

Garda loses €6k payout after her car is torched

A DRUGS unit garda whose BMW was set on fire by criminals has been stripped of almost €6,000 compensation after the force argued her claim was too 'high-end'.

Niamh O'Malley suffered harassment by a criminal gang – including her personal car being 'totally destroyed' by fire while she lay in bed at 3am – over her unit's success in drugs seizures, the High Court heard.

She initially lodged a compensation claim with her employer for losses of €6,405 over the destruction of her BMW worth €22,000 – arguing that a garda is 'never really off duty', the court heard.

By Paul Caffrey

But her employer argued that she was not strictly on duty when it happened – and that the Garda code caps payouts for damage to property at €317. She first went to the Circuit Court where she won damages of €5,700 – but the force appealed this to the High Court. Yesterday, Judge Donald Binchy said he was ruling in favour of An Garda Síochána 'with great reluctance'.

The judge suggested that the force could now decide to use its discretion to compensate its employee fully for her losses arising from the 'deliberate and planned attack' on her car

in 2009. She accused her employers of negligence and 'breach of duty' for not providing her with a 'safe system and place of work' when she was involved in a 'high-profile fight against drugs and local organised crime'.

Judge Binchy ruled that the while the garda was targeted 'as a direct result of her duties as a member of An Garda Síochána', she was after all 'off duty, and indeed in bed, when the incident occurred'.

The judge found that the force had no express obligation to pay out on claims that exceed the €317 – though bosses had discretion to pay out more if they wished.

Dr Mark Dooley



MORAL MATTERS

In memory of Skippy the fish. I'll never forget you, old friend

TODAY, I want to talk about fish. That's right, I want to discuss big fish, little fish and all those that make the ocean a place of miracles. For beneath the surface of our seas, there is a vast and beautiful kingdom of the most extraordinary creatures.

But first, let me tell you the story of Skippy the goldfish. Skippy was my first pet, a small little fish that my grandmother bought for me when I was only six or seven. Among my own children, Skippy has acquired almost mythic status.

That is because, even though he passed his life in a tiny tank, Skippy survived quite contentedly for 12 years. He swam and ate and swam some more. That was Skippy's life and, as far as I was concerned, he seemed to love it.

Then again, I believed that he had a memory span of no more than a few seconds. For that was the common belief back then, and it was one that appeased many a conscience. After all, imagine passing your days cooped up in a small bowl, somehow sensing that you were condemned to swim there for life.

At least, if your memories lasted but a few seconds, you would never endure the endless tedium of life in such a confined space. Life would never cease to be novel, stimulating and new. Therefore, every time Skippy looked into my eyes, it was, for him, the very first time.

One day, I returned home to find Skippy lifeless in his bowl. I had no regrets because I loved that fish, and I also knew that he lived every second to the full before the next bout of amnesia kicked in. And so, as he settled in his watery grave, Skippy became the stuff of legend.

Although I never acquired another, fish once again became central to my life after I had children. The beautiful film *Finding Nemo* is a favourite in the Dooley household, the tender characters living with us in the form of models and toys. The popular sequel *Finding Dory* is the story of a little blue fish who suffers from short-term memory loss.

Isn't that very clever, I thought to myself, that only one fish in the film suffers from a condition they

all share. Without memory, none of the characters could form friendships or live in the light of love. They had to find a way of getting around the memory problem without compromising a pivotal fact of fish life, and Dory was it.

Last week, I carried that belief with me when, with my family, I went on my first trip to The National Sea Life Centre in Bray, Co. Wicklow. Featuring fish of every shape, size and colour, Sea Life is a fascinating experience that reveals the sheer wonder of what lies beneath the waves. We were blessed with a great guide who mesmerised my boys with a wealth of information about the three hearts of an octopus, the powerful poison of the puffer fish and the sleeping habits of sharks.

'What do they do all day?' asked our eldest, to which I sanctimoniously replied: 'Having only a few seconds of memory, they swim around all day believing that life is only beginning. There is absolutely no boredom or tedium whatsoever.' However, he was horrified at the thought that time and memory could so easily be erased. For those of us who don't live in a tank, it certainly is a terrible prospect. But, for fish, it is nothing less than a life saver.

REACHING the end of our tour, I began to realise that the complex life of these magnificent creatures demands much more memory than I had credited them with. Each fish has, for example, a unique function in protecting other fish and in keeping their habitat toxin-free. The more we learned from our guide, the more obvious it was that fish are a highly sophisticated life form.

All my life I laboured under the delusion that little Skippy swam his way through life without a care. But the truth is that goldfish can remember things for up to five months. Recent scientific studies have shown that they can even sense when they about to be fed.

We left Sea Life with glowing respect for those spectacular creatures whose dazzling colours are the handiwork of creation. Skippy was, however, never far from my mind.

How can I tell my children that he remembered far more than he could forgive?

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