the Government is very interested to see that the strike should end and that people should be able again to avail of the services Bus Éireann provides, which is what the company does best. Those services need to be provided in such a way that the issue of the loss-making Expressway entity is dealt with. The WRC is the place to deal with the matter.

Deputy Bríd Smith: The Taoiseach's answer that this is commercial competition flags up

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why this is of interest to every transport worker not just Bus Éireann workers. The NTA has deliberately forced Bus Éireann into an uneven playing field of competition with the private operator to drag down the wages and conditions of workers. This will apply to Dublin Bus, DART and Irish Rail. If the NTA and the Government manage to drag people down in Bus Éireann, they will drag them down everywhere. This strike is of interest to other transport workers and it is indeed of interest to the public in general who are suffering as a result of the strike but will suffer more if the Taoiseach and the Government gets its way and diminishes the jobs and conditions of public transport workers. Will the Taoiseach come out to the gates with me at 1 p.m. tomorrow and welcome the hundreds of bus, rail and DART workers who will be there to tell the Minister for Transport, Tourism and Sport that he cannot wipe his hands of this? The Minister is involved, as are the Government and the NTA. They must participate in the solution to this strike and crisis. The power is on the streets. It will be outside the gates at 1 p.m. tomorrow. If the Minister does not listen to that, a national transport strike will be required and he will have to listen to DART, Dublin Bus and Luas workers, and train drivers when they down tools and say workers will not be dragged down by a race to the bottom by the policies of this Government. The Minister must get involved.

The Taoiseach: The Minister will be before the Oireachtas Joint Committee on Transport, Tourism and Sport tomorrow at the time the protest is taking place. The Government has increased the public service obligation, PSO, funding by €28 million in each of the past two years.

Deputy Bríd Smith: It is still below 2009 levels.

The Taoiseach: Today is 28 March-----

Deputy Richard Boyd Barrett: Well below.

The Taoiseach: -----the fifth day of all out strike at Bus Éireann. The biggest impact is on Bus Éireann's PSO network because on the Expressway network, which is the root cause of this particular problem, there are other competitors who take up the slack when Bus Éireann is not there.

Deputy Richard Boyd Barrett: They are cherry-picking because the Government allows them to.

The Taoiseach: The Expressway service, which is the root cause of this problem-----

Deputy Bríd Smith: I have a letter from the NTA encouraging others to go out and break this strike. The Government's policy is encouraging strike-breaking.

The Taoiseach: -----is least affected by this.

Deputy Bríd Smith: It is outrageous.

The Taoiseach: The Expressway service is least affected because there are other buses travelling on that route. Apart from some spillover strike action on Friday which impacted on Iarnród Éireann, the other CIE companies have been unaffected.

Deputy Bríd Smith: It will be more than a spillover. The Taoiseach has not explained why the Minister for Social Protection gives private operators a 70% subsidy.

The Taoiseach: SIPTU announced on Monday that it will ballot its members on Dublin Bus

and Iarnród Éireann for industrial action.

Deputy Bríd Smith: The Taoiseach still has not explained why the Minister for Social Protection gives them a subsidy of 70%.

The Taoiseach: No date for balloting has been set but people are perfectly entitled to protest and protest can send powerful signals, when it is legitimate of course.

Deputy Bríd Smith: So the Taoiseach will come out and say hello.

The Taoiseach: The solution and resolution of this strike does not lie outside the gates of Leinster House but around the WRC table. Both sides have admitted that there are issues that need to be discussed. That is the opportunity for them to discuss those, at the WRC.

Deputy Bríd Smith: The Minister for Transport, Tourism and Sport has to be at that table.

The Taoiseach: The Deputy knows that a Minister cannot sit at that table because everybody else would then say the Government is stepping in for all of these issues. The Deputy knows that very well.

Deputy Bríd Smith: He is the Minister for transport.

The Taoiseach: The Minister is doing his duty with the PSO by increasing it. The Minister for Social Protection is doing it in terms of the rural transport scheme. The unions and management say there are efficiency matters that need to be discussed and the place to discuss those is at the WRC table.

Deputy Bríd Smith: There is a 30% pay cut for Michael and the workers I described.

Order of Business

Deputy Jim Daly: Today's business shall be No. 5, motion re changes to Standing Orders 84, 108 and 111A; No. 13, Medical Practitioners (Amendment) Bill 2014 [*Seanad*] - Order for Report, Report and Final Stages; and No. 1, Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016 [*Seanad*] - Second Stage. Private Members' business shall be No. 96, motion re the Money Advice & Budgeting Service and Citizens Information Service selected by Fianna Fáil.

Wednesday's business shall be No. 13a, statements on Northern Ireland; No. 6, motion re report of the Committee of Public Accounts re National Asset Management Agency's sale of Project Eagle; No. 14, Knowledge Development Box (Certification of Inventions) Bill 2016 [*Seanad*] - Order for Report, Report and Final Stages; No. 13, Medical Practitioners (Amendment) Bill 2014 [*Seanad*] - Report and Final Stages, resumed if not previously concluded, and No. 1, Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016 [*Seanad*] - Second Stage, resumed if not previously concluded. Private Members' business shall be No. 97, motion re national children's hospital, selected by the Rural Independent Group.

Thursday's business shall be No. 15, statements on direct provision; No. 13, Medical Practitioners (Amendment) Bill 2014 [*Seanad*] - Report and Final Stages, resumed if not previously concluded; No. 16, Misuse of Drugs (Supervised Injecting Facilities) Bill 2017 - Order for

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Report, Report and Final Stages; and No. 1, Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016 [*Seanad*] - Second Stage, resumed if not previously concluded. Second Stage of No. 25, Ethical Public Investment (Tobacco) Bill 2017, will be debated in the evening slot.

I refer members to the revised report of the Business Committee dated 28 March 2017 regarding today's business. It is proposed that:

(1) The motion re changes to Standing Orders 84, 108 and 111A will be taken without debate.

In respect of Wednesday's business, it is proposed that:

(1) The Dáil shall sit at 10 a.m. for statements on Northern Ireland, which shall conclude within two hours. If the statements conclude before 12 noon, the House shall suspend until 12 noon and Leaders' Questions shall commence at 12 noon. The statements shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a member nominated in their stead and shall not exceed 15 minutes each and all members may share time;

(2) Oral Questions to the Taoiseach shall not be taken; and

(3) the motion re report of the Committee of Public Accounts re National Asset Management Agency's sale of Project Eagle shall conclude within two hours. The speeches of a Minister or Minister of State and the main spokespersons for parties and groups, or a member nominated in their stead, shall not exceed ten minutes each. A second round of 40 minutes shall be limited to members of the Committee of Public Accounts. The speeches of other members shall be not more than five minutes each and all members may share time.

In respect of Thursday's business, it is proposed that:

(1) The Dáil shall sit at 10 a.m. for statements on direct provision which shall conclude within two hours. If the statements conclude before 12 noon, the House shall suspend until 12 noon and Leaders' Questions shall commence at 12 noon. The statements shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a member nominated in their stead, and shall not exceed 15 minutes each and all members may share time;

(2) The sitting shall suspend after the voting block for a period of 30 minutes;

(3) Questions to the Minister for Justice and Equality shall take place at 4 p.m.; and

(4) The Dáil shall sit later than 7.48 p.m. and adjourn on the conclusion of proceedings on Second Stage of the Ethical Public Investment (Tobacco) Bill 2017.

An Ceann Comhairle: I thank Deputy Daly. There are three proposals to put to the House today. No. 1 is a proposal for dealing with Tuesday's business. Is today's business agreed to?

Deputy Micheál Martin: It is not agreed.

Deputy Mary Lou McDonald: Not agreed.

An Ceann Comhairle: I call Deputy Martin.

Deputy Micheál Martin: There have just been three Leaders' Questions dealing with revelations that go to the core of public confidence in the credibility of An Garda Síochána and the administration of justice. The House should reflect that. More importantly, the political accountability for the administration of justice lies with the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald. The Oireachtas should be able to ask the Tánaiste questions on this debacle and the crisis of confidence in the integrity of An Garda Síochána and the administration of justice. It defies belief that the Tánaiste would not come forward today to answer questions on this issue, be they private notice questions or another formula, from Members of the House.

The Taoiseach spoke earlier about the need for accountability. Everyone is *ad idem* on the need for accountability. What signal is the House sending if the person with political accountability for the administration of justice does not come forward to show that accountability? Since this crisis has broken, the Tánaiste has run for cover and has not faced up to the-----

An Ceann Comhairle: We cannot have a debate on the matter.

Deputy Micheál Martin: -----crisis that is engulfing the administration of justice. It has been passed on to the Garda Commissioner. The Garda Commissioner passes it on to an assistant commissioner. The cynicism is breathtaking. It is beyond belief that not addressing a policing authority is just an administrative oversight. The idea that the House can carry on nonchalantly for the next three days while the person with political responsibility and accountability does not see fit to come before the House, issue a statement on this issue and take questions is similarly beyond belief.

Deputy Mary Lou McDonald: On the same issue, everybody in the House is not *ad idem* on the issue of accountability because the Government, on the one hand, refuses to hold the Commissioner to account in the way it should and, equally, the Tánaiste is not being held to account in this House. That is an intolerable situation. The Taoiseach mentioned that the Tánaiste is to take a Topical Issue matter but that is an inadequate response. The Tánaiste must present herself, make a statement to the Dáil and allow for questions. That is the least we should expect from her. Questions have been put to the Taoiseach on these matters and in response he has been spoofing, but his spoofing is overshadowed by the evasion of the Tánaiste, his Cabinet Minister for Justice and Equality. As has been said, it is outrageous that in light of this series of scandals, we are not to have the opportunity to establish the facts, the Tánaiste's state of knowledge and her proposed course of action.

Deputy Brendan Howlin: The Taoiseach informed the House earlier that the Tánaiste gave a detailed briefing - his words - to the Cabinet on these matters but the Tánaiste is constitutionally responsible to this House on these matters. It underscores the complete lack of understanding of the seriousness of this matter for the Taoiseach to think that a Topical Issue debate, where people raise local matters, is the way to deal with this issue.

Deputy Regina Doherty: Yes.

Deputy Brendan Howlin: It is not the way to deal with it. I ask that the seriousness of this matter would be recognised with a proper set of statements, and allowing for questions and answers. I ask the Taoiseach to reflect upon that.

Deputy Mick Barry: The Taoiseach is treating the House in a similar fashion to the way he would have done in the previous Dáil when his Government had a thumping majority in the

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House. He is not treating the House the way it should be treated, given that his Government is in a minority position and the fact that to satisfy even the basic norms of accountability the Tánaiste should, at the very least, come before the House, give an account of the current situation that pertains in the Garda, and answer questions from Members on that. If Members want to find space today as to when that could be done, I suggest there is an issue on the Order Paper that perhaps could wait for a week, namely, the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016. I suggest that is not as pressing an issue as the scandal that has taken place in the ranks of the Garda and the silence we have from the Tánaiste. She should be here today with a statement to answer questions.

An Ceann Comhairle: I point out to Members, solely for their information, that all Deputies who submitted this issue for discussion in the Topical Issue debate have been selected and that-----

Deputy Jonathan O'Brien: They are getting two minutes.

An Ceann Comhairle: For clarity, 24 minutes will be available for that. A request for a special notice question was submitted and I regret to say that that request does not comply with the terms of the Standing Order so therefore it was not possible to accede to that.

Deputy Jonathan O'Brien: You can change the schedule.

An Ceann Comhairle: Does the Taoiseach wish to respond?

The Taoiseach: A Ceann Comhairle, we changed the rules in this House so that business could be conducted in a more open way. The Ceann Comhairle has made a decision here that the Minister should answer two Topical Issue matters today with questions.

Deputy Brendan Howlin: That is not fair to the Ceann Comhairle.

The Taoiseach: That is a decision of the Ceann Comhairle, and the Minister is quite willing to attend.

Deputy Jonathan O'Brien: You are the Government. You can change the schedule.

Deputy Regina Doherty: We cannot.

An Ceann Comhairle: Can we have order to allow the Taoiseach respond?

The Taoiseach: Gabh mo leithscéal, I understand there was an attempt to submit a special notice question by the Fianna Fáil Party spokesperson. The Ceann Comhairle made a ruling, and his decision was that the Minister for Justice and Equality should attend in the House, which she will, to answer Topical Issue matters from two Deputies, with questions from each Deputy.

Deputy Ruth Coppinger: That is an absolute joke.

Deputy Mick Barry: Statements were requested last Saturday.

The Taoiseach: At the invitation of Deputy Ó Caoláin, the justice committee will meet at 9 a.m. on Thursday morning with the Garda Commissioner to answer a range of questions.

Deputy Robert Troy: Obviously, she did not have the answers today.

The Taoiseach: We have the Garda Commissioner meeting with the Policing Authority. I

have said the Government made a decision to have an independent analysis of all these figures and to examine a broader issue about the structure and the future of the Garda Síochána. We all need to get more information, and in some cases that information is not available to the Tánaiste and Minister for Justice and Equality.

Deputy Brendan Howlin: She gave a full briefing to the Cabinet.

The Taoiseach: I say to Deputy Howlin that she will be very happy to give the same briefing to the House that she gave to the Cabinet this morning.

Deputy Brendan Howlin: When?

The Taoiseach: This afternoon in the Topical Issue debate.

Deputy Micheál Martin: On a point of order, during Leaders' Questions, I invited the Taoiseach to volunteer the Minister for Justice and Equality to come to the House, do the honourable thing, make a statement on what is probably one of the worst crises to hit An Garda Síochána and take questions on it. That was the way for many years in this House when crises happened. Private notice questions were the order of the day when a crisis happened in any Department. The Taoiseach knows in his heart that the raising of issues during Topical Issue debate is not a question and answer format. Let us not try to mislead or cod the public on that. That is not an accountability exercise. The Order of Business was obviously organised in advance of the revelations of these issues, so therefore there is an opportunity for the House to reorder business, as we did some weeks ago about the crisis relating to the Charleton inquiry.

Deputy Jonathan O'Brien: The Taoiseach may not be aware but we requested last Saturday that the Minister would come to the House and make statements. The Taoiseach knows that if he makes a request to the Ceann Comhairle to set aside time today for the Minister to come to the House and make statements, the Ceann Comhairle will contact all of the Whips who will meet and agree to that. It is very unfair for the Taoiseach to say that this is the Ceann Comhairle's decision. The Taoiseach can make a request to the Ceann Comhairle to set aside time and I ask him to do so.

Deputy Mary Lou McDonald: This will come to a vote so we need the Ceann Comhairle's guidance. He needs to tell us how we can get this matter on the agenda for today. This cannot be beyond his wit or ingenuity. As Deputy O'Brien said, we made the request on Saturday that there be a statement and an opportunity for questions. That is clearly what needs to happen. The Ceann Comhairle should advise us on how that will come to pass.

Deputy Ruth Coppinger: I certainly would not have thought that the Government would have the effrontery to think that the Topical Issue debate was an appropriate place to deal with the biggest scandal that has emerged in recent days. The public is outraged. We are talking about a million breathalyser tests being lied about and people paying the price in terms of extra penalty points, wage deductions, etc. The Minister must answer today. It will go to a vote and I can guarantee that we will make an issue out of this because we had to make an issue to get the Taoiseach to answer questions before. There are two solutions. We either take Government Business during those two hours later in the evening or the Taoiseach can scrap questions to the Taoiseach. I have two questions to the Taoiseach which I am happy to allow to be scrapped in favour of the Minister coming to the Dáil, but she should answer today. Only two people can get in during the Topical Issue debate. It must involve all parties and all groups.

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The Taoiseach: Perhaps the Deputy should let the Minister answer. She has already been invited by the Ceann Comhairle to answer questions in the Dáil and give a briefing to the House. She is prepared to do that and that is in accordance with the rules for which Deputy Coppinger voted and which apply here. The Deputy wants to change them when it suits her. The Minister for Justice and Equality is attending here and will deal with this and give the same briefing she gave the Cabinet. She will take questions from the Deputies who raised the Topical Issue matter. The members of the Oireachtas Committee on Justice and Equality will deal for hours on Thursday with issues relating to this and I welcome that because it will provide an opportunity for information that we do not know to be made available directly to the Oireachtas by the Garda Commissioner. I understand the Garda Commissioner is meeting with the chairperson of the independent Policing Authority, which has independent oversight responsibility for An Garda Síochána.

Deputy Richard Boyd Barrett: Vótáil.

An Ceann Comhairle: We can vote but I point out to Deputies that if we vote, we are not voting on anything that has anything to do with the Garda Commissioner because that is what is before us. If Members see fit, we can convene a meeting of the Business Committee at 3.30 p.m. to come up with a proposal about how to move forward. Deputy Thomas Byrne
3 o'clock asked a question about my refusal of a private notice question. I want to be very clear that in considering a private notice question, one must consider first and foremost whether it is a matter of urgent public importance, which it is, but one must also take into account whether there are other avenues available to Members to address the particular issue.

I took into account that I received the request for a private notice question after I had made a decision to call people for a Topical Issue. I am conscious of the fact that the Tánaiste and Minister for Justice and Equality will answer questions in the House on Thursday. I am further conscious of the fact that the Garda Commissioner is to go before the Joint Committee on Justice and Equality during the week. In my view, as far as the private notice question is concerned, there were quite a number of other avenues through which that particular matter could be considered.

Deputy Micheál Martin: On a point of order, it might not necessarily have been out of order.

An Ceann Comhairle: It was not in order because there were-----

Deputy Micheál Martin: Would it not have been done through *ultra vires* Standing Orders?

An Ceann Comhairle: No. I do not think it would, but I made a judgment based on the opportunities, in accordance with long, long established precedent.

The Taoiseach: On that point also-----

Deputy Jonathan O'Brien: If it was in order-----

The Taoiseach: The Whip's office did not receive a request from Sinn Féin for time. Sinn Féin may have gone to the Business Committee, but it did not come to the-----

An Ceann Comhairle: Are people in agreement that we will meet at 3.30 p.m.?

Deputy Jonathan O'Brien: No, hang on. The Ceann Comhairle will tell me if this is in

order because if we are going to agree that we will meet at 3.30 p.m., then that means we would have agreed the Order of Business as has been proposed. Can I propose that we adjourn for 30 minutes for the Business Committee to meet and bring forward a revised Order of Business? I would feel very uncomfortable voting on the current Order of Business without an agreement that the Minister would come before the House later today. I propose an adjournment for 30 minutes until the Business Committee can meet.

Deputy Ruth Coppinger: Could we not just agree the Order of Business while we are here?

(Interruptions).

An Ceann Comhairle: The business as set out before the House is not controversial. There is nothing to be gained by anybody-----

Deputy Jonathan O'Brien: The problem is that it does not include the controversial issue.

An Ceann Comhairle: I am giving the Deputy an undertaking that we will convene a meeting at 3.30 p.m. and if that requires a further proposal to be put to the House, we will come back with that further proposal.

Deputy Brendan Howlin: That is fine.

An Ceann Comhairle: We can come back at 4 p.m. or 4.30 p.m. with a further proposal if that is agreed.

Deputy Micheál Martin: The next item on the agenda is Taoiseach's Questions which is about 45 minutes so at the end of that session it should be clear whether a resolution has been found.

An Ceann Comhairle: Yes.

Deputy Micheál Martin: If there is no resolution we could get back to the floor of the House.

An Ceann Comhairle: Yes. Can I take it that the proposal for dealing with Tuesday's Order of Business is agreed to?

Deputy Brendan Howlin: Subject to further amendments.

An Ceann Comhairle: No. It is either agreed to or not agreed to.

The Taoiseach: The Tánaiste and Minister for Justice and Equality has been invited to attend and she is attending.

Deputy Denise Mitchell: The Order of Business is not agreed.

Deputy Jonathan O'Brien: It is not agreed.

An Ceann Comhairle: It is not agreed. Okay.

Deputy Ruth Coppinger: If I may make a suggestion; I do not know why we cannot agree. If we are agreeing the Order of Business to be discussed today, and we have the agenda in front of us, we have made a proposal that Government business would become the space in which the Minister would answer questions. I do not see any other way it could be done.

An Ceann Comhairle: We have no-----

Deputy Regina Doherty: With respect, the Business Committee decides what goes on during Government Business. We have that committee in order that we might discuss ordering our business around a table as opposed to across the Chamber.

Deputy Ruth Coppinger: Matters have moved on since the Business Committee met and the Minister of State, Deputy Regina Doherty, has not taken that fact into account. That is the point.

Deputy Regina Doherty: It has and that is why we need another meeting.

An Ceann Comhairle: Let me be clear. It is not a matter for the House to decide what happens in Government Business time.

Deputy Pearse Doherty: Deputy Jonathan O'Brien made a very valid suggestion to the effect that we should adjourn at this point. There are ten minutes left for the Order of Business. If we adjourn now to let the Business Committee decide and if the latter comes up with a solution, then that can be included in a new Order of Business and Members can decide if they want to support it.

An Ceann Comhairle: I will take that.

Deputy Regina Doherty: Can I make a suggestion?

An Ceann Comhairle: Yes.

Deputy Regina Doherty: I do not know why we would need to adjourn or why Taoiseach's Questions could not proceed. We could have the Business Committee meeting-----

Deputy Jonathan O'Brien: Because we do not trust that.

Deputy Ruth Coppinger: Because we might have to scrap them, that is why.

Deputy Micheál Martin: Could I make a suggestion for a compromise?

Deputy Regina Doherty: We cannot scrap Taoiseach's Questions, we are governed by Standing Orders.

Deputy Micheál Martin: Is it possible to adjourn the taking of the Order of Business until after Taoiseach's Questions, for the latter to proceed and for the Business Committee to meet in the interim? We could then take the Order of Business.

An Ceann Comhairle: That would make more sense. We could go straight into Taoiseach's Questions now and while they are being taken, we will convene a meeting of the Business Committee.

Deputy Josepha Madigan: I want to know about the debate on promised legislation and where it will fit in.

An Ceann Comhairle: It is not going to fit in now. We will convene a meeting of the Business Committee in Room 2 immediately and the House will proceed with Taoiseach's Questions.

Deputy Richard Boyd Barrett: Will we be coming back to Bills to be introduced?

An Ceann Comhairle: Yes, we will be coming back to them.

Ceisteanna - Questions

Government-Church Dialogue

1. **Deputy Ruth Coppinger** asked the Taoiseach if he will report on his meetings with religious leaders. [13920/17]

2. **Deputy Gerry Adams** asked the Taoiseach if he will report on any recent meetings he has held with church leaders and faith communities. [13987/17]

3. **Deputy Joan Burton** asked the Taoiseach if he will report on his meetings with church leaders and faith communities. [15507/17]

The Taoiseach: I propose to take Questions Nos. 1, 2 and 3 together.

Like public representatives generally, I meet church leaders informally from time to time in the course of attending official or public events. Last year in particular, with the 1916 commemorations, I attended many events that were also attended by representatives from various religious groups.

As Taoiseach in the previous Government, I met with representatives from the Catholic Church, Church of Ireland, the Jewish community, the Islamic community, Atheist Ireland and the Humanist Association of Ireland as part of the structured dialogue process. I also met an ecumenical delegation of European churches in the context of Ireland's Presidency of the Council of the European Union in 2013.

I have reported to the House on all the meetings I have held under the structured dialogue process in replies to various parliamentary questions since 2013, most recently on 2 February and 15 June of last year.

I have not held any meetings under the structured dialogue process since the formation of the current Government.

Deputy Ruth Coppinger: I want to raise with the Taoiseach the issue of the Catholic orders and the redress scheme. The whole question of how these institutions were run and so on is now a major issue. According to the Comptroller and Auditor General, the Catholic religious congregations have only paid 13% of the costs of a redress scheme set up to help survivors. The report states that by the end of 2015, the total cost of the commission which inquired into child abuse and the redress scheme was an estimated €1.5 billion. However, that progress has actually gone into reverse. Some 18 religious orders have offered the equivalent of about 23% of the overall cost. I want to ask in particular about one religious order, the Christian Brothers. They said they were on course to honour all the voluntary pledges they made. Of the €34 million that they pledged, €24 million has been paid, with the final €10 million to be paid in 2017 on a phased basis, linked to property sales. The problem is that they have tried to transfer lands that they own to the Edmund Rice Schools Trust, which are their own schools. They are

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trying to use this transfer as part payment of their obligations under the redress scheme. Just so the Taoiseach knows, patronage of the most recent secondary school in Castleknock, in Dublin West, was awarded to this trust. People are aghast that religious congregations are being awarded hospitals and schools like it is business as usual and as if nothing has happened, yet those congregations have not even fulfilled their obligations. The Sisters of Mercy are similar. Apparently, I only have a minute and a half so I do not have time to go into it.

I had hoped to raise with the Taoiseach the fact that, in the 1920s and 1930s, a succession of laws were passed which gave the church control over health, education, and employment as it pertained to women. Basically, the Taoiseach's ancestors-----

An Ceann Comhairle: Thank you, Deputy.

Deputy Ruth Coppinger: -----in Cumann na nGaedheal were in competition with Fianna Fáil: "I will raise you a Censorship of Publications Act" and "I will bid you a Juries Act to top it off." It was a competition between the lads to see who was the most holy and who would give the church the most power.

Deputy Aengus Ó Snodaigh: The Taoiseach mentioned that he has not met the main leaders of the churches in an organised fashion in the last year. In particular, does the Taoiseach intend to meet the leaders in Ireland of the Catholic Church and the Protestant churches? At such a meeting, will he raise the issue of the mother and baby homes, including the Bethany homes?

On a question that was raised earlier, will he ask about recompense and the failure to transfer assets to the State as promised? Given the fact there are many assets which are growing in value as we speak, not only is there a need to transfer the assets of specific orders to the State to ensure compensation is paid to those who were basically incarcerated in mother and baby homes but those assets need to be frozen pending the outcome of any inquiry, commission of inquiry, truth commission or otherwise and pending possible criminal actions by An Garda Síochána in the future if such is intended or required when the full horrors of what we have seen emerge from Tuam in particular have been revealed.

The Taoiseach met Pope Francis briefly last week. I do not know whether he had enough time to mention the recent revelations or whether he suggested to Pope Francis that, when he arrives in Ireland, he comes bearing orders to the orders based in Ireland to relieve them of whatever assets they hold to ensure they pay their full dues, if they could ever do that.

Deputy Joan Burton: I want to know if the Taoiseach has raised with any members of the hierarchy, either formally via the kind of meetings which the Government has with leaders of faith communities or informally, the issue of the findings at the Tuam site.

In terms of the preparations which are being made for Pope Francis's visit to Ireland next year, will Pope Francis be afforded the opportunity to visit one of the many mother and baby home sites around the country? It is only right and proper that he should be invited, as the head of the Catholic Church worldwide, to visit at least one of the 139 or 140 institutions which feature in the examination of the commission on children who were in mother and baby homes.

Has the Taoiseach had any recent correspondence or contact, formally or informally, with the religious orders that were the subject of a nefarious deal between the then Government, the then Minister for Education and the then Taoiseach to allow an indemnity to be given to the orders in regard to their liability for these events? While we know there will have to be more

redress for other people as a result of the current commissions of inquiry under way, following the publication more recently of the Comptroller and Auditor General's report on the €1.5 billion cost of the redress scheme so far, has the Taoiseach approached the congregations to meet their moral and ethical liabilities, of which we have heard an awful lot in regard to the Garda in recent days? Surely the religious bodies have moral and ethical responsibilities. Has the Taoiseach raised this with them in terms of the further sums they are willing to pay, which they owe and are committed to?

Deputy Micheál Martin: There seems to be a marginalisation of the contact or engagement in interfaith dialogue between the Taoiseach and the churches. The point I want to specifically zone in on relates to a case I raised last week, that of John Allen. We are rightly talking about the horrors of the past but, right now, current Government policy is treating in an appalling manner victims of child sexual abuse in primary schools across the country. We had the Louise O'Keeffe case, which went all the way to the European Court of Human Rights and which found in her favour. The subsequent interpretation and application of that decision by the State has been shocking in its cynicism and is an attempt to narrow the application of the judgment in regard to the cases of people like John Allen, whose abusers have been convicted and are in jail. Has the Taoiseach discussed this with the religious orders? In this case it was a Christian Brother who abused Mr. Allen and was convicted.

The Taoiseach inadvertently misled the House last week when he said the European Court of Human Rights had decided on the idea of prior complaint. It did not. It is the Government that decided on prior complaint, interpreting the court decision. I would ask the Taoiseach to, at a later date, go back over the transcripts and correct the record of the House. I do not believe he intentionally misled the House but I think it was misled in that regard.

I put it to the Taoiseach there is a need to engage with the religious orders in regard to this cohort of our population right now. They went to the Supreme Court and they were threatened with costs. There is culpability of successive Governments on this, as I have said, but I am saying now and have been saying for the past year that we need to do right by current victims of child sexual abuse. We can go on about the 1930s, 1940s, 1950s, 1960s and 1970s but it is happening right now. These people are financially ruined, are in very difficult circumstances and are psychologically under enormous pressure. I think it is unacceptable and it speaks very badly of the Government in terms of its lack of humanity and discretion in dealing with this. It is not that huge numbers have been through the courts. Even to take the cases where convictions have taken place, there is no compensation and there is no reaching out to these victims.

The Taoiseach: I am not sure I can answer all of these questions in the time available to me. I have asked for a report in respect of the particular case mentioned by Deputy Martin. I am also in the process of sending him a letter in respect of some progress made following the issues he raised last week. I will be happy to engage with the religious communities about those who are affected now.

Deputy Burton raised the issue of the Pope's visit here and whether he will visit one of the mother and baby homes. I do not have any control over the schedule of the Pope when he comes here. It is the Pope's choice to come to Ireland and to Dublin-----

Deputy Joan Burton: I think his visit is about families. It would be appropriate to visit one of the homes.

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The Taoiseach: -----for the world convention of families. I do not have an input into his schedule, no more than-----

Deputy Joan Burton: Why not? Can the Government not suggest that?

Acting Chairman (Deputy Bernard J. Durkan): Order, please.

The Taoiseach: He is invited here by the bishops and the church. Obviously, the State will make its facilities available for the Head of State of the Vatican. To be honest, I do not know of correspondence being received by the Department from the religious orders but there may well be. I will check that for the Deputy and I will advise her in respect of the mother and baby homes.

Deputy Coppinger raised several questions about the religious institutions and their failure to measure up. I take a very strong view about this. It is Government policy that the church congregations should increase their contributions towards the substantial costs of the redress scheme to achieve a 50% share, as that is only equitable and proper. As things stand, the State and the taxpayer have met some 86% of the cost of redress.

In 2009 the Christian Brothers offered to transfer its 49 school playing fields, valued at €127 million, to a new joint trust between the State and the Edmund Rice Schools Trust. As the initial offer would not result in a tangible contribution towards the cost of redress, the then Minister, Ruairí Quinn, made two counter-proposals to try to progress matters. Unfortunately, the Christian Brothers decided to reject those counter-proposals and, in 2015, decided to proceed to transfer the fields to the Edmund Rice Schools Trust. It is disappointing the Christian Brothers withdrew their offer. I understand the Minister, Deputy Bruton, would be very happy to engage with the congregations to see if a mutually satisfactory solution could be achieved that would make a tangible contribution towards the cost of the redress response.

Deputy Ruth Coppinger: Why are they being awarded schools and hospitals?

The Taoiseach: Following the publication of the Ryan report, five congregations offered to transfer properties to the State and the voluntary and community sector in addition to making cash contributions. The total value of those offers was €237 million. The Christian Brothers offered their 49 school playing fields at a value of €127 million to be transferred to a new joint trust between the State and the Edmund Rice Schools Trust, to which the congregation's primary and secondary schools were transferred. The then Minister, Deputy Quinn, had a counter-proposal that the playing fields would instead be transferred to the State, with guaranteed access for the schools currently using them under licence for as long as they were required. That counter-proposal was not accepted by the Christian Brothers. The Edmund Rice Schools Trust was also opposed to it.

In July 2013, the Government agreed to a revised proposal by the then Minister, Deputy Quinn, under which the congregation would be asked to transfer the playing fields to the trust for the continued beneficial use of the schools subject to the legal requirement that the prior approval of the Minister be obtained for a disposal of any part of them and that, in the event of any proposed transfer, the State be entitled to receive at least 50% of the proceeds. Under that proposal, in terms of reckoning that contribution towards the cost of redress, it was proposed that the fields and associated lands be valued on an open market value basis at the date of the transfer to the trust. A sum of 50% of that valuation would be reckoned as a contribution towards the cost of the response. The revised proposal was put to the congregation by the then

Minister, Deputy Quinn, in a letter on 15 October 2013.

In the context of a High Court award, the congregation then undertook a comprehensive review of its capacity to meet all of its obligations, including its outstanding redress contributions. A final response to the Minister's proposal, therefore, was not received until 9 September 2015. In a letter of that date, the congregation stated that as the initial proposal of joint ownership was not accepted by the Minister and as his counter-proposal was not acceptable to either it or to the Edmund Rice Schools Trust, it was proceeding with the formal transfer of the sports fields to the Edmund Rice Schools Trust. The letter stated that the transfer was to complement the transfer of school properties to the trust in 2008 at an independent valuation as of the transfer date of €430 million. The letter also stated that the congregation wished to honour its pledge of investment in education and welfare for present and future generations of children in Ireland. There has been no further communication from the Christian Brothers since.

Deputy Ruth Coppinger: Why were they awarded the Castleknock secondary school then?

Deputy Aengus Ó Snodaigh: If I owed the State money and then made a deal with the State and welched on it, the sheriff, the Criminal Assets Bureau or An Garda Síochána would be knocking on my door looking for payment. At this stage, the Taoiseach said that there is no further contact with the orders. Is the Taoiseach intending to contact them? Is he intending to have the meetings that I suggested earlier? Is he intending to put it to them that if they do not transfer to the State assets to pay their contribution to the redress scheme, which was very limited, the State will seize the assets that are due to it?

Deputy Joan Burton: I understand that Pope Francis's visit to Ireland is in the context of families. Obviously, the children and adults who were in various institutions and were the subject of the redress that we are speaking about are all parts of families. For a long period, many of those families were not recognised. There are broadly recognised now. While I understand that the Taoiseach cannot, nor should he try to, dictate the Pope's itinerary in Ireland, given that he will no doubt have a chance to meet him and talk to him either one to one or with other members of the Government and senior members of the hierarchy, he might discuss the most outstanding feature of the recent history of churches in Ireland, which is what happened in the institutions that they ran and governed. I put it to the Taoiseach that he would be seriously lacking in his responsibilities as leader of people in Ireland by not advising the Pope about what happened in this country, the efforts the Government has made to advance redress and the lack of support that has been received for almost a decade from various religious congregations-----

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Joan Burton: -----to meet the moral and other obligations they entered into-----

An Leas-Cheann Comhairle: The Deputy is eating into the time of other Members.

Deputy Joan Burton: -----that they would finance 50% of the redress, which comes to a figure of about €750 million.

The Taoiseach: All of the outstanding committed contributions are being pursued. In particular, officials in the Department of Education, the Chief State Solicitor's office and the HSE are following through on the completion of the remaining property transfers under the indemnity agreement. I understand they are near the completion of 11 of them. Progress is also being made on the completion of the 2009 voluntary offers of €96 million, being contributed in cash

and property. The 2002 indemnity agreement is binding on the parties to it, including the State and the 18 contributing congregations. It is not possible to open that agreement unilaterally or try to force the party to do something that is not provided for in the agreement. Regrettably, the 2002 agreement means that the present Government does not have legal mechanisms open to it to compel the religious congregations to meet the 50-50 target or to deliver more rapidly on the voluntary offers made back in 2009.

Would the State consider taking educational property off the religious? It would be appreciated that the strong constitutional protection afforded to private property in the Constitution makes it virtually impossible to confiscate congregational property, as has been suggested by some. Obviously, I believe that a better approach is for the congregation to enhance significantly its cash contributions and to enter into discussions with appropriate Ministers regarding the voluntary transfer of key properties in the education sector and the health sector to the State.

Pope Francis is a very different kind of Pope, as Deputy Burton is aware.

Deputy Joan Burton: That is why I made the suggestion.

The Taoiseach: He has been dealing with the poor and deprived in Buenos Aires in Argentina for many years. He is showing evidence of that in Rome. I am quite sure that Pope Francis is very well aware of the issues surrounding the church, the difficulties created over the years in Ireland and the situation of the Catholic Church in particular involving not only the residential institutions, but also mother and baby homes. The Vatican is well informed, I am quite sure, of the issues of the day in that regard. As Deputy Burton is well aware, it is a matter for the Pope himself in terms of the World Meeting of Families. People in mother and baby homes were parts of families and people in residential institutions were parts of families. It is the Pope's decision.

An Leas-Cheann Comhairle: We have 24 minutes left for the next two batches of questions. The Taoiseach's reply to the next grouping is a long one, so he might tailor it.

Constitutional Convention Recommendations

4. **Deputy Gerry Adams** asked the Taoiseach if he will report on outstanding recommendations arising from the Constitutional Convention. [13986/17]

5. **Deputy Brendan Howlin** asked the Taoiseach his plans to hold referendums that arise from the outstanding recommendations of the Constitutional Convention. [15196/17]

6. **Deputy Ruth Coppinger** asked the Taoiseach his plans for referendums on constitutional amendments; and the issues that may be dealt with. [15211/17]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on recommendations arising from the Constitutional Convention that have not yet been implemented or that are still awaiting a plan for implementation. [15226/17]

The Taoiseach: I propose to take Questions Nos. 4 to 7, inclusive, together.

The previous Government responded in the Dáil to all nine reports of the Convention on the Constitution. I will summarise the convention's main recommendations for referenda and

the response to them as follows. In its first report, the convention recommended that the age threshold for candidacy in presidential elections be reduced from 35 years. A referendum was defeated on this on 22 May 2015. A recommendation to reduce the voting age to 16 was accepted but a referendum was not held on this matter. Deputies will be aware that a Private Member's Bill to reduce the voting age to 16 in local and European elections will be before the Seanad tomorrow night.

In the convention's second report, the reference in Article 41.2 of the Constitution to "a woman's life within the home" was considered. The Programme for a Partnership Government commits the Government to holding a referendum on this issue.

In its third report, the Convention recommended an amendment to the Constitution to provide for same-sex marriage. A referendum on marriage equality was held on 22 May 2015 and was passed by a majority of 62.1%.

The convention's fourth report made recommendations on the electoral system. A recommendation for a referendum to permit the appointment of people other than Oireachtas Members as Ministers was not accepted, as the Constitution already allows the Taoiseach to nominate as Ministers two persons who have not been elected to the Oireachtas but who have been nominated to the Seanad. The recommendation that Ministers be required to resign their Dáil seats on appointment to office was not accepted. The convention did not put forward proposals on how the resultant Dáil vacancies might be filled.

In respect of the fifth report, on amending the Constitution to give citizens resident outside the State the right to vote in presidential elections, Deputies will be aware that I recently announced that the Government has decided to hold a referendum to amend the Constitution to allow Irish citizens resident outside the State, including those in Northern Ireland, to vote in Irish presidential elections. Extending the franchise in presidential elections to Irish citizens resident outside the State gives rise to a range of legal, policy and practical issues. To have an informed public debate on this, the Government published a detailed options paper last week to set out the range of options available to give effect to the recommendation of the Convention on the Constitution.

As regards the sixth report, on the offence of blasphemy, the Programme for a Partnership Government says that a referendum will be held on removing the offence from the Constitution.

The seventh progress report made recommendations relating to Dáil reform, some of which would have involved a referendum. The House will be aware that Standing Orders were amended in January last year to provide for the direct election of the Ceann Comhairle by secret ballot and the selection of the Chairs of Oireachtas committees on a proportional basis using the d'Hondt system. These steps were in line with recommendations made by the convention and did not require a referendum.

The programme of Dáil reform in the current Dáil builds on these reforms introduced by the previous Government. It reflects many of the recommendations of the Constitutional Convention. Moreover, the programme for a partnership Government commits to a referendum on enhancing the reference to the Ceann Comhairle in the Constitution.

As regards the convention's eighth report, the programme for a partnership Government states that this report, which deals with economic, social and cultural rights, will be referred to the Oireachtas Joint Committee on Housing, Planning, Community and Local Government for

consideration of the substantial questions it raises on the balance of rights, proper governance and resources.

Deputies will be aware that a Private Members' Bill to amend Article 45 of the Constitution and insert a provision on the rights contained in the International Covenant on Economic, Social and Cultural Rights was before the House last week.

The convention's ninth report did not make recommendations for constitutional change.

There are no plans otherwise to implement Constitutional Convention recommendations for referendums that were not accepted by the last Government other than as set out in the programme for a partnership Government document.

Deputy Aengus Ó Snodaigh: We know that the last Government failed to implement many of the recommendations of the Constitutional Convention, of which I was a member. In fact, during a one-hour debate in this Chamber, four of the reports of the Convention were dealt with. That was an insult to those who took part and made the recommendations. The proposals put were dismissed out of hand. That was a pity because of the time and effort people put in.

When does the Taoiseach intend to produce the wording for the referendum on blasphemy and for the referendum on the removal of the provision relating to the position of women in the home in the Constitution?

Since the current Government was formed, has the Taoiseach given consideration to looking again at some of the issues the last convention proposed that future conventions should consider? I realise the Citizens' Assembly is dealing with the issue of repeal of the eighth amendment. However, other issues and recommendations were raised at the time by the Constitutional Convention, which was made up of citizens as well as politicians. It was a good mix for the purposes of informing those of us in this House and in the Seanad how people from various sectors and parts of society viewed the issues raised at the convention. Certain outstanding issues have never been addressed and are not addressed in the Taoiseach's reply. Specifically, what are the dates for the referendums that the Taoiseach promised when the Government was formed?

Deputy Ruth Coppinger: Of all the referendums in all the world, the one the Taoiseach announced on the flight to the United States was rather funny. The Constitutional Convention recommended that the voting age be reduced to 16 years of age and that economic social and cultural rights be enshrined in the Constitution. I would have thought the removal of the reference to the role of women was somewhat more pressing, given its archaic and sexist connotations of the duties of women being limited to the home. I am surprised the Government has not been taken to court over the reference to women not needing to find employment. The same applies to the removal of blasphemy.

The recommendation the Government has chosen to introduce a referendum for relates to voting rights for citizens abroad or in the North for presidential elections. I would have thought that was not the most pressing of the recommendations listed.

Of course, the most obvious recommendation relates to the referendum to repeal the eighth amendment. The Government has shoved that into another assembly. The eighth amendment is a long-overdue deletion. While the Citizens' Assembly and the Taoiseach are dithering, women are being denied access to proper treatment for their health. Prosecutions are taking place in the North of people who have received safe medical abortion pills. These same pills are used

by women in the Republic who go to the North to get them. Dawn raids have taken place. I hope that will be taken on by the Northern Ireland Assembly and by Sinn Féin, which is now the largest party in the North. That outrage must stop. Surely the Taoiseach would agree that these are far more pressing issues than the franchise for the presidential elections.

Deputy Richard Boyd Barrett: There are many pressing issues in this increasingly failed State. However, there is no greater emergency than the housing and homelessness emergency. The report of the Constitutional Convention was absolutely clear in its instruction to the Government on the issue of housing. Fully 84% voted at the Convention for the right to housing to be inserted into the Constitution. The Government has done nothing about that.

The convention also overwhelmingly voted for all the rights enshrined in the International Covenant on Economic, Social and Cultural Rights to be inserted into the Constitution. Yet, this week, the Government is going to vote down Deputy Pringle's Bill on the matter. Later today, I will bring a Bill to insert the right to housing into the Constitution by referendum. However, the Government refuses to support the insertion of these rights into the Constitution and it intends to vote down the Bill. This is despite the fact that the convention set up by the Taoiseach has called for it.

Why on earth were the non-housing related economic, social and cultural rights referred to the Joint Committee on Housing, Planning, Community and Local Government? It was perfectly right to refer the housing question to the committee but it gave us the disaster that is the Rebuilding Ireland - Action Plan for Housing and Homelessness document. Why were all the other rights demanded in the report referred to the housing committee? What is the Taoiseach going to do about this?

Deputy Micheál Martin: Over the years, the approach of the Government in preparing for referendums has been inconsistent. It was once accepted practice that a detailed consideration of policy implications would be published in advance of a particular referendum and a genuine political consensus was sought before proceeding. However, we have got to the stage where little is prepared in advance. For example, nowadays we wait until the campaign to have any formal independent impact review of the proposals. I put it to the Taoiseach that before the next referendum, we should first agree a process to follow in preparing for a referendum. A formal White Paper should be published in advance of a referendum on the specific implications of the proposal and a review of the potential costs. I am unsure what is delaying the establishment of the Oireachtas budget office. Anyway, until we establish other independent review structures, will the Taoiseach agree to publish a White Paper and a cost review of all amendments thus far proposed by the Government? Will the Government facilitate such a review for Opposition proposals?

The Taoiseach: I will set out the costs of the various referenda since 2001. Referenda have been held on prohibition of the death penalty, the International Criminal Court, the Nice treaty, the protection of human life in pregnancy, the Treaty of Lisbon, twice, the Houses of the Oireachtas inquiries, judges' remuneration and the treaty on stability. The costs came to €11 million, €10.8 million, €15 million, €22.2 million, €14.8 million and so on. I agree that-----

Deputy Micheál Martin: I was referring to the cost implications once a referendum is passed.

The Taoiseach: Obviously, the cost implications are one thing. I agree that there should be

a process to set out the structure, strategy and timing for a referendum.

The convention made many recommendations to the Government. The Government did not accept all of them. However, we are waiting for the report of the Citizens' Assembly on the eighth amendment. This should be made before the end of June. The Government has not discussed whether a referendum or referenda should be held this year, or, if so, which referenda should be held.

A comment was made on voting by emigrants living abroad. This issue has been around for a long time. Philadelphia was a place many Irish emigrated to directly after the famine and in the years since then. This issue has always been raised with the diaspora. It might not be of interest to those who are registered here. However, I will use the example of the Brexit referendum in Britain. While 5.5 million people were entitled and registered to vote as expatriates, only 26,000 took up that option.

It may not be of great importance in other countries but, in terms of Irish emigrants and the Irish diaspora, when the issues are dealt with here, I believe there will be a good response. We must define a new electoral register and the conditions and criteria for those who will apply, which will be done by 2025. I agree with and will try to get an analysis for Deputy Micheál Martin of the range involved. I also agree that, in respect of any decision made by the Government on a referendum, a process should be set out which is clear for everyone to discuss.

In respect of the eighth report referred to by Deputy Boyd Barrett, the programme for Government says the following:

The eighth report of the Constitutional Convention on economic, social and cultural rights recommended that the State progressively realise economic, social and cultural rights subject to maximum available resources, that this duty be recognisable by the courts, and that specific additional rights on housing be inserted into the Constitution. Due to the substantial questions raised on the balance of rights, proper governance and resources, we will refer this report to the new Oireachtas Committee on Housing for consideration.

Obviously, it will have to consider more than housing. It must also deal with social and cultural rights. Inserting such provisions into the Constitution and making them recognisable by the courts would clearly raise very substantial questions and that is an issue on which we must deliberate here.

Deputy Richard Boyd Barrett: When are we going to do that?

The Taoiseach: I do not have an answer for Deputy Ó Snodaigh in respect of-----

Deputy Richard Boyd Barrett: When are we going to do that?

An Leas-Cheann Comhairle: Allow the Taoiseach, please.

The Taoiseach: -----when we will have the wording on blasphemy. As I said to Deputy Micheál Martin, the Government has not actually decided whether to hold a referendum this year. We are waiting for the report on the eighth amendment. We have not decided what we are doing next year. If we are to hold a referendum, we must prepare a White Paper, a strategy and a structure that will allow everybody to understand the timing and the approximate costs involved.

An Leas-Cheann Comhairle: In order to accommodate everybody and given that we have only nine minutes left for the next group of questions, perhaps we should move on. Otherwise, we will not get to them.

Deputy Aengus Ó Snodaigh: Could I ask a brief supplementary question?

An Leas-Cheann Comhairle: Well, if we do that-----

Deputy Micheál Martin: We do not have the time.

An Leas-Cheann Comhairle: The Deputies must decide if they want to continue with this group of questions and to abandon the next. It is a matter for the Deputies.

Deputy Ruth Coppinger: Could we have just one more minute, between myself and Deputy Ó Snodaigh, for a supplementary?

Deputy Micheál Martin: What about the next group of questions? We cannot do that. We do not have enough time.

An Leas-Cheann Comhairle: No.

Deputy Aengus Ó Snodaigh: We are not going to get through the next group in any event.

An Leas-Cheann Comhairle: We will get as far as we can but if we do not start, we will not get anywhere. Is the House agreed that we move to the next batch?

Deputy Micheál Martin: Yes.

Deputy Aengus Ó Snodaigh: We are not going to get through them.

An Leas-Cheann Comhairle: We will try. The answer from the Taoiseach is short. It is not a long reply.

Deputy Aengus Ó Snodaigh: There are six different topics.

Taoiseach's Meetings and Engagements

8. **Deputy Micheál Martin** asked the Taoiseach if he and his departmental officials have carried out an assessment of the legislative changes that will have to be made following the British Government triggering Article 50. [15138/17]

9. **Deputy Brendan Howlin** asked the Taoiseach when the Cabinet committee on Brexit will next meet. [15197/17]

10. **Deputy Gerry Adams** asked the Taoiseach if he will report on his recent meeting with the Welsh First Minister, Mr. Carwyn Jones, in Cardiff on 10 March 2017. [15228/17]

11. **Deputy Gerry Adams** asked the Taoiseach if he or his departmental officials have had contact with the British Prime Minister, Theresa May, or officials in her office since 20 March 2017. [15229/17]

12. **Deputy Gerry Adams** asked the Taoiseach if he has met party leaders from Northern

Ireland since the Assembly election on 2 March 2017. [15405/17]

13. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his conversation with the Prime Minister, Theresa May, in the aftermath of the events in London on 22 March 2017. [15433/17]

The Taoiseach: I propose to take Questions Nos. 8 to 13, inclusive, together. I spoke with Prime Minister May on Wednesday evening, 23 March 2017, following the horrific attack in London the previous day. I offered the sympathy of the Irish Government to the British people and offered any assistance that may be required. The Prime Minister confirmed that the injuries suffered by an Irish person were not life-threatening. We also spoke about the ongoing negotiations at Stormont towards the re-establishment of power-sharing in Northern Ireland.

While I did see party leaders from Northern Ireland at the funeral of Martin McGuinness in Derry on 23 March, there was no opportunity for bilateral meetings with them. It is deeply disappointing that the Northern Ireland parties were unable to reach agreement on key issues to allow for the formation of a new Executive before yesterday's 4 p.m. deadline. This means that the people of Northern Ireland will continue to be without political leadership at this critical time as the UK prepares to commence the Brexit process tomorrow with the triggering of Article 50. I expect to speak to the British Prime Minister again tomorrow. The Irish and British Governments have engaged intensively with the parties over the course of the past three weeks. I have kept in close touch throughout with the Minister for Foreign Affairs and Trade, Deputy Flanagan, who, along with the Secretary of State for Northern Ireland, Mr. James Brokenshire, has made every effort to facilitate agreement. In its role as co-guarantor of the Good Friday Agreement, the Irish Government will continue to do all in its power to facilitate agreement to get the Northern Ireland institutions back up and running as soon as possible. I would urge all of the parties to explore every possible avenue to resolution in a spirit of goodwill and compromise. I met the Welsh First Minister, Mr. Carwyn Jones, in Cardiff on Friday 10 March. We discussed the close relationship between Ireland and Wales and the importance of the Holyhead and Pembroke ports for trade and travel between these islands, as well as general issues of concern arising in a Brexit context. The Government has a clear and comprehensive Brexit plan. This includes a deep analysis conducted across Government covering a range of models for the future UK relationship with the EU. Substantial work has been undertaken across Government to identify the key strategic policy and operational risks and impacts. This work is now being intensified and prioritised across all Government Departments and agencies. The next meeting of the Cabinet committee on Brexit is provisionally set for 11 April 2017. I expect to speak to Prime Minister May tomorrow. Obviously, we will respond to her letter and the European Council and Commission will respond in due course.

An Leas-Cheann Comhairle: We have six minutes left, so each Member has one minute.

Deputy Micheál Martin: I do not think the Taoiseach responded to my question. Basically, the Article 50 process will begin tomorrow and it is absolutely clear that we are not prepared for it. I accept that there has been a lot of activity but there is no public evidence that we have detailed proposals or have made preparations for different possible outcomes. I welcome Mr. Barnier's mention of the parity he intends to give to Northern Ireland but that is just one of many issues with which we must deal.

The British Government has accepted that Brexit will involve an enormous legislative workload. I noted last week that the UK Government is now grappling with the fact that it may not

have enough personnel or capacity to deal with the huge legislative impact, particularly in terms of EU-UK agreements. If, for example, we get a deal on the common travel area, it is inevitable that we will need legislation to copperfasten that. If we get a reciprocal deal relating to access to education and health services, which is what the common travel area is all about, namely, a seamless interaction in services right across the board between the UK and Ireland, we will need legislation for that. What arrangements are in place to begin preparing the relevant measures? Given that there is already a backlog of legislation, how does the Government propose that this extra challenge be met? I ask the Taoiseach to comment on that.

Deputy Aengus Ó Snodaigh: Given the range of questions here, grouping them together is ridiculous. I will concentrate, in the short time available, on the collapse of talks yesterday in Northern Ireland. The Taoiseach is well aware of the goings on in the weeks since the election and the failure by the DUP in particular to engage in a positive way in the talks. Given that the current British Government has a specific duty to live up to the obligations and commitments to which it and previous British Governments signed up under the Good Friday Agreement, the Fresh Start agreement and so forth, does the Taoiseach believe that an indication from the UK Government that it will act on an Acht na Gaeilge or a bill of rights might dissolve the negativity that exists within the DUP and negate the obstacles to a positive outcome? Everybody wishes to see the Assembly up and running properly again and a Northern Ireland Executive being formed but that will not happen if the current approach by the DUP continues and if that party is backed up, in terms of legacy issues, by the British Government. Will the Taoiseach reiterate the position that Irish Governments must take and put it up to the British Government to live up to its commitments and obligations?

Deputy Richard Boyd Barrett: The Taoiseach mentioned the fact that he passed on his sympathies and condolences to Prime Minister May after the atrocious attack in London last week. We all condemn that attack as absolutely murderous and appalling and sympathise with the innocent victims. I wonder how many more of these atrocities have to take place, not just close to us in London or Paris, but also those that continue every single day in Mosul, as we speak, in Syria, where hundreds have been killed in the past week, and in Afghanistan, where 1,400 people have been killed in over 1,000 airstrikes, mostly carried out by the US? How many more of these atrocities, whether in the countries to which I refer - and which are rarely mentioned - or closer to home, as we saw last week, have to occur before somebody such as the Taoiseach says to Theresa May that the best way to stop terrorism is to stop participating in terrorism? We are participating in terrorism by allowing US troops to go through Shannon Airport on their way to kill 1,400 people in Afghanistan, not to mention the 1 million dead in Iraq and a state that is destroyed. The idea that this would stop atrocities in the West has been proven wrong by appalling events like the one that took place last week in London. When is the Taoiseach going to come to the realisation that we need to stop participating in terrorism ourselves or we will continue to be appalled by the sort of atrocious attack we saw last week?

The Taoiseach: In respect of Deputy Micheál Martin's comments at the beginning, we are well prepared for this. The UK Prime Minister will move Article 50 tomorrow. That means sending a letter to the President of the European Council. The Council will present its draft response — it is only a draft response — by Friday. From our point of view, it is important that the draft would cover and refer to the main issues applicable here in Ireland, including the peace process, the Border, the common travel area, our trading relationships and our place in the European Union. These will all be considered and, I hope, signed off in terms of the ground rules for negotiation on 29 April. It is from then on that the real negotiation will start in respect

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of the issues that will arise. The common travel area is a priority for us. It has been in place since 1922. I refer to the acquired rights of the Irish and English. We will prioritise this in the negotiations with the European Union and bilaterally with Britain.

In respect of Deputy Ó Snodaigh's question, it is imperative that the British Government lives up to its responsibility in implementing in full the Good Friday Agreement. I point out to the Deputy that the Democratic Unionist Party was not in existence when the Good Friday Agreement was formed. The issue of the Irish language-----

Deputy Aengus Ó Snodaigh: It was.

Deputy Ruth Coppinger: It was. It has been in existence for years.

The Taoiseach: The issue of the Irish language is important for Irish nationalists. It is something that everybody would not find intrusive. I have hopes regarding the options being considered by the Secretary of State, Mr. Brokenshire. I do not support direct rule and nobody wants more elections in the North. Therefore, there is a period of extension which will run through the recess in the Commons over the next couple of weeks. I hope this matter can be resolved. I spoke briefly to the Deputy's party leader in Derry the other day about this very issue, and I also spoke briefly to the Secretary of State. There was not much time for long discussions. I hope that an arrangement can be put together and that the parties, principally Sinn Féin and the Democratic Unionist Party, will form an Executive and have a common set of objectives. It is very important that the voice of Northern Ireland leaders be heard in respect of what they consider to be the important issues to be dealt with there.

On Deputy Richard Boyd Barrett's point, nobody condones the events that have led to the loss of innocent lives, whether in South Sudan, Yemen, Syria, Mosul or so many other locations.

Deputy Richard Boyd Barrett: Afghanistan.

The Taoiseach: The terrorists behind the attacks in Nice, the Bataclan theatre, Brussels and Germany were all internal to the countries in question. This was also the case in the United States. The individual in the most recent case, in London, had travelled up from the south of the country on one of many trips to that city. In 80 seconds of terrorist activity, he carried out the mayhem that caused loss of life to innocent people. I cannot answer the Deputy's question except to say that the geopolitical circumstances of many areas around the world are such that there are now 40 different wars or conflicts, none of which is on EU soil. That is not to say, however, that people should not be vigilant considering what has happened in EU countries in recent times.

Deputy Ruth Coppinger: They are using European-----

An Ceann Comhairle: That concludes Taoiseach's Questions. I call Deputy Jim Daly, on behalf of-----

Deputy Ruth Coppinger: On a point of order, the Democratic Unionist Party was set up in 1971.

An Ceann Comhairle: That is not a point of order.

The Taoiseach: Gabh mo leithscéal. I apologise to the Deputy.

An Ceann Comhairle: I call Deputy Jim Daly to present a revised Order of Business.

The Taoiseach: Deputy Coppinger is an accurate person.

An Ceann Comhairle: I call Deputy Jim Daly to present a revised Order of Business.

Business of Dáil

Deputy Jim Daly: It is proposed, notwithstanding anything in Standing Orders or in the order of the Dáil of 22 March 2017 that: (1) the Topical Issue debate shall not be taken today; (2) the divisions postponed from last Thursday, which were scheduled to be taken today, will now be taken on Thursday, 30 March; and (3) business today shall be interrupted at 6 p.m. to take statements re An Garda Síochána, which shall not exceed two hours in total and in respect of which the following arrangements shall apply: the speech of a Minister or Minister of State shall not exceed 15 minutes and the speeches of the main spokespersons for the parties or groups shall not exceed ten minutes in each case; all Members may share time; and the speeches shall be followed by a questions and answers session, which shall not exceed 35 minutes.

An Ceann Comhairle: I take it that the proposals for today's business are agreed to? Agreed. Is the business proposed for Wednesday agreed to?

Deputy Ruth Coppinger: May I raise a point on that?

An Ceann Comhairle: Yes, of course.

Deputy Ruth Coppinger: I know the Business Committee discussed this but I wanted to put on the record of the House that there is a major national strike taking place in Bus Éireann. The Government may try to pretend it does not have any role in that, but as a major shareholder, it does. The matter has not been discussed in the Dáil and is not on the agenda. To me, the obvious time for discussion would be in the morning, prior to affected workers coming to the gates of the Dáil tomorrow, potentially supported by other workers, such as staff from Dublin Bus, Iarnród Éireann, etc. When will we discuss this dispute in this House? Is there any plan to do that? The Ceann Comhairle may advise me to submit a Topical Issue matter but this is a major issue for the workers. There are 2,500 workers affected. That is quite a big workforce.

An Ceann Comhairle: It was discussed at the meeting of the Business Committee we just had. Members felt very strongly that it would be inappropriate to take out tomorrow's debate on Northern Ireland, which had been agreed in principle. We have a protocol, which we adopted at the last meeting, in regard to discussions in the House on industrial disputes. We will examine the request for a debate against the protocol we have adopted on Thursday.

Deputy Micheál Martin: Fianna Fáil had a Private Members' debate some weeks back but we would be open to another.

An Ceann Comhairle: Is the business for Wednesday agreed? Agreed. Is the business agreed for Thursday? Agreed.

The Taoiseach: I thank Deputy Ruth Coppinger for pointing out to me an inaccuracy.

Deputy Ruth Coppinger: It is not the first inaccuracy I have pointed out. It probably will not be the last.

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The Taoiseach: I understand that. I am glad to have people who-----

Deputy Micheál Martin: Deputy Coppinger is probably not too accurate herself.

**An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Ceart chun Tithíochta)
2017: An Chéad Chéim**

Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017: First Stage

Deputy Richard Boyd Barrett: Tairgim:

Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht chun an Bunreacht a leasú.

I move:

That leave be granted to introduce a Bill entitled an Act to amend the Constitution.

I feel impelled to bring forward this Bill which seeks to insert into the Constitution an imperative to establish specifically the right to secure, affordable, dignified housing appropriate to need for all residents of Ireland and, as part of that, to delimit the right to private property where it is necessary to ensure the common good and vindicate a right to housing for all residents. I believe that is necessary because it has often been cited that the constitutional protections regarding private property are a block to establishing a secure right to housing. That is something of an excuse put forward by political parties of the establishment in this country, mostly Fine Gael and Fianna Fáil, which wish to protect the rights of landlords, developers and the property-owning class to make money out of property and housing. Nonetheless, it is important to clarify the Constitution and insert this imperative so that it becomes an obligation and duty of any Government to secure what is the most basic right, namely, the right to a secure, dignified and appropriate roof over one's head. This is something the current Government has singularly failed to do, as have previous Fianna Fáil Governments.

4 o'clock

I was not aware until recently that, at the time of the debate on the Lisbon treaty, one of the derogations the then Fianna Fáil Government sought from the Charter of Fundamental Rights was, incredibly, in respect of the article on the right to housing. This indicates the disposition of both Fianna Fáil and Fine Gael, which we saw last week with their position on Deputy Pringle's Thirty-Fifth Amendment of the Constitution (Economic, Social and Cultural Rights) Bill. Fianna Fáil and Fine Gael are absolutely resistant to establishing a right to housing in the Constitution. This is despite the fact that 84% of those involved with the Constitutional Convention, which the Government set up, said they wanted the right to housing to be inserted into the Constitution. Even its own body has injuncted the Government to establish this right. We have an unprecedented housing emergency that gets worse by the day. The Government's plans have utterly failed to address this but it still resists inserting the right to housing in the Constitution. This is the most elementary right. A Government which cannot secure the basic right to put a roof over the heads of our citizens does not deserve to be in office. If it cannot do that, what the hell can it do? It self-evidently cannot do that. Rebuilding Ireland is an abject and utter failure. Every day the situation gets worse. It is all because of the Government's ideological commitment to private interests which make money from property.

Last week, I raised the case of a young homeless woman, Sinead, who was told she had to travel 12 km with her young daughter to Francis Street. In fairness, I did get a call from the Minister because he was obviously embarrassed by this. Sinead is now self-accommodated in a hotel in Dún Laoghaire. However, she told me this morning it is only until 7 April, when she will be left insecure again. Will she be put into squalid tenement housing, as some people are, or accommodation with chronic damp, full of drug users, as others have been? Alternatively, will the State have a legal obligation to give her a secure roof over her head? What about child welfare? The homeless child is subject to all of this.

What about the case of Antonia, a woman with two children, whose father suffers from motor neurone disease? She has a four-bed housing need and was granted housing priority in 2012. In the past few weeks, however, she has been given notice to quit by her landlord. When average rents in Dún Laoghaire are €2,300, housing assistance payment, HAP, offers €1,900 for housing which does not exist. This is what is going on. This is the human suffering.

Will the Government listen to the Constitutional Convention, take seriously the housing emergency and support this Bill to insert the right to housing into our Constitution?

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): No.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Richard Boyd Barrett: Tairgim: "Go dtógfar an Bille in am Comhaltaí Príobháideacha."

I move: "That the Bill be taken in Private Members' time."

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Medical Practitioners (Amendment) Bill 2017: First Stage

Deputy Billy Kelleher: I move:

That leave be granted to introduce a Bill entitled an Act to require medical practitioners to declare any income or gift received from medical suppliers or pharmaceutical companies to the Medical Council in statutory declaration annually.

I will outline the broad principles behind this Bill. I hope we get to Committee Stage at some point in the future, although it looks like it might the distant future in light of the many Private Members' Bills being tabled. However, we endeavour to try and bring forward legislation which we feel would have a meaningful impact.

The purpose of this Bill is to make it a legislative requirement that there would be a statu-

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tory declaration by consultants, clinicians and other medical practitioners in the context of donations or gifts made to them by pharmaceutical companies and other companies involved in the health care sector. The purpose of this is to bring transparency to the whole issue where, at times, people may receive a gift or some other service from a company which might be providing medicines, therapies or technologies to either the clinician or to broader health sector. This is a meaningful and purposeful Bill. I do not believe it would put an extraordinary burden on individuals to set up a statutory declaration of gifts worth over €600 which would have to be registered with the Medical Council.

In the years ahead, there will be significant advances in medical technologies, medicines, fourth-generation medicines and orphan drugs. In that context, it is important that there is a full transparency and openness in terms of who is funding who in health care. With this particular issue, it would be a requirement of clinicians and medical practitioners. In some hospitals and other HSE services, certain front-line practitioners are funded by health care companies. While we welcome the fact that they are providing the service, equally, and importantly, it must be open and transparent to ensure that there can be no perceived or actual conflicts of interest, particularly as we are talking about serious ethical issues and significant sums of public moneys in the health system.

While I am not ascribing any ethical misdemeanour to any individual clinician, who is overseeing those prescribing medicines in the context of trends relating to companies and medicines? If there was a register whereby all clinicians and medical practitioners would be obliged to make a statutory declaration once a year for gifts over €600, I believe it would bring transparency to the issue. The term “declarable incomings” relates to payment or a service from a medical equipment supplier, agents of a pharmaceutical company or others. A “gift” means a voluntary transfer of money grant for research, bursary service or property without compensation above a value of €600. There is a role in this legislation for the Minister to ensure the establishment of the statutory declaration with the Medical Council. In the event of a medical practitioner failing to declare, the sanction will be referral to the Medical Council.

The reason I tabled this Bill is because some eminent clinicians came to me and expressed concern that the issue of pharmaceutical companies interacting with clinicians, and supporting them in a meaningful way, is becoming more pervasive in Ireland and across the western world. In a previous life as a Minister of State with responsibility for trade, I always supported the collaboration of business companies, pharmaceutical companies, universities and the State. We must also ensure, however, that there are clean lines of demarcation and that there is no overlapping or greying of the ethical barriers critical to health care.

I know this Bill will have to be taken in Private Members’ time. To be honest, we need a lot of Private Members’ time to get through the number of Bills backing up in the system. If we could pick out a few from time to time and give new politics an opportunity to work in a non-partisan, bipartisan, tripartisan or whatever way, Bills such as this would be meaningful. It may annoy some people and make others uncomfortable. For the good of health care, openness and transparency and ensuring that medical practitioners have no suspicions about how they are funded, this Bill is critically important. I commend it to the House.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Billy Kelleher: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Standing Orders: Motion

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

That, in accordance with the recommendation of the Sub-Committee on Dáil Reform under Standing Order 107(1)(a), the Standing Orders of Dáil Éireann relative to Public Business be amended as follows:

(a) in Standing Order 84, in paragraph (2) (*ad*) by the substitution of 'Standing Order 111A(1)' for 'Standing Order 111A';

(b) by the adoption of the following Standing Order in substitution for Standing Order 108:

'108. (1) There shall stand established, following the reassembly of the Dáil subsequent to a general election, a Standing Committee, to be known as the Working Group of Committee Chairmen, which shall consider the operation of Committees generally.

(2) The membership of the Committee shall be the Chairman of each Standing, Select, Special and Joint Committee, with the exception of the Committee on Procedure and the Business Committee, and the quorum of the Committee shall be six.

(3) Without prejudice to the generality of paragraph (1), the Committee may consider—

(a) the effectiveness of the Committee system,

(b) reform and policy proposals relating to, or impacting on, the Committee system,

(c) matters of common interest to Committee Chairmen and the issuing of guidance for Committees generally,

(d) scheduling of legislation in Committees,

(e) proposals which affect the delivery of services to Committees, and

(f) any other matter on which it may be consulted under paragraph (7).

(4) The Committee shall, in particular, consider and decide on—

(a) apportionment of moneys available to Committees for consultancy and travel, subject to the consent of the Houses of the Oireachtas Commission; and

(b) allocation of accommodation available for Committee meetings:

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Provided that this paragraph shall not apply to the Committee on Procedure or the Business Committee.

(5) The Taoiseach shall appear before the Committee in both the Spring and the Autumn Dáil sessions to discuss matters of public policy, and the Committee shall agree an agenda for those meetings with the Taoiseach in advance.

(6) The Committee may, subject to the provisions of legislation governing the Houses of the Oireachtas Service, and the consent of the Houses of the Oireachtas Commission where appropriate, make recommendations on any matter relevant to the provision of services to Committees falling within its remit.

(7) The Committee may consult with, and be consulted by, the Committee on Procedure, the sub-Committee on Dáil Reform, and the Business Committee in relation to matters affecting Committees. The Committee may make such recommendations to those bodies in relation to matters affecting Committees as it considers appropriate.

(8) The party in Government or the group (as defined in Standing Order 143) which has been allocated the most Chairman posts under the d'Hondt system, pursuant to Standing Order 93(2), shall nominate one of its Chairmen for appointment by the House as Chairman of the Committee.

(9) The Committee shall have the powers defined in Standing Order 85(1), (2), (3), (5), (8) and (9).

(10) Until further notice in the 32nd Dáil, the Working Group of Committee Chairmen shall, with effect from the date of adoption of this substitute Standing Order, stand appointed as the Committee under this Standing Order, and the membership, Chairman, papers and any work programme of the Working Group shall be those of the Committee.';

and

(c) in Standing Order 111A, by the insertion of the following paragraph after paragraph (1):

'(1A) The Committee may also consider a matter of general public concern or interest in relation to the legislative powers of the Houses of the Oireachtas or an issue of public policy: Provided that prior to the commencement of such consideration, the Chairman of the Joint Committee shall consult with the relevant Committee established pursuant to Standing Order 84A.'''

Question put and agreed to.

Ceisteanna - Questions (Resumed)

Priority Questions

Early Childhood Care and Education Funding

16. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs when her Department will arrange for payments to be issued to community early years child care providers in recognition of the impact on those providers of the full implementation of the Child Care Act 1991 (Early Years Services) Regulations 2016 relating to the minimum FETAC level 5 qualification for staff in respect of the €1 million fund she has announced; if her attention has been drawn to the fact that certain community early years providers require these funds in order to maintain their services; and if she will make a statement on the matter. [15424/17]

Deputy Anne Rabbitte: I wish to ask the Minister for Children and Youth Affairs when her Department will arrange for payments to be issued to community early years child care providers in recognition of the impact on those providers of the full implementation of the Child Care Act 1991 (Early Years Services) Regulations 2016 relating to the minimum FETAC level 5 qualification for staff in respect of the €1 million fund she has announced; if her attention has been drawn to the fact that certain community early years providers require these funds to maintain their services; and if she will make a statement on the matter.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank the Deputy for her question. The child care regulations introduced for newly-registering preschool services on 30 June 2016, and for existing services on 31 December 2016, require all staff working directly with children to have at least a major award at level 5 on the national qualifications framework in early childhood care and education or a qualification deemed by the Minister to be equivalent. As the Deputy will be aware, this regulation has been extensively welcomed as being in the best interests of children.

I recognise, however, the impact increased regulation is having on community settings – from my own experience, from a number of meetings I have had with providers and representative groups and from the early years forum I established to ensure that providers' voices are heard. In 2017, I provided for €1 million of additional funding to be made available to child care providers who have been facilitating the training of community employment participants to ensure that regulatory changes do not impact on service delivery or the availability of child care places. Officials have been working with Pobal and Childcare Committees Ireland to get funding out to services affected by the change in respect of community employment scheme participants and I understand that contracts to enable payment have now issued to services. Funds will be disbursed without delay once these contracts are signed. Funding will be provided in two phases, the first of which is to cover advertising and recruitment costs, while the second will follow more detailed financial analysis of services in the coming weeks.

In addition, funding of €14.5 million will be made available for the first time in 2017 for non-contact time to recognise the increasing volume of work done outside of direct contact hours with children.

Additional information not given on the floor of the House

The sector has taken the initiative of commissioning and completing research highlighting the challenges that they face and I am acutely aware that we need to get the funding model right for these services. This is a complex issue and I hope that providers will appreciate that we have had to move to tackle the most urgent issues first, designing a new model of eligibility for families - the affordable childcare scheme, tackling the community employment scheme issue,

and providing funding for non-contact time for the first time. I remain committed to addressing other sustainability and quality issues, particularly in disadvantaged areas. The last two budgets delivered a 35% increase each year in funding for child care. However, it is recognised that there is a need to continue to invest and a strong case will be put forward for more resources in 2018 and beyond.

Deputy Anne Rabbitte: I thank the Minister for her response. I tabled this question because a number of community child care providers have contacted me. As the Minister will be aware, a number of meetings regarding this issue have been held, particularly in the south of the country. I asked the Minister for Social Protection a few weeks ago to indicate the number of workers participating on community employment schemes in a child care setting and he replied that at the end of December 2016, the number was 1,816 participants. That did not include Tús workers. While they would not be engaged in trying to get a FETAC level 5 qualification, the participants on that scheme were possibly taken in under a ratio. A total of 800 participants were sponsored by child care providers. The number of such participants in the rural social scheme, RSS, is 41. As the Minister will be aware from her contact with child care providers, they have relied on those numbers. The child care providers have not received funds. If the €1 million fund was divvied out among the more than 1,800 participants, it would not sustain a month's wages for them. Therefore, there is a crisis in the sector.

Deputy Katherine Zappone: As the Deputy indicated, I am aware of the issues she outlined. I have also spoken to and have had a meeting with the Minister for Social Protection on this matter. I have asked my officials to focus on the most acute challenges facing services and the impact of the removal of unqualified community employment workers from ratios is one of those most acute challenges. I am aware of these challenges from my meetings, from the research that has been done by child care providers that has been presented to me, as well as from the work done by Childcare Committees Ireland. I have described that two phases of sustainability responses will be put in place. The first is the initial grant and the second is where we are getting more people to assist us in going into those services whose sustainability is challenged to analyse their finances and see what we can further do for them in regard to the €1 million fund.

Deputy Anne Rabbitte: I welcome that the Minister finished her response by saying that she will look into the community sector to assist those services challenged with respect to their viability and sustainability. In one crèche in Clare that has a staff of ten, it relies on community employment workers for four positions. I would love to know if the Minister's Department has done an analysis on that. How many such workers were close to qualifying in terms of their major award? If they had started in 2013 or 2014, were some of them almost qualified or could a grace period have been provided to allow them finish their qualification, with support from the community child care sector? When one is doing something like this in January, one is looking at recruitment, staffing and advertising. It is a very difficult time with providers taking in children under the next phase of the early childhood care and education, ECCE, scheme. I welcome what the Minister has said but the community sector is really under pressure at present.

Deputy Katherine Zappone: I completely with the Deputy in that regard. She will appreciate that my Department gave a substantial lead-in period to allow for most of the members within the child care and early education sector to prepare for and comply with the regulations. I fully understand it was not possible for that to be the case, particularly with regard to some of the people who are providing in the community services context. I am also aware that even if they had, and I have met with some services who have described some of the difficulties to me,

they still would be under pressure in terms of sustainability. One of the reasons for that, particularly in those contexts, is that they are reaching out to do effectively more beyond what child care providers are doing in other contexts, and one of the other things we are looking at is how to ensure there is enough support going into those services, perhaps from other programmes of funding, in addition to the child care provision that I am providing.

Mother and Baby Homes Inquiries

17. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Children and Youth Affairs if she has considered pursuing an injunction on sites in which mother and baby homes and county homes are located; the action she will take to ensure potential sites of interest remain untampered with; the status of the site at Tuam; and if she will make a statement on the matter. [15276/17]

Deputy Donnchadh Ó Laoghaire: Baineann an cheist seo leis na tithe máithreacha agus leanaí. As the Minister knows, there has been a great deal of discussion regarding recent revelations in Tuam. However, a great deal of the discussion subsequently has related not only to Tuam but to many other locations and the possibility that there may be unmarked graves. My question relates to the steps the Government intends to take to ensure that any of those possible unmarked graves are not interfered with.

Deputy Katherine Zappone: It is important to appreciate that these institutions ceased operating many decades ago. The reality is that many of the buildings and sites which accommodated mother and baby homes and county homes have evolved significantly in the intervening years. These locations are now being used for a wide array of different activities and purposes, ranging from housing estates to private health care facilities and hotels. In some cases nothing remains of the former institutions and the locations are not in public ownership. In these circumstances, we would have to be clear about the exact purpose of seeking any injunction.

With regard to the former home in Tuam, we know that the site which was recently excavated by the commission is owned by Galway County Council. I have visited the site twice and it includes green spaces and children's play facilities alongside the memorial garden, which was maintained for years by local residents. The site was sealed and secured by the commission upon conclusion of its excavation. While the commission has advised that it has now concluded its physical excavations at Tuam, it has not yet reached any formal conclusions about the site.

In the first instance, the local coroner will wish to conclude his own formal processes and to decide on any further inquiries he may wish to make. While it will take some time to address all the questions which have arisen, I want to ensure that there is a sensitive and inclusive process of engagement with the local community, survivors and other parties with personal and family connections in respect of this site.

In the case of other relevant locations, the commission continues its work to examine the reporting of deaths and burial arrangements with regard to the 14 mother and baby homes and the identified sample of county homes. As an independent investigation, it is a matter for the commission to decide the approach it takes to these investigations. I have no role in these decisions. However, I am satisfied that the commission has sufficient powers, expertise and resources to progress these investigations in the public interest. It has clearly demonstrated that it can do so.

Deputy Donnchadh Ó Laoghaire: I thank the Minister for her answer. This matter was the subject of the Private Members' motion we discussed last week, the fate of which is as yet unclear. It will be voted on on Thursday but may well be defeated. If it is defeated, will the Minister consider some of the valuable proposals in the motion? One proposal sought to put in place an injunction or possibly other means to ensure that these sites of possible interest are protected in order that they can be investigated. Notwithstanding the points the Minister made that the uses of some of the sites have changed and many of them have been closed for several decades, not all of them have been. Some of them were still open until the late 1980s and early 1990s and some remain as they were. While I accept that the commission has a specific role in the matter, it cannot put in place any injunction or take any executive action, for want of a better term, to ensure that the sites are not interfered with. That is purely the remit of the Government and it will have documentation from the commission of investigation to guide it in the manner in which it acts.

Deputy Katherine Zappone: I am aware that the matter touches on the motion the Deputy tabled and I have already indicated in my response to the motion that it contains a number of proposals which I am considering and which we will facilitate and investigate. A certain amount of reflection and work is needed in order to make decisions to put in place the best response so that the whole truth is recovered.

Regarding the specific issue of an injunction, to which the Deputy refers in the question, I am advised that such applications cannot be sought on a preventative basis and that they are temporary in nature and used to prevent an imminent action from damaging the interests of the party who makes the application. I am not aware of specific circumstances in which such a consideration applies.

Deputy Donnchadh Ó Laoghaire: I suggest that it would very likely be in the State's interest to intervene in situations in which there is a potential development in this regard, such as may be the case in a number of locations.

It is my understanding that the second interim report was before Cabinet this morning. On 27 July last year, the Minister issued a press release that stated that the commission was to report back in September. The Minister has committed to publishing such a report by the end of the month. It has still not been published, to my knowledge. I presume it will be published in the coming days. When does she intend to publish it? Furthermore, will the Minister outline the reason for the delay? The second interim report has been with her and her Department for some six months. This has caused a great deal of concern and anxiety among survivors. It is important we get a sense of the reason for the inordinate delay in the publication of the report. Furthermore, it has been reported that the report does not recommend an expansion of the terms of reference. This being the case, I believe that the commission is no longer fit for purpose.

Deputy Katherine Zappone: I am interested in Deputy Ó Laoghaire's comments on this matter. However, I will bring my response back to his original question to me. I will take up some of the other issues later in response to other questions.

Again, regarding the question of making decisions to bring forward injunctions, the Deputy argues the Government has a responsibility to do so and that it is something we should consider. I am saying I am not necessarily unwilling to consider it but I understand from the advice I have received that in order to do so we need to have it brought to our attention that there are some real concerns about a preventative measure in respect of different sites that may require an injunc-

tion on the basis of people who have an interest in that regard. I am open to hearing from these people and reconsidering the issue.

Child Care Services Administration

18. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs the status of the information technology infrastructure that will be used to deliver the single affordable child care scheme; her contingency plan if the information technology infrastructure is not ready by September 2017; if her attention has been drawn to the considerable inconvenience that a lack of infrastructure would cause parents and child care facilities alike; and if she will make a statement on the matter. [15425/17]

Deputy Anne Rabbitte: I ask the Minister for Children and Youth Affairs the status of the information technology infrastructure that will be used to deliver the single affordable child care scheme and her contingency plan if the information technology infrastructure is not ready by September.

Deputy Katherine Zappone: Intense preparations are under way to deliver our ambitious goal of turning our child care system from one of the most expensive in the world to the best. What we are putting in place this year will benefit children and families for generations to come. It is vital we get this right. As the Deputy acknowledges, there is much work to do.

The Deputy is well aware, as a member of the Committee on Children and Youth Affairs, that the committee is involved in progressing the necessary legislation and there are business processes to be developed and data protection issues to address as well as a new and robust IT system.

We will need to integrate data from the Department of Social Protection and the Office of the Revenue Commissioners and testing of the systems will have to be rigorous. This system must work for all families, no matter their circumstances. Despite the huge workload, my officials and those in other Government Departments and Pobal are determined that families will start getting extra money this autumn. This is our top priority. In order to guarantee these payments, some other work will take longer than expected. For example, the fully automated system will not be ready when families start benefiting from the increased subsidies. We are working with Pobal to ensure that our interim measures will deliver without any excessive administrative burden.

I do not want to put any extra unnecessary work on parents or the dedicated providers. I fully recognise that people need information. In the next few weeks, I will be in a position to provide a detailed update on delivery plans. Full information will then be made available to the public. However, let me emphasise that this is a huge undertaking. A rushed system which does not work would be a major setback which could take years to correct.

Deputy Anne Rabbitte: I thank the Minister for her comments. I hear what she is saying, that we will pay the price for a rushed effort in the long run. However, many parents and child care providers are asking what will happen in the interim, how they will avail of the scheme, how they will apply for it, where they will find the time to fill out the forms and, if self-employed, whether they will apply to the Revenue Commissioners, the Department of Social Protection or the Department of Children and Youth Affairs. Who will take ownership

of the scheme in the interim? It is clear the priority is that the parents will be able to avail of the funding; how they will access it is the question. In the interim, it is back to paper, but who will take ownership? I assume the Department of Children and Youth Affairs will do so, but where will the parents go? Will they go to the child care provider again or will they have to sit at home and manually apply for the scheme? If they apply but do not have all the information, for example, from the Department of Social Protection or the Revenue Commissioners, where will the shortfall be caught from?

Deputy Katherine Zappone: I thank the Deputy for her questions. My Department is taking responsibility for the scheme and, as I have indicated, we intend within the next short while to outline our answers to all the questions the Deputy asks. I accept, and I appreciate that she accepts, that significant and complex work must be done in respect of the IT system and that in order to do it we need more time than we had anticipated. However, it is better to get it right because it is the basis for generations to come. In addition to continuing this substantial work, my Department has been engaged in developing a set of interim measures which we believe will work effectively to ensure that parents and providers will receive the moneys we have promised from September 2017. We will have a full information programme to identify the ways in which providers and parents will access this, and that delivery will be as streamlined as possible.

Deputy Anne Rabbitte: There is a comfort in the Minister's answer that her Department is taking ownership of the scheme. That is fantastic because hers is probably one of the hardest working Departments.

She is right that the work required is significant and very complex. However, the providers need to know when the parents come to them to ask questions and enrol in the scheme if they are to tell those parents through which office they will do so in the interim. What are we saying to the providers? Are we saying that funding could be found for them for extra non-contact hours? There will be a significant workload for them. Does the Department of Children and Youth Affairs have any plans to announce any extra little bit of funding so that they would be able to take on the extra workload that will now be put upon them?

Deputy Katherine Zappone: I will bring that question back to my officials as part of our lengthy discussions about the various issues. I appreciate what the Deputy is saying. The focus is not only on the interim measures being clearly communicated so that everybody knows what to do and where but that they will allow the money be delivered to providers and it is there for parents in September 2017. In addition, the focus of the work has been to ensure that the path we choose will have the smallest administrative burden possible. The way in which providers and parents engage will be different from when we have all the bells and whistles of the fully-built information technology, IT, system but we anticipate it will have the smallest administrative burden for both parties.

Child Care Services Staff

19. **Deputy Kathleen Funchion** asked the Minister for Children and Youth Affairs the measures she is implementing as part of the new affordable child care scheme to tackle the issue of poor working conditions of the early years sector; and if she will make a statement on the matter. [15277/17]

Deputy Kathleen Funchion: I am sure the Minister is aware that working conditions for the early years sector are getting worse and while there are positive steps such as the introduction of the affordable childcare scheme and a welcome focus on improved standards to be introduced, I am concerned that there has not been sufficient consideration of the implications for the work force, that is, the increased administrative pressures and costs which are only set to grow. I am also very concerned that the voices and concerns of workers are not being heard throughout this whole process of change. What measures is the Minister implementing as part of the new affordable childcare scheme to tackle the problem of poor working conditions in the early years sector and the high turnover rate of staff and the acute staffing shortages?

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I accept that wages in the early years sector are unacceptably low and that working conditions are poor. This affects the quality of service offered to children. Addressing these issues is a priority concern for me as Minister for Children and Youth Affairs. As my Department is not the employer, however, I have no direct control over wages or working conditions.

Fundamentally, the problem relates to the historically low level of public investment in early years services. In last year's budget, I secured an increase of 35% in funding for the early years sector and I shall keep pushing for further investment. The total level of investment is well below the Organisation for Economic Co-operation and Development, OECD, average of 0.8% of gross domestic product, GDP, and still further behind the United Nations International Children's Emergency Fund, UNICEF, recommendation of 1% of GDP to secure an early years system that is high quality, affordable and accessible for all.

Within my Department several changes have been implemented to support the professionalisation of the early years sector. For example, within the early childhood care and education, ECCE, programme, the higher capitation grant provides additional financial support where the preschool leader is qualified to national framework of qualifications, NFQ, level 7 or above. It is a measure that supports the employment of more highly qualified staff, though it cannot guarantee higher wages. To support higher qualifications, we have also recently awarded a learner fund bursary to assist attainment of level 7 and it is hoped to repeat this process for those graduating in time for the 2018 intake of children into those services.

The affordable childcare scheme will significantly increase the level of public investment in the sector and it will create a framework for further future investment.

To help support the future development of the affordable childcare scheme, as well as the ECCE programme, officials within the Department have commenced work on scoping the requirements to inform a tender process for the independent review of the cost of quality child care.

Deputy Kathleen Funchion: I thank the Minister for her answer and welcome her acknowledgement that wages in the sector are quite low. The Oireachtas Joint Committee on Children and Youth Affairs is preparing a report and I am its rapporteur. We have been speaking to workers throughout the country. The wages do not reflect the qualifications and expectations of those working in the sector. I understand there has been an increase in capitation rates but it is not enough. There are many young people coming through the system who want to stay in the child care profession but cannot because they are either on or under the minimum wage. Many are signing on during the summer months and some people are caught in an anomaly because they are considered self-employed but do not enjoy any of the benefits of being self-

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employed. There are many different angles on this. One of the key points workers in the sector make is that they do not want their voices to be forgotten in this affordable childcare scheme.

Deputy Katherine Zappone: It is great that the committee is doing this work because it provides another opportunity to hear those voices. I look forward to receiving the report because I know how committed the Deputy and her colleagues are in this regard.

I have also met with a range of representative bodies from the sector regarding the issue of wages and working conditions, including representatives from the Irish Municipal, Public and Civil Trade Union, IMPACT, and the Services, Industrial, Professional and Technical Union, SIPTU.

I have established the National Collaborative Forum for the Early Years Care and Education Sector, the early years forum, to allow issues of relevance to be discussed with key stakeholders. The forum has enabled consultation and engagement between me, key Department of Children and Youth Affairs officials, and key representatives of the sector. I have personally chaired the three meetings of the forum. At its second meeting, I requested that a section of the group's members meet up, outside the context of the forum, to discuss issues relating to wages, working conditions and the professionalisation of the sector and I look forward to hearing from them in that regard.

Deputy Kathleen Funchion: I welcome the fact that the Minister met the unions on this issue. As she acknowledges, underinvestment is the elephant in the room. Capitation rates are not high enough to subsidise an increase in pay for fair wages. What is the Minister's view of the introduction of a fair pay scale or a living wage? Would she and the Department support that? Government should advocate that all contracts costed by the State should provide at least for a living wage and this should begin with the affordable childcare scheme. Built into this should be a requirement that it is passed on to the workforce employed to deliver the service. A part of the concern is that the increase in capitation rates will not be passed on as wages because many services are not even ticking over and cannot afford to pass on that increase. We propose that it would be passed on to the workforce.

Deputy Katherine Zappone: I am aware of the low wages in the sector. I am aware that the average wage is only just above the minimum wage and is below the living wage. I have done a lot of work in my political life to encourage us to move towards the living wage and would love to see the early years and education and care sector become an example of that, especially when 18% of staff are now qualified to level 7 or above on the national framework of qualifications yet they are generally receiving payments of €11 per hour for room leaders, €10.56 for educators and assistants and €13.87 for managers. I am not, however, directly responsible because I am not their employer but we have found very innovative ways of trying to provide investment in the people who are working there, as well as thinking of ways to ensure that somehow these can be passed on and supported by the people who are working. There is much farther to go in that regard.

Mother and Baby Homes Inquiries

20. **Deputy Jan O'Sullivan** asked the Minister for Children and Youth Affairs if she will publish the second interim report of the Commission of Investigation into Mother and Baby Homes; if she, in conjunction with her Government colleagues, is considering the establishment

of a redress scheme for survivors; if in the meantime there is a contact point for information and support for those whose lives have been affected by mother and baby homes and other institutions in which unmarried mothers gave birth; and if she will make a statement on the matter. [15423/17]

Deputy Jan O’Sullivan: In her speech on 9 March last the Minister indicated that she would publish the second interim report of the Commission of Investigation into Mother and Baby Homes by the end of the month, which is this Friday. Is there a proposal to establish a redress scheme and information for people who may have been very disturbed by the fact that they may have a personal connection with a mother and baby home?

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank the Deputy for her question and am very conscious that it has not been possible to publish the second interim report so far. This is for very good reasons and I can assure the House that I have no wish whatsoever to delay it unnecessarily. I want to publish this report as soon as possible and I briefed the Cabinet on the matter again this morning. I expect to be able to clarify the time-frame for completion of the Government’s deliberative process within the coming week.

As I have previously outlined, given the wide remit of the commission’s work, it has been necessary for me to engage with Cabinet colleagues on issues in the report which extend beyond my remit as Minister for Children and Youth Affairs. I acknowledge that the process has taken longer than I initially envisaged. I am very sensitive to the expectations of former residents and their advocates who want to see the contents of the report.

I do not believe it would be helpful today to respond to media speculation on the contents of the report in advance of the full report being made public. Publishing the report has been the focus of my approach since I received it from the commission. It is open to the commission to recommend any remedies it deems appropriate in light of the findings of its final reports.

My Department will contact representative groups to advise of developments in this regard prior to any public announcement.

I can assure Deputies that the time being taken by Government to consider this interim report is not hindering progress in the commission’s ongoing investigations.

My Department has an information line in operation to provide factual information in regard to the commission’s remit and its reports to date. This line is open during office hours and relevant details are available on my Department’s website. There is also a telephone line available for people seeking details of the support available to those affected by these issues.

Deputy Jan O’Sullivan: I thank the Minister for the last part of her reply regarding available information and telephone lines.

I am very concerned that the timeline for publication will not be met. The Minister said in the Dáil that she would be publishing the second interim report of the commission by the end of this month. The Minister’s answer indicates that will not be the case. The report has been with the Minister for eight months, since 27 July. Reading between the lines, there appears to be something in the recommendations that the Government is not keen to implement, such as a proposal for a redress scheme or similar. I may be wrong about that.

I urge the Minister to publish the interim report. There are many people whose lives have

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been turned upside down by the information that came out in Tuam and who are very concerned.

I also ask the Minister about the scoping exercise that she said she would carry out regarding the expansion of the terms of reference of the commission of investigation.

Deputy Katherine Zappone: I know exactly what I said in the Dáil. It is a great disappointment to me that I will not be able to deliver on that by the end of this month. The extension is due to the time required to respond to some of the report's recommendations in a different way than perhaps has been done in the past. This has proven extremely challenging.

I am very happy to say that there is significant engagement across Government Departments to find that way. I am having more meetings this week. As I said before, I hope I will soon be able to indicate when I will be ready.

Deputy Jan O'Sullivan: In the interests of transparency and public knowledge, would the Minister consider publishing the report even if she has not got the full Government response? People are entitled to see what is in the report. The Minister could explain that it is possible to respond to certain areas but that a response has not yet been formulated in regard to other areas. I think that would be the right thing to do. I ask the Minister to consider that.

Deputy Katherine Zappone: I am being transparent in terms of the process. I appreciate that people would like to see it as soon as possible. I understand that as well as anyone in this Chamber because of the work that I have been doing on that report in regard to a number of survivors and advocates. It has probably taken more of my time in the past couple of months than anything else in the Department. In my discernment, I have decided it is more helpful if the Government can have a little more time to formulate a plan for responding to the recommendations of the commission. I appreciate that Deputy Jan O'Sullivan may disagree but that is my discernment.

Other Questions

DEIS Scheme

21. **Deputy Fiona O'Loughlin** asked the Minister for Children and Youth Affairs the impact that the recent Delivering Equality of Opportunity in Schools, DEIS, announcements will have on the work that is being carried out with young persons in the school completion programme; and if she will make a statement on the matter. [14938/17]

Deputy Fiona O'Loughlin: I ask the Minister to indicate the impact the recent DEIS announcements will have on the work that is being done with young people in the schools completion programme and if she would make a statement on the matter. This is particularly in regard to schools where the DEIS status has been taken away and one school in County Kildare which I will give details of.

Deputy Katherine Zappone: First, I want to welcome the publication of the Delivering Equality of Opportunity in Schools plan 2017. The DEIS plan aims to achieve a more robust assessment framework for identifying schools and allocating resources. It also seeks to support best practice in schools through inter-agency collaboration. The educational welfare service of

Tusla will be very important in this regard. The implementation of these and other key goals in the plan will lead to an improved learning experience and outcomes for pupils attending DEIS schools.

The educational welfare service of Tusla, officials from the Department of Children and Youth Affairs and the Department of Education and Skills will be meeting in the coming weeks to discuss the inclusion in the school completion programme of schools that have been included in the DEIS programme for the first time in 2017. The group will also examine schools that are currently in the school completion programme but do not have DEIS status. Following these meetings, proposals will be developed and given to me for consideration. I anticipate that any changes that may result from this process will not come into effect until September 2018 at the earliest. In this regard, the educational welfare service has confirmed that no changes are planned in relation to the school completion programme for the 2017-18 school year. No new schools are entering or leaving the programme.

The Department of Children and Youth Affairs continues to work with the educational welfare service to implement the recommendations of the Economic and Social Research Institute report on the school completion programme and to make sure that children and young people get the best outcome possible for our investment. Tusla has taken a number of actions to address the findings of that report and to strengthen the operation of the programme for the future.

I am strongly committed to the continued support and development of the school completion programme. I believe that the new DEIS plan will play a valuable role in that regard.

Deputy Fiona O'Loughlin: I thank the Minister for her response. I note that she welcomes the delivery of the report and all the positive aspects that DEIS status can bring to a school. It is therefore even more concerning when DEIS status is taken from a school.

I recently asked the Minister about the very difficult situation in Kildare where not one school received a new status. The Minister assured me that DEIS status would not be taken from any school there. In early March, one of the schools in my constituency, Kildare community school, was informed by letter from the Department that its DEIS status would be taken from it. I have tried to raise this under Topical Issues since then. There is an anomaly that the school completion programme is with Tusla and the two cross over, which is why I only have the opportunity to raise it with the Minister. I ask that this issue be raised when officials from the Department of Children and Youth Affairs meet with those of the Department of Education and Skills.

There are 880 students in Kildare community school. More than 250 of them are expected to avail of various DEIS supports available. Of the students, 60% come from DEIS primary schools. It is a great school but it is dependent on extra supports from the DEIS scheme. The school and the community are making great efforts in that regard. The letter I received from the Department states that the school completion programme, as well as the home-school liaison scheme, will be taken from the school. That is not good enough, and I want the Minister to ask the Minister for Education and Skills to reverse that decision.

Deputy Katherine Zappone: I am indicating in my answer that, as we move forward, it is not necessarily the case that DEIS and school completion will be coupled. I am saying we need to look at that again, in light of the DEIS review, its focus and its reform. I am not saying that we will necessarily decouple but the case the Deputy has put to me, and the Minister for

Education and Skills also, needs to be listened to in general. In terms of the particular case, however, I will bring the Deputy's concerns to the Minister for Education and Skills as, clearly, it is within his remit.

Deputy Fiona O'Loughlin: I compliment the school completion programme, which has been in existence for over 15 years since Fianna Fáil introduced it. It has been identified as a model of best practice by the European Union and the OECD as a targeted programme that increases retention rates in schools and reduces educational disadvantage. However, I understand that its budget has been reduced and that there may be plans to reduce it further. Is the Minister committed to reversing the resource cuts to school completion programmes across the country? Will she instruct Tusla to restore the programme's educational focus? There are reports that the Department intends to downgrade the programme. I want the Minister to assure those of us in this House, and the people in the community, that this programme will be consolidated as a proactive, preventative programme rather than a reactive one. I believe it should come under the remit of the Department of Education and Skills as opposed to Tusla. I appreciate that the Minister will make the Minister for Education and Skills aware of the argument concerning the community school in Kildare but there are wider issues around it also.

Deputy Katherine Zappone: To be perfectly clear, there were no funding cuts regarding the school completion programme 2014-2015 allocation of €24.7 million. Tusla has confirmed that the funding this year is €24.756 million and that there has been no cut in funding for the year 2016-17. I am not sure where the Deputy is getting that information from and I am not clear on her concerns about the scaling back of this kind of programme. The opposite is the case. In terms of school completion, the ambition is to engage in major reform. That is already taking place in terms of the response of the education and welfare service with a director, who I had the opportunity to meet because of my own concerns in this regard, responding line by line to the different recommendations from the ESRI report to make it even more effective. That is the first phase with regard to our commitment to the school completion programme.

An Leas-Cheann Comhairle: The next question, No. 22, is in the name of Deputy Bríd Smith. Deputy Smith is not present.

Question No. 22 replied to with Written Answers.

Child Care Services Provision

23. **Deputy Jan O'Sullivan** asked the Minister for Children and Youth Affairs if she has given further consideration to concerns raised regarding the proposed single affordable child care scheme that some of the poorest families will have less access for their children to after-school provision including homework clubs and social activities; and if she will make a statement on the matter. [15135/17]

Deputy Jan O'Sullivan: I acknowledge that other members of the committee have raised this issue, Deputy Ó Laoghaire in particular. It is to do with the fact that the new single affordable child care scheme will offer less support for unemployed families than for families where the parents are at work. I know the intention is to support people going out to work and so on but it will disadvantage some of the poorest children in the country. We engaged with the Minister on this issue in the committee. Is further consideration being given to the concern, particularly of the community child care sector?

Deputy Katherine Zappone: The affordable child care scheme will give priority to the poorest families. The highest rates of subsidy will go to families with the lowest incomes. In particular, the maximum rate of subsidy will go to families with net income below €22,700, which means that all families below the relative income poverty line will receive the maximum hourly rate of subsidy. For school-age children, the maximum subsidy will be €3.76 per hour, which amounts to €38 per week for a two-hour per day after-school session.

I want to ensure a balanced approach to eligibility: while people will qualify for a subsidy based purely on income, parents' participation in work or training will determine the number of hours of subsidy available. When parents are engaged in work, including part-time work and labour market activation programmes or education or training, they will be eligible for an enhanced hours subsidy of up to 40 hours per week. When parents are not in work or training, child care will be subsidised on a standard hours basis of up to 15 hours per week.

I believe that this is a reasonable approach. It will mean that this scheme is open, albeit for standard hours rather than enhanced hours, to parents who stay at home to care for their children and are not taking part in work or training but who choose to avail of up to 15 hours of child care per week. In the case of school-going children, the child development objectives are met through school-going hours and, as such, the 15 standard hours child care applies to non-term time.

I acknowledge that where a parent is at home and not engaged in work or study, the family will not benefit from subsidised after-school child care. However, I believe it is important that the scheme should actively support labour market participation through linking the number of hours of subsidy to a family's need for child care for the purpose of work, education or training.

Deputy Jan O'Sullivan: The concern that has been expressed to me in an e-mail is that, in effect, this means that children of unemployed parents will not be able to attend after-school and avail of the homework help, development of social skills and learning provided, apart from the 15 hours during non-term time. This is a genuine concern, particularly of the community sector. I acknowledge that labour market participation is one of the objectives of the scheme but the main objective is child-centred and child-focused. I do not know if the Minister has met the people who are directly concerned about this issue but there is a genuine fear that in some cases community child care services would not be able to afford to continue. An additional concern, apart from the concern around the children themselves, is that some of these services will not be viable under the new scheme. The legislation has not been passed yet so I do not know if there is an opportunity to consider the effects of this particular element of it but the Minister might do that.

An Leas-Cheann Comhairle: Deputy Ó Laoghaire has a question that is combined with Deputy Jan O'Sullivan's question.

Deputy Donnchadh Ó Laoghaire: I thank the Minister. I support the Deputy asking the question and want to place on record again that it is an issue of concern, particularly in that it interacts with the change in regulations, which we have discussed already. The community services particularly affected are those providing services to children aged up to three years because of the much-reduced ratio they are dealing with in the absence of community employment, CE, workers. The change in the subsidy means that this aspect of the community sector is at particular risk, and I have spoken to the Minister previously about a number of services in both the north side and south side of my own city, but we should perhaps consider an enhanced

capitation of some form for community settings in disadvantaged areas.

Deputy Katherine Zappone: I thank both Deputies who are highlighting a number of interrelated issues. On the initial question, I referred in my answer to people who are working, in part-time work or in training versus being unemployed and we might continue this discussion.

5 o'clock It is about labour market activation but also encouraging people to move into forms of training and if parents are able to do that, those subsidies will be available to them. It is only right that we encourage that, although I am not saying that we would not necessarily look at that again. I understand the point about the unemployed but incentivisation in terms of training is really important. I know it couples with all of the other issues, some of which I have already addressed.

An Leas-Cheann Comhairle: Does Deputy Jan O'Sullivan have a final supplementary?

Deputy Jan O'Sullivan: Sometimes women who are at home do not have access to training because they are not on the live register. That is something which must be considered as well. Ultimately, my concern is that we would not make some good community schemes unviable into the future.

Deputy Katherine Zappone: I agree with that. It would also be my concern. As part of this debate and if we look at it in the context of the committee, we need to look at access to training and requirements in that regard and whether they have changed enough so that people can have that access because, of course, it would not be something I would wish for, as the Deputy appreciates. At the same time, we have already said that in respect of lone parents who may be in training or education and have access to a certain level of subsidy, it will be no less as we move toward in terms of the transition to the new child care scheme to enable them to complete that training. I have met many of the people in these services and I understand pretty well what are the issues. My Department is committed to working with these services one by one.

Youth Services

24. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she has regular contact with youth organisations with a view to ensuring a continuous dialogue with an emphasis on the challenges that modern society presents for young persons and the means of addressing these issues and if she will make a statement on the matter. [15194/17]

Deputy Bernard J. Durkan: This question relates to the extent to which the Minister continues to maintain dialogue with voluntary youth organisations throughout the country with a view to keeping in touch with the issues that challenge young people and the potential to address same.

Deputy Katherine Zappone: Meeting children, young people and those who campaign for their rights is the best part of my job. I engage with them every week. Last Saturday, I was delighted to join the FAI, the Shamrock Rovers Academy and their young players at the Roadstone Group Sports Club in Kingswood to open a world-class pitch. It was a fantastic opportunity to celebrate the result of a great partnership supported by the Government which will transform young lives. At the event, I was able to confirm funding of €380,000 for FAI community initiatives, which have cut anti-social behaviour in many communities. This will

support street and night leagues and soccer leagues for young people who are homeless, as well as regional development officers. I give this simply as a recent example of my engagement with young people.

Over the past 12 months, I have visited every province to meet children and teenagers. The old excuse that young people are not interested in politics does not wash with me. My experience from Cork to Roscommon and from Dublin to Mayo is that not only are they interested, they have very strong views. I have engaged with Comhairle na nÓg, Youth Work Ireland and the National Youth Council of Ireland, to name just a few groups, and also with young members of the Traveller community, young prisoners and boys being schooled at the Oberstown campus.

As Minister, I have responded in a number of ways to the issues they have raised. Funding is being increased for youth services across the country to €57 million this year, which is a 10% rise. The first ever LGBTI+ national youth strategy is being delivered. Young people have been brought in to help form Ireland's response to Brexit and they were directly involved in deciding a future course for the north inner city. Engagement with young people is ongoing. Over the Easter break, members of Comhairle na nÓg will attend regional meetings and Brexit is on the agenda for every single one of them. They always report back to me.

Additional information not given on the floor of the House

Already we know from a national gathering I hosted at Croke Park that young people are worried Brexit could narrow college choices, jeopardise job prospects and lead to a hard Border on our island. This is a generation which has grown up in peace and with the freedom to move across our island. Croke Park told us above all that they do not want that to change. They do not want a border which would limit educational choice by limiting access to Northern Ireland and British colleges and hamper commercial activity but above all for those living in Border communities, they do not want it becoming a physical reality which interferes in their everyday social lives. I want to also acknowledge the attendance and participation of Deputies opposite on the day. These views have been shared with Government and are being acted upon. I assure the House that young people in all our communities have a voice and I am determined that it will be heard.

Deputy Bernard J. Durkan: I thank the Minister for her comprehensive reply. I am glad to note the initiatives she set out. Could she tell me the extent to which she can continue to engage with areas of social or economic deprivation in particular with a view to identifying the issues that affect the families of young people who may be affected by the pressures around them to a greater extent than would normally be the case? To what extent can she put in place interventions of a positive nature with which these young people can identify and from which they can benefit socially and economically along with the sporting activities that are there, which could also include their health and well-being in general?

Deputy Katherine Zappone: I thank the Deputy for his additional question. I have met a number of national organisations, as the Deputy is aware, on my travels. When I meet the adults, I always ask if the young people can come to the meetings as well so that I am not just meeting the people who are advocating for them, particularly in the context of Foróige, the National Youth Council of Ireland, Young Voices and Scouting Ireland. Many national organisations delivering services for young people are very keen, as am I, not only for us to continue the provision of services and to increase the funding, as I have identified, but to put in place

systems and processes to hear what they think we should be doing to support their development and well-being. My Department has developed a children and young people's participation hub that is one of the best examples throughout Europe in helping us develop these processes to ensure that their voices are not only heard but heard in a way that actually influences policy and legislative change.

Deputy Bernard J. Durkan: Does the Minister use existing youth organisations throughout the country with a view to ensuring that their views and perspectives are always kept to the fore in terms of the developmental needs of young people in their respective areas?

Deputy Katherine Zappone: Without a doubt, I do. A gathering a few months ago at which some Deputies were present involved young people in the context of youth organisations and Comhairle na nÓg and discussed what they want in respect of Brexit. As we know, this is Brexit week. What is the value of such a gathering? When they came together, we heard that they were worried about narrow college choices, jeopardising job prospects and putting a hard border on our island. Above all, those living in Border communities do not want it to become a physical reality that interferes with their everyday social lives and they do not want a border that would limit their educational choice by limiting access to Northern Ireland and British colleges or that would hamper commercial activities. I have shared these views with Government and we are bringing that into the dialogue on the Brexit process.

Emergency Accommodation Provision

25. **Deputy Maureen O'Sullivan** asked the Minister for Children and Youth Affairs if she will address the gap in services for persons under 18 years of age in emergency homeless services who are out of emergency accommodation between the hours of 8.30 a.m. to 6.30 p.m. and their particularly vulnerable situation. [15032/17]

Deputy Maureen O'Sullivan: My question concerns the perceived gap in services for persons under 18 years of age in emergency homeless services who are out on the streets for long periods during the day because nobody is picking up on their issues.

Deputy Katherine Zappone: Tusla funds two emergency children's residential centres that cater for young people in need of emergency care. One such centre in Dublin city centre closes during the day. The young people are not put on the street or left to their own devices. Tusla funds a dedicated service to cater for the young people during the day and afternoons at weekends. Some of the young people attend school or training courses or have a dedicated project worker such as a youth advocacy programme worker or an Empowerment Plus worker to spend time with them during the day. The project workers engage with all aspects of young person's needs such as bringing them to meetings, attendance at appointment and arranging meals. This is to ensure they stay in their emergency situation for as short a period as possible.

My Department has policy responsibility for children under 18 who present as out of home without their parent or parents or guardian or guardians but Tusla has responsibility for the provision of services to these children. Tusla considers that a child who has left their family home in an emergency has a wide range of needs, including suitable accommodation. Children under 16 who present as out of home to emergency services are taken into care. Children aged 16 and 17 may be taken into care or, where their main need is that of accommodation, they may be provided with a service under section 5 of the Child Care Act 1991. As the Deputy knows,

children become out of home for many reasons, and Tusla has informed me that it is rare for there to be a single trigger event. It is usually associated with family violence, abuse or ongoing neglect at home, or alcohol and drug addiction. It may also be caused by a young person who is already in care, leaving their residential placement. Ultimately, my wish is that we support children to live with their families and, where this is not possible, that we provide the best possible supports and care for children and young people in need.

Deputy Maureen O’Sullivan: Before I respond to this question, I would like to say that I share the concerns of previous Deputies around the effects on community child care due to the change in regulations.

I have spoken to youth workers in the north inner city of Dublin who meet these young people during the day. While staff in homeless emergency accommodation are doing their best, the reality is that there are young people who are on the street and engaging with other young people who are in addiction, who may be out begging or who are engaging in anti-social behaviour. They are exposed to that, whereas if there were a more dedicated service they might not get into that kind of behaviour. I know about the youth advocates, but it is my understanding from the other youth workers in the area who meet these young people that there are not enough of those youth advocates. There are not enough services for these young people. I believe that some of the youth advocates are meeting the young people in their cars for a few minutes just to engage with them so I believe there is a gap there. It would be good to find out some information on this. How many are involved and what are these short times they are in emergency services?

Deputy Katherine Zappone: I appreciate the additional points and questions raised by Deputy O’Sullivan. They are good questions and I will certainly commit to getting the information identified by the Deputy. I am very clear that the Deputy’s question relates to gaps, even though there is a special project or service there, and I hear what the Deputy is saying. The gaps may be around there not being enough people involved in that project. If that is the case, we must ask how many more are needed. A gap can also be in the kinds of services that are provided as distinct from just the numbers of people offering a service. Perhaps this could also be looked at. I think of the north inner city task force and the commitment in that part of the city for the next period of time. Perhaps that is another area where can take a look at these problems and issues.

Deputy Maureen O’Sullivan: I thank the Minister for her reply. Not all these young people are from that area of Dublin. Some of them are from outside Dublin, from other parts of Ireland, and there are some who are foreign national young people. It would be good if they could be encouraged, helped and supported to engage with the other youth projects in the area. Some of the projects are during the day, but others are not. There is more that can be done with this group. It was difficult to listen to youth workers saying that these young people are not yet into anti-social behaviour, not yet into addiction and not yet into crime. There were, however, real fears that this is where they were heading because of the lack of engagement with them. It would be good if we had more detailed information on this, and we could see where to take it from there.

Deputy Katherine Zappone: I certainly can promise the Deputy that, to see how we can find the information. If the Deputy has any suggestions or recommendations, maybe we can have a conversation or a meeting with my officials later in that regard. I take the point that these young people are not necessarily just from the place the Deputy represents and where she

resides.

I hear what the Deputy says around the issue. Whether it is an inter-agency approach or inter-services approach, many people are doing lots of different things in various contexts, and yet there are still gaps and they need to take a look at that. Perhaps it might also be the case that we could find some of the information we need by going to national and local youth organisations, who no doubt are keen on this matter and who would have a view on it.

Special Educational Needs Service Provision

26. **Deputy Kathleen Funchion** asked the Minister for Children and Youth Affairs the status of the implementation of the access and inclusion model; her views on whether it will be sufficiently accessible to all children who are in need of extra assistance; and if she will make a statement on the matter. [15218/17]

Deputy Kathleen Funchion: The question relates to the access and inclusion model. I have read the Department's announcement about the opening up of 900 places to be made available on the higher education programme for leadership for inclusion in early years settings, known as LINC. A number of workers have raised some concerns and issues around AIM in respect of the best interests of the child. Will the Minister give an update on the implementation of the access and inclusion model? Does she believe it will be accessible to all those children who are in need of extra assistance?

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I am very pleased with the progress made to date in implementing the access and inclusion model, AIM. To date, 1,820 children with a disability have benefited from the supports it provides and this number will grow over time. AIM is a child-centred model, involving seven levels of progressive support to enable the full inclusion and meaningful participation of children with disabilities in the early childhood care and education, ECCE, programme.

Since AIM was launched in June 2016, all universal elements of the model levels one to three have been implemented in line with project timelines. Specifically, a new higher education programme for leadership for inclusion in early years settings, known as LINC, has been launched with provision for 900 students annually for four years. The first intake of 900 students commenced the LINC programme in September 2016 and applications have been invited for the next intake of 900 students to commence in September 2017. In addition to this, an inclusion charter and updated diversity, equality and inclusion guidelines have been published and a national programme of training supports is being rolled out.

All the targeted elements of AIM, levels four to seven, are also fully operational. At level four, 50 early years inclusion specialists have been appointed and the special mentoring support service has been rolled out. I recently approved an additional 18 posts for this service.

At level five, a national scheme for the provision of specialised equipment, appliances and minor alterations has been developed and rolled out. At level six, 50 additional HSE therapists have been appointed to support the delivery of the necessary therapy services, and at level seven, a national scheme for the provision of additional capitation to support additional assistance in the ECCE setting has also been developed and rolled out. The funding allocation for AIM in 2017 is €32.42 million.

Deputy Kathleen Funchion: I thank the Minister for her answer. I will pass on to her some of the concerns that were raised by the workers. Training, for example, was done on a lottery system. Access to training was not necessarily available to services that could have really benefited from the training and some did not get it. Some services could have waited another year or so for the training and they received it. It is good to see that the figure of 900 places is an annual figure but is there some way the training allocations could be a little bit fairer even if it was on first come first served basis rather than a lottery system? While the aim is to have all services receive the training, at the moment it is rolled out a bit unfairly.

There was also concern from practitioners who previously worked in services that focused on children with additional needs that the mainstreaming into all services of children who have additional needs provides the potential for some children to fall through the system if the inclusion model does not suit them. It is obviously a welcome measure and I understand the theory behind it, but these are the concerns. I have run over time so I will leave it at that for now.

Deputy Katherine Zappone: I thank Deputy Funchion. I will bring these concerns back to my officials, particularly on the application for and acceptance onto the LINC programme. The Deputy wonders if the lottery system is the fairest system there could be. It is my understanding that this was well thought out and identified. That is a form and an approach to fairness as distinct from what the Deputy has suggested, such as the first come first served approach. I am not so sure that this approach would necessarily be fair. I have spoken to providers also and I am aware that there are different instances or circumstances where, within a particular area, they were willing to share a LINC person if that person was able to be accepted, other than ahead of other settings also. Some of those issues are being looked at by my officials but I will ask them to look at them again. It is important that we be confident that the approach in choosing is as fair as possible. I think a lottery system is suitable, at least for now. As I have indicated, this will go on for a number of years; hopefully that gives everyone an opportunity.

Deputy Kathleen Funchion: I thank the Minister and would welcome if she would look at that approach. I understand it is difficult to pick an approach that works but a lot of people felt they were left out.

Finally, I have a concern about those under three years of age. While I know AIM pertains specifically to the ECCE, scheme, when it comes to providing supports for the under threes with additional needs, early intervention is critical in identifying issues. Are there any schemes or proposals to roll this out further to the under threes, maybe in conjunction with the affordable child care scheme in the future?

Deputy Katherine Zappone: What a great idea. I will come back to the Deputy. I and my officials are certainly aware that it is a case of the earlier the better, particularly in respect of special needs or forms of disability. There have been many discussions in that regard and I would further discussion, with the Deputy or even in the context of the committee. The AIM model and programmes started in September 2016, so 2017 is the first full year of the roll-out and we are looking at reviewing it. As the roll-out moves on, I think it is something that should be considered.

School Completion Programme

27. **Deputy Fiona O'Loughlin** asked the Minister for Children and Youth Affairs her views

28 March 2017

on the success of the school completion programme; her plans to expand it; and if she will make a statement on the matter. [14939/17]

Deputy Fiona O'Loughlin: I am conscious the Minister has spoken on this matter in response to my earlier question. More often than not, I do not have one question in the lotto. Today, I am having a lucky streak and I hope it continues. From what the Minister has said previously, it is clear that she thinks the school completion programme is a success. She mentioned plans to expand it in 2018. She might let us know a little more about those plans in her reply.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): The school completion programme is a core element of the educational welfare service provided by Tusla. I believe it is a crucial service for parents, children and schools. The service is highly regarded as a key response in securing improved educational outcomes for children and young people at risk of early school leaving. In this regard, the programme enables local communities to develop tailored strategies to maximise participation levels of those at risk of early school leaving. Tusla's education welfare service has a responsibility to ensure that every child attends school regularly or otherwise receives a certain minimum education. It supports regular school attendance, tackles problems of absenteeism and provides a general educational welfare service. The service receives referrals from school authorities, parents and others relating to concerns for the educational welfare of individual children.

As the Deputy knows, a review of the operation of the school completion programme by the Economic and Social Research Institute, ESRI, states that there has been an improvement in attendance levels and in the proportion of young people staying in school until leaving certificate. It also concludes that the school completion programme, along with DEIS, has played an important role. Tusla has taken a number of actions to strengthen the operation of the programme, such as improving annual retention plans and having discussions with relevant stakeholders on the review findings and on how to strengthen the core functions of the programme.

Additional information not given on the floor of the House

I have met the director of educational welfare services in Tusla to discuss the ongoing reform of the school completion programme.

The Department of Education and Skills recently published the Delivering Equality of Opportunity in Schools, DEIS, plan for 2017. I believe the goals outlined in the plan will improve educational opportunity for those who come to education at a disadvantage and will strengthen the capacity of our education and training system to support children and young people in communities with high concentrations of disadvantage. The educational welfare service of Tusla, officials from my Department and the Department of Education and Skills will be meeting in the coming weeks to discuss the inclusion in the school completion programme of schools that have been included in the DEIS programme for the first time in 2017. The group will also examine schools that are currently in the school completion programme but do not currently have DEIS status. Following these meetings, proposals will be developed and given to me for consideration. In the interim, my officials will continue to work with Tusla to implement the recommendations of the ESRI report on the school completion programme.

Deputy Fiona O'Loughlin: I thank the Minister. She has outlined clearly, comprehensively and positively the very many beneficial outcomes of the school completion programme. There is absolutely no doubt that, no matter what political party we are in or what side of the House

we are on, reducing school failure and improving educational outcomes for disadvantaged students has to be a key priority for every one of us. It is a bit of an anomaly that this scheme lies within the Minister's Department as it is very closely related to education issues. We need to do better to ensure that all sections of our communities can more fully reap the benefits of our education plans. I certainly think that the school completion plan should be available to non-DEIS schools as well as DEIS schools.

On the funding cuts which I mentioned earlier, while I accept they were before the Minister's time, there has been a substantial cut in funding. In 2010, funding was €30 million and it was down to €24.7 million last year. There has been €5 million cut. Will the Minister fight to get that funding back in to the school completion programme?

Deputy Katherine Zappone: I thank the Deputy. Yes I will; it is something to which I am deeply committed. As an educator myself, I have even taught students about the issue, as well as working with many teachers and schools. I take the point that it is, perhaps, an anomaly that the programme is located within the Department of Children and Youth Affairs. My understanding is that the thinking at the time was that the people working on school completion programme might be able to work closely with those in Tusla, which offers family supports. School completion projects obviously also need to involve family supports because, as we know, families must be supported as part of the process of keeping children in school.

There are a number of things they are doing right now to reform the programme and to improve their annual school retention figures. They have a new governance structure that will be put in place at a national level to support the local projects and new school attendance guidelines have been issued to advise schools on the practical supports that are needed. That is the kind of reform programme that is going on now, which could easily lead in to a good rationale for increased investment.

Deputy Fiona O'Loughlin: I thank the Minister. While there has not been a cut in funding this year, thankfully, I do understand that some of the interventions such as the summer programmes are not now available for children because of a shortage in the budget. These are children who absolutely need this and I do think that it is regrettable. I applaud the Minister's support for the school completion programme and welcome her vision of what can be done. I acknowledge that it is a very targeted intervention aimed at those school communities that are identified. At this point, it involves 124 projects and related initiatives in 470 primary and 224 post-primary schools, and about 36,000 children are supported. These are identified by local management committees as being at risk of educational disadvantage. This brings me back to my earlier question about the community school in County Kildare that is now at risk. Of its 880 students, some 250 need these extra supports. I do appreciate that the Minister will raise this with the Minister for Education and Skills and with the officials.

Deputy Katherine Zappone: I will. I have actually been raising some of these issues with Tusla and, of course, they have been raised to me too in the context of schools within my constituency of Dublin South-West. That is why I requested a meeting with the director of educational welfare services, during which we discussed a number of these issues. In the context of the reform programme that I am identifying, the independent ESRI review of the programme takes into account the ways in which different schools have had the flexibility to choose particular projects. While I do understand that some monies may not be there for some programmes that were there in the past, it is still the same amount of money. I would be delighted to hear more about Deputies' concerns on precisely these kinds of things as we consider how to move

forward.

Child Care Services

28. **Deputy Jan O’Sullivan** asked the Minister for Children and Youth Affairs if the IT portal that will be used to receive applications for the affordable child care scheme due to be introduced in September 2017 will be ready to both receive applications and calculate the level of support to be given for each child; and if she will make a statement on the matter. [15137/17]

65. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs the status of the information technology system for administering the single affordable child care scheme; if it will be available for September 2017; and if not, the alternative arrangements that she will put in place. [15221/17]

Deputy Jan O’Sullivan: I probably do not need to introduce the question as it is similar to the priority question asked by Deputy Rabbitte in respect of the information technology, IT, portal for the new scheme to be introduced in September. As we know that it will not be fully ready, perhaps we can concentrate on what can be done for providers and parents in terms of setting up a system that will be clear and available in time so that there will not be confusion when the time comes.

Deputy Katherine Zappone: I propose to take Questions Nos. 28 and 65 together.

The policy paper for the introduction of the affordable child care scheme was approved by Government in October 2016. Since then, officials of the Department of Children and Youth Affairs and Pobal have been working intensively to plan for the implementation of this scheme.

This is an extremely complex and ambitious project because of what is involved, namely, legislation, new business processes, data protection and building a new IT system. We will need to integrate data from the Department of Social Protection and the Office of the Revenue Commissioners so that the system can calculate every family’s net income and affordable child care scheme subsidy. We will need to test the IT system rigorously to make sure it works, even in complicated family circumstances.

As a result of this, the fully automated system that delivers everything will not be in place initially. However, we are working intensively to ensure that a satisfactory interim measure is in place and that the fully automated system for the affordable child care scheme is introduced at the earliest possible time.

I recognise that parents and providers urgently need detailed information about the way in which the scheme will be delivered. I can assure the Deputy that I and my officials are fully committed to delivering on the objectives of the scheme, and we are determined to minimise any administrative burden or inconvenience. In the next few weeks I will provide a detailed update on delivery plans. Full information on implementation plans will then be made available to parents and child care providers, and change management supports will be provided to all participating child care services.

I emphasise that I want us to get the IT systems right from the very beginning. I would prefer to hold back on a fully automated system initially if it means that we avoid the costly and frustrating problems that other major new services have experienced elsewhere in recent times.

Deputy Jan O’Sullivan: I acknowledge the complexity and the difficulty of getting it done within the timeframe. That is why I would like to concentrate on getting as much information as possible out to providers and parents as soon as possible. I welcome the fact that the Minister has said she will update us and others whenever there is information, and I ask her to do so.

One of my concerns, and I have heard this from some providers, is that they may not participate in the scheme if they feel it is going to cause them a huge amount of extra administrative work. I do not think any of us would like to see that happen. We want to ensure they are given whatever support they need to roll out the scheme, given some are saying it is easier for them to just put up their prices rather than participate in the scheme. That would obviously have a serious effect on parents and children, which is why we need to ensure information is available as quickly as possible and that it is as clear as possible in terms of how it will be implemented.

Deputy Katherine Zappone: I share the concerns Deputy Jan O’Sullivan has identified. First, we are conscious of the need to have the lowest administrative burden possible and to have a system that is not too complex and which they can get used to before moving on to the next thing. That is why, in the Department, we have had plans A, B, C and D and we have gone through a number of options to try to identify what is best, so long as this is going to be an interim measure. We are almost there, as the Deputy will be aware in light of her previous roles. There are still some finishing touches to be made in regard to what we think will work, and a couple of colleagues in other Departments are asking further questions to ensure we have thought of everything. That is almost concluded.

Second, as we were working through these options, I said that what we need to do is to absolutely make sure the option we choose is the one we can communicate best. We got somebody in specifically to work up a communications and information plan in the last week in regard to finalising the set of measures in a way that we hope will impose the least burden.

Deputy Anne Rabbitte: Although the Minister has answered this question already, I ask her for further clarification regarding the interim reports on the commission of investigation on the mother and baby homes, taking into account that I am from east Galway and Tuam is in my constituency. Many people down there are waiting for the interim report.

Excuse me. Did I skip Deputy Ó Laoghaire?

Deputy Jan O’Sullivan: We are actually dealing with the next question.

An Leas-Cheann Comhairle: We are dealing with Questions Nos. 28 and 65.

Deputy Anne Rabbitte: I am sorry. I did not realise we had moved on to a different topic.

An Leas-Cheann Comhairle: Does Deputy O’Sullivan have any further questions?

Deputy Jan O’Sullivan: No, I think we have got as much clarity as possible.

An Leas-Cheann Comhairle: We move on to what will be the final question. Perhaps we can go straight to the answer and Deputy Ó Laoghaire will have an opportunity to ask one supplementary question.

Deputy Donnchadh Ó Laoghaire: That is fine.

Aftercare Services Provision

29. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Children and Youth Affairs if she has carried out or is carrying out a review of aftercare services; and if she will make a statement on the matter. [15214/17]

Deputy Katherine Zappone: I am committed to implementing the Child Care (Amendment) Act 2015, which entitles eligible young people to a formal aftercare plan, prepared by Tusla in collaboration with the young person leaving care. My Department is working closely with Tusla to ensure that the provisions of the Act can be fully implemented as quickly as possible in the coming months.

Consultation is under way with all key stakeholders in order to finalise the revision of Tusla's aftercare policy. The consultation process has included foster carers, young people, young adults, aftercare staff, social work staff, NGOs, private foster care and residential care providers and other Departments. All have been invited to events and offered the opportunity to make written submissions. Following these consultations, feedback will be considered and amendments made to the draft document, and the final draft of the aftercare documents will be presented to the national policy oversight committee of Tusla for approval. The Child Care (Amendment) Act 2015 will be commenced as soon as practicable after approval of the revised policy.

In preparation for the commencement of the new legislation, Tusla has introduced a number of new practices. It has developed dedicated aftercare teams, standardised the financial supports that it offers to those leaving care and is continuing to roll out inter-agency steering committees to strongly promote good co-ordination of these services at local level. Tusla has also further developed the information it provides regarding aftercare services. It is identifying gaps in aftercare service nationally and has undertaken a major recruitment campaign of social care workers to fill aftercare post vacancies.

Deputy Donnchadh Ó Laoghaire: Go raibh maith agat. The Minister has answered some of the points. Obviously, sections 2 to 9, which are the flesh of the Child Care (Amendment) Act, are still to be brought into force. I accept that the Minister referred to the legislation being commenced. In some ways, we had reservations in respect of the Act, not because it was bad legislation but as a result of the fact that it contained a number of deficiencies. An aftercare plan is one thing but the provision of aftercare - and all the resources necessary to ensure the quality of such care and to see to it that the plan is implemented - is quite another.

To flag up one point, I will be publishing a Bill on this, the child care (amendment) Bill 2017, which I hope we will be able to discuss at some point. Can the Minister give even a ballpark estimate regarding the timescale for the commencement of those sections of the Child Care (Amendment) Act and for the publication or conclusion of the consultation piece she discussed?

Deputy Katherine Zappone: To give a more specific timeline, it is anticipated that the relevant provisions of the Act will be commenced in the third quarter of this year between June and September 2017. I acknowledge the Deputy's statement about his own Bill. I look forward to considering it. As part of this process, what I have been identifying is the extensive consultation process that Tusla has been engaged in. I have indicated that we hope that will be completed in time for the commencement of those sections of the Act. I also acknowledge what the Deputy said about the implementation of the entitlement to an aftercare plan. The commencement of that entitlement does not necessarily mean that we have all that we need in terms

of aftercare provisions, but entitlement helps us to move in that direction.

Written Answers are published on the Oireachtas website.

Medical Practitioners (Amendment) Bill 2014 [Seanad]: Order for Report Stage

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy): I move: “That Report Stage be taken now.”

Question put and agreed to.

Medical Practitioners (Amendment) Bill 2014 [Seanad]: Report and Final Stages

Bill received for final consideration and passed.

An Leas-Cheann Comhairle: The Bill, which is considered to be a Dáil Bill under Article 20.2.2° of the Constitution, will be sent to the Seanad.

Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016 [Seanad]: Second Stage

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I move: “That the Bill be now read a Second Time.”

The purpose of this Bill is to make the necessary provision in Irish law to enable the State to ratify the 1954 Hague Convention on the Protection of Cultural Property in the event of Armed Conflict and the 1999 protocol that supplements it. The 1954 convention and the 1999 protocol are instruments of international humanitarian law, which is the branch of international law that regulates armed conflict in the interests of humanity. It has been developed over a period of more than 150 years and its principal rules are currently set out in the four 1949 Geneva Conventions and their 1977 additional protocols. It is supplemented by a range of other instruments on specific issues such as anti-personnel mines, the International Criminal Court and the protection of cultural property.

International humanitarian law does not determine whether war or armed conflict in any particular case is lawful - that is a question of general international law. Instead, it recognises that armed conflicts take place, whether lawful or not, and it has developed rules to limit the consequences of armed conflict on its victims. Without international humanitarian law, the barbarity of war would be unmitigated. Although humanitarian law has developed a very large and detailed body of rules, these rules can be reduced in summary to two basic concepts. First, the means and methods that parties to armed conflict may employ are not unlimited. Indiscriminate attacks are prohibited, for instance, and certain weapon systems are unlawful. Second, parties to conflicts are required to protect civilians, the sick and wounded, prisoners of war and civilian property.

There are regularly calls for the development of new rules imposing greater restrictions on parties to armed conflicts and Ireland has of course been prepared to join with others to develop

the law where necessary. For instance, Ireland took a leading role in the development of new rules prohibiting the use of cluster munitions, hosting and chairing the diplomatic conference in 2008 in Croke Park at which the convention on cluster munitions was adopted. Some 100 countries are now parties to that convention and such is its success that even for those states that have refused to become parties to it, the use of cluster munitions has been so stigmatised that they will avoid or deny using them. However, notwithstanding the need to develop new rules from time to time, the greatest challenge to protecting human life in modern armed conflicts is the frequent and often shocking failure by both the armed forces of states and non-state armed groups to respect the existing rules. We need only look at the appalling behaviour of all sides in the conflict in Syria.

Failure to respect the rules of international humanitarian law may occur for a number of reasons: a lack of knowledge of the law, an absence of political will to ensure respect for the law or, indeed, a promotion or tolerance of a culture of impunity. In the case of Daesh, there has been a clear rejection of the law. In addition to destroying ancient and important cultural heritage in Palmyra and elsewhere, it has been responsible for rape, enslavement and murder of civilians amongst other deplorable acts. I share the dismay and disgust of all Members of this House at the flagrant violations of the international humanitarian law committed in Syria, in particular, and elsewhere. Needless to say if the existing rules were respected, much of the dreadful human suffering in contemporary armed conflicts would not occur. However, where the rules are not respected, there must also be accountability. Successive Irish Governments have sought to ensure effective investigation and prosecution of violations of international humanitarian law. Ireland has been a leading supporter of the International Criminal Court, ICC, and indeed the Government has consistently supported the referral of the situation in Syria to the ICC.

The 1954 convention was negotiated to prevent the type of extensive destruction and loss of cultural property during the Second World War that resulted from bombardment, looting and vandalism. Countless historic buildings and monuments were destroyed and artefacts were either lost and stolen. This convention imposes a number of obligations on states: to make preparations in time of peace to safeguard cultural property against the foreseeable effects of armed conflict; not to use cultural property for purposes likely to expose it to destruction or damage during armed conflict; and to refrain from any hostile act against cultural property, except in cases of “imperative military necessity”. In addition, states are obliged to prohibit, prevent and stop theft and pillage of cultural property during armed conflict. The convention also establishes a system allowing states to nominate specific monuments for a type of enhanced protection called “special protection”, although in practice the system was essentially unworkable. The Blue Shield is recognised as a distinctive emblem that can be used to identify cultural property in the event of armed conflict.

Ireland signed the convention in 1954 but did not proceed to ratify it immediately. Although the convention was regarded as a welcome development in international law at the time, it is broadly recognised as having failed to provide effective protection for cultural property during the time of armed conflict. Ultimately, this is because the key obligations it imposes on states could be set aside in circumstances of “imperative military necessity”. It did not act as an effective restraint on the extensive damage to cultural property that took place during conflicts, particularly in south-east Asia in the 1960s and 1970s, or in subsequent international conflicts around the world. The 1954 negotiations took place not long after the end of the Second World War at a time when blanket bombing of cities was still regarded as a legitimate military tactic. It was not until much later in 1977 that humanitarian concerns were given greater weight and

agreement was reached in the First Protocol Additional to the Geneva Conventions that only military objectives could be attacked during the course of an armed conflict. Military objectives must be more clearly defined and more carefully selected. Parties to armed conflict were now required to take precautions in attack. Indiscriminate attacks were prohibited and attacks against civilian property, including schools, hospitals, places of worship and cultural property, were prohibited unless they were being used for military purposes by the other side in a conflict.

The Balkan and Afghan wars in the 1990s led to a growing sense that the 1954 convention needed to be replaced or at least updated to reflect developments in the law since 1977. A conference was, therefore, convened at The Hague in 1999. It was decided there that rather than replace the convention, it should be supplemented by a new protocol.

The 1999 protocol supplements the 1954 convention by making detailed provision for the steps to be taken in time of peace to protect cultural property. It restricts the scope for action in circumstances of imperative military necessity. It establishes a system of enhanced protection for specific monuments. It introduces the element of individual criminal responsibility in cases of violations to the law. To date, 71 states have become parties to the protocol, including most states in the European Union as well as New Zealand and Canada.

The Bill has been developed in consultation with several Departments, including the Department of Defence and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, as well as the Defence Forces.

Many of the obligations the State will assume on becoming a party to the convention and the protocol are already met by a mixture of policy and administrative measures. For example, the State's national cultural institutions have all developed disaster planning and emergency response plans to protect their collections. Defence Forces doctrine and training has long reflected the rules set down by the protocol of 1999. Legislation is required, however, to protect and regulate the use of the Blue Shield in law and to create specific criminal offences. This is the purpose of the Bill.

I will run through the various sections. Section 1 defines certain terms for the purposes of the Bill. Sections 2 and 3 create offences. The protocol requires that certain acts committed during an armed conflict within the State shall be criminal offences and that criminal jurisdiction be extended over Irish nationals and members of the Defence Forces participating in armed conflicts outside the State. The Bill creates a rule of "extradite or prosecute" in respect of offences alleged to have been committed in the territories of other states that are parties to the protocol. Thus, if Ireland does not extradite a person present in the State for alleged offences under the protocol to another state party, it must have jurisdiction to try that person in this jurisdiction. Accordingly, under section 2 it will be a serious offence to attack during an armed conflict in the State any cultural property under enhanced protection, use such property in support of military action or extensively destroy or appropriate any cultural property.

Section 3 makes it an offence in Ireland for any person to commit any of these acts during an armed conflict in a state to which the 1999 protocol applies. This means a person can be arrested and tried in Ireland for offences not committed here but offences that may have been committed in a state to which the 1999 protocol is applicable. It will also be an offence under section 2 to attack, steal, pillage, misappropriate or vandalise any cultural property during an armed conflict in the State. Section 3 makes it an offence for an Irish citizen, a member of the Defence Forces or a person ordinarily resident in the State to do these things during an armed

conflict outside the State. Section 3 also makes it an offence for an Irish citizen or a member of the Defence Forces to export or otherwise remove cultural property from an occupied territory.

Section 4 provides for penalties upon conviction for an offence under sections 2, 3 or 8. The maximum penalty, on summary conviction, will be imprisonment for a period of 12 months, a class A fine - currently at a maximum of €5,000 - or both. To reflect the potentially serious nature of these offences, for conviction on indictment, the maximum penalty is imprisonment for up to 30 years or a fine to be determined by the court or both.

Section 5 provides that commanders or other superiors are criminally responsible for offences committed by their subordinates if they knew, or had reason to know, that the subordinates were about to commit or were in the course of committing such crimes and did not take all necessary and reasonable measures in their power to prevent their commission, or, if such crimes have been committed, to ensure investigation and prosecution of those responsible. This element of the 1999 protocol was regarded as essential to ensure that military commanders respected, and ensured respect for, protected cultural property.

Section 6 provides a defence in any proceedings under the Act where the person charged can prove that he was acting under an order which he was required by law to obey and believed the order to be lawful at the time. Section 7, combined with section 10, applies the modern rule against double jeopardy.

Section 8 provides for the protection in law of the Blue Shield emblem and empowers the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs to authorise the use of the Blue Shield emblem in Ireland. The Blue Shield emblem is the distinctive emblem created by the 1954 convention as a means of identifying cultural property to protect that property in the event of armed conflict, as well as personnel engaged in the protection of the property. The conditions of the use of the Blue Shield emblem and the protection are set out in the 1954 convention. It is important to appreciate that use of the Blue Shield is not essential for the protection of cultural property. As such, cultural property enjoys the protection of the protocol in any event. The main purpose of section 8 is to protect the emblem in law from misuse. Accordingly, section 8 enables the Minister to authorise use of the emblem subject to appropriate conditions as well as to authorise its use where a person applies in writing to use it. In addition, section 8 makes it an offence to use the emblem without authorisation or contrary to the conditions as laid down or set by the Minister.

Section 9 enables the State to provide mutual legal assistance to another state party to the 1999 protocol in the investigation and prosecution in that state of offences under the protocol. To enable extradition of persons sought for prosecution by another state party to the protocol, a separate order under the Extradition Acts will be necessary.

Section 11 is a standard provision setting out the Short Title and providing for commencement. The texts of the convention and the protocol are set out in the Schedules to the Act.

Ratification of the 1954 convention and accession to the 1999 protocol would be a further demonstration of the commitment of Ireland to support and promote international humanitarian law. The enactment of the Bill will enable the State to take that step. Accordingly, I commend the Bill to the House. I hope that in the coming days consideration might be given to proceeding with Second Stage. Then, perhaps, we can give consideration to any amendments that, in the circumstances, might be proposed.

An Leas-Cheann Comhairle: I call on Deputy Darragh O'Brien to adjourn the debate.

Deputy Darragh O'Brien: I wish to let the Minister know that Fianna Fáil will be supporting the Bill.

Debate adjourned.

An Garda Síochána: Statements

An Ceann Comhairle: An chéad phíosa gnó eile ná ráitis maidir leis an nGarda Síochána, statements on An Garda Síochána. We have two hours for this debate. I call on the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, to make her opening statement under Standing Order 45.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I welcome this opportunity to address these important and very disturbing issues. First of all I want to stress again, as I have already and as the Taoiseach did during Leaders' Questions, the utmost seriousness with which the Government and I as Tánaiste and Minister for Justice and Equality regard these issues. It is essential that the Government, the Oireachtas and all our citizens can trust members of An Garda Síochána to carry out their duties fairly, impartially and in accordance with the law. The public has to be able to believe statistics and all information provided by An Garda Síochána. It is essential that we get the answers we need and I am totally committed to doing so. The issues that have been raised go to the heart of policing in the State. They go to the heart of public confidence in our police force and the area of policing involved, that of roads and traffic, is one that affects every one of our citizens. So many of us have been affected by tragedy on the roads, be it the death of a friend, colleague or family member. We need to know as citizens that those charged with enforcing the laws designed to ensure our safety do so to the highest standards.

6 o'clock
I met the Garda Commissioner yesterday and I conveyed the Government's very deep concern at the revelations of recent days. The facts we now know about how breath tests were being conducted and the operation of the fixed charge system are completely unacceptable and raise very troubling questions. The scale and detail of these issues became apparent last week at the Garda press conference and I am determined that all the facts will emerge.

An anonymous complaint was made to the Road Safety Authority in April 2014, outlining a number of issues which included the operation of mandatory alcohol testing, MAT, checkpoints. This complaint was referred to An Garda Síochána by the then Minister for Transport, Tourism and Sport. An Garda Síochána indicated in a detailed letter to my Department in May 2014 that it had looked into the claims regarding MAT checkpoints and was satisfied that correct procedures were in place to account for MAT checkpoints that ultimately did go ahead. Every MAT checkpoint, as we know, must be authorised by an inspector. In June of last year my Department was made aware that some discrepancies had been identified in respect of MAT and that An Garda Síochána was commencing a national audit. An Garda Síochána indicated in June 2016 that no issues stemmed from this audit with regard to the performance of MAT checkpoints or prosecutions arising from same. It also set out the new procedures it had already introduced to facilitate the accurate recording of breath tests and outlined that an IT solution had been developed and would be implemented towards the end of 2016.

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Following this preliminary notification to my Department last year, updates were sought from An Garda Síochána by officials in my Department on a regular basis as to the progress of the audit that was then taking place. An Garda Síochána indicated in February 2017 that it was anticipated that the national audit would be finalised in the second quarter of 2017. Although that audit has not yet been finalised, An Garda Síochána announced figures at its press conference relating to the discrepancy between the number of tests conducted at MAT checkpoints as per its own records compared with the records held by the Medical Bureau of Road Safety. No indication was given as to the scale of this issue at the time of the June 2016 letter and indeed, it is clear from what the Commissioner told me yesterday and from her public statements, that it was not known at that time to Garda management either. It was in order to assess the scale of the problem that the national audit of MAT was launched. I did not become aware of the huge discrepancy in the breath test figures until it was revealed at last week's Garda press conference.

Regarding the issue of fixed charge notices, my Department was informed in June 2016 of an error relating to summonses having been incorrectly issued to persons who should have received a fixed charge notice for the offence of not having a valid national car test, NCT, certificate, which became a fixed charge offence in December 2014. An Garda Síochána indicated that following on from those initial findings, further inquiries were being carried out relating to all summonses issued for other fixed charge offences. Colleagues should note that a press statement was issued that day by An Garda Síochána about this issue. In that statement, An Garda Síochána confirmed that it had commenced a review of prosecutions relating to all fixed charge offences. The letter set out the remedial actions already taken by An Garda Síochána at that stage, which included withdrawing prosecutions in any affected cases and putting in place a short-term IT solution within four weeks while a longer-term IT solution was being developed. Following the preliminary notifications of these problems to my Department last year, updates were sought on a regular basis as to the progress of the review taking place into the fixed charge processing system issues covering the period referred to in the letter from An Garda Síochána, from 1 January 2014 to 27 May 2016. The results of this review were communicated to my Department in a letter received on 14 March 2017. The letter indicated that a total of 1,781 cases had been identified where persons had been convicted in situations where they had been incorrectly summonsed to court, either without first having been issued a fixed charge notice or having been issued and paid a fixed charge notice. The letter also set out – this is important – that consultation remained ongoing with the Director of Public Prosecutions, DPP, with whose office there had been ongoing consultation and the Courts Service in regard to commencing the process of setting aside the convictions in the courts. That engagement with the DPP is ongoing.

An Garda Síochána also advised in that letter, received recently on 14 March, that the DPP had indicated that the review should be extended to include cases before 2014 and that this process was now under way. That, of course, is why the audit was meant to be ongoing until June of this year. That was to be when I was to expect the final report. That is when I had been advised I would get the final report. I became aware of the figure of some 14,700 cases where a conviction took place after an incorrect procedure when An Garda Síochána made that information public last week. It is a matter of great regret to me, as I know it is to everyone in this House, that anyone should be summoned to court inadvertently, with all of the consequences that follow for individuals. It is absolutely critical now that these mistakes be resolved and that the necessary remedial actions be taken.

As for the fixed charge penalty notice, FCPN, at my meeting with the Commissioner yester-

day she assured me that arrangements are being put in place in regard to the persons affected. All of these cases will be appealed by An Garda Síochána to ensure the courts set aside these convictions, as they have to. All fines will, of course, be reimbursed and penalties will be removed, and all of those affected will be contacted directly by An Garda Síochána. Individual letters will be sent to all the people concerned and they will begin to be issued on 3 April.

The Commissioner also outlined to me the IT and operational solutions that have been put in place to ensure that these practices would cease. In fact, at the ministerial meeting yesterday, which was scheduled ahead of all of this emerging, both the Minister for Transport, Tourism and Sport, Deputy Ross, and I were assured by both Professor Cusack and all the other people present that the new procedures were in place, that we could be confident about the new procedures and that there are changes being made to the machines, using GPS and further information, so the kind of mistake associated with the technical attributes of the devices can never happen again.

In the case of mandatory alcohol tests, An Garda Síochána initially put in place new paper-based recording and verification processes and, in November 2016, a new specific data-recording IT upgrade was installed on the Garda PULSE system. The net effect of the new IT upgrade was that personnel now have to record the serial number of the device used for each breath test plus the meter reading before and after the checkpoint was concluded. This, apparently, was not being done before. It is clearly only one of the explanations for this situation. Data from the device are now used to verify the total number of breath tests conducted at each checkpoint.

The focus now, however, has to be on what is being done to get to the full truth of what transpired and the accountability that must be brought to bear. Clearly, there is a need for an investigation to hold responsible those people, at all levels of the Garda organisation, who allowed such large discrepancies in the breath-testing figures to arise. The Commissioner announced an internal investigation yesterday, as colleagues will be aware. Following consideration and discussion at Cabinet today, the Government has decided that there should be an independent investigation, and consultations will now take place with the Policing Authority on how to achieve that. I met the chairman of the authority, Ms Josephine Feehily, yesterday and informed her that I was formally referring both of these matters to that body under the Garda Síochána Act. The chairman informed me at that point that the authority will have an independent professional audit undertaken of the steps taken to resolve these issues. That is an essential part of providing the necessary public reassurance. The clear view of the Government following my briefing of its members at today's Cabinet meeting was that these revelations have given rise to the most serious concerns, not just among public representatives but also among members of the public. The Government accepts fully that we need explanations. That is why we are making use of the full legal mechanisms in place to ensure that we will establish the full facts and that there can be accountability in this area.

It is absolutely essential that the process of reform be rigorously implemented in An Garda Síochána, and that it be seen to be implemented, including through close oversight by the Policing Authority. As the Taoiseach stated earlier, the Government believes the level of public concern regarding some issues affecting the Garda Síochána is now so profound that it is time to conduct a thorough, comprehensive and independent root-and-branch review of An Garda Síochána. Quite a number of colleagues have already called for this. This is clearly a proposal that will require further detailed consideration by the Government. As the Taoiseach said, any such proposal should command widespread support in the Oireachtas and accordingly be the subject of consultation with the Opposition and, ultimately, approval by the Oireachtas.

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We in government accept that change is required. As Minister for Justice and Equality, I have introduced the most significant reforms in policing since the foundation of the State. Just last week we had the first assistant commissioner fully appointed by an independent body. We have the Policing Authority, which represents a radical change in the oversight of policing in this country. At the end of this year, its second year, it is subject to review. The body, under the legislation, is to inform me how it is working and whether there are any changes it would like to see. I will await its report later on this year. Additional powers have been given to GSOC and greater civilianisation has been implemented. We need to do more, however. I hope that Opposition Deputies will accept the offer to work with the Government on this and contribute to achieving the policing service we all wish to see.

An Ceann Comhairle: In accordance with the agreement made earlier, there are ten minutes for each spokesperson. That can include a statement and a series of questions.

Deputy Jim O'Callaghan: The Tánaiste and Minister for Justice and Equality mentioned in her statement that she became aware of discrepancies in the fixed charge notice system in June 2016, when the matter was brought to her attention by An Garda Síochána. We know that An Garda Síochána conducted a review and that this review established there were 14,700 wrongful convictions. Last Thursday, An Garda Síochána issued a press statement in which it referred to this review it carried out and the 14,700 wrongful convictions recorded. It claimed in its statement that, based on the findings and inquiries of that review, a number of solutions were identified by Garda IT to avoid, as far as possible, a recurrence of the issues highlighted. It stated that, as of 15 July 2016, an IT solution had been designed and rolled out. I take it from that statement of An Garda Síochána that the force was aware, by 15 July 2016 at the latest, that there were 14,700 wrongful convictions. The Tánaiste said in her statement that she became aware of the scale of the number of convictions only recently. When did she first become aware of there being any issue in respect of wrongful convictions on this issue?

Deputy Frances Fitzgerald: Have we changed the procedure? Are there not statements now?

An Ceann Comhairle: The procedure was to have statements and questions, whatever the Members decided. We can take all the questions and come back to the Minister.

Deputy Frances Fitzgerald: Whatever the Ceann Comhairle likes.

Deputy Mary Lou McDonald: We cannot.

An Ceann Comhairle: We can, actually. Does the Minister want to take five minutes of questions from Deputy O'Callaghan and then we-----

Deputy Frances Fitzgerald: Yes.

Deputy Jim O'Callaghan: I would prefer to ask a question and get an answer.

An Ceann Comhairle: That is fine.

Deputy Frances Fitzgerald: I apologise; I understood the procedure was different so the Deputy might repeat his question.

Deputy Jim O'Callaghan: The Minister said in her statement that she became aware of the scale of the number of convictions only this month, when she was notified of it. When did

she become aware in general that there were issues in respect of wrongful convictions arising from this matter?

Deputy Frances Fitzgerald: The answer to that is the letter the Department received in June 2016 from John Twomey outlining that the Garda was concerned about some issues. No figure was mentioned, so I was not aware of the 14,700 cases. Neither do I believe was the Garda aware of it at that point because that was an earlier stage. The audit was not completed. Some procedures had been put in place by the Garda to ensure there would not be further problems. However, a national audit had not been done at that point, so it was unsure of the figures. It was only until the Garda had a press conference last week that a national audit was done which involved well over 100,000. That got to a point where the figure of 14,700 was arrived at. The full national audit had not been done at that point. That is my understanding.

Deputy Jim O’Callaghan: I take it from the Tánaiste’s answer that she is stating that she was aware from June 2016 that there was an issue in respect of wrongful convictions that had been obtained against persons in the District Courts?

Deputy Frances Fitzgerald: At that point in the letter, as the Garda had also put some solutions in place regarding what had happened to different individuals, it was clear the Garda was concerned that there would be a number but it had no idea that there were 14,700 at that point. The Garda was concerned that some people were summoned to court who should not have been. Some solutions had been put in place and the Garda was linking with the Director of Public Prosecutions and all the relevant bodies. However, a full audit needed to be done. The figure of 14,700 emerged at the press conference just last week.

Deputy Jim O’Callaghan: The Tánaiste was aware in June 2016 that individuals had been wrongly convicted before our courts. She was Minister for Justice and Equality at that time. What did she do about it then?

Deputy Frances Fitzgerald: At that point, the full scale of this issue was being examined to see precisely what the implications of this were. I was aware that action had been taken, so that no further such mistakes could be made. I was awaiting the result of the full audit. My Department was in contact with An Garda Síochána on a regular basis to ensure we would get the full audit.

Deputy Jim O’Callaghan: What is the State’s plan to rectify this miscarriage of justice done to so many people?

Deputy Frances Fitzgerald: Clearly, as I said in my opening statement, these issues have to be addressed comprehensively. The plan, as the Garda Commissioner outlined and what we want to see implemented as soon as possible, is that letters will issue on 3 April to all those who have been affected by this. In the first instance, every one of these 14,700 cases will have to go into the District Court and then be referred to the Circuit Court. Each individual case will have to be dealt with individually and separately. In many of the cases, 96% of them, people were brought to court for a range of other issues. It was not simply the issue of one offence. There were about 5,800 cases regarding the NCT, where people were brought in for one offence. In the majority, people were brought in for a series of more serious offences such as speeding or having no insurance. All of the people who were in court were there for a variety of reasons and should have been there. There was a smaller cohort, however, where a summons should not have been issued and those people should not have been brought to court.

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Each individual case will have to be assessed. I am informed that what happened in some cases, as the Deputy will be aware, is that some of those offences would have been taken into account by the judge but there would not have been a specific penalty for them. In other cases, there might have been extra penalty points. Of course, there could have been the serious situation when the penalty points reached the level where someone lost their licence. In terms of the numbers, we are not clear on the detail until all of the information emerges after the court cases. It is hoped they will be dealt with speedily.

There already has been work done with the courts to facilitate these issues being dealt with quickly. There will have been consequences for some people of varying sorts, which we have heard about in the media.

Deputy Jim O'Callaghan: I am happy with the answer given. Before I ask another question, I want to preface it by stating that the Tánaiste in her justice portfolio has been aware for nine months that there were wrongful convictions that took place before the District Court. In my submission, she did nothing about it.

On breath test figures, we know the Medical Bureau of Road Safety raised this discrepancy with the Garda Síochána in July 2014. We know the Garda conducted a review in the southern region in 2015 and extended it to the whole country in 2016. We know that in November 2016, it introduced a new IT system to overcome the problem.

When did the Tánaiste become aware of these problems with the breath test figures? Is she satisfied with the fact that An Garda Síochána, to this date, has not been able to explain to the people why 937,000 breath tests were falsely recorded on the PULSE system?

Deputy Frances Fitzgerald: I have put it on the public record that I received a letter in June 2016, outlining that some issues had arisen that the Garda was examining what it needed to do and it was doing a full audit that would be completed in the second quarter of this year. That was the information I had. My Department continued to be in contact with the Garda on when the final audit would be available.

Of course, I am not satisfied that the Garda and the Commissioner have not been in a position to outline why this happened. We have to get to the bottom of this and find out why it happened. What has been happening since last year is that the full audit has been done. Regarding the comparison with the Medical Bureau of Road Safety's figures, as I understand from Professor Cusack yesterday and from the head of traffic, the comparison between the two sets of figures was only possible when the Garda had its full audit. When the full audit of Garda figures and the bureau's figures were compared, the discrepancy became completely obvious. It was not obvious to An Garda Síochána, as it has said, until that point. I certainly was not aware of it. I heard the figure of 1 million for the first time like other people at the press conference.

Deputy Jonathan O'Brien: The Tánaiste said in her opening statement that the Minister for Transport, Tourism and Sport in April 2014 received a complaint from the Road Safety Authority. If my recollection is correct, the then Minister was Deputy Varadkar. He then referred that to An Garda Síochána. Did he at all discuss with or inform the Tánaiste that he had received a complaint and passed it on to An Garda Síochána?

Deputy Frances Fitzgerald: At that time I was Minister for Children and Youth Affairs. He wrote a letter to the then Minister, Alan Shatter, who referred it to the Garda Commissioner. I was looking in detail at the file today. It was an anonymous complaint with a series of allega-

tions which had been forwarded. It was referred to the Garda Commissioner. In the timeline published the other day, the Garda Commissioner responded just after I had become Minister for Justice and Equality with a detailed letter. This anonymous complaint was about a whole lot of different issues in the western region. They were very varied. The checkpoints were just one of them. She gave a very detailed report on the actions that had been taken and the investigation that had been done. The person had identified them as a reserve. A meeting took place with all the reserves. Every opportunity was given to people to raise issues and then I went back and asked if further action needed to be taken, and that was up to March 2015.

Deputy Jonathan O'Brien: The Tánaiste just said that the complaint was referred to An Garda Síochána by the Minister for Justice and Equality, yet in her statement she said it was referred to An Garda Síochána by the Minister for Transport, Tourism and Sport. Which is it?

Deputy Frances Fitzgerald: It came from-----

Deputy Jonathan O'Brien: No. I am asking who referred it to the Garda?

Deputy Frances Fitzgerald: Both referred it. The Department of Transport, Tourism and Sport referred it and when we got a copy of the letter, we sent it on as well. Both Departments sent it.

Deputy Jonathan O'Brien: The Tánaiste might clarify that and correct the record.

Deputy Frances Fitzgerald: Both did so.

Deputy Jonathan O'Brien: The Tánaiste also said in June of last year that her Department became aware that some discrepancies had been identified in the mandatory alcohol testing and that the Garda was commencing a national audit, yet we know that national audit started in November 2016 but the review into the discrepancies had begun in 2015. The Tánaiste also said that in that letter An Garda Síochána said there were no issues arising out of the matter in regard to the mandatory alcohol testing but the letter also states that her officials sought regular updates. The Tánaiste said that the first she heard in regard to this as the line manager to the Commissioner was when a statement was made publicly. Is she saying that the Commissioner never discussed this issue with her and never informed her of the scale of it before she informed the media?

Deputy Frances Fitzgerald: This was primarily dealt with by the traffic division. The head of it at the time was, I think, Assistant Commissioner Twomey, now it is Assistant Commissioner Finn and previously it was Assistant Commissioner O'Mahony, and they were doing a number of different jobs in An Garda Síochána. The main people I had an opportunity to discuss this with were at the ministerial meetings we held on transport where these issues obviously were on the agenda regularly in terms of road safety. The Road Safety Authority attended there. That was the primary place where I had the opportunity to be part of a discussion on these issues. In terms of the Garda Commissioner, I had had the detailed report from her back in May 2015. That was the contact I had. The more recent contact was from the assistant commissioner responsible for traffic to my Secretary General. The first time I heard this was at the press conference and the first time my Department heard this was last week.

Deputy Jonathan O'Brien: Given that the Tánaiste was made aware in June 2016 by An Garda Síochána that no issues stemmed from the audit, given that we have now discovered that nearly 1 million breath tests were falsified, given that the Tánaiste was not informed of that as

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the person responsible for oversight of our policing services, and given that the Commissioner who is accountable to the Tánaiste informed the media before she informed the Tánaiste as her line manager, how can the Tánaiste still have confidence in that individual who went to the media before she went to the Tánaiste?

Deputy Frances Fitzgerald: I want to be clear about a number of the points the Deputy has raised. When I said that no issues stemmed from this audit with regard to the performance of mandatory alcohol testing, MAT, checkpoints or prosecutions emanating from same, and this was contained in the letter of June 2016, I am talking about the breath tests because obviously a different issue emerged in regard to that. Where breath tests were taken and somebody was found to be over the limit, those prosecutions are safe and have gone ahead and nothing arises in regard to that. That is what I am referring to there. In the same letter that I got in June 2016, it was indicated that there had been an audit in the southern region and because of some of the discrepancies that emerged there, the Garda had commenced a national audit. I was clearly aware at that point, because of the information the Garda had about one area, that they were concerned enough to do a national audit and to change procedures at that point. It is subsequent to all of that, as Assistant Commissioner Finn outlined to me at the ministerial meeting yesterday, that they had to go back to all 108 districts and gather all this material, which has been gathered by paper, so to speak. There was no national system of collecting this material and that is the reason it took the time it did to gather the information, but they did express concern about it and they were working on it.

Deputy Jonathan O'Brien: When they expressed that concern in the letter in 2016 and said there were discrepancies in the southern region, did they tell the Tánaiste how many discrepancies there were?

Deputy Frances Fitzgerald: No, not at that time. They did not.

Deputy Jonathan O'Brien: Did the Tánaiste not ask?

Deputy Frances Fitzgerald: I had the report and I was waiting for the further report.

Deputy Jonathan O'Brien: No. Did the Tánaiste not ask for the number of discrepancies?

Deputy Frances Fitzgerald: As I said, we went back on a number of occasions and asked for further information. We were constantly waiting to get the complete national audit because that had been subsumed into a national audit that was more thorough and that was due in June of this year.

Deputy Jonathan O'Brien: So the Tánaiste did ask them. That is what she is saying now.

Deputy Frances Fitzgerald: My Department was in contact with An Garda Síochána over the period-----

Deputy Jonathan O'Brien: Did the Tánaiste ask for the number of discrepancies identified in the southern region? Was she given that figure by An Garda Síochána, yes or no?

Deputy Frances Fitzgerald: At that point I was not given that figure. I received that figure in March this year.

Deputy Jonathan O'Brien: The Tánaiste was not given the figures full stop. They were given to the media before they were given to the Tánaiste. Is that correct?

Deputy Frances Fitzgerald: The Deputy is asking about two different things.

Deputy Jonathan O'Brien: First, in regard to the figures in the southern region-----

Deputy Frances Fitzgerald: Yes.

Deputy Jonathan O'Brien: Did the Tánaiste ask for those figures when she was told there were discrepancies? She said she asked for them but she was not given them.

Deputy Frances Fitzgerald: No. I did not say I asked for them. I said that what was happening at that point was that there was a full national audit being done and I was awaiting the results. My Department wanted the results of that national audit.

Deputy Jonathan O'Brien: I will ask the question again. Did the Tánaiste ask for the number of discrepancies which were identified in the southern region?

Deputy Frances Fitzgerald: I was not in discussion with John Twomey at that point. My Department-----

Deputy Jonathan O'Brien: Is that a no?

Deputy Frances Fitzgerald: I did not ask but my Department was in contact with the-----

Deputy Jonathan O'Brien: Did the Tánaiste's Department ask for the number of discrepancies?

Deputy Frances Fitzgerald: No, my Department asked for the full audit over the period and what they said was that-----

Deputy Jonathan O'Brien: Tánaiste, it is very clear. Given the scale of the discrepancies of nearly 1 million, the scale of discrepancies in the southern region would have run into hundreds of thousands. The Tánaiste is asking us to believe that nobody said to anyone in her Department that discrepancies had been identified but they were not going to say what level of discrepancies had been identified, and that they were to conduct a national audit and report to the Tánaiste. They did not report to her, however, they reported to the media. I ask again, how can she have confidence in a Commissioner who has overseen this?

An Ceann Comhairle: The Deputy is running out of time. I ask the Tánaiste to be brief.

Deputy Frances Fitzgerald: The figure for the southern region that was made available to us just in March was that there was a 17% discrepancy at that point, but what has emerged is that the discrepancy in the southern region is far greater than that because the discrepancies across all regions are in excess of that. The lowest is 65%.

Deputy Jonathan O'Brien: There is a discrepancy in the discrepancies.

Deputy Frances Fitzgerald: No. What is very clear, and it is one of the reasons the Government made the decision this morning, is that one cannot rely on the internal audits that were done, for example, the southern region audit. It is quite clear that when the full audit was done and they compared what the medical bureau had with their own figures, the discrepancy was much greater, which Assistant Commissioner Finn then put in the public arena last week when he realised-----

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An Ceann Comhairle: Thank you, Tánaiste.

Deputy Jonathan O'Brien: A final question-----

An Ceann Comhairle: No, Deputy. Your time is up. We have to move on.

Deputy Jonathan O'Brien: Who carried out the audit?

Deputy Frances Fitzgerald: The audit section of An Garda Síochána. It was internal.

An Ceann Comhairle: I thank the Tánaiste. Our next contributor is Deputy Sean Sherlock.

Deputy Sean Sherlock: Has the Tánaiste faith in the Policing Authority? It is a simple question.

Deputy Frances Fitzgerald: Yes. I think the Policing Authority is an excellent body. It is just entering its second year since its establishment. I have already received its first report on the implementation of the Garda Inspectorate recommendations which I have passed over to the Policing Authority so that it can begin to ensure they are being implemented. It has started a very positive programme of work. It cannot do everything overnight, of course. There are a range of issues to be addressed.

Deputy Sean Sherlock: If the Tánaiste has faith in the Policing Authority and if she has known about this since June 2016, why did she leave it until yesterday, according to her statement, to meet Josephine Feehily, the chair of the authority, to state that she was formally referring these issues to her under the Garda Síochána Act?

Deputy Frances Fitzgerald: When the Deputy says I have known about this since June of last year, he should be very clear that I have outlined what the position was at the time. It is easy with hindsight to comment on the scale of the issue, but neither the Garda nor I knew the scale that is now very obvious and which emerged just at the press conference last week and in the reports to my Department around 14 March.

Another point to be made is that on Thursday, I think, the Garda Commissioner met the Policing Authority. As soon as the scale and seriousness of this emerged in its full form last week, I was in touch with the Policing Authority and arranged over the weekend to meet Josephine Feehily. Of course, I am in ongoing contact with her regarding the work she is carrying out. As I said, the Policing Authority is a very important oversight body for An Garda Síochána and is one that needs to be developed. It is also probably the appropriate body to conduct this independent investigation because under the legislation it can employ people to carry out, for example, professional forensic accounting to examine what has happened. I have faith in the Policing Authority.

Deputy Sean Sherlock: What I am trying to understand is the internal dynamic that exists between the Tánaiste, the Garda Commissioner, the Garda Inspectorate and the Policing Authority. People watching these proceedings will question why the Policing Authority issued a statement today that states:

The Authority again expressed its disappointment at not being advised in a timely manner that an audit into the breath test issues was underway. Despite questioning over several months, the Authority has not [...] been provided with the full internal reports or indeed a clear sense of how these matters have been handled to date within the Garda Síochána or the

status and content of the audits which have been undertaken.

The Authority considered the correspondence received from the Garda Commissioner on Friday 24 March last in which the Commissioner requested that the Authority refer a number of matters to the Garda Inspectorate.

What I am trying to get at is the reason the Policing Authority would issue a statement of this nature. One can only surmise, and I ask the Tánaiste to correct me if I am wrong, that the Government does not have enough faith in the Policing Authority due to its not engaging in a more timely fashion with the Department regarding the modalities of the issue at hand.

Deputy Frances Fitzgerald: The Deputy cannot draw that conclusion at all because-----

Deputy Sean Sherlock: I ask the Tánaiste to correct me then.

Deputy Frances Fitzgerald: Why would he draw that conclusion? What the Policing Authority said was that it reacted, and in a forthright statement, as the Deputy said, when it heard about the scale of the issues. It put out the statement from which the Deputy quoted stating that it did raise the most serious issues. It was disappointed and annoyed, I would say, that the alcohol testing information had not been passed on to it.

Deputy Sean Sherlock: Whose obligation was that?

Deputy Frances Fitzgerald: It was the obligation of An Garda Síochána. Whether it was the obligation of whoever was in contact with the authority, it should have emerged at the various management meetings it had with An Garda Síochána. Deputy Commissioner Twomey has apologised for not making the authority aware of the audit, but the key point is that the audit was ongoing. The authority is disappointed that it was not informed of the audit because, of course-----

Deputy Sean Sherlock: I have limited time.

Deputy Frances Fitzgerald: -----it would be concerned about the various issues.

Deputy Sean Sherlock: This speaks to the heart of the culture of management in An Garda Síochána. Again, there is an inherent weakness in this regard. There should have been an obligation on the part of An Garda Síochána, surely, to inform the Policing Authority in a timely fashion. Does the Tánaiste agree with that statement?

Deputy Frances Fitzgerald: It certainly would have been far preferable if the Policing Authority had been aware on an ongoing basis of what was happening in respect of the audit. However, I make the point that a very broad range of work and oversight is being conducted by the Policing Authority over An Garda Síochána and-----

Deputy Sean Sherlock: This is very serious.

Deputy Frances Fitzgerald: It is extremely serious. I am not saying it is not serious. However, I wish to make the point that the Policing Authority goes into a whole range of issues in specific areas to discuss, for example, civilianisation, recruitment, the Reserve-----

Deputy Sean Sherlock: Yes, but, a Cheann Comhairle-----

Deputy Frances Fitzgerald: -----and the general management.

An Ceann Comhairle: The Deputy must let the Tánaiste answer-----

Deputy Sean Sherlock: I appreciate that. We can no longer keep giving An Garda Síochána mismanagement political cover. Decisions must be taken as to how the force is managed. I understand the predicament in which the Tánaiste finds herself, but we need to hear about concrete actions from her. Given that we have a Garda Inspectorate, a Policing Authority and a Department of Justice and Equality, when can we expect to see a root-and-branch change, and why does an external service need to do this when we have two State entities already? There are quite a number of quite sensible recommendations in the Garda Inspectorate report. We should now see the implementation of these and a political willingness to do so. Those are the messages we need to hear in this House because the people outside these walls, with every new scandal that emerges, are losing faith in policing in this country.

In the short time available to me, I refer again to the Tánaiste's statement that there will be some remedy for those who were incorrectly convicted. I wish to quote directly from her full written speech again. It states, "Letters will begin issuing to these individuals on 3 April." It also states, "All of these cases will be appealed by An Garda Síochána in order to ensure that the courts set aside these convictions, all fines will be reimbursed and penalties removed, and all of those affected will be contacted directly by An Garda Síochána." She states definitively that these convictions will be overturned. What further remedies, if any, are open to these people who, in certain circumstances, may feel as if their good names were tarnished in having to appear before judges in district courts, potentially on unsound convictions? Will there be further remedies besides the issuing of the letters and the revocation of the fines so that those affected might have their good names restored?

Deputy Frances Fitzgerald: Compensation issues may well arise - that is certainly a possibility - and this will depend on the details of each case. We will have to wait to see precisely what emerges from these court hearings. It is impossible to predict at this point. As I said, all the cases that came to court needed to come to court except for the 5,600 in respect of which there was only one charge. In the other 96% of cases, other offences were involved.

The authority is overseeing the reforms that have been outlined by everyone, in particular by the Garda Inspectorate, which have now been incorporated into the reforms set out in An Garda Síochána's five-year plan. I have the first report, it is available for Deputies to read and the Policing Authority is overseeing the changes being implemented. Clearly, there is more work to be done, but if we had not established a Policing Authority and if we did not have a Garda Inspectorate, what we have been hearing about in recent days might not have emerged. Issues such as these are appalling - we are all appalled - and the figures involved are staggering, but it is important that they are out there in the full public light and that action can now be taken on them. The Policing Authority will have a key role in dealing with them.

Deputy Mick Barry: Yesterday, while arguing that she should stay in the top job while the investigation goes on, the Garda Commissioner said we have to keep the lights on while we are rewiring the house. It is an interesting analogy. The people who should be the keyholders of the house, the people of Ireland, have lost all faith in the chief electrician and believe she should be given the sack. This may well come to a vote in the House. The Garda Commissioner also said yesterday that if the House votes in favour of her removal, she will refuse to resign. I do not think I am the only person who was struck by the arrogance of that position and who felt that the top brass has a brass neck. If that situation arises, and this House votes for the removal of the Garda Commissioner, will the Tánaiste, as Minister for Justice and Equality, respect the

will of the majority in this House and remove the Garda Commissioner from her post?

Deputy Frances Fitzgerald: It is laid out very clearly in legislation whose responsibility it is to take that step should it arise. It would be very wrong, indeed inaccurate, to say that the Dáil removes people in such circumstances. It does not. It is a decision of Government. The independent Policing Authority can also make its views known to the Government. I put that into the legislation. If that situation arises it can recommend that to Government.

Deputy Mick Barry: If this House votes that she be removed as Garda Commissioner, will the Tánaiste respect the will of the House or will she refuse to act, defy the will of the House and keep her in her job until the next scandal arises?

Deputy Frances Fitzgerald: I will not comment on a potential situation. The Government has said it has confidence in the Garda Commissioner to get on with the job it has asked her to do. She got her position as a result of an independent international competition. She has been asked to undertake important reforms of An Garda Síochána, which are under way, which need to be addressed and she has outlined a five-year plan for their implementation. I am making sure that is overseen by the Policing Authority. She needs to get on with that job. The Government said today that because of the range of issues that have emerged concerning An Garda Síochána, we should establish an independent commission similar to the Patten commission to analyse precisely the future of An Garda Síochána. I hope Deputies will work with me on this, and several parties have made this suggestion.

Deputy Mick Barry: There has been one scandal after another: Maurice McCabe, John Wilson, Dave Taylor, Nicky Keogh, Keith Harrison, the bugging of the Garda Síochána Ombudsman Commission, GSOC, the tapping of calls from Garda stations and now the falsification of Garda records on an industrial scale across the country. It underlines the strength of the socialist demand that there be a sharp break with the policing model in this country and that it be replaced by a new model of democratic community control over policing. Twenty-seven days from the biggest political trial seen in this State since 1970, the credibility of An Garda Síochána - a key part of the prosecution in the Jobstown trials - is at an all-time low.

When it was reported to the Tánaiste that the southern area audit had been completed and that it was sufficiently worrying to prompt a national audit, did she ask what was the scale of the discrepancies in that audit? Did she ask that question?

Deputy Frances Fitzgerald: The Deputy has talked about a new policing model. There has been discussion for a long time as to whether policing and security duties ought to be done by the one body. There is a range of discussions of management of An Garda Síochána. All of those issues would benefit from the kind of root and branch independent commission we suggest, given their scale. Day-to-day policing needs to continue. In the past year we have been dealing with serious murders and the issues Deputies have raised in the House about burglaries. All of that work must continue, as must the reforms that are under way. Any new body needs to take account of the work being done on the changes that are being overseen by the Policing Authority-----

Deputy Richard Boyd Barrett: We are running out of time.

Deputy Frances Fitzgerald: -----and the Garda Inspectorate. Their recommendations are being implemented.

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Deputy Richard Boyd Barrett: Does the Tánaiste think it is necessary for senior Garda management, particularly the Garda Commissioner, to enjoy the confidence of the public in order for that Commissioner and management to function effectively? It seems to me that has to be the case. If it is not the case that person is not suitable. Can the Tánaiste honestly tell us with a straight face that the public has confidence in Nóirín O'Sullivan? Is it not the case that, if there is even a whit of truth in the fact that she was involved in a smear campaign against Maurice McCabe, that she is trying to go after Dave Taylor because he blew the whistle or that she failed to act on a culture that could produce 14,700 wrongful convictions and 937,000 fake breath tests, she has to go and heads have to roll right across the board? If that is a possibility – and it is one without prejudging it – can the Tánaiste seriously suggest the public can have confidence while she remains in position?

As an extension of that question, we have suggested that Nóirín O'Sullivan be suspended without prejudice since the Maurice McCabe affair. We suggested that was normal practice for public and civil servants. The Tánaiste disputed that when I suggested it a few weeks ago. I then asked in a parliamentary question how many people under the Tánaiste's remit had been suspended without prejudice on full pay and discovered that there were 26. That is the highest number of any Department. Subsequently I asked were they in the Garda or where were they, and despite the normal practice of answering a parliamentary question within four days I received an answer to the effect that the Tánaiste could not answer the question. I suspect a lot of those people who have been suspended on full pay, without prejudice pending investigations are in the Garda. That however does not apply to Nóirín O'Sullivan. Is there one law for Nóirín O'Sullivan and another one for people under the remit of the Department of Justice and Equality and in the Garda?

Deputy Frances Fitzgerald: The Deputy is going back over a debate we had in the House about the setting up of the Charleton inquiry. He is accusing the Garda Commissioner of several actions. The purpose of the Charleton commission is to examine all of those issues.

Deputy Richard Boyd Barrett: I am saying they are allegations.

Deputy Frances Fitzgerald: I am making the point that it is inappropriate when we have set up a tribunal to examine those allegations which the Deputy has outlined and is outlining again, which have been denied by the Garda Commissioner. We set up the tribunal to examine those and to make sure there is fairness in respect of everyone's position as far as that is concerned. On the second point about confidence, of course the public's confidence has been greatly damaged by this. I want to ensure that confidence is rebuilt.

As the Taoiseach said earlier, there is some excellent policing being done up and down the country. Everybody acknowledges that and it can be seen when we look at the figures relating to Operation Thor and the dedicated policing shown there. We can see the security provided to this State by An Garda Síochána, on which I do not have to elaborate today. I just make the point-----

Deputy Jonathan O'Brien: Can we believe those figures?

Deputy Frances Fitzgerald: It is not rubbish.

Deputy Jonathan O'Brien: I asked whether we can believe those figures.

Deputy Frances Fitzgerald: We have to rebuild confidence in An Garda Síochána. I accept what is being said. I am very concerned that confidence has been so impaired by what has emerged in recent times. I have outlined a way of addressing that.

Deputy Richard Boyd Barrett: The Tánaiste did not explain why 26 people under her remit have been suspended without prejudice.

Deputy Frances Fitzgerald: That is not in the Department of Justice and Equality, it is across the agencies of the Department.

Deputy Richard Boyd Barrett: The Tánaiste will not tell us whether it is in An Garda Síochána. Why was it done?

An Leas-Cheann Comhairle: Deputy Broughan is sharing his time with Deputy Clare Daly and Deputy Wallace.

Deputy Thomas P. Broughan: I, like many others, was shocked to read the article by David Labanyi in *The Irish Times* on 20 February which first revealed the problems with mandatory alcohol testing, MAT. I tabled five parliamentary questions to the Tánaiste inquiring about the number of MAT checkpoints operated in each county between 2009 and 2015 and the number of disposable mouthpieces ordered by An Garda Síochána during that period. In the composite answer she provided on 28 February, the Tánaiste did not answer those questions. However, she did say, “The Garda authorities have also assured me that no issues stem from this audit with regard to the performance of MAT checkpoints or prosecutions emanating therefrom.” Did the Tánaiste not mislead me and Dáil Éireann? Should she not be considering her own position? There has been much talk of the Garda Commissioner doing so.

The Garda website says that no single reason accounts for the huge discrepancy of 1 million tests that did not take place. We are told about specific counter readings and that there was no central recording process for the 1,200 devices. What are the reasons for this? What has the Tánaiste discovered?

This is one of a series of cock-ups and maladministration in the implementation of road traffic law. The Tánaiste has failed to bring forward the Courts (No. 2) Bill 2016 regarding fixed notice charges. Between 40% and 85% of road traffic speeding summonses were not served in 2015 and 2016. The wording of section 22 of the Road Traffic Act 2002 on the inspection of driving licences in court has not been fixed. I could go on all night about things that the Tánaiste has not done with regard to traffic law. Is it not time the Tánaiste considered her position?

Deputy Frances Fitzgerald: I remind Deputy Broughan of the series of reforms I have initiated and the range of legislation I have enacted since I became Minister for Justice and Equality. When I took up my position, I said that radical change was needed in the justice area and in policing. That is what I have been doing. I have been intent on ensuring that there is more transparency and more objective mechanisms. Deputies continually talk about taking politics out of policing. That is what I attempted to do by ensuring that the Police Authority is a robust body. It is important that we allow that body to do its work.

I did not mislead the Deputy or the House when answering his parliamentary questions. I gave the information that was available to me at the time. I said that, in the context of the original letter of June 2016, no convictions had been impacted upon by what happened in cases where people were above the alcohol level. Clearly, the situation that arose was one where

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people were either saying they had done tests that they had not or were incorrectly putting them through. Questions arise about supervision and training. Questions also arise as to whether people, because of the demands on them, did not input the figures immediately after a check-point.

Deputy Mick Wallace: The Tánaiste is talking about introducing the most significant reforms in policing since the foundation of the State. This is a joke. The Tánaiste talks about the Police Authority being a robust body. It is toothless. We told the Tánaiste this when she brought the legislation forward. She introduced changes in respect of GSOC that have left it still unfit for purpose and unable to do the job. That is part of the reason we are here today.

The Tánaiste has not depoliticised the situation. That is why she is directly connected to the Garda Commissioner now. The Tánaiste must be afraid of her life that she is going to go down with the Commissioner. The Tánaiste refused to separate her office from that of the Garda Commissioner. The Policing Authority is not the body needed to create a buffer between them.

The Taoiseach spent two and a half minutes today explaining why the Garda Commissioner is not fit for office, after which he gave her the dreaded vote of confidence. In football terms, when a manager loses ten games in a row and the chairman comes out and gives him a vote of confidence, everyone knows the manager is finished. What in God's name is delaying the Taoiseach? Is the Government waiting for a more politically expedient point to get rid of the Garda Commissioner? She is finished and the Government know she is.

There is talk of another report. People are sick to the back teeth of hearing that. Garda Inspectorate reports were published in March 2014, November 2014 and December 2015. They were good, independent reports. However, the people who were expected to initiate the reforms were those who needed reforming. Reform of the Oireachtas and the Department of Justice and Equality is also needed. Does the Tánaiste know how many pages are in the Garda Inspectorate report of 2015, Changing Policing in Ireland? There are 442. How many more pages are needed? We know what needs to be done but there has not been the political will to do it. There has not been the will in the Garda hierarchy to do it.

Not only has the Commissioner lost the support of the people, she has lost the support of her own troops. The gardaí on the ground who the Tánaiste says are doing great work up and down the country have had enough of the Garda Commissioner. They cannot wait for her to be gone. In the past couple of months, I have been approached by a huge number of gardaí wondering when in God's name are we going to get rid of her. The Tánaiste has to stop delaying. The Commissioner has not a hope of seeing out the year. There are a couple of investigations which will cut the ground from under her. The Government is just playing with the issue and playing for time.

Deputy Frances Fitzgerald: Deputy Wallace has obviously decided the outcome before the facts are heard. There are systemic issues which need to be addressed. It is very clear that this is not about one person.

I reject what the Deputy said about the direction taken by this Government. We took over a situation where there had been no investment in An Garda Síochána. Templemore had been closed, there was no recruitment, no independent recruitment and no independent body. Recommendations were being made by the Garda Inspectorate and these are now being implemented and monitored by the Policing Authority. I am sure the Deputy has seen the first report,

which outlines what has been done in terms of reforms. There is clearly a huge amount of work to be done. I am absolutely committed to doing it.

The Government has shown its good faith in terms of the resources it has allocated to this. There is a huge amount of data relating to road traffic issues. The decision to give €200 million to improve the database is absolutely critical. Many of these issues arose because there was no national database being used by An Garda Síochána. There is clearly a huge amount of work to be done which is being supported by Government and the independent bodies.

Deputy Clare Daly: The Tánaiste might think she can talk down the clock on this one-----

Deputy Frances Fitzgerald: I am not trying to do that.

Deputy Clare Daly: -----and that if the Government bides its time and we all sit here talking about it, then it is going to go away. The language used earlier by the Taoiseach was strikingly similar, if not practically identical, to that used by the Tánaiste two and a half years ago when discussing a previous fixed charge notice controversy. A year after two commissions of inquiry and the Members of this House having been told that the new system was in place, Maurice McCabe had to make another protected disclosure to say the system was not working. The Tánaiste at that time stated it was very important that we get the facts of the situation before conclusions are reached. Public confidence, the integrity of the system and the public interest is very important also. The Tánaiste needed to have an independent external investigation so she sent that to the Garda Síochána Ombudsman Commission, GSOC. That was three years ago; nothing happened. Why should we accept another review when the reviews that have been done made recommendations which have not been implemented? The Tánaiste did not even bother chasing up the ones she set up because where is the outcome? Why should we believe that if she sets up another review she will follow it through? What will it take for the Tánaiste to take action and realise that she cannot reform an organisation if those at the helm come from the old ways of doing things?

An Leas-Cheann Comhairle: We now move to the Rural Independent Group. I call Deputy Michael Healy-Rae who I understand is sharing his time.

Deputy Michael Healy-Rae: If the Tánaiste thinks for one minute that I am going to attack her here tonight, she has another thing coming. I want to say to the Tánaiste that I support her in her role as Minister for Justice and Equality. I believe she has done nothing wrong in this entire matter. There are questions to be answered and there are problems but I support the Tánaiste in the same way I support the chief superintendents, the superintendents and the rank and file gardaí I met yesterday while going about my duties in County Kerry and other areas.

There are questions that need to be answered and they are very serious. There are five basic questions the Commissioner has to answer. Why was the number of roadside breath tests inflated by almost 1 million? That is crazy. How was the falsification of breath tests recorded allowed to go undetected for so long? Who will be held accountable for the misreporting of the number of breath tests? How was a situation allowed to develop whereby 14,700 motorists were wrongfully brought to court? That is outrageous when we consider that people had their good names taken.

I support Sinn Féin Members and, in particular, Deputy O'Callaghan of Fianna Fáil, who raised earlier very serious questions about the Commissioner. If Members allow me, I will be a little more balanced in that people are saying she should go but I am saying she should step

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aside while, as the Taoiseach has said, an outside investigation is taking place. That is more plausible, fair and reasonable. That would give every person a chance to allow an investigation to take place and to see the results of that. If that means that the Commissioner will have to go, that is fine. If it means she should stay, that is fine. However, I compliment Fianna Fáil and Sinn Féin on the stance they have taken and for saying this is totally wrong because when I go about my duties in County Kerry the people on the ground ask me what has gone wrong in this matter.

I was very happy to hear Deputy Micheál Martin say what he said on Leaders' Questions earlier because it is right. The Government might appear to be under attack but I do not want the Tánaiste and Minister for Justice and Equality to be under attack. She was not responsible for the falsification of any statistics that have been put in the public domain.

With regard to statistics, through my own work in recent months I have discovered an enormous number of irregularities with regard to statistics being used by the Road Safety Authority, and others, when they are accounting for road fatalities. There are many anomalies in those figures. I have those statistics. I will not go into them now because this is not the time or place to do that but I will be using them in the future because the public are being misled.

I want to say to the ordinary garda out on the street today, whether in Dublin or in Kerry, and to the sergeant, the superintendent or the chief superintendent, that they have my confidence. I believe they should have the confidence of every elected Member of Dáil Éireann but we have to investigate and find out what went wrong and how such falsifications were made public. It is up to us then to deal with the situation that arises. In the time being, it would be better for the Commissioner to reflect intelligently upon the situation. A smart question was asked here earlier. If Dáil Éireann votes in favour of the Commissioner stepping aside for a period, she should listen very closely to that and I mean that in the most respectful way.

Deputy Mattie McGrath: Like Deputy Healy-Rae, I fully support the Tánaiste in the job she has but I believe at this stage that the position of the Garda Commissioner, Nóirín O'Sullivan, is untenable and that she must immediately step aside to prevent any further erosion of the reputation and the integrity of An Garda Síochána. I came to that conclusion after the Commissioner acknowledged that almost 14,700 people were wrongly convicted of motoring offences due to Garda error and that the Garda had exaggerated the number of breathalyser tests by 937,000. That beggars belief.

The public have reached scandal saturation point with respect to the breadth and scale of the latest Garda mismanagement fiasco. I support the ordinary rank and file gardaí on the ground 100%, and sergeants, inspectors, superintendents and chief superintendents, but the public are witnessing a constant drip of highly damaging information that is corroding the public trust in the Garda at a time when the reputation of the force is already at crisis point. That must be extremely demoralising for the rank and file gardaí on the ground, especially when it appears that there is zero accountability at the very highest levels of the organisation. The rank and file gardaí are the ones who put on their uniform every day, leave their families behind and go out to defend all of us. There is a thin line in terms of respect for them, democracy and what, since the foundation of the State, they try to enforce.

The Commissioner, by clinging on to her position, is only delaying the inevitable and causing real and long-lasting damage to the wider reputation of An Garda Síochána. It is no longer credible for the Commissioner to say that she is part of the solution and not part of the problem,

especially when one considers that she has held senior positions in Garda human resources management since 2003 and was promoted to the position of deputy commissioner with responsibility for operations in 2011. Deputy O’Callaghan questioned the Tánaiste earlier on various issues that arose in 2013, 2014 and 2015. The Commissioner was deputy commissioner with responsibility for operations during that period. If she did not know what was going on, she should have known. The buck stops with her.

For almost 14 years, the Commissioner has been in a position to effect internal reform of the Garda and demonstrate accountability but that accountability must start at the top. As things stand, and with clear indications that there is more to come in terms of unacceptable practices, which we heard about in the statements last week, it is time for the Commissioner to step aside. The public cannot have confidence in the Commissioner’s protests around instituting robust accountability measures when she appears to have excluded herself from those checks, regardless of what scandal emerges. That is the position.

Does the Tánaiste not believe that the public has reached scandal saturation point with respect to the breadth and scale of the latest Garda mismanagement fiasco? Does she not believe that it has done huge damage to its reputation, which is very important to retired members, members of the Reserve, who are being encouraged to join in radio advertisements and who want to do that, and the vast majority of members of An Garda Síochána who do an excellent job? The Tánaiste might answer those questions.

Deputy Frances Fitzgerald: I thank Deputies Michael Healy-Rae and Mattie McGrath for their comments and questions. Of course, I am aware of the criticisms that have been made regarding the lack of explanation as to precisely what happened regarding the breath tests. I accept fully that, as both Deputies noted, we need full explanations. It is obvious that Garda breath tests were not recorded properly by a number of gardaí and robust systems were not in place. Of course, this has led to a lack of confidence. I have no doubt about that. We must re-establish that confidence but I do not believe there is any one action that will re-establish that confidence. I think it must be a series of actions, quite a number of which I have outlined here. At this point, it is only speculation as to what happened. Was it carelessness, exaggeration or deceit? This is why I agree with what both Deputies have said, namely, that we need an investigation into this. We need to find out who was responsible for this, what happened to supervision and whether there was collusion. There are many districts here because this exaggeration is right across the divisions. It is extremely serious. That is why the Government and I believe an independent investigation is the way forward in respect of finding the answers to the questions both Deputies have asked about this. It has undoubtedly dented confidence and we and Garda management need to rebuild it. I think Garda management can do this by being more transparent in everything it does and outlining the reforms.

Deputy Catherine Murphy: When we came in here this evening, we were told there was to be a review. During the debate, the Tánaiste told us that it would be a Patten-like commission, which is fundamentally different. The Tánaiste needs to clarify exactly what is proposed because if we are looking at a Patten-like commission, she is then questioning the changes she made and is certainly not expressing confidence in An Garda Síochána because that is a fundamental change and that is what she announced this evening. The Tánaiste told us this evening that there was a minimum inflation rate of 65%. These phantom breath tests were supposedly carried out and supervised and they were recorded. I spoke to a former garda who knows about these things. He told me that these tests are supposed to be supervised by an inspector or superintendent. That often did not happen. Anyone who highlighted an issue of deficiency in

the system was totally vilified. The management was aware it was extremely poorly managed. Some quiet roads were expected to produce the same number of fines as busy roads. There was always the magic number of three per checkpoint - three seat belt offences, three tax or NCT offences or three failed breath tests. All one needs to do is talk to somebody who was involved in this. I was told the collection of fines was assigned to specific warrant officers. This proved to be inefficient and collection was not really prioritised. At times, cheques and money orders were collected and not processed. They were left in drawers in Garda stations. A huge number of fines were cancelled in courts because the fines were there and there was inefficiency. How does the Garda Commissioner not know that this is happening if it is known at management level that there are difficulties with this system? I do not buy people being aware of tittle-tattle about Deputy Wallace's phone but not knowing about something as significant as this. I think this was a wholesale and systematic system of inflation throughout the force. Could the Tánaiste tell us whether it will be a Patten-like commission?

Deputy Frances Fitzgerald: What the Government has said is that we believe that given the series of issues that have emerged, it is time for a review of the issues I outlined earlier to the House about the organisation and management of An Garda Síochána. However, I have also said that I want to consult with colleagues around the House and have a discussion about the best way forward. Some people have called for a Patten-like commission while others have said that we need an independent review, for example, of policing and security and the management systems that are in place. Many people think that some of the areas for which gardaí have responsibility should be completely civilianised. All these issues need examination. I am just giving a broad outline of our thinking on that at this point.

In respect of the Deputy's argument that it was systematic throughout An Garda Síochána, that is very clear in respect of alcohol testing. It is very clear that it was across all areas and that figures were inflated across all districts. This is why we need an independent examination of precisely what happened.

Deputy Róisín Shortall: This involves errors in 146,000 fixed charge notices, 15,000 wrongful convictions, a million fake breath tests, allegations of falsification of checkpoint figures, allegations of falsification of speeding figures and, most concerning, the claim last Sunday by Jim Cusack that the Garda Síochána Inspectorate found that An Garda Síochána has been covering up and lying about serious crime, including rape. Does the Tánaiste now accept that we cannot believe anything An Garda Síochána tells us about any data or statistics? Does the Tánaiste accept there is a serious cultural problem in the higher echelons of Garda management? Does the Tánaiste accept that the only way to break and change that culture is for those responsible and engaged in wrongdoing to be removed from their positions? Does the Tánaiste accept that it is the job of the Commissioner as the person responsible for discipline to take that action at an early stage? Does the Tánaiste accept that if the Commissioner is not prepared to do that and if she is not up to the job of enforcing discipline within An Garda Síochána, she should go?

Deputy Frances Fitzgerald: I believe that action should be taken if wrongdoing has happened. The scale of it-----

Deputy Róisín Shortall: Why is the Tánaiste saying "if"? She knows there is wrongdoing.

Deputy Frances Fitzgerald: Clearly, once the independent examination has been carried out and the facts emerge-----

Deputy Róisín Shortall: This is the old trick - playing for time.

Deputy Frances Fitzgerald: We do not have explanations at present. I do not have the explanations. As Deputy Shortall heard at the press conference, An Garda Síochána does not have an explanation as to why this happened.

Deputy Róisín Shortall: They had three years to get an explanation.

Deputy Frances Fitzgerald: What An Garda Síochána has arrived at is the scale of the audit. I agree with Deputy Shortall that it is unsatisfactory that at this point, we do not have answers as to how this happened, who was involved and why it happened. I want to get those answers as quickly as possible and I agree with Deputy Shortall that people must be held accountable. Of course, people should be disciplined and if people have to be removed, of course, they should be removed. I would expect the Garda Commissioner to do that when and if those facts emerge. Clearly, the scale of what has happened is enormous.

In respect of Deputy Shortall's point about culture, this has long been identified by the Garda Inspectorate reports. Some months ago, tenders were put out regarding a cultural audit that is being undertaken. The Policing Authority will have oversight of that. This is another attempt to get to the bottom of the issues that maintain the type of behaviour we have seen in recent weeks.

In response to Deputy Catherine Murphy, I would say that we must build on the reforms that are already in place. It is not about negating the reforms that have already been made. It will be about building on those reforms. I do not believe that it undermines them to say that we need this overall examination because of the scale of what has emerged.

Deputy Seamus Healy: The phrase "grotesque, unbelievable, bizarre and unprecedented" comes to mind in respect of this issue. In the wake of scandal after scandal and cover-up after cover-up, systemic malfunction after systemic malfunction and systemic failure after systemic failure, I ask the Tánaiste whether a root and branch reform and restructuring of An Garda Síochána is now urgently needed. Is it not time that the Commissioner and the top tier of the Garda is removed immediately? Is it not time that a Patten-type commission be put in place to reform and restructure An Garda Síochána? Will the Tánaiste give us an assurance here tonight that no rank and file gardaí will be scapegoated by any investigation arising from this issue?

Deputy Frances Fitzgerald: I thank the Deputy. I also want to respond to another point on whether we can believe any of the statistics being published. I want to make the point that I initiated action and met the Central Statistics Office to ensure the current crime statistics were more robust than they had been and the CSO has confirmed that they are. That work is ongoing but I want to make the point that the work has been done. It is important we are aware of that fact.

The Deputy asked whether a more root and branch reform of An Garda Síochána is necessary, as well as the changes that have already been implemented. I have said here tonight that I believe this is something we should consider and the Government announced it earlier today. I want to engage with Deputies in this House as to the exact form this should take. Clearly that will be a longer-term measure but it is extremely important at this stage, given the range of issues that have emerged. In the meantime, we must continue to address all the issues that have been addressed by the Garda Síochána Inspectorate that have emerged. Action is being taken on a whole range of issues. With the penalty points issue, for example, we now have a robust

system in place that has objective verification and the numbers dealing with the issue have reduced. We must deal with each individual concern in this way to get to the bottom of what has actually been happening.

An Leas-Cheann Comhairle: We now have 28 minutes remaining for other questions. The list is as follows; Deputies Pringle, McGuinness, Curran, Michael McGrath, Troy, Connolly, Breathnach, Fitzmaurice, O’Keeffe and McDonald. I am concentrating on those Deputies who did not have an opportunity already. I invite Deputy Pringle and I shall be quite strict on time. The Deputy has one minute.

Deputy Thomas Pringle: I will be brief. We heard on “Morning Ireland” this morning that the Medical Bureau of Road Safety audited 200 breath test units, which the Garda figures showed to have done over 400,000 tests. The units had actually only done 200,000 tests. This was in August 2015. The bureau immediately contacted the Garda to tell it there was a problem with the reporting. It was, however, ten months later before the Garda contacted the Department and told it there was no issue with mandatory alcohol testing, MAT, data checks in this regard. Has the Tánaiste asked the Commissioner to explain why it took An Garda Síochána ten months to contact the Department? If the Tánaiste has not asked this, then why not?

An Leas-Cheann Comhairle: I thank the Deputy for observing the time. The Tánaiste has one minute.

Deputy Frances Fitzgerald: I have had detailed discussions with the Commissioner about this whole issue. A key question has been the information flow to the Department regarding the scale of the matter. As I have explained, the audit was under way and the Garda was responding to the letter it had received from the Medical Bureau of Road Safety. The issue had emerged and concerns were raised also by individuals. The Garda decided it would carry out audits on the MAT data for the last year in June 2016 and I waited. In June 2016 it informed me of the work it had been doing and was now completing a national audit - as it said - up to the second quarter of this year.

Deputy John McGuinness: The Sergeant Maurice McCabe issue and the general whistleblowers issue has given a clear indication to us that there is corruption and poor management within the Garda force and the Tánaiste does not need a report to do because they have given us that information. What we are now witnessing is the catastrophic failure of management of An Garda Síochána. I believe that because the management is central to this and it cannot oversee the type of reform that is necessary. Calls have been made for those people to stand aside or to give others a chance to come in and manage things better. That is what needs to be done. There are a million cases and the Tánaiste cannot convince me that throughout the State there is not a number of gardaí who have the information in respect of all of this. How can the Tánaiste expect the current Commissioner and those around her to find the information and bring it forward in a public way when the information was there for so long and ignored? It was a cover-up.

Deputy Frances Fitzgerald: I repeat that the audit was done internally. The facts were put into the public arena by An Garda Síochána, which is important. The system we have put in place for the implementation of reforms includes independent supervision of those reforms by the Policing Authority. This needs to be developed and enhanced. We need to support the Policing Authority to ensure that we get very transparent sight of the issues and of the actions being taken to deal with the range of subjects on the table now. We know there are many concerns because of the Garda Síochána Inspectorate report and its more than 1,000 recommenda-

tions. The recommendations are not going to be implemented overnight but they do need to be implemented and it is being overseen by the Policing Authority. I am relying on the Policing Authority to have that oversight but clearly Garda management must play its role also.

Deputy John Curran: The Tánaiste, the Taoiseach and our party leader all spoke of the seriousness of this issue and in particular about the public perception and confidence in An Garda Síochána. One of the reasons for this is that the Garda seems to be continually embroiled in issues such as this. The Tánaiste said she was aware last summer of the fixed charge notice issue and the convictions but not about the scale of the matter. I have only two questions for the Tánaiste and I do not know if she can answer both of them tonight. What other issues of governance, procedure or possible wrongdoing has been made known to the Tánaiste and her Department and what specific actions are being taken in that regard? The Tánaiste and the Government have said they have confidence in the Commissioner but it is clear that the Tánaiste does not have confidence in the inquiries into the matter advocated and advanced by the Commissioner last Saturday. Is it possible and credible that the Tánaiste has confidence in the Commissioner but not in the actions of the Commissioner?

Deputy Frances Fitzgerald: With regard to the first question, this has come up a number of times following on from the Commissioner's remarks that other issues may emerge. I asked the Commissioner whether she was referring to specific issues. She said no, it was just a point she was making about examining past procedures and being intent on reform and that issues would now come into the public arena that had not come into the public arena before. She was making that remark in a general way.

The Deputy asked about any other information I might have on scandals or issues of governance. There is no particular issue. The Commissioner may have been referring to the Templemore report also and I understand that is being published today or tomorrow. That report clearly raises serious governance issues and will be referred to the Comptroller and Auditor General and to the Committee of Public Accounts. Other than that, there is nothing specific to which I would refer with regard to the second question.

Deputy Michael McGrath: I will take the Tánaiste back to the letter about the breath tests from the Garda to the Department of Justice and Equality in June 2016. The Tánaiste has said there was no indication given in that letter as to the scale of the problem. It is clear from what the Commissioner told me yesterday and from her public statements that it was not at that time known to Garda management either. We know from the director of the Medical Bureau of Road Safety that An Garda Síochána was informed in autumn 2015 - with respect to the sample checked by the bureau - that the actual figures were out by 100% *vis-à-vis* the figures on the PULSE system. There was a figure of some 400,000 on PULSE as opposed to 200,000 actual mouthpieces used. The Garda had that information. It also knew from its own audit of the southern region that there was a very serious discrepancy. Is the Tánaiste really saying to the House that, in June 2016, knowing all of that information, the Garda Commissioner gave no indication whatsoever of the gravity of the problem the Garda was tackling and seeking to measure? That is an extraordinary position. Is it the case that the Tánaiste did not ask and the Commissioner did not tell her, even though they had been told of the scale of the problem at that stage?

Deputy Frances Fitzgerald: The Garda would not have been aware of the scale of the problem at that point because the audit had not been completed.

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Deputy Jonathan O'Brien: The southern audit had been.

Deputy Frances Fitzgerald: Well, that is my information.

An Leas-Cheann Comhairle: The Tánaiste, without interruption.

Deputy Michael McGrath: Just to be clear, they knew the figures were out by hundreds of thousands. They knew that in the autumn of 2015. That is a fact. They knew it.

An Leas-Cheann Comhairle: The Tánaiste to respond.

Deputy Frances Fitzgerald: I am informed by An Garda Síochána, indeed the public has been informed by An Garda Síochána, that the scale of the problem only became clear when they had the full figures of their own audit, just a few weeks ago, and these figures were compared with the database. The database had always been available, and one of the points I would make is that there should have been much closer liaison in respect of the national statistics. If the Garda had been collecting them, that would have dealt with this issue much earlier. However, that was not happening then. I would point out to the Deputy that when Assistant Commissioner Twomey wrote to the Department in June 2016, it is clear that the Garda authorities were concerned because at that point they said they were moving to a national audit. That audit continues. In the letter, it was made very clear that the Garda authorities were concerned and that was why they were taking action in respect of the discrepancies that had come to their attention. I presume, at that stage, they were putting together the information from the southern region plus the information from the medical bureau. They did say they were moving to a national audit.

Deputy Pat Casey: There were no numbers given.

Deputy Frances Fitzgerald: No. At that point, no. They identified it as an issue that needed a national audit.

An Leas-Cheann Comhairle: I thank the Tánaiste. I want to accommodate a number of others. I have to be fair to all. I call Deputy Robert Troy.

Deputy Robert Troy: Does the Tánaiste accept that the management could not but be aware, given the fact that, in August 2015, Professor Cusack informed the Garda that only 200,000 mouthpieces were provided for a time when they claimed 400,000 breath tests had been carried out? How could senior management not be aware of the scale of inaccuracies at that time? I do not know how the Tánaiste can accept that they were unaware.

In respect of the Road Safety Authority indicating in 2014 that there was an issue, the Minister for Transport, Tourism and Sport at the time wrote to the Garda making it aware of his concerns. An Garda Síochána indicated in a detailed letter to the Department of Justice and Equality in May 2014 that it had looked into the claims regarding MAT checkpoints and was satisfied that correct procedures were in place. Who conducted that review? Is the person who conducted it still a serving member of An Garda Síochána?

Deputy Frances Fitzgerald: Which review is the Deputy speaking about? I just missed that.

Deputy Robert Troy: In May 2014, the Tánaiste's Department got a detailed letter back from An Garda Síochána saying that it had looked into the claims regarding MAT checkpoints

and was satisfied that the correct procedures were in place.

Deputy Frances Fitzgerald: Just to make the point, although I have already said this, there is a difference between MAT checkpoints and doing the breathalyser tests. The Garda authorities are satisfied that the figures in respect of the checkpoints are robust because, from a legal point of view, under legislation, they have to be authorised. They could only be wrong if somebody was taken off a checkpoint and the inspector has to report on that. That is the point I am making. The review was done in the western region because it was about the western region. Quite a number of initiatives were taken to try to deal with the issues that were in the whistleblower's letter.

In respect of the medical bureau----

Deputy Robert Troy: Did they not state in the letter that the figures were inflated?

An Leas-Cheann Comhairle: There are other Members I have to facilitate. Tánaiste, if you would deal with the question.

Deputy Frances Fitzgerald: It said there were concerns about a whole range of issues. There were many, many issues.

Deputy Robert Troy: Including the figures?

Deputy Frances Fitzgerald: I am not sure that it mentioned figures but it probably said it was concerned about the accuracy.

In respect of the Medical Bureau of Road Safety, the letter from it to An Garda Síochána was provided to me by the Commissioner at our meeting on 27 March. The letter did not set out any figures, nor did it raise any concerns about statistics. However, it referred to the ordering of testing equipment and noted that An Garda Síochána had not placed a request for additional equipment. Clearly, the implications of that should have alerted people at that point. It was after that, and as the audit emerged from the southern region, that the Garda authorities could see that they would need to audit further.

Deputy Catherine Connolly: The previous two speakers asked the question that I am going to ask again now. When the anonymous complaint emerged, it concerned exactly this issue among others. Is the Tánaiste satisfied? An examination was carried out from which no issues arose. That was the first thing, in May. If the Tánaiste listens - and I think she should - to the transcript of today's edition of "Morning Ireland", she will hear that the bureau wrote in July 2014 to tell the Garda that the numbers did not add up, and it did not order any more mouth-pieces for 2015 and 2016. Is the Tánaiste really stating that her Department was not informed by the Garda from July 2014 when the figures did not add up or that she and her Department had no knowledge of that very serious issue again in 2015? Is she telling us that the first time she or her Department became aware of the matter was in June of 2016? Is that what the Tánaiste is telling the House? If she is, there is something seriously wrong. We are now facing another independent inquiry because the basic facts that should be laid before this House by the Commissioner, through the Tánaiste, have not been given.

Deputy Frances Fitzgerald: When the Commissioner wrote to me in respect of that original May 2014 issue, she outlined the range of actions that had been taken at that point. That issue was dealt with at that time. Subsequently, the medical bureau wrote the letter, as I have

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outlined. If one reads the letter, which I have, the bureau just refers to the ordering of testing equipment and notes that An Garda Síochána had not placed a request for additional equipment. The fact that they did not need additional equipment clearly indicated that there was an issue. In retrospect, clearly, that should have been acted on immediately. Subsequently, the audits started being done in the southern region because there were concerns raised. It was in June 2016 that I was then given the information. That is the reality of the situation.

Deputy Declan Breathnach: Earlier today and yesterday, the Taoiseach said, as the Tánaiste has indicated this evening, that all the checks and balances are now in place. To me, that means, *de facto*, that the Garda authorities know the cause of the problem and that it must be known by the Tánaiste, particularly in respect of the breathalyser cases. A child in sixth class in school would tell us that the population of this country is 5 million. With the number of breathalyser kits that appear to have been used, every adult in the country would have been breathalysed. It just does not bear thinking how farcical this situation is. I would like the Tánaiste to give her view on the cause for the inordinate numbers of breathalyser kits. Clearly, she is at the coalface of this problem and has information that many in this House do not possess. From speaking to members of the public in recent days and, particularly, coming to this House today, the word is that this country has not changed in 60 years. It is incumbent on the Tánaiste to give her opinion as to why the PULSE system was not operating correctly or why those figures were recorded.

Deputy Frances Fitzgerald: I am being very clear that it is completely unacceptable that this situation arose. That is the first point I would make. We absolutely have to find out the answers to the very question the Deputy is asking. I am disappointed they are not in the public arena already and that I have not got a full report on how it happened from An Garda Síochána but I have not. I do not have the answer to that question. I can speculate, as I have already, as to whether it was casual reporting, whether there were ethical issues involved, whether there was no supervision and whether there was collusion about the figures. We can all speculate about how this happened. The reality is that it did. It is quite extraordinary that there is a discrepancy of 1 million and we absolutely need to get to the bottom of it. That is why we need an independent investigation.

I was asked whether I am suggesting an independent investigation because I think an internal investigation is not enough. Yes, I am saying an internal investigation is not enough because, as a number of Deputies have pointed out, we can see the internal audits were not accurate. Now that the comparison has been done between the Garda figures and the figures from the Medical Bureau of Road Safety, we can see the discrepancies are a minimum of 65% in one area and go up to over 100% in another area. We have to find out why some areas were reporting figures that were over 100% inaccurate.

Deputy Michael Fitzmaurice: Does the letter Mr. Gay Byrne received not show the type of systems in place, in that they were more interested in finding out who wrote the letter? The Commissioner was appointed at a time when it was known in the Department of Justice and Equality, in the Department of Transport, Tourism and Sport and by a Minister that some fiasco was going on in the Garda Síochána, yet she was appointed. It was known that she knew about this.

If there is somebody retired about whom allegations are proved in this inquiry, what sanctions will be taken against him or her? In the last weeks, we have listened to the Grace scenario and the McCabe scenario and we have listened to this today. Are politicians and Ministers being given the run-around by different Departments? They seem to be rotten to the core, given

what is going on in this country. Are politicians being fobbed off when the media are the ones breaking all the news and all that is going on in different Departments?

Deputy Frances Fitzgerald: To make the point again for the record, the Garda Commissioner was appointed by an independent process that was advertised publicly and internationally for the first time. It is important to say that and to say she came through that process and was deemed to be the best person to lead the reform and to lead An Garda Síochána so that we had and have policing for the 21st century. That is the reality of her appointment and I want to put that on the record.

In terms of what came from the Minister, Deputy Varadkar, and Gay Byrne, that was followed up and a comprehensive report came from it. My understanding is that the gardaí in the western region who were asked to look into this tried to get as much information as they could. It was an anonymous complaint so it was very difficult to pursue it. They examined the situation, they gave the facts about traffic enforcement back to headquarters and a report was put together. At that point, I went back and asked for further work to be done in regard to the issues that had emerged. Eventually, we had the audits I have been outlining.

An Leas-Cheann Comhairle: Thank you. I call Deputy Kevin O’Keeffe.

Deputy Frances Fitzgerald: In terms of the Department’s work in this regard, I want to say-----

An Leas-Cheann Comhairle: Thank you.

Deputy Frances Fitzgerald: Can I just say-----

An Leas-Cheann Comhairle: Sorry, you have overrun. I call Deputy Kevin O’Keeffe.

Deputy Frances Fitzgerald: I need to say that the Department pursued these issues very diligently-----

An Leas-Cheann Comhairle: There are other speakers and I must give them an opportunity. I call Deputy Kevin O’Keeffe.

Deputy Kevin O’Keeffe: Before I ask my question, we must acknowledge the good work that gardaí have done in recent years. We have seen an improvement in road safety and I want to support that.

The Minister, Deputy Ross, in the past number of months has sought a review of section 29 of the Road Traffic Act 2010 and he has come before the Select Committee on Transport, Tourism and Sport in regard to new statistics. Has the Tánaiste kept the Minister, Deputy Ross, informed of the ongoing audits being carried out by the Garda and the Commissioner over the past number of months, given there may be discrepancies in the figures being used and anomalies that need to be highlighted? Should the Minister, Deputy Ross, have pulled back in his push-ahead with the amendment of section 29 of the Road Traffic Act 2010?

Deputy Frances Fitzgerald: In regard to the point the Deputy makes about alcohol, if anything, what has emerged raises more serious issues about our approach to alcohol, how robust the legislation needs to be and how we need to get on with the Public Health (Alcohol) Bill. Effectively, and this is very upsetting, what has emerged from the statistics on the number of cases is the fact that the number of those who are drinking alcohol and driving is far greater than

we thought. That is the first point to be made. The whole approach to road safety and dealing with the issues around alcohol need an even stronger approach-----

Deputy Kevin O’Keeffe: That is not what I asked.

Deputy Frances Fitzgerald: No, but it is a very important point in regard to the Deputy’s point. In regard to the fixed point penalty notices, the Department of Transport, Tourism and Sport would have been copied with the information that had been given to my Department in June 2016. The other point raised by the Deputy in regard to alcohol would have been on the agenda of the transport and justice committee meetings but no details were given in regard to the audit at those meetings because the audit was still ongoing.

Deputy Mary Lou McDonald: Speculate as we might, the facts of this particular fiasco are not in dispute - more than 14,500 unsafe convictions and close on 1 million fake breathalyser tests. There is one thing the Tánaiste could do that would more than anything restore public confidence and send a very clear message that there is accountability, namely, she could call the Garda Commissioner to account. Her failure and the Government’s failure to do that is, as I said earlier, an absolute dereliction of their duty. All of the Tánaiste’s fine words about reform ring very hollow because she quite clearly does not mean them if she is not going to observe basic accountability.

I want to ask about the Garda internal audit function because this scandal has actually been rumbled by a mixture of an anonymous letter and the Medical Bureau of Road Safety associated with the RSA. I want the Tánaiste to explain to me how it is that the internal audits within An Garda Síochána got it so wrong. The Tánaiste said the review of the southern region reflected a discrepancy of some 17%, which was well wide of the mark. As worried as I was before this debate, I am more concerned now. I am concerned that there was messing going on and false data being placed on the PULSE system. I am worried that either the audit methodology or system was not capable of capturing these problems, or perhaps there was messing in the audit process as well. Can the Tánaiste answer as to why there was a discrepancy from 17% to more than 100%? What was the figure in the southern region?

Deputy Frances Fitzgerald: These are the reasons I and the Government believe an independent investigation is necessary. Of course, the point I would make to the Deputy is that the scale of it only emerged when the comparison was made with the Medical Bureau of Road Safety, and the internal records, as such, will need to be examined to see if, at the time they did the internal audits, it was actually a 17% discrepancy. It was only when this was compared against the database of the Medical Bureau of Road Safety that it then became obvious-----

Deputy Mary Lou McDonald: Why did the internal audit function not do something as basic as that?

Deputy Frances Fitzgerald: This is why we need to have an independent investigation. It is quite clear the audit function in An Garda Síochána took too long. Again, I want to make the point that we were talking about paper-based records that had to be collected from every part of the country. Assistant Commissioner Finn took up office in December and he is the person who has now come and put all of this information into the public arena. I want to welcome the fact that has been done.

I think that is a function of the reforms that are there.

An Leas-Cheann Comhairle: Thank you, Tánaiste.

Deputy Frances Fitzgerald: The Policing Authority has been questioning various issues and this type of information is now emerging. I want to welcome that, but it is extremely disturbing, as I said.

Deputy Bernard J. Durkan: Given the necessity for the public to have absolute confidence in the police force, in this case An Garda Síochána, and given that over the past ten or fifteen years there have been numerous questions raised about the operation of An Garda Síochána, is the chain of command applicable in An Garda Síochána at the present time? If not, to what extent can it be addressed in the interim period? Notwithstanding the proposal for an inquiry or review, the chain of command must be observed.

8 o'clock

That applies to those in operation at ground level observing authority and those at the top. Otherwise, we are wasting our time having a discussion. In the shortest possible time, I ask the Minister to try to ensure that that authority is stamped on and through the force to all sections without delay.

Deputy Frances Fitzgerald: Deputy Durkan makes an extremely relevant point about the chain of command. It is one of the more disturbing aspects of this entire affair. Why did the chain of command not work more effectively? What was the chain of command doing about these issues? As other Deputies have said, there are procedures for reporting back on these breath tests. There are people who have responsibility for these issues other than the garda out on the beat. I absolutely believe that that is one of the issues that need to be examined in this independent inquiry.

An Leas-Cheann Comhairle: I thank all Deputies for their co-operation in giving everyone the opportunity to ask questions.

Money Advice and Budgeting Service and Citizen Information Centres: Motion [Private Members]

Deputy Willie O'Dea: I move:

That Dáil Éireann:

accepts:

— the vitally important work undertaken by the Citizen Information Services (CIS) and the Money Advice and Budgeting Service (MABS) offices across the country in providing information, advice and also helping citizens to manage and overcome debt; and

— the significant role these services have had in recent years assisting families with distressed mortgages;

recognises:

— that MABS and CIS offices are an intrinsic part of, and deeply embedded in, local communities who depend on them greatly;

— that volunteerism is a central component of the MABS and CIS services and ethos;

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— the genuine and growing concern about the manner in which the restructuring of MABS and CIS is being undertaken and the potential negative implications of the proposed regional model;

— that the restructuring process is disenfranchising volunteers, which is counterproductive;

— the growing concern about the proposed changes to local boards and the implications for members and services; and

— that those directly affected by this restructuring process believe that it is taking place without any meaningful dialogue; and

calls on the Minister for Social Protection to:

— immediately utilise the power he has under the Citizens Information Act 2007, to issue a directive to halt this proposed regionalisation;

— conduct a cost-benefit analysis of the restructuring process and the proposed regional model;

— heed the concerns of those who have voiced their strong reservations about the restructuring process and to ensure that all stakeholders involved are consulted and allowed to engage in meaningful constructive dialogue to secure an outcome that is agreeable to all; and

— ensure that any restructuring process does not result in the downgrading of the quality, effectiveness and accessibility of services to citizens.

I seek the permission of the Leas-Cheann Comhairle to share my time with Deputies MacSharry, Curran, Scanlon and McGuinness.

An Leas-Cheann Comhairle: I call for self-discipline. I am not going to interrupt the Deputy.

Deputy Willie O’Dea: I will listen very carefully to Leas-Cheann Comhairle, as always.

The conventional wisdom is that if something is not broken, one should not fix it. That wisdom seems to have been turned on its head for this particular proposal that we discuss tonight. The advice in this case seems to be that if it is not broken, fix it and fix it good. The proposal, in short, is to abolish all MABS and Citizens Information companies throughout the country and replace them in each case with eight regional boards. The theory is that this will give rise to savings in administration, etc., and that that money will be redirected back into front-line services. It is a lovely theory, but unfortunately the facts do not bear it out.

I have consulted widely on this matter with the staff of the relevant agencies, volunteers, without whom the agencies could not operate, and most importantly, perhaps, the end users - the people who depend on the services. To say that their reaction is aghast is a huge understatement. They are horrified by this proposal and they cannot believe that such a proposal is being put forward, particularly in view of how successful both organisations have been in dealing with the people who depend on them. I have had representations from all over the country. I could spend the next several hours reading them out. One representation I received from the

Citizens Information centre in Kildare stated that this is a completely destructive and over the top proposal and is akin to demolishing one's house and rebuilding again in a different site, when all that may be needed are some minor repairs.

The common tendency of all of the people who contacted me is that they admit that there are some problems. There is no service that cannot be improved. They are willing to change and to embrace change, including structural change, provided that the restructure is part of a wider strategy to address identifiable problems. They insist, rightly, in my view, that such restructuring must remain community-based and independent, while also taking into account factors such as geography, demography and socioeconomic factors. They have put forward the idea of a county model. They are even prepared to accept the idea of aligning both organisations with a view perhaps to ultimate amalgamation. Therefore, there is no lack of appetite for change amongst those organisations.

The problem is that the proposed change is all about structure and nothing else. The chief executive officer of CIB, which is driving this change, admitted as such. In a speech to the National Association of Citizens Information Services, NACIS, Ms Angela Black stated that the focus was on structure and how a national structure is best configured. It is all about structure. The problem is that not one ounce or iota of evidence has been put forward to explain how this structural change alone will obtain a better outcome for those who depend on the services, whose interests we should be mainly concerned with in this House. However, there is copious anecdotal evidence from the volunteers, the service users and the staff that the contrary is the case. Both services grew organically from the communities they serve. That is their great strength. Since they started, both services have operated on a communitarian basis funded by the State rather than as a centralised service provided by the State. The proposal to regionalise and centralise the services will fundamentally change this ethos. The services are Government-funded but they cannot be nor can they perceive to be Government-run.

The staff who co-operate the services have had little or no consultation about this change. It is a change of huge magnitude but there has been a total lack of consultation. One would think that for services like these, consultation should start with the front-line people providing the services rather than in this top-down approach where the interests of the service users are the last to be considered. It is interesting to note that the United Kingdom, which has been providing this type of service for longer than we have, has enthusiastically embraced the structure and type of system that we are now trying to jettison. Not only has it embraced it, it has made a virtue of it. For example, the report of the UK Citizens Advice Bureau services of 2014 stated: "Our bureaux are staffed by local people who are passionate about their community and sensitive to local needs". Notice how the thread of "local" runs right throughout. It will be impossible to sustain this model if local ownership and autonomy are weakened. It will mean that the service will look less like a local community-based organisation and more like a regional bureaucracy. The current community-based structures provide a service that the users see as independent of the Government. This is what brings people through the doors. Without this, there is a real possibility that they will lose confidence and trust in the services provided.

The local MABS companies throughout the country are run by voluntary boards comprised of volunteers from the locality. The Citizens Information services throughout the country depend on volunteer professionals to come in and give people advice. Volunteerism is central to the ethos of MABS. Without volunteers, the Citizens Information system as we know it could not survive. Scant attention has been taken of the fact both in the Pathfinder report and in these proposals, which derive from the Pathfinder report, of the role of volunteers. For example,

there seems to be no realisation that while volunteers will readily sign up for a local service, they will be much less inclined to do so for a service which is remote from them and is based or headquartered in another part of the country.

The Citizens Information Board tells us that the new system is going to cost less. It tells us that eight regional bureaucracies suitably staffed, etc., will cost less than the present system. We are supposed to accept that. Why? Because the Citizens Information Board tells us so. It has not produced one single figure. No cost-benefit analysis has been done. No single figure has been produced to support that contention. On the other hand, the MABS submission to the social protection committee produced detailed figures that convinced me, anyway, beyond any shadow of a doubt that instead of costing less, the new structures will actually cost more. The National Development Managers Network made a very detailed submission to the social protection committee. The group has gone through the costings line by line and has demonstrated that the new system will be more expensive than the current system. The group has expressed serious concerns about the fact that incorrect information and figures were presented to the Citizens Information Board when it made the decision in favour of a regional structure. That is a serious accusation indeed. If this is going to cost more, does it mean taxpayers are going to have to pay out more for a service that everyone at the coalface believes will be less effective? If taxpayers are not going to be called upon to pay more money, will the service be further diluted?

As I have said, no one has explained how structural change by itself will improve delivery of services to the end user. However, the entire emphasis is on structure. I continue to ask myself why. I referred to the speech by Ms Black on 12 March. She said she had no interest nor did she imagine the Government had any interest in change for change's sake. I accept that. I do not expect that the Department of Social Protection or senior people appointed by the Department to positions such as that held by Ms Black are interested in change for change's sake. However, there is a rationale for the change. It has nothing to do with the value of the services to end users. As the character in "Hamlet" said, "Though this be madness, yet there is method in it." The method in this particular madness, the purpose of the change, is designed to make it far easier for management to control these services and effectively turn them into arms of the Department of Social Protection. It is a back-door method of seizing total control of both services. The Citizens Information Board will select the boards of the eight regional companies. It will also select the chairpersons. These companies will effectively become the shadow employers. Responsibility will transfer to the Government.

The impression has been created that the people who are working in these services and the volunteers who support them are hide-bound conservative people who are unwilling to change. Nothing could be further from the truth. The Citizens Information centres have been in existence for more than 40 years. MABS offices have been in existence for more than 20 years. Let us consider the changes in society and all the challenges that have been thrown up in all that time. These organisations have responded well and enthusiastically, to the point that when they were independently tested in 2015, each organisation was given a gold star for performance.

The motto of the King's Inns is "*nolumus mutari*" which means "we are unwilling to be changed". Certainly that does not apply to the Citizens Information centres or to MABS offices. Let us consider the work that MABS offices and the Citizens Information organisations are doing now. It is altogether different to what they were doing ten years ago, to the point that it is barely recognisable. They are willing to change, and change includes structural change. However, they want change that will deliver a better result for the end users, not some change

amounting to bureaucratic blind man's bluff that will lead the services God knows where. That is what we are asking for and that is what I am asking the House to support.

The Joint Committee on Social Protection has discussed this issue at length. Scant regard has been taken of our observations and views. I am asking the House to express its opinion on this proposed change. While I do not want to anticipate the outcome of the vote, I want people to think carefully about the value of these services to the community. I want people to think about what is proposed and about what the volunteers and end users think of how these changes are going to affect them.

There is an old saying in my part of the country that one cannot make a silk purse out of a sow's ear. Unfortunately, the reverse seems to be the case. Apparently, one can make a sow's ear out of a silk purse and this is a classic example of it.

An Ceann Comhairle: The next speakers are Deputies Marc MacSharry, John Curran and Frank O'Rourke.

Deputy Marc MacSharry: I thank Deputy Willie O'Dea for sharing time with me. In the 2014 annual report of the Citizens Information Board, the chairperson, Ita Mangan, stated:

Without the close relationship each service has with its local community, we could not deliver on our remit – providing information, advice, advocacy and budgeting services, when and where they are needed. In turn, local services benefit from being part of a nationwide service with a national reputation that provides vital central supports.

One year later, in the 2015 annual report, it seems the entire narrative had changed when it came to the ownership of services. Companies are referred to as instruments of delivery and as means to an end. There is no longer any sense of a unique strength from a network of independent services deeply embedded in local communities.

Deputy Willie O'Dea has outlined clearly why this is a ridiculous idea. We have not done a cost-benefit analysis. We have not done an impact analysis with regard to local communities. Frankly, it is part of an unannounced, unwritten but very much in-practice and in-train policy of centralisation that the Minister and his colleagues are trumpeting and practising on an ongoing basis. The removal of the local input and ownership of these organisations is simply ridiculous.

At this point, we are centralising so much. We are bringing so much back to the centre. Economics seems to be driving everything. The cost of everything seems to be driving the focus of Government policy instead of the value to the citizen. This value is ultimately what Government policy should be about.

The centralisation in my region of the Department of Social Protection is an example. Presumably, the reason is to boost the public relations aspect of the work of the Minister. One example relates to 31 positions from the Department of Social Protection in Sligo. This is probably the most successful of the decentralised offices dating back to the 1980s. Some 31 positions in the information section were moved back to Dublin. Last week, we learned that the PAYE section of Revenue, also based in that part of the country, is going to move east to Dundalk. A total of 19 new positions will be created there. We know there is a threat to the regional veterinary laboratories throughout the country. This represents more centralisation as they will be brought to County Kildare in the greater Dublin area. That is good news for these locations, but the moves are not in the interest of balanced regional development. Ulster Bank

has done something similar, although I grant that we have no control of that. Moreover, a report is circulating suggesting the Minister will do the same with 200 post offices.

The Minister, his colleagues and the Taoiseach are going around the country in a weekly parade of photo calls and empty announcements. In practice, what they are implementing is the shutting down of the cultural and societal fabric of the nation. The Minister is closing everything down. That is simply unacceptable.

We are all consumed with worry and uncertainty over a hard border with Brexit. I put it to the Minister that the virtual border he has created outside Dublin in respect of rural and regional Ireland is exemplified in the stupidity of what the Minister is doing with MABS.

Deputy John Curran: I thank Deputy Marc MacSharry for giving me the opportunity to contribute.

Deputy Marc MacSharry: That was good.

Deputy John Curran: As the Minister is aware, this issue is before the Joint Committee on Social Protection. We have had an opportunity to meet representatives of the Citizens Information Board, the Money Advice and Budgeting Service, the National Development Managers Network of MABS and the National Association of Citizens Information Services. We have examined the analysis and the rationale for a restructuring programme and why it might be required. The Citizens Information Board clearly put forward issues relating to governance, cost effectiveness and so forth. We have listened to what those at the front line have brought to the table.

I do not believe the rationale for restructuring was adequately made. Moreover, the services that are to be restructured did not receive real and meaningful consultation. The people on the front line in the local organisations take the view that while there was a consultation process, it was not real or meaningful. Most of the organisations were excluded in real terms from that process.

Another major concern I have, apart from the views of the witnesses we met, relates to the considerable amount of correspondence sent to the committee. Whether the correspondence was from a MABS company or a local Citizens Information service organisation, it expressed concern about one strategic point, namely, the services were going to lose local volunteers.

The ethos and background to these companies derives from being local. They are locally run, organised and structured. That ethos is being removed. The functionality and future vibrancy will be challenged without these volunteers. I have no wish to delay the Minister, because others have to contribute. However, I call on the Minister to do one thing. He should suspend the restructuring until we go back to the drawing board. Anything else would only have negative outcome rather than the outcome everyone is trying to achieve.

Deputy Frank O'Rourke: I welcome the opportunity to speak on the issue of the regionalisation of MABS and the Citizens Information service, CIS. Like my colleagues, I believe this is the wrong thing to do. There is no one here opposed to reform or achieving efficiencies in various areas, Departments or sectors. That is to be welcomed, providing it gives a better end result to the service users in the community. Regionalising these services will actually move them further away from those who need to access them the most. That is a mistake. In my constituency of Kildare North, there is one MABS office and two CIS offices serving a population

of just over 100,000. I would advocate increasing the services and bringing in additional supports to help the people who need help the most. As we all know, a lot of people, both families and individuals, are suffering financial pressure and strain, whether in terms of restructuring mortgage repayments with banks or local authorities or dealing with rent increases by local authorities. Those people need to be able to access the services of MABS which can put forward their case and support them in an independent process. That is why it is so important that the services are available to them. We should be increasing the services in local areas, not removing them and making them more difficult for people to access. Community welfare offices were amalgamated in my constituency and that has not worked for the people on the ground. I ask the Minister to rethink this and not to regionalise the services.

Deputy John McGuinness: I join my colleagues in asking that any decision on this be suspended until such time as a proper review is undertaken. Both organisations have changed considerably over the years to meet the demands of their clients. They have made a significant contribution to their own communities based on the fact they have knowledge and they have the confidence and trust of the people they serve. If it is not broken, do not fix it. We seem to have a habit in this place of identifying something that is working and then attempting to restructure it in a way that takes away the very essence of what it means to people. I compliment the volunteers who have been central to these organisations because without them, the services could not function as they do. The Minister is wrong to attempt to do anything with these organisations.

Minister for Social Protection (Deputy Leo Varadkar): I move amendment No. 2:

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

wholeheartedly commends the important work undertaken by the Citizens Information Board, CIB, together with its network of delivery partner services, including the Citizens Information service, CIS, and the Money Advice and Budgeting Service, MABS, in fulfilling its statutory remit to provide information, advice, including money advice and budgeting advice, and advocacy services on a wide range of public and social services for citizens across the country;

notes:

- the decision taken by the statutory board of the CIB, on 15 February 2017, to restructure the governance arrangements from ninety three individual local service company boards to a new 16 company board model, to bring the CIS and MABS better into line with modern public service governance guidelines and requirements;

and

- the CIB’s key assurance that there will be no job losses, no closure of services, no change to service delivery locations and no change to the terms and conditions of serving staff during the lifetime of the restructuring;

recognises that the decision taken by the statutory board of the CIB is for improved governance reasons due to the significant State funding involved and will in no way reduce access to, or the range of, services available to citizens;

acknowledges that the restructured model is necessary to assist the CIB in its compliance with the Code of Practice for the Governance of State Bodies and the implementa-

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tion of recommendations from the Office of the Comptroller and Auditor General;

agrees that the decision taken by the statutory board of the CIB is in keeping with successive strategic plans of the board, including the current strategic plan for the period 2015 to 2018, which in accordance with governing legislative provisions was submitted to, and approved by, the Minister for Social Protection, and subsequently noted by Government and laid before the Houses of the Oireachtas in January 2016;

further recognises the work carried out by the employed staff of MABS and the employees and many volunteers who work in the CIS countrywide;

acknowledges the input of the volunteer boards of the CIS and MABS companies to date and notes that those with the necessary skills and expertise can remain involved by putting themselves forward for consideration as members of the new regional boards;

welcomes the undertaking of the CIB to conduct a full cost-benefit analysis of the 16 regional company model;

further acknowledges the CIB's commitment to ongoing consultation through the establishment of a restructuring implementation group comprising members of the board of the CIB and representatives of the local network of the CIS, MABS and CIB staff members;

further welcomes the intention of the CIB to engage in constructive, structured dialogue with the relevant representative bodies in the context of moving to the new restructured governance arrangements; and

further notes that the Attorney General has advised that the Minister for Social Protection does not have power to instruct the CIB in its day to day operations and, specifically, does not have the power to order a reversal of a decision such as the restructuring of its governance arrangements.

I am pleased to have the opportunity to discuss the restructuring plans of the Citizens Information Board, CIB. I record my acknowledgement of the invaluable work carried out by the employees and volunteers working in the CIS and MABS offices all around Ireland. There has been some concern in recent weeks that the restructuring plans of the CIB will in some way quench the spirit of these locally provided services. Let me assure the House that the CIB has no plans to reduce or limit the service offered by the CIS and MABS now or at a future date. The CIB does not intend to close any service delivery locations or reduce the numbers of staff who, on a daily basis deal, with the information or money and debt advice needs of people right across the country. In fact, nothing could be further from the truth. Rather, the CIB has an ambitious strategic vision for the development and promotion of the CIS and MABS, the enhancement and extension of service offerings and an increased focus on front-line delivery.

As there appears to be much confusion about the intentions of the CIB, I want to explain the context within which the decision to restructure the governance arrangements of CIS and MABS was taken by the board. It was not a Government decision. At present, each of the 93 individual companies is responsible for the provision of the services of either the CIS or MABS within their local areas. The CIB's efforts to have modern service needs assessed and met in a timely, flexible and effective way are often hampered by the unwieldy governance structure of 93 individual companies. Implementing a more efficient, streamlined model means there will

be 16 rather than 93 touch points for the CIB with nationwide services; eight for CIS services and eight for MABS. The board believes this will result in faster, more responsive two-way communications to and from the CIB as it tries to respond to service delivery needs or gaps. The modernised structure will assist the CIB to gather data and information more efficiently from services and to facilitate more effective dissemination of information and updates. It must be remembered that all CIS and MABS offices countrywide are entirely funded by the Exchequer. A more streamlined service delivery model will assist the CIB in the fulfilment of its statutory obligations, its compliance with the code of practice for governance of State bodies and its implementation of recommendations from the Office of the Comptroller and Auditor General.

According to the board, as of the 31 December 2016, there are 496 permanent staff, 225 scheme participants and 1,079 part-time volunteers involved in providing direct services to the public across the network of 93 services. The 93 service delivery companies have an average of 9.2 people serving on each board across the network. If one examines the MABS company structure more closely, it is difficult to understand why there is a need for 450 board members to cover 51 MABS companies, with an approximate staff compliment of 250. That is more than two board members for each staff member. In addition, many board members have been on a board for decades and this is no longer considered best governance practice. However, it is widely recognised, especially in local communities, that the input of local voluntary company board members who are in tune with the needs of the local people has been helpful in the development of services to date. In recognition of the ethos of local community involvement, the CIB intends to set up local advisory groups where members of local communities can continue to contribute their expertise and help, to guide the development and changing service offering of the CIS and MABS. The CIB has also assured me that serving board members will be entitled to put themselves forward for selection as members of the new 16 regional boards. What does this mean for service users? A reduced number of boards will improve the ability of board members to appropriately discharge their duties as directors and to implement performance management and quality assurance. Additionally, companies organised on a regional basis will allow for the development of specialist expertise and knowledge which could be shared across a region. Similarly, it will be easier for a regional company to respond as a unit to significant events, for example, by providing additional advisers in an area in response to flooding. When new Government initiatives are announced, there can be immediate dialogue with the 16 companies to agree how best to implement them, leading to an improved response rate for service users than the current procedure where all 93 boards have to consider their response at their next board meeting. This can lead to sporadic delayed implementation of service improvements.

The board is also concerned about a number of operational inconsistencies. One of the most obvious to service users is the lack of standard opening times across services. Another is staff workload inconsistencies that persist across the network, as local service managers have no opportunity to distribute work more fairly, particularly in services where only a few staff are employed. Caseloads that can be managed on a shared regional basis will empower managers to resolve these issues, provide better customer service and reduce service waiting times where they exist. The board is keen to achieve greater consistency in the quality and speed of service delivery. This is difficult under the current structure as all 93 companies operate independently.

The decision taken by the statutory board of the CIB on 15 February comes after years of consultation and examination of options. I welcome the board's commitment to continue to engage in constructive dialogue with stakeholders to move to the new restructured governance

arrangements. The next step is the establishment of a restructuring implementation group to examine all aspects of implementing the new 16-board model. This work will include a cost-benefit analysis involving examination of the establishment costs of any new structure and the potential for future savings from the reduction in the administrative burden associated with 93 individual local companies. While cost is not the driver, and it is acknowledged that some set-up costs will be incurred, there are likely to be some efficiencies gained in the medium term from moving to a reduced 16-company model.

In the motion there is a call on me, as Minister for Social Protection, to invoke the power under section 9 of the Citizens Information Act 2007 to direct the board to halt its implementation of the Government's restructuring plan. Even if I were minded to direct the board to set aside its decision of 15 February 2017, I clarify for the House that I have no such power. For the avoidance of doubt, this has been confirmed by the Office of the Attorney General.

The CIB, as a statutory body, has the authority to make decisions on its day-to-day operational activities as it sees fit, and it would not be lawful or appropriate for me, as Minister, to intervene in such a decision already taken by the board. I am confident the membership of the board has made an important decision that it believes is in the best interest of the citizens of the State, whom it serves. I therefore urge Deputies to support the amendment I have submitted and accept the assurances therein.

Deputy John Brady: I am sharing time with Deputies Denise Mitchell and Eoin Ó Broin.

The single biggest question to be asked here tonight is why restructuring is being proposed in the first place. What are the intentions of the Department of Social Protection and the CIB as regards these plans? It is ridiculous that neither MABS nor the CIS has been given any explanation whatsoever as to the rationale for the planned restructuring. Reasons such as governance, accountability and value for money have been cited by the CIB but it seems incapable of going any further than that. Can the Minister for Social Protection, Deputy Leo Varadkar, clarify, therefore, what the issues are in respect of governance, accountability and value for money? These are questions that must be answered, at the very least. They are the questions that the Minister must answer.

MABS and the CIS provide a first-class and unique service. Everyone in the House would agree with that. With so much red tape and bureaucracy across the board, the CIS provides valuable information for people on a range of issues. MABS deals with some of the most vulnerable people in our communities on a daily basis, including those struggling to pay debts and those in mortgage distress. We know that support and assistance provided by MABS have been the difference between a family's home being repossessed and its being protected. We see this excellent work being replicated in schemes such as Abhaile, which has been rolled out.

The way in which these decisions have been made and the way in which MABS and the CIS have been informed have been totally underhand. While the CIB has stated lengthy and extensive consultation took place, MABS and the CIS beg to differ. There was no engagement with those on the front line of MABS or the CIS. Those best placed to understand the realities and challenges of service delivery have been ignored in the decision-making process. The entire process undertaken by the CIB and the Department in the restructuring plans raises real concerns over the real intention behind these changes.

In February, when plans to regionalise MABS offices became apparent, Sinn Féin facilitated

MABS to come here and brief all Oireachtas Members on its concerns. On the back of this meeting, I requested that the Joint Committee on Social Protection invite stakeholders in to discuss and examine these plans. The committee report on this will be produced next week. I hope the Minister will accept an invitation to appear before the committee with this report in mind. Unfortunately, it has to be said Fianna Fáil saw this issue as a political opportunity and hence we see this motion before us tonight. Having said that, what is important first and foremost is the protection of the services as they are.

On consulting MABS on the motion last week, I submitted an amendment to remove the call for a cost-benefit analysis of the restructuring process. Given the voluntary nature of the services of MABS and the CIS as they are, I do not regard a cost-benefit analysis as being necessary. MABS has also said this. MABS itself has carried out a cost-benefit analysis. It has found it will cost €1 million to wind down the current services and that a new regionalised model will cost between €2.2 and €2.3 million, which represents considerable and unnecessary use of taxpayers' money.

Our amendment calls on the Minister to ensure the existing model, whereby independent management of the service is drawn from the local community and voluntary sector, is maintained. We cannot allow the community aspect of both MABS and the CIS to be lost. This will be the case if the restructuring goes ahead. Instead of 93 voluntary companies based in their communities, we will see eight regional companies that will be far removed from the communities they serve. There is nothing positive or beneficial to the citizen in this case.

Central to the work of MABS and the CIS are the volunteers who selflessly give their time to provide help and advice to others. The importance of this cannot be stressed enough. How, therefore, does the CIB propose to attract and retain unpaid boards for regional structures? Has the cost of the loss of volunteers been considered in all this? We have already seen volunteers walking away, disillusioned over the lack of any consultation with them and fearful for the structure of the services as they are. Both MABS and the CIS have stated volunteers are walking away. As mentioned at a hearing of the social protection committee, volunteers are walking away in Dún Laoghaire. Local involvement will be lost. The entire ethos on which MABS is built, which has made it so successful to date, will be lost.

When the Minister could be considering fixing the many issues affecting his Department, including those associated with child poverty, youth unemployment, lone parents, job activation schemes or any number of others, he is instead focusing on fixing something that is not broken in the first place. With the CIB, the Minister has failed to demonstrate with actual evidence the existence of a problem, the solution to which he believes is regionalisation. The Minister can do what was done by the late Séamus Brennan back in 2007, that is, issue a directive to the CIB, halt the regionalisation and do so in the best interest of the most vulnerable in society, which he claims time and again to have at the core of everything he does. I ask the Minister to do this without hesitation.

Deputy Denise Mitchell: I welcome the opportunity to speak to the motion. We all know the great work and vital service provided by MABS and the CIS. Sinn Féin's aim is to ensure the quality service that they currently provide will not be put at risk. MABS and the CIS made presentations to this House in February and questions were raised about the changes being recommended. These questions remain. The proposal is to regionalise the management, adding an extra layer of management. It is also believed the new regional boards will have no directors representing local communities and will be more remote. Why, therefore, are we having these

major structural changes to the whole management of the service?

The CIB stated at a presentation to the social protection committee that the only way to reduce costs would be to reduce the number of companies. How is this backed up? What clear analysis has been conducted by the Department of the current model? Where is the evidence for the need for such large-scale change? The Pathfinder feasibility study states CIB feels a central authority is a logical development. It feels it is, so, in the absence of any evidence for change, we rely on a feel for change. There were statements made to the committee by the CIB, Citizens Information Board, on the problems with governance and compliance under the current model and that the boards do not have the capacity to deal with them. Again, where is the evidence to support these claims? The CIB's strategic plan states it will revise the structures of the Citizens Information service and MABS, Money Advice and Budgeting Service, to better serve the citizen. How can this be the case if we are dissolving local boards and breaking the link between local communities and MABS? The end result is that these proposals presented by the CIB have been exposed as a concept that involves a lot more questions than answers. They are more vague than clear and not evidence based or do not involve an effective input from stakeholders. The bodies which know the service best and manage the office completely disagree with the changes proposed.

Two crucial representative groups have given their views to the Oireachtas social protection committee. The National Association of Citizen Information Services stated structural changes would not by themselves lead to an improved outcome for service users. The National Development Managers Network stated, as regards value for money, that it was clear that the proposed restructuring would be costly.

At the centre of all this is the user of the service. How is the user affected and how will the service be improved by the proposed changes at management level? We must consider the customer first and then be conscious of cost. What is the cost against the current model considering the many volunteers who underpin the service? We all know the important amenity this provides at local level for many people, as well as the many volunteers who commit so much to their local community. This model works, with no clear evidence to say otherwise. Questions, more than answers, remain. If the changes do not make sense, what is the agenda in providing for this centralised governance?

Deputy Eoin Ó Broin: As a constituency politician - I am sure this is shared by all Members - I make regular referrals to both the Citizens Information service and MABS. My experience has been that they provide exceptionally high-quality services which are rooted in the community and, crucially and relevant to this debate, managed very well by the community. One concern about this proposal, a matter which concerns me about a range of Government decisions in recent years, is that when it comes to local, grassroots, community-driven services such as these, there is a drive towards an excessive level of centralisation. We saw this in the undermining of the independence of the community development programmes and, more recently, the cuts in funding for the local training initiatives in independent community centres. We also saw it in the centralisation of funding through the social inclusion and community activation programme under the auspices of local authorities. Somewhere in government, whether at Civil Service or ministerial level, there seems to be a lack of trust of local people taking decisions to manage services in the best interests of local communities. Not only is there a lack of trust, but there is also a desire in central government to control to the greatest possible extent these services, despite the fact that all Members in support of Fianna Fáil's motion have said people believe the services are provided adequately.

I listened carefully to the reasons the Minister outlined for the course of action he is taking, one of which is that he believes there are far too many board members. This seems to completely miss the point of what is valuable about locally managed decision-making in services such as these. The large number of board members is precisely what is unique and valuable about this type of enterprise, something we should be supporting, not seeking to undermine. The Minister said that to recognise the community ethos was changing, it was necessary to change the status of board members, the decision-makers, to advisers. That is not a recognition of their status but an undermining of it and relegating them to a secondary role, despite the fact that on many occasions they best understand the needs of local communities.

The Minister also said having a reduced number of board members would improve their ability to appropriately discharge their duties as directors and implement performance management and quality assurance systems. While that is all nice managerial jargon, nowhere, either in his contribution or other documentation, has he justified that claim. He made a series of claims about how regionalisation would allow the Citizens Information service and MABS to better respond, whether to emergencies or better consistency of service provision, etc. when there are already networks to do this through the managers' networks. I am sure the managers' networks would be open to enhancing and further improving that role.

The Minister's final point was that he did not have the legal power to interfere in the day-to-day management of the Citizens Information Board. This reform is not about day-to-day management but a profound restructuring of these two vital sets of community services. I do not believe - neither does the Minister - that they would proceed with this without the express consent of the Minister. That is why I am supporting the motion and the Sinn Féin amendment.

Deputy Willie Penrose: I am glad to have the opportunity to contribute on behalf of the Labour Party to this important debate on the motion. I made a contribution on this matter in a Topical Issue debate I initiated on 7 February. In that debate I outlined my own outright opposition and that of the Labour Party to the proposals emanating from the combination of the departmental and Citizens Information Board's plans which were intent on effectively abolishing MABS and the Citizens Information service as we know them and replacing them with eight regional companies for each agency, 16 in total. Undoubtedly, this will be a costly exercise. We have never been furnished with the cost or it has not been determined which would be the first port of call in any reorganisation.

Regionalisation means the removal of the services and the organisations from the communities they serve, while accelerating a continued rush to centralisation. I know of the excellent work being carried out by MABS and the Citizens Information service in the Longford-Westmeath constituency. Like many Members, I have availed of their services on behalf of constituents. As for the intention to relegate voluntary board members to be part of an advisory group, how does the Minister expect volunteers to become part of a toothless body with no or diminished powers? It will not happen and volunteers will just disappear. It sounds like a conscience solving exercise, or more correctly, a box-ticking exercise for the Citizens Information Board.

There is scope for consultation on ways to achieve efficiencies. If there are better ways to address difficulties or problems identified, although we are still in the dark about them, MABS and the Citizens Information service have consistently demonstrated that they are always open to listen and effect change for the betterment of the services. However, that process has never been utilised in this case. If the system of this important service is not broken, why are we in such a rush to fix it? We have 51 MABS companies providing a nationwide free, independent

and confidential service. We have all utilised it and ensured our constituents can get confidential advice provided locally by volunteers. The key to its operation is local community involvement, operating efficiently and effectively at the coalface, dealing with individuals and families who come with the full spectrum of problems and difficulties, especially mortgage arrears issues.

In 2009 responsibility for supporting MABS was transferred from the Department of Social Protection to the Citizens Information Board. At the time, unequivocal assurances were given that the MABS structure would remain independent and that there would be no impact on existing structures. It would continue to have its own voluntary boards of management providing crucial local services. Some eight years ago assurances were given that there would be no change in the status of the independent MABS and Citizens Information service companies, voluntary boards of management or the employment status of the employees who provided local services. What has changed? It is difficult to accept the reason advanced for the restructuring of centres as being the difficulty in managing boards, be they 51 or 93 in number, that they are too diffuse and that significant governance issues can arise. Where is the substance underpinning the supposed governance issues and shortcomings? Have they been identified in a definitive way? Have they been related to the affected parties? MABS companies resolutely reject any inference by the Citizens Information Board that there are issues pertaining to management, governance or administrative shortcomings in any of their services. From tonight, let us apply the brakes. Let us go back to the drawing board with the proposals, put to bed the issues and put them into cold storage.

I ask the Minister to comment in the House on the following issues: the call for the immediate cessation of the process initiated by the Citizens Information Board to set up regional structures; maintaining local involvement of the management of the services as we move forward; carrying out a truly independent cost-benefit analysis of the services provided by MABS with opportunities for all of the key stakeholders to have an input in a genuine fashion into same; carrying out an independent risk analysis, again with opportunities afforded to all relevant stakeholders to make submissions to same; and dealing with how this will impact at local level. These various processes should be completed within a reasonable time limit and following their completion, the Minister should come back to this House and discuss the outcomes of these processes with a view to promulgating an informed way forward. It has been suggested to me by personnel within MABS that the Citizens Information Board has indicated that it is unable to manage the situation. There is an alternative. MABS National Development CLG, which provides most of the training and support for local MABS boards and their staff, is well placed to take on the responsibility with the transfer of some staff to the CIB which was allocated to it when it assumed responsibility for MABS in 2009.

We have been assured here on a number of occasions that these changes would have no effect on the provision of front-line services and the Minister stated that again this evening. On what basis can such assurances be given when MABS is regionalised with the creation of eight independent companies which will be employers, as well as deliverers of services? The question arises: how will the budgets for these local companies compare with the current local budgets and who will be the effective decision makers? The essential point is the cost of these new structures. I have heard some colleagues say that they will be more €1 million. What will the management costs be as against the current costs? What will the expenditure ratio be between the front-line delivery staff and the management costs and expenses that will undoubtedly be incurred?

How will the volunteers, who come from a wide variety of backgrounds from State, semi-State and voluntary organisations, fit into the regional structure, which is effectively another quango? The issue is that these volunteers give of their time at local level free, are fully acquainted and familiar with the issues that need to be addressed and understand at first hand the vulnerabilities of the clientele with whom they are dealing. This proposal will eliminate at the stroke of a pen the bottom-up philosophy of MABS and the Citizens Information service and, on the contrary, impose the top down “we know best” ethos.

In recent weeks, we have had the launch of the Government initiative to deal with the stubborn mortgage arrears difficulties, the Abhaile scheme. MABS is at the centre of that policy initiative via the gateway to debt advice and now is the time that we need a highly responsive and flexible approach which will help people with their interactions with the courts.

MABS has helped with the implementation of a wide range of Government initiatives, including debt-relief notices, mortgage advice in terms of arrears and other mentoring services. MABS is at the forefront of dealing with the enormous personal debt crisis. Now is not the time to emasculate a service that was never more needed to help service users address their problems. No one has explained how these proposed structural changes will have any positive benefits. One can effect change but the consultation should be the foundation of any of these proposals. That is the way forward.

Deputy Michael Fitzmaurice: I congratulate Deputy Willie O’Dea on bringing forward the motion. The only problem with motions that have been brought forward in the Dáil in recent years, and on which we have voted, is that, sadly, nothing seems to happen on foot of them. I hope this one will be different, but I have my fears about it.

MABS provides a local service in the towns in which they are located around the country. A price could not be put on the value of the services they provide for local people, be it for a person who is experiencing a small degree or a large degree of financial difficulty. Deputies, regardless of whether they are a member of a party, are contacted by people who are in danger of losing their homes and they liaise with MABS and the bank. The engagement is at local level. People have faith in the system that is in place and that is why they go to MABS in large numbers. When 25,000 to 30,000 people are in danger of losing their homes, it is not a great time to tinker with the system and try to restructure it. I always say that if something is not broken, why try to fix it?

The Minister should bear in mind that people who are involved in MABS are not against anything. They are willing to sit down, engage in consultation and work with anybody. That needs to be done. To be blunt, the brakes need to be put on in the Minister’s Department straightaway. We need to go back to basics and look at where the Minister is going on this issue. He should have consultation on it and work with people because there is a terrible fear, and it might be worthwhile being clear about this. We are a mighty country for putting in more new structures that cost a great deal of additional money, and we seem to love doing that, when something is going fairly well. In every county and, in some cases, in a few places in a county, there are people in MABS offices who are helping people day in, day out.

I remember at the time of the Government talks, and the Minister should recall this, we discussed all the people who were in trouble with their mortgages and trying to bring in legislation to stop vulture funds or banks taking houses from under people through having a type of one-stop-shop scenario. MABS was one of the bodies spoken about in that regard and it would be

central to all of that. Others were mentioned but MABS was one of them.

I heard the Minister for Justice and Equality talk about the Abhaile scheme some weeks ago. There is no harm done yet. The Minister should stall this by an extra month, or two or three. That would not do any harm, because he needs to get it right. I ask him not to go down this road of what was a brainwave of someone in the Department that will cost us more money in the coming years.

Deputy Gino Kenny: I will quote extensively from what the Minister said to reiterate what he said recently about MABS and CIS. He stated:

... there will be no job losses, no closure of services, no change to service delivery locations and no change to the terms and conditions of serving staff during the lifetime of the restructuring programme. There will be no disruption to CIB and MABS services for those who use them.

He went on to say:

The decision comes after a lengthy and extensive analysis of options and detailed consultation period with all stakeholders on the need for a streamlined governance model. The decision taken will simply reduce the number of individual local CIS and MABS companies boards from 93 to 16. A new regional board structure will be put in place which will comprise eight CIS boards and eight MABS boards.

When I hear a Fine Gael Minister say there will be no cuts to services and that we are simply streamlining the governance model, I get very nervous. I have seen how streamlining services has impacted on citizens in the place where I live since the start of the recession and we are still trying to pick up the pieces. For many of the constituents hit by the recession, negative equity, the threat of eviction or homelessness, and especially the decisions made by the Department of Social Protection in terms of its private arms such as JobPath, both MABS and the CIS have proven literally to be life-savers. I have dealt with countless constituents who found the advice and, more importantly, the advocacy of these services to be their best hope in the past seven to eight years of austerity. Therefore, anything which impacts on them is a massive issue for the most vulnerable and poorest in society.

The point has been made, but perhaps the Minister does not understand it, that if the local boards which provide the service are altered, changed or streamlined, it will change the type of service that is provided. It will undermine the voluntary and local participation in the service. This service grew up organically in the communities that it serves because people need help accessing State services to get their entitlements. Crucially, it will undermine the vital advocacy role that the service provides.

The Minister told us that no changes are envisaged in this programme but already we find that what were permanent and full-time staff contracts are increasingly becoming short and fixed-term contracts for eight months to two years.

I also point out that the CIS, in a report it commissioned, refers to the need to keep the Department of Social Protection satisfied and the fact that the Department sees the present structure as unwieldy. Is it the Minister and his Department that are pushing these proposed changes?

I remind the House that for many vulnerable people on the receiving end of decisions by the State and its institutions, these services are their only lifeline. Their present structure has given many vulnerable people a voice and an advocate in dealing with appeals of the Minister's Department - for example, finding out what they might be entitled to in certain circumstances. This is not just about providing information for online services, but is also an excellent way of keeping people up to date. I fear that in all the talk of streamlining and governance, the key advocacy role of these services will be diluted and, ironically, this will have a massive impact on those who need them most, such as those facing evictions and those on the receiving end of decisions of the Minister's Department.

There are more than 1,000 volunteers who work in these services and whose contribution is now in danger of being ignored and downgraded in these proposed changes. This cannot be allowed to happen. The proposed regionalisation of the service will not improve it. It will not deal with the issues that confront staff and service users or the crying need for those services. We need to fund and value services properly. These changes cannot proceed. The community and volunteers who rely on and provide these services must be consulted and involved in the changes.

Deputy Maureen O'Sullivan: If a restructuring were in the best interests of all concerned, that is, those working in the service and the citizens who avail of the service, the proposal would not have led to the disquiet and consternation it has led to. I do not think this is just because people want to maintain the *status quo*. The proposal to restructure is considered flawed because it is not evidence-based. What is evidence-based is the way in which the structure has worked for many years.

The Citizens Information centres have their genesis in a real spirit of volunteerism, of which we saw so much in Ireland in the past. They involve people coming together with the skill or an expertise to help their community, whether it be filling in forms for grants and payments, linking people with service providers or helping them with entitlements. This is part of the very strong role people in organisations have played in a voluntary way for many years. We know how these acts of neighbourliness and solidarity developed into Citizens Information services and Citizens Information centres. At the core of the work is the citizen, with paid staff and staff from Government schemes such as community employment, but still with a very strong emphasis on volunteers working in the centres and on the boards.

Then there was the report entitled *Making an Impact: The Public Value of Citizens Information Services in Ireland*, which very much highlighted the value of the work and the service being provided. We know today the additional range of services being provided. There are referrals from the Department of Social Protection, work with the new communities, help with appeals to decisions and landlord-tenant issues and so on. There has been a call for the Citizens Information services to take on the planning area as well, which has not happened yet.

The National Development Managers Network, having consulted its members, has come to the conclusion that the optimum model to serve the citizen is to preserve the county model, with or without some integration with MABS. I heard some of the issues the Minister referred to regarding the restructuring but they can all be addressed without this drastic restructuring. There seems to be a movement away from local community and independence, so there is a change in the narrative. The three reasons the Minister gave for restructuring were governance, accountability and value for money. The proposed restructuring will be very costly, which would knock value for money on the head, and governance and accountability have not been lacking in the

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current structure. The casualty will be the independence of the service. The National Development Managers Network is prepared to discuss and engage on the matter and I hope that is what will come out of this debate because there is no evidence that citizens are dissatisfied with the current service.

A major concern I have, because of my long time spent in voluntary work, is that the proposed regional boards will not have directors representing the community and the voluntary sector. I have heard the argument about considering MABS because of the change in its workload. It was initially set up to examine money laundering, and this work has expanded considerably to take on mortgage arrears. However, the Citizens Information services are a very different matter because they have been providing a safe, independent third space. If they become just an extended arm of the statutory apparatus, something of immense value will be lost, and what will be lost is an independent agency and its citizen-provided, citizen-directed, independent, impartial service.

I acknowledge Fianna Fáil for proposing this debate and also acknowledge the staff and volunteers at all the centres who have been, as one of them put it, trusted intermediaries between citizen and State and they have been independently evaluated.

Deputy Joan Collins: I support the Fianna Fáil motion and, if accepted, the Sinn Féin amendment to the motion because they represent two important points.

I am a member of the social protection committee. I have not attended all the meetings regarding MABS, the CIS and the CIB but I was at one of the meetings and have been reading all the information coming in from all the different groups, including MABS Dublin 10 and 20, the CIS in south Kildare, the National Association of Citizen Information Centres and Services, the development management networks, every one of which has said quite clearly that there has been no real consultation on or examination of the options among the staff of those organisations. This is crucial because the Minister made the point, “The decision taken by the statutory board of the CIB on 15 February comes after years of consultation and examination of options.” However, the staff, including voluntary staff, were not involved in this. They do not know what is going on.

I remind the Minister that in 2009, when MABS was transferred from the Department of Social Protection to the Citizens Information Board, assurances in writing were given that this would have no effect on the existing MABS structures: “[This notice is to inform you that] the Minister for Social and Family Affairs has signed a Commencement Order to give effect from 13 July 2009 to Part 4 of the Social Welfare (Miscellaneous Provisions) Act 2008 which extends the functions of Citizen Information Board to include the provision of the Money Advice & Budgeting Service.” The assurance continues:

The MABS will be a separate distinct service within the Citizens Information Board. There will be no change in the status of independent MABS companies with voluntary boards of management nor in the employment status of their employees that provide the local services.

That was the commitment given, with statutory aspects to it, to those working and volunteering in MABS and the Minister must stand over that commitment which the then Minister for Social and Family Affairs gave in 2009.

I have also had contact from the Unite union to the effect that it has repeatedly tried to have

a meeting with the CIB to represent its staff but has not had any such meeting. We know that the CIB has stated there will be no changes to the locations of services during the lifetime of the restructuring programme and no change to the terms and conditions of existing staff during the lifetime of the restructuring programme. However, the question people are asking is what will happen after the restructuring programme and how it will impact on the services and staffing levels. In a way, I am glad the Minister has come clear tonight and made a few points about the problems he saw in this regard. He said:

The board is [...] concerned about a number of operational inconsistencies that exist. One of the most obvious to service users is the lack of standard opening times across services. Another is staff workload inconsistencies that persist across the network, [etc.]

However, MABS and the CIS will sit down, if there are problems in certain areas, and sort them out, as they have done in the past 20 or 30 years. They have no problem being adaptable. If the board came to them and told them it thought there were certain problems in certain areas and asked them to sort them out, they would have absolutely no problem doing so, and they have made that quite clear at the committee meetings.

One of the last points I wish to make concerns money. This just makes a pig's ear of the whole thing. We know it will cost approximately €1 million to wind down. It will probably cost more than €2 million to restructure those very structures the Minister proposes to unwind. It makes no sense whatsoever.

The joint committee has received representations from all of these groups. I have listened to them and questioned why the board is continuing on this road. They all knew that the report of the committee would be brought to the Minister in order that we could discuss with him where we saw problems and how to fix them. On 15 February, however, the board decided to implement this plan. Why did it jump ahead of the committee's report after all the years of negotiation and consultation? The Minister is using that as an excuse not to intervene but he should ask why that happened. It could have at least waited for a week or two after we gave the report and made some sort of decision. There might then have been time and a breathing space to discuss the areas where there are problems.

Deputy Mattie McGrath: I acknowledge the work of Deputy Willie O'Dea in bringing forward this motion which reflects the enormous concerns among the volunteer staff in MABS and the Citizens Information centres around the country. People would have been adrift in the past few years but for MABS. I recently asked the Minister in a parliamentary question to outline the plan to centralise the operations of the MABS and the CICs. The first line of the Minister's reply states: "[It] is important to note that the Citizens Information Board, CIB, assures me that there will be no job losses, no closure of services, no change to service delivery locations and no change to the terms and conditions of serving staff during the lifetime of the restructuring programme. Most importantly, there will be no disruption to CIS and MABS services for those who use them". This is the kind of language that has proved over time to be misleading. What does the Minister mean when he says, "no job losses, no closure of services, no change to service delivery locations and no change to the terms and conditions of serving staff during the lifetime of the restructuring programme"? This is the problem. The Minister has been told several times tonight if it is not broke do not fix it. Where is the cost-benefit analysis of the valuable service they give? Why is there so much centralisation of everything? We spent years trying to decentralise things.

I want a value-for-money audit carried out of the extreme value and lifeline support given by MABS and the CICs. There has been attack after attack, first on the community welfare officers, now post offices and this area, and local government. What have the Minister and Fine Gael got against the people outside the Pale? The attacks are relentless. As the Minister of State from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Seán Kyne, is sitting beside the Minister for Social Protection I have to say I cannot imagine what it is like on the islands. The Minister should withdraw his draconian amendment because it is ridiculous and support Deputy Willie O’Dea’s motion.

Deputy Danny Healy-Rae: I too thank Deputy Willie O’Dea for giving us the opportunity to talk on this very important matter this evening. People with mortgage and financial problems relied on MABS. The local offices provided really valuable help and service to vulnerable people at pivotal times in their lives. The same is true of the Citizens Information centres, dealing with all the new rules and regulations for social welfare payments. They always gave prompt and accurate information to vulnerable people. How does the Minister expect that reducing the number of centres or companies from 93 to 16 will provide a service to people in rural areas? I say without fear of contradiction if this happens the rural areas will be worst affected. Reconfiguration of services means reduction of service. No one ever complained about the service from MABS or the CICs.

Deputy Mattie McGrath: Hear, hear.

Deputy Danny Healy-Rae: These vital services were invaluable to poor people who badly needed help and advice. What is the Minister trying to do, keep people in the dark and not let them know what they are entitled to? Shame on him if that is what he is doing. That is what it looks like to me.

Deputy Michael Healy-Rae: I thank Fianna Fáil and, in particular, Deputy Willie O’Dea. I compliment the great work that the staff in MABS and the CICs do because the service they provide to the public is second to none, especially in the past few years when people have been very badly affected by the recession. In some cases if it was not for the service provided by MABS they would not have been able to cope.

I completely disagree with the decision by the CIB, to regionalise the structure to deliver the CIS, in MABS. This would impact directly on how the service is delivered locally. Local voluntary boards, made up of representatives from key agencies, will be dissolved which will significantly reduce the ability to meet the needs of the community they serve. The Kerry CIS board will be dissolved and there is no guarantee of proportional representation at regional level. Kerry will potentially be swallowed by Cork as there is only one CIS in Kerry and four in Cork. The proposed change will undermine the independence, strong community ethos and voluntary nature of the service. The CIS services I have been in contact with appreciate that some sort of rationalisation is required and have presented alternative proposals but these have not been taken on board. This approach included a county model which is the preferred option for the CIS. I am glad to support the motion.

Deputy Michael Collins: I also thank Deputy Willie O’Dea for bringing forward this vital motion. The CIS and MABS play a significant role in the communities in which they are situated. I am aware of this not only in a personal and political capacity but also as a former voluntary member of the board of management in our local CIS in west Cork.

The proposal by the CIB to abolish the 93 CIS and MABS boards and replace them with 16 regional boards will be detrimental to the local services, not alone in rural Ireland but also in large urban areas. CICs started with local groups of volunteers establishing an information service in the 1970s. They and MABS are distinctly local services, delivered locally. Volunteers play a huge role and are the backbone of the service. This proposal appears to totally underestimate the contribution of the local volunteers and to change the ethos of the CIS and MABS. There are 1,089 volunteers in the CIS network and over 500 in MABS who have a right of participation on boards. These volunteers will not be represented or allowed participate in new regionalised boards. Volunteers are effectively being disenfranchised in this model. Is the Minister actively trying to end volunteerism in this service? Are we going down the road that the last Government under Fine Gael went with the Leader companies? That was very like this situation, wipe out the volunteer and make a complete mess as it did with the Leader programme. Today there are huge concerns that the introduction of a new layer of regional management will create a new layer of bureaucracy and hamper the ability of the service to respond in an efficient and flexible manner to local needs as they present.

The West Cork CIS is an example of one of the 42 CIS entities. It provides a top class information, advice and advocacy service to the people of west Cork. In addition, staff deliver information talks all over west Cork throughout the year in response to requests from community and voluntary groups. For West Cork CIS and most CIS entities this proposed restructuring will result in their having much less autonomy and remove community ownership and active citizenship. I am sure the Minister is aware of the saying, "If it ain't broke don't fix it". There could be no more appropriate saying in this instance. MABS and the CIS must be maintained in our communities and constituencies. They must not become another victim of regionalisation at an additional cost to the taxpayer.

Deputy Michael Healy-Rae: The previous Tánaiste and Minister for Social Protection in her infinite wisdom thought of removing the one representative from County Kerry from the CIB. It was a totally unfair decision but because she had such a majority she decided to pick on me and take me out. It was totally wrong and completely politically biased.

An Ceann Comhairle: I think the Deputy is taking a little licence.

Deputy Michael Healy-Rae: We have the time. I have 11 seconds left to attack her. She was wrong, unfair and used her political influence.

Deputy Mattie McGrath: It was anti-rural.

Deputy Michael Healy-Rae: She called a vote one night to remove me, a respectable member of the board who did nothing wrong. I only did my work. I condemn her in her absence.

An Ceann Comhairle: The Deputy is taking advantage of my gentle nature.

Deputy Michael Healy-Rae: I used no time.

Deputy Dara Calleary: The Minister is leaving the Chamber but I listened to his remarks carefully. My only diagnosis is that he does not get it. He does not get the nature of the MABS or the Citizens Information service, CIS. MABS started in The Lough in Cork, a small urban community. The CIS owes its roots to Muintir na Tíre in Tipperary, a rural community and Deputy Jackie Cahill's county. Both services provide invaluable trust-led services from staff whose interest in their cases is phenomenal and second to none. The views of those staff on

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this issue are being completely ignored. The board, which the Minister has spoken of, has completely disregarded the views of the staff who deliver the services and who have built that level of trust.

In my case, the staff are the sounding board for dealing with common clients, either of MABS or the Citizens Information service. We share a lot of clients, no matter what party we are from, because we trust each other. MABS is trusted to provide locally-based mortgage arrears figures and to provide budgeting advice depending on local circumstances. It is trusted to provide a locally-based response in the event of a major closure in a community. It can do that because it understands the locality.

This is a major change. It will take the local away from the boards. It will tell board members who have given service, mostly unpaid, that they can become members of an advisory board but that a regional board will take over, yet there will be no change in the ethos of the organisation. Surely, the Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Seán Kyne, as a regional Deputy, gets it. As a person from Galway, he knows that somebody from Galway will not represent the views of a person from County Mayo.

It is not broken beyond repair. It can be fixed. Deputy Joan Collins spoke about the service issues to which the Minister referred. They can be synchronised, in consultation with the staff.

The Government needs to go back to basics, pull back from this step and stand up for people in rural Ireland for once. Members of the Government should cop on to themselves and listen to the views of the House once and for all.

Deputy Shane Cassells: I welcome the opportunity to speak to the motion. Three weeks ago, Angela Black and members of the Citizens Information Board, CIB, and MABS appeared before the Joint Committee on Public Petitions. Very few parliamentarians turned up that day, although Deputy Denise Mitchell was one of the few. The quality of the service we discussed was acknowledged by us all as second to none. That praise goes to the local people on the boards who spread the word of the availability of the services, how the sensitive nature of people's queries are handled and how the companies are managed in a professional manner tailored to the needs of local people. The passion of those who volunteer with the CIB goes to the very heart of the success of these boards. There are over 1,000 people in the CIS network who have the right to participate on local boards. In the proposed model, they will not be represented on the new regional boards. These regional boards will be remote and inaccessible.

The Minister for Social Protection, Deputy Leo Varadkar, said there should be no fear that the restructuring would quench the spirit of the CIB and there would be no reduction of services. That misses the point. The very spirit that the Minister praised is fuelled by those local board members in the first place. They are the diesel in the tank. The local connection of those who volunteer to ensure that these boards function is what makes them effective and successful companies in the first place. The work of local board members has been a lot more than "helpful", as the Minister described it. It has been critical.

In my home town of Navan, the CIB and MABS offices hold a dominant position at the top of the main street. The work of the board members makes them the successful service that they are. The key is not the shiny building but the knowledge of the locals who operate the boards. Like our political clinics and the services offered on the ground, it is the local board members

who know the heartbeat of their towns best. When it comes to the decisions of what is best for Navan CIB or Navan MABS, I trust the people involved.

Deputy Eamon Scanlon: I am very concerned about the potential implications of restructuring the Money Advice and Budgeting Service and the Citizens Information service from local companies into a regional model. I am particularly concerned about the lack of dialogue and clarity surrounding the restructuring process.

It reminds me of community welfare officers who were taken out of the local community where a service was being provided locally to people. Some of my constituents have to make a 50-mile round trip to meet a community welfare officer. These people are single parents, young mothers looking after young children. A taxi for their journey could cost €50. That is not what the community welfare officer is about. I see similarities with these proposals.

There are 51 MABS companies and 42 Citizens Information services. They are managed at county level by voluntary boards of directors with strong links to the communities that they serve. People confide daily in the CIS and MABS and put their faith in the independence of the services throughout the country. They visit with queries about their rights as employees, as tenants, as social welfare recipients, as carers or as people with disabilities. These services provide a vital lifeline for many who find themselves unemployed, in mortgage arrears or overwhelmed by debt. There is not a Member of this House who has not met a constituent who had difficulties with debt and got a good service from MABS.

The CIS and MABS are two of the few services where people are welcome to talk face to face with a representative. Other services and organisations are distancing themselves from the people they serve. An example of this is last week's announcement from Ulster Bank that it is to close 22 branches in this country. This is disenfranchising members of our community who are not Internet savvy and people with literacy problems where there is no one available to help with filling out forms. Dismantling this county-by-county governance system to move services into eight regions would be wrong. It would be a retrograde step. Rural Ireland has already had many services taken into large urban centres. That is very wrong. The proposed model to regionalise services is not an appropriate one. There is nothing fundamentally wrong with the current structure, although improvements can always be achieved through open and honest dialogue. The restructuring process will change the service from a bottom-up service to a top-down one. It will lose the local nature of the service and the experience of the local boards. The most urgent need in services is staffing, not governance.

We call on the Minister for Social Protection to immediately issue a directive to abandon these proposals. These vital services must be maintained in the community. They must not become victims of regionalisation and an additional cost to the taxpayer.

Deputy Mary Butler: I am very happy to support the motion moved by my colleague, Deputy Willie O'Dea. I reiterate that significant and essential work that is carried out by MABS and the Citizens Information service.

Voluntarism is at the core of the services that MABS and the CIS provide. They are embedded at grassroots level within communities. The three citizens information centres in County Waterford play a major role in supporting people by offering advice on their statutory entitlements. There are currently 48 volunteers in the city and a further 15 in the Dungarvan area. These, together with six part-time staff, one manager and 16 new volunteers currently in re-

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cruitment, are the driving force behind this organisation. It is regrettable that the Minister has left the Chamber because I wanted to point out to him that in 2016 these 63 volunteers and six part-time staff dealt with 13,699 people to offer advice, information and advocacy. They dealt with 21,038 queries. This was made possible by those 63 voluntary staff.

I am troubled by the very real concerns that have been voiced by the staff and volunteers, many of whom I have spoken to in the past few weeks. They are worried about how the restructuring will affect their involvement. They do not want to become another statistic. There is a danger that what is proposed will fragment the whole organisation under a regional chairman appointed by the Minister. The current community-based model works. Why does the Minister need to change it?

Deputy Niall Collins: I wish to acknowledge the valuable input of the MABS and the Citizens Information centre staff and volunteers in Limerick and Charleville who provide services in my constituency.

It is very important that we remind ourselves during a debate like this of the regrettable agenda that the Minister of State, Deputy Seán Kyne's party in government has been pursuing for a number of years. It is hollowing out the core of communities, be they rural or urban. The list, which is not exclusive, includes small schools, Garda stations, banks, credit unions, GP outreach services, public health clinics, Bus Éireann rural transport services, the regional veterinary laboratories, post offices and the Leader companies. All those services in both rural and urban communities are being hollowed out and centralised in larger towns and cities. That is an agenda which has people very worried. It would be very foolish of the Minister to proceed with the agenda he is proposing in terms of the citizens information centres and MABS because people are worried. They have lived through the experience in terms of the list I have just outlined to the Minister of State. They are fearful. Why take services away from people and centralise them in big towns in cities? It does not make sense. I appeal to the Minister, on behalf of my constituents in County Limerick, to reverse his decision, pause for reflection and do the right thing.

Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Seán Kyne): I thank Deputies for their contributions. I listened with interest to the points raised both here in the Chamber and earlier in the office. The debate shows the esteem in which the Citizens Information Board, CIB, and its service delivery partners, the Citizens Information service, CIS, and the Money Advice & Budgeting Service, MABS, are held by all sides, rightly so.

Earlier, the Deputies heard the Minister for Social Protection, Deputy Leo Varadkar, set out in detail the context within which the decision to restructure the governance arrangements for service delivery partners was taken by the board of the CIB. As there is a danger with a debate like this that the important points can be overlooked, I will reiterate what the Minister said in his earlier statement. He said that the changes are being made at company board level only; the changes are required to improve the existing governance structure; the changes are necessary to assist the CIB in the fulfilment of its statutory obligations, its compliance with the code of practice for the governance of State bodies and its implementation of recommendations from the Office of the Comptroller and Auditor General; and that the changes will bring CIS and MABS organisations more into line with modern public service governance guidelines and requirements where significant State funding is involved.

There have been many references to the provision of local services by local people. It is suggested there will be a loss of independence and impartiality within a more consolidated model. There is no foundation whatsoever to such claims. Front-line services will continue to operate as they do currently, meeting the needs of those who seek information, advice and advocacy, regardless of the changes implemented at board level. It is also worth mentioning that the board of the CIB is not made up of faceless bureaucrats but rather comprises people who represent vulnerable people and groups, who have a sense of community ethos and who represent people with disabilities, mental health problems, victims of abuse and those with advocacy needs. The board also has representation from the CIS and MABS.

Based on their employment and professional backgrounds, it is obvious that these people work with the most vulnerable in our society and hold the citizen at the centre of their focus. It is therefore unthinkable that such people would introduce a measure that would be detrimental to the services provided by the CIS and MABS or that would negatively impact on the people who depend on those services. On the contrary, it is for those same reasons that the board of the CIB wants, more than anything, to improve the effectiveness and efficiencies of the CIS and MABS services by redirecting resources away from unnecessary company administration and back towards front-line service delivery for users.

There has been much mention of the role of community-based volunteers involved in the development of the CIS and MABS. That said, it is critical to remember that these services are paid for exclusively by the State. Every aspect, activity and initiative is Exchequer funded. This House, and its various committees, have made it abundantly clear that publicly funded bodies are held to the highest possible standards in their discharge of public moneys and require such bodies to comply with best practice as set out in the code of practice for the governance of State bodies. The members of the board of the CIB take those obligations very seriously.

That is the context within which the board of CIB made its decision to undertake this restructuring. The board is convinced, after a lengthy deliberative process, that this restructuring will facilitate its executive in fulfilling its governance and accountability obligations and at the same time will provide an opportunity to reduce the administrative burden on individual CIS and MABS companies. That, in turn, should allow employees and volunteers to refocus on front-line delivery, ensuring consistent quality of provision and enhancing and extending services over time.

I remind Deputies that the board of the CIB has assured the Minister that on foot of this decision there will be no job losses. MABS and CIS employees will transfer to the newly established companies. There will be no closure of any services or no change to the location of services. There will be no change to the terms and conditions of serving staff during the lifetime of the restructuring project, and, most importantly, there will be no disruption to CIS and MABS services for those who use them.

The CIB's aim is simply to improve the governance arrangements by implementing a reduced structure of 16 regional companies to replace the current unwieldy 93 company structure for the sound reasons that the Deputies have heard.

An Ceann Comhairle: Deputy Jackie Cahill is sharing time with two or three of his colleagues.

Deputy Jackie Cahill: Having listened to the Minister of State's contribution, it baffles me

how this Government has such a disconnect with both urban and rural communities. There are many issues in the Department of Social Protection that need improvement, rationalisation and greater efficiency. These two companies are not in that group.

During the recent recession, MABS and the CIS played a huge part in helping people who had fallen on hard times, including people in mortgage arrears. I refer to the local influence and knowledge those companies can bring to bear in helping local people. Regionalisation has not worked in a number of spheres. Why try to change these organisations that are working so well in their local communities? The voluntary aspect is core to these two organisations. Could that survive regionalisation? It is very difficult to understand how the Government can see that working. This is a bottom-up service that is working and the proposal is to make it a top-down structure. Unfortunately, our experience of that kind of rationalisation is not good.

The Minister has the power to stop this regionalisation. The volunteers in these organisations are convinced that it will hamper the services they provide for local communities. In my county of Tipperary I see the significant service provided by these two organisations. I got a huge number of calls over the weekend from volunteer workers in MABS and the CIS who believe this rationalisation will damage the service they provide. It is irrational to proceed with this rationalisation when all the people working in the service believe it will hinder the services they provide to their communities.

The Minister heard strong arguments being made from the Opposition benches. I plead with the Government to listen to the communities at both urban and rural level and not to implement these proposals.

Deputy Margaret Murphy O'Mahony: I am acutely aware of the incredibly important work that the CIS and MABS do. The fantastic individuals in both organisations provide invaluable information, advice and a lifeline to people to manage and overcome their debts. It is not just a helping hand. It is a real, genuine lifesaving service, much more than we will ever know. As some of my colleagues have said previously, I also recognise that there is room for improvement in terms of efficiency and effectiveness and I am not opposed to change and reform when it makes sense. However, the restructuring plan with regard to MABS and the CIS does not make sense.

MABS and the CIS are part of the local community. They are located in towns the length and breadth of the country for a reason. They are deeply rooted in every community where they are present. In my constituency of Cork South-West I personally know people who have accessed the services of MABS in Dumanway and Citizens Information in Bantry.

To regionalise these services would be simply outrageous. The Minister has the power under the Citizens Information Act of 2007 to issue a directive to cease this proposed regionalisation immediately. It would be an honourable thing to do as so many have voiced concerns. People have not done so to be difficult. They have done so because they want a clear understanding of and contribution to what is happening. It is essential that all stakeholders are provided an opportunity to engage.

The Minister for Social Protection, Deputy Leo Varadkar, stated previously that during the restructuring programme - I stress during the restructuring programme - there will be no change to services or delivery locations and no job losses. However, in dropping from 93 individual companies to 16, there is absolutely no way that huge changes will not happen. The Minister

should be focusing on protecting people and their lives.

People throughout the country have suffered immensely. This and the previous Government have done some terrible things to the people, but this is one of the worst.

Deputy Michael Moynihan: I compliment Deputy Willie O’Dea on tabling the motion which offers us a timely opportunity to reflect on what MABS and the Citizens Information service do. MABS has provided a fantastic service during the years, but since the economic crash of 2008, with the other agencies available to help people through financial difficulties, it has served many people who in normal circumstances would never interface with it. The organisations have provided invaluable support throughout the country.

A number of very telling and important points have been made by Deputies on all sides of the House, but I want to focus on two points. The Minister mentioned job losses. I sincerely hope that what the Government is proposing to do is not about job losses or amalgamation for the sake of it. There are many services about which we could talk, but this service is stretched to the limit in trying to help people. The community welfare officer was the safety net underneath all social welfare payments. If there genuinely was a huge financial difficulty or a crisis within a family, one could always revert to the community welfare officer to help them, but the role of the community welfare officer has been depleted somewhat and the service has been transferred from the old health boards and the HSE to the Department of Social Protection.

MABS advisers are taking on almost impossible files involving house repossession and the provision of business and financial advice for people in their own homes. They are going through the figures and offering people professional services for which they could not dream of paying on the open market and advising them on how best to put their finances in order. All public representatives, regardless of whether they represent rural or urban Ireland, interface with the organisations in question on a daily and weekly basis. Our offices might deal with them on an hourly basis and they are providing a significant service.

If the Department thinks this is a good idea - Deputy Willie O’Dea made the point that it was akin to knocking down and rebuilding a house in another place for the sake of change - it is not good policy. I met a number of MABS staff in the past couple of days. They are dealing with cases involving house repossessions. This Dáil and all local authorities have been trying to get to grips with the enormous housing crisis. MABS staff have some fantastic ideas. For example, rather than repossessing houses, their ideas involve making sure they can work through a State-led system to try to incentivise people to remain in their homes. The ideas are coming from the ground up. Deputy Jackie Cahill said MABS was a ground-up rather than a top-down organisation. MABS has been in place for a long time, done excellent work and contributed greatly to the betterment of society, in urban and rural Ireland. This, therefore, is bad policy and a retrograde step. It should not be done just for the sake of achieving job losses or efficiencies. The people about whom we are talking are really needed on the ground in every community the length and breadth of the country. We should be enhancing the services available.

Deputy Willie O’Dea: It will not take me more than five seconds to respond to what I have heard. The fact is we have not received answers or logical explanations. Members will have heard of the wonderful character the Wizard of Oz. The Wizard of Ozone has left the House. We intend to push the motion to a vote. Deputy Michael Fitzmaurice was right when he said there had been times when the Government had lost votes on motions in this House and nothing had happened. I do not want to anticipate the outcome of the vote, but I hope we will win it

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when it takes place next week. I am sure the Citizens Information Board comprises estimable individuals and that it is a very important organisation, but if we win the vote, we will take it very badly if evidence emerges that the board is to flout the declared will of the people's parliament. That is something we will not accept. I want the Minister of State to take that message back to his colleague.

Deputy Seán Kyne: As well as the Attorney General's advice that the Minister does not have the power to instruct the Citizens Information Board.

Deputy Willie O'Dea: That is absolute rubbish.

An Ceann Comhairle: Let us not get into that matter.

Amendment put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 30 March 2017.

Estimates for Public Services 2017: Message from Select Committee

An Ceann Comhairle: The Select Committee on Jobs, Enterprise and Innovation has completed its consideration of the following Revised Estimate for Public Services for the service of the year ending 31 December 2017: Vote 32 - Department of Jobs, Enterprise and Innovation.

The Dáil adjourned at 9.45 p.m. until 10 a.m. on Wednesday, 29 March 2017.