

THE SUNDAY TIMES

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MAGAZINE



25 BEST IRISH BEACHES
SUNDAY



Fitzgerald's office knew Whelan got post over rivals' heads

Stephen O'Brien and Justine McCarthy

Former attorney-general Máire Whelan gave the Department of Justice the names of three High Court judges who had expressed an interest in the vacancy on the Court of Appeal, which she is now filling, government sources have disclosed.

It is unclear if officials told Frances Fitzgerald, then the justice minister, about the expressions of interest before she recommended Whelan for the post last week.

Government sources have confirmed Fitzgerald did not tell last Tuesday's cabinet meeting that a number of judges had expressed interest in the job. One source, however, said there was no precedent for the cabinet to discuss the relative merits of judges. Instead the practice is for the minister for justice to bring a single recommendation to cabinet.

Whelan declined to comment yesterday and Fitzgerald could not be reached.

As Shane Ross, the transport minister, continued to call for a review of the procedures used to appoint Whelan, sources said that the Independent Alliance minister joined enthusiastically in a round of applause for the outgoing attorney-general following her appointment.

"The Independent Alliance made it absolutely clear all along that we don't like the process of appointments," Ross said yesterday.

"It's no coincidence, I suppose, for many years every time a judge has been appointed there's been some sort of political row. That's what we want to end ... The old system is rotten."

Ross did not know three judges
Continued on page 2

HOOPS A DAISY AT ARAS BLOOMSDAY PARTY

MAXWELLS DUBLIN



Soprano Ilaria Zanetti from Italy hits a high note during a game of croquet on the lawn at the Bloomsday Garden Party yesterday hosted by President Michael D Higgins and Sabina Higgins at the Aras

Callinan admits briefing against whistleblower

Ex-commissioner told Shatter about abuse case

John Mooney

Martin Callinan, the former garda commissioner, has admitted he told Alan Shatter as justice minister in late 2013 that garda whistleblower Maurice McCabe had been investigated for child sex abuse. McCabe had just exposed the abuse of the penalty points system by garda management.

Callinan has made the admission in a confidential statement to the Charleton tribunal, which is investigating whether senior gardai attempted to ruin McCabe's reputation. Callinan said he informed Shatter about the allegation during a telephone call concerning the findings of an internal garda investigation by John O'Mahony, the retired assistant commissioner whose examination of abuses of the penalty points system was published in May 2013.

Callinan says: "In late 2013, I spoke to the then minister for justice Alan Shatter TD. This was in connection with the report prepared by assistant commissioner John O'Mahony which [Shatter] received on March 28, 2013. This was in the context of a briefing with the minister.

"I believe that on the occasion in question we spoke by telephone. During the course of the conversation Minister Shatter specifically asked me if there was anything in the background relating to Sergeant McCabe he should be aware of. In response, I told him there had been an allegation of

inappropriate contact by Sergeant McCabe with a child in 2006. I made it clear to him that the matter had been investigated and that a file had been sent to the DPP who had directed no prosecution."

The statement does not make clear what prompted Shatter to ask the question. The former justice minister could not be contacted last week. Callinan is known to have provided Shatter with confidential information on at least one other occasion about people who had raised concerns about issues in the justice system. In May 2013, Callinan gave Shatter details of an incident involving Mick Wallace, an independent TD who had highlighted the abuses of the penalty points system in the Dail.

Shatter used the information during a live TV debate, reminding Wallace he had once been cautioned for driving while using a mobile phone. Shatter later said he had not sought the information on Wallace, and that the then garda commissioner had volunteered it.

If Callinan's recollection of events is correct, it means he provided Shatter with sensitive information on McCabe at a time when the then justice minister was under pressure to explain his handling of various garda controversies. Shatter resigned in May 2014 following criticisms of his handling of garda whistleblowers in the Guerin report. Callinan had retired a few months earlier. Shatter was later exonerated of any wrongdoing in his handling of the issues sur-

rounding McCabe by Justice Kevin O'Higgins, who led an inquiry into McCabe's allegations about garda malpractice in the Cavan-Monaghan division dating back to 2008.

Sources say Shatter is likely to have to appear before Judge Peter Charleton to clarify whether he received a private briefing from Callinan about the allegations made against McCabe and if this ever influenced comments he made in the Dail.

Reference was made to Callinan's admission at last Wednesday's hearing of the Charleton tribunal at Dublin Castle, where the inquiry's team outlined the nature of evidence it has received so far. Charleton was told some witnesses have come forward who appear to implicate Callinan as part of a campaign to undermine McCabe. They include John McGuinness, former chairman of the Dail's public accounts committee, and Philip Boucher-Hayes, an RTE broadcaster.

The inquiry was told there was no direct evidence to implicate Níóirín O'Sullivan, the current garda commissioner, in such conduct. In their statements to the tribunal, Callinan and O'Sullivan have denied any involvement in a smear campaign against McCabe. Public hearings about the evidence of Callinan and other senior gardai are scheduled to begin in October.

Journalists reveal 'smear plot', page 6

Help-to-buy scheme facing the axe

Stephen O'Brien
Political Editor

The government is preparing to scrap the help-to-buy scheme for first-time buyers amid fears it has fuelled house-price inflation and is distorting the market.

While campaigning for the Fine Gael leadership, Leo Varadkar signalled that he would speed up a review of the scheme, which was launched last year by Michael Noonan and was due to run to the end of 2019.

The taoiseach has told Eoghan

Murphy, his new housing minister, to review the Rebuilding Ireland housing strategy by September; to consider creating incentives for landlords to remain in or enter the rental market; and to examine the merits of a vacant-home tax to penalise property owners who sit on potential housing stock.

"Murphy is likely to focus on supply-side measures," said a government source. "Help-to-buy was an attempt at increasing supply by increasing demand, but the Department of Finance review now under way will almost

certainly find it has been inflationary. True supply measures would include building houses, obviously, but also releasing vacant housing stock and 'stranded assets', where there could be a room available two floors above a shop or an asset that is being underutilised."

Ireland has about 183,000 vacant homes, says the 2016 census. The review of Rebuilding Ireland may focus more on bringing forward the delivery of social housing than building more units. Simon Coveney, the previous

housing minister, had secured €5.4bn over five years to build, buy and lease 47,000 social houses.

However, the Housing Agency confirmed last week that the 2017 target to acquire 10,000 units would not be reached because of planning and tendering delays.

John O'Connor, the agency's chief executive, said affordable rental was a more suitable solution for "people in the middle" who were above the earnings cap for social housing. This was something that might be explored in the
Continued on page 2

Garda funds in secret accounts

John Mooney

The probe into financial practices at the Garda Training College in Co Tipperary has found large sums of money were routed to secret credit union and bank accounts in Dublin, opened and controlled by gardai. This was done without the knowledge of force management or the authorities.

The accounts were discovered last month by a team of auditors led by Niall Kelly, head of the Garda Internal Audit Service (GIAS). Níóirín O'Sullivan, the

garda commissioner, was briefed by the GIAS on Friday afternoon about the discovery, which auditors believe involves numerous transactions and a large amount of public money.

One source described what had been uncovered as a highly organised scheme to divert funds away from the training college over a protracted period of time. The amount of money identified so far is about €100,000.

The audit team has taken possession of cheques, stubs and
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