



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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DÁIL ÉIREANN

Dé Céadaoin, 18 Feabhra 2026

Wednesday, 18 February 2026

Chuaigh an Cathaoirleach Gníomhach (Deputy Aindrias Moynihan) i gceannas ar 9 a.m.

Paidir agus Machnamh.

Prayer and Reflection.

9 o'clock

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Cathaoirleach Gníomhach (Deputy Aindrias Moynihan): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 39 and the name of the Member in each case:

Deputy Colm Burke - To discuss the recruitment of paediatric dermatology consultants to the south-west region.

Deputy Catherine Ardagh - To discuss funding support for the Ballyfermot Youth Service.

Deputy Robert O'Donoghue - To discuss the lack of community childcare facilities in Dublin Fingal West.

Deputy John Connolly - To discuss the HSE's refinement of the scope and budget for planned elective hospitals.

Deputy Paula Butterly - To discuss the payment of the agreed 2% pension increase for An Post and Eircom pensioners.

Deputy Darren O'Rourke - To discuss the shortage of mainstream school places in Dunshaughlin, County Meath, for the 2026-27 school year.

Deputy Michael Murphy - To discuss contingency arrangements for children awaiting community ophthalmology services in south Tipperary.

Deputy Mattie McGrath - To discuss Uisce Éireann's plan for a River Shannon-Dublin water pipeline.

Deputy Pat the Cope Gallagher - To discuss an application for port listing status for Killybegs in line with new regulations.

Deputy Louise O'Reilly - To discuss funding for provision of community-based housing for adults with disabilities in Dublin Fingal West.

Deputy Joanna Byrne - To discuss funding for the breakfast club for St. Paul's Senior National School, Drogheda, County Louth.

Deputy Alan Kelly - To discuss the need for extra resources for An Garda Síochána in the mid-west region.

Deputy Natasha Newsome Drennan - To discuss funding to local councils to repair damage to road surfaces.

Deputy Ruth Coppinger - To discuss calls for the FAI not to play Israel in upcoming UEFA Nations League fixtures.

Deputies Rose Conway-Walsh, Richard Boyd Barrett, Pádraig O'Sullivan, Eoghan Kenny, David Cullinane, Louis O'Hara, Thomas Gould and Paul Murphy - To discuss the reduction of special needs assistant, SNA, numbers at various schools in Cork, the SNA review and SNA reallocations, cuts to SNA positions in schools, the downgrading of need in Cork schools and the cuts to SNA provision there.

Deputy Danny Healy-Rae - To discuss the scarcity of rental accommodation and how to address it.

Deputy Brian Brennan - To discuss an update on the proposed closure of a factory in Arklow, County Wicklow.

Deputy Ruairí Ó Murchú - To discuss appropriate accommodation in Louth schools and the Department of education's additional accommodation scheme and building unit.

The matters raised by Deputies Colm Burke, John Connolly, Michael Murphy, Louise O'Reilly and Danny Healy-Rae have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Hospital Staff

Deputy Colm Burke: In the south-west area, which includes Cork and Kerry, there is no consultant dermatologist employed. This issue came to a head recently when a consultant wrote to parents advising that appointments could not be given because no consultant paediatric dermatologist is employed in the Cork-Kerry region. I understand funding was granted for eight additional posts in Dublin, bringing the total number of posts there to more than ten.

The number of patients referred to dermatology consultants in the south-west region was more than 17,000 in 2024. There were 10,000 new cases and 12,000 returning cases in that year. There is a huge volume of work being done, with the whole Cork-Kerry region being covered by a total of 7.4 consultant posts. There are more than 750,000 people in the region, a percentage of whom are being referred.

Parents of children with a particular dermatology issue are having to travel to Dublin from the south-west region. This is a huge concern for parents. The first worry for them is that their

child has a medical condition that requires an appointment with a consultant, and the planning that requires. In the Cork-Kerry region, they have no alternative but to travel to Dublin. In fairness, there are very few dermatology referrals from Cork to Dublin in an overall context. However, the volume of referrals has increased substantially. The manner in which the service is run in the South Infirmary Victoria University Hospital, SIVUH, is such that it also provides care in Bantry, Tralee and Mallow.

How can we deal with this challenge? I understand a submission has been made to the HSE in the south-west area seeking appointment of a consultant dermatologist. A clear case has been set out that if this person were located in the Cork-Kerry region, a huge volume of work currently being referred to Dublin could be dealt with in the region and the need for referral would not arise. I ask that this issue be examined by both the Minister of State's office and the HSE at national level. The HSE in the south west cannot make the decision on this; it must be approved at national level. I ask that a consultant paediatric dermatologist be appointed to look after children with a skin disorder or other dermatology issue, which would mean parents do not have the expense of having to travel all the way from south Kerry, west Cork or Cork city to Dublin to access that care.

Minister of State at the Department of Health (Deputy Mary Butler): I thank the Deputy for raising this really important issue and giving me the opportunity to provide an update to the House on paediatric dermatology services in the HSE south west. Those services are provided through primary care services, regional dermatology services and specialist dermatology services based in Children's Health Ireland, CHI, in Dublin. Paediatric dermatology services in the south-west region are primarily provided in Cork from the South Infirmary Victoria University Hospital, which serves as the regional hub for the specialty. As the regional centre, it treats a wide range of conditions in infants, children and adolescents, including eczema, psoriasis, acne and rare genetic skin disorders.

While SIVUH is the regional hub, Cork University Hospital also hosts outreach clinics and integrated care for children with complex needs. Public dermatology services from the regional hub centre also extend to Bantry General Hospital and University Hospital Kerry. In addition, CHI manages and delivers paediatric dermatology services across the three paediatric hospitals in Dublin. CHI is currently focused on reducing the numbers waiting, as well as reducing the waiting times, on the dermatology outpatient lists.

I acknowledge the impact on patients and their families who have to travel to Dublin. I am not sure whether those having to do so are those accessing the specialist dermatology services based in CHI. I assure the Deputy that the delivery of high-quality patient-centred care and best practice remains at the centre of all hospital activity. Having said that, I see exactly the point he is making. I checked this morning and the waiting lists are extremely high, especially for children seeking dermatology supports. There has been a small reduction in the waiting list of 58 young children and adolescents. In January 2026, there were 227 people waiting between six and 12 months and 601 waiting from nought to six months. That shows the massive demand for this service.

On the Deputy's question regarding the recruitment of paediatric dermatology consultants to the south-west region, the HSE has advised that while it currently has no plan in this regard

for 2026, the matter will be kept under consideration for the future. That seems to be at odds with what the Deputy has said. I certainly will look into it.

Obviously, the HSE will use waiting-list initiative funding to take some of this list down. I will bring back to the regional executive officer, Dr. Andy Phillips, and the Minister for Health the Deputy's contention that there are no plans to hire an additional paediatric dermatology consultant given that it is clear that this waiting list is forever too high, especially for young children.

Deputy Colm Burke: I fully understand that this matter was probably only given to the Minister of State late last night. I will give her the figures as regards the turnaround in dermatology services for the entire country. One of the things she will see in those figures is the efficiency in the south-west region in dealing with dermatology cases. As I said, the volume is over 17,000 referred, while 10,000 were new and 12,000 were returning patients. With 7.4 consultants, a real effort is being made by the entire team, not just the consultants but also the registrars, senior house officers, SHOs, and nursing staff. The problem is that funding was provided for an additional eight paediatric dermatology consultants in Dublin. There are now ten there but none have been appointed to locations outside of Dublin, which is a mistake. When we see the efficiency of the Cork-Kerry region, we believe that a paediatric dermatologist appointed in that region would help to deal with and not clog up the lists, especially as there are long waiting lists in Dublin already. The Department should engage with HSE south west to see how this can be moved forward as regards appointing someone to deal with this issue. That is basically what I am asking.

Deputy Mary Butler: I have a briefing note here that states that CHI has a staffing complement of 8.8 whole-time consultant dermatologists. These are 8.8 whole-time equivalent, or funded recurring consultant dermatologists, across three CHI sites but it is currently operating within 6.3 whole-time equivalents. That is the information I have. I also know from my own area, and Deputy Michael Murphy will be aware of this as well, that in the old CHO 5 area, for example, dermatology consultants are scarce and it is difficult to recruit them.

To return to what the Deputy said about the letter only being submitted last night, I can follow up on that in relation to the additional dermatologist posts that have been sought. Thankfully, with the new regional structure, the six regional executive officers have received their cohort of staffing numbers. There were 3,300 this year: 300 for mental health and 3,000 for all other definitions. They are able to decide and determine whether they want to prioritise a certain speciality. I will certainly follow up on this for the Deputy because it is very difficult for young children with eczema, psoriasis or acne, or teenagers with acne. Looking at the waiting lists, they are quite long. I thank the Deputy for raising this matter; it is a really important one first thing this morning.

Health Services Staff

Deputy Michael Murphy: I raise this Topical Issue because children across south Tipperary, and children across the south east, are being left without access to basic community ophthalmology services due to repeated recruitment failure following the planned retirement

of the previous consultant, Dr. Hillery, in August 2024. This is not a new issue. I have raised it repeatedly throughout 2025, in February, April, July, October and December and, most recently, in January of this year. On every occasion, I sought an update on the recruitment progress and, crucially, what contingency arrangements were put in place or are in place. In January of this year, I again asked what immediate measures were operating, yet here we are in February 2026 and still no change.

The latest figures made available to me show that almost 1,500 children under the age of four, and 334 children aged between five and 17, are waiting for basic community ophthalmology services. That is almost 1,800 children in south Tipperary alone waiting for basic ophthalmology care, the majority of whom are under the age of five. As the Minister of State and everybody in this House will know, in early childhood, vision development is time sensitive. Delays in assessment and treatment can have lasting consequences. For every young child, an 18-month wait is not neutral. It can mean missing critical development windows. Parents are being told routine referrals carry waiting times of approximately 18 months. Some children in my constituency whose parents have been in contact with my office were referred in 2023 and remain on the list. In the interim, families are advised to contact the clinic in University Hospital Waterford if concerns become urgent. The reality is that the phone is not being answered. This is not a structured contingency plan. Recruitment failure cannot mean service absence.

I again ask the Minister of State very directly about this. Are weekend clinics currently operating? Has private provision been formally contracted? Are children being systematically referred across HSE areas? Is temporary contracting or emergency outsourcing now in place? Crucially, what is the update on the appointment of the permanent ophthalmologist for south Tipperary to be based in Clonmel? We are now looking for concrete proposals. Children across south Tipperary are entitled to the same access to community ophthalmology services as children anywhere else in our State. After raising this issue throughout 2025, I believe families deserve a clear and concrete answer today.

Deputy Mary Butler: On behalf of the Minister for Health, I thank the Deputy for raising this important matter. I acknowledge the number of times he has raised it. I have answered him several times in relation to this. As I go through the answer, for anyone listening in, it will become very clear that every effort has been made to try to recruit staff, but the HSE just has not been able to do so.

As the Deputy knows, the HSE provides optical services free of charge to preschool children and national school children referred from child health service and school health service examinations who are discovered to have sight problems. These children are referred to the appropriate optical care, which will continue to be provided until the child has reached the age of 16 years. The community ophthalmic services scheme, COSS, is a national fee-per-item scheme which was introduced in 1979. Under the COSS, medical card holders aged over 16 years can be seen by local ophthalmologists, community ophthalmic physicians, optometrists or dispensing opticians who have entered into a contract with the HSE to provide services.

The HSE has advised that the community ophthalmologist physician post, as the Deputy has referred to many times, became vacant in October 2024 due to a retirement. As he knows, our constituencies border each other and this has been raised with me as well. I met one of the

nurses while I was out and about one day in west Waterford, close to Clonmel, and it was raised with me. I just happened to come across the nurse working in the services and she explained to me how difficult it had become. In line with the national clinical programme for ophthalmology model of eye care and the modernised eye care pathway - this is important - the community ophthalmologist physician post has been upgraded to the position of consultant medical ophthalmologist. Following a recruitment process to fill the post in south Tipperary, an interim appointment was made in July 2025. Unfortunately, the successful candidate subsequently declined the post prior to the commencement date. I am telling the Deputy everything he knows, but I want to put it on the record. Unfortunately, a second recruitment campaign in late 2025 resulted in no candidates being shortlisted.

The HSE acknowledges the impact on patients, both children and adults, caused by the current vacancy and has further advised that it readvertised this position in the Irish College of Ophthalmologists with a closing date of 21 January 2026 and, positively, several eligible candidates have applied. Shortlistings will commence on 27 February with interviews anticipated in mid-March 2026. The HSE expects to fill the role in the near future. The HSE has also confirmed that a clinical optometrist and orthoptist post were also advertised, with a closing date of 19 January. The recruitment of these positions will ensure the resumption of optical services for those living in the south Tipperary region.

The HSE has advised that patients from the Tipperary south area who have been unable to receive eye care due to this vacancy may, for urgent eye care issues, be referred to the eye service via the emergency department in University Hospital Waterford and that all patients have been notified of this additional referral pathway but I acknowledge that is not a suitable pathway for children. It is difficult presenting to a hospital like that.

The HSE has also engaged with the Royal Victoria Ear and Eye Hospital in Dublin with a view to supporting Tipperary south. It has undertaken discussions with a private agency and a scoping exercise has been conducted in this regard. Personally, I would much prefer to see the consultant in place and services resume. I know that the Deputy wants that as well. For emergencies, a scoping exercise is under way. I am actually pleased to hear that there were several applications which we did not have previously.

Deputy Michael Murphy: I thank the Minister of State. I welcome confirmation that there has been concrete interest and that a number of applicants have applied after the most recent recruitment drive. It is important that a permanent consultant ophthalmologist is in place at the earliest opportunity. I also support additional contingency measures and the scoping exercise referred to by the Minister of State, linking in with the Dublin hospital because we have waiting lists. I alluded to the fact 1,800 children, mostly under the age of five are on the waiting list, including Rory and Aoife, who were referred to my office. They are both under the age of five and were referred back on 10 October 2023. Today, I cannot give them any indication of when they may be seen. In early childhood, delays in vision care can unfortunately lead to damage. Parents should not have to travel to different counties, seek private care or wait a minimum of 18 months for assessment.

As I said, I welcome progress finally being made and I hope that through the latest recruitment process we will have a permanent consultant. I thank the Minister and the Minister of State for upgrading the post to a consultant level. I also acknowledge that the other key

appointments are already in place. In essence, children cannot wait. They need appointments and they need them urgently. If we have a permanent ophthalmologist in place, we also need to focus on contingency measures that will assist in bringing down the waiting lists at the earliest opportunity. As I said, the children across Tipperary south need these appointments. It is an emergency.

Deputy Mary Butler: I can confirm that the post was upgraded to that of consultant medical ophthalmologist and obviously that may be one of the reasons it was not as sought after as it was. Several recruitment campaigns have been run and to date the HSE has been unable to fill the post. The post is funded as well, so it is not a financial issue. Several eligible candidates have applied in the latest recruitment campaign, which closed on 21 January. Shortlisting will commence on 27 February, with interviews anticipated to take place in mid-March 2026. The HSE has also engaged with the Royal Victoria Ear and Eye Hospital in Dublin with a view to supporting Tipperary south. It has undertaken discussions with a private agency and a scoping exercise is being conducted in this regard, acknowledging the long waiting list and the likes of the two kids the Deputy mentioned who have been waiting two years which is simply not good enough. I thank the Deputy and I will follow up on this again.

Hospital Facilities

Deputy John Connolly: I recently asked the Minister for Health for an update on the development of the elective hospital at Merlin Park in Galway. Looking back at some documents I have, I note that the elective hospital was first proposed in 2018. It was also included as part of the national Sláintecare programme. It has been included in every HSE capital plan up to 2025. The description in each of those documents has been for an elective hospital. In 2026, when the HSE published its national service plan, I noticed that there had been a slight change of language. It was no longer described as an elective hospital but as an elective care centre. Following that, I put this question to the Minister which was referred on to local HSE officials as commonly occurs but the response I received is quite concerning. It stated:

The HSE have identified the need to refine the scope and budget of the planned Elective Care Centres.

[...]

The result was a substantial reduction in the building area and in turn, overall cost. [The original building area in the scoping document had been for a building of between 60,000 sq. m and 80,000 sq. m] The design team are currently investigating the possibility of expanding or bolting-on the new facility to what will be an Operational Surgical hub.

It is hard to consider that this is not a serious reduction in what had been planned as part of the elective hospital development in Galway. Furthermore, I am advised that the new facility, or care centre as it will now be called, will consist of two operating theatres, where the original plan had been, I think, for 11 operating theatres, five endoscopy procedure rooms, where I understand there had been eight procedure rooms in the initial resource requirements, and ten minor operation procedure rooms. In the elective hospital there were also plans for radiology

and diagnostic modalities, outpatient rooms and pre-assessment rooms and there was a proposal for 200 beds - 75 inpatient and 125 day case beds.

It comes as a deep disappointment to me, and I know it will to my constituents and indeed to the wider region, because part of this plan was to facilitate the decanting of the university hospital site in Galway, which is due for significant capital development and investment. I am concerned that not alone are we losing a facility where there was going to be 200 beds but this decision will not facilitate as easily the capital investment and expansion and development of University Hospital Galway, which is so badly needed.

I hope I am misinterpreting the response but I am concerned that I am not. A decision of such significance should have been discussed and debated further and possibly information should have been provided before that. In terms of the elective hospitals, my understanding was that Galway was part of a package that included an elective hospital in Cork and Dublin. Where do they stand as well?

Deputy Mary Butler: I hope I will be able to give the Deputy some clarity. I thank him for asking the question, which I am answering on behalf of the Minister for Health. I acknowledge the Deputy's dedication to the people of Galway and beyond on raising these important health issues. I can assure him that the Government is committed to increasing elective-only day case capacity through the elective ambulatory care programme. This is being delivered in two phases, a national network of surgical hubs in the first instance to meet medium-term demand and capacity and, in the longer term, a national network of elective treatment centres in Galway, Cork and Dublin.

In relation to the surgical hubs, developments are well under way and a new hub is due to become operational at Merlin Park later this year, along with hubs in Cork, north Dublin, Limerick and Waterford. This will build on the success of the two hubs already opened, namely, the Reeves Day Surgery Centre in Tallaght and Mount Carmel surgical hub facility in south Dublin, which have reduced waiting times. The Galway hub will deliver thousands of procedures and treatments every year. As announced last July, surgical hubs are also in development for Sligo and Letterkenny to provide additional day theatre capacity in the west and north west.

In relation to the elective treatment centres, also known as elective hospitals, we remain committed to developing these in Cork, Galway and Dublin. As the programme has developed and evolved, the HSE has determined the most appropriate design for the new facilities. The introduction of the surgical hubs was not originally envisaged when elective hospitals were first proposed. The significant additional capacity being provided by these hubs has been an important factor in determining the model for the centres going forward. I understand the HSE has been considering how best to deliver elective care at Merlin Park. As the Deputy is aware, the HSE is considering extending the surgical hub. I understand that the design team is working through this and further details will be available in due course. The HSE expects to be in a position to apply for planning permission in the middle of this year.

The new elective treatment centre in Merlin Park will have six operating theatres - I think the Deputy referred to two - five endoscopy procedure rooms and ten minor operation procedure rooms.

This is a significant addition of capacity and will make a real difference to patients. This is not a reduction in ambition. I want to be clear about that.

As the Deputy knows, there are no beds at elective facilities and there is no intention to provide them. These are not for inpatient care. These are for people to get the procedure they want and to get them home to their own beds in a timely manner - in and out the same day. The intention is for the elective facilities to provide day case procedures and treatments, for example, those which do not require an overnight stay. Patients will arrive at and leave the facility on the same day. The development of the elective-only facilities I have outlined will also mean that capacity is freed up in existing hospitals for more complex or emergency acute cases.

I understand where the Deputy might have had confusion in relation to how many theatres there are. When the surgical hub was proposed for Waterford, it was designed to have two. It has since been upgraded to four. It will be operational by the end of the year. There is a real push for these surgical hubs. Two of them are open in Dublin. They are being built around the country to take pressure off the acute hospitals. These will be staffed separately. Sometimes elective surgeries are cancelled. This will not be the case.

I hope the Deputy can see that we are committed to improving elective care in Ireland. The plans we have in place are already making a real difference and helping to drive down waiting times. I look forward to the Deputy's continued engagement on these issues.

Deputy John Connolly: The first thing I should have said is that I appreciate the Minister of State being here as a Minister of State in the Department of Health to take this question and provide an answer. However we present this, it is a significant change in what was to be the provision of a facility that had intended at its outset and up to 2025 to provide for 200 beds. I recognise fully the point she made that these are day procedures but I understand from the documentation that had been provided previously that there were to be 75 elective inpatient beds and 125 day case beds. That had been the position up to March 2025, when I had previously asked for an update. I was advised that the integrated design team was working at pace to progress the detailed design to inform planning submissions on a range of statutory and regulatory approvals to proceed to tender and construction. That was for the elective hospital. It had been perceived to be the development of a 200-bed facility. I understand some of those were only for day case beds.

In terms of my reference to there being two theatres on top of the surgical hub, the information that I received from the HSE describes that the elective care centre will consist of two operating theatres plus four operating theatres in the surgical hub. We were always conscious and always felt that there were two developments here, namely, a surgical hub and an elective hospital. I want to reiterate that the development of the elective hospital was seen as something that could facilitate the increased development at the regional hospital site of the university hospital site. As far as I understood it, the plan had always been that elective non-emergency, non-acute outpatient facilities would all move to the Merlin Park site and that the university hospital site would be for acute, high-tech procedures, cancer care, maternity and accident and emergency. I am really concerned about that plan now. I am really concerned about the progression of that plan. We need clarity on that.

Deputy Mary Butler: I thank the Deputy. In relation to the elective treatment centres, known as elective hospitals, the HSE and the Minister remain committed to developing these in Cork, Galway and Dublin. They will take longer to develop. In the short term, as the programme has developed and evolved, the HSE has determined the most appropriate design for the new facilities. The introduction of the surgical hubs was not originally envisaged when elective hospitals were first proposed. The significant additional capacity being provided by those hubs has been an important factor in determining the model for the centres going forward. I am not in a position to answer the Deputy's question. I have been in Merlin Park previously visiting mental health services but I cannot answer the Deputy's question in relation to where it will be located. I would be of the mind that if you are going to have an elective hospital with overnight beds, that colocation is important beside a model 4 hospital. Maybe that is the reason behind it but I am only thinking out loud. This is my sixth year in the Department of Health. I understand that decisions are made at times. A lot of people are on waiting lists for elective surgery. We have already delivered two new surgical hubs that are operational. A couple more will come on stream this year. I think what is being proposed for Galway is both. This states clearly that the Minister remains committed to developing the elective hospitals in Cork, Galway and Dublin but while we await those, the surgical hubs will be in place. That will take down a huge amount of capacity for his constituents who are waiting for treatment.

Disability Services

Deputy Louise O'Reilly: I acknowledge the presence of my colleague, an Teachta Robert O'Donoghue. Along with our constituency colleague, Deputy Boland, we have been working with a number of groups in our area to try to secure long-term housing solutions for persons with disabilities. This morning, I want to focus specifically on one service. It is an organisation known as Remember Us. I will not try to tell the Minister of State what my view of Remember Us is but I will tell him in her own words what the founder, Nora Roban says. When she was asked why Remember Us, a club for children and adults with special needs, was set up, she said:

The answer is simple. My son Paul has special needs. It is absolutely vital for people with special needs to develop their social skills and self-esteem early in life, to help integrate into society. I instinctively knew that without developing this side of his life he would always feel inadequate and isolated from society. This would inevitably lead to even greater problems as he got older. After years of searching and failing to find such a place, I decided to set up Remember Us, for Paul and for other children like him.

The key here is about integration and that feeling of not being isolated. I know that there are clubs like Remember Us and services like those of Prosper Fingal across the State. They are working really hard to provide services. However, we attended a meeting just before Christmas in the building that Nora runs Remember Us out of. We met with parents there. They all had one concern. This will not be new to the Minister of State and I thank him for being here this morning to take the Topical Issue. They all had one concern. That concern is around what will happen to their loved ones, their adult children, when their parents are no longer able to care for them. We are talking about people who are in their 60s, 70s and in some cases in their 80s and older, who are absolutely terrified at the prospect of their loved ones having to go into a nursing home. I think we can all agree that a nursing home is not an

appropriate place for a person. A nursing home is a place for an elderly person, not a person with disabilities, intellectual or physical disabilities.

I, like others, was somewhat shocked when I read Fergus Finlay's column when he wrote that he had seen a letter that had come from the HSE. It advised a parent that they are legally obliged to support their daughter, and that includes the provision of accommodation - accommodation that will go on after the parent has died. It is not within the gift of parents to provide that. What I am asking the Minister of State to do this morning is to perhaps outline for me what kind of joined-up thinking is happening. There is nothing more certain than these young people becoming young adults and older people. There is nothing more certain than that their parents and loved ones will not be in a position to care for them. That is why the organisation Before We Die has been set up.

Some work is going on. I know Remember Us has ambitious plans in terms of establishing a small community of appropriately sized houses but it goes back to the foundation and the reason Remember Us was founded. It is about inclusion. It is about people with disabilities being in their own community, with their friends and in an environment that they are familiar with.

It is about ensuring they have that level of support.

Minister of State at the Department of the Taoiseach (Deputy Thomas Byrne): Ba mhaith liom buíochas a ghabháil leis an Teachta as ucht an t-ábhar seo. Increasing the provision of disability specialist residential services is a key Government priority and there has been significant investment in residential services over the course of the last number of years. The overall budget increase in recent years, from €1.7 billion at the close of 2017 to almost to €3.8 billion in 2026, reflects the programme for Government commitment to investing in improving the lives of people with disabilities.

In addition to the ongoing funding and lifetime commitment to residential placements for almost 9,000 current residents, €65 million has been allocated to disability residential services in budget 2026 for new developments. That includes €40 million of funding that will provide in the region of 199 residential placements. This includes 72 new planned placements and 80 new unplanned urgent placements, a total of 152 new placements, as outlined in the service plan for 2026. From 2020 to 2025, 955 new residential places were provided to people with disabilities, which has undoubtedly had an impact in Dublin Fingal West. During 2025 alone, HSE Dublin and north east, which includes the Deputy's constituency in north Dublin, provided 2,046 residential places for people with a disability, including the addition of 55 new placements.

The Government acknowledges that there is significant demand for specialist disability services across all regional health areas nationally. The increased demographics of people living with a disability, coupled with increases in life expectancy and changing needs, have all had a significant impact. In addressing these challenges – and, of course, opportunities, given that increasing life expectancy is an opportunity rather than a challenge - the Department of Children, Disability and Equality is engaging with the Department of Housing, Local Government and Heritage, housing authorities and the HSE to explore means of responding to the need for additional capacity, which can assist forward planning and cost-effective placements.

The national housing strategy 2022 to 2027 places responsibility for the provision of housing with the Department of housing, working in conjunction with the HSE to provide supports related to individual care needs. The HSE and local authorities are working together to map the need and develop and advance plans for delivering housing to people with disabilities. Local housing and disability steering groups and regional forums have been established to progress the implementation of the national housing strategy for disabled people and these forums facilitate collaborative working between local authorities, the HSE, approved housing bodies, AHBs, and voluntary service providers.

The Department of Children, Disability and Equality continues to engage with the HSE to explore various ways of responding to demand while appropriately managing the significant levels of funding provided. Dedicated housing co-ordinators have been appointed to assist with placement planning and identifying housing options for people with all levels of disability.

I am informed that HSE Dublin and north east provides and funds a range of services and supports for people with disabilities, including those residing in Dublin Fingal West. Supports include day services, respite services, residential services, home support and personal assistance. I assure the Deputy that HSE Dublin and north east continuously works to improve the availability of supports to individuals in the area, including the residents of her constituency.

I reiterate the importance of ensuring we continue to support people with disabilities to live meaningful and fulfilling lives, with a person-centred approach throughout the broad spectrum of services provided.

I do not know if I should be declaring an interest because my wife is a nurse manager in this very area, Fingal. I do not know if I am meant to declare that or not.

Deputy Louise O'Reilly: That response was fairly disappointing, and I am saying that with as much respect as I can muster. The Minister of State stated, "From 2020 to 2025, 955 new residential places were provided to people with disabilities, which has undoubtedly had an impact in Dublin Fingal West." It would have been nicer if he had got the figures and told me how many places relate to that constituency, if any.

The question that was put was about community-based housing. It was not necessarily about residential care. There is a looming crisis, whether the Government acknowledges it or not, that relates to people who are ageing in the community. It is brilliant that people are living longer, thanks to the work of the Minister of State's wife, her colleagues, the families and all the rest. People are living longer and that is a good thing, but they will outlive their parents. That is also a good thing, but their parents are concerned about what will happen to them.

The Minister of State said dedicated housing co-ordinators have been appointed. In his response, he might explain exactly where they are based. A name and phone number would be brilliant, and while I would not ask him to put that on the record, he can tell me who the person is for my area of Dublin - or rather our area because an Teachta O'Donoghue is here too - Dublin Fingal West. Who is that person and how can they assist with the provision of long-term housing? Residential is extremely important, and if the Minister of State had the exact figure with him, I would be able to match that against the number of people on the waiting lists, but that is only one aspect of what is needed. Community-based housing means people can

age and live in their community and be with their friends, which is so important to the families of Remember Us. They told us very clearly that that is where there needs to be some focus.

Deputy Thomas Byrne: I will gladly ask the Minister of State, Deputy Higgins, who cannot be here, to send that exact information to all the Deputies and representatives in Fingal. That is a reasonable request but I just do not have it to hand.

Deputy Louise O'Reilly: No, that is fair.

Deputy Thomas Byrne: Once again, I thank the Deputy for raising this important issue, which is a priority for the Government. The Government recognises that there is more to do to improve the lived experience of those with a disability. The increase in the disability budget for 2026 further demonstrates the multiple commitments made in the programme for Government commitment to improving the lives of people with disabilities and making a difference.

The ambition of this Government is to bring about a step change in services for people with a disability in Ireland and we are committed to the expansion and reform of disability services in order to maximise people's independence and support them to live ordinary lives in ordinary places like everybody else does. This is reflected in the very significant investment being made in specialist services recently. In 2026, we are supporting another 199 residential supports for people with disabilities.

While the strategy, policy direction and overall allocation are a matter for the Minister, funding allocations to regions and individual service providers at a local level is an operational matter for the HSE. The Department, in conjunction with the HSE, will always strive to ensure disability services are delivered in an equitable manner across all regional health areas as effectively as possible to ensure maximum benefit for those who require services.

I assure the Deputy that this Government is aware of the challenges present across all regional health areas and that the Department is working alongside the HSE to address these challenges and increase the provision of services, including residential services of the various types that have been mentioned in this debate.

Rental Sector

Deputy Danny Healy-Rae: I am glad to get the opportunity to raise this problem at the Topical Issue forum today. I hope the Minister will take it seriously. I do not want to be laughed at like I was last week when I asked a question here. This is serious business for anyone who does not have a home and is trying to find a property to rent. In many instances, they can be hit with a traumatic event that they were never ready for.

Since the Residential Tenancies Bill was mooted last year along with the idea that people would have to rent out houses for six years, many people have decided to get out. Hundreds of people have been to my office after getting a notice to quit and finding themselves with nowhere to go. One fellow came to me out of the back of a transit van, which is where he is staying. I have dealt with a lady with two young children – in fact, I have dealt with several

such cases - bawling crying every Saturday in Killarney. A number of them are in to me constantly.

The tenant in situ scheme would be a great scheme if it was working properly, but Kerry County Council says it cannot buy houses with the tenants in them because it is not being funded by the Department for any repairs or works that would be needed for it to buy the house.

This is wrong as Kerry County Council could rent it back to the tenants at local authority rent prices and perhaps later sell it to the tenants when they get on their feet. All of us elected to this Chamber support the tenant in situ scheme to allow families to continue renting. As I said, if the tenants get on their feet, they could end up buying out the council. Will the Minister look at this scheme and sort it out, especially in Kerry? I do not know whether it is happening in other places.

There are many vacant houses in our county. I gave the example previously of there being 54 between Kenmare and Kilgarvan, and within six or seven miles of Killarney town. People could step onto the TFI bus between Kenmare and Killarney, which passes every hour. It is a crying shame that so many of these are vacant when people are looking for houses. Will the Government dedicate a team to go around to see what would help people or incentivise them to rent the houses?

The biggest problem is the fear people have that they will not be able to get the house back if they rent it out. There is a scheme for Ukrainians where €600 is paid by the State to the landlord tax free. The most important thing there is that if the landlord wants the house back, in that instance, they can get it within four weeks, not months and years as happens in many other cases. That has turned many landlords off because they cannot get their houses back when they want them. I will give an example. A man bought a house in Killarney but could not come back from Australia for 12 months. Someone begged him to rent it to them and he did so but when he came back from Australia after the 12 months, he could not get into his house for three years. Those are the blockages that need to be removed to ensure people rent out these vacant houses. There are many of them around the country. I ask the Government to deal with that.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Christopher O'Sullivan): I thank the Deputy. Fair play to him for advocating, especially on behalf of those who are coming in to him in desperation and looking for a house to rent. I understand the frustration. We all have it in our constituencies. I will try to outline what the Government is trying to do to free up rental accommodation.

Ireland's new housing plan, Delivering Homes, Building Communities, is a wide-ranging action plan focused on housing supply and targeting homelessness. The plan contains a suite of actions that will increase the supply of much-needed rental accommodation, by keeping existing landlords in the market and attracting new landlords, while ensuring strong and balanced tenancy protections for tenants and landlords. The Government is establishing a more robust legal and policy framework to support increased investment in the rental market, to increase the choice for renters and, over time, reduce market rents. The Residential Tenancies (Miscellaneous Provisions) Bill 2026 is currently passing through the Houses of the Oireachtas.

To support an increase in available rental accommodation, the Government has also brought forward key measures, including a revised national planning framework enabling the zoning of significantly more land, and the revision of design standards for apartments. These measures, along with a reduced VAT rate of 9% on apartments announced as part of budget 2026, are focused on unlocking the delivery of apartments that is key to increasing the supply of rental properties.

The Government is also continuing the development of cost rental as a new tenure type, which means providing homes to tenants at least 25% below market rent by providing significant levels of funding support to the Land Development Agency, LDA, approved housing bodies, AHBs, and local authorities. While it has been asserted that landlords are leaving the rental market, the Residential Tenancies Board, RTB, director's report shows that while 5,405 notices of termination were received by the RTB in quarter 3 of 2025, 18,425 new tenancy registrations were also confirmed for the same period. This figure serves to highlight the consistent churn within the rental market.

The Deputy suggests using the tenant in situ scheme to address the scarcity of rental accommodation. The tenant in situ scheme, as has been referred to, is an acquisitions programme specifically in respect of those who are at risk of homelessness and already qualify for social housing support such as the housing assistance payment, HAP. The Deputy has outlined many of those situations. Some €375 million was provided last year for local authority acquisitions. It is an emergency measure and should only be used by local authorities as a last resort when all other options to prevent homelessness have been exhausted. Our focus must be on constructing new social homes but I note that significant funding will be provided through our acquisition programme of second-hand homes for those at risk of homelessness, again under the 2026 programme, as a response to short-term pressures, affording local authorities the flexibility needed to respond while they scale up their construction programmes.

The Deputy also suggested the vacant property refurbishment grant could be used to address the scarcity of rental accommodation. This scheme provides a grant of up to €50,000 for the refurbishment of homes that have been vacant for at least two years and up to €70,000 where it is a derelict property. It is available in respect of homes for occupation as a principal private residence and properties that would be made available for rent. It, therefore, increases the supply of homes available to rent and it could address the issue of the plethora of vacant houses the Deputy referred to.

In providing a grant to support the refurbishment of vacant and derelict properties, individual landlords, who without the support of the grant would not be able renovate and turn these disused properties into homes for rent, are being incentivised. It has become a vital affordable support, particularly in more rural areas where supply of new housing is not readily available. It is also supporting the regeneration of towns and villages and areas of our cities, as well as supporting environmental objectives. I look forward to hearing more of what the Deputy has to say about this issue.

Deputy Danny Healy-Rae: I ask again about the tenant in situ scheme. The Minister of State said money has been allocated to it. Will he talk to Kerry County Council to see what is wrong and why it cannot operate the tenant in situ scheme?

Elected members in Kerry have been asking the local authority to buy land banks to build local authority houses in small villages, such as Scotia's Glen, Gneeveguilla, Firies, Curragh, Currans and all these places. I hear the council is slow to buy these land banks because it will be hit with the residential zoned land tax. Is that right? That is serious. Where is the proposal to allow granny flats to be built behind residential properties? It was mooted about 12 months ago but nothing has happened since. Where is the proposal on modular homes? I do not see them materialising in Kerry. It was to be a faster way of delivering housing.

The problem, which I raise here continually, is that many people in Kerry cannot build a house of their own because they cannot get planning permission. Who is dealing with that? Is it going to be sorted out? It is time it was. God damn it but if these people go to the expense of trying to build houses for themselves, surely the smallest bit of help we could give them is to give them a fair crack at getting planning permission. This urban regeneration clause is causing severe difficulty far from towns where people who never lived in a town are being denied the right to build houses. Will the Minister of State please do something about those things?

Deputy Christopher O'Sullivan: The proposal on modular homes or small units in back gardens or on the premises of existing homes will come forward shortly. It is really important. It will be an exemption for a certain size of dwelling to allow young people in particular, who want to start off with a home, to build with an exemption so they do not have to go through the arduous planning process. As a west Cork TD, I completely agree with the Deputy about the challenges young people are facing in getting planning permission to build on their land. They have to go through obstacles and barriers and it causes them frustration and headaches and in many cases they are not successful. That has to change. In the next while, we will bring forward the national planning statement, which I hope will address many of those issues.

I will address another issue that has been topical in recent weeks. The Deputy spoke about the number of vacant homes and properties not in use throughout the year. The whole aim of the short-term letting legislation, which is being brought in and which has been controversial - and I can see why - is to try to bring more property into rental accommodation.

10 o'clock

The constituents the Deputy has coming into his office and I have coming into my office are struggling to get rental accommodation because they go onto *daft.ie* or these rental sites and there is nothing to rent. The whole idea is that we get some of these houses back into the rental market and that will release a pressure valve. The Deputy is from Kerry and I am from west Cork; we rely on tourism and on tourism accommodation. It is important we have these short-term lets available for the tourism sector. There is no doubt about that. Someone recently referenced a figure to me that in the region of 6,000 units were available for short-term lets in the west Cork area. If we could even get about 200 of them back into the rental market, imagine the pressure that would take off? I understand the need for short-term letting. I understand people have been doing this for years and we have to clarify the planning requirements but this provides an opportunity to allow people to rent long term, which is a big issue in places like Kerry and west Cork.

Deputy Danny Healy-Rae: The short-term places are not what I am talking about at all. It is the houses that are vacant and have nobody in them-----

Deputy Christopher O'Sullivan: You are talking about lack of rental accommodation though.

An Cathaoirleach Gníomhach (Deputy Aindrias Moynihan): Deputies, we need to move on to the next matter.

Work Life Balance (Right to Remote Work) Bill 2026: Second Stage [Private Members]

Deputy George Lawlor: I move: "That the Bill be now read a Second Time."

This Government has driven hesitation and has stitched delay and employer vetoes into law. Only a few months ago, it vetoed our Bill to stop employers holding a veto over joint labour committees. It endeavours to leave workers with the allusion of flexibility but none of the protections of a just society. The result is a system that talks about modern work while quietly forcing people back into habits that no longer make sense.

This Bill would facilitate the enjoyment by employees of an appropriate work-life balance, with due regard to the rights of employers to manage an effective and efficient work force. This Bill would promote access to employment, particularly for persons who face particular difficulties in taking up employment, such as people with disabilities or those who often find childcare difficult and expensive. It would result in reduction in traffic congestion and in carbon emissions arising from the number of employees commuting between home and their workplaces. It would result in a rebalancing of the population densities as people would not be forced to reside in the major cities while enduring extortionate rent and property prices. However, mainly, this Bill is about seriously improving the work-life balance of workers where it is reasonably practicable. That is the key here.

This Bill also enshrines safeguards for employers. No employer should be forced into an agreement that jeopardises their business, their business's confidentiality or already agreed practices. For this reason, the Bill contains the following grounds. An employer may refuse a request if the arrangement is "not reasonably practicable." They may refuse if the nature of the employee's work does not permit that it be done at a remote location. They may refuse if it is not reasonably practical for the employer to reorganise the work done by their employees to facilitate remote working. They may refuse if the proposed arrangement is reasonably likely to adversely affect the quality of the employer's product or service, the quality of the work of the employee, or if the workspace at the proposed work location is not a suitable workspace for the employee to work in. This may be as a result of the need to protect business confidentiality or intellectual property and to comply with enactments relating to data protection, that the health and safety of the employee at work is not protected, that poor Internet connectivity and other infrastructural resources at the proposed remote location are not sufficient or that the proposed arrangement conflicts with the provisions of already applicable collective agreements. These are serious safeguards to allow employers the peace of mind when hiring new staff or engaging with current employees. This legislation would give workers an immediate and enforceable right to work remotely where their role allows, and it

would end the sweeping right employers currently enjoy to refuse flexible and remote working arrangements.

This legislation is about dignity at work, quality of life, and whether Ireland is serious about building a labour market or retreating to an outdated model built around control rather than productivity. In the past, Fine Gael and Fianna Fáil legislated for the employer's right to say "No". As long as the paperwork is in order, the refusal stands no matter how arbitrary or outdated the reasoning. That is not balance; it is a blank cheque to employers.

It is also important to say that this is not about forcing remote work into roles where it does not fit. It is about ending refusals based on habit, suspicion or a fixation with visibility rather than productivity. For many, this will be the difference between being able to work or not being able to work at all. As a Government and an Oireachtas we must lead on this. Take Enterprise Ireland for example. This State agency is reportedly requiring staff to return to the office three to four days a week, despite the fact its headquarters are in Eastpoint Business Park in Dublin, which is extremely difficult to access by public transport. The predictable result is more people forced into cars, adding to congestion and emissions. This directly undermines our stated climate and transport goals. When State bodies behave like this, they normalise going backwards and they give cover, or absolute encouragement, to the private sector to do the same.

This legislation offers a clear alternative. It would expand participation, support regional communities and give people back hours of their lives currently wasted in traffic.

Deputy Ivana Bacik: I commend Deputy Lawlor and my other Labour Party colleagues, in particular Deputies Sherlock and Wall, on bringing forward this important Bill, which I am glad to second. At its core, this Bill is about something very simple. It is about supporting people to work - to work to live not just to live to work. It is about quality of life. Despite what Government spokespersons might imply, workers in Ireland currently have no right to flexible or remote work. They have only a right to ask and a right to be refused. Many employers are very generous. Many workplaces have very sustainable accommodations made with hybrid and remote working but some have been unreasonable.

We in the Labour movement are proud to stand for workers' rights; not workers' incentives, not employers' philanthropy or leniency but rights for workers. We are proud to be the party of the trade union movement that has delivered on workers' rights. We have delivered on rights for workers on low pay through mechanisms like the Low Pay Commission and on rights for freelancers through our successful legislation on collective bargaining for freelancers.

However, at its core, this Bill is not just about workers' rights. It is also about tackling climate emissions. As Deputy Lawlor said, all of those currently sitting in cars in gridlock trying to get into offices where they do not need to be to be productive are contributing to increased carbon emissions. They are contributing to our failure to reach our climate targets. The Government has been shameful on delivering on public transport and on cycling and active travel infrastructure. One way the Government could help to deliver on reaching climate targets is through enabling workers to work from home where it is reasonably practical to do so. That is another core part of this Bill.

This Bill is also about accessible workplaces. It is about ensuring greater access to work and to working life for those who, in many cases, are locked out of workplaces. I am thinking

in particular of people with disabilities. In Ireland, we know disabled people are very poorly represented in our workplaces and we should be doing a great deal more to facilitate working careers for people with disabilities and disabled persons. One key way to do that is to facilitate flexible and remote working.

I also reference others such as women who are locked out of many workplaces due to lack of access to affordable childcare and early years education, women who disproportionately bear the burden of care at home and who are, therefore, in particular difficulty when it comes to being forced back into workplaces where they do not have to be physically present in order to be productive. If people are spending two, three or four hours a day in a car, which many people who contacted me and my colleagues are doing currently, commuting to their workplace when they know they do not have to be present in the office to be productive, they are not only contributing to climate emissions and having a very poor work-life balance, they are also not delivering for a Government that is talking about productivity and enterprise. As a party of job creation and of jobs, we want to ensure sustainable workplaces and to enable employers to retain skilled and high-value staff - women, men, disabled persons and people from all walks of life who should be facilitated.

Finally, with the Government's approach to this Bill, with the sort of obstructionism we have seen on this Bill, it appears Fine Gael in particular, but the Government all together, has abandoned any pretence at a workers' rights agenda. The former Taoiseach, Leo Varadkar, engaged in rhetoric about workers' rights but we have seen from this Government the stalling of the Labour Party's pregnancy loss leave Bill, a U-turn on sick pay and a VAT cut that took money from the pockets of taxpayers and put it in the coffers of big builders and burger barons. This Government is not taking workers' rights seriously. What we in the Labour Party are trying to do is to redress the balance, to ensure workers have a reasonable right to work from home and to work flexibly and to ensure we build sustainable and accessible workplaces for all.

Deputy Alan Kelly: Today in Nenagh, I had the privilege of announcing 307 new homes being built, on top of over 300 announced previously by Whitebox and Quantum homes. A total of more than 600 houses will be built. Why is that so important? Nenagh is effectively in the centre of the country and is one of the best towns in Ireland. Many of the people who are going into these homes are local people or people who desire to live there but who want to work from home or partially work from home through blended working. Nenagh is a commutable distance to Dublin, Shannon, Limerick or Galway one or two days a week but it is certainly not commutable five days a week. This Bill ensures those workers will have the opportunity to live among their community, to access all of the services they need, including childcare and schools, and to live among their families. It will enable them to be around their elderly parents, to spend more time at home and in their community, to go to the gym and not to spend three to six hours in their car. What this Bill does is create something the Government should be very interested in, namely, better spatial and regional planning by ensuring people can live in rural towns and regional areas. That is something this Government does not progress enough.

This legislation is all about work-life balance. We work to live but we do not live to work. This Bill distinguishes my party, the Labour Party, from every other party in this House. This is what the Labour Party is all about. It is the party of workers, the party that ensures workers

come first. Workers should come first but when it comes to this Government, they do not. This Bill will ensure workers have better lives, that many of the social issues, challenges and costs they face and the environmental issues we all face are dealt with and helped because this is the right thing to do.

We talk a lot about workers and productivity but workers are far more productive when there is balance in their lives. As politicians, we should know this. We should know this as workers who come here every week. Why can we not practice what we believe in? This legislation will ensure better productivity. It will also ensure workers can live across this country and make a contribution, that they can have balanced working lives in Nenagh, Roscrea, Thurles and many other regional towns across Ireland.

Deputy Robert O'Donoghue: To be clear, this Bill is for those who can work remotely. It is not a promise for every role or sector. We know remote work is not feasible for everybody but where it is reasonably practicable, we must make it a worker's right. That is what this Bill seeks to achieve. It is not about forcing the hands of employers or imposing rigid rules. It is about giving employees options, the choice to work remotely where it makes sense while respecting the operational needs of businesses. It is about fairness, clarity and flexibility. The benefits are real and not just for workers. We would have less traffic, less pressure on public transport and early education, a better work-life balance, stronger communities and a more sustainable economy. This Bill puts a simple framework forward around something that already exists and already works in practice. We proved in 2020 that we could do this and we have been continuing to prove it during severe weather warnings which are becoming more frequent. Where remote working is possible, people should have the choice to work from home. Where that choice is given, we can support employers to put the right systems in place so it happens efficiently, responsibly and without risk. This is about common sense and adapting to the world in which we now live.

When most people were required to work from home during the pandemic, we saw a profound shift in how families managed care. Remote work changed daily routines but, more importantly, it changed responsibilities. Women's participation in the workforce increased because flexibility gave them a real choice - the choice to go back to or to stay in employment. Their ability to progress and to balance care without being forced out meant their participation increased. At the same time, many men became more involved in everyday care, collecting children from school and crèche, attending appointments and sharing the mental load that had mostly fallen upon women. This was not just a temporary adjustment and it showed what was possible when work was designed around life and not the other way around. Giving families the right to remote work does not reduce productivity but redistributes care, strengthens equality and supports healthier, more resilient families and communities.

In my constituency of Dublin Fingal West, a father of four told me that during Covid for the first time in his life he was able to collect his child from crèche. It was his fourth child and yet it was the first time he was able to do the pick-up and drop-off, to stand at the door, to talk to other parents and to be part of the everyday rhythm of care. This was something he missed entirely with his first three children. His company has since continued remote working and this has changed his whole family dynamic for the better. It has allowed him to be a more present parent, to share responsibility at home and to build stronger connections, not just with his child but with his community and with other parents.

This Bill does not force remote work. It gives workers the right to remote work and to have their request for an entitlement to remote work and remote working arrangements treated fairly. It is balanced, practical and reflective of the world today. This Bill, proposed by my colleague, Deputy George Lawlor, should be supported because there are no downsides to it. The only downside is the Government's bizarre decision to block it. The Minister and his staff can work remotely. I can work remotely.

Deputy Ged Nash: We are debating this Bill this morning because the previous Government's so-called Work Life Balance and Miscellaneous Provisions Act, which is less than three years old, has abjectly failed working people. Then again, we should not be surprised because it was set up to fail. We said that at the time and the proof is there for all to see in the operation of the terms of the Act in the WRC's annual reports. The debates on that Act were a waste of Dáil time. That legislation was an act of fraud perpetrated against commuters in my county of Louth and elsewhere. It was tokenism of the very worst kind. For a time, as my colleague, Deputy Bacik, said, Fine Gael almost had some people persuaded that it had some kind of Pauline conversion to the cause of improving workers' rights but the reality can be found in the empty formula contained in the 2023 Act, the utterly meaningless right "to request" the opportunity to avail of remote or flexible work.

This Bill gives the Government the chance to correct the mistake it made in 2023. The evidence of that mistake is all around us. The Act, as adopted, is simply not working. This is one of the key workers' rights questions of our time. I am dealing all of the time with the fallout of this Government's failure. We have return-to-work mandates being imposed on workers, no questions asked and no quarters given. This is creating childcare chaos and very real financial worries for families. Hours are being spent in traffic and people are dealing with unreliable and stretched bus and train services. We all know the impact but I am not sure this Government necessarily cares or understands it. I will give the House an example of the human impact, if I may.

Earlier this week a man in Dundalk was in touch with me.

He works in the IFSC as does his partner. He was hired during Covid and he has worked very productively from home. He is now being pulled back into the office for most of the working week, with a full five-day return on the cards. He moved to the Dundalk area for more affordable housing. The understanding was that he could work remotely and that the arrangement would continue. I ask the Minister of State to listen to what he said:

Now we find ourselves commuting sometimes a four hour round trip if traffic is bad, increased travel costs, parking, tolls, diesel, car maintenance, additional childcare costs, not to mention quality time lost to the commute. And all for what? To say we clocked in to the office.

That is the long and the short of it. The laws we have at the moment let poor managers and bad businesses off the hook. The cohort of people who are angry with this situation need to be listened to. They are the young, ambitious, highly educated professionals who have paid an exacting price for the Government's housing and childcare failures. They are people with a very real stake in society, who need the social contract to work.

The ability to work remotely gave them the opportunity to come up for air, a chance to breathe. In so many cases, that opportunity is being taken away unilaterally and without any recourse whatsoever to any legislative protection or remedy to support them and to bring some semblance of balance to the question and to their lives. The legal framework needs to change. I strongly believe there will be a political price paid by Fine Gael and Fianna Fáil if this Bill is rejected, and if the changes we want to see are not ultimately introduced. We will continue to campaign on the key question of workers' rights in modern Ireland.

Minister of State at the Department of Enterprise, Tourism and Employment (Deputy Alan Dillon): I acknowledge the Labour Party for bringing forward this Private Members' Bill. Remote working has shaped modern work practices and the labour market. I, for one, take the Bill seriously, as does the Government. For far too long opportunity was centred in major cities and larger urban areas. However, remote working has shifted that balance and today we see flexible and remote working transforming how people build meaningful careers while continuing to live, work, and raise families in the towns and villages they call home.

The programme for Government recognises these myriad benefits and reaffirms the Government's commitment to promoting flexible working arrangements that benefit both workers and employers. I will touch on some of the Government's actions to fulfil this commitment in a few moments but I will first address the Bill, which the Government opposes for three key reasons. I will outline them in more detail during the debate. First, allowing employees to request remote work keeps a fair balance between flexibility and the need for businesses to stay competitive and viable. We all understand that not all occupations, industries or roles within enterprise are appropriate for remote working. It is not appropriate for the Government to step in and dictate the terms of individual employment arrangements via legislation in the way this Bill suggests. That is why the current legislation provides a right to request, not a blanket right to remote working. Second, giving the Workplace Relations Commission's adjudication officers the power to review the substance of employers' decisions and effectively direct which roles are suitable for remote work, would extend their role too far, effectively placing the WRC in charge of elements of business operations without insight into operational needs. Last, it is important to note that this legislation is still quite new. As the Deputy outlined, it is only two years in existence. Given that it will only be in place for two years next month, we are undertaking a statutory review of the remote working provisions of the work-life balance Act. Any changes should wait for the findings of that review rather than preempt it.

CSO data shows that almost 1 million people now work from home at least some of the time, with over 500,000 working remotely for more than half of the week. There is no doubt that remote working has become highly valuable and important to many of us and the way we work today. I reject Deputy Nash's assertion that it has failed. The evidence shows that it is providing huge labour market opportunities and allowing for substantial balanced regional development in many towns and cities right across the country. This is reflected in the phenomenal public response to our recent consultation as part of the statutory review of the right to request remote work, with over 8,000 people taking the time to give us their views on what the law on remote working means to them. Clearly, it cuts across both their professional and personal lives, improving work-life balance, reducing commuting times and increasing time spent with their families.

The right to request remote working is available to all employees through the work-life balance Act. We have not excluded any sector, industry or role from this right. It is important to state that. Ireland was among the first EU member states to introduce the legislative right to request remote working. It is worth noting that no member state has introduced a direct right to remote working, but rather European legislation in this space is aligned with our own right to request model, for similar valid and logical reasons. Our legislation provides a framework governing how employees may make a request and how employers must consider and respond to such a request. An employer may refuse a request having regard to their needs, the employee's needs and the code of practice. When refusing a request, the employer must provide the reasons for refusal in writing. Employers are required to respond to a request within a set timeframe.

The legislation provides for redress to the WRC. An adjudication officer may examine whether the employer complied with statutory requirements. An officer cannot review or overturn the merits of an employer's decision to refuse a request. The legislation is underpinned by a code of practice that was drafted by the commission in consultation with the social partners. Their close relationship and partnership ensures that detailed guidance on the process is provided for both employers and employees. It has been placed on a statutory footing and can be submitted as evidence in proceedings before the WRC, the Labour Court or the courts.

This Bill seeks to amend Ireland's current statutory framework significantly. As I mentioned earlier, the reasons the Government opposes the Bill are threefold. The current legislative framework strikes the right balance between flexibility and business competitiveness. We understand that the make-up of businesses across the country is predominantly small and medium-sized businesses. They account for 99% of all businesses throughout the country. We understand the significant importance of those businesses, and that is clear in terms of how the Government perceives the Bill introduced by the Labour Party. Deputy Nash believes the Government should define an objective basis for refusing a remote working request for all employees uniformly, regardless of the size, sector or industry. That would diminish the employer's discretion with regard to how or where their employees carry out their duties. It would have serious implications for productivity, competitiveness and also viability across certain sectors for employers who have between one and nine employees. It would have implications in particular for small and medium-sized businesses, which would likely be among those who are most impacted.

Second, the Bill proposes to replace section 27 of the Act and to strengthen the powers of adjudication officers of the WRC. The section specifies that an adjudication officer shall not assess the merits of an employer's decision to refuse a remote working request.

Such powers would effectively involve the adjudication officers directing employers on how to manage their business operations, despite the adjudication officers not having any involvement in or detailed knowledge of the employer's operational needs.

I would also say that the legislation itself is only two years in existence. It is relatively young, as I mentioned. Ireland is among the first countries in Europe to introduce this legislation. We are reviewing the current effectiveness of the legislation and we will be laying the final report before the Oireachtas by the end of March. Despite the legislation, as I mentioned earlier, the CSO data have been very strong and significant in regard to those who are working both in a hybrid and fully remote manner. Over 987,000 people have reported

working from home at least some of the time and over 557,000 people working from home more than half the time. That demonstrates the impact this legislation has made.

In conclusion, remote working is here to stay. It is part of our modern workplace and our communities. It is certainly part of our national economy but it is and must be supported by legislation that is fair, balanced and grounded in evidence. For those reasons, to maintain balance, to avoid inappropriate interference with business operations and to allow the current review process to conclude, the Government cannot support this Bill. As Minister of State with responsibility for employment, I remain committed to promoting flexible and remote working arrangements that work for everyone, including employees and employers. Such arrangements must assist employers as they seek clarity and stability, and must enable communities across Ireland to see growth and opportunities.

Deputy Eoghan Kenny: We have heard a load of waffle from the Minister of State with responsibility for employment. It is the most anti-worker speech I have heard in this Chamber. He has given a speech, as Minister of State for employment, about the "right to request remote working" that is the biggest load of waffle he could ever say to any worker who believes that they should be given a right to remote working.

It should not be lost on any of us that this Chamber is full of politicians who engage in a variety of flexible work practices in order to do our jobs to the best of our abilities. We work from different locations and we have different hours, depending on our day. That is an experience felt by workers across many sectors. The Covid-19 pandemic showed just how many sectors and roles can operate well with flexible, remote and hybrid work.

The Bill proposed by my colleague, Deputy Lawlor, would represent great progress. It would stand firm against the push we have seen by employers in some sectors to walk back the progress that has been made. We can see the benefits from other European countries, including a reduction in commuter chaos in cities, better work-life balance, practical benefits for parents and increased activity in local economies. We can see that hybrid and remote work benefits workers and their local economies.

Many workers have based their school runs, where they live and how they get to work around flexible work practices. Flexible working practices are key to the future development of rural Ireland. The Minister of State mentioned the CSO on a number of occasions. The CSO has found that 38% of people would consider moving if they could work remotely. Many of us from rural Ireland leave our home towns for cities to study and work. We know there is evidence that indicates people are relocating more to rural and regional areas from the cities of Cork and Dublin.

The benefits of remote work to parents in employment is massive. Many parents living in rural Ireland face larger gaps in the provision of childcare and have to undertake longer commutes to accommodate work and childcare. The reduction in hours spent commuting benefits rural workers who can often live at a greater distance from their place of work. The State has estimated that remote working, largely due to the reduction in the amount of time spent in cars, can save 164,407 tonnes of CO₂ per year.

In conversations on this matter, we often fail to recognise people with illnesses, disabilities and accessibility issues. Flexible work opens up the job market for these people. It removes

the barrier of inaccessible workplaces. It allows someone who may not be within commuting distance of their workplace to seek accommodation suitable to their needs. Creating greater opportunities for people with disabilities needs to be a policy priority for the Government. People with disabilities who worked from home during the pandemic cited the biggest benefit as being greater autonomy in managing their disabilities.

I want to touch on Cork city very quickly. The transport plan included just one mention of the proposed Cork Luas. We have been told that a railway order application is expected to be lodged, yet we do not have an assured route, public consultation or timelines. These are just meaningful words, while Cork continues to battle commuter chaos.

In conclusion, I suggest to the Minister of State that if he is going to stand up and say he is Minister of State for employment, he should not be so anti-worker.

Deputy Conor Sheehan: If the Minister of State looks at the TomTom Traffic Index, he will see that people in Limerick - the city I represent - lost 74 hours in traffic congestion last year. That is three whole days wasting away at the Mackey roundabout, on the Corbally Road, in Raheen, on the Dock Road, on Henry Street, on the M20 and on the N7 - the list goes on. What this Government is doing in opposing our Bill here is saying to people that this is grand and that they can spend an entire week of their lives in the car every single year.

Remote working has benefited our city and region enormously. It has enabled people to move home from cities like Dublin, where they would have had to live because they work there, to raise their families and have a better quality of life. It allows young working professionals to avail of lower house prices and contribute to their local economy and community.

The Government's so-called work-life balance legislation is so weak and watery that workers are being marched back in to the office. The Minister of State talks about us being a leader on this. In countries like Portugal, if you have a child up to the age of eight you have a statutory right to work from home without prior negotiation. In 2022, the Dutch Parliament, under a centre-right government, made working from home a legal right. If an employer in the Netherlands declines it, they have to provide a weighty business or safety reason to do so. The burden of proof that is being placed on the company in these jurisdictions is much higher than it is here. The Minister of State cannot really compare us to the Continent because most of these things are delivered through collective bargaining.

Deputy Ged Nash: Hear, hear.

Deputy Conor Sheehan: There are much stronger sectoral agreements.

My bottom line is this: if the job works on Wi-Fi, it does not need diesel. What I would say when I look at big business in this country is that if your management style only works when people are sitting in front of you, that is not leadership or mentoring; that is control freakery. The reality that is evident with regard to this Bill this morning and other matters is this is not a Government for workers. This is the most anti-worker Government I can remember in recent years. Fine Gael constantly says it will make work pay but the reality is that under Fine Gael, it is workers who have to pay. This Government has delayed the living wage and backslided

on the increases in sick pay. School secretaries, caretakers and probably special needs assistants, SNAs, and teachers now, have all gone out on strike and 18- and 19-year-olds are paid less than the minimum wage. The fact of the matter is that this Government has a magic money tree provided that you are a property developer, an institutional developer or a fast food tycoon. They will be looked after and the rest of us have to pay.

Deputy Duncan Smith: What we have here is a philosophical difference between the Minister of State's Government and the Labour Party and others in Opposition on workers' rights. For a moment, let us set aside all the climate benefits, the work-life balance benefits, the benefits for commuter towns and economies and the anti-congestion advantages. We will set them aside because philosophically, that is something we on the left would say. Let us set aside all the really good, strong evidence that has been accumulated through multiple studies by the trade unions, including SIPTU, Fórsa, the Financial Services Union, FSU, and others. Of course trade unions would say that; they are, philosophically, on the left. Let us look instead at the evidence from agencies that would be philosophically more in line with the Government. Let us look at what IBEC is saying. Even IBEC recognises the benefits of flexible work. It says it wants anchor days in the office but it knows there are economic and productivity benefits to flexible work. Let us go even further by looking at the International Monetary Fund, IMF, and Harvard Business School.

Neither of them are bastions of workers' rights, but both of them have produced reports stating that productivity increases and improves for companies when there are strong, flexible work rights. This is something the Government should be leading on, based on that alone, but it is not. Its failure to legislate is based on vibes and not on evidence. The evidence is on our side on all levels - productivity, work-life balance, anti-congestion, improved transport and improved climate benefits. The evidence is all on our side. Yes, Covid-19 turbo-charged this but I remember being in a working group with Deputy Nash when I was a councillor, along with then Councillor Mark Wall and others in the Labour Party. We came up with a commuter strategy in 2017 or 2018 that had working from home as a central plank. We have spent nearly a decade trying to make this into a real right.

This Bill would also strengthen equality. Flexible work particularly benefits parents, carers and people with disabilities. Without legal protections, these workers often negotiate from a weaker position and sacrifice career progression but, again, in line with consistent policies from this Government, these groups are left behind. The only people who are disadvantaged by the right to work from home are the owners of office buildings in large cities and large towns. The Government is not looking at the bigger picture. It is not looking at protecting the workers - the people who keep this country going. A defined legal framework, such as that set out in this Bill, would limit disputes and create better workplaces for all. Rather than providing for the right to refuse work from home, as stipulated in the current legislation, we must ensure hybrid arrangements are set down in a proper law.

If we look at the impact of flooding on our road networks in recent weeks - car parks in our major commuting towns and the arterial roads coming into our major cities have been affected - we will see that no number of extra lanes on our roads, which is what this Government wants, will work. We want to see a greater improvements in buses, high-frequency rail links and metro links. All of that needs to be done, but our right to flexible work - the right to work from home or from within one's community at community work hubs - can be strengthened almost

immediately. That would have a real impact in terms of improving congestion. The Government is standing still. It is not legislating based on evidence; it is legislating based on vibes and it is letting workers down again.

An Cathaoirleach Gníomhach (Deputy Barry Heneghan): Sula bogfaimid ar aghaidh, I would like to give the young visitors in the Gallery today a big welcome to Leinster House - céad míle fáilte.

Deputy Johnny Guirke: Over recent years, we have seen that the shift to home-based work and the explicit right to request remote and flexible arrangements can deliver real benefits if managed well. This approach has the potential to shape a fairer and more productive workforce with increased morale. Since the right to request remote work was introduced in 2024, the Workplace Relations Commission has handled roughly 60 complaints. That number reflects both progress and gaps that must be looked at and closed. For thousands, flexible and remote work has been life changing. This shift has helped many people to stay in the workforce and has opened doors for people across the country. A right to flexible work is, in a sense, part of a modern economy.

Along the way, we voiced concerns and worried that the code of practice might tilt the balance too far in one direction and not adequately protect both workers and business interests. What the code establishes is the right to request remote work, requiring a detailed explanation from the employee about why he or she is seeking this arrangement. Some factors that are considered, such as the distance between home and workplace, felt like over-reach and warranted careful review.

The right to remote work demonstrates tangible benefits for workers and employers in the broader economy when implemented thoughtfully. The observed complaints are a signal to improve process, not a rejection of remote work itself. The balance between worker rights and business needs is essential. Ongoing refinements are needed. A rigorous but fair framework helps to sustain participation in the labour market and supports a modern and inclusive economy. We know that workers face a number of hoops when seeking to access remote working. These arrangements can be refused, altered, withdrawn or terminated at will.

There is a practical side to this debate that touches people's daily lives. Working from home has real benefits for our transport and road networks. It reduces congestion, slows wear and tear on our roads and eases pressure on public transport systems. Across the country, people are paying significant tolls, and these costs rise year after year as congestion grows. If people can work effectively from home or a remote working hub, we can relieve some of the pressure on already strained transport and road networks.

The right to request remote working legislation is not just a legal reform; it is an opportunity to listen to workers and employers, learn from real-world experiences and make practical improvements. When an employee's remote working request is denied, we should bring that example forward and look at where improvements can be made. The right to request remote working should empower people to do their jobs effectively while ensuring fairness, consistency and accountability in how decisions are made. It is a chance to strengthen the law, learn from lived experiences and implement reforms that reflect the realities of modern work and modern life.

We commend the outstanding contribution of communities across Ireland that have established remote working hubs in local centres, GAA clubs and vacant buildings. Sinn Féin recognises the value of remote work during extreme weather events. While current legislation may not fully protect workers in such circumstances, enabling remote work can offer significant advantages to both workers and employers. We acknowledge that not every role can be performed remotely. Therefore, we emphasise that the legislation should safeguard the interests of both employees and employers. We see a need to establish a fair and well-structured framework that balances employees' rights to flexible working with the operational requirements of employers.

Deputy Rose Conway-Walsh: I thank the Labour Party for bringing this Bill to the House this morning. I listened to the Minister of State's speech. He and the Government really need to wake up to the fact that remote working can benefit not only workers and their families, but local businesses and communities as well. The Minister of State knows that coming from a county like Mayo. He also knows that if people with disabilities - really capable people - were given the opportunity to work remotely, they could live in their own communities and work in a way they wish to and in a way that would be hugely beneficial to employers. We can have that conversation in a constructive and inclusive way that can benefit everybody. It is about quality of life.

The Minister of State will know from his past football experience about all the clubs that are amalgamating in Mayo because we do not have the people living in rural Ireland. How many of those people are living and working in Dublin, which is already congested? Is it any wonder that Dublin has won more All-Ireland championships than Mayo? The solution that could lead to Mayo getting the Sam Maguire Cup is to have proper remote working so that people can live there and do not have to truck up to Dublin and move all their lives here, but can live in Castlebar. Deputy O'Reilly should not laugh.

This is a very serious issue, but there is nothing here but opportunity. We have long argued for the right to request remote and flexible working. I point the Minister of State in the direction of the Good Jobs Employment Rights Bill in Northern Ireland, which was brought forward by the Minister for the Economy there, my colleague Caoimhe Archibald. That legislation addresses many of the work-life balance issues that could be incorporated here. This is about progressive rights of workers. The imbalance must be addressed. I look forward to the results of the public consultation that the Government has conducted to review the right to request remote working in legislation.

This Bill provides a fair and structured framework for requesting remote working, whereby requests can only be refused on a clear and objective grounds. It is reasonable. That is why we are asking that employers be fair and reasonable too. Most of the employers and the employers' organisations that I speak to want to get this right. The Government needs to work with them to ensure they do. Yesterday we spoke about families being priced out of urban centres as a result of house prices increasing by almost 50% since 2020. We are going to have people paying mortgages in their eighties if the Government does not look at things differently and use opportunities like this.

Deputy Martin Kenny: I thank the Labour Party for bringing forward this Bill today. I have long been a proponent of remote working. I attended a conference in Tubbercurry in 2018 that

was organised by Grow Remote. It was one of the first conferences it held about organising work in this way. It had another one the year later in Athlone. I attended both of them because I saw the opportunity that remote working offered, particularly for rural areas. As has been mentioned, many rural communities have set up hubs. There is very poor Internet in many areas despite the roll-out of broadband. The roll-out has been very hit and miss in many rural communities. These hubs offer an opportunity for people to come together and be able to work remotely. The biggest opportunity is for employers. I have spoken to many employers. The opportunity to have somebody who can work from home means that employers often do not have to get additional office space when they have to expand and grow. It is a win-win for everybody at all times.

I was very disappointed to hear the Minister of State's speech. It was so negative and stuck in the past.

I often meet people who, because they cannot work remotely, think nobody else should either, which is a stupid concept. It makes sense for people to be able to do it. It makes sense for the economy. It makes sense for people not just in rural areas but in urban areas as well. It takes away congestion. It offers people flexibility in their lives. It has umpteen advantages for business to allow them to grow.

Many of the back-office activities can be done from somebody's home. We often find when we ring the Oireachtas lines to speak to people who work for the Oireachtas that they are speaking to us from home, whether it is about a social welfare issue, a tax issue or whatever. It is because they have the opportunity to it. If we are able to ensure that people who work for the Oireachtas or work for the Government can work remotely, it makes absolute sense that people in the private sector should also have the same right and that we should guarantee those rights. In that context, I absolutely support what is proposed in this legislation. Government should look at it again and realise that it is really behind the curve on all of this. The future is to ensure that workers have the flexibility and that employers also have the flexibility to be able to employ people wherever it suits them best to work.

Deputy Sorca Clarke: Once again Government seems to be immune to the lived realities of people's lives. Both in theory and practice, remote and flexible work has proven its value. Workers delivered, businesses functioned and the economy kept moving, and yet Government came out with this diluted right to request that often ends in refusal. This is the lived reality of commuters in my constituency. A commute can take an hour and 45 minutes each way. That is three and half hours a day, five days a week. Across a 46-week working year that is 805 hours, the equivalent of over 100 working days a year gone. Those commutes are starting earlier and earlier because of congestion. For those paying at least an M4 toll each day that is €3.60 each way or €1,656 a year after tax simply to get to work. That is before fuel, insurance and maintenance on their car.

Government speaks endlessly about modernisation, climate targets and regional development. Remote work and hybrid work advance all three of these. It reduces congestion, cuts emissions and keeps workers and families in their own communities. It gives them the opportunity to support local economies, businesses and shops, and it brings life back into smaller towns and villages. Yet workers are still forced to justify what has already been proven to be workable. If a worker is spending the equivalent of 100 working days a year commuting,

if they are spending over €1,600 just to get them to work, then Government's so-called right to request is nothing more than a bureaucratic box-ticking exercise designed to create the illusion of a right but not an actual right. We need a genuine right to work remotely and flexible working hours. We need options that are based on fairness, reasonableness and consistency.

Deputy Conor D. McGuinness: We need to see remote work become a right and not just a perk as it is now. It should be an entitlement for workers for whom it is available and not a norm when it makes sense for all the reasons that have been outlined. It is clear to us that remote working has clear family benefits, social benefits and environmental benefits as well as those benefits to the community that are often unseen and unremarked upon in this debate because, simply put, people have more time. This is about workers' rights. There are health benefits and environmental benefits. It supports economic growth and rural diversification. It keeps our rural communities alive when this is the norm.

Remote and hybrid working reduces commuting time and increases personal autonomy which is strongly associated with higher life satisfaction, better mental health and improved work-life balance for workers. For every 1,000 remote jobs, over 220,000 hours are saved in commutes every year. That time goes back into people's families and local communities. There has been a lot of research by the Western Development Commission on this, along with the University of Galway and others. Those statistics show that almost 25% of people who work from home for some part of the week volunteer their time in the community. Organisations that benefit include the GAA, other sporting organisations, Tidy Towns, the RNLI, and any number of rural and community voluntary groups.

Remote workers spend more of their income locally during the working week when they can work at home, supporting local businesses and keeping them going, sustaining additional local jobs through secondary economic effects. Every 1,000 remote jobs brings €13 million into their local economies every year. This is a no-brainer. Promoting remote work is the way to go. The Minister of State's negativity in response to this Bill is unwarranted and unhelpful and it underlines an attitude from Government that views rural areas as secondary. We need to see remote work become the norm and we need to see Government legislate or support this legislation. It is one or the other.

Deputy Louise O'Reilly: I thank the Deputies for introducing the Bill this morning and for giving us a chance to discuss a topic which I have discussed in this Chamber many times before. When I was thinking about the legislation as I was walking over here, I was reminded that the first case I took as a shop steward was for teleworking as we called it. It moved on to be e-working and now we call it remote and flexible working. The attitude of employers, as demonstrated by the Fine Gael Minister of State here this morning, was always the exact same: it is as if it is some sort of treat and something that workers can get if they are good but it was never going to be a right. I almost laughed when the Minister of State's predecessor brought in the right to request remote working - sure I had that in the last days of the last century. We could always request it but we did not have a right to have it fairly considered which is what workers need.

Employers have consistently refused this but never advanced a single decent reason as to why. Sure they do not need to for as long as they have the old green Tories in place in government doing their work for them. Workers should, of course, have the right to remote

working but workers are not stupid. The Minister of State expressed concern that people might look for it who would not be entitled to it. People who do jobs that are amenable to remote work should have the opportunity to do that. People who cannot are not stupid; if they are working in a job that does not facilitate remote work, they know exactly what that is like.

Should this legislation proceed to the next Stage - the Minister of State has indicated fairly clearly he does not want it to which is very regrettable - I hope we will have the chance to include within it an amendment that Sinn Féin might table on the right to disconnect. Along with the right to remote work, there has to be a balance in terms of the right to disconnect for workers. I was somewhat disappointed to see that was not in this legislation but I appreciate that not every piece can be in every Bill.

Workers should have the right to remote work. The Minister of State knows it well. Does he only work when he is sitting at his desk? No. He works in a variety of environments but he is not unique. Loads of workers can do that and all they need is the Government to get out of their way to give them that opportunity.

Deputy Thomas Gould: For families remote working can be life exchanging and it has been life changing for many. It has meant they are able to juggle the responsibilities of work and family life. We know that women are often excluded from the workplace because of these issues. Allowing people to work from home is not allowing them to take it handy or to doss but what it means is they are able to have work-life balance and a home-life balance. Many people still have childcare but the difference is that at 5 o'clock they can finish rather than commuting to collect their children and then commuting back home. It makes a real difference to people's lives.

I represent a constituency covering part of Cork city which has gridlock with traffic. Allowing people to work from home will get them out of cars and get cars off the road. It is a win right across the board. Right now, there are no solutions to the gridlock in Cork and based on what other Deputies have said it is the same right across the State. Every city and every town has huge issues but the Government's attitude to workers' rights is shockingly poor. We need solutions. The Government will suggest using public transport but the bus service is a joke. When they turn up, they are not on time if they turn up at all. We are talking about the northern ring road which will not be built for ten or 15 years and the northern distributor road will be another ten years. That means ten more years of gridlock in Cork because of this Government. No good comes from people sitting in their cars for hours on end. We brought in a traffic plan in Cork that actually made matters worse.

11 o'clock

It stopped the right turn over St. Patrick's Bridge and Christy Ring Bridge and just kept people in traffic for much longer. Until we have a proper traffic plan and until people are allowed to work from home, workers will face impossible commutes. This is a workers' rights issue, but it is much bigger than that. It is about families and people, and this Government's attitude must change when it comes to workers' rights.

Deputy Ruairí Ó Murchú: Everyone has spoken about and will continue to speak about the absolute advantages we have all seen and heard from those who have the capacity and ability

to work remotely. There are huge logistical savings for people in relation to childcare when they are working from home, as Deputy Gould said. As Deputy Rose Conway-Walsh said, it is also about facilitating those with disabilities. A lot of work has to be done regarding access and facilitating people into work, but in certain circumstances, it would facilitate an awful lot of people going into employment. In fairness to the Deputy, she pointed out that one thing missing from Mayo in relation to its road to all-Ireland glory is remote working. I think the Minister of State, therefore, should have a particular interest in it.

We all know about the gridlock that is happening, whether it is everybody leaving my town of Dundalk on the M1, with Google Maps on, not because they do not know the way to Dublin but because they want to check where there are going to be hold-ups, accidents or whatever else. People get forced to use the Port Tunnel for €14 just because they have run out of time on the road because there are too many people on it. It could also be anyone trying to drive round Dundalk on a Friday afternoon, because they will find that very difficult.

Government TDs, however, have absolutely celebrated the amount of money that has been provided to Louth County Council. It is €10,810,650, and that is welcome, although it would be a lot more welcome if it was more than what the county council was given last year, which was €10,992,550. I assume that costs have not gone up at all in the last while. I would ask the Minister of State to convey to his Government partners that a request has been submitted by Louth County Council for €1.2 million to address damage done to roads from flooding. We all know about this. LMFM and everybody else has a pothole search at the minute, and it is not a very hard competition to engage in.

Regarding remote working, there is no facilitation for cross-Border workers. Companies, employers and individuals, North or South, cannot now work from home. It is not allowed. We all saw that when PayPal closed its offices. There is a necessity for cross-Border engagement on this matter. A bilateral agreement then needs to be made with the British Government to facilitate this.

An Cathaoirleach Gníomhach (Deputy Barry Heneghan): Go raibh maith agat.

Deputy Ruairí Ó Murchú: There is a lot of talk about a shared island, but we need to facilitate those in Border areas, in particular, and throughout this island who should be able to work remotely. As has been said before, a right to request remote working is not much of a right if it is always refused.

Deputy Sinéad Gibney: Go raibh maith agat. I thank the Labour Party for bringing this legislation forward. Remote and flexible work is a vital part of our lives now. It is a huge opportunity for many to find a better work-life balance, for businesses to innovate and for local communities to benefit from development and commerce happening in a more geographically balanced way. The Social Democrats have always championed the rights of workers and will always do so. Remote working, in particular, is an area I have long championed. I will also introduce a Bill in the coming weeks that will deal with remote and flexible work. The goal here is to build a sustainable, flexible, remote working regime that provides the necessary framework to facilitate a fair, clear and transparent approach to remote working.

The current system is confusing because it is so unintuitive. When the right to request was introduced, it was sold to the public as an important change that would have a real impact on how people could work remotely and flexibly. That illusion, though, was shattered by the realisation that the refusal of a request can be for arbitrary reasons, not based on business needs or any objective necessity whereby work cannot be done remotely. The frustration felt by people at this is tangible when you speak to anyone affected. They cannot understand why this Government would bother legislating for a right to request that is so weak when they could already ask their employers for changes to their working arrangements and be refused arbitrarily.

The way work has changed means people can do their jobs effectively from anywhere. *Caithfimid cinntiú go bhfuil ár ndlíthe ag coinneáil suas leis sin.* We all understand that not every job can be done flexibly or remotely but we have advanced in leaps and bounds when it comes to the number of jobs that can. It is not that long ago that the concept of online meetings, hybrid working and working from home in general were very foreign concepts to many people. For many, it was impossible because they did not have the Internet at home or the required technology to have virtual meetings or because those they worked with were not familiar with these tools. Many of these barriers have gone now and we have the chance to create a meaningful and participatory workforce, particularly for groups historically excluded, like single mothers and people with disabilities. We have whole businesses that communicate, create, market and deliver services completely online. This has meant less time spent commuting and more money going into local businesses and economies, more parent-friendly workplaces and a better work-life balance. Despite these developments, however, and more people are in fully remote jobs, we are also seeing workers with hybrid and flexible arrangements being ordered back to the office by both private and public sector employers. This is often without consultation, without warning and ignoring the fact that people have shaped their lives around the flexibility that is now being taken away from them.

Is léir le blianta beaga anuas go bhfuil buntáiste ollmhór ag baint le hobair ón mbaile, go gcoinníonn sé airgead sa phobal, go gcuireann sé le saol clainne agus saol pearsanta daoine, agus nach bhfuil drochthionchar aige ar an obair a dhéanann daoine. Tá sé cosúil leis na haonaid Gteic sa Ghaeltacht agus tá ionaid don chianoabair ann ar fud na cruinne. Má táimid ag iarraidh toradh na hinfheistíochta seo a fheiceáil, caithfimid níos mó a dhéanamh.

We had a golden opportunity to enshrine remote and flexible working, but we have been let down with a right to request remote working that is not a right at all. The current framework grants employees only a right to request remote working, which, for an increasing number of employees, is refused or revoked. Like so many aspects of workers' rights in Ireland, we have created a system where the employee has no power and the refusal of something that may make no difference to their productivity but will make a massive difference to their lives can be arbitrarily refused. The current Act leaves people with hours-long commutes, the financial and climate burden of running a car, the daily strain of rushing to and from work and the stress of managing family lives. We know all these things can push people out of the workforce, particularly women, single parents and people with disabilities. It leaves us with congested roads, packed trains and buses and decreased revenue for small local businesses. We need a real right to remote and flexible working, and that is what this Bill seeks to do.

I read an op-ed by a Government TD this morning that referenced this Bill and framed legislation for a right to remote working as pitting employers against employees. This framing does a huge disservice to our role as legislators and the importance of clarity and transparency for both employers and employees. The right proposed in this Bill and in my own upcoming legislation is couched in what is reasonably practicable in a workplace and gives certainty to all involved on what is expected of them. The framing today that this Bill goes too far does not acknowledge that this Bill and any suggestions around remote work have always been caveated with the understanding that not every job can be done remotely or flexibly. The Minister of State spoke at length on the current legislation but failed to see the point that the current legislative regime does not have any reasonable ground or objective criteria to apply to requests. It is wholly opaque and only feeds the frustration of arrangements being unreasonably denied in a way that is completely legal. Nobody should have to deal with an unjust decision like this being fully supported by our employment legal framework.

We need a real system defined by reasonable expectations of employers and employees, with an entitlement from day one. A right to request remote work has been a source of frustration for so many workers, who realise that when their request is unreasonably denied, their "right" is not particularly useful in changing their situation or helping them to deal with an unfair denial of remote and flexible working arrangements.

Deputy Rory Hearne: There needs to be a massive change in the approach to remote work in legislation to formalise it as a legitimate labour entitlement and a right and to ensure that remote working is harnessed to support people and communities. Ireland needs a national target for remote work.

We need to facilitate and support companies to support workers to ensure that the right and access to remote employment is available for workers across this country. We should not be reverting to them versus us, as has been referred to. This is about making Ireland work for people and making it work for communities across the country. Officials from the GAA recently appeared before the housing committee and presented their report about the future of the organisation and rural depopulation. It is called No One Shouted Stop - Until Now: The GAA's Response to Ireland's Demographic Shift. Bills like this and the one my party colleague Deputy Gibney is bringing forward are telling us to yell "stop". We need to support villages, towns and communities in order to ensure their survival. This is a golden opportunity. Remote work is a golden opportunity to allow people to live in communities, inár mbailte, inár sráidbhailte, ar na hoileáin agus inár nGaeltachtaí. Rural GAA teams are fighting for their lives - ag troid ar son a saoil – agus nach cuid den réiteach é tithíocht inacmhainne freisin?

They are all interconnected - affordable housing, public transport and remote working. They need to work together. Ireland is not working for so many people who are going out to work. They are stuck in traffic and cannot provide care for their children and disabled people. This affects so many people and our Gaeltachtaí. It is not working, and remote working can play a fundamental role in ensuring people have more balanced and more sustainable lives rather than tearing themselves apart, commuting for hours and struggling to get back to children. We need remote work to be supported properly.

Deputy Eoin Hayes: I thank Deputy Lawlor bringing this important legislation forward. I have never been very good at striking a good work-life balance, it has to be said. I doubt many

in this Chamber are. I have always been a hard worker, perhaps even obsessive, but one of the great things about being human is the opportunity to grow and evolve, to develop the ability to rest and experience joy, to cultivate relationships and to enjoy life to the full. That is what this Bill is about. There are, of course, jobs where remote working is not possible, for example a TD, and there are parts of jobs or specific times where in-person collaboration is paramount for the task at hand. The Bill does give due regard to this, despite what a backbench TD might write in *The Journal*, including the capacity of the remote location to support the carrying-out of tasks and duties as required by the employer. However, it goes further than the current legislation in empowering workers contribute positively to their work culture while engaging in remote work.

During Covid, I was working with a startup in health technology doing really interesting things in connecting people to remote care. This company had taken seriously the question of enabling people to work remotely for several years before Covid. It was ahead of its time not just in considering the concept of enabling workers to engage fully but also in how the company's operating practices and culture supported people to do their best work and attracted exceptional talent regardless of geography. As a Dublin-based company, we were able to hire people in Cork and Galway and even in the far reaches of Donegal. There is an exceptional opportunity to use remote work to re-energise rural Ireland, ensuring that high-income labour opportunities are more equally distributed and that the associated spending power becomes part of local communities. I urge the Government to consider this Bill as a matter of utmost importance for workers, companies and the communities we are trying to build.

Deputy Roderic O'Gorman: I thank Deputy Lawlor for bringing forward this legislation. As a Minister in the previous Government, I was proud to lead on the introduction and passage of the original work-life balance Act of 2023. As we know, this introduced a right to request remote working for all workers. It also introduced the right of certain workers to request flexible working, which included remote working but also flexible work schedules or reduced working hours. That legislation also introduced some other important improvements in workplaces. It extended the right of women returning to work from maternity leave to request breastfeeding breaks. Originally, the right had been for only six months. It is now for two years. It introduced five days' unpaid leave for medical care purposes and, importantly, it introduced paid domestic violence leave, making Ireland one of the first European countries to do so.

When these provisions, particularly the provisions around remote working and flexible working, were introduced in 2023, they were novel. Now, in 2026, it is right that we review and strengthen the rights that were given to employees in 2023. That strengthening is particularly important in light of the push-back on remote working we are seeing from many employers. We are seeing that from large international companies and some SMEs, but we are also seeing it from some semi-State organisations. I am particularly disappointed to see the latter take place. All elements of the State should be supporting remote working because the State is seeing the benefit from it. People can now have significant roles in our Civil Service and public service but do not just have to be based in Dublin or in the commuter counties. They can be living all across the country. The legislative change Deputy Lawlor is putting forward fundamentally understands that our economic health is intrinsically linked with the well-being of workers, students and carers in our country. That economic health is linked to the ability to

live, travel and pursue lives in a way that is facilitated by the State. I hope the Minister and the Minister of State hear that the mood across this House is to strengthen and broaden the rights around remote working, not just to leave the *status quo* as it is.

Deputy Charles Ward: I thank Deputy Lawlor for bringing forward the Bill. We Donegal TDs are geographically isolated and, as some Deputies have said, when it comes to working, people think living in Donegal is akin to being in a different country. Remote working in Donegal does work, has worked and will continue to work, and I believe this Bill will enhance that. When we talk about practical experiences, we are talking about people who travel from Inishowen into Letterkenny. They might leave nearly an hour to go out and have an hour's drive to come back in the evening. Then, when they come home, they have to take their kids to their activities. This is adding up every single day with the likes of soccer and GAA, but no matter what, these activities have to happen to allow the communities to thrive. Making sure this work-life balance is in place is vital, but it is also vital to ensure that rural communities thrive.

At the moment, without this being brought in and coming to pass, these communities are dwindling. For Donegal, the benefits are clear. Remote working reduces commuting costs. It supports families with their responsibilities and retains skilled workers. They need flexibility for arrangements that are made, particularly with the situation we have in Donegal with the defective concrete crisis. Many households have been displaced and forced to leave their homes due to structural defects. They are balancing their work with inspections and repairs in their homes. Remote work allows them to do this and remain employed while managing these disruptions to their lives. Supporting this Bill is not about limiting employers. It is about creating a fair, clear framework where employees and employers can engage constructively. I urge all members of Dáil Éireann to push this because they have to go back to their constituents and when they are telling them about their work-life balance, we have a responsibility to try to improve their work-life balance.

Deputy Seamus Healy: Addressing this issue of remote working in the Chamber on 21 January last, I said, "These working conditions must be based on a legal framework, giving an entitlement to these arrangements." This Bill, which I warmly welcome, does just that. It gives workers a clear, enforceable legal right to work remotely and ends refusals based on tradition, preconceived ideas, antagonisms and vague and spurious reasons. Remote working is here to stay. It is more productive, more family friendly and reduces unnecessary travel. It coincides with transport, climate and housing policy and helps, of course, to regenerate rural Ireland. The Bill is also timely as we have seen recent moves by banks, IT companies and even Government Departments attempting to force workers back to the office. There is a real appetite for this type of working. A recent survey by the Fórsa trade union found that 86% of members were interested in remote working and 80% were interested in the hybrid situation of working at home and working in the office. A legal framework must also cover areas such as protection against forced returns to the office.

An arbitrary, blanket or full-time return to the office should be outlawed. There must be a right to disconnect. Workers must be protected from a situation where they are forced to work after working hours. It must also be voluntary. It must not be a compulsory situation. Workers must have the right to opt in or out. There must be an equality of rights between remote workers

and office workers. The former must have the same rights, protections and promotional opportunities as office staff. Obviously, health and safety guidelines must also be included in the legislation, which will include things such as workstations and mental health. Particular groups such as carers and staff with particular health needs must also be covered in legislation.

I welcome and support the Bill and I thank Deputy Lawlor for tabling it.

Deputy Paul Murphy: I thank Deputy Lawlor for tabling the Bill, which would represent significant improvements on the current situation whereby workers have no right at all to remote working. What Fianna Fáil and Fine Gael legislated for was a right for employers to refuse reasonable remote working requests. I was on the enterprise committee at the time when the Government Bill went through. ICTU came in and told us the Government's law was utterly pointless. Fianna Fáil and Fine Gael knew exactly what they were doing in bringing in totally pointless legislation that was effectively written by IBEC.

The responsible Minister at that time was Leo Varadkar. He is now going around portraying himself as a kind of progressive champion of workers' rights and other causes but that is not what he did when he was in office. He actually misled the committee at that time by claiming that the right of appeal to the WRC was not intended to be a solely procedural right and that a reason for refusal must be valid. He said that it would not be a case of an employer just ticking a box and saying "No", but that is precisely what the legislation provides for. It is precisely what has happened and Fianna Fáil and Fine Gael knew this at the time.

The Labour Party's Bill would much improve the situation because it would give workers the right to work remotely where reasonably practicable and it sets out only limited grounds for refusal. That is what workers need. I would still argue that the Bill has too many concessions to employers. If an employer refuses a request unreasonably, one option in the Bill is to resolve the dispute by getting the employer to pay one month's wages in compensation. One month's wages for someone spending the rest of their working life at that company is not a lot when commuting in heavy traffic for hours every day and only seeing their kids for a few minutes before they go to bed is the reality for so many working families today and is completely unnecessary.

The right to remote working should be made part of the Government's obligations to cut emissions by half by 2030 under the climate Act. We had an excellent briefing yesterday by the Climate and Health Alliance, which spoke about how important it is for people's health to cut down on air pollution from traffic. More remote working would mean fewer kids with asthma and fewer older people suffering from COPD. It would be a win-win for almost everyone, apart from the David Brents and Denis O'Briens of the world who want all of their worker drones back in the office where they can keep a close eye on them and restrict any space for autonomy. Billionaire Denis O'Brien says that remote working was a mistake. He is a tax exile swanning around on a superyacht. We need a Government that puts workers' rights first.

Deputy Peadar Tóibín: Where an employee can work at home, it should be facilitated. It can be a massive plus for a worker. It can reduce stress. Obviously, it can reduce the cost of the daily commute, and in certain cases, it can lead to a significant increase in productivity. It can also be good for the local community as it brings people back into local towns and villages during the day. We do live in a city state, unfortunately, where people are commuting from

Connacht, Ulster and Munster into Dublin on a daily basis. In many small villages and towns in this country, you could play hurling on the main street in the middle of the day with the lack of traffic and the fact there is nobody there. It is an employee's market at the moment. In my experience, many employees do get the right to work at home because they have more influence and power in this market given that there is nearly full employment.

There are also costs to this and that should be recognised. In some situations, it does lead to a fall in productivity. In some situations, the home is full of distractions in terms of family, pets and so on. It can also lead to a fall in communication. Microsoft Teams, WhatsApp and Zoom are not rich forms of communication. In-person communication is a far richer way for people to engage. Human relationships are very important for the functioning of any business and on many occasions this can be done in person far better.

I have noticed in the past that at-home working can cause many difficulties. As a TD, during Covid, trying to get in touch with a civil servant and communicate with a person was nearly impossible for years when trying to get simple work done in those situations. Young people learn less when they work remotely because the natural flow of communication in the situation is not there. They find it harder to impress their managers and develop in a business in a working-at-home situation.

Remote working hubs are a good hybrid solution in many ways because they get people out of their homes and into a collegial working environment. It also means that people are located locally. I understand that, in fairness to it, Deputy Lawlor's Bill has significant protections for employees and I appreciate that it allows for the WRC to make decisions, although I would be cautious to see how this would work in practice. The issue we have in the main for workers at present is the fact this city is the most congested in Europe. The average speed of traffic is slower than it was in the 19th century with horses and carts because of a lack of public transport. We really need to focus on that.

Deputy Ken O'Flynn: I thank the Member for bringing the Bill forward. I am conflicted about it. There is great sentiment to it and the heart is certainly in the right place. The Bill proposes amending the Act of 2023 to strengthen employee entitlements, limit refusal and objection grounds and delete section 20(2). I note, however, and these are just observations I have on the Bill, that it encourages and formalises a dispute culture in the workplace. I have concerns about that. I am concerned there would be a likelihood of an increase in complaints to the WRC and the Labour Court regarding same. I have heard Members in the House speak about employees, vilify employers and speak about them being billionaires on superyachts. I think that Deputy has been watching too many Bond movies because most of the billionaires I know, or know of or have read about, and I do not know too many billionaires personally, all work hard. They are working on their businesses and they are going from project to project. I do not think they are going around on superyachts as our friend in the socialist party believes.

I have concerns about the Bill because I question bits and pieces of it. There is the question of mentorship. When people start off in a business and they are working from home, they are isolated. They are very much isolated in their homes. There are also health and safety issues and questions about the general data protection regulation, GDPR, and the entire system around this, the legal rights people have, the protection of data, the protection that people have in the home and health and safety in the home.

Deputy George Lawlor: That is in the Bill.

Deputy Ken O'Flynn: I have read the Deputy's Bill, thanks, unlike other Deputies. There are also questions about the broadband infrastructure. I do very much have sympathy for the Bill but I have questions around it. It needs a little bit more tightening-up and a little bit more work. I would be quite happy to assist Deputy Lawlor in that way.

The other side that I see goes back to isolation and loneliness. Many people who start off working in this country, in particular people who have come to this country, do not have an entire network behind them and do not have groups of friends. Tremendous things have happened in small companies and big companies where people have got involved in local societies and GAA clubs. At Boston Scientific in my constituency, we see the number of external clubs it is involved with and the fundraising and charity work it does. We have to be sensible about how working in a big workplace, or even a small workplace, can benefit people and not just through being mentored in the workplace.

Deputy Michael Collins: Many people, especially those in rural Ireland, stand to benefit greatly from fair, balanced and practical remote working arrangements. Reduced commuting, more time with family, lower carbon emissions and the ability to work closer to home are meaningful gains that improve quality of life and support regional development. However, we must also ensure balance. Employers need clarity, practicality and safeguards and workers need a system that is genuinely accessible, not one that is bogged down in bureaucracy or easily refused. A right in legislation must be a right in practice.

On a personal note, I do not know much about work-life balance. I spend most of my weekends working 17 or 18 hours every day, so I am not any example. My staff, who are mostly female apart from one, Ellen, Margaret, Valerie and Paddy, all work around the clock, not because I ask them, but because they are inundated with work. I will take this opportunity to thank them.

I also have a chance now when I have not had a chance previously to talk about home working and the short-term letting Bill that the Minister is very much involved in. This is an opportunity where people have been working at home and have been able to carry it out. It is mainly females. I have to give them the respect that it is them who have been delivering the short-term letting through Airbnb in rural locations. I attended a meeting last week in a committee, which is not my committee. We spent three hours there fighting for these people who work at home and want to continue their work at home. It now looks like it is going to be taken from them. If the Minister does not drop the planning requirement prior to the new regulations being brought in for people who are in the business for many years, he is going to ruin many of these great people who work at home.

Remote working is great but again in rural Ireland we need better infrastructure, better Wi-Fi, and better mobile phone services. From driving all over west Cork I know there are so many places with no service and other places where in the middle of a call it drops. It is a great idea but in rural Ireland we need much better infrastructure to be put in place first.

Deputy Paul Nicholas Gogarty: The 2023 legislation introduced by the Government was a good first step but it needs to go further. Employers have to give a written reason they are refusing it if the right to request is used. However, in the *Farrell v. Salesforce* case in 2025, the WRC upheld a complaint because the employer did not respond within four weeks in terms of the deadline. The employee got €1,000 in compensation. It shows that the law has some effect.

However, we need to go further because we are falling behind countries like Spain and Portugal that have much more robust right to work from home legislation as well as the right to disconnect. This Bill brings it to the next level. We definitely need to have more opportunities. There are certainly different circumstances where people cannot and will never be able to work from home but there are so many others where they can. It impacts in built-up suburban areas like in Dublin where so many people are caught up in congestion. However, as Members from more rural constituencies have pointed out, it also brings jobs and opportunities and keeps people in local communities.

I have mentioned previously the practice of allowing software companies that have a lot of international employees to continue to set up shop in Dublin. They should be decentralised around the country, using broadband technology to be able to work from home or else use hubs and create the extra school places that are required.

In the context of Dublin, people talk about the lack of opportunities for shops to stay open with people working from home. That is because planning is done badly. We need to actually build more houses in Dublin so people can actually live and work here and replace that type of commuter.

Deputy Emer Currie: We are here today to debate a Bill with the right to remote work in its Title but a title alone does not make it a right. It is being sold as a right to flexible and remote work and I do not believe it is. In all other countries I am aware of, remote work arrangements depend on employer-employee agreements or specific conditions in law or regulation. Employers must consider the request, though they can still refuse for legitimate business reasons. I said this during the previous Labour Private Members' time on the same topic. What varies across countries is that there is a spectrum of how strong the reasons have to be for a business to refuse a request to work remotely. It is still, however, based on a right to request.

The current legislation in place since 2024 could be strengthened but the entire premise of this Bill is that with the right legislation, we can force employers into it and I fear that is counterproductive. It risks entrenching them in pro-office views and never get to the economic, social and environmental impacts that remote work can deliver.

I am sorry that I believe this Bill lacks innovation and misses the opportunity that remote work offers our workforce and our economy and that is to make Ireland a world leading centre for the rapidly growing remote-first sector, to get remote-first companies set up in Ireland, for remote companies to recruit here in Ireland and the halo effect that would have on our workplace culture. For a country that excels in jobs strategies through IDA Ireland, Enterprise Ireland and our local enterprise offices, this is the next big channel for us to leverage. I am talking about full PAYE employment, bound to Irish taxes and pensionable, with career progression, but not bound to a physical location.

Grow Remote reports there are over 100,000 remote jobs advertised in Europe every month with salaries averaging nearly €20,000 higher than in Ireland's five lowest-income counties. We should be talking about national targets to win those jobs for Ireland and to benefit communities all over the country; building the infrastructure to support and sustain those targets; using the National Training Fund to build a pipeline of talent through programmes that develop remote work skills for workers, managers and leaders; expanding supports for existing companies that make remote and hybrid stick; and scaling community programmes to continue to connect remote workers on a local level. It is time for the next step. We need a much bigger step than we had before; a new national strategy at scale that will have the halo-effect that we need.

Deputy Barry Heneghan: Gabhaim buíochas le gach duine a bhí ag caint faoin mBille seo. Nuair a bhí mé sa Chathaoir, bhí mé ag éisteacht le gach duine. Bhí go leor daoine ag caint faoin trácht agus rudaí atá sa saol faoi láthair, go háirithe i mBaile Átha Cliath thuaidh. Bíim i gcónaí ag caint le daoine. I commend Deputy Lawlor on the work he has put into this Bill. It is good to know he is not just a good opera singer; he is also a real legislator. I welcome what the Minister said and for that reason, I will vote with the Government and opposing the Bill.

My constituency is in north Dublin and I was speaking to one of my own staff members in the Oireachtas last night. When someone with a disability who commutes to work starts to work, the review of their travel pass needs to be changed because we should not be penalising people with disabilities for working. There is an impact on their mental health when they get out, go into Dublin and then have their travel pass removed when they go to work. That needs to be changed. I have raised it consistently in this House and I would love it to be looked at again. With the cost of disability and everything they are facing at the moment, that is something that needs to be highlighted.

When people are commuting from north Dublin, there are pinch points for people in their cars and people with disabilities who cannot get public transport. There are some I have constantly raised in East Wall. It is one of the big arteries into the city centre. With the change to the traffic flow, if someone is turning right, it creates an entire bottleneck. I would love that to be changed. The other is on the main road. I said this yesterday to the Taoiseach. People are commuting to work from Baldoyle or Bayside. If someone is turning right up to St. Anne's Park, the entire bottleneck happens again.

We need infrastructure throughout the country that works hand in hand. We cannot be pitting cyclists and commuters in cars against each other. We must look at other cities that do it successfully. The installation of cycle paths should not impede and create bottlenecks in East Wall and on the main road. I have raised it again in this House and the real sense of urgency among local residents. Diversions are proposed again.

I commend Labour and Deputy Lawlor on the Bill. There are constructive proposals and I encourage the Government to take them on board. With the review the Minister said the Department is bringing-----

Deputy Conor Sheehan: Come over, comrade.

Deputy Barry Heneghan: What are they saying?

Deputy George Lawlor: Come aboard.

Deputy Barry Heneghan: I will never join a party. The review the Minister said the Department is bringing are not only opposing works, they are also managing them and I welcome that. It is very important we listen to people with disabilities and address the issue I raised.

Deputy Paula Butterly: This Bill is framed as a progressive step towards modernising employment, yet it is a deeply flawed legislation that risks undermining productivity, weakening organisational cohesion and placing disproportionate burdens on the employer.

While the intention behind the Bill may be admirable, its practical consequences are far from beneficial.

First, the Bill seeks to erode workplace culture and long-term innovation. Organisations thrive on shared environments where ideas circulate freely. Turning remote work into a legal entitlement shifts the default away from collective spaces and towards isolated, individualised work patterns. That may feel empowering in the short term but it undermines the very fabric that makes companies resilient and dynamic. Second, the administrative burden this Bill imposes on employers is significant. Every request will be formally assessed, documented, justified and potentially appealed. This is not a trivial process. It diverts time, resources and managerial attention away from core business activities. For small and medium-sized enterprises, already stretched thin, this becomes yet another layer of bureaucracy that slows decision making and increases operational costs. The Bill effectively treats employers as adversaries rather than partners in shaping flexible work arrangements. Finally, the Bill risks deepening inequality rather than reducing it. Remote work is far more accessible to white-collar professionals than for workers in manufacturing, healthcare, retail, logistics and countless other essential services.

By elevating remote work to a legal right, the Bill creates a two tier workforce: those who can benefit from the entitlement and those who cannot. Instead of promoting fairness, it amplifies disparities and fosters resentment between groups whose working conditions are already vastly different. Finally, the Bill is not the balanced, forward-thinking legislation it claims to be. It imposes rigid rules on a diverse economy, burdens employers with unnecessary bureaucracy, weakens workplace cohesion and risks widening social and economic divides. Flexibility in work arrangements is indeed important but it must be achieved through co-operation, not compulsion. This Bill gets that balance very much wrong and for that reason, it should be firmly opposed.

Minister for Enterprise, Tourism and Employment (Deputy Peter Burke): I thank all Deputies for bringing forward this Bill and for their contributions. As outlined by the Minister of State, Deputy Dillon, the Government opposes the Bill. The position is grounded in balance to support flexibility for workers and competitiveness for business. Remote working is now well-established and is a feature of our modern labour market, improving work-life balance and shaping how we are as a people and live and work. The Government recognises its value and has already put in place one of the earliest legislative frameworks in the EU to support this. Our framework is comprehensive.

In addition to the legislative right, employees and employers are supported and encouraged to utilise this right and comply with the legislation through a code of practice on remote working in addition to the code of practice on the right to disconnect. Through the work-life balance Act 2023, every employee in the State has a right to request remote working. No sector or occupation is excluded. Ireland has taken a leading role in establishing a clear and workable procedure governing these requests. There is a day one right to request remote working, which means that a worker can request this right on the very first day of their employment. If approved, the remote working arrangement can commence after the completion of six months continuous service on the part of the employee.

This service requirement allows time for the employee and employer to build up an effective working relationship before commencing remote working arrangements. The Bill proposes to delete section 20(2) of the Act, thereby removing any service requirement. Especially in the light of what is effectively the full right to remote work also proposed in the Bill, this risks undermining the trust-based nature of arrangements between workers and employers, which can and are facilitating pragmatic and flexible remote working arrangements that work for both parties. In contrast, the current legislative framework strikes the right balance by ensuring that employees can access meaningful entitlements while employers retain the prerogative necessary to organise their operations effectively to improve productivity, competitiveness and secure operational viability.

The Bill seeks to seriously, and in the Government's view, adversely alter this framework by creating an entitlement to remote work, unless deemed not reasonably practical by the Government through legislation or by the WRC adjudication officers who, as appropriate to their role, have little or no detailed knowledge of business operations. Essentially, the Bill would place the ultimate decision-making power in the hands of a third party without direct knowledge of the business's day-to-day requirements. It is a position of the Government that the proposal could have negative impact on employee-employer relations, business viability, competitiveness and productivity, particularly for small and medium sized enterprises which operate on very tight profit margins.

It is the objective of the Government to foster a competitive business environment, alongside strong employee protections, to ensure Ireland continues to develop into a great place to work and live. We do not believe this proposal would contribute to that goal. It is also important to emphasise the legislation underpinning remote work has been in operation for less than two years. Despite this short period, remote working has become deeply embedded. CSO data shows that almost 1 million people now work from home at least some of the time, with over half a million people working remotely more than half of the week. These trends demonstrate that remote working is succeeding under the existing framework. I reiterate that the Government is currently finalising a statutory review of the review of the remote working provisions of the work-life balance Act. We must not pre-empt the outcome of the review process. Introducing legislative amendments at this point would be hasty and short-sighted.

For these reasons, the Government must oppose the Bill. Our objective remains clear: to support flexible working arrangements that work for employees and employers while safeguarding the operational needs of employers to run competitive, productive and viable businesses. We are continuously working towards the objective through a number of cross-government streams. As mentioned by the Minister of State earlier, the Government continues

the national rollout of high-speed fibre broadband to enable remote working across Ireland, as well as the provision of funding for connected hubs and tax relief for remote working expenses.

This year, we also expect to receive the findings of NESC's research into the evolution and important impact of remote and hybrid working in Ireland. Along with the working in Ireland survey, this will inform evidence-based policymaking in the area of remote working in the coming years. In addition to remote working, workers can also explore other forms of flexible working, such as part-time working and flexible working arrangements for parents and carers, to improve their work-life balance or to enable them to enter the workforce. A code of practice and access to part-time working was recently approved by the Minister of State and placed on statute. The Work Life Balance and Miscellaneous Provisions Act also provides the right to request a flexible working to parents and carers. The Minister, Deputy Foley, will undertake a statutory review of the flexible working provisions of this Act later this year.

We will continue to support and promote remote working and flexible working right across Government. However, this support and promotion must be measured as well as balanced, taking into the account the needs of both employees and employers to ensure a competitive business environment, alongside strong and forceful protections for all of our employers.

Deputy Mark Wall: I thank my colleague Deputy George Lawlor for raising this very important workers' rights issue. I listened in disbelief to the Minister of State earlier and just now I listened to the Minister as well as they outlined the Government's opposition to this Bill. The Minister of State said "allowing employees to request remote work keeps a fair balance". The only fair balance here is for the employer.

Deputy Conor Sheehan: Hear, hear.

Deputy Mark Wall: Has the Government not been monitoring the WRC cases on their legislation? It is crazy that the Government would consider a right to request that is simply not working as fair. How out of touch can it be with the thousands of workers in this country who can work from home, but given what has happened in the WRC, are simply not in a position to put additional pressure on themselves and their families by taking a case?

That is what is happening.

I recently tabled a motion on commuter chaos. That, too, was opposed by Government. That motion included simple solutions to try to improve the work-life balance of thousands of commuters and their families, yet Government opposed it. Is Government totally opposed to the work-life balance of those who are commuting and can work from home in a hybrid or flexible way?

The legislation that my colleague has brought forward does not give *carte blanche* to remote work. It will not force anybody into remote work. It will not erode workplace culture, as has been said by some speakers. It acknowledges that remote work is not for everybody and includes rights for employers to refuse remote work - a part of the Bill that has been acknowledged by some employer organisations.

The Minister compared our right to request remote work with our colleagues across the EU. What he forgets, and maybe we should ask whether it was a deliberate attempt to forget, is that these countries have proper public transport. In many cases, they are subsidised by the state.

Deputy Conor Sheehan: Hear, hear.

Deputy Mark Wall: In many of these countries, these issues are dealt with through sectoral agreements and bargaining, which are, unfortunately, so absent in this country. The Minister goes on to say that over 8,000 people have taken part in the Government consultation. Does he think that this unprecedented response is a clap on the back for the Government policy? I assure him that this response, given the thousands that have contacted my party, is far from a clap on the back but rather a cry for help from a Government that simply is continuing to ignore workers in this country.

The Minister mentioned CSO figures this morning. I ask to stand, maybe for a couple of hours on the M7-N7 and the M4-N4. Then he will get the figures that he needs to influence any debate on this legislation in this House.

The Government should lead by example, yet a large percentage of the thousands of calls that we have received are from Government employees who for some reason, after years of remote work, are being called back to the office. Why is this the case? Is it to justify filling office space that a departmental concern was raised two months ago? State bodies are forcing workers back into the office. That is a fact.

I have spoken recently with Grow Remote and as have colleagues in the House. I have listened to their experiences and the potential that this sector represents for this country. They have a very detailed training programme that could allay many of the fears that employers, and, indeed, the Members who have spoken on this Bill have raised. The Government should embrace that training and encourage it and work more closely with Grow Remote.

Finally, I assure the thousands of workers who are leaving their rural communities, villages and towns to spend hours in traffic that the Labour Party is listening to them. It would seem today, from the entire Opposition, that it is also listening in to this debate and supporting those thousands of workers. It is a pity that Government has chosen to close its ears, once again, and is saying that there is nothing to see here. It is becoming the norm for Government. Maybe it is time for another pause and for Government to turn up its hearing aid.

Deputy Marie Sherlock: I am proud that the Labour Party is bringing forward this Bill and I thank my colleague Deputy Lawlor for all his work on this.

The Minister's rejection of our Bill speaks volumes of what the Government is about. Having listened to the answer provided by the Minister of State and the Minister, we know clearly what the outcome of the review will be at the end of this year: nothing to see here, all is fine, move on.

The Government, five years ago, had a bit of backbone in reluctantly recognising that advancing workers' rights was good for workers and good for their workplaces, families and communities. It was a Government that recognised there was a mutual benefit from affording workers decent and basic rights, in legislating for sick pay and in publishing a remote work

strategy that recognised all that remote work opportunities could bring to locations across this country and bringing more people into our workplace, and in commissioning research on early pregnancy loss and its impact on women and on the workplace. Even the Taoiseach talked about introducing minimum pay for construction apprentices. All we have seen from the Government, since 2023, is a back-peddalling and retreat to a culture of distrust of workers and a failure to recognise that any gains to workers might make them more productive and better in their workplaces.

This Government has disgracefully abandoned the expansion in the number of sick days to ten. That was promised by the previous Government. There has been neither sight nor sound of the sub-minimum national minimum wages and the outrageous situation where adults are effectively paid as children in workplaces.

The Government hypocritically laments the lack of construction labour, yet does not do anything about construction pay, and in respect of the Work Life Balance and Miscellaneous Provisions Act, we only have to look at the WRC cases over the past two years to see that, in the words of one employment lawyer, the legislation is a "toothless tiger". With 72 cases taken, 12 found against and one found for, we need not see anything more.

The reality is that if you do not have a child under the age of 12, access to remote and flexible work arrangements remains a perk for good behaviour in this country, and that you have to be in the workplace for six months. It means that access to remote and flexible work is down to luck, rank or pay. Of course, we know that on average the better paid employees are, the higher the rank, the greater the autonomy and the greater the possibility of accessing remote and flexible work arrangements. We feel passionate in the Labour Party about levelling the playing field in workers' rights and ensuring that every worker, where it is appropriate to their job, is afforded a real right to flexible and remote work. We feel really strongly that if the Government is serious about cutting emissions from commuting, if it is concerned about getting more disabled people into the workplace and if it is concerned about lone parents and getting them into the workplace and ensuring greater gender equality, the answers are staring the Minister in the face.

Our Bill is about keeping more workers in full-time employment. There is an irony here that between 2020 and 2021 there was actually an increase in the number of women in full-time employment. We all know the reasons for that. They were working from home and they were able to get the balance right.

Our Bill is about recognising the enormous inequality, particularly for young workers, that is being perpetrated by this Government in that workers cannot buy or rent homes close to their workplaces. They are having to live many miles away and commute for hours every day just to get to their work. It is about opening up workplaces to people who face enormous barriers trying to access the labour market. Ireland has a shameful record in having the highest number of jobless lone parents and jobless disabled persons compared with every other EU member state. We have had words, strategies and all sorts of actions from Government over the years that have amounted to nothing and yet there is a piece of work that could be done in the workers' rights space in affording people access to remote and flexible work from day one of employment and this Government has refused to do that.

It is about reducing emissions. Of course, we see the disaster. The Government has not even bothered to issue its climate action plan. The Government cannot, because it is at sixes and sevens as to what to prioritise at present, yet transport is the second highest emitter. If we are serious about climate action and reducing emissions, we have to get more people off our roads, ensure less congestion in the communities that I represent and ensure that workers have flexible and remote working arrangements.

I thank all my colleagues here who have been fighting for this, not only this year but over the past four years since the Labour Party started talking about it. While there were real signs of positivity in 2020, and I recall the then Taoiseach, Leo Varadkar, talking about the potential of remote work but that has all since retreated. It is regrettable that this Government is so narrow-minded and insular with regards to all the opportunities that remote and flexible work can afford.

Question put.

An Ceann Comhairle: In accordance with Standing Order 85(2), the division is postponed until the weekly division time this evening.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Mary Lou McDonald: The report of the investigation into mental healthcare given to children and young people in Kerry has now been published. The young people affected, their distraught parents and their families have waited years for answers. The investigation of these case files of 300 children in north Kerry was, as the Taoiseach knows, originally ordered in the aftermath of the 2022 Maskey report. The distressing findings of that report into the care of vulnerable children by south Kerry CAMHS provoked shock and public anger at the time. That investigation revealed that children in crisis were subjected to harm, that there were serious deficiencies in care, that there was a total lack of oversight and that children were being overprescribed medications. These negligent prescribing practices had devastating consequences, which included psychological distress, cognitive impairment, considerable weight gain, excess sedation and high blood pressure. I have met with and spoken to some of the young people and families in Kerry and they have told me of the devastation this caused to their lives. One heartbroken father told me how he dreamed of his son striding the pitch of Croke Park. He was a fine young footballer, but following the lad's treatment by CAMHS this father has been left wondering if his son will ever be able to watch a match, never mind have a pint or a friend. This father, like so many other parents, is filled with guilt for trusting a system which failed their children.

Today, the full story of what was done to children and young people in the care of north Kerry CAMHS has been brought to light. The findings of this report seem damning. The HSE has already issued apologies to more than half of those whose files were examined. The human price that has been paid was laid bare by one mother who spoke on the radio this morning. Mary from Tralee said the treatment her teenage daughter received from north Kerry CAMHS devastated her life. This child had been diagnosed with depression and PTSD. She had been prescribed antidepressants, anti-anxiety and antipsychotic medication. Shockingly, the HSE has admitted that she was diagnosed without an appropriate assessment, that there was no clear

rationale given for the medication prescribed and that there was a complete absence in the monitoring of the impact of these drugs on the child. Mary has said all this destroyed her child and that there was no happiness left for this child. This is just one case of hundreds, just one family of hundreds and just one area. These young people were in crisis. They reached out for help, and they were failed. Teipeadh go tubaisteach ar an gcúram meabhairshláinte do leanaí agus daoine óga i gCiarraí. Ní mór don Rialtas gníomhú chun a chinntiú nach dtarlóidh a leithéid riamh arís. What will the Taoiseach do now to ensure the children and young people affected by this scandal get the proper care they need? Has he established if this scandal is more widespread? What other areas does it affect? How many children, young people and families does it affect? How will he assure families in Kerry and right across the country that this will never happen again?

The Taoiseach: Ar dtús báire, ba mhaith liom a rá gur uafásach an scéal ar fad é an méid a tharla i gCiarraí thuaidh maidir le cúrsaí leigheas intinne. Is drochscéal é. Is féidir liom a rá go bhfuil sé uafásach. At the outset, the report is not published yet. The Minister, Deputy Carroll MacNeill, will bring a memorandum to the Government this afternoon and will publish the report in its entirety in the aftermath of the Cabinet meeting later this evening.

The first principle in medicine is "Do no harm". Harm has been done here in the treatment of several young people in north Kerry. The Minister was anxious for open disclosure meetings with the families and those affected to be the first priority, in advance of the publication of any report. That has happened, and simultaneous to that, both assessment and proper treatment are being provided to put those young people on a proper pathway. It was important from the perspective of the Minister of State, Deputy Butler, that in the interests of the children and families, they would be communicated with directly in advance of publication of this report. My understanding is that letters were issued to all the families yesterday to arrive this morning. That was a clear instruction, and I think it was obviously the correct thing to do. The families will continue to have access to a clinical support team and a dedicated open disclosure helpline. The Minister will visit Kerry tomorrow and Friday to meet and engage with families affected by the findings in the report, with CAMHS staff and with the regional health forum.

In addition, after the situation in south Kerry, the Minister commissioned a national audit. The HSE's prescribing audit and the Mental Health Commission did not identify any concerns relating to prescribing practice in services outside of Kerry. Dr. Colette Halpin and about ten consultant psychiatrists undertook this review. It took longer than anticipated, and there will need to be an extended look back in terms of absolute certainty for all cases. I also understand there is a referral to the Medical Council in respect of what has transpired here. I listened this morning to the mother of one of the young people concerned. It was a harrowing account. The issue spoke to overmedication, a lack of a multidisciplinary approach and a lack of complementary therapies or therapies other than medication and psychiatry, which is a fundamental issue. The HSE serious incident team was established to deal with this. This is absolutely unacceptable. The same approach will be taken with all the families involved, as was taken in terms of south Kerry with an apology from the HSE in the first instance, but also to engage with each family. The more fundamental focus and priority is on the well-being of all involved and that there will be continued supports for them.

Deputy Mary Lou McDonald: The difficulty is that the priority and focus has not been on the well-being of children and young people. In fact, many families and parents wonder what on earth is going on with this litany of appalling treatment of children and young people. We have children whose SNAs are being taken from them, children waiting for an assessment of need, children with no school places, parents forced to campaign and fight for basic services, and children with scoliosis and spina bifida waiting for surgery. Seven-year-old Roxanne Kelly and her family now have to fundraise for the surgery she requires in America.

Parents and families are literally battling the State daily for basic services and support. This has now become a hallmark of Government and a hallmark of how our society operates. It is deeply unacceptable. What about accountability? Who in the end is answerable for all of these things that happen daily to children and young people, let it be said on the watch of the Taoiseach's Government?

The Taoiseach: Fundamentally, there has to be accountability from a clinical perspective. That has to happen. We do have a Medical Council and we do have a framework. I do not want to prejudge anything here but clearly there are issues in relation to that dimension of it.

We have to be very careful at the same time. The Deputy mentioned a case there. That is, fundamentally, a clinical decision-making situation. I think it is wrong for Dáil Éireann to attempt to adjudicate and, if you like, ordain what should happen where there are very serious clinical issues at stake, for example in the case of the person the Deputy mentioned. I have read the background note to that case and I do not want to discuss it in public. There needs to be some sense of order here in terms of what lines we cross. Are we now going to be dictating the optimal clinical situation for someone to have surgery in every individual case? That is not tenable.

Deputy Mary Lou McDonald: Of course it is not.

The Taoiseach: It is not tenable and I do not think we can as a Dáil but that is what the Deputy was suggesting in that last exchange.

An Ceann Comhairle: Thank you, Taoiseach.

Deputy Mary Lou McDonald: No, I am not.

An Ceann Comhairle: Thank you, Taoiseach. The time is up.

The Taoiseach: You just did and I think it is wrong-----

An Ceann Comhairle: The time is up.

Deputy Mary Lou McDonald: That is a cynical-----

An Ceann Comhairle: I call Deputy Bacik.

The Taoiseach: I am sorry but you referenced the case. I am happy to discuss that case with you offline-----

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

Deputy Mary Lou McDonald: Given your record on children and young people in the State-----

An Ceann Comhairle: Taoiseach, Deputy Bacik is on her feet.

Deputy Mary Lou McDonald: The Taoiseach is not happy to answer questions.

The Taoiseach: I am happy to answer questions.

An Ceann Comhairle: Taoiseach, please. The time is up. I call Deputy Bacik.

Deputy Ivana Bacik: The public outcry this week from parents, SNAs, principals and teachers has demonstrated the level of fear and distress created by the Taoiseach's Government with their crude approach to SNA allocations. We have all been reminded this week about the vital work that SNAs do in our schools. To the children who need them they are indispensable. One mother wrote to me yesterday and said, "My daughter feels safe with her SNA by her side. I honestly do not know where we would be without that help. No teacher, no matter how dedicated can meet every complex need alone." Another email, which the Taoiseach also received, asked him bluntly, "[H]ave you any idea what it is like to be a teacher or an SNA in a classroom in 2026? Along with sustained under funding of schools these people are bearing the brunt of the Irish Government's failures". She is right to say this because the Taoiseach's Government is failing school communities.

I have seen the NCSE letter that was sent to many school principals last week, abruptly informing them of the impact of the Government review. In one letter dated 10 February that I have seen the principal was told that "a surplus of three SNA posts has been identified in your school." Without any prior warning, this principal will find themselves with a near 50% reduction in SNA supports for this coming school year. Many more principals received similar letters. It is no wonder there was an outcry at what amounted to a cut in SNA allocations for so many schools.

Yesterday the Government sensibly paused its review in a last minute U-turn but a pause is not a plan. We need clarity on what happens next. As my colleague, Deputy Eoghan Kenny, said, any change in the allocation process must be phased in and new supports must be put in place before existing lifelines are taken away. Instead, it seems the Department of education's way is to strip supports before new ones exist while children are still waiting years for assessments.

Of course, SNAs have to be allocated correctly but many schools are struggling with large class sizes and limited resources to support children with complex needs. Every week I hear from principals who are fearful they cannot provide for those pupils needs. Every week I hear from teachers and SNAs - we all do - who are struggling to cope in the classroom. Every week

we hear from exhausted parents desperately fighting for a school place or for supports for their child. Of course it is the children who bear the brunt waiting years for an assessment or diagnosis and years spent without appropriate supports.

The current practice of the Taoiseach's Government had allowed children who have not yet received a diagnosis to avail of the help of an SNA. That practice, as we know, was plugging the gap of the scandalous waiting lists for assessments of need, a list that the Government has failed to clear. Now a national increase in SNA numbers offers little reassurance if individual schools are losing posts and children are losing support. When you remove an SNA from a mainstream classroom a child suffers. It is as simple as that.

I have two questions for the Taoiseach. Will he clarify what yesterday's announcement of a pause actually means for schools? Will he apologise to schools, parents and school communities for the shock news of SNA cuts that so many schools received last week?

The Taoiseach: First of all, we need to have some degree of objective assessment of what actually has happened in terms of investment in education. Investment in education has increased dramatically over the past number of years - of that, there is no question. Just go through the number of extra teachers in our education system over the past number of years, which is quite significant. We have had a sustained reduction in pupil-teacher ratios over the past years. We have had record increases in capitation grants to schools, most recently in the last budget.

In terms of special needs assistants, in 2020 there were 16,000 SNAs in our schools; in 2021, it went to 18,000; in 2022, it went to 19,000; in 2023, it went to 21,000; in 2024, it was close to 22,000; in 2025, it is 23,000; and by September of the next school year, it will be 25,000. That is not cuts and that is not a reduction in expenditure in education. That is expansion and an increase. Could we at least agree that? The issue then becomes the deployment of those special needs assistants to the children most in need. That is an overall increase. By September of 2026, we will have had an increase of 8,775 special needs assistants in our schools. This is a 54% increase. By any yardstick, that is a fairly dramatic and substantial increase.

Of course parallel with that, needs have increased and challenges have increased in our schools. With regard to the deployment, there should be regular reviews to make sure we are targeting the children most in need and that the children most in need get the optimal services. The idea that there would be no reviews, and I am sure the Deputy is not suggesting there should never be a review-----

Deputy Ivana Bacik: I never said that.

The Taoiseach: Yes, I was just making the point. I presumed the Deputy did not and that is what I was saying. If the Deputy accepts that there are reviews, then reviews can work both ways because of changing need. A lot of schools get increases when those reviews are done. I think the mistake made here is that there has not been a comprehensive review for quite a number of years. The NCSE endeavouring to correct that in one year is, in my view, not the correct approach. That is why it has been paused. We will ensure the Minister, Deputy Naughton, the Minister of State, Deputy Moynihan, and the officials will engage with the

NCSE. We will also engage with the schools. Many of those have already appealed, as they do, and we will try to resolve these issues with the schools on an ongoing basis.

Deputy Ivana Bacik: With respect, the Taoiseach's response missed the point. We are not disagreeing on the big picture of funding. We are not disagreeing with the Taoiseach-----

The Taoiseach: You said we were cutting back.

An Ceann Comhairle: Sorry, Taoiseach-----

Deputy Ivana Bacik: Of course reviews have to be carried out but it is about how a review is carried out and how it impacts on individual schools. It is no comfort to the principals who have received letters telling them about a cut, and it is a cut effectively, in their individual schools. It is no comfort to them to hear the Taoiseach speak about the macro and about the overarching numbers. What we have not seen with the way in which the review was carried out is any appreciation of the destabilising effect the removal of SNAs from mainstream classes has on those classes and those school communities. What we do not have after yesterday's announcement is any clarity on what this means in practice. What does it mean for the redeployment of SNAs? What does it mean for schools that got letters saying they were going to get an increase in SNA allocations? We need clarity. That is what we are looking for.

Of course reviews have to be carried out but they must be done in a respectful manner and in a phased, incremental manner, so that principals do not get a shock letter saying they are going to have a halving of their SNA allocation next year without any prior warning.

The Taoiseach: Obviously, any school where a need has been identified for additional SNAs will get that additionality.

Deputy Ivana Bacik: Is that a commitment?

An Ceann Comhairle: Sorry, Deputy-----

The Taoiseach: In terms of the SNA-----

Deputy Eoghan Kenny: Is that a commitment?

An Ceann Comhairle: Please-----

The Taoiseach: In terms of the SNA redeployment scheme, the Deputy must know that the Department has been working with the National Council for Special Education, NCSE, and education stakeholders, including Fórsa, to develop an SNA redeployment scheme to retain experienced SNAs in our schools. A circular on this new redeployment scheme is being finalised and will be issued in the coming weeks.

There are no cuts, obviously - no school is losing any SNA - this school year.

Deputy Ivana Bacik: The Taoiseach speaks about "this school year" but I am asking about September.

The Taoiseach: I am glad, although I might have misinterpreted her, that the Deputy agrees with us on the macro picture. In other words, she agrees that there has been very significant expansion of SNAs.

Deputy Ivana Bacik: Yes.

The Taoiseach: That is something that needed to be said on her side. I appreciate that she has acknowledged the expansion that has occurred.

Deputy Ivana Bacik: It is the impact on-----

An Ceann Comhairle: The Deputy can correspond further.

The Taoiseach: I fully accept that. We have paused it. I fully accept what has happened in that regard.

Deputy Eoghan Kenny: What does that mean?

The Taoiseach: The next-----

An Ceann Comhairle: Thank you, Taoiseach.

The Taoiseach: There is a-----

An Ceann Comhairle: I call Deputy Cairns.

Deputy Holly Cairns: Go raibh maith agat, a Cheann Comhairle. I want to talk to the Taoiseach about this SNA fiasco. I will get straight to the point. This Government seems to think disability is almost exclusively physical. It is 2026 and that is akin to saying mental health is not a thing. I should not have to explain this but children being able to communicate, regulate and participate is just as important as their physical needs. My first question is this: does the Taoiseach recognise that? I think this is something he cares about so I will presume he does recognise it. Why does this policy on SNAs ignore that? Yesterday, thanks to public pressure from parents and school communities, the review of SNA allocations was paused. Where are we today? The schools that were told they are losing SNAs, like Belgooly National School in my constituency, have no idea if those cuts are still happening. Schools that were told they are being allocated additional SNAs do not know if these increases are going ahead.

Children, SNAs, parents and principals are all in limbo. All they know is that there will now be a review into the original review. Nobody knows how long this second review will take or what the criteria for it will be. The criteria are key. An SNA's work is not an optional extra. They do extraordinary and essential work, helping children with their medical needs and

helping them through anxiety and through painful transitions and tough and difficult moments. Without SNAs, children would be excluded. Even with an increase in the overall number of SNAs, the reality is that we need more. Instead of doing what needs to be done to achieve that, and instead of improving pay and conditions, professionalising their role and including more secondary care needs in their contracts, the Government has reduced this essential support to numbers on a spreadsheet. It has completely missed the point.

When I spoke this morning to an SNA, Samantha O'Flanagan, she put it better than I could. She wants to know this:

When a child won't come up the stairs because of anxiety, when they run out of the classroom because they are dysregulated and overwhelmed, when they sit in a corridor crying because they are so emotionally distressed, what is the teacher meant to do?!

What are the up to 27 other children meant to do?

This is the reality in schools.

Emotional regulation and sensory support is just as important as physical care needs.

Children need to feel safe in school, to be regulated in order to learn, and SNAs are the ones who facilitate that.

I will return to my original question: does the Taoiseach recognise that disability is not just physical? If so, why does the SNA policy ignore that? Will the Government scrap this policy and focus on what needs to be done?

The Taoiseach: With respect, I know the full needs of every child. They extend beyond the physical. It is a bit much of a question to ask but we will leave it at that. I am a parent as well. I was a teacher. My fundamental objective in politics is to realise the potential of every child in this country.

In terms of SNAs, the 2014 circular is clear on the sensory needs and the role of SNAs in relation to that. A workforce planning exercise is under way in consultation with all stakeholders as to the optimal role of SNAs. In terms of communication and so forth, in my view therapies are essential. We do not have an adequacy of provision in therapies in terms of communication for every child. That is why we are bringing in a school-based therapy service to have an optimal approach to enabling children to be in a position to communicate properly and effectively from early in their lives and to get help in that regard. That is why the language classes came in many years ago. Across the country we have specialist language classes that do very well in helping children with language difficulties early in life and reintegrating them into primary schools. We need more of that. Fundamentally, we need more therapists and multidisciplinary teams in our special schools and, ultimately, in our mainstream schools.

I committed to this at the outset of this Government. I made it an election red-line issue that we would have therapies in our schools. There was resistance in different quarters. In my view, the health-based approach that was there from 2013 onwards was not optimal and did not succeed in terms of progressing disability. There are ongoing challenges and issues around that. We said from the outset there would be therapies in our schools.

Special needs assistants have key roles in respect of facilitating the participation of children with intellectual, physical and sensory disability in our schools. It should and must be part of a multidisciplinary approach, ultimately. To me, that is the approach that ultimately will benefit children. I think taking therapists out of special schools in the last decade was a mistake. That is why we are correcting it now with a schools-based approach. I do not want to conflate therapies in total with the SNA issue, but SNA numbers have expanded. It is governed at the moment by the circular of 2014. There is a workforce plan for the SNA role. That is not completed in terms of clarity, direction and consistency within the entirety of the workforce. There has been a lot of progress in terms and conditions for special needs assistants over the last number of years and that will continue.

Deputy Holly Cairns: The Taoiseach said it is a "bit much" to ask that question and I have to say I agree with him. I do not think we should have to ask that question but the reality is that the policy - the implementation of this - does not represent his words here today at all. Over time and incrementally, it has happened that the allocation of SNAs is based almost exclusively on physical needs and not other needs. That is the reality. Speak to the SNAs, the teachers, the principals and the families. I did not want to have to ask the Taoiseach that question but I had to ask him because he needs to put his policy where his mouth is. He recognises that there is a problem with this policy because it has been paused. It would not be paused if he did not recognise that. The question that I am asking and, indeed, that Deputies have been asking him for the past 24 hours is this: what happens now? How long will this review take? Will the Taoiseach change the approach? Does he recognise that we need more SNAs? Will the focus be on that, rather than on looking at a spreadsheet and deciding who can be moved where? The Taoiseach knows how disruptive that is to a classroom. How long are children, families and schools going to be left in limbo?

The Taoiseach: We have increased the number of SNAs.

Deputy Holly Cairns: I said that.

The Taoiseach: You did not, actually.

Deputy Holly Cairns: I am asking-----

Holly Cairns: Deputy, the Taoiseach is responding.

The Taoiseach: Sorry. We have increased significantly the number of special needs assistants. I would welcome a proper engagement on this subject. The fallback position from Opposition all the time is "more, more, more, more". We should look at optimal deployment of all resources in our education system and at outcomes. There have to be reviews. Surely people are not suggesting we will never have reviews. There are limits-----

Deputy Holly Cairns: If you could answer the question, it would be helpful.

The Taoiseach: I am answering the question. The Deputy's attitude is that we can go to 26,000, 27,000 and 30,000 and it will be fine. That is not the full answer. In every area of policy, that is her answer - no analysis, no attempt at evaluation. Are we doing the right thing? Is this getting the optimal outcome for a given child? We need multidisciplinary approaches; that is my view. We need more SNAs. We are employing more SNAs. There will be up to 25,000. There will be 1,700 extra by September 2026. That is an increase.

Deputy Peadar Tóibín: Today it has been announced that the Government intends to introduce age restrictions on social media. Most parents around the country will be in favour of that. I have spoken to many children around this and they have said they could do without social media if none of their peers had it. It is the fear of being left out that is the biggest issue for a lot of children in relation to this. I recognise that screens have radically changed childhood in the past ten years: from 24-hour bullying to unhealthy, passive physical inactivity; and from isolation and loneliness to violent pornographic content on their phones on a regular basis.

Social media is made as addictive and sticky as possible, and even adults find it very difficult to handle social media. Aontú produced a Bill five years ago that sought to ban the provision of hardcore pornographic material to children. Hardcore pornography companies, some of which operate in this city as part of the Government's foreign direct investment policy, are providing hardcore material to children. Children experts from all over the world are saying that consumption of hardcore pornographic material by children as young as ten is leading to an increase in sexual violence against women. Indeed, incidents of children sexually abusing other children have significantly increased in this country in recent years. The law, as it stands, is making victims and perpetrators out of children because we are not protecting children from this content.

The Ana Kriégel case was one such horrific case. Ana was violently attacked, sexually assaulted and murdered in an abandoned house in Lucan in 2018 by two boys aged 13. An examination of Boy A's phone revealed that there were 12,000 images on it, the vast majority of which were pornographic in nature. I will not mention some of that content because there are children in the Gallery. You would imagine that particular murder and sexual assault would have jolted the Government into action to protect children from this material, but since then there has been tumbleweed in relation to this material. When we launched our Bill, we got measured tones of shock from the Taoiseach and others, but we got no action on the issue at all.

With all the talk of social media and the serious problems in that regard, there is a bigger problem about which there is no talk or action. In the context of our child protection laws, there are dozens of men on a regular basis before our courts who are found with thousands of images of children, abusive material, and videos and photographs of the most serious and explicit nature. On a monthly basis, these individuals get suspended sentences in this country. When it comes to the Government's initiative in this regard, I am asking the Taoiseach for an holistic, coherent approach to all Internet content for the protection of children.

The Taoiseach: Certainly, we can have an holistic, integrated approach to what is horrific criminal activity and behaviour in terms of presenting, enabling or facilitating access to hardcore pornographic material for children. That is illegal and against the law, and it will be prosecuted. If, by "integration", the Deputy means integration with the Courts Service or

decisions of judges, we cannot do that because we have the separation of powers. The Deputy knows that. We cannot dictate to judges. We can enact laws and there is work under way in the area of online safety, particularly for children. It is a whole-of-government priority. We want young people and children to be safe online.

It was interesting last year that when we brought in the pouches for schools and allocated about €9 million to it, there was an outcry in the Dáil. The Opposition attacked it. I cannot recollect whether Deputy Tóibín attacked it, but the Opposition said it was a waste of money and the wrong thing to do. The Deputy probably did attack it. The point is-----

Deputy Peadar Tóibín: It was a stupid thing to do.

The Taoiseach: It actually has worked. It is only one of many things we have to do, but maybe if people stopped the knee-jerk necessity of attacking Government for the sake of it because, from their perspective, they think it is the right thing to do, we could focus on the issue of the protection of children. In that instance, it was to give space to children to allow them to concentrate and socialise within the school environment. It is very good. It has worked and it is a good idea. It is something that Northern Ireland did before us on a pilot basis.

We need to do more in terms of age verification and we are looking at integrating an age verification tool into Ireland's digital wallet. A voluntary pilot is envisaged in the coming months. Coimisiún na Meán is now at the heart of our online safety framework. It has been established fairly quickly in relative terms as our online safety and media regulator under the Online Safety and Media Regulation Act 2022. Europe has enacted the Digital Services Act and the EU terrorist content online regulation. They all form part of our framework. We have an online safety code implemented by Coimisiún na Meán and further work is being done on that. With regard to the European Union, we work with our European Union colleagues in terms of the regulatory environment to make sure we have the strongest possible frameworks in place to protect children. Adhmaím gurb é an rud is tábhachtaí ar fad ná leanaí a chosaint. Níl aon amhras go bhfuil dainséar ann. Déanann sé damáiste do leanaí. Caithfidh muid gach aon iarracht é sin a stopadh.

Deputy Peadar Tóibín: First, the Government's approach to this is shockingly poor and one-dimensional. It does not cover all of the Internet threats to children at the moment. When it comes to the Government's plan to create a digital ID, there is no real detail. It is not well thought out and there has been no consultation with stakeholders. I have heard some of the Taoiseach's party colleagues mention a public service card maybe being at the heart of this. Given that the Government has already broken the law twice with a public service card, I do not think that is a logical idea. The idea that we would mandatorily collect facial biometric data from millions of citizens is an invasive thing in a liberal democracy. There will be significant push-back, I believe, if access to social media is dependent on every individual within society providing materials like passports, etc., to social media companies. For all the critics there are of social media, social media is a public good. I have a different suggestion, and that is to stop young people having smartphones. That is easier to regulate and provide under law. It would go some way in reducing access to the content about which we all have a concern in this Chamber.

The Taoiseach: The Deputy spent the first three minutes attacking and condemning us and the last minute saying that if we are going to do something to protect children, we had better be careful not to do it. He has his reasons on civil-----

Deputy Peadar Tóibín: I am offering a solution.

The Taoiseach: On civil liberty grounds, he is now saying not to do that. Perhaps we need proper engagement in the House. In first three minutes, the Deputy spoke about how terrible we are in not protecting children and so forth. We are coming up with an age verification tool to protect children and he is telling us not to do that if it has implications for civil liberties and so on. That is basically what he is saying. However-----

Deputy Peadar Tóibín: I also suggested an alternative.

The Taoiseach: On the alternative, I am not clear about the feasibility of banning mobile phones in their entirety. We did it in schools and the Deputy opposed it.

Deputy Peadar Tóibín: No.

The Taoiseach: We did, and the Deputy opposed it.

Deputy Peadar Tóibín: No. I opposed the spending of €9 million for it.

The Taoiseach: The Deputy opposed the policy of enabling schools to ban mobile phones in schools and now he is telling me we should ban them all over the country, and for every child-----

Deputy Peadar Tóibín: Teachers and parents were laughing at the idea.

An Ceann Comhairle: Thank you. I call on Deputy Aisling Dempsey.

The Taoiseach: Is the Deputy talking about children aged 12, 14, 15 or 16? Where is the cut-off?

Deputy Peadar Tóibín: Sixteen. I am saying the cut-off should be 16 years of age.

The Taoiseach: Sixteen years of age. Okay.

An Ceann Comhairle: Thank you, Taoiseach. Deputy Dempsey is on her feet.

Deputy Peadar Tóibín: Yes. No problem.

The Taoiseach: That will be easy to implement, I would say.

Deputy Peadar Tóibín: Much easier.

The Taoiseach: Come on.

Ceisteanna ó na Comhaltaí Eile - Other Members' Questions

Deputy Aisling Dempsey: I want to share with the Taoiseach some experiences of women in my constituency of Meath West. One granny said to me:

My daughter welcomed a baby boy, my first grandchild, into the family in 2023. It was an occasion of great joy for us. When it came time for my daughter to return to work after her maternity leave, that joy turned to stress as she tried to finalise childcare. The end result is that myself and the other granny have been minding our grandchild for well over a year now. This is a last resort as I have a debilitating illness and the other granny has only recently retired after decades of service. We have raised our own families and we did not plan on spending these years minding another's children.

One mother-to-be said:

I want to stay at home with my baby until she is one but I cannot afford to because I cannot find affordable childcare that will make it worth my while to go back to work. It is soul-destroying while still being pregnant to focus so much on finding someone else to mind my child. It is a black cloud that is overshadowing what should be the most exciting time of our lives.

These are just two of the constituents who have contacted me regarding the need for accessible and affordable childcare, showing the real impact it is having on their lives. They are just two examples of why we committed to affordable, accessible and quality childcare in our manifesto prior to the general election. The clear commitment that Fianna Fáil in government would deliver on this was a major factor in our election success. Families heard it and it resonated with them, and they put us into government to get it done. In our programme for Government, we made an even clearer commitment to progressively reduce childcare costs to €200 per month over the lifetime of this Government. I am single-minded in my determination to get this commitment achieved during this term but I do not believe we should be waiting until year 5 to achieve it.

We have already passed one of five budgets and childcare costs were not one of its major focuses. This must change next year and the year after. From the most populated towns in Meath West, Trim and Navan, to Athboy, Enfield and Oldcastle, childcare availability is an issue. We know that low supply and high demand equal high cost. That is what I am seeing across Meath West.

I acknowledge some of the positive steps already taken. The Minister, Deputy Foley, has improved core funding, reduced fee caps and commenced the State-led provision of childcare schemes. Those are all progressive steps in this sector. The Minister and the Government have made great efforts in a relatively short space of time, but we need more. We need a timeline for when the vast majority of our mothers and families will be paying €200 per month in childcare costs.

The question I am constantly being asked, and which I am now asking the Taoiseach, is how and when we will achieve €200 per month childcare costs for families.

The Taoiseach: I thank the Deputy for raising an issue that is very close to her heart and for which she is advocating strongly. The €200 childcare cost is a programme for Government commitment. We will progressively implement that. The next budget will be important in that regard, in addition to what has been achieved already. We accept that childcare remains a very significant cost for many families and affects participation in the workplace, the proper care of their children and identifying the developmental needs of their children. Through the national childcare scheme, about 270,000 children will be supported next year, which is about 27,000 more than this year. After subsidies are applied, parents in some instances will pay no more than €198.70 per week for a full-day place of 40 hours to 50 hours. Some pay significantly less, depending on their income. We have introduced fee caps to services participating in core funding of €295 per week for a standard full-day place and €354 for services operating longer hours.

From September, we will increase the income thresholds under the scheme and core funding has seen a 62% increase since it was introduced in 2022. Participation is now strong, with 93% of services involved. Over 4,590 providers have signed up. That is the highest level to date. That allows us to maintain fees at 2021 levels.

We also need to support providers with new sectoral pay agreements. We must consider places, human resources and staff, and getting the fees down even further.

There is additional capital funding this year to create 2,300 additional childcare places. The early childhood care and education, ECCE, programme benefits over 105,000 children. The Equal Start programme is also expanding, with more priority services and the Bia Blasta nutrition programme.

That said, we know there is more to be done, particularly on the reduction in the cost of childcare. We also need to increase places so there is easier availability for parents in terms of childcare places closer to where they live and work. Given the exponential growth in employment participation in this country over the last decade, as the services have expanded, the demand and challenges have expanded, too. I am fully cognisant of the issue the Deputy has raised, as I know the Minister is.

Deputy Aisling Dempsey: I thank the Taoiseach for his considered response. It is welcome. I reiterate that we need to expedite delivery on that commitment. We need to alleviate the pressures on our families as a real matter of urgency.

The Taoiseach mentioned the workforce. Women tell me they are forced to family-plan on the basis of our high childcare costs and low availability. That is not good for them or for society as a whole. We want to keep women in our workplaces and we need to make that workforce as accessible for them as possible. We need to ensure that childcare is not a barrier to them returning to the workforce after maternity leave.

The Taoiseach also mentioned the increase in the national childcare subsidy. In Meath West, it increased by 15% last year. I again call for more subsidies and lower fee caps. We must

recognise and reward the hard work of the mostly female staff who work in childcare and ensure they know how important they are to our society.

The Taoiseach: Investment has grown significantly. It is up 12% again this year compared with last year. The sector will receive about €1.5 billion this year, but demand will grow. We also have to keep an eye on the quality of childcare that is provided as much as on capacity. That is why investment in the workforce is important. A total of €45 million has been provided this year in ring-fenced funding for another wage order on top of the €45 million that was provided for last year. We are making incremental progress on pay for childcare workers.

An online consultation on the early years action plan is under way, alongside local and national consultation events, ensuring that reform is shaped with providers, educators and parents. That is important. At the heart of that reform is a clear focus on affordability, accessibility and the achievement of high-quality early learning and care to deliver on our commitment to reduce the cost of childcare to €200 per child per month over the lifetime of this Government.

Ceisteanna ar Pholasáí nó ar Reachtaíocht - Questions on Policy or Legislation

Deputy Mary Lou McDonald: I want to return to the Government's cuts to special needs assistants, SNAs, for schools and its pause, as the Taoiseach calls it. I want to establish exactly what that means.

I raised the situation generally but also specifically with the Taoiseach yesterday. Fossa National School in Killarney has been written to in order to inform it that it will be losing four SNAs. Johnstown Boys National School in Dublin will lose five SNAs. Scoil Barra in Ballincollig, Cork, will lose two SNAs. Will the Taoiseach help us by confirming whether or not those losses will proceed in September - "Yes" or "No"? Is that what this pause means or is the Government simply buying time and intending to resume its course of action? It is extremely important that we have clarity on this matter today because the actions of the Government have caused real concern, anxiety and anger, and have the potential to create chaos in school communities.

An Ceann Comhairle: I call on the Taoiseach.

Deputy Mary Lou McDonald: Will those SNAs be maintained or lost?

An Ceann Comhairle: The Taoiseach to respond. Time is up, Deputy.

The Taoiseach: The pause means what I said as I discussed in response to earlier questions raised by other-----

Deputy Mary Lou McDonald: No, you did not. What does it mean?

An Ceann Comhairle: Deputy, that is not how this works.

The Taoiseach: The Ministers will engage with those schools and with the National Council for Special Education on that review. The schools themselves have appealed the decision, or will have appealed it, and there will be engagement.

Deputy Mary Lou McDonald: That does not mean anything.

Deputy Ivana Bacik: Next week sees the fourth anniversary of Russia's full-scale invasion of Ukraine. That means the brutal bombardment of Ukraine is about to enter its fifth year. We have seen appalling casualties and appalling attacks by Russia on the civilian population and civilian infrastructure in Ukraine. It is in that context that I raise the alarming revelations on the front of today's edition of *The Irish Times*, following an investigation by Conor Gallagher, and also covered today in the Ukrainian media today. The story is that components made in Ireland by two Irish companies are ending up in Russian weapons. There is no wrongdoing alleged against the Irish companies. These components are being sold on, it appears. However, these components are appearing in Shahed and Geran drones that are devastating Ukraine this winter. Some 682 civilians were killed last year alone with these sorts of weapons. Swarms of drones are leaving millions of Ukrainians without heat, power or water.

A video of a young woman in Kyiv has gone viral. She told people not to worry about the food in her fridge spoiling during power cuts because without heating, her home is so cold that she is effectively living in a fridge. She has the hashtag #theflatisthefridge.

An Ceann Comhairle: Thank you, Deputy. The Taoiseach to respond.

Deputy Ivana Bacik: This is the reality of life under Russia's grinding war.

An Ceann Comhairle: Time is up.

Deputy Ivana Bacik: What can the Taoiseach's Government do to ensure that Irish-made components do not end up in Russian weapons?

The Taoiseach: Russia's invasion is and has been an horrific act, violating not just territorial integrity but also causing the deaths of hundreds of thousands of people, including Russian soldiers, Ukrainian soldiers and the appalling attacks on civilian infrastructure.

Circumvention of sanctions has been a feature of the war. Europe has tried everything it possibly can, including the appointment of a former Secretary-General of the European Commission, Irishman David O'Sullivan, to try to deal with the circumvention of sanctions across the board. I read the report this morning. There is no suggestion that the companies themselves have done anything illegal, but we will pursue this and follow it through. It is concerning. The circumvention has been a feature in many areas of the war and many aspects of supplies to Russia and so forth.

Deputy Sinéad Gibney: I have no doubt the Government's age verification system proposals are well-intentioned but we in the Social Democrats have major concerns over this. It is not working in the jurisdictions where it is currently running, it raises major privacy and security

concerns, it interferes with the rights of children and young people to engage in online life and participation in society more broadly and it leaves behind the root cause of the issues that exist in the online space. Why is the Government pursuing this when we know its efforts would be better spent on dealing with toxic algorithms and legislating for platforms as publishers? One of the Taoiseach's colleagues, Deputy Malcolm Byrne, agreed with me this morning on radio that this is a problematic initiative and he really failed to give his support to what seems to be Government policy now.

This is a reasoned contribution. Earlier the Taoiseach said we are too quick to rush to criticism but that is not the case. I appreciate it is well-intentioned and that there is a place for classification but this is not going to work. We need better solutions.

The Taoiseach: First of all, the age verification tool is currently being piloted, or the intention by the Department is to pilot it.

Deputy Sinéad Gibney: But it is distracting from what we need.

The Taoiseach: Robust age verification is part of the infrastructure we need to build to protect our children online. Our counterparts in Europe are of the same view on how to achieve this and we will work together to ensure the online realm is safe for children. Piloting, by the way, is about evaluation, asking whether it works and whether it has other implications. The intention is that it would be privacy-preserving and would protect people's rights but we will explore all that too. The other side of the coin is we need to enable children through programmes in our education system to be more resilient in terms of what they face in the modern era.

Deputy Sinéad Gibney: We need to fix the online space.

An Ceann Comhairle: Deputy please, that is not how this session works.

I call Deputy Stanley.

Deputy Brian Stanley: I want to ask about the review of SNAs, which some have described as cuts. I understand reviews have to happen and that two thirds of schools will not be affected but one third will be and Rath National School and Timahoe National School in Laois have been notified of cuts. No account has been taken of the children being enrolled for September and their special needs. Circular 32/25 will mean some of the most vulnerable children losing their support and that support is essential. The pause is welcome but the Government needs to go further. The guidelines that came with the circular state, "The behaviour should be supported holistically with whole school and whole class approaches and individual needs supported by the class teacher ...". The problem is when a situation arises - and I have been in a school where I saw this happening - the teacher cannot leave the classroom and leave the other 23 or 24 pupils on their own. I am asking the Taoiseach to have these guidelines reviewed.

The Taoiseach: There is a workforce plan under way within the Department and the NCSE in respect of special needs assistants. Consultations are taking place and that would involve a review.

Deputy Brian Stanley: What about the guidelines?

The Taoiseach: On the guidelines, there is a circular from 2014. As I said, the workforce planning involves all the issues the Deputy just discussed.

Deputy Michael Collins: My constituents are deeply concerned about the imminent closure of Perrott House, a mental health care facility in Skibbereen. This residential care facility, which was staffed 24 hours, had been home to many long-term residents and provided them with essential programmes like horticulture, music, poetry and art as well as access to the local library, church and shops in Skibbereen. The HSE continues to deny Perrott House is closing but with two patients left in this once-great facility the writing is on the wall. I looked at the HIQA reports from 2019 and 2020 and there were no issues with the then 15-bed facility which had 13 residents at that time, some for 20 to 30 years. At a time when more mental health beds are needed, why close 15 beds, leaving staff, patients and families very upset at being misled? Will the Taoiseach help save Perrott House at this late stage?

The Taoiseach: The Deputy is saying there are two patients left.

Deputy Michael Collins: Yes, and they are being moved.

The Taoiseach: Again, I do not have the full details or specifics of the case but the Minister of State, Deputy Butler, will undertake to examine it and understand the full background of it before making commitments in respect of it.

Deputy Willie O'Dea: Recently the courts exonerated a number of gardaí from the mid-west region. They had been subjected to a seven-year investigation for being involved in practices that were commonplace in every single Garda district from one end of this country to the other. They were the only people who were prosecuted. During the course of that seven-year investigation, the gardaí were suspended, interrogated, vilified and had their names dragged through the mud. The net result of all this is a huge legal bill for the State and Garda morale in the mid-west on the floor. Does the Taoiseach think Garda management has questions to answer about this very ill-advised, partisan and heavy-handed prosecution? If so, when do we expect those answers to be forthcoming?

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I am very much aware of the investigation, suspension and prosecution of the gardaí referred to by Deputy O'Dea. The most important fact to emphasise is all those gardaí were acquitted. That is how the administration of justice operated. It obviously operated in an impartial and independent way. As to whether or not there are questions for Garda management, any time there is an acquittal there may be reflections on whether the prosecution should have been brought or not but that is a matter for Garda management. What we cannot say should become

normal is that when there is an acquittal there necessarily has to be an investigation into a prosecution. It is an essential part of the administration of justice that cases are prosecuted. Many people are convicted but the gardaí the Deputy referred to were acquitted and found not guilty.

Deputy Peter Roche: In the past hour I came away from a meeting of the committee on social protection and rural affairs. There was a considerable, interesting discussion on Citizens Information and Money Advice and Budgeting services. One of the things that struck me was 20% of people cannot get access to those services. There are 89 centres nationally and about 140 information officers. That equates to about 1.5 staff officers per centre. The people who are especially affected are those with literacy and digital difficulties and other vulnerable groups who rely on a face-to-face intervention or a meeting. The plea to us on the committee was about staffing. That was the issue, and staffing is funding. What would more staffing do? It would increase face-to-face delivery-----

An Ceann Comhairle: The Taoiseach to respond.

The Taoiseach: Obviously I did not attend the committee and am not aware of the full details that ensued but if you were to look at every agency in the country and back at where staffing was three or four years ago - it may not be the case here and I put that reservation or qualification in - there has been an increase generally. Numbers in the public service have risen very considerably. We are going to have to look at methodologies, how we do our business and how we do our work. MABS is a very important service and I am very supportive of it but I am very conscious our public expenditure growth is up to 8% per annum, which is quite significant. We have good, robust public finances and we are being criticised for spending too much by the Irish Fiscal Advisory Council and others and some economists worry about that too, so we need balance here. At a time when we are increasing services and increasing numbers, we need to keep a weather eye on outputs, whether we are doing things in the optimal way and whether we can do things more effectively. I make those points generally and without prejudice to the individual case.

Deputy Mairéad Farrell: Tá inní ar mhuintir Chonamara faoi iarratas atá curtha isteach ag Arramara Teoranta maidir le baint feamainne ar fud Chonamara. Mar is eol don Taoiseach, is ceist ghoilliúnach í seo. An príomhrud atá ag cur inní ar dhaoine ná cén cosaint a mbeidh ag bainteoírí feamainne traidisiúnta sa reachtaíocht nua. Dúradh in 2018 go raibh cosaint ann ach anois níl sé soiléir go bhfuil nó, níos measa fós, breathnaíonn sé ar nós nach bhfuil cosaint ann dóibh. Impím ar an Taoiseach breathnú ar an gceist seo agus oibriú le lucht bainte feamainne chun an ceart seo a chosaint, chomh maith leo siúd a bhfuil cearta fóilió acu.

I am raising seaweed harvesting. The recent application by a large company for seaweed harvesting rights has caused huge concern. It is a very sensitive topic because it is a core Irish tradition. Traditional harvesters had been given complete assurances their rights would be protected but there is serious concern this is no longer the case in the new legislation. Will the Government work with traditional harvesters as well as those with folio rights to ensure their rights are protected?

1 o'clock

The Taoiseach: Beidh an tAire Stáit, an Teachta Dooley, i nGaillimh Dé hAoine. Beidh sé ag bualadh agus ag déileáil leis na grúpaí áirithe ann. Tá a fhios againn go bhfuil daoine inmíoch faoin cheist seo. Gan amhras, tá an reachtaíocht agus an dlí ann. Tá fonn orainn cearta chosmhuintir na háite agus na dúiche sin a chosaint chomh fada agus is féidir linn. Caithfidh muid é a dhéanamh i gceart, áfach. Is áis nádúrtha tábhachtach í an fheamainn. Caithfidh muid éagsúlacht na háite a chur san áireamh, mar aon leis na nithe eile ar ghá machnamh a dhéanamh orthu.

Deputy Aindrias Moynihan: The change in SNA allocations has caused a great deal of concern and distress among school communities local to me. Aghabullogue was due to lose half of its SNAs. Bweeng was to lose one of its three. Scoil Barra and Boherbue parents also highlighted concerns. There is also a knock-on impact, in particular on schoolchildren. The pausing of the new plan yesterday is welcome and gives reliefs to many school communities, but it has not completely resolved the concerns. Killmurry, for example, which had been unable to get a new SNA despite a growing need, is stuck. Schools which were in fear of losing an SNA and are appealing are concerned that their appeals may not be successful. What is the pathway for parents and school communities from now on? When will parents and school communities who are unsure and concerned know that their children will have the necessary number of SNAs?

The Taoiseach: I acknowledge the concerns raised in respect of the schools Deputy identified regarding the outcome of the review of their schools and those that perhaps did not get the additional SNAs that they sought and so forth. The Ministers will engage with the NCSE in the context of those schools where it was indicated that there would be a reduction. We want to clarify this issue as quickly as we can. There will be a time lag because we paused the process in order to provide opportunities to re-engage on the issue, and for the Ministers, in particular, to engage with the NCSE and come back to the Government with a resolution framework for this.

Deputy Brian Brennan: As the Taoiseach is aware, first responders play a critical role in our emergency services, but approximately one year ago a decision was made to prevent the officer group from taking the officer response vehicle to their place of residence. In December, I witnessed first hand a medical emergency on Main Street, Gorey. The ambulance and first responders were called. The first responders arrived in their own cars and were first on the scene. They did everything possible to assist the victim. Later that day, I went to their base to thank them and was shocked to see the officer response vehicle parked up in a corner. The vehicle could have provided vital medical assistance to first responders, but for the officer to drive to from their residence to collect the vehicle would have delayed the response, especially on a busy Saturday. I have no doubt that situations like this have been replicated the length and breadth of Ireland. This is having a detrimental impact on the ability of these highly skilled professionals to respond to accidents within the quickest possible time frame and with the best equipment to hand.

The Taoiseach: I agree with the Deputy. There was an internal review by the National Ambulance Service in 2024. It apparently identified potential benefit-in-kind tax liabilities for

NAS staff using NAS response vehicles to travel to and from work and the HSE sought a ruling from the Revenue Commissioners on the matter. In the interim, it took the decision to inform staff that there could be an issue, which has led to the result of the Deputy outlined. I am informed that the Revenue Commissioners responded to the HSE with a potential way forward to address the benefit-in-kind tax liability issue. I understand engagement has been ongoing between the HSE and Revenue Commissioners on the matter. In light of the Revenue Commissioners' ruling, a process involving the drafting and agreement of revised policies has been ongoing within the HSE, involving negotiations with the recognised unions. I understand the process is ongoing. The HSE is obliged to comply with Revenue Commissioners' regulations regarding what is a potential personal use of publicly owned vehicles.

I have just received this information. People need to have a bit of common sense and pragmatism. I will speak to the Minister for Finance to see if a regulation needs to be changed so that the speed of first responders-----

Deputy Pádraig Mac Lochlainn: A letter from 21 school principals in Donegal has been sent to the Minister for Education and Youth and the Minister of State with responsibility for special needs education. They express their profound concern regarding the reality of special educational needs provision in our schools, in particular the operation of the SNA allocation model. I ask the Taoiseach to request a copy of the letter - I can send him one. It clearly demonstrates the failings of the system, which have been revealed by this review and has caused huge anguish and distress for parents. I have spoken to other schools outside of the 21 on the list. The Taoiseach needs to hear what is happening on the ground. The system is not working. The Government does not need to take a pause; the Government needs to stop the approach it is taking, talk to teachers and parents on the ground and change what is happening.

The Taoiseach: We will proceed with the increase in the number of SNAs for the school year commencing September 2026. We have budgeted for additional numbers and that will not stop. We will continue to increase the number of SNAs. Our concern will always be to prioritise the needs of parents and children to enable their full participation in school. Special needs assistants are a key part of that.

Deputy Barry Heneghan: An bhliain seo chaite, labhair mé leis an Taoiseach faoi shaol na hoíche i mBaile Átha Cliath thuaidh, agus i mBaile Átha Cliath go ginearálta. I asked the Taoiseach about saol na hoíche, the night-time economy in Dublin agus dúirt sé go raibh mé lán le fuinneamh. Tá mé fós lán le fuinneamh. Yesterday, the Taoiseach saw that the Hoxton Hotel is now seeking a High Court injunction against the long established Izakaya. I still attend nightclubs. I might look 35 but I am actually 27. It is not just a symbol of the wider problem facing the night-time economy. We are losing venue after venue, including The Complex, and it is not acceptable. Businesses are operating under outdated licensing laws and unfavourable legislation. I have spoken to the Give Us the Night campaign, which said it is very disappointed with the commitment of the Government and that the night-time economy initiative, in particular relating to the policy on noise, planning and licensing, has effectively stalled. What is the current plan to protect and grow Dublin and Cork's nightlife? When will we see real licensing that will address uncertainty? We might qualify for the World Cup. The pubs need to be open if the matches are at 2 a.m.

Deputy Cathal Crowe: Where are the best nightclubs?

Deputy Barry Heneghan: Dublin.

The Taoiseach: Clearly, the Deputy was not at a nightclub last night. He is full of the joys of spring, despite the rain and all the rest. Deputy O'Gorman raised a similar issue yesterday. I undertook to speak to the Minister for justice in this regard. Maybe I should have left him take the question. There is a broader issue. Clearly, we will discuss this with the Minister concerned. There was an earlier iteration of this under the previous Government in terms of a broader policy. Towards the latter end of the previous Government, the issue was revisited and there was a reduction in enthusiasm for it, to put it bluntly. The night-time economy is important, in particular in terms of our broader framework for visitors and so on and young people. The nature of nightlife has changed. There is much more autonomy. People are not shepherded into one venue. The interest of young people is key-----

Deputy Barry Heneghan: People need to dance.

The Taoiseach: -----and a few older guys who want to hang around in nightclubs.

Deputy Marie Sherlock: Listening to Mary, the parent of a child included in the north Kerry CAMHS review, made for harrowing listening on "Morning Ireland" and would have sent a chill down the spine of any parent whose child has moderate to severe mental health difficulties. We await the publication of the report today. We also need to hear what the Government is doing about the wider CAMHS service. As of November, 1,800 children were waiting six months or longer for CAMHS therapy. These are children with moderate to severe difficulties who need therapy now, not in many months. The south west, my area, Dublin north east, the west and the north west have some of the longest waiters. The critical thing I want to communicate to the Minister for mental health is that when I speak to GPs in my area who cover some of the most disadvantaged communities in the country, they tell me they dread and even put off referring children to CAMHS because of the high level of rejection, because of the waiting times and, crucially, because of the urgency of need.

They have to find other pathways. Some of those children are under eight years of age and need services. We need to see assurances for those families.

Minister of State at the Department of Health (Deputy Mary Butler): I thank the Deputy for respecting the fact of the report being published later this evening. We can arrange a briefing for health spokespersons on that. I will brief the Kerry Deputies as well this evening.

There are challenges in CAMHS, but 225,000 appointments were issued last year to people who attend. Some people get a really good response from CAMHS. As regards the point the Deputy made in relation to CAMHS and intellectual disabilities, I set this model of care up in 2023, led by Dr. Amir Niazi, who was clinical director. Since then, we have started to fund it. This year alone, I put €1.5 million in recurrent funding into it for 15 new posts. We are coming from a low base and we are also trying to break down the silos between the CDNTs and CAMHS for children with a dual diagnosis. That is where I am finding a really significant

barrier. I hope the standard access portal being set up across the country at the moment will help. I am happy to take it offline-----

Deputy Eoin Hayes: The previous Government enacted the Health Assisted Human Reproduction Bill 2024, nearly two years ago. Vital components of that Bill have not been commenced, leaving families who have used surrogacy in a vulnerable state of limbo without any of the vital legal protections that the Bill sought to give them. I understand that the Assisted Human Reproduction Regulatory Authority was established last year, but there has been no announcement regarding the appointment of a CEO or other staff or any further necessary legislation. Can the Taoiseach provide an update on the operational capacity of the regulatory authority, the timelines for commencement orders or further legislation from the Minister and make a promise to these families that the protections afforded to them, including the valid recognition of mother-child relationships established via surrogacy under this Bill will be enacted by the end of 2026, as a matter of urgency?

The Taoiseach: I thank the Deputy for raising this issue. It has always been a complex issue; it is not simple. More than 20 years ago we set up the Commission on Assisted Human Reproduction and it has taken that time to get a legislative framework to deal with the many issues pertaining to assisted human reproduction. I will talk to the Minister for Health in this regard. She has prioritised the commencement of this legislation and the creation of a proper edifice and framework to help people, particularly in respect of the surrogacy issue the Deputy referenced.

Deputy Cathal Crowe: I raise the issue of SNA cutbacks. While I am delighted to see the Minister hit the pause button on that, many schools such as Feakle National School, Flagmount Central National School in my own county and many more lie on tenterhooks, not knowing what is going to happen. I have had some very heartfelt letters from children who have benefited from SNA support in their school. It is an enabler for them to access education. We need to know what lies ahead, apart from the pause button being hit.

Circular 30/2014 redefined how SNAs support children. It said from now on support is based on complex care needs. That is so myopic and does not take into account the whole spectrum of needs children in a classroom can have in day. I say that as a former teacher, as someone who formerly worked as an SNA, and as someone who has a person quite close to them who benefited from special education. It is so myopic to say "complex care needs". These children need access to education every day of the week, not just toileting, feeding and medicine. We need to scrap that circular at the same time this cutback is paused. Please scrap the circular and rewrite it.

The Taoiseach: There is an expansion in the number of SNAs. The number will go up to 25,000 in September from 23,000. I listed earlier that since 2020, we have had an extra 8,000 plus SNAs. That is the level of expansion that has occurred. It is enormous by any standard and that should be acknowledged. There were pressures on certain schools as a result of the recent review and therefore we have paused it. Ministers will engage now with the NCSE and there will be engagement with all the schools that got an indication of a reduction.

I caution Deputies on the role and remit of SNAs. They cannot solve all problems in schools; they were never meant to. Their fundamental role is to facilitate and help the participation of children in schools. Other aspects of the needs of those children will have to be supported in other ways. That is the reason we are introducing therapies in schools, for example.

An Ceann Comhairle: I thank the Taoiseach. I call Deputy Burke.

The Taoiseach: We need to look at other potential supports for children to ensure good fruitful inclusion and participation in schools.

Deputy Colm Burke: The Public Health (Single-Use Vapes) Bill 2025 is currently going through the Oireachtas. It is also proposed to publish the public health tobacco products and nicotine inhaling products amendment Bill 2026, which will ensure nicotine inhaling products sold do not have eye-catching imagery, and other limitations on the sale of those products. When is it proposed to publish this Bill? It would be helpful if both Bills could go through the Oireachtas at the same time so that the necessary restrictions are put in place to restrict the use of these products, especially by young people.

The Taoiseach: The Minister of State, Deputy Murnane O'Connor, has been very focused on this. The implementation will be imminent. These are necessary Bills and we want to get them done and implemented through both Houses and see what more we can do to get rid of these things and protect young people.

Deputy Colm Burke: What is the timeline for publication?

The Taoiseach: Imminent.

An Ceann Comhairle: I call Deputy Graves.

Deputy Ann Graves: The Government's plan to cut SNAs from individual schools has to be scrapped. It shows the Government is out of touch with the needs of schools and parents, but most importantly, children. Imposing quotas to SNAs is going to affect our most vulnerable children. I have been contacted by schools and parents across my constituency and they are really anxious about the announcement. Those who have gotten letters do not know what situation they are going to be in. One mother who wrote to me yesterday asked:

When will our Government open their eyes to people with disabilities in this country, especially our children? It is a no for this plan. It is an already weak service and thankfully the SNAs are amazing and do so much more than they are paid for.

That is reflective of many parents' comments.

The Taoiseach: I have responded to this on a number of occasions this afternoon. We have increased the number of SNAs and will continue to do that. There will have to be reviews on

an ongoing basis. Members accepted that in the House this afternoon. One has to evaluate all of the time. Needs change in schools. Some schools have additional need; others may not.

Deputy Ann Graves: After a substantial review.

An Ceann Comhairle: The Deputy is over time.

The Taoiseach: Obviously it will be after a substantial review. It should be school by school, ongoing and regular, so there are no big surprises like what happened with the letters that were sent by the NCSE when some schools were told they would lose four SNAs. That was never the case. Approximately 68% of those 500 are staying the same and increasing.

Deputy Paul Murphy: There are about 20 Northside Home Care healthcare assistants in the Gallery. These workers are on strike today. Some of them have worked for 25 years and are only paid €15.04 an hour. Others are on minimum wage. They get approximately 30% less than others doing the same job. They provide vital care for about 500 people on a daily basis. The reason for this ultimately is the HSE has arbitrarily excluded them from being treated as section 39 workers. When this was raised with the Taoiseach when they were on strike in January, he said he would "talk to the Minister and the HSE, to see if the issue can be satisfactorily resolved, averting any necessity for further industrial action". Yet here we are, back again. Will the Taoiseach ask the Minister for Health to meet with these workers and instruct the HSE to treat them properly, give them pay parity and treat them as section 39 workers?

The Taoiseach: I acknowledge the very significant contribution healthcare assistants make to our health system. The difficulty here is there was a Workplace Relations Commission hearing on 10 March last year between ICTU unions and the relevant Departments. An agreement was reached on pay and conditions but that applied to section 39 organisations under the Health Acts, section 56 of the Child and Family Agency Act 2013, section 10 of the housing Act and section 40 of the Domestic, Sexual, and Gender-Based Violence Agency Act 2023. It applied to all bodies falling within those. There are many healthcare assistant work and homecare services, such as the Northside Home Care Service, which are funded through a separate, competitive, tendering process. That is a separate mechanism to the funding of section 39 organisations. The HSE says those tender processes and services commissioned by those tender processes are governed by separate contractual arrangements with providers. There is an issue there. It is not easily resolved. I will talk to the Minister. There is a one-day stoppage. We do not want industrial action taking place. I appreciate that people feel they need to do it. I will talk to the Minister again and see what we can do about it.

Cuireadh an Dáil ar fionraí ar 1.20 p.m. agus cuireadh tús leis arís ar 2.20 p.m.

Sitting suspended at 1.20 p.m. and resumed at 2.20 p.m.

International Protection Bill 2026: Financial Resolution

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I move:

That provision be made in the Act giving effect to this resolution for the charging, in accordance with the regulations made under section 146 of the Act, of the fee (if any) as may be prescribed by the Minister for Justice, Home Affairs and Migration, in respect of an application, in such form and accompanied by such information as the Minister may specify, for a travel document by a person concerned.

Question put and declared carried.

International Protection Bill 2026: Second Stage (Resumed)

Deputy An Ceann Comhairle: I must now deal with a deferred division relating to the Second Reading motion on the International Protection Bill 2026, taken on Thursday, 12 February. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 85(2), that division must be taken now.

Question put: "That the Bill be now read a Second Time."

The Dáil divided: Tá, 76; Níl, 61; Staon, 0.		
Tá	Níl	Staon
Boland, Grace.	Bacik, Ivana.	
Brabazon, Tom.	Bennett, Cathy.	
Brennan, Brian.	Boyd Barrett, Richard.	
Brennan, Shay.	Brady, John.	
Brophy, Colm.	Buckley, Pat.	
Browne, James.	Byrne, Joanna.	
Burke, Colm.	Carthy, Matt.	
Burke, Peter.	Clarke, Sorca.	
Butler, Mary.	Collins, Michael.	
Butterly, Paula.	Conway-Walsh, Rose.	
Buttimer, Jerry.	Coppinger, Ruth.	
Byrne, Malcolm.	Cronin, Réada.	
Byrne, Thomas.	Cullinane, David.	
Cahill, Michael.	Daly, Pa.	
Callaghan, Catherine.	Devine, Máire.	
Calleary, Dara.	Doherty, Pearse.	
Carrigy, Micheál.	Donnelly, Paul.	
Carroll MacNeill, Jennifer.	Ellis, Dessie.	
Cleere, Peter 'Chap'.	Farrelly, Aidan.	
Clendennen, John.	Farrell, Mairéad.	
Collins, Niall.	Gannon, Gary.	
Connolly, John.	Gibney, Sinéad.	
Cooney, Joe.	Gogarty, Paul Nicholas.	
Crowe, Cathal.	Graves, Ann.	
Cummins, John.	Guirke, Johnny.	
Currie, Emer.	Hearne, Rory.	
Daly, Martin.	Kelly, Alan.	
Dempsey, Aisling.	Kenny, Eoghan.	
Devlin, Cormac.	Kenny, Martin.	

Dillon, Alan.	Kerrane, Claire.	
Dolan, Albert.	Lawless, Paul.	
Dooley, Timmy.	Lawlor, George.	
Feighan, Frankie.	Mac Lochlainn, Pádraig.	
Foley, Norma.	McDonald, Mary Lou.	
Gallagher, Pat the Cope.	McGettigan, Donna.	
Geoghegan, James.	McGuinness, Conor D.	
Grealish, Noel.	Mitchell, Denise.	
Harkin, Marian.	Murphy, Paul.	
Healy-Rae, Danny.	Mythen, Johnny.	
Heneghan, Barry.	Nash, Ged.	
Heydon, Martin.	Nolan, Carol.	
Higgins, Emer.	O'Callaghan, Cian.	
Keogh, Keira.	O'Donoghue, Robert.	
Lawless, James.	O'Gorman, Roderic.	
Maxwell, David.	O'Hara, Louis.	
McAuliffe, Paul.	O'Reilly, Louise.	
McCarthy, Noel.	O'Rourke, Darren.	
McCormack, Tony.	Ó Broin, Eoin.	
McGrath, Séamus.	Ó Murchú, Ruairí.	
McGreehan, Erin.	Ó Súilleabháin, Fionntán.	
Moran, Kevin Boxer.	Quaide, Liam.	
Moynihan, Aindrias.	Quinlivan, Maurice.	
Moynihan, Michael.	Rice, Pádraig.	
Murnane O'Connor, Jennifer.	Sheehan, Conor.	
Murphy, Michael.	Sherlock, Marie.	
Naughton, Hildegard.	Smith, Duncan.	
Neville, Joe.	Stanley, Brian.	
O'Callaghan, Jim.	Tóibín, Peadar.	
O'Connell, Maeve.	Wall, Mark.	
O'Connor, James.	Ward, Mark.	
O'Dea, Willie.	Whitmore, Jennifer.	
O'Donnell, Kieran.		
O'Donovan, Patrick.		
O'Meara, Ryan.		
O'Shea, John Paul.		
O'Sullivan, Christopher.		
O'Sullivan, Pádraig.		
Ó Feargháil, Seán.		
Ó Muirí, Naoise.		
Roche, Peter.		
Scanlon, Eamon.		
Smith, Brendan.		
Timmins, Edward.		
Toole, Gillian.		
Troy, Robert.		
Ward, Barry.		

Tellers: Tá, Deputies Mary Butler and Emer Currie; Níl, Deputies Matt Carthy and Gary Gannon.

Question declared carried.

International Protection Bill 2026: Committee Stage

SECTION 1

An Cathaoirleach Gníomhach (Deputy Ruairí Ó Murchú): Amendment No. 1 in the name of Deputy Carthy is out of order.

Deputy Matt Carthy: Can I speak to the section?

An Cathaoirleach Gníomhach (Deputy Ruairí Ó Murchú): Yes.

Question proposed: "That section 1 stand part of the Bill."

Deputy Matt Carthy: We have a long track ahead of us. I want to put on the record that this is not how we should be dealing with this legislation. The Minister has described it as the most substantial piece of immigration legislation this House has dealt with in many years. The truth is that it is being rushed. It is being rushed not because it is emergency legislation. If it is an emergency, it is no more an emergency today than it was three or four years ago. It is because the Minister and the parties of Government have locked us into an EU migration and asylum pact and they are desperately now chasing to try to get legislation in place prior to the deadline for that pact, which is the summer, even though the Minister knows there is absolutely not a chance in hell within this year at all, at any stage in this year, that the Government is going to be in a position to adhere to the stipulations contained within either the asylum and migration pact or this Act. Therefore, it is deeply regrettable that we are not having detailed scrutiny within the committee. This is not the forum to have proper conducive discussions around the merits or otherwise of debates. We should be doing it in the committee.

The Joint Committee on Justice, Home Affairs and Migration, which I chair as the Minister knows, agreed unanimously that we would make ourselves available at any time and for as long as it would take to actually go through each amendment in detail with the Minister. Instead, unfortunately, we are presented with legislation that is absolutely rushed. Literally within the last number of minutes, we adopted Second Stage of the legislation and now we are moving on to Committee Stage. The irony of it was that the Second Stage debate was still ongoing when the deadline for amendments to this legislation was reached.

That is no way to carry out the legislative business of the House. It makes a mockery of the Second Stage process and of any semblance of democratic discussion taking place here.

What is really frustrating from my point of view is that we are in a situation where we are being rushed and we have very limited time to scrutinise the amendments brought forward by the Minister and by other parties. It was only within the past hour or so that we got details of which amendments have been ruled in or out of order. I have great sympathy for the staff in the Bills Office who were run to such a short deadline.

Deputy Alan Kelly: Hear, hear.

Deputy Matt Carthy: We have no way of scrutinising a number of the amendments, particularly the amendment I tabled on section 1, which we are discussing now. I would have thought that amendment No. 1 was eminently sensible. I would have hoped that the Minister was willing to put forward a stipulation that would have stated the Bill would not come into operation until he can assure the House that the Department has the capacity to bring it into operation, and that administrative, operational and staffing arrangements have been put in place to enable the State to comply with the requirements of the Bill. This is eminently sensible. In other words, it should be stated that the Minister will not enact legislation until he can be assured that he can implement it and that the resources allocated for the purpose of implementing the Bill, including staffing levels, accommodation capacity, interpretation services, legal assistance provision and IT systems, are in place. This is eminently sensible. The Minister is signing us up to obligations which he cannot assure the House will be adhered to. The Minister should ensure measures are taken to ensure that all relevant bodies, agencies and contractors are capable of performing the functions assigned to them under the Act. This should be an assurance the Minister would be happy to include in legislation. He should state that he would not enact it until he can be assured of this.

I am sure other members of the committee will tell the Minister that we had a discussion on the civil legal aid system. It is already at bursting point but it will have more obligations and more responsibilities under the Act. However, the Minister has provided no clarification as to when or if he will implement the recommendations of the civil legal aid review. There is a very good chance that civil legal aid will burst as a result of the additional responsibilities under the Act. This is before we start talking about Tusla. There has been a lot of discussion in the House in respect of the capacity of Tusla to do the very important roles the House has already conferred on it. Additional responsibilities will be added to Tusla in the Bill. I have to say I have no confidence whatsoever that Tusla has the resources and capability to be able to deal with the additional responsibilities.

Amendment No. 1 also called for an implementation timeframe to confirm the Minister is satisfied that the State is in a position to meet all requirements and obligations. Again, this is absolutely and eminently sensible. The difficulty is that a very short period of time ago I was told that amendment No. 1 is in conflict with the principle of the Bill. How is it in conflict with the principle of the Bill? It basically states the Minister will outline how he will implement the Bill before he enacts it. I would have thought this was a completely and eminently sensible proposition. As I have said, because the Bills Office was under so much pressure and working to incredibly tight timeframes, which is no way to treat the staff of the House, we do not have any opportunity to question the logic as to why amendment No. 1 was ruled out of order. If it was stated that it was because it was in conflict with the approach the Minister has taken to the Bill, I would say that was absolutely right. The Minister has taken a position of moving full steam ahead with the enactment of the Bill due to the fact that the Government has signed up to the EU asylum and migration pact with no idea of how it will be dealt with.

We do not need the EU asylum and migration pact to accelerate processing times; we need a competent Government. The Government tells us it is making progress. I happened to see a report that the Department has prepared for a committee of the House, which tells us that in

respect of processing times the overall median processing times for first-instance decisions went down from 16 months in 2024 to 14 months in 2025. Bravo. These are the figures that the Ministers have been telling everybody about regarding the progress they have made in reducing processing times. What they often forget to say is that the median times for all of 2024 for appeals determined by IPAT was ten months and the median time in 2025 for international protection appeals was 12.5 months. The two months saved in the median time in terms of the average processing time in the first instance has been more than outweighed by the 2.5 months added to the appeals stage. What does this mean in reality? It means that the processing time from beginning to end is taking longer now than it was when the Minister came into office.

For all the big spin and publicity about the progress that has been made, the truth of the matter is that we still do not have it right. We do not need the EU asylum and migration pact to get it right. We can introduce legislation in the House without any pact and without any of this rushed legislation or this debacle we have here today, and with proper scrutiny of the legislation. Likewise, in terms of the enforcement of decisions, the Minister will tell us about the great work of monitoring and ensuring that deportation orders are met. More people were given deportation orders in 2025, whom we do not know whether they have left the State, than in 2024. We do not need an EU asylum and migration pact to gather this information; we need a Department and a Minister on top of their jobs.

We do not need the EU asylum and migration pact to deal with the huge expenditure of public money, which I categorise in very large instances as wastage of public money. The truth is that the Department is spending more taxpayers' money every year - last year it was estimated at €1.2 billion - at a time when many of the people in IPAS accommodation are in what I would describe as disgraceful conditions. Who is benefiting? It is the operators who are getting huge sums of money with no transparency whatsoever. This transparency could and should be provided but the Department will not do so, in terms of beneficial ownership and the details of contracts supplied. Then there is the aspect of commercial sensitivity, as if there is competition with the Department. There is no competition. There is no reason there should not be increased scrutiny and transparency. The annual figure of €1.2 billion is €3.2 million or thereabouts every single day if my maths are right. This is spent on an aspect of public expenditure for which the public has no oversight whatsoever in real terms. The only information provided is how much certain companies get in totality but there is no detail on what they are providing, how many beds they provide per day, the locations, who the beneficial owners are, or anything that I would describe as being of basic common interest to be informed of.

I do not know if the Minister can indicate whether he will table a similar amendment to amendment No. 1 to ensure there is this accountability. The proposal is that a mechanism be inserted in subsection 2 whereby the Act will not come into operation until he can provide the guarantees we have sought on the operational and staffing arrangements, the resources for the purpose of implementing the Bill, and the measures in place to ensure that all relevant bodies and contractors are capable. If he cannot give an assurance to the House that he will put in place these basic protections, I do not know how we can adopt section 1 and I will certainly call a vote on it.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): Are we discussing amendment No. 2? Amendment No. 1 has been ruled out of order.

An Cathaoirleach Gníomhach (Deputy Ruairí Ó Murchú): We are dealing with section 1. I call Deputy Mark Ward.

Deputy Alan Kelly: The speaking order should go this way.

An Cathaoirleach Gníomhach (Deputy Ruairí Ó Murchú): Deputy Ward's was the first hand I saw. He indicated a few minutes ago.

Deputy Mark Ward: Deputy Kelly can work away and speak now.

Deputy Alan Kelly: Deputy Ward can go ahead. We have loads of time.

An Cathaoirleach Gníomhach (Deputy Ruairí Ó Murchú): I was going to say I would not worry a whole pile.

Deputy Mark Ward: I have said before that rushed legislation makes for poor legislation. I was on the justice committee when it was agreed unanimously right across the committee that we would give as much time as possible to debate the EU asylum and migration pact and the legislation we are talking about today. It was agreed on a cross-party basis by members of the Minister's party, of his colleague's party and all the Government parties - that we would have a robust debate in the committee rather than coming in here and speaking for an eight-hour debate today and probably next week as well until the guillotine comes, which I expect it will at some stage.

As my colleague said, it is absolutely bonkers that we received the amendments as late as we did and that we had to put amendments in before Second Stage was even completed. It is the wrong way of doing things. As Opposition, it does not give us time to research it. We do not have the same capacity that Government Ministers have with their teams of staff. I see officials beside the Minister. We do not have that facility. We have to research and look at all that information ourselves. We do not have reams and reams of staff to do this.

The common-sense amendment that has been disallowed merely asked the Minister to do something simple to prepare for the enactment of this legislation. As we have heard before, fail to prepare and prepare to fail. We heard yesterday at a committee meeting that civil legal aid services are bursting at the seams already. They have not had any increases in fees since 2008. They simply will not be able to deal with any extra pressure that is going to be put on them as a result of this Bill. There is nothing here to deal with the vacancies in international protection. We are looking for the Minister to be able to prepare for that. That is all we were asking for in the amendment that has been ruled out of order.

We do not know whether the provision of accommodation will be adequate. That needs to be prepared for. In my area of South Dublin County Council, we have the highest number of people staying in international protection in the whole State. There are 4,200 people there at the moment and it is bursting at the seams. It seems that because the Government is adopting the EU asylum and migration pact, this rush is about being the best boys in Europe and going straight into Europe and saying "yes, we will do what we are told". We will doff the cap and

get on with it. That is no way to do it. We are a sovereign State and we should be able to look after our own rules and regulations when it comes to situations like this.

Deputy Alan Kelly: If my colleague calls a vote on section 1, we will definitely support it. I think I am the longest serving Member in the Chamber at the moment, and it is on that basis that I say this is not the way to do legislation. That is no criticism of the officials who are here, who get directions on the basis of the timelines given to them by the Ministers. This is crazy stuff, as everyone has said. That we are going to debate this for eight hours non-stop is not good for legislation. We will be doing the same next week by all accounts, if not longer. There will probably be guillotines used, which obviously we will oppose.

This is such important legislation. This should be put through the wringer of normal committee processing so we can go into it in detail. Trying to go through everything that has been ruled out of order and everything that has been grouped together is like trying to do a mathematical equation. Some of the groupings do not make much sense. I do not blame those who were putting these lists together in the Bills Office because they were trying their best at the last minute, frankly.

This is becoming a bit of a habit from the Minister's Department in relation to lots of different things. I do not know what is going on as regards competency, or whether it is direction from the Minister or what the hell is going on, but this is no way to do legislation. To be frank, it is no way for a Department to be run or for officials to be directed. It is not the first time I have had to say this. As legislators, we need to do things properly. Otherwise, mistakes will be made. I have said that before and I will say it again.

I am firmly of the view that we will be reviewing this legislation when lots of things are tested in the courts and other places in relation to its actual capacity to be implemented. There are two issues. First, can it functionally be implemented and done in the timelines required? Will the resources be there? Second, is it legally sound? Being honest, I have serious concerns about the capacity for both.

An Cathaoirleach Gníomhach (Deputy Ruairí Ó Murchú): Before we move to Deputy Gannon, I welcome to the Gallery the pupils from Glantane National School, who are visiting with Deputy John Paul O'Shea from Cork North-West. They are about to leave.

Deputy Alan Kelly: Come on Tipp.

An Cathaoirleach Gníomhach (Deputy Ruairí Ó Murchú): I think I just about caught them. Tá fáilte rompu go léir. I call Deputy Gannon, whom I have held up long enough.

Deputy Gary Gannon: You have indeed but for a very worthy cause.

The Minister will remember the justice committee in the last Dáil. If he was sitting now where we are, I wonder if he would accept that this is an effective way of doing business or passing legislation. Regardless of whether we agree with it, we all agree that it is some of the most important legislation that will come before the Chamber over this Dáil term. There are 276 amendments from across the Opposition and from the Minister to be considered throughout

the course of this debate. When the Minister stood here two weeks ago to introduce the Bill on Second Stage, he asked for collaboration. He told us to bring forward our ideas and said he would give them the appropriate level of scrutiny. How in the name of God could the Minister have given our amendments the required level of scrutiny when we had such a short timeframe to get them to him? For the last number of weeks and certainly over the weekend, the staff in my office have been working hard to try to collate the amendments that the Minister has tabled in order to draw up amendments to those amendments. This does not seem like an effective way of passing legislation.

Those of us who were in attendance for the pre-legislative scrutiny at the justice committee were taken aback by the extent to which things were absent. There were really important absences in the heads of the Bill. We were assured that a fuller presentation would be given in a timely manner, but that has not materialised. That is no reflection on anybody in the Minister's Department; rather, it is a reflection of how this is being stewarded through the Dáil. I want to speak to my amendments, which focus on the full failures that I believe are in the legislation, but in the first instance I want to make clear that this is not an effective way of doing business. It sets a bad example for all of us across the House. It is unfair on those in the Bills Office, it is unfair on the Department and it is unfair on all of us and our staff, who have had to try to put sense to this in the very short timeframe the Minister gave us to scrutinise his amendments to the most important aspects of this Bill. I hope that over the course of the next few hours, the Minister will not simply vote down the 276 amendments. Let us have proper scrutiny of them and see which ones he is willing to accept.

Deputy Louis O'Hara: Clearly, this legislation is being rushed. It is really important legislation that deserves to be debated fully and fleshed out. What is happening here is bad practice. There is a limited time for proper scrutiny and late amendments. It is all very last-minute. It is impossible for TDs and their offices to give this the full level of scrutiny it deserves. It is irresponsible to do business in this manner. Amendment No. 1, which was proposed by Deputy Carthy, very sensibly sought to set out a report in order to ensure we are actually prepared for this legislation and mistakes are not made in this legislation. The reason that Committee Stage scrutiny is not taking place in the justice committee, as requested by the members of that committee, is obviously down to the deadline that has been imposed on the EU asylum and migration pact, to which the Government has signed up. The justice committee produced a report that recommended the Government should reconsider opting out of the majority of the pact. Certainly, that is what should have been done because it undermines Irish sovereignty and transfers powers to the European Union. It should be up to the Irish people and our Government to make decisions on our own migration policy.

Deputy Roderic O'Gorman: I share many of the concerns raised by colleagues in terms of the process being adopted here and the fact that we are treating some really valuable amendments via a committee of the whole Dáil rather than at the justice committee. I am not sure what went on and why it is not going to the justice committee.

3 o'clock

From my own experience, allowing committees to delve into amendments and tease out the various consequences of both the initial draft and what is being proposed by Deputies is actually useful. It will often reveal flaws in existing drafts and Report Stage gives Ministers

and Departments the opportunities to make those important clarifications and changes so you are not dragged back in six months' or a year's time with an amending piece of legislation. Notwithstanding that, we are here and we have eight hours today. I welcome the fact there is no guillotine today but, as other Deputies have referenced, I have a concern that one may come about next week and it will be opposed.

There is a lot of merit to amendment No. 1 that Deputy Carthy brought forward. This Bill represents the biggest change in our migration system in decades. It is a change that is necessary but it is not just a case of changing the legislation. We know for this new law to be implemented, we need to change processes and massively increase resources within the system. Having that degree of confidence that the processes and resources are being changed and increased at the same time that the legislation is being changed would be really valuable. It would even be valuable for the Government so it could make the case we are not just changing the law, we are actually upscaling our State's ability to process international protection first instance applications and appeals at speed so people can have more confidence in this system.

The report that would have flowed from the amendment Deputy Carthy brought forward would actually have had real benefit and merit. Even now, in terms of bringing this forward, there may be an opportunity later on for the Minister to consider that and how he can convey that this is not just a legal change but it is a resourcing change as well and is something that ensures this Bill can be operationalised once it is passed.

Deputy Paul Murphy: This is an incredibly serious piece of legislation. It is a frontal assault on human rights. It is a Bill for the detention of children. It is a Bill which undermines the right to legal representation. It is a Bill which attempts to effectively telescope the process of asylum in order to deny asylum seekers their rights. I do not think that such an assault on human rights will stay with one group, in that the implementation of this denial of human rights for asylum seekers, as part of a scape-goating strategy, will not then have an impact on other groups in society. This is a very important Bill which has widespread ramifications for everybody in this country in reality, if not directly but indirectly in terms of where we go from here once you normalise the idea of detaining children and once you normalise the idea of diminishing the right to legal representation.

It is very troubling that such a serious move will be done not just without proper parliamentary scrutiny but in conscious disregard of proper parliamentary scrutiny. I am interested in the Minister's explanation as to why this is not happening in a normal committee. I am not on the committee but the committee is absolutely the place to have the kind of in-depth discussion that is needed on all of these amendments that we had such rushed deadlines to submit. It is a bit contradictory because the Minister is saying he is happy to sit for eight hours today and sit for eight hours next week as well but unless the Minister will introduce a guillotine, we could be doing this at the committee. I have heard from the Cathaoirleach of the committee that it was willing to sit at short notice and for as long as necessary. Why not have the proper parliamentary process? Why not go through Committee Stage in committee and afterwards do Report Stage of the Bill?

At the very least as a parliament, it is what should be incumbent on us. It certainly should be incumbent on the Government when making such a serious move to actually go through the

processes as they are set out as opposed to try to skip them or partially avoid them in the way that is happening here.

Deputy Peadar Tóibín: As the Minister knows, the vast majority of people in the country want an asylum process that provides help to those who need help and returns home those who do not need help. That should be the basis and logic of any asylum system - one that offers compassion to those who are fleeing war and violence but one where common sense is used in the system for those who are trying to use the asylum process for economic reasons. One of my major problems with this particular Bill is that it only deals with the sideshow in terms of the numbers of people coming into the country. The vast majority of people coming into the country are coming from Britain, through the North of Ireland and into this State. At least 85% are coming that way.

In the last parliamentary question I asked the Minister, he said he did not know and he did not have that information.

Deputy Jim O'Callaghan: I did not say that.

Deputy Peadar Tóibín: That is worrisome and it needs to be fixed. The other aspect to this is that to deal with this issue and not look at the 85% of people coming through Britain is a problem. We need to go to Britain and to the Government in London to try to work out a process that when a person wants to apply for an application for asylum here in Ireland, they do so when they move to the island and *vice versa* because there are flows in both directions. It is in London's best interest to be able to know who is coming onto their island and it is in our best interest to know who is coming onto our island.

One of the questions I often ask the Minister is how many people actually leave when they get a deportation order and the stock answer at this stage is we have no exit checks. The reason we have no exit checks coming into this country is that we have a Border in the middle of our island. The only way to actually resolve this whole situation is not with this particular Bill. This is only a minor part of it. The vast majority of it is regularising who is moving from the island of Britain onto the island of Ireland. That is not just a chuckle. That is not just a difficult situation that can never be resolved. It is a real fact that has to be dealt with at some stage by this House. It is bigger than this Bill. It is five or six times bigger than this Bill in actual numbers. That is one thing that pretty much everybody is missing when they talk about this issue.

The second issue here is we also need to make sure that we realise laws without enforcement mean nothing. I submitted a parliamentary question on the current law, the Dublin III regulation, shows that about 2% of the people who were entitled to return to other countries and who have applied for asylum in other countries initially were actually returned by this Government. Even with the laws the Government has, it is not implementing those laws. Creating new laws does not make certain it will actually implement them either.

In my constituency office at the moment, we have a lot of people coming into the office - who we are helping - who have applied for asylum first in Italy and are now in Ireland. Last year, it was people who applied for asylum first in Sweden who are now in Ireland. As a result of different countries doing different things with their asylum processes, there are shifts in the

direction of people and people are moving as a result of different regimes' experiences throughout the European Union. It is really important there is some confidence given to people that where we have a law and a reasonable right to return people to the country where they first applied for asylum, that is actually actioned. That is not the case at the moment.

On the sovereignty issue that is at the heart of this particular Bill, that remains the case. Nobody knows the future but if you have self-determination on a particular issue, you can actually change your laws and approaches to deal with whichever situation arises. However, if you outsource that to the likes of the EU, you will not be able to manoeuvre as deftly to situations that arise in the future. That is at the heart of the difficulty within this particular Bill. There are good things within this and there are logical changes within this but most of those could be achieved by the Government voluntarily entering those aspects of the Bill.

Deputy Jim O'Callaghan: I thank colleagues for their contributions. I recognise this is a very considerable piece of legislation. As some other colleague as indicated, it is the most important reform of Ireland's asylum laws in the State's history.

The criticism is that it is being rushed. I will inform Members about the history of this legislation and how we have got to today and take on board some of the criticisms that have been made.

In April 2025, I published the general scheme of the International Protection Bill. After that, I requested detailed pre-legislative scrutiny of the general scheme, which the justice committee, of which Deputy Carthy is Chair, did. It called in a lot of witnesses. The Bill was given careful consideration by the members of the justice committee and, as a result, they produced a report that contained a series of recommendations. At the outset, it is important to say the work of pre-legislative scrutiny on the general scheme of the Bill was done thoroughly by the justice committee. That having been done, the Bill that is before us now was published, having got a stamped copy from the Office of the Parliamentary Counsel. We had three days of Second Stage debate on that Bill in the House earlier this month. In fact, on the third day, frankly, we ran out of speakers, not only from the Opposition but also from the Government, so no one can dispute but that we had an absolutely thorough and extensive debate on the legislation on Second Stage.

We have now come for Committee Stage. Everyone who is interested in this legislation knows that Committee Stage of this Bill was going to be a lengthy process if it went to the justice committee and the justice committee was required to deal with it in its orthodox way. The justice committee has a huge amount of work on its agenda. I know that because I send it a lot of the work. Frankly, the justice committee having to deal with Committee Stage of this legislation in the orthodox manner in which it deals with these processes would have taken an inordinate period of time. That is merely my assessment in respect of it. That is why a decision was made to have Committee Stage taken on the floor of the House.

We are going to have a very thorough consideration of amendments that have been put forward by colleagues on Committee Stage, which has been allotted eight hours today and which, as has been indicated, will go on to next Wednesday as well. No doubt there may be some disadvantages to Committee Stage of a Bill not being dealt with in the committee room, but there are also some advantages to it being dealt with on the floor of the Dáil. For instance,

there are colleagues here who want to speak or can come in and address amendments. They have done so already and no doubt that will be done further throughout the day.

I also have to be frank about something else. We can talk about the issue of sovereignty, and Deputy Carthy's first three amendments deal with the issue of sovereignty. This is Irish sovereignty in operation. The elected members of the Irish people are in the elected Chamber, debating legislation and determining what laws we want to introduce into this country for the purpose of reforming asylum laws. That is sovereignty. As Deputy Carthy will be aware, the Irish people voted on a series of occasions, and they have put it into Article 29 of the Constitution, that we would also permit ourselves to be part of the European Union and to be bound by regulations or directives that were part of the Union as well. A decision was made, and a vote was held in an exercise of Irish sovereignty and Irish democracy, in the previous Dáil that said we were going to participate in the European Union regulations and directives that were seeking to reform migration within the European Union.

We voted on that in this House. That is democracy. That is the sovereignty of the Irish people being exercised. The reason the majority voted for that in this House is that there is a recognition that if we want to reform migration in the 21st century, it has to be done on a broad, multinational basis. We have seen what has happened in the United Kingdom when they decided they wanted to go on their own in seeking to respond to the issues of migration that concern the United Kingdom. Migration is a really powerful phenomenon of the 21st century. When the history of the 21st century is written, migration will be, I would have thought, one of the dominant themes of it. If we want to respond to migration for asylum purposes, my belief and the belief of the majority of the former Dáil and, I believe, this Dáil is that we have to do it on an EU basis.

That brings me to the fact that we all know that within the European Union there has been an agreement among the member states that are participating in this that this process is going to commence on 12 June next. We can pretend that is not the case but it is the case. Ireland takes its obligations extremely seriously and we want to ensure that we are ready and that the legislation is in place by 12 June next because that is the commitment. That is the agreed date by which all member states that are participating in these regulations and directives have said they will be ready.

If it is the case that we have to be ready by 12 June, obviously there are time pressures on the legislation. There is no point stating that there are not. However, the fact that there are time pressures on it does not mean we cannot have a thorough and detailed debate in respect of it. A total of 267 amendments have been put down for Committee Stage. I thank and commend colleagues, because the majority of them come from Opposition Deputies. I want to go through them and engage with them. That does not mean I have to support them, but I want to discuss and debate them. The sooner we start that process, the better.

In fairness, the Cathaoirleach Gníomhach, Deputy Quaide, was not here at the start of the debate on this question. Deputy Carthy's first amendment was ruled out of order. His second, third and fourth amendments also concerned the issue of sovereignty. They should be moved and I will respond to them. Alternatively, if this is a general discussion or debate about section 1, I have said what I wanted to say in response to my colleagues, but we will have time today and next week to discuss this in these Houses to ensure we get it right.

Deputy Matt Carthy: We are dealing with section 1 and it is important. It should not be in some respects, because section 1 includes in many respects standard clauses that state that the Act shall come into operation on the day or days as the Minister may appoint by order, and deals with the power to introduce sanctions. It is important in respect of this legislation because I have serious concerns about us passing a piece of legislation that I do not believe the Department or the agencies tasked with responsibilities have the ability to enact. That is a genuine concern that needs to be teased out on Committee Stage. I did speak to the amendment that was ruled out of order. I would love to get clarification as to precisely why, as I was told, it conflicts with the principle of the Bill.

Deputy Jim O'Callaghan: I do not rule amendments out of order.

Deputy Matt Carthy: I am not suggesting the Minister does but the difficult is that the Bills Office was under so much time pressure that by the time it informed me of that, there was not any time for me to ask any questions or seek any clarifications, as should have been the case.

I mentioned on Second Stage that I fully believe this Bill will not be enacted a full year before provisions of it are challenged legally on the basis that there will be problems with the legislation, and one of the reasons there will be problems is that we have not had proper deliberation.

The second reason these Houses have cause to be concerned is that this Bill is locked in with the EU migration and asylum pact. There could well be infringement proceedings against this State in respect of the failure to adhere to the enactment of the legislation and that is why I have asked the Minister a number of questions. I would appreciate if the Minister could come back and outline the preparatory work that is in place to deal with the issues. In terms of accommodation capacity, what is the plan to ensure that by the time this Bill is enacted, there will be accommodation to deal with any obligations that are contained within the pact? Will there be a move away from the profiteering model that has been the hallmark of this system and ensured that a very small number of companies and operators have made fortunes in very short periods without accountability and transparency? Is the Minister proposing to bring forward additional transparency for private operator contracts?

It would be appropriate at this point if the Minister could outline to us the capacity of both the International Protection Office, IPO, and the International Protection Appeals Tribunal, IPAT, the current levels of staffing within both, the staffing gaps within both, the necessary increase in staffing within both that will be required to implement the Bill on enactment, and how the Minister will make up the difference in time for the enactment.

Has the Minister or his Department carried out any analysis of potential infringement proceedings that could be taken, if his Department is not in a position to do what it is making itself legally obliged to do?

To respond to some of the points the Minister has made regarding the approach, the Minister has a responsibility, as do the Government and the Department, but these Houses have responsibilities as well. One of the difficulties I have with the approach that has been taken is that we are being denied the full ability to play our constitutional role in scrutinising legislation. The Minister mentioned the general scheme brought before the justice committee. Yes, there

were good deliberations, good debate and cross-party collaboration from all members of the committee, but the Minister did not say that when the general scheme was brought forward, there was huge gaps in it. There were parts of the general scheme that the Minister's departmental officials told us they would deal with on Second Stage, Committee Stage or Report Stage. Many of the witnesses who came before the committee said they had a real problem because they did not know what was going to be in the legislation in order to contribute to the pre-legislative scrutiny.

The Bill was produced but within a week, we had to deal with Second Stage, and before Second Stage was completed, we had to submit amendments. Amendments are a crucial part of bringing Bills forward. The Minister is coming at this with all the resources of a Government Department behind him, and by his own admission, he said this is an all-of-government priority. With all the resources he had, however, the Minister was not able to have the general scheme completed by the time it was published and was not able to have all his amendments and proposals ready before Second Stage. He has had to bring forward amendments on Committee Stage, yet the Opposition is expected to go through the Bill in detail, engage with those who need to be engaged with, submit amendments, analyse the Government's amendments and analyse other Opposition amendments within a timeframe that is simply impossible.

To remind people, we are talking about a Minister with the resources of an entire Department. Each TD has one member of staff who can assist them in dealing with this. That is a huge ask, and I say this in deference to other parties because within my party, we have the numbers to ensure I deal with justice, home affairs and migration on their own. TDs in smaller parties are expected to go through this legislation and process while also dealing with three or four other portfolios. The approach the Minister has taken has not allowed the Opposition to play its constitutional role in scrutinising this legislation.

That is a huge problem. As the Minister said and as has been outlined a number of times, this is one of the most substantive pieces of legislation. There could be financial consequences way beyond the outworkings of the legislation itself. Therefore, it is unacceptable that the committee has not been allowed to carry out its work by having a deliberation on the questions I have put to the Minister in an over-and-back format on Committee Stage.

I put these questions to the Minister and I hope he will take the opportunity to give this House assurance in respect of the preparatory work and in respect of his own Department, the IPO, IPAT, Tusla, the civil Legal Aid Board and the overall process and accommodation. If he cannot provide assurances that his Department is ready for everything it has enacted, I cannot support section 1, which would give the Minister the authority to enact this legislation at a time of his choosing, potentially opening up this State to huge costs from legal challenges and infringement proceedings at an EU level.

Deputy Mark Ward: Listening to the debate, there seems to be one rule for the Government and another rule for the Opposition, with the Minister pushing his own legislation and not giving the Opposition the chance to undertake the proper scrutiny it needs to. I will give an example of why I am saying this, and the Minister will know where I am coming from. Last month, the Government delayed legislation I had before the House on nitrous oxide. I know it is not related to this issue, but the context is similar. The Minister decided to delay that legislation by nine months. The reason he gave me at the time was that he had just got sight of

it and had not had a proper chance to go through it. That was the reason he gave me. As the Minister said, today we are discussing one of the most comprehensive Bills to come before this House and we are rushing through it. We have not had the chance to scrutinise this Bill in the way we should. We have only just got sight of some of the 267 amendments. I would like a copy of one of the green booklets but there are none to be found. I have a staff member looking for a copy of the amendment booklet so that I can look at the amendments while I am debating them rather than going on my phone, but the booklets are not even available. That is not good enough, but that is what happens when you rush legislation.

Deputy Brian Stanley: There are some good things in the Bill, and there are some things that need to be changed. The speeding-up of the processing time is welcome, as is the speeding-up of the appeal times. Obviously, we want to help successful applicants to get through the process and allow them to integrate into Irish society and communities. That needs to be assisted in every way possible for people who are genuinely fleeing war, persecution or famine.

I have raised family reunifications with the Minister before and I will raise it again today, specifically in respect of the three-year term for a person to get citizenship. I understand he may be changing that to two years, but he could go further with it. This is something I have real concerns about. If somebody has achieved status here, we should allow family reunification. They are here and contributing to Irish society, and separating them from their family is particularly cruel. We need to help and assist those people.

For those who fail, their departure needs to be verified. I have not heard any clarification on this. When I asked about it two years ago, the Secretary General of the Department told me that failed applicants, after they have gone through appeals and so on, including the courts, get a letter in the post to their last known address. The Minister might tell us today what the current situation is, but that is not sufficient or satisfactory. If you fail, you fail. It has to be rules based. If the rules are not implemented, it does not work.

With the indulgence of the Chair, I might also raise with the Minister the issue of the Day report. The report is still gathering dust and, meanwhile, we have this rampant profiteering by private interests in provisional accommodation. There have been many questions regarding the practices, and because it is so rushed and because of the sheer scale of what had to be done, it was a huge task to house so many people in private accommodation. I know the Secretary General of the Department who was handling that was under considerable pressure to do that, as were the staff.

The common travel area needs to be addressed. Amendment No. 2 goes some way to addressing this. There is a loophole there. It is not about throwing up borders here, there and everywhere. We know the problems they have caused on this island, and I am certainly not going to come in here and argue for that, but there is a loophole there. It is a fact that the majority come over Britain's artificial border in Ireland. That must be addressed. Amendment No. 2 goes some way in addressing that, but it cannot be resolved without checks at the ports.

An Cathaoirleach Gníomhach (Deputy Liam Quaide): I have not got to amendment No. 2 yet, Deputy.

Deputy Brian Stanley: That is grand, I will keep to it now.

Amendment No. 1, on staffing the centres, is very positive in ensuring that the systems are working, that the resources are there and that the administration and staff are there. I welcome the change in the Sinn Féin position because that was not always the position held - one, two, three or four years ago. I welcome that this change is happening now, because with what was there, if that was advocated and carried through, we would not have the services to meet that. I will be supporting positive amendments here. There are some good parts in the Bill, which I will certainly be voting for, but it needs further work.

It is a pity we do not have more time to go through this. There are many amendments in a short space of time. As has been said, when you have just one member of staff, that can be difficult.

An Cathaoirleach Gníomhach (Deputy Liam Quaide): I call Deputy Tóibín.

Deputy Peadar Tóibín: The Minister mentioned that people voted for European integration and co-operation. That is absolutely true but there has been significant creep in terms of EU control on a range of different issues in recent years. EU integration is not always a good thing. The EU often makes decisions that are not in our interests. The Mercosur agreement is a full example of that. The Minister talks about us making a democratic decision here. The Parliament on College Green made a democratic decision to wind itself up at that particular time. The question is: what direction are those democratic decisions pointing in? These are democratic decisions pointing in a reduction of our own sovereignty. That is the case. The Bill exposes this country to fines and costs into the future. I mentioned earlier the 2% successful return rate under the Dublin III regulation of people who were living here but who had applied for asylum in other countries. A reply to a parliamentary question by the Minister this week showed that half of the deportation orders issued by the Government are still not being implemented either in a voluntary fashion or an enforced fashion. The majority of deportation orders in this country are still not being implemented, which is an incredible situation. These are the weaknesses. Another weakness is the Government is putting adult asylum seekers into children's accommodation, which is quite incredible and with devastating effects. Locking Ireland into these regulations with a clear history of Government inability to even implement the laws that exist will expose the country significantly to penalties in the future. That is a big problem and a big worry.

An Cathaoirleach Gníomhach (Deputy Marie Sherlock): I now call on Deputy Gannon.

Deputy Gary Gannon: There are 267 amendments on the Bill, of which I tabled over 90. It would be important if speakers could stick to their own amendments or the section. Otherwise we will be here all night and we will not get through it.

Deputy Alan Kelly: We could also do with consistency with regard to the Chair. There are a lot of changes and there are multiple Members making Second Stage speeches.

An Cathaoirleach Gníomhach (Deputy Marie Sherlock): The points are taken. Deputy O'Hara indicated that he wishes to speak

Deputy Louis O'Hara: I am all right.

An Cathaoirleach Gníomhach (Deputy Marie Sherlock): I call the Minister.

Deputy Jim O'Callaghan: I am okay.

An Cathaoirleach Gníomhach (Deputy Marie Sherlock): Great. I will put the question--

Deputy Matt Carthy: Is the Minister not answering the questions I put in respect of the resources he will put in place to implement the legislation? It is a fundamental question. I do not know how we can even proceed without those questions being answered.

Deputy Jim O'Callaghan: I frequently get invitations, which I welcome, from the Deputy's justice committee. I turn up and I answer a series of questions on international protection accommodation, international protection processing times or the International Protection Office. I have done it before and I have no difficulty doing it again. What we cannot do is turn the Committee Stage of this important legislation into a procedure that is the same as happens in the justice committee when I appear to answer general questions. I can, however, give confirmation to the Deputy that the country and the Department will be ready to process the new system proposed under this legislation. If the Deputy wants to look at what is being done and the improvements have been made, he should look no further than the International Protection Office, which last year processed over 20,000 applications, which was an extraordinary achievement. We need to speed up the appeals process as well. The Deputy will be aware there is a new second instance body being established under this. I agree with Deputy Gannon that we need to put in some procedure for what we are dealing with here. It seems to be that we are talking about section 1. We have not moved amendments Nos. 2 to 4, inclusive, in that grouping. I would have thought before we have a vote on section 1, we would have to deal with those three amendments.

Deputy Matt Carthy: Just to say-----

Deputy Alan Kelly: We need some consistency.

An Cathaoirleach Gníomhach (Deputy Marie Sherlock): We will deal with those amendments under section 2. We will proceed and conclude section 1.

Deputy Matt Carthy: On section 1, this is fundamental to the discussion that we had. I do not think there is any suggestion that Members should be rushed to dealing with a section as important as dealing with individual amendments. The legislation will give the Minister the power to appoint by order the day on which this will come into place in terms of schedules. Can the Minister give this House any indication as to when he expects to make those orders?

Deputy Jim O'Callaghan: Once the legislation is enacted I will then identify when I am going to sign commencement orders under it. That always applies in respect of legislation.

What needs to happen now is the Deputy needs to move amendments Nos. 2, 3 and 4 if we want to-----

Deputy Matt Carthy: They are to section 2. We are dealing with section 1.

Deputy Jim O'Callaghan: Are the Deputy's amendments not in respect-----

Deputy Matt Carthy: No.

Deputy Jim O'Callaghan: Okay.

An Cathaoirleach Gníomhach (Deputy Marie Sherlock): Is section 1 agreed?

Deputies: No.

Question put:

The Committee divided: Tá, 81; Níl, 64; Staon, 0.		
Tá	Níl	Staon
Aird, William.	Bacik, Ivana.	
Boland, Grace.	Bennett, Cathy.	
Brabazon, Tom.	Boyd Barrett, Richard.	
Brennan, Brian.	Brady, John.	
Brennan, Shay.	Buckley, Pat.	
Brophy, Colm.	Byrne, Joanna.	
Browne, James.	Carthy, Matt.	
Burke, Colm.	Clarke, Sorca.	
Burke, Peter.	Collins, Michael.	
Butler, Mary.	Conway-Walsh, Rose.	
Butterly, Paula.	Coppinger, Ruth.	
Buttimer, Jerry.	Cronin, Réada.	
Byrne, Malcolm.	Crowe, Seán.	
Byrne, Thomas.	Daly, Pa.	
Cahill, Michael.	Devine, Máire.	
Callaghan, Catherine.	Doherty, Pearse.	
Calleary, Dara.	Donnelly, Paul.	
Carrigy, Micheál.	Ellis, Dessie.	
Carroll MacNeill, Jennifer.	Farrelly, Aidan.	
Cleere, Peter 'Chap'.	Farrell, Mairéad.	
Clendennen, John.	Fitzmaurice, Michael.	
Collins, Niall.	Gannon, Gary.	
Connolly, John.	Gibney, Sinéad.	
Cooney, Joe.	Gogarty, Paul Nicholas.	
Crowe, Cathal.	Gould, Thomas.	
Cummins, John.	Graves, Ann.	
Currie, Emer.	Guirke, Johnny.	
Daly, Martin.	Hayes, Eoin.	
Dempsey, Aisling.	Healy, Seamus.	

Devlin, Cormac.	Hearne, Rory.	
Dillon, Alan.	Kelly, Alan.	
Dolan, Albert.	Kenny, Eoghan.	
Dooley, Timmy.	Kenny, Martin.	
Feighan, Frankie.	Kerrane, Claire.	
Foley, Norma.	Lawless, Paul.	
Gallagher, Pat the Cope.	Lawlor, George.	
Geoghegan, James.	Mac Lochlainn, Pádraig.	
Grealish, Noel.	McGuinness, Conor D.	
Harkin, Marian.	Mitchell, Denise.	
Harris, Simon.	Murphy, Paul.	
Healy-Rae, Danny.	Mythen, Johnny.	
Healy-Rae, Michael.	Nash, Ged.	
Heneghan, Barry.	Newsome Drennan, Natasha.	
Heydon, Martin.	Nolan, Carol.	
Higgins, Emer.	O'Callaghan, Cian.	
Keogh, Keira.	O'Donoghue, Robert.	
Lawless, James.	O'Gorman, Roderic.	
Martin, Micheál.	O'Hara, Louis.	
Maxwell, David.	O'Reilly, Louise.	
McAuliffe, Paul.	O'Rourke, Darren.	
McCarthy, Noel.	Ó Broin, Eoin.	
McCormack, Tony.	Ó Murchú, Ruairí.	
McEntee, Helen.	Ó Súilleabháin, Fionntán.	
McGrath, Séamus.	Quaide, Liam.	
McGreehan, Erin.	Quinlivan, Maurice.	
McGuinness, John.	Rice, Pádraig.	
Moran, Kevin Boxer.	Sheehan, Conor.	
Moynihan, Aindrias.	Sherlock, Marie.	
Moynihan, Michael.	Smith, Duncan.	
Murnane O'Connor, Jennifer.	Stanley, Brian.	
Murphy, Michael.	Tóibín, Peadar.	
Naughton, Hildegard.	Wall, Mark.	
Neville, Joe.	Ward, Mark.	
O'Callaghan, Jim.	Whitmore, Jennifer.	
O'Connell, Maeve.		
O'Connor, James.		
O'Dea, Willie.		
O'Donnell, Kieran.		
O'Donovan, Patrick.		
O'Meara, Ryan.		
O'Shea, John Paul.		
O'Sullivan, Christopher.		
O'Sullivan, Pádraig.		
Ó Fearghaíl, Seán.		
Ó Muirí, Naoise.		
Roche, Peter.		
Scanlon, Eamon.		

Smith, Brendan.		
Timmins, Edward.		
Toole, Gillian.		
Troy, Robert.		

Tellers: Tá, Deputies Mary Butler and Emer Currie; Níl, Deputies Pádraig Mac Lochlainn and Matt Carthy.

Question declared carried.

NEW SECTIONS

An Ceann Comhairle: Amendments Nos. 2 to 4, inclusive, are related and will be discussed together.

Deputy Matt Carthy: I move amendment No. 2:

In page 16, between lines 32 and 33, to insert the following:

“Sovereignty of the State in Matters of International Protection

2. (1) Nothing in this Act shall be construed as limiting the sovereign authority of the State, exercised through the Oireachtas, to determine policy in respect of immigration and international protection.

(2) No provision of this Act shall be interpreted as delegating such authority to any external body or institution without the express approval of the Oireachtas by primary legislation.”.

Deputy Matt Carthy: Earlier, the Minister spoke about the democratic process and how the EU migration and asylum pact was democratically voted through by the Houses of the Oireachtas and, therefore, there should be no question of it or the implications for Irish sovereignty. To be clear, when I say, “Irish sovereignty”, I mean the ability of the Irish Government to enact legislation relating to immigration, particularly international protection, in this State. I make no apologies for Sinn Féin’s position that we oppose, and will continue to oppose, moves that undermine Irish sovereignty unnecessarily.

I am a former Member of the European Parliament. I believe in the concept of the European Union where member states work together to deliver things that can only be delivered by working collaboratively. In respect of what that means in the context of the EU asylum and migration pact and how Sinn Féin approached this, we looked at each of the regulations and directives within the pact in turn and deliberated as to whether it was in Ireland’s best interest to sign up to the pact. There were a number of aspects with which Sinn Féin agreed we need to sign up to on the basis that the only way they are workable is through working together.

Of course, we need to have an EU framework to deal with returns regulations and the sharing of information between member states. We do not need an EU framework to ensure that we have an efficient processing system, however. In fact, it is irrelevant. When it comes to having a competent government that can speed up our processing times, the only difference signing

up to the EU migration and asylum pact makes is that we will be potentially liable for fines if we do not achieve it. Not only do the Irish people get the benefit of having an incompetent Government, but taxpayers will also be fined for the luxury of having that incompetent Government.

We do not need the pact to ensure that when decisions are made, they are enforced or at least monitored nor do we need the pact to move away from the blatant profiteering that has become the hallmark of this system. For all of those things, we need a competent government. Therefore, it does not make any sense for us to sign up to an EU framework, particularly when we are doing it from a starting point where we have a dysfunctional system and have not seen advances in processing. I accept that first-instance processing and median times have reduced, but the appeals have increased more than the first instances have reduced. Therefore, there is nothing.

As I mentioned earlier, we dealt with pre-legislative scrutiny. Stakeholders, Department officials, legal and migration experts and people from all different perspectives were before the committee, including people with a humanitarian perspective. No one expressed confidence in the ability of the Government or State to be in a position by June of this year to fundamentally transform the system and, therefore, it is crucially important that we deal with those areas we can deal with on a State-wide level.

The Minister spoke about how the Irish people amended the Constitution to allow us to sign up to measures at an EU level, that is, to hand over sovereignty. They did so on the very clear premise that it would be on matters we must deal with on an EU basis. In fact, throughout every debate, particularly in debates relating to both the Nice and Lisbon treaties, the Irish people had concerns about what they could mean for the ability of governments to hand over powers that could never be returned. One of the ways in which their concerns were assuaged - not the concerns of all Irish people, and certainly not mine - was through Protocol 21 of the Lisbon treaty. That gave Ireland something very important, namely, an opt-out of anything related to justice, security or freedom measures, which includes measures such as the EU asylum and migration pact. The Government, therefore, did not need to sign up to all aspects of it. As I have outlined, it is not in our best interests to do so.

Why then did the Government sign up to the EU asylum and migration pact, because it does not make any sense? Why would it tie the hands of not only the Government of the day but also all future governments to show flexibility? It did so because it wanted to show that it is doing something on the issue of migration. It had become a political issue and the Government wanted to be able to say that it was getting its act together and signing up to an EU pact, despite, as I mentioned earlier, not having any plan to actually deal with that. This means that, into the future, we will be operating within an EU framework. There is a lack of scrutiny in respect of this legislation. We are dealing with rushed timelines and a situation where we are going to have legislation enacted by June, although the processes and plan to deal with that will come at some undefined point in the future.

Elected representatives from here on will essentially be shut out. Democracy is not just about the ability of governments to make decisions. Rather, democracy fundamentally is about the ability of the people to kick out governments and elect a different government to make different decisions, if that is what the Irish people want. That is what is fundamentally being breached here.

I have three amendments in this regard. I have moved amendment No. 2. It expressly states it should be the will of these Houses to ensure no external body or institution would have the ability to make laws in respect of migration or international protection without the express approval of the Oireachtas and primary legislation.

Amendment No. 3 asks for the Minister, on an annual basis, to lay before the Oireachtas a report dealing with:

- (a) the extent to which the State's international protection system remains under domestic control;
- (b) obligations arising from EU or international agreements during the preceding year; and
- (c) steps taken to ensure that Irish sovereignty and democratic oversight are maintained.

It states the report should be referred to the Oireachtas joint committee on justice. I hope the Minister will indicate support for that provision, if he does not support the first. It is important there be an outline.

Amendment No. 4 is crucially important because it goes to the crux of the second reason signing up to the EU asylum and migration pact was an absolute mistake. The pact, naturally enough for a European Union document, makes no provision for and gives no consideration whatsoever to the common travel area and how changes that happen in Britain might affect changes here. The amendment asks the Government to "prepare and publish an assessment of the potential and actual impacts on the common travel area arising from the operation of this Act." It states that the assessment should include:

- (a) analysis of any implications for the movement of persons between the State and Great Britain,
- (b) consideration of the effect of international protection procedures on CTA integrity and cooperation,
- (c) evaluation of any risks of displacement or diversion effects within the CTA, and
- (d) measures proposed to mitigate identified impacts.

It also states:

(3) The Government shall consult with relevant Departments, agencies, and stakeholders, including those with responsibility for immigration control, border management, and CTA co-ordination.

It states that assessment should be laid before this House on an annual basis. That is crucially important because various Ministers at different times - I have lost count of the different figures - have said that 80%, 85%, 90% and 90%-plus of the number of people seeking international protection in this State arrive via the common travel area. I presume everyone agrees that over 50% are coming from within the common travel area, and it is probably higher.

4 o'clock

If we are then locking ourselves into an EU framework that does not take cognisance of that, it requires an explanation that no Minister has given. If it is the case that those numbers are, in

fact, the reality, and if we were serious and if the Government was serious about dealing with the dysfunction in the international protection system, the priority would be having a bilateral agreement with the British Government in respect of ensuring that we have a returns policy and the sharing of information and all of that. We have an informal agreement but there have been no moves and there is no sense of urgency or sign that the Government is dealing with this issue as a serious matter. I hope and expect that amendment No. 4 will be supported by the Government.

This amendment is required because the Government signed us up without any consideration. We have seen it time and time again. The Government is now rendering Protocol 21 meaningless. It is opting into virtually every EU measure that is coming forward. It is all a facade. It is to show that the Government is doing something when in reality all it is doing is signing up to measures it cannot control. It is not taking cognisance of the position.

The Government carried out a review of Protocol 21. It acknowledged explicitly that opt-outs exist and are maintained because of the common travel area. Yet, the opt-outs are always and repeatedly being disregarded. The amendment requires the Government to examine and publish how the Bill will affect the common travel area and mandates analysis.

I will say the following, and I think this is an appropriate time to talk about the issue. Lots of people have raised concerns about immigration into this State. Some come from a genuine place of concern for those people who are coming here and for the capacity of the system to deal with the numbers who are coming. Others come from a nastier and racist position. Let us call a spade a spade. If people were serious about tackling those concerns, the single greatest thing we could do to ensure we have a migration system that works effectively would be to get rid of the Border on this island and ensure we deal with the issue on an all-Ireland and united-Ireland basis. The people who have concerns and believe that these issues have not been managed should be the loudest and most vocal united Ireland proponents among us. It is the only way in which to deal with this.

I look forward to hearing the response of the Minister of State, Deputy Brophy, to these amendments. It will speak volumes to the seriousness of what the Minister has said about his respect for these Houses and the ability of these Houses to act in the best interests of the Irish people, going forward, and being able to be flexible in terms of making changes to the international protection system when circumstances change. That is the definition of democracy.

Deputy Gary Gannon: I will be brief. What exactly is the plan for the common travel area? Could the Minister of State outline that in his response? I would be grateful if I knew whether Deputy Carthy's amendment will be supported. We have had so much conversation about the International Protection Bill and the transposition of the EU pact but I have yet to hear a Government Minister or TD lay out for me exactly what is the arrangement when it comes to the common travel area. It is obviously not provided for in the Bill that has been presented to us. It is not provided for in the pact. What exactly is the plan come 12 June?

Deputy Mark Ward: I will speak first about amendment No. 2. This amendment simply reaffirms that decisions on immigration and international protection remain the sole responsibility of the State. I have said before that Ireland is an independent sovereign state and

should not be beholden to Europe on matters we can resolve ourselves. It has been the attitude of successive governments that we want to be the best in class when it comes to the EU. Ireland's position is unique and it has its own particular challenges. We are in the EU but are not in the Schengen area. We are part of a common travel area with a state that is outside the European Union. That is why the one-size-fits-all approach to migration and asylum is not in our best interests.

There are many problems with the international protection system, which have been outlined already. Decisions are taking way too long. Appeals are taking too long. Deportation orders are not being enforced. There is massive profiteering from the provision of inappropriate IPAS accommodation. Fixing these problems does not require us to sign up to the EU migration and asylum pact. Ireland is a small, neutral country with an independent foreign policy. We should not allow the EU to dictate from which conflicts we should take people who are seeking refuge. This should be a matter for the Irish Government to decide. Amendment No. 2 is a safeguard to ensure the laws are made by Ireland's elected representatives and not handed over to Europe.

Amendment No. 3 relates to the fact most international protection applicants arrive through the common travel area and yet there has been zero assessment of how the common travel area will be affected and no attempt to agree a bilateral arrangement with Britain. With the failure to prioritise this bilateral agreement on returns, the Government has left the State in an unacceptable situation in the management of migration.

It is also time for the Government, including the Taoiseach, who appears to have a particular reluctance in this regard, to admit that, as with many other challenges faced in Ireland, having two states on this island impedes our ability to deal with migration properly. Brexit added another layer of complexity to the situation. It goes without saying that the management of migration will be simplified when there is one state on the island of Ireland. For this reason, and many others, it is time to start making unity a reality. I have raised this issue on numerous occasions. I have raised the need for a secure bilateral agreement with Britain to ensure that those international protection applicants who should be processed in Britain can be returned there promptly.

Deputy Louis O'Hara: The Minister earlier said that this debate is sovereignty in action. It is, but what he is doing in this instance is signing that away. We are not going to have the same capacity to make these decisions because of the EU pact. He is handing away decision-making power.

The Government has also signed us up to potential infringement proceedings from the European Union when we inevitably cannot live up to the pact that we have signed up to. That is a bizarre and irresponsible approach to take. We are talking about huge amounts of money that could be lost through infringement proceedings and I would argue that also undermines our sovereignty.

We do not need this pact to sort out the issues we have. We do not need it to sort out the delays in processing applications, the delays in the appeals system or the issues with decisions not being enforced. We definitely do not need it to end the profiteering that is the hallmark of the system and which the Government has failed to clamp down on. The system has been in crisis for a very long time, but that is down to Government failures. It is the Government alone

that has the wherewithal and power to address it. That should be the approach that is being taken. The average processing time is over two and a half years when we include applications and appeals. The EU migration pact is not going to help us to sort that; only Government action will.

Some parts of the pact make sense but we have opposed opting in wholesale because, as I have said, it undermines our sovereignty and transfers powers to the European Union. It should be the Irish Government and the Irish people who are deciding policy on migration, particularly given our unique circumstances as part of a common travel area with a state outside the European Union.

These amendments are sensible and will help to protect our sovereignty and deal with the impact of the common travel area. As my colleagues have said, this clearly demonstrates the difficulties with having two states on this small island. It does not make sense in any way and should underline why the Government should be active persuaders when it comes to Irish unity. It should begin planning and preparing for unity because time and again, issues arise where the Border on this island proves to be a major stumbling block.

Deputy Fionntán Ó Súilleabháin: I want to be constructive. I would welcome any Government policy that will deal with the present chaotic system of IPAS processing and enforcement. However, we should make the decision. That is fairly obvious. Based on our own circumstances on a divided island, this issue cannot be addressed in the present system.

The system to date has not been fit for purpose. I want to be constructive, as I was saying. We need to see faster processing of the claims and more efficient decision-making in terms of Eurodac with biometric data and the screening at border checks. I welcome the enhanced screening brought in at Rosslare Europort. I was down at the opening some months ago. We need to see less time spent by applicants in State accommodation, which is enriching cowboys, basically, to the tune of €1.2 billion last year. These aspects are good and we support certain aspects like giving communities back their hotels and community spaces. It will be good if it leads to quicker processing of successful applicants and if it will do away with the trafficking industry and especially child trafficking which is something that existed long before Jeffrey Epstein. It is something that has been going on. It will be good if it means we have the faster return of those who have been refused asylum. We want a system that is fair, efficient and enforced because we have not been enforcing so far. What we have done up to date is not apply our own rules. We have made a laughing stock of the country in front of the world. The whole situation of the passports in bins, which was going on for years, made a mockery of the system. Anything that would deal with that would certainly give more credibility to the Government.

An Irish Government is best placed to make these decisions in the interest of the Irish people rather than faceless, unaccountable, unelected bureaucrats in Brussels. That undermines our democracy and sovereignty. The people whose statues are around the Chamber were people who stood for sovereignty. The patriot dead we think of coming up to Easter were people governments saw fit to honour here, so we should be thinking of sovereignty, which is our ability to control our own affairs. Obviously an Irish Government elected by the Irish people, regardless of who they vote for, is in the best place to do that but our attitude has been to be the best boys and girls in the class in the EU for years and that does not serve us well all the time. This State is supposed to be independent, sovereign and should not be beholden to Europe

on matters we can resolve ourselves, such as these, as Deputy Carthy and others have pointed out.

There are many aspects of the Bill that do not recognise the unique situation on the island where we have an open border with a non-EU state. It is absolutely necessary we advance towards Irish unity but this Bill does not recognise the fact that every day there are taxis coming down from Belfast and Newry arriving outside the Gresham Hotel on O'Connell Street. People can see it openly. It is something that cannot be sorted out under the present arrangements. We should not be doing all this as a package because one size cannot fit all the countries in Europe. It certainly does not suit our needs given our unique circumstances and we are at nothing trying to deal with these challenges. If we sign up in full to this pact in the absence of Irish unity, it simply will not work. It would be a crazy idea to give *carte blanche* to, and say we agree with, everything that does not suit our circumstances. I ask the Minister of State to consider that. It goes against everything his party believes in as well. It would be crazy to sign up for the full package.

Deputy Roderic O'Gorman: There are three amendments to this section and I think there is an amendment to section 4 regarding the common travel area. Our unique border situation with Northern Ireland poses a particular challenge to how we manage migration and asylum here. I think everyone in the Government and the Opposition share the goal of maintaining an open border there. Understanding how the specific flows between Ireland and the UK work would be useful, as this amendment proposes.

I am less convinced by the argument for amendments Nos. 2 and 3. We have seen over decades how our planet has become more and more interconnected. We can put provisions into our law that say things like the State's international protection system remains under domestic control, which is what amendment No. 3 says, but we also have to be very honest that migration in Ireland is fundamentally linked to events that are outside our control. Droughts in sub-Saharan Africa, a crackdown by the regime in Iran, a civil war in a Middle Eastern country or an economic downturn in a former Soviet state are ultimately the events around the world that impact on the flows of migration to Ireland and Europe. Our political relationship with the UK is another key element that impacts flows of migration here. In the run-up to the British general election in May 2024 we saw how the Tory Party, seeing it was about to lose power, weaponised the issue of migration here and the pressures we were experiencing with migration here to try to fend off the challenge of Reform. The party basically withdrew meaningful co-operation on these issues with our Government at that time. When a new government came in and bilateral relationships were restored we saw how proper policies could be implemented.

That ability to engage with other countries in an upfront and structured way is hugely important to how we manage migration. That international co-operation is fundamental to being able to manage the flows of people seeking asylum. We have a very clear example of a country that thrust sovereignty to the very front of its argument regarding migration and we saw that in the UK during the Brexit debate. We have seen how that has absolutely failed and how the UK's so-called embrace of sovereignty by leaving the European Union has failed to deal with migration, which was probably the central issue in Brexit. The levels of migration the UK has experienced have been even greater, in many instances, since it left the European Union but its ability to deal with the day-to-day problems such as issues with small boats has lessened because it does not have that structured engagement with the European Union. As

such, it is important when we are having this discussion to understand that while this Dáil will make decisions about the processes and the legal format of international protection here, we cannot just throw sovereignty over legislation and feel it deals with the issue because fundamentally Ireland and so many other countries in the world are at the mercy of international events when it comes to migration. We have to have systems in place that deal with the consequences of those international events.

An Ceann Comhairle: Before I move to the Minister of State, I remind Members we should try to keep the debate to discussion of the amendments proposed. I know we have eight hours but I say this given the controversy raised last week with regard to Committee Stage and how nobody should be, I suppose, taking advantage of the time.

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Colm Brophy): I do not propose to accept amendments Nos. 2 and 3. I will go into that in detail but it is important to make a point at the very start. If a party is anti-EU, and Sinn Féin is, in my opinion, with platitudes to the left and the right of what it may or may not want to say about it, its members would be far more honest to come in here and say that. On every occasion when I listen to its members speak - they come in and their line writers have given them whatever cliché to say for the day - it is always anti-EU. That is really the importance of what the last contributor said about that sovereignty argument and how not working with our EU partners can really damage us in this area. That needed to be said. The Bill does not and could not in any meaningful way do what Article 5 of the Constitution states, which is that "Ireland is a sovereign, independent, democratic state". Article 6 is clear as to where the sovereignty power of the State resides, namely, with the people. At the same time, the Constitution also provides for Ireland to be a member state of the European Union and to participate in addressing shared challenges with co-ordinated solutions. That is the important thing. What Europe is all about, in case the Sinn Féin Deputies have missed it, is shared challenges. This co-operation with our fellow member states was clearly approved by the people when they voted in referendums for the inclusion of references to the various European treaties in Article 29 of the Constitution. Certain things can be done on a common European basis, and should be. As I said on Second Stage, and as the Minister has said, migration and asylum have given rise to challenges not only for Ireland but across the European Union.

They are shared challenges which are increasingly difficult for any one country to deal with acting alone in a global and independent world. We have seen very close to home how difficult it can be when a country decides to think it can deal with this on its own. That is why the shared solution is the best way forward.

Ireland's participation in international agreements and EU measures in the area of international protection is not new. Ireland ratified the 1951 convention relating to the status of refugees in 1956 and acceded to the 1967 protocol in 1968. The Dublin Convention was agreed in 1990. Ireland participated in the first phase of the common European asylum system, opting into several EU measures in the first years of this century, some of which were the forerunners of the measures in the migration and asylum pact which are being given further effect by this Bill.

Article 29.4.7° of the Constitution provides that the State may exercise the options or discretions under Protocol 21, but any such exercise should be subject to the prior approval of

both Houses of the Oireachtas. The decision to opt in and be bound by the migration and asylum pact measures was approved by this House and the Seanad - the Minister, Deputy O'Callaghan, has said this to Deputy Carthy many times - on the basis of the proposal of the Government pursuant to Protocol 21 of the Treaty on the Functioning of the European Union. This amendment also attempts to reframe the aspects of the separation of powers already defined in the Constitution.

With respect to the House, it is well established that the executive authority of the State to determine policy in respect of migration is vested under the Constitution in the Executive branch. The Oireachtas is entitled to exercise its constitutional function to legislate. However, to allocate policy function solely to the Oireachtas might, for example, limit the Minister's authority to determine the policy relating to the granting of visas or other immigration permissions in the State. For the above reasons, I cannot accept amendments Nos. 2 and 3.

I also do not propose to accept amendment No. 4. Ireland and the United Kingdom share a very long history and a common interest in effective co-operation on the common travel area. Maintaining the integrity of the common travel area and preventing its abuse in the context of immigration is an issue on which I, the Minister, Deputy O'Callaghan, and our officials have had many engagements with our UK counterparts. My Department is taking all necessary steps to manage the international protection process efficiently and effectively, while ensuring the integrity of those processes is maintained at all times. There is extensive engagement and co-operation at all levels between my Department and the United Kingdom Home Office. This includes joint operational co-operation, as well as information sharing between the Garda, the UK Border Force, the UK policing service and the Police Service of Northern Ireland. This strong and practical engagement and co-operation serves the mutual interests of Ireland and the United Kingdom and that will continue.

The protection of an open Border on the island of Ireland was and remains a key priority to the communities on both sides of the Border. I do not believe it would be necessary or, indeed, appropriate to place requirements for consideration of the impacts of the common travel area on a statutory footing.

Deputy Matt Carthy: I do not know if people do not hear, do not understand or refuse to recognise what has been said. I would argue that Sinn Féin is probably the only party represented in this House that has accepted the will of the people in every referendum. The parties of Government did not accept the will of the people in respect of the first Nice and Lisbon treaty referendums and held a second vote in each case. Sinn Féin campaigned in those referendums and was on the losing side. We accepted the will of the Irish people.

That does not mean that we forget the basis on which those referendums were won and how that applies to the amendments I am putting forward. Categorical assurances were provided to the Irish people in terms of the sovereignty that would be handed over. The Constitution provides that the State can cede sovereignty to the European Union, but that happens when it is in our interest to do so and the logic is that we need to do it on the basis that we have to collaborate with others. Of course we accept that there are some issues which are so big that we can only have a meaningful impact in terms of addressing them if we work on a pan-European and wider multilateral basis, where possible. Nobody will champion the UN, for example, more than our party. For all its flaws, it is the best hope humanity has.

In respect of the European Union, we have to deal with things on a case-by-case basis and analyse the detail and logic behind any decision because that is what the Irish people mandated. That was the basis of Protocol 21 in the Lisbon treaty and why it was so important. That it is why it is so disappointing that the Government is simply abandoning Protocol 21 and the logic by which it which was put in place. It is being disingenuous in that regard.

The Minister of State spoke about being honest and suggested we are an anti-EU party. That is a trope that has been thrown out for the past ten or 15 years. Anybody who analyses my record in the European Parliament and that of other Sinn Féin MEPs will know that we support European measures when they are in Ireland's best interests and oppose them when they are not. We will not make any apologies for that. That is what Irish representatives should do, and do so proudly, because I do not think anybody in the House advocates for a Brexit-type scenario whereby we withdraw entirely from the European Union as Britain did.

Likewise, I will reject the suggestion that there is a binary choice between Brexit or EU integration on steroids. That is not the choice the State has. The choice is about how we engage with the European Union and what measures of integration we support. As I said, this should be based on our what is in our interest and what we need to collaborate on.

Amendment No. 2 refers clearly to these Houses, the elected representatives of the people who make decisions in respect of migration policy. Amendment No. 3 states that the Government would provide a report to the Houses. It is interesting to note that the Minister mentioned the forerunners to the EU asylum and migration pact. He is correct. We signed up to a number of directives and regulations, but we did not sign up to all of them. The Minister of State has never answered the question on the disadvantage we faced by not signing up to the precursors to the directives and regulations that Sinn Féin opposed on this occasion. At an EU-wide level, we signed up to the forerunner for information sharing, Eurodac, and the forerunner of rights to reply, the Dublin regulations the Minister of State mentioned.

We have never signed up to an EU-wide system in respect of the processing of applications, standards and conditions because of the common travel area. The Government parties at the time wanted to say that they were doing something on migration and signed us up lock, stock and barrel with no consideration given to other issues. A political propaganda judgment was made, as opposed to a considered political decision in respect of what was in Ireland's best interests.

I accept the points made by Deputy O'Gorman. If people were really serious about dealing with migration, in particular forced migration for those seeking international protection, they would want a multilateral framework which deals with the causes. They would want to end conflicts and deal with climate change and gross economic inequalities internationally. It is again ironic that some of those who are most vociferous in terms of articulating an anti-migrant position are the same people who would be most resistant and hostile to measures aimed at ending conflict and dealing with climate change or addressing economic inequalities. That is different. Dealing on a multilateral basis with all of those issues is crucially important and Sinn Féin will support measures in that respect. That is different to tying people's hands behind their back.

I am deeply disappointed. The Minister of State gave me a little bit of false hope in how he presented his reply because I thought he was going to accept our amendment on the common

travel area. That was naïveté on my part because I thought for a moment that we would have a constructive engagement. Let us be very clear what we are asking the Government to do.

The amendment simply asks the Government to prepare and publish an assessment on the potential and actual impacts of the common travel area arising from this Act, and the mitigating measures to address those areas at regular intervals, and not exceeding three years. It is not a burdensome task. It is not one of these cases where we call on the Department to produce a report and as soon as it is finished producing one report, it is working on another one. It is simply stating that the Houses will be informed as to how this is impacting and that is really important. Could the Minister of State outline precisely what proportion of applicants seeking international protection are coming from the common travel area? I can cite five different figures given by different Ministers. The truth is the Government does not know. It does not know - and we will be dealing with this in a later amendment - because it does not compile statistics and analyses as to where people are actually coming from in terms of international protection. We know who applies at ports and airports and it is assumed by the Government that everybody else who has not applied for international protection at the ports and airports has come across the Border. It has no way of knowing that. It does not know how many within our IPAS system came here for other reasons - in some cases legitimate reasons such as on tourist, employment or student visas despite international evidence suggesting a proportion of IPAS applicants came for those reasons. It is mind-boggling that the Government does not gather that statistical analysis but then it is completely disingenuous to use its failure to gather that statistical information to state that a certain number is coming from across the Border.

I accept that a large proportion probably does come from the common travel area. Therefore, it is inexcusable that the Government has no mention of the common travel area in this legislation dealing with international protection. We say that a certain proportion - more than 80%, according to most Government Ministers - are coming from the common travel area and there is no reference to it whatsoever in a Bill that is 230 pages long. As regards the one amendment that actually accounts for the common travel area, the Government has indicated it will not accept it.

Likewise, the Minister mentioned he has had many engagements with his British counterparts in respect of the common travel area and international protection. Before Members vote on this amendment, it is important that the Minister of State gives a report on what has actually been achieved. What concrete measures have been achieved, particularly in respect of the need for a bilateral arrangement with the British Government?

This is the worst of every world because we are dealing in the first instance with a divided island and two separate States. Not only is the Northern State outside of the common travel area, migration matters are not devolved matters. Even if the Assembly, the elected institution of the Six Counties, wanted to make moves or collaborate with the Government here, it cannot do it. It cannot take any measures whatsoever. We are dependent on decisions being made at Westminster with all of the flux and the turmoil going on there, and we know those decisions have big impacts. How do we know those decisions have big impacts? We know because some of the amendments which have been brought forward by the Government to this Bill were done so directly as a result of decisions that were made in Westminster and the so-called efforts to avoid the pull factors which have been outlined. The decisions made in Westminster are going to have implications but we do not know how the Government is going to respond to

them in the future. It is really important that the Minister of State provides the Houses with that assurance. If he cannot, I do not know how we can proceed.

The Government is saying that 80% plus of people claiming international protection are coming from the common travel area, yet our entire international protection system is going to be based on an EU framework that takes no account of the system whatsoever. This is not just me saying this. We asked the Minister of State's Department during pre-legislative scrutiny about the analysis carried out in respect of the common travel area and how either the pact or this legislation would impact on it and it could not answer because it did not have that information. That is a reckless approach when we are considering legislation as important as this.

Deputy Gary Gannon: To build on the question I asked before the Minister of State made his contribution, the crux of the matter for me in supporting amendment No. 4 is that if we are to believe the figures - we have heard numerous different figures but let us settle on 84% of people who claim asylum in Ireland come through the common travel area - to be true, we effectively have a piece of legislation that is massive in its scope and intent but does not provide for 84% of people who come to Ireland. That is particularly scary for me because this legislation deals not only with the detention of people and the suspension of liberty, it also has the detention of children built in. If 84% of people who claim asylum are coming through the common travel area and it cannot be established where they may be returned to, I worry about what happens to people who are being detained. We have a horrific history of incarceration in this country and that really does concern me. It has not been addressed. That is why I will be supporting amendment No.4. Does the Minister of State have any clarification in that regard? Effectively, it seems like we have an international protection Bill with a big hole in it.

Deputy Colm Brophy: It is important to recognise there is ongoing co-operation in terms of the management of the common travel area. It is extensive co-operation, as I said in my initial reply. That is at official, political and operational level between An Garda Síochána and the police services of the United Kingdom. All of that is effectively ongoing and continues to be strengthened and deepened in terms of how we actually deal with managing that common travel area.

We want to have a common travel area. Every Government of every persuasion has wanted to have a common travel area with the United Kingdom. It is important it is managed effectively. What we are doing with the International Protection Bill is putting in place structures that will serve us in the best interests of the overall management of how we handle this as an issue for our country, decided by us in this Parliament.

Deputy Matt Carthy: The Minister of State says there is ongoing co-operation that is official, political, and operational. For all of that co-operation and official, political, and operational collaboration, what is the current percentage of those in our international protection system who came through the common travel area? What measures have been taken? In terms of the official, political, and operational collaboration, how much has it reduced the numbers? What are the outcomes of that co-operation? Which particular measures enacted as a result of that official, political, and operational collaboration have led to reductions, if any, that have taken place? I hope the Minister of State can answer those questions because if he cannot and

if he does not have those figures to hand, it only stresses further why amendment No. 4 should be adopted by this House.

Deputy Gary Gannon: I am conscious that in 2020 a UK-Ireland returns agreement was signed that was challenged in the courts on the Irish side and found to be at best legally dubious, so it has not used. The Government updated it in 2024 or 2025 but the UK side has not enacted it at all. We are effectively going to have an International Protection Bill that is a transposition of EU law, which is absolutely fine as a theory, but I will be voting against it. We then have a shadow immigration scheme the Minister of State assures us is operating at an official level but that we cannot have oversight of and that we do not know where jurisdiction applies as to who is intervening on either side of the Border. Absolutely none of us wants to see any erosion of the common travel area at this point but this seems like a fairly significant gap and it has not been explained at all.

Deputy Colm Brophy: It is important to note the overall numbers coming in year on year are going down. That is very important and it is the result of a range of measures - some I will accept before the Deputy says it are international and some are directly as a result of the actions taken by myself, the Minister, Deputy O'Callaghan and this Government in terms of dealing with the inward flow of migration into the country. That is a very important thing to recognise when we are having this discussion. It is obviously important for us to recognise also that that deep co-operation between the United Kingdom and Ireland at all levels contributes to managing the common travel area. This legislation will enable us to continue to manage effectively what we need to do on the international protection side.

Amendment put:

The Committee divided: Tá, 41; Níl, 101; Staon, 1.		
Tá	Níl	Staon
Bennett, Cathy.	Aird, William.	O'Gorman, Roderic.
Brady, John.	Bacik, Ivana.	
Buckley, Pat.	Boland, Grace.	
Byrne, Joanna.	Boyd Barrett, Richard.	
Carthy, Matt.	Brabazon, Tom.	
Clarke, Sorca.	Brennan, Brian.	
Conway-Walsh, Rose.	Brennan, Shay.	
Cronin, Réada.	Brophy, Colm.	
Crowe, Seán.	Browne, James.	
Cullinane, David.	Burke, Colm.	
Daly, Pa.	Burke, Peter.	
Devine, Máire.	Butler, Mary.	
Doherty, Pearse.	Butterly, Paula.	
Donnelly, Paul.	Byrne, Malcolm.	
Ellis, Dessie.	Byrne, Thomas.	
Farrell, Mairéad.	Cahill, Michael.	
Gogarty, Paul Nicholas.	Callaghan, Catherine.	
Gould, Thomas.	Calleary, Dara.	
Graves, Ann.	Carrigy, Micheál.	
Guirke, Johnny.	Carroll MacNeill, Jennifer.	

Healy, Seamus.	Cleere, Peter 'Chap'.	
Kenny, Martin.	Clendennen, John.	
Kerrane, Claire.	Collins, Niall.	
Lawless, Paul.	Connolly, John.	
Mac Lochlainn, Pádraig.	Cooney, Joe.	
McGettigan, Donna.	Coppinger, Ruth.	
McGuinness, Conor D.	Crowe, Cathal.	
Mitchell, Denise.	Cummins, John.	
Mythen, Johnny.	Currie, Emer.	
Newsome Drennan, Natasha.	Daly, Martin.	
Nolan, Carol.	Dempsey, Aisling.	
O'Hara, Louis.	Devlin, Cormac.	
O'Reilly, Louise.	Dillon, Alan.	
O'Rourke, Darren.	Dolan, Albert.	
Ó Broin, Eoin.	Dooley, Timmy.	
Ó Murchú, Ruairí.	Farrelly, Aidan.	
Ó Súilleabháin, Fionntán.	Feighan, Frankie.	
Quinlivan, Maurice.	Foley, Norma.	
Stanley, Brian.	Gallagher, Pat the Cope.	
Tóibín, Peadar.	Gannon, Gary.	
Ward, Mark.	Geoghegan, James.	
	Gibney, Sinéad.	
	Grealish, Noel.	
	Harkin, Marian.	
	Harris, Simon.	
	Hayes, Eoin.	
	Healy-Rae, Danny.	
	Healy-Rae, Michael.	
	Hearne, Rory.	
	Heneghan, Barry.	
	Heydon, Martin.	
	Higgins, Emer.	
	Kelly, Alan.	
	Kenny, Eoghan.	
	Keogh, Keira.	
	Lawless, James.	
	Lawlor, George.	
	Martin, Micheál.	
	Maxwell, David.	
	McAuliffe, Paul.	
	McCarthy, Noel.	
	McCormack, Tony.	
	McEntee, Helen.	
	McGrath, Séamus.	
	McGreehan, Erin.	
	McGuinness, John.	
	Moran, Kevin Boxer.	
	Moynihan, Aindrias.	

	Moynihan, Michael.	
	Murnane O'Connor, Jennifer.	
	Murphy, Michael.	
	Murphy, Paul.	
	Nash, Ged.	
	Naughton, Hildegard.	
	Neville, Joe.	
	O'Callaghan, Cian.	
	O'Callaghan, Jim.	
	O'Connell, Maeve.	
	O'Connor, James.	
	O'Dea, Willie.	
	O'Donnell, Kieran.	
	O'Donoghue, Robert.	
	O'Donovan, Patrick.	
	O'Meara, Ryan.	
	O'Shea, John Paul.	
	O'Sullivan, Pádraig.	
	Ó Fearghail, Seán.	
	Ó Muirí, Naoise.	
	Quaide, Liam.	
	Rice, Pádraig.	
	Roche, Peter.	
	Scanlon, Eamon.	
	Sheehan, Conor.	
	Sherlock, Marie.	
	Smith, Brendan.	
	Smith, Duncan.	
	Timmins, Edward.	
	Toole, Gillian.	
	Troy, Robert.	
	Wall, Mark.	
	Whitmore, Jennifer.	

Tellers: Tá, Deputies Pádraig Mac Lochlainn and Matt Carthy; Níl, Deputies Mary Butler and Emer Currie.

Amendment declared lost.

Deputy Matt Carthy: I move amendment No. 3:

In page 16, between lines 32 and 33, to insert the following:

“Annual report on sovereignty and external obligations

2. (1) The Minister shall, not later than 31 March each year, lay before the Oireachtas a report detailing:

(a) the extent to which the State's international protection system remains under domestic control;

(b) obligations arising from EU or international agreements during the preceding year; and

(c) steps taken to ensure that Irish sovereignty and democratic oversight are maintained.

(2) The report shall be referred to the Joint Oireachtas Committee on Justice for consideration.”.

Amendment put:

The Committee divided: Tá, 39; Níl, 103; Staon, 1.		
Tá	Níl	Staon
Bennett, Cathy.	Aird, William.	O'Gorman, Roderic.
Brady, John.	Bacik, Ivana.	
Buckley, Pat.	Boland, Grace.	
Byrne, Joanna.	Boyd Barrett, Richard.	
Carthy, Matt.	Brabazon, Tom.	
Clarke, Sorca.	Brennan, Brian.	
Conway-Walsh, Rose.	Brennan, Shay.	
Cronin, Réada.	Brophy, Colm.	
Crowe, Seán.	Browne, James.	
Cullinane, David.	Burke, Colm.	
Daly, Pa.	Burke, Peter.	
Devine, Máire.	Butler, Mary.	
Doherty, Pearse.	Butterly, Paula.	
Donnelly, Paul.	Byrne, Malcolm.	
Ellis, Dessie.	Byrne, Thomas.	
Farrell, Mairéad.	Cahill, Michael.	
Fitzmaurice, Michael.	Callaghan, Catherine.	
Gould, Thomas.	Calleary, Dara.	
Graves, Ann.	Carrigy, Micheál.	
Guirke, Johnny.	Carroll MacNeill, Jennifer.	
Kenny, Martin.	Cleere, Peter 'Chap'.	
Kerrane, Claire.	Clendennen, John.	
Lawless, Paul.	Collins, Niall.	
Mac Lochlainn, Pádraig.	Connolly, John.	
McGettigan, Donna.	Cooney, Joe.	
McGuinness, Conor D.	Coppinger, Ruth.	
Mitchell, Denise.	Crowe, Cathal.	
Mythen, Johnny.	Cummins, John.	
Newsome Drennan, Natasha.	Currie, Emer.	
O'Hara, Louis.	Daly, Martin.	
O'Reilly, Louise.	Dempsey, Aisling.	
O'Rourke, Darren.	Devlin, Cormac.	
Ó Broin, Eoin.	Dillon, Alan.	
Ó Murchú, Ruairí.	Dolan, Albert.	

Ó Súilleabháin, Fionntán.	Dooley, Timmy.	
Quinlivan, Maurice.	Farrelly, Aidan.	
Stanley, Brian.	Feighan, Frankie.	
Tóibín, Peadar.	Foley, Norma.	
Ward, Mark.	Gallagher, Pat the Cope.	
	Gannon, Gary.	
	Geoghegan, James.	
	Gibney, Sinéad.	
	Gogarty, Paul Nicholas.	
	Grealish, Noel.	
	Harkin, Marian.	
	Harris, Simon.	
	Hayes, Eoin.	
	Healy-Rae, Danny.	
	Healy-Rae, Michael.	
	Healy, Seamus.	
	Hearne, Rory.	
	Heneghan, Barry.	
	Heydon, Martin.	
	Higgins, Emer.	
	Kelly, Alan.	
	Kenny, Eoghan.	
	Keogh, Keira.	
	Lawless, James.	
	Lawlor, George.	
	Martin, Micheál.	
	Maxwell, David.	
	McAuliffe, Paul.	
	McCarthy, Noel.	
	McCormack, Tony.	
	McEntee, Helen.	
	McGrath, Séamus.	
	McGreehan, Erin.	
	McGuinness, John.	
	Moran, Kevin Boxer.	
	Moynihan, Aindrias.	
	Moynihan, Michael.	
	Murnane O'Connor, Jennifer.	
	Murphy, Michael.	
	Murphy, Paul.	
	Nash, Ged.	
	Naughton, Hildegard.	
	Neville, Joe.	
	O'Callaghan, Cian.	
	O'Callaghan, Jim.	
	O'Connell, Maeve.	
	O'Connor, James.	
	O'Dea, Willie.	

	O'Donnell, Kieran.	
	O'Donoghue, Robert.	
	O'Donovan, Patrick.	
	O'Meara, Ryan.	
	O'Shea, John Paul.	
	O'Sullivan, Pádraig.	
	Ó Feargháil, Seán.	
	Ó Muirí, Naoise.	
	Quaide, Liam.	
	Rice, Pádraig.	
	Roche, Peter.	
	Scanlon, Eamon.	
	Sheehan, Conor.	
	Sherlock, Marie.	
	Smith, Brendan.	
	Smith, Duncan.	
	Timmins, Edward.	
	Toole, Gillian.	
	Troy, Robert.	
	Wall, Mark.	
	Whitmore, Jennifer.	

Tellers: Tá, Deputies Pádraig Mac Lochlainn and Matt Carthy; Níl, Deputies Mary Butler and Emer Currie.

Amendment declared lost.

Deputy Matt Carthy: I move amendment No. 4:

In page 16, between lines 32 and 33, to insert the following:

“Assessment of Common Travel Area impacts

2. (1) The Government shall prepare and publish an assessment of the potential and actual impacts on the Common Travel Area arising from the operation of this Act.

(2) An assessment under *subsection (1)* shall include—

- (a) analysis of any implications for the movement of persons between the State and Great Britain,
- (b) consideration of the effect of international protection procedures on CTA integrity and cooperation,
- (c) evaluation of any risks of displacement or diversion effects within the CTA, and
- (d) measures proposed to mitigate identified impacts.

(3) The Government shall consult with relevant Departments, agencies, and stakeholders, including those with responsibility for immigration control, border management, and CTA coordination.

(4) An assessment prepared under this section shall be laid before each House of the Oireachtas not later than 12 months after the commencement of this section, and thereafter at intervals not exceeding three years.”.

Amendment put:

The Committee divided: Tá, 63; Níl, 79; Staon, 0.		
Tá	Níl	Staon
Bacik, Ivana.	Aird, William.	
Bennett, Cathy.	Boland, Grace.	
Boyd Barrett, Richard.	Brabazon, Tom.	
Brady, John.	Brennan, Brian.	
Buckley, Pat.	Brennan, Shay.	
Byrne, Joanna.	Brophy, Colm.	
Carthy, Matt.	Browne, James.	
Clarke, Sorca.	Burke, Colm.	
Conway-Walsh, Rose.	Burke, Peter.	
Coppinger, Ruth.	Butler, Mary.	
Cronin, Réada.	Butterly, Paula.	
Crowe, Seán.	Byrne, Malcolm.	
Cullinane, David.	Byrne, Thomas.	
Devine, Máire.	Cahill, Michael.	
Doherty, Pearse.	Callaghan, Catherine.	
Donnelly, Paul.	Calleary, Dara.	
Ellis, Dessie.	Carrigy, Micheál.	
Farrelly, Aidan.	Carroll MacNeill, Jennifer.	
Farrell, Mairéad.	Cleere, Peter 'Chap'.	
Fitzmaurice, Michael.	Clendennen, John.	
Gannon, Gary.	Collins, Niall.	
Gibney, Sinéad.	Connolly, John.	
Gogarty, Paul Nicholas.	Cooney, Joe.	
Gould, Thomas.	Crowe, Cathal.	
Graves, Ann.	Cummins, John.	
Guirke, Johnny.	Currie, Emer.	
Hayes, Eoin.	Daly, Martin.	
Healy, Seamus.	Dempsey, Aisling.	
Hearne, Rory.	Devlin, Cormac.	
Kelly, Alan.	Dillon, Alan.	
Kenny, Eoghan.	Dolan, Albert.	
Kenny, Martin.	Dooley, Timmy.	
Kerrane, Claire.	Feighan, Frankie.	
Lawless, Paul.	Foley, Norma.	
Lawlor, George.	Gallagher, Pat the Cope.	
Mac Lochlainn, Pádraig.	Geoghegan, James.	
McGettigan, Donna.	Grealish, Noel.	
McGuinness, Conor D.	Harkin, Marian.	
Mitchell, Denise.	Harris, Simon.	
Murphy, Paul.	Healy-Rae, Danny.	
Mythen, Johnny.	Healy-Rae, Michael.	

Nash, Ged.	Heneghan, Barry.	
Newsome Drennan, Natasha.	Heydon, Martin.	
O'Callaghan, Cian.	Higgins, Emer.	
O'Donoghue, Robert.	Keogh, Keira.	
O'Gorman, Roderic.	Lawless, James.	
O'Hara, Louis.	Martin, Micheál.	
O'Reilly, Louise.	Maxwell, David.	
O'Rourke, Darren.	McAuliffe, Paul.	
Ó Broin, Eoin.	McCarthy, Noel.	
Ó Murchú, Ruairí.	McCormack, Tony.	
Ó Súilleabháin, Fionntán.	McEntee, Helen.	
Quaide, Liam.	McGrath, Séamus.	
Quinlivan, Maurice.	McGreehan, Erin.	
Rice, Pádraig.	McGuinness, John.	
Sheehan, Conor.	Moran, Kevin Boxer.	
Sherlock, Marie.	Moynihan, Aindrias.	
Smith, Duncan.	Moynihan, Michael.	
Stanley, Brian.	Murnane O'Connor, Jennifer.	
Tóibín, Peadar.	Murphy, Michael.	
Wall, Mark.	Naughton, Hildegard.	
Ward, Mark.	Neville, Joe.	
Whitmore, Jennifer.	O'Callaghan, Jim.	
	O'Connell, Maeve.	
	O'Connor, James.	
	O'Dea, Willie.	
	O'Donnell, Kieran.	
	O'Donovan, Patrick.	
	O'Meara, Ryan.	
	O'Shea, John Paul.	
	O'Sullivan, Pádraig.	
	Ó Fearghail, Seán.	
	Ó Muirí, Naoise.	
	Roche, Peter.	
	Scanlon, Eamon.	
	Smith, Brendan.	
	Timmins, Edward.	
	Toole, Gillian.	
	Troy, Robert.	

Tellers: Tá, Deputies Pádraig Mac Lochlainn and Matt Carthy; Níl, Deputies Mary Butler and Emer Currie.

Amendment declared lost.

5 o'clock

SECTION 2

Deputy Jim O'Callaghan: I move amendment No. 5:

In page 16, between lines 34 and 35, to insert the following:

" "absconding" means the action by which an applicant does not remain available to the competent administrative or judicial authorities of a Member State, such as by leaving the territory of the state without permission from the competent authorities, for reasons which are not beyond the applicant's control;"

This amendment is being introduced to provide clarity on the application of several sections of the Bill. It provides a definition of "absconding". The wording provides for the definition in the reception conditions directive. This directive is not directly applicable and, therefore, it is necessary to transpose its provisions into national law. Provisions in the Bill, in the directly applicable asylum and migration management regulation and in the asylum procedure regulation concern absconding. It is, therefore, necessary to clearly define what we mean by "absconding" for the purposes of the Bill.

Deputy Matt Carthy: On point of clarification, is the correct placement of the wording of the amendment between lines 34 and 35 on page 16?

Deputy Jim O'Callaghan: Yes, that is correct.

Deputy Matt Carthy: It seems to be out of kilter.

Deputy Jim O'Callaghan: It goes in there because it will be in this Act that we will have a definition.

Deputy Matt Carthy: It will be the first definition in terms of interpretation.

Deputy Jim O'Callaghan: Yes, it will be first definition of "absconding".

Deputy Matt Carthy: I understand and I thank the Minister. This goes back to a point I made earlier. I have no objection to the amendment in itself but I ask the Minister for a little bit more clarification on the rationale as to why it is required and why it was not in the original Bill. What are the aspects of the Bill in which the term "absconding" is used and for which this definition is needed? Will the Minister provide a little bit of clarification on these points?

Deputy Gary Gannon: Could the Minister clarify absconding? If a person travels through the common travel area to the North, are they considered to have absconded from the State at that point, and if they come back?

Deputy Jim O'Callaghan: The purpose of it is to give an effect to a definition that is required under the reception conditions directive. There will be further amendments during the progress of the legislation through the Seanad in respect of the reception conditions but it is appropriate at this stage to have the definition of "absconding" within the legislation. Deputy Gannon asked whether it will apply if somebody travelled from the Republic to the North or back down. That is not covered by absconding.

Deputy Fionntán Ó Súilleabháin: In terms of absconding, are figures available for the number of people in the State subject to deportation orders?

Deputy Jim O'Callaghan: Can the Deputy repeat that?

An Ceann Comhairle: Could the Deputy repeat that, please?

Deputy Fionntán Ó Súilleabháin: Does the Minister have the number of people in the State subject to deportation orders, and have their records been checked in terms of absconding?

Deputy Jim O'Callaghan: That is not an issue in terms of what is in the legislation. The number of deportation orders that were signed last year was in the region of over 4,000. Regarding people leaving the country who have deportation orders, I believe and the Department believes that if somebody is served with a deportation order in Ireland, it is very difficult to remain. They do not get any social protection payments. They cannot work within the orthodox economy. The belief in the Department is that the very significant number of people who receive deportation orders leave the country. Similarly, however, the Deputy will be aware that last year there were in the region of 2,000 enforced repatriations of people with deportation orders and people who went for voluntary return schemes.

There are challenges with having an open border in Ireland. Deputy Tóibín mentioned earlier that we should have an exit system in Ireland. We cannot do that because we want to have an open border. If people travel from the Republic up to Northern Ireland, thereby leaving the State, there is no mechanism by which we can get a record of that. I suspect Sinn Féin does not want a mechanism in place that requires the State to stop people on the Border to identify their passing and coming.

My assurance to Deputies is that when it comes to deportation orders that have been made, the belief is that the vast majority of them result in people leaving the jurisdiction.

Deputy Matt Carthy: Everyone will accept that if we are going to have "absconding" in legislation, then we need to have a definition for it. On the point the Minister has raised, it would not matter if any political party wanted to have checks along the Border. As Theresa May and Boris Johnson found out, it is just not physically possible to do so with 300 Border crossings. Certainly, it would not be practical. That is why we have said very clearly that we need to advance towards Irish unity and deal with these issues on an all-Ireland basis.

The Minister was not here for the previous debate. Does he accept the best way of dealing with all of these issues and to provide clarification and certainty to people across the island of Ireland would be to have a bilateral arrangement in place with his British counterpart? It would be helpful if he would comment on that.

Deputy Jim O'Callaghan: I will briefly go back to the query raised by Deputy Gannon. I was probably too definitive in the response I gave to him in terms of the definition of "absconding". The definition states: "means the action by which an applicant does not remain available to the competent administrative or judicial authorities, such as by leaving the territory of the member state without permission from the competent authorities, for reasons which are

not beyond the applicant's control." The purpose of that provision is that the applicant remains available to the competent administrative or judicial authorities of the state. They are not allowed cross the Border, but if somebody did cross the Border, does that come within that definition? If they come back and make themselves available, that would not meet the definition of "absconding". I need to emphasise again that individuals who are not citizens of Ireland or the UK are not entitled to avail of the common travel area and, therefore, irrespective of whether they come within or breach the definition of "absconding", they are not permitted to cross the Border. The common travel area is there for the benefit of citizens of the UK and Ireland and it is not for the benefit of others.

Deputy Carthy raised the issue of a bilateral agreement. I note with interest that he has tabled an amendment we will deal with later providing that there should be a requirement on the Minister to enter into a bilateral agreement with the United Kingdom. I will be interested in having a debate with him when we come to that amendment. He knows as well as I do that it is not possible to force me, as Minister, to enter into an agreement with another country. It is dependent upon getting the agreement of that other country, as he will be aware. If they are not prepared to enter into an agreement, there is difficulty on our part.

However, since the last time I spoke on these issues, I had a very good remote meeting with the Home Secretary. I have expressed to her the issues of concern from the point of view of what I say is the abuse of the common travel area. She was also very frank with me in terms of issues that are affecting the UK. Of course it is a Labour government in the UK that has introduced measures that would be criticised by certain sections in this House. I indicated to her that there has to be joint operations between Ireland and the UK to ensure we do not have continuing breaches of the common travel area. That breach is putting a lot of pressure on our asylum system and on our international protection system. She is well aware of that. I also want to see that we can enter into arrangements with the UK where there is sharing of information. One of the negative consequences for the UK as a result of leaving the European Union is that it does not have access to the type of information that Ireland has, which is very useful in terms of processing applications for asylum.

When it comes to entering an agreement with the UK, I will want to ensure that we have as close an arrangement as possible. I would like there to be an agreement but as the Deputy will appreciate, I cannot mandate another country to enter into an agreement with us. That is just not something within my power or control. However, I will seek to ensure that the ongoing abuse of the common travel area does not continue and I think the Home Secretary shares my concerns in respect of that.

Deputy Matt Carthy: We have consistently asked that the Minister would prioritise the issue of a bilateral arrangement. Without going through all the critiques of how he has approached the Bill and the huge amount of resources that are being put into bringing us into a EU framework when, by the Minister's admission and according to the statements of a significant number of Ministers, a large proportion of people who seek international protection----

An Ceann Comhairle: Deputy, please speak to the amendment.

Deputy Matt Carthy: It is in respect of the definition of "absconding". Ministers have stated repeatedly the figure is in excess of 80%. Figures of 80%, 85%, 90% and 90%-plus have been cited by different Ministers who have said the people seeking international protection are coming via the common travel area. I asked the previous Minister. Maybe this Minister can answer. What is the proportion? I suspect he does not know and therefore I suggest he stop bandying around figures. However, most people would accept a majority of those seeking international protection are coming through the common travel area. Therefore, as I have repeatedly said, I believe the Minister's priority should be pursuing a bilateral arrangement rather than actually moving to-----

An Ceann Comhairle: It must be relevant to the amendment.

Deputy Matt Carthy: -----the inaction of the EU migration and asylum pact. That point has been repeatedly missed by Government.

An Ceann Comhairle: Are there any further Members? If it is relevant, Deputy Ó Súilleabháin.

Deputy Fionntán Ó Súilleabháin: In terms of absconding, I know from a parliamentary question reply that there were 2,330 deportation orders last year-----

An Ceann Comhairle: It is not relevant, Deputy, because deportation is not mentioned in the amendment.

Deputy Fionntán Ó Súilleabháin: It is next, though.

An Ceann Comhairle: I am afraid it is not. It is not relevant to this amendment.

Deputy Fionntán Ó Súilleabháin: I was coming to-----

An Ceann Comhairle: It may be relevant to the other amendments but we are sticking to the amendments. I call Deputy Gannon.

Deputy Gary Gannon: I asked the Minister about how absconding was defined and if absconding comes into play if a person travels from the Republic up to the North. He then gave greater clarification. Here is my problem. He has absolutely no lawful way of policing that. There are no measurements. We discussed this on the previous amendment. We absolutely do not want any form of border infrastructure between the North and the Republic. That is where I find this really difficult. The Minister is asking us to vote through something that we cannot measure and certainly does not exist.

There is no way of policing it that does not require some form of racial profiling. I know we have had issues in relation to that in the past. How is it measured? How is it policed? How will the Government measure abscondment?

Deputy Jim O'Callaghan: There are difficulties in policing the travel of people from both sides of the Border. That is unquestionably the case. However, it is not correct to say there is no lawful way of policing that. The Border management unit does work there. An Garda Síochána is engaged and if people are not citizens of the UK or Ireland, they are not entitled to cross the Border. I have to keep emphasising that. Simply because that is difficult to police does not mean we should change that law. It is an important provision that is in place. It is for the benefit of Irish citizens and UK citizens.

I will briefly respond to the Sinn Féin point. At some stage, Sinn Féin will meet itself coming around the corner. We fought for years to have an open border on the island. If the Deputies are asking what measures we can put in place to ensure people are not coming across the Border who are not entitled to it, does Sinn Féin want hard infrastructure put up to stop people crossing the Border? I suspect it does not. We need to realise there are real challenges here for us because we have an open land border with a non-EU country.

I want to ensure we have operations in place with the United Kingdom to make sure we have good co-operation between ourselves and the UK. I suspect what Deputy Carthy would like to see was that we have a returns agreement with the UK. That is something I will certainly engage on with the Home Secretary. It is dependent on getting the UK's agreement. The UK entered into an agreement with France and is clearly not happy with that agreement, which was referred to as one in and one out. If there will be any agreement with Ireland from the point of view of the United Kingdom, one thing I can guarantee is if it will take back returning people from the Republic to the UK, we will have to take back a similar number of people.

We need to recognise the political realities of this and the fact we have an open border on the island. We want an open border on the island but it is important for me as Minister to keep emphasising that free movement across that border is for the benefit of people who are entitled to use the common travel area.

Deputy Matt Carthy: I do not know why the Minister is being entirely disingenuous. He knows what Sinn Féin's position is. We want to get rid of the Border in our country. We want a unitary state and we have repeatedly said for those who want to manage the migration system, that is the single biggest step we could take to have the capacity of being able to do that. In terms of a bilateral arrangement with Britain, it means we would have the ability on the island of Ireland to actually be able to ensure we know who is coming in and who is moving out of our country at any given time.

Yes, there is a fundamental problem in that our island is partitioned and part of our country operates within an EU framework and part does not. One of the fundamental problems we have with the approach of the Minister and Government on the EU asylum and migration pact is that they are enforcing and enacting a Bill that takes no cognisance of that. There is no reference to the common travel area in the Bill. The Minister has just rejected an amendment that would actually put an onus on Government to provide a detailed report on the implications and the mitigation measures put in place in respect of the common travel area.

Let us have an honest debate and let us not try to put words in people's mouths. We need to be clear that a lot of the questions that people have about international protection cannot be answered by the Minister precisely because we are a divided country and we do not have any

mechanism in place to have an arrangement with the British Government to address those issues, being mindful of the point I made earlier.

It is bad enough we have two states on this island but the fact the northern state has no competency whatsoever in respect of migration makes it even more complicated. The only mechanism we have to address these issues is through bilateral arrangements with the British Government.

Deputy Fionntán Ó Súilleabháin: The absence of Irish unity makes what we just voted on unworkable. On the passenger name recognition, PNR, data that is used, it is already used for the common travel area by both Britain and Ireland for tracking criminality. Can that be used to get a clearer picture of who has left the State? Both countries have passenger name recognition data.

Deputy Aidan Farrelly: On a point of clarification, the final few words of this definition are "for reasons which are not beyond the applicant's control". Could the Minister outline what those reasons might be, who will determine what those reasons are and if there is a threshold given that is part of the definition?

Deputy Jim O'Callaghan: I will deal with Deputy Farrelly's point first. "Not beyond the applicant's control" may include circumstances where an applicant is outside of the jurisdiction out of their own control and taken outside the jurisdiction. The purpose there is to try absolve them in respect of that.

In reply to Deputy Ó Súilleabháin, I can do many things in this Bill. I cannot get Irish unity in the legislation.

Deputy Mark Ward: Give it a go.

Deputy Jim O'Callaghan: PNR is used for serious criminal activity. It is not used for international protection. Even if that was in place, we would still need to have a mechanism on the Border to check people. We must be honest and realistic about this. The Garda can do some stops in terms of stopping buses or checking individuals but in terms of using something like PNR, people would have to be checked as they go North from South or come South from North. No one in this House wants that. It is a really difficult situation we find ourselves in. Everyone may be able to identify the obvious solution is Irish unity. We do not have that.

I must deal with the reality of on the island of Ireland an open border with another non-EU country. It creates a huge challenge. If the UK was in the EU, many of these issues could be resolved in that the UK would be part of the returns regulation, which will hopefully be agreed, and there would be a mechanism for it to apply. One thing the EU has not been good at, which Deputy Tóibín mentioned earlier, is the operation of the Dublin III regulation. It does not work. At the first meeting of the Justice and Home Affairs Council I attended, the German Minister for interior affairs emphasised that the Dublin regulation does not work. We need a new procedure.

That is the benefit here of what will be in this legislation and the subsequent returns regulation of which we hope to be part that will try to instill a greater and more efficient mechanism of stating that if somebody has applied for international protection in one jurisdiction already and they come to another, it is inadmissible and they have to go back to the first jurisdiction.

Amendment put and declared carried.

An Ceann Comhairle: Amendment No. 6 has been ruled out of order.

Deputy Gary Gannon: Can I raise a matter of order? It is Committee Stage.

An Ceann Comhairle: It has been explained, Deputy. It carries a potential charge on revenue and unless he can dispel that, I am afraid it is out of order.

Deputy Gary Gannon: My question pertains to inserting a definition of "legal counselling". It is not a matter of order and it is actually a matter of clarification pertain to the committee's Standing Orders. I asked for a definition of "legal counselling". It was ruled out of order via a money message but legal counselling is provided for in the Bill as we discussed today. How can something in the Bill be ruled out of order via a money message when it is actually provided for in the Bill.

An Ceann Comhairle: I will read the note for the Deputy. It states: "Amendment No. 6 would insert a new definition for legal counselling, a term used later in the Bill, but this definition would provide that such services be provided to persons without charge to the applicant, irrespective of a person's ability to secure legal services by their own means." Unfortunately, that is where the money message comes in. It has been checked.

Deputy Gary Gannon: I thank the Ceann Comhairle.

Amendment No. 6 not moved.

Deputy Matt Carthy: I move amendment No. 7:

In page 20, between lines 8 and 9, to insert the following:

“ “legal counselling” means oral or written legal advice from a practising solicitor or barrister, or a person employed by the Legal Aid Board who is authorised to provide legal advice or representation;”.

I am surprised the amendment was necessary. I know there are other amendments. I am not sure if or why this was not grouped because throughout the PLS process----

Deputy Alan Kelly: It is not grouped.

Deputy Matt Carthy: No, I know. I am surprised it is not because there are other proposals for definitions. The Minister would have read the pre-legislative scrutiny report by the

committee and throughout that process, it was repeatedly flagged that the term "legal counselling" appears several times in the legislation but there is insufficient definition. Many of those who gave expert testimony to the committee raised the fear of risks of creating uncertainty as to what level of legal assistance international protection applicants would actually receive.

In this amendment, we purposely tried to provide a clearly understood definition of what "legal counselling" would mean. It means any "oral or written legal advice from a practising solicitor or barrister, or a person employed by the Legal Aid Board who is authorised to provide legal advice or representation".

The reason the definition was sought and why so many raised it is because, as it stands, there is an assurance that people seeking international protection would be entitled to legal counselling. However, members of the legal profession have said they do not know what that means. "Legal counselling" could mean that somebody goes on ChatGPT, it could mean that they are talking to a call centre or it could mean that they are handed a leaflet that pertains to legal counselling.

For the purpose of this process, it is crucially important because we want to have a robust system of international protection that works. We also want to ensure the State lives up to its responsibilities under international law. That means that if somebody comes into this State seeking international protection, they must get a fair hearing. In order to get a fair hearing within the very narrow timeframe that the Bill sets - I think most people support that timeframe - they need to have access in some cases to legal advice or support. In my view, it is imperative that there is a definition.

If the Minister is not supporting this amendment, I would like clarification on whether he plans to bring forward a further amendment in terms of providing a definition. If the Minister is not supporting this amendment, it would be crucially important that he sets out to the House what part of the amendment he is not supporting because, as I have said, this amendment is technical in nature. It seeks to set a definition for "legal counselling" that will appear in the Bill. Without it, the Bill is deficient. Therefore, it would be left up to some legal professional, probably a judge, to make a determination on what precisely "legal counselling" is. I suggest it is the role of this House to set that definition in place.

Deputy Gary Gannon: Given that "legal counselling" is mentioned in amendments to section 26 of the Bill, it would be grossly irresponsible to leave it there undefined. If that is to be the case, could the Minister either define it or commit to removing it from the Bill?

Deputy Mark Ward: This amendment seeks to provide a clear definition of "legal counselling". We were asked many questions about legal counselling during the justice committee's hearings on this legislation, such as how it is to be defined, what it means and who will provide it. There will be a lack of clarity if legal counsel is provided by non-legal professionals. Is it to be individual counselling? Is it to be group counselling? Is group counselling even ethical under professional rules?

Before I was elected here in 2019, I worked as an addiction counsellor. I could call myself a behavioural therapist. There were no regulations in relation to that under CORU at the time.

Since I became a Member, the regulation and registration of counselling by CORU still has not happened. Will the term "legal counselling" have to be regulated by CORU? As I mentioned, counsellors and psychotherapists are still not regulated. This process began in 2018. It was in the programme for Government in 2020. It still has not happened.

For this new term, "legal counsellors", will CORU also be required to regulate this or is it something that may happen down the line when all of a sudden we realise that there are unintended consequences of this new term and that this new form of counselling will have to be regulated by an outside branch?

Deputy Roderic O'Gorman: I am speaking in favour of this amendment. I am not sure why Deputy Gannon's amendment was ruled out but this one was not. The comprehensiveness of the definition that Deputy Gannon was seeking to provide was really useful. Nevertheless, this is a good definition as well.

Throughout this debate there has been real concern about the new concept of "legal counselling" that the Bill appears to be introducing. It is not properly defined. At present, particularly under the Civil Legal Aid Act 1995, there are various rights in terms of legal advice and legal assistance. We are bringing in a new theme or concept here. A new concept such as this should be clearly defined in law, particularly recognising that the decision on the granting of asylum status is probably one of the most fundamental legal decisions about people seeking status that they will experience in their lives. This is a decision and a process that they are engaging in, often in a language that is not their first language, often after a traumatic journey across long distances and often after experiencing huge trauma within the country that they are fleeing. I am really concerned about the lack of clarity on the exact entitlements to legal support they can receive here. It is a source of concern among many NGOs.

I do not see why this matter could not be resolved. Can we not just decide? Is it what we understand as legal advice under existing legislation? If it is something new, if it is of a higher category or if it is of a lower category, could the Minister at least give us a clear definition somewhere in the legislation? That is not too much to ask.

An Ceann Comhairle: The reason that amendment No. 6 is ruled out of order is that at paragraph (c), it states, "without charge to the applicant". Amendment No. 7 is somewhat more nuanced or ambiguous.

Deputy Alan Kelly: I cannot see why this amendment was ruled out compared to the other one.

The Minister is too proud. The Minister started down the road here in relation to "legal counselling", which should be thrown out. When we looked at this, it took up hours. We still do not bloody well know what it is. We genuinely do not. Nobody here has a clue. Nobody who is working in law has a clue. Why is it in the Bill? It is ridiculous. I am sorry, but the Minister should say he has got that one wrong and we will all move on. He was fairly sharp and straight with us last week on another issue when he brought in legislation that he did not even believe in.

An Ceann Comhairle: Relevance, Deputy.

Deputy Alan Kelly: It is relevant because now the Minister is bringing in a term that he does not even believe in. We need a bit of levity here. We are going to be here too long.

The Minister let out a little nugget out earlier when he said that more amendments will be brought through the Seanad. Why are they being brought through the Seanad? We have eight hours here today, another day here next week and - God knows - maybe even longer.

Can the Minister not muster to take this out, because it is a halfway house to nowhere? It is hindering the Bill. It is hindering the discussion. As I said to the Minister previously, it will probably create a condition where the Minister will be the Manchurian candidate, as the justice Minister, giving a whole load of money to a lot of his ex-colleagues to determine what the hell this means in this Bill because nobody knows. In fairness to Deputy Carthy and the team, they have put in a definition that has got through. Others have tried and failed, for whatever reason.

This will end up with vulnerable people who have problems with language not knowing exactly what is going on. They will go through the rabbit hole of legal counselling rather than receiving proper legal advice, which as we all know is defined. We will have a situation where this will have to be determined by the courts. There is a need for a little bit of common sense. Everybody should be on the one page here. The Minister should either define it, which I do not think is the right way to go but I will support as the lesser of two evils, or get rid of it. It is ridiculous. It is not helping anybody and will not help anybody into the future.

Deputy Jim O'Callaghan: I thank the Deputies for their contributions. I am aware that this is an issue of genuine concern to people in this House. The first thing I want to say is that I should and I will bring forward an amendment to define "legal counselling". I cannot, however, accept Deputy Carthy's amendment. The reason I cannot is because, under the Deputy's amendment, he goes further than what is envisaged by legal counselling and says that it should include legal advice provided by a practising solicitor or barrister.

What I am required to do, under the administrative procedure regulation, is to ensure that at first stage - what is now the IPO stage - legal counselling is provided to an applicant.

I have a higher obligation when it comes to the second appeal stage. At that stage, I have to provide free legal assistance and representation in the appeal. The administrative procedure regulation that I am transposing in parts of the legislation here sets out a clear distinction between what is required at the first stage and what is required at the second stage. The obligation at the second stage is much higher and much more costly than that at the first stage. However, there is a definition of "legal counselling" contained within Article 16 of the administrative procedure regulation. In fairness to Deputy Kelly, he included that definition in amendment No. 9, which unfortunately for him was ruled out of order.

Deputy Alan Kelly: Take it from me, so.

Deputy Jim O'Callaghan: Article 16 states:

For the purposes of the administrative procedure, free legal counselling shall include the provision of:

- (a) guidance on and an explanation of the administrative procedure including information on rights and obligations during that procedure;
- (b) assistance on the lodging of the application and guidance on:
 - (i) the different procedures under which the application may be examined and the reasons for the application of those procedures;
 - (ii) the rules related to the admissibility of an application;
 - (iii) legal issues arising in the course of the procedure, including information on how to challenge a decision rejecting an application in accordance with Articles 67, 68 and 69.

That is what we are required to do in terms of the provision of legal counselling. Deputy Carthy's amendment would expand the scope of legal counselling to include the provision of legal advice. Legal advice is a separate concept to legal counselling. That will be apparent when the definition of "legal counselling" is introduced later. The introduction of legal counselling is not intended to replace an applicant's ability to access legal advice either through private means or through the Legal Aid Board. Legal counselling will be an additional service intended to provide support for an applicant at the very early stage of an application. I am also concerned that Deputy Carthy's amendment would mandate that legal counselling be provided only by a practicing solicitor or barrister. This would place restrictions on who would be permitted to provide legal counselling, and this may in turn restrict the availability of the service. As I have said, I cannot and will not accept Deputy Carthy's amendment. My Department and the Legal Aid Board are currently analysing how to implement the provision of legal counselling to meet the requirements of the pact. My officials are also examining these matters in consultation with the OPC and the Attorney General. I will be bringing forward appropriate ministerial amendments relating to legal counselling.

An Ceann Comhairle: I will clarify again the reasoning behind the ruling out of order of Deputy Gannon's amendment. Deputy Kelly clearly did not get that part (c) of Deputy Gannon's-----

Deputy Alan Kelly: That is a common thing in here.

An Ceann Comhairle: No, I think it is important for-----

Deputy Alan Kelly: That is a bit condescending now.

An Ceann Comhairle: No, I am explaining because Deputy Kelly said that he cannot understand.

Deputy Alan Kelly: I do not.

An Ceann Comhairle: For the benefit of new Members, Deputy Gannon's amendment expressly states "without charge to the applicant", which means that it creates a money message.

Deputy Alan Kelly: You might explain amendment No. 9 then as well.

An Ceann Comhairle: We can get to that, absolutely. I have explained the reason. There is no such expression in amendment No. 7, in the name of Deputy Carthy.

Deputy Matt Carthy: The Minister has indicated that he is going to bring forward a definition of "legal counselling", but I have to say I have no sense from what he has said of what that definition will mean. He mentioned amendment No. 8 and the language in the directive. If it was as simple as taking the definition in its entirety, I presume it would be in place by now. To be clear, the amendment before us, amendment No. 7, does not limit legal counselling to legal advice from a practising solicitor. It also refers to "a person employed by the Legal Aid Board who is authorised to provide legal advice or representation". The Minister might inform the House of other avenues or other places where legal advice, legal support or counselling could be provided, but he has to tell us where that is. When you leave the front gates of Leinster House, the chances are that someone is going to give you legal advice in some regard. I know people who have lost their homes because they took legal advice from the wrong fella sitting at the bar who told them not to recognise the court, to cite common law from the 1500s, or whatever the case may be. There is a difference between getting legal advice and getting sound, solid legal advice.

Here is the other point. The Minister mentioned the different stages. Of course, there might be different responsibilities on him depending on those stages. I remind him of something that is clearly shown by the figures for processing times that we outlined earlier. He is very quick to tell everybody that the median processing time at first instance has been reduced by two months, but not so quick to tell people that the IPAT appeals time is taking two and a half months extra than the year before. I presume, first of all, that the IPAT process is more expensive to the State. It would be helpful if the Minister could give us an indication of what proportion of those who appealed in 2025 - I have not got the figures yet - were successful at IPAT stage. For those who are ultimately successful, it would be better if they were successful at first stage. You want to get to a point with any system that has an appeals mechanism where a small minority of cases are appealed because there is trust in the system itself. The more robust the first-instance process is and the more it is upheld at appeal stage, the better. It is also more likely to happen if people are well informed on how they move forward.

I want clarification before I decide whether to press this amendment. The Minister said he is bringing forward another amendment. What is that amendment going to say? I am not looking for it word for word, but what is the context of it going to be? As members of the justice committee, I do not think we would be doing our job if we did not insist on the inclusion of a definition of "legal counselling". I agree with Deputy Kelly that "legal counselling" means nothing to people who know a lot more about law and legal matters than I do. I have to trust their judgment. When representative organisations of legal practitioners are coming before the Oireachtas justice committee to say they do not know what "legal counselling" means, it is a big problem. When that is the case, you either get rid of the term "legal counselling" or you put in a definition that is easily understood to everybody. I do not believe we would be doing our job as members of the justice committee if we were to disregard what we were told during the pre-legislative scrutiny on the general scheme of the Bill. We were told by organisations

representing the interests of those seeking international protection, by people in the legal profession and by experts on areas of migration who just want to ensure we have a legislative framework that actually works that this is a big problem. We need to fix it. The Minister said he will bring forward a definition but we need clarity before we leave this amendment here today.

Deputy Mark Ward: The Minister has said he will bring forward a definition of "legal counselling". This doubles down on the point we were making earlier that this is rushed legislation. We are on Committee Stage and we still do not have a definition in front of us to be able to discuss what "legal counselling" is. Its absence is why these amendments are being put forward today. We would not have to discuss these amendments if there was a clear definition of "legal counselling".

I will return to the questions I asked the first time I came in. Could the Minister provide clarification in respect of his definition of "legal counselling", when it comes forward? Who is going to provide it? Who is going to regulate it? Is it going to be individual counselling or will it be group counselling? I know that was brought up at the justice committee. There were concerns around whether it was going to be group counselling. If so, you could have different people from different backgrounds getting information in different languages, which could be very confusing for them. Who will provide it? Who will regulate it? Will it be individual counselling or group counselling?

Deputy Gary Gannon: The Minister is more familiar than I am with the legal principle of non-regression. Given the absence of a definition and the Minister's commitment to bring in another amendment, it will probably be the case that legal advice in person will no longer be available in the first instance. We can probably all take it at this point that this is where the Bill is going. The Minister might confirm that for me.

He might then go further and confirm whether chatbots and AI are now on the table. Shamim Malekmian in the *Dublin Inquirer* has reported on a freedom of information response from the Department of justice and the Legal Aid Board. This was in the *Dublin Inquirer* a couple of weeks ago and very clearly showed the potential for chatbots - I can send it on to the Minister - or some technological communications being on the table.

Will the Minister confirm that and whether we are going to be breaking the principle of non-regression?

Deputy Alan Kelly: Have we finally found a use for Grok? This is where we are going with this - seriously. As I look around the room, the Minister is probably the most qualified legal person in here, I would suspect. How did we get to this point on Committee Stage, after pre-legislative scrutiny and Second Stage, where we have not defined this? I am looking forward to seeing why my amendment was ruled out of order, but I basically just ripped it from the asylum procedure regulation, which the Minister has mentioned. It was a copy and paste; there is no big science to it. If the Minister is not going to come back with that, on how it is going to be implemented, then I am genuinely flummoxed about where he is going to go with this. My colleague has spoken about legal regression, and we cannot have that, but how are we going to define who can give such advice within this State? Can I, as a TD? Will it be civil

society through citizens information? Is this where we are going or, as Deputy Gannon has said, is it to be the Groks of this world?

How do we define it? Under the asylum procedure Regulation 2024/1348 providers and counselling can be provided by accredited civil society organisations, specialised legal advisers or government authorities provided they meet national qualification standards. We cannot even get proper accreditation in this country for translation services. We do not have it and I think it is actually going to cause a lot of legal issues in cases in the years to come. How are we going to ensure that the standard stated in the regulations is met?

Will the Minister please outline to us three things? First, where will he bring forward this amendment, why is it not in the Dáil phase and why has it gone on for so long? Second, is he going to use the wording I pulled from the regulation I just quoted? Third, as part of that, how is he going to define the organisations or, dare I say it, the technologies that can actually give such legal counselling?

Deputy Jim O'Callaghan: I thank colleagues for their contributions. I assure all of them that we will be debating the definition of "legal counselling" that I bring forward. I intend to bring it forward in the Seanad. I would have preferred to bring it here on Report Stage. As I stated at the outset, there were time pressures in respect of this. I am being honest about that. I am just reflecting on the matter.

The definition of "legal counselling" will reflect the definition in the asylum procedures regulation, APR. It will also take into account requirements set out in the asylum and migration management regulation, AMMR, and the asylum border procedure. My intention is that legal counselling will be provided through the Legal Aid Board. The likelihood is that it will be provided through paralegals hired by the Legal Aid Board. That is my intention at present. It will be provided predominantly on an individual basis. It is not for me to dictate to the Legal Aid Board how it should manage its provision of legal counselling. It will be a matter for the Legal Aid Board. I am not going to specify in legislation how they should do it. It is not my intention or the intention of the legislation, and I do not envisage it happening, that AI or bots will be used, to answer Deputy Gannon's question.

People may criticise me for this, but we also have to recognise that a limited amount of money is available to be given to the Legal Aid Board each year. In fairness, last year in the budget, I managed to get a sum in the region of €73 million for the Legal Aid Board. That included an increase of €8 million to take into account the extra obligations that are going to be placed on the Legal Aid Board as a result of the requirements under the new International Protection Bill. Further money has been required, therefore, but I also need to ensure that the pot of money that is available is not all used up for international protection. People may criticise me for saying that but I have to ensure it is not all used up for that. There are also significant pressures on the Legal Aid Board with the legitimate applications coming for legal advice and assistance from those seeking international protection. In 2024, some 28,000 applications were made to the Legal Aid Board. Of them, 11,600 or so were in respect of international protection. I have to be realistic.

Deputy Matt Carthy: Will the Minister repeat that last piece?

Deputy Jim O'Callaghan: I want to ensure that the legal counselling that is being provided will be very adequate. I believe it will be adequate. It will reflect the definitions that are contained within Deputy Kelly's amendment, as is set out in the administrative procedure regulation. That is the information I have for Deputy Kelly.

On Deputy Carthy's amendment specifically, I cannot accept it. It places too great an obligation on me to ensure that it is legal advice by practitioners being provided. I note the point that Deputy Carthy's amendment allows counselling to be provided by "a person employed by the Legal Aid Board who is authorised to provide legal advice or representation". I want to be more specific in what I am doing. I do not want to find myself being tied in by the definition that is set out there.

Deputy Matt Carthy: It is actually farcical when you think about it. The Minister has dismissed all our criticisms about the rushed nature of this, the lack of scrutiny of this legislation and the absolute fallacy of signing up to an EU asylum migration pact. Regardless of the merits of signing up, the whole purpose of Protocol 21 is actually a benefit Ireland had whereby we can sign up and opt in at any stage. If we decide not to opt in, we could opt in at a later stage, but no. Because Fianna Fáil and Fine Gael had to be shown to be doing something on migration, it was a case of signing ourselves up and tying ourselves into a deadline of June 2026. Despite the fact that this legislation has been brought forward by the Department of justice with a senior Minister who, if I may say so, is an eminent barrister, they cannot give us a definition of legal counselling, not at pre-legislative scrutiny, not on Second Stage of the legislation, not on Committee Stage, and now the Minister is saying it will not even be on Report Stage. It will not be defined until it gets to the Seanad. Will it be on Committee Stage? We know where the Seanad amendments come and what happens with them. They are brought in here for an hour's debate and all the rest of it. This is despite the fact that we have been told this. I am not a legal expert and I have never pretended to be but I am the Chair of the Oireachtas justice committee. Virtually every single person who appeared before us told us that one of the big issues they have with this legislation is that the term "legal counselling" is not defined.

The Minister corrected himself at the very last moment in acknowledging that my amendment indicates "from a practising solicitor or barrister" but very clearly states "or a person employed by the Legal Aid Board who is authorised to provide legal advice or representation". I did that knowing of the pressures of the Legal Aid Board, which the Minister has also acknowledged. I do not know if he has had time to look back or get a report on the hearing yesterday, which some of his officials attended. Other Members who are present were also there and they might also attest to this. I am really concerned about the future of civil legal aid in this State. I have raised concerns previously in the context of domestic violence victims and their ability to access the courts and access justice, and to secure barring orders. There is the potential that this situation could get even worse. I believe that a report was provided to the Minister about this last year. It was published last summer. We are ten months on, I think, from its publication and nothing has happened. The Minister has a minority and a majority report. Either would be better than the situation we are in here. The provision is there.

6 o'clock

Considering the timeframe and the lack of clarity the Minister has provided, it is only fair that the Dáil set this out clearly at this point. Adopt this amendment now and amend it later so that at least we will be in a better position than we are currently, when the term "legal counselling" is not defined at all in the legislation. We would be better off making this amendment. I would be only too willing to accept a further amendment, if it provided the clarity and assurance required.

Deputy Gary Gannon: I do not expect the Minister was watching the justice committee meeting yesterday but I will give him a relevant sentence from the Free Legal Advice Centres: "Ireland's system of civil legal aid may go from crisis to collapse altogether". It stated that would arise specifically from the implementation of the EU migration pact and its transposition. Yesterday, we heard the Legal Aid Board was on the point of collapse. That is the urgency that is required. Will the Minister confirm, because he did not do so previously, whether legal advice will still be available at first instance to applicants?

Deputy Alan Kelly: The committee meeting this week makes a mockery of what the Minister is proposing. Civil legal aid is basically about to collapse. I accept some of the pressures are brought about by changes internationally over recent years. The Minister is patting himself on the back because of the increase he got from Government but it needs to be multiples of that. In the long run, it will save the State. It is also just the right thing to do. The fraction of money given to this is actually disgraceful.

I am really looking forward to the explanation for my amendment not being accepted. If it had been accepted, it probably would have helped the Minister. It is effectively, according to what he just said, what he will bring in anyway. I presume he will use the asylum procedures regulation, APR, definition. That is probably the safest thing to do, so why in the name of God can he not bring it in now or on Report Stage - or will he have add-ons? The idea that only paralegals will be doing this is not realistic; neither is it in the scope of what the APR says. I read out earlier what the APR says in relation to civil organisations. How will he cover that? Is he going to stick to what the APR says? If he is, there is no reason he cannot bring it in now. I had an amendment basically bringing it in. Will he in some way customise, change or tailor it to our society? Will that include citizens information and all that sort of stuff? Will he clarify that? The fact this is all being thrown on the Legal Aid Board otherwise will not work. The whole thing will collapse.

The Minister can smile all he wants but this will collapse. There is not a hope in hell of it working. If all that is the case, the fact the Department has not dealt with this until now is symbolic of the much more worrying issue of how in the name of God this legislation will ever be legally sound and resourced.

Deputy Mark Ward: I reiterate what my colleagues have said about the meeting we had yesterday at the justice committee. The Minister does not have to believe us when we say there is a crisis in legal aid. The Bar Council of Ireland, the Law Society, FLAC, the Legal Aid Board and Women's Aid were all unanimously in agreement with that. They said the system is ready to collapse and is deteriorating in front of their eyes. Legal aid is fundamental to access to justice, especially in relation to domestic violence and family law. It is bursting at the seams, even without the added pressure this legislation looks like it will put on the Legal Aid Board.

The Minister mentioned giving autonomy to the board and deciding on how it spends its resources. It is like Hobson's choice. Will it have to decide whether to help people in international protection, to help people with domestic violence or to help people in family law? Everybody that was at the meeting yesterday wants to do the right thing.

I asked earlier about legal group counselling. This was done for children with additional needs. They did group therapy. It was a way of bringing down the list by having a number of people in a room at the same time for a box-ticking exercise. They got some therapy but it was all in a group setting. Will the Minister give me clarification? He has not answered that the couple of times I have asked. Will legal counselling be done in a group setting or an individual setting?

Deputy Jim O'Callaghan: I will answer Deputy Ward while I have it in mind. That will be a matter for the Legal Aid Board. I will not specify in legislation that the board in providing legal counselling must do it individually. That would be an excessive reach in terms of a statute. It will be a matter for the Legal Aid Board to determine.

Deputy Gannon referred to the hearings yesterday before the justice committee. I did not hear them but I read about them. He quoted a section from the Free Legal Advice Centres. I have to ensure what I do in this legislation will not completely overburden the Legal Aid Board with the requirements placed on it. There is a balancing act here. People say we need to devote more money to civil legal aid. I agree with that but I have a budget that I have to work with. I have to ensure the definition of "legal counselling" that I put into this legislation does not result in those resources being devoted predominately to international protection.

Deputy Kelly asked about the definition. I said earlier – I was very frank with the House about what I am proposing - that the APR definition will provide the basis of the definition of "legal counselling". As I said, the Deputy included it himself.

Deputy Alan Kelly: Why not bring it forward now, so?

Deputy Jim O'Callaghan: It is very clear from that definition in Article 16 what legal counselling is. It is distinct from legal advice. We need to recognise that when people come in seeking international protection, they do not need the expertise of a very well-qualified senior solicitor. They need somebody who is expert in the area of applications for international protection. They need to be informed about the procedure and the importance of the narrative that is provided to the individual who is hearing their application at first instance. Those are the crucial factors in determining whether an individual is entitled to be granted asylum.

I know it is set out as a very legal and litigious process when you look at the detail of the legislation but, ultimately, the most important aspect for any applicant for international protection is to be able to set out coherently and as comfortably as possible the basis upon which they say that they are entitled to international protection. That requires legal counselling from individuals who are expert in that type of work and process. That will be much more effective. The intention in the amendments, when they come forward, will be that they will be governed by the Legal Aid Board.

I apologise but I do not have definitions here. I have provided as much coherence as possible. We have had a good debate on legal counselling. Individuals need to be aware that if the definition of "legal counselling" they want to include in the Bill is legal counselling that includes advice from a solicitor or barrister, that will place excessive burdens on the legal aid system in this country. It is not feasible. It is always open to an individual seeking international protection at first instance to apply to the Legal Aid Board, and that will continue. In 2024, there were 11,689 applications to the board in respect of international protection. That process will continue.

To deal with the issue raised by Deputy Ward, the Legal Aid Board finds itself with what he referred to as a Hobson's choice.

It finds itself in the position where it has to choose who to grant legal aid to. It is a difficult choice. I have to be careful with the legislation I am bringing forward in ensuring it does not overburden the Legal Aid Board.

As I said, legal counselling will be provided. It will be based on the definition in Article 16 of the asylum procedures regulation, APR. It will not necessarily have to be legal advice. However, it will not preclude an applicant from applying for legal advice from the Legal Aid Board.

Deputy Gary Gannon: It is important to say that paralegals cannot provide individualised advice in that sense. In the context of this 12-week timeframe, individuals who come here may suffer from trauma that they cannot convey in the immediacy with which this pact will demand. They will not receive the appropriate level of advice through the mechanisms the Minister has laid out because they will not have a qualified person giving them access to information in a language they understand, relative to the timeframe they need to deal with the trauma for whatever they may have experienced. That is where this is looking like it is going to fall down a lot. I have not been convinced at all by the Minister's arguments.

An Ceann Comhairle: Does the Minister wish to respond?

Deputy Jim O'Callaghan: No.

Amendment put:

The Committee divided: Tá, 58; Níl, 78; Staon, 0.		
Tá	Níl	Staon
Bacik, Ivana.	Aird, William.	
Bennett, Cathy.	Ardagh, Catherine.	
Brady, John.	Boland, Grace.	
Buckley, Pat.	Brabazon, Tom.	
Byrne, Joanna.	Brennan, Brian.	
Carthy, Matt.	Brennan, Shay.	
Clarke, Sorca.	Brophy, Colm.	
Collins, Michael.	Browne, James.	
Conway-Walsh, Rose.	Burke, Colm.	
Coppinger, Ruth.	Burke, Peter.	
Cronin, Réada.	Butler, Mary.	

Cullinane, David.	Buttimer, Jerry.	
Daly, Pa.	Byrne, Malcolm.	
Devine, Máire.	Byrne, Thomas.	
Doherty, Pearse.	Cahill, Michael.	
Donnelly, Paul.	Callaghan, Catherine.	
Ellis, Dessie.	Calleary, Dara.	
Farrelly, Aidan.	Carrigy, Micheál.	
Fitzmaurice, Michael.	Carroll MacNeill, Jennifer.	
Gannon, Gary.	Cleere, Peter 'Chap'.	
Gibney, Sinéad.	Clendennen, John.	
Gogarty, Paul Nicholas.	Collins, Niall.	
Gould, Thomas.	Connolly, John.	
Graves, Ann.	Cooney, Joe.	
Guirke, Johnny.	Crowe, Cathal.	
Hayes, Eoin.	Cummins, John.	
Hearne, Rory.	Currie, Emer.	
Kelly, Alan.	Daly, Martin.	
Kenny, Eoghan.	Dempsey, Aisling.	
Kenny, Martin.	Devlin, Cormac.	
Kerrane, Claire.	Dillon, Alan.	
Lawless, Paul.	Dolan, Albert.	
Lawlor, George.	Feighan, Frankie.	
Mac Lochlainn, Pádraig.	Foley, Norma.	
McGettigan, Donna.	Gallagher, Pat the Cope.	
McGuinness, Conor D.	Geoghegan, James.	
Mitchell, Denise.	Grealish, Noel.	
Mythen, Johnny.	Harkin, Marian.	
Nash, Ged.	Healy-Rae, Danny.	
Newsome Drennan, Natasha.	Healy-Rae, Michael.	
Nolan, Carol.	Heneghan, Barry.	
O'Callaghan, Cian.	Heydon, Martin.	
O'Donoghue, Robert.	Higgins, Emer.	
O'Hara, Louis.	Keogh, Keira.	
O'Reilly, Louise.	Lawless, James.	
O'Rourke, Darren.	Lowry, Michael.	
Ó Laoghaire, Donnchadh.	Martin, Micheál.	
Ó Súilleabháin, Fionntán.	Maxwell, David.	
Quaide, Liam.	McAuliffe, Paul.	
Quinlivan, Maurice.	McCarthy, Noel.	
Rice, Pádraig.	McCormack, Tony.	
Sheehan, Conor.	McEntee, Helen.	
Sherlock, Marie.	McGrath, Séamus.	
Smith, Duncan.	McGreehan, Erin.	
Tóibín, Peadar.	McGuinness, John.	
Wall, Mark.	Moran, Kevin Boxer.	
Ward, Mark.	Moynihan, Aindrias.	
Whitmore, Jennifer.	Moynihan, Michael.	
	Murnane O'Connor, Jennifer.	

	Murphy, Michael.	
	Naughton, Hildegard.	
	Neville, Joe.	
	O'Callaghan, Jim.	
	O'Connell, Maeve.	
	O'Connor, James.	
	O'Dea, Willie.	
	O'Donnell, Kieran.	
	O'Donovan, Patrick.	
	O'Meara, Ryan.	
	O'Shea, John Paul.	
	O'Sullivan, Pádraig.	
	Ó Fearghail, Seán.	
	Ó Muirí, Naoise.	
	Roche, Peter.	
	Scanlon, Eamon.	
	Smith, Brendan.	
	Timmins, Edward.	
	Toole, Gillian.	

Tellers: Tá, Deputies Pádraig Mac Lochlainn and Matt Carthy; Níl, Deputies Mary Butler and Emer Currie.

Amendment declared lost.

Deputy Alan Kelly: I move amendment No. 8:

In page 23, between lines 22 and 23, to insert the following:

"(2) A reference in this Act to a 'measure of last resort' means, in relation to an adult or a child, a measure that is taken only after all non-custodial alternatives to detention have been duly considered, in accordance with Recital 33 and Article 10(2) of the Reception Conditions Directive."

This amendment defines "measure of last resort" to ensure that "non-custodial alternatives" are enshrined in the Bill. We are spending an awful lot of time in here on definitions, and here we go again. The amendment states:

A reference in this Act to a 'measure of last resort' means, in relation to an adult or a child, a measure that is taken only after all non-custodial alternatives to detention have been duly considered, in accordance with Recital 33 and Article 10(2) of the Reception Conditions Directive.

As the House knows, this directive ensures that on reception, people have access to appropriate food, clothing, housing, etc., and have the right to access work within six months.

What we are trying to do is to define in exact terms what this means so that we do not run into other issues throughout the rest of the Bill. It is critical that we do so. We are getting into new territory with this Bill as regards the role of detention. To ensure the Bill is legally robust, the amendment is critical.

The amendment will also ensure that we are going down the right road when it comes to the issue of the detention of vulnerable people and, indeed, children. The definition carries on. We need to ensure that we look at all alternatives available to the State in relation to how we treat people once they arrive in our country, the processes we put them through and the places in which we put them. I am and my party are not satisfied from a definition point of view that this is dealt with adequately enough in the Bill and that is why I am putting forward this amendment. I hope the Minister looks on it favourably.

Deputy Aidan Farrelly: Notwithstanding the merits of this amendment, we should be clear first that we should not be legislating for the detention of children who have done nothing wrong. That should never be a part of legislation and certainly not legislation that has been described in this House today as rushed in nature. It has not been thought through. There will be amendments forthcoming on other Stages.

We have not thought this Bill through and with that in mind, legislating for the detention of children who have done nothing wrong simply does not seem right. If the Minister is to pursue that then we need to ensure we obtain what Deputy Kelly is providing for about what a clear definition of "last resort" is and by extension who gets to determine when that has been reached. It is incumbent on the Government to make sure that detail is provided in this legislation.

Deputy Gary Gannon: I support Deputy Kelly's amendment. It is a shame we have even got to this point. Each time we say this Bill caters for the detention of children and that it is the first time in the history of the State that such legislation will be enacted, I get a sense from the Minister he does not think it is a fair description. Last week either he or the Minister of State said this was only for a 12-hour defined period and I think the phrase used was that it would be done when it was in the best interest of the child. There is no human rights organisation that considers the detention of children to ever be in the best interest of the child. I will be supporting Deputy Kelly's amendment but we need to be very careful. The history of this State and the institutional incarceration of people who committed no crimes should hang heavy over all we do when we seek to enact measures such as this.

Deputy Alan Kelly: Hear, hear.

Deputy Gary Gannon: I do not believe for a second we are being as cautious as is necessary. I do not believe we should be legislating for the detention of children or for the detention of people who have committed no crime. We already have a scenario where a significant amount of the population in our prisons is made up of our people awaiting deportations. That has created a multitude of injustices. It was captured by the Inspector of Prisons in terms of the overcrowding and all the tragedies that exist in our prison system at the moment. I do not want to create more legislative mechanisms or pathways for the detention of people who have committed no crime, especially children.

Deputy Mark Ward: We are talking about definitions of "last resort" for people going into custody but we would not need to be talking about detentions if we had a rules-based system that worked and would enable people to be processed quickly and fairly. I have some questions about the detention of children in particular. Where are these children going to be held? Will

this fall under Tusla or what body is going to be responsible? How many unaccompanied minors have arrived over the past couple of years? I have not been able to get those figures and I would appreciate it if the Minister could answer.

Deputy Louis O'Hara: This is obviously a very sensitive area and the welfare of children is absolutely paramount. As Deputy Ward said, we need a robust system that treats people fairly and processes them as quickly as possible. I ask the Minister to set out in as much detail as he can what he envisages will happen in terms of detention and how that process will work in practice. Is it his position it should be a measure of "last resort", as mentioned in the amendment, and what safeguards are there to ensure the welfare of people who are being dealt with through that system, especially vulnerable people and children?

Deputy Ruth Coppinger: We should mark in the Dáil that we are talking about minors and children being detained in prison. Every day I wake up and put on social media and my jaw drops to the floor at the stuff that is happening in the world, especially in the US with ICE and so on, but there are things in this Bill we should mark as being in exactly the same trend. One of them is for the first time explicitly allowing the possibility of children being detained for their own good, apparently. Detaining children never serves the good of anyone. The Ombudsman for Children has called this legislation a lowering of human rights and asked that there be an explicit prohibition on children being detained. Instead, it is being put in as a possible option. The UN committee for children would also state the same. We have definitely come a long way since the Minister took over this position. It is not just him as it is a trend happening throughout the EU and western governments. Fair play to the far right for the impact they are having because we are actually talking about unaccompanied children potentially being detained. There are other things in the Bill in relation to children I will come back in on but we need to send a message out that this is in the Bill because it is a lowering of human rights standards, as the ombudsman has said.

Deputy Jim O'Callaghan: I want to deal with the issue of detention of unaccompanied minors which has been presented in very emotive way in the House. I need to be clear about the circumstances when it will apply because to listen in to this debate you would think the detention of unaccompanied minors could happen in a haphazard or capricious way but that is not the case. Let us look at what is provided for in section 24. It is contained in section 24(11) and I will read it out because it is extremely important. It states:

A member of An Garda Síochána or an immigration officer may, in exceptional circumstances and as a measure of last resort, arrest without warrant and detain, in accordance with *subsection (13)*, a minor who is in the custody of an applicant (whether the applicant is a parent or a person acting in *loco parentis* or any other person) where the applicant is detained under this section and where—

- (a) it is necessary for the purposes of determining or verifying the identity or nationality of the minor,
- (b) the member or officer is satisfied that less coercive alternative measures cannot be applied effectively, and

(c) [Something that is never mentioned here] it is assessed by the member or officer that the detention is in the minor's best interests.

As such, there cannot be any detention unless there is a determination the detention is in the minor's best interest. Subsection 24(12) which follows provides similarly that:

A member of An Garda Síochána or an immigration officer may, in exceptional circumstances and as a measure of last resort, arrest without warrant an applicant who is an unaccompanied minor and detain the unaccompanied minor in accordance with *subsection (13)* ...

Again, the same three conditions must be met and I emphasise the third condition, which is that "it is assessed by the member or officer that the detention is in the minor's best interests" and safeguards the unaccompanied minor. We need to recognise the only time this will happen is when there is an assessment it is in the best interests of the minor. That is something that has not been emphasised here and it is an extremely important proviso. Also, as Deputy Gannon indicated earlier, section 24(13) states any such detention will be:

(a) for the shortest possible period of time, and in any event for a maximum period of 12 hours, and [to answer Deputy O'Hara's question]

(b) in a place prescribed by the Minister for that purpose (which shall not be a prison, children detention school or Garda Síochána station), under warrant of the arresting member or officer and in the custody of the person for the time being in charge of the place, or in a vehicle for the purposes of bringing the minor to that place.

We need to be honest about the provision. People can very emotively say the Minister and the Government are bringing in rules for the detention of minors but Members should please emphasise as well that it can only happen in circumstances where it is believed that short detention of no longer than 12 hours is in the best interests of the minor.

I will now deal with Deputy Kelly's amendment No. 8. Again, as has been indicated, this tries to put a definition into the section we are still dealing with that contains the definitions. The Deputy's amendment refers to recital 33 and Article 10(2) of the reception conditions directive. As the Deputy and others will know, that is an extremely important directive that needs to be transposed into Irish law. The way we did that previously was to bring it in through a statutory instrument, which was secondary legislation the then Minister signed setting out that these are the reception conditions to which an applicant is entitled. The entitlements in terms of accommodation and work were set out. It is preferable that the reception conditions directive be transposed within the primary legislation rather than doing what was done previously by just signing a statutory instrument, which will not have the same level of appraisal or consideration by the Houses.

I intend to bring forward amendments that will deal with the reception conditions directive. They will come back and we will be able to examine them. The legal instrument transposing them will very much reflect what is in the reception conditions directive, of which everyone is aware and which is readily available for people to inspect.

Deputy Alan Kelly: We need a definition. We in the Labour Party included this amendment because we felt we are now crossing into a new level we have never before dealt with in the

State in respect of holding people, including children, who are vulnerable. This is going down a road which is unacceptable to many. I listened to what the Minister said. Some of what he said I genuinely accept, when he includes the three provisos. The third is very subjective. I accept he referred to all three. The third one is quite subjective and that is worrying.

If the Minister will not accept my amendment, which I will press, he may want to consider bringing forward something in the Seanad. It looks like he is not doing anything on Report Stage because he wants to pass the Bill next week. We have a new departure and need to ensure that the most vulnerable, including children, who will be in this situation are protected to the nth degree. That is why we have taken quite a long period of time to put forward this amendment. We did so because as a party we thought it was important that this was prescribed and defined. This is a can of worms that the Minister does not want to open. If he does not get this right, it will cause significant issues for very vulnerable people, including children under the protection of the State. We need to be very clear and defined as to how we will deal with this through this definition.

Deputy Aidan Farrelly: I thank the Minister for his response. Today we are misjudging in an overwhelming fashion the vulnerability associated with children and young people who are experiencing this process. In doing so, I have lost count of the number of bodies with acronyms that have come out and said that it is never in a child's best interests to be detained. Notwithstanding the fact that the Minister has included point 3 in the Bill, against every research piece and piece of evidence that says it is never in the child's best interest to be detained, who is experienced or qualified enough to go against that and decide it is deemed to be in a child's best interests to be detained?

We have amendments that ask for this to be removed wholesale. We should not be legislating for the detention of children. I will take the opportunity to say that now. Will a lack of availability in the State of appropriate care ever be a rationale for detaining children? If we cannot or are not in a position to provide appropriate places for children or young people, based on it being in their best interests could there be a rationale to detain them?

We spent the guts of what felt like 14 hours discussing a definition of "absconding". Children and young people will not even have the opportunity to abscond because, in some cases, they will be detained for doing nothing wrong. How will it be deemed to be in their best interest to be detained for nothing at all?

Deputy Gary Gannon: It is very difficult because the Minister sounds very reasonable. He has told us that under only three conditions will a child be detained when it is in their best interests. That is fine, but we do not legislate for the Minister's good intent. There will be another Minister for justice and other Governments. There are people who will go further. We are already going further than we thought would be the case three years ago. We can accept the Minister has good intent, but that is not how legislation works.

The Office of the UN High Commissioner for Human Rights has said that the immigration detention of a child "is never in the best interest of a child and always a violation of children's rights". It is difficult to have a parliamentary back and forth in that context. I accept the bona fides of the Minister, but the high commissioner who is responsible for the human rights of the child has said it is "never in the best interest of a child" to be detained for any period of time.

We have tabled amendments to remove that provision, but we may not get to them. The Minister is wrong here.

Deputy Ruth Coppinger: I would like to hear some examples of what the best interests might be because I struggle to see an example of when it would be in the best interests of a child to be detained. The UN Committee on the Rights of the Child has said that children should never be detained because of their or their parents' migration status. We all know it is not a good idea to put children in prison or detention.

There is a presumption of adulthood in the Bill, whereby a Garda, an official or whoever would be able to guess a person's age and presume that they are an adult. We do not have a great track record with regard to differentiating the ages of people of different races, nationalities and so on. The Bill states that reasonable grounds must be shown, but what are reasonable grounds? It is a broad term. Under this provision, 16-year-olds could very easily be detained because somebody assumes they are an adult due to the fact they do not know or do not have proof of their age.

As everybody has said, it is a slippery slope. I am sure the Minister is aware that all of the children's rights agencies have asked for this to be explicitly ruled out of the Bill, but he is leaving it in. He has told us he will come back with further measures down the line. As others have said, when accommodation, proper care facilities or whatever cannot be found, children will end up in Garda stations or other detention centres that the State might develop in the years ahead. We have seen with Irish citizens, never mind people coming in from other countries, that people have to go to Garda stations because otherwise they would be on the streets. I would like some examples of when it might be in someone's best interests to be detained in this way.

Deputy Jim O'Callaghan: I thank colleagues for their contributions. The determination of whether something is in the best interests of a child is carried out every day of the week by judges. It is also a determination that is carried out in advance by Tusla or other agencies which find themselves having to go to court. There are unquestionably occasions where people have to determine what is in the best interests of the child. We are aware that this provision only applies in respect of the screening process. It is a very short period of time. There will unquestionably be circumstances, as in the first section, where a child has arrived into Ireland with an adult who is another applicant and that applicant is not available. There are circumstances in such cases where it would be in the best interests of the child to be detained for a short period of time.

Deputy Ruth Coppinger: It is for 12 hours.

Deputy Jim O'Callaghan: We need to recognise that when it comes to the drafting of legislation, we do not set out the circumstances in which the Oireachtas believes something would be in the best interests of the child. We have to allow a certain level of discretion. Of course all of this will be subject to very careful judicial intervention. That is why the drafting of the Bill is so important.

We need to recognise that the amendment we are dealing with relates to the definition section of the Bill. When we come to section 24, there are further amendments in respect of the express provision regarding the limited period of detention that is permissible.

I take on board what Deputy Kelly has said about the reception conditions directive. It is an improvement that the directive will be transposed through primary legislation for debate here, as opposed to by way of statutory instrument, which was an option.

Deputy Aidan Farrelly: I wish to pick up on what the Minister said that judges or Tusla will quite often make that determination. I struggle to think of an example where they would make such a determination in a child's best interests - to detain them simply for existing. There are no behavioural issues, crimes being committed or laws being broken. There is no rationale for that decision. It is quite disingenuous to say Tusla or a judge would have the competency to determine that it is in a child's best interest to be detained for no reason other than for existing. The Minister can withdraw that if he likes. It is not a comparison and it does not make sense to include it.

Amendment put:

The Committee divided: Tá, 62; Níl, 81; Staon, 0.		
Tá	Níl	Staon
Bacik, Ivana.	Aird, William.	
Bennett, Cathy.	Ardagh, Catherine.	
Brady, John.	Boland, Grace.	
Buckley, Pat.	Brabazon, Tom.	
Byrne, Joanna.	Brennan, Brian.	
Carthy, Matt.	Brennan, Shay.	
Clarke, Sorca.	Brophy, Colm.	
Collins, Michael.	Browne, James.	
Conway-Walsh, Rose.	Burke, Colm.	
Coppinger, Ruth.	Burke, Peter.	
Cronin, Réada.	Butler, Mary.	
Crowe, Seán.	Butterly, Paula.	
Cullinane, David.	Buttimer, Jerry.	
Daly, Pa.	Byrne, Malcolm.	
Devine, Máire.	Byrne, Thomas.	
Doherty, Pearse.	Cahill, Michael.	
Donnelly, Paul.	Callaghan, Catherine.	
Ellis, Dessie.	Calleary, Dara.	
Farrelly, Aidan.	Carrigy, Micheál.	
Fitzmaurice, Michael.	Carroll MacNeill, Jennifer.	
Gannon, Gary.	Cleere, Peter 'Chap'.	
Gibney, Sinéad.	Clendennen, John.	
Gogarty, Paul Nicholas.	Collins, Niall.	
Gould, Thomas.	Connolly, John.	
Graves, Ann.	Cooney, Joe.	
Guirke, Johnny.	Crowe, Cathal.	
Hayes, Eoin.	Cummins, John.	
Healy, Seamus.	Currie, Emer.	

Hearne, Rory.	Daly, Martin.	
Kelly, Alan.	Dempsey, Aisling.	
Kenny, Eoghan.	Devlin, Cormac.	
Kenny, Martin.	Dillon, Alan.	
Kerrane, Claire.	Dolan, Albert.	
Lawless, Paul.	Dooley, Timmy.	
Lawlor, George.	Feighan, Frankie.	
Mac Lochlainn, Pádraig.	Foley, Norma.	
McGettigan, Donna.	Gallagher, Pat the Cope.	
McGuinness, Conor D.	Geoghegan, James.	
Mitchell, Denise.	Grealish, Noel.	
Mythen, Johnny.	Harkin, Marian.	
Nash, Ged.	Harris, Simon.	
Newsome Drennan, Natasha.	Healy-Rae, Michael.	
O'Callaghan, Cian.	Heneghan, Barry.	
O'Donoghue, Robert.	Heydon, Martin.	
O'Hara, Louis.	Higgins, Emer.	
O'Reilly, Louise.	Keogh, Keira.	
O'Rourke, Darren.	Lawless, James.	
Ó Broin, Eoin.	Lowry, Michael.	
Ó Laoghaire, Donnchadh.	Maxwell, David.	
Ó Murchú, Ruairí.	McAuliffe, Paul.	
Ó Súilleabháin, Fionntán.	McCarthy, Noel.	
Quaide, Liam.	McCormack, Tony.	
Quinlivan, Maurice.	McEntee, Helen.	
Rice, Pádraig.	McGrath, Séamus.	
Sheehan, Conor.	McGreehan, Erin.	
Sherlock, Marie.	McGuinness, John.	
Smith, Duncan.	Moran, Kevin Boxer.	
Stanley, Brian.	Moynihan, Aindrias.	
Tóibín, Peadar.	Moynihan, Michael.	
Wall, Mark.	Murnane O'Connor, Jennifer.	
Ward, Mark.	Murphy, Michael.	
Whitmore, Jennifer.	Naughton, Hildegard.	
	Neville, Joe.	
	O'Callaghan, Jim.	
	O'Connell, Maeve.	
	O'Connor, James.	
	O'Dea, Willie.	
	O'Donnell, Kieran.	
	O'Donovan, Patrick.	
	O'Meara, Ryan.	
	O'Shea, John Paul.	
	O'Sullivan, Christopher.	
	O'Sullivan, Pádraig.	
	Ó Feargháil, Seán.	
	Ó Muirí, Naoise.	
	Roche, Peter.	

	Scanlon, Eamon.	
	Smith, Brendan.	
	Timmins, Edward.	
	Toole, Gillian.	
	Troy, Robert.	

Tellers: Tá, Deputies Alan Kelly and Conor Sheehan; Níl, Deputies Mary Butler and Emer Currie.

Amendment declared lost.

7 o'clock

An Ceann Comhairle: Amendment No. 9 in the name of Deputy Alan Kelly has been ruled out of order.

Deputy Alan Kelly: I am sorry, a Cheann Comhairle-----

An Ceann Comhairle: I am just about to read the reason. I thank the Deputy. Amendment No. 9 would insert a new definition for "legal counselling", a term used later in the Bill. This definition would provide that such services would be provided to persons free of charge irrespective of a person's ability to secure legal services by their own means. Amendment No. 47 in the name of Deputy Kelly forms a composite proposal with amendment No. 9, inserting a reference to these "legal counselling" services into section 26 of the Bill. Such "free" legal services would have to be provided at the expense of the State. It needs to be understood that the amendments must be ruled out of order in accordance with Standing Order 219(3) as they have the potential to impose a charge on the Revenue. Deputy Kelly has stated that the "free of charge" reference he used was taken from a Government regulation, but Government regulations are not subject to Standing Orders, under which the Bills Office decides whether amendments are in order.

Deputy Alan Kelly: For complete clarity, if the wording "free of charge" was not in the amendment, the likelihood is that these amendments could have been accepted.

An Ceann Comhairle: The Deputy will accept, however, that the Bills Office must operate under Standing Orders.

Deputy Alan Kelly: Yes, I understand.

An Ceann Comhairle: I thank the Deputy.

Deputy Alan Kelly: We are always learning in this place, trust me.

An Ceann Comhairle: All Deputies are free to take their case to the Committee on Standing Orders and Dáil Reform, should a change be required.

Deputy Alan Kelly: I thank the Ceann Comhairle for that clarification.

An Ceann Comhairle: I thank the Deputy.

Amendment No. 9 not moved.

An Ceann Comhairle: We move now to amendment No. 10 in the names of Deputies Gannon and Kelly. Amendments Nos. 10, 17, 20, 134, 135, 154, 192 and 206 are related and may be discussed together.

Deputy Gary Gannon: I move amendment No. 10:

In page 23, between lines 24 and 25, to insert the following:

“(3) (a) In the application and interpretation of this Act, the best interests of the child shall be a primary consideration in all matters affecting a person who is a minor or who is presumed to be a minor.

(b) In determining for the purposes of paragraph (a) what is in the best interests of the child, the following factors shall be taken into account:

- (i) the views of the child, having regard to the child’s age and maturity;
- (ii) the child’s identity, including their age, gender, sexual orientation, nationality and religion;
- (iii) safety, welfare and development needs;
- (iv) preservation of family relationships;
- (v) any particular vulnerabilities of the child; and
- (vi) any other particular circumstances pertaining to the child concerned.”.

In our contributions on the last amendment we discussed, we spent a good bit of time discussing the best interests of the child. It should be understood, however, that nowhere in this Bill are "the best interests of the child" defined. This is an important definition. Without it, it leaves it up to the determination of a person in the future who may have a motive that is different from the Minister's.

This amendment seeks to provide a definition for "the best interests of the child". We suggest inserting the wording of this amendment between lines 24 and 25 on page 23. The best interests of the child are a foundational principle of the United Nations Convention on the Rights of the Child, UNCRC. It is vital to ensuring children's full and effective enjoyment of their rights. Under Article 3 of the UNCRC, Ireland must ensure that the best interests of the child are treated as a primary consideration in all actions affecting children. This obligation is reinforced by Article 3(3) of the Treaty on European Union and Article 24(2) of the Charter of Fundamental Rights of the EU. The application of the best interests principle should be the primary consideration for all sections of the legislation relevant to children. Each legislative instrument sets out explicitly that the best interests of the child must be the primary consideration for the State when implementing the provisions therein that affect children. However, that is not fully reflected in the Bill, so we ask the Minister to include it in the Bill.

Therefore, we are not having a conversation about a discretionary understanding of a child's best interests but a factually based one that can live on for as long as this Bill does.

Deputy Alan Kelly: This needs to be defined. We cannot leave this loose. We already had a discussion on the previous amendment in relation to how we are moving into new territory as regards detaining children. It is never good when children are being detained. It is not acceptable. However, we also have to have a definition as regards what we are doing to include the best interests of the child as a primary consideration in the application of the Act's provision by inserting a definition into the interpretation section so that it will run throughout the Bill.

I will not repeat it but my colleague referred to Article 3 of the UNCHR, the EU Charter and everything else. The reality is that this is quite a defining component. Ultimately, the best interests of the child should be the defining statement of how we pursue this legislation from here on in. We cannot allow it to be loosely understood. We cannot allow it to be undefined. This is a critical decision. If the Minister is not going to accept our amendment here and now, he is going to have to have to bring forward something in relation to this issue. There will be an outcry if he does not. It does need definition. We have put this forward because we believe this is the best way in which we can deal with it. These are not circumstances under which we want to be doing this but we have to do it. I ask that the Minister really consider this amendment. It is probably one of the most important amendments to this whole Bill that is being brought forward.

Deputy Aidan Farrelly: With regard to amendment No. 20, I am fully supportive of amendment No. 10. We will take another run at it in a definition in terms of Article 14.1 of the Eurodac regulation. My concern equally with this legislation, and it speaks again to the somewhat rushed nature of it, is that it could even be at odds with domestic legislation with regard to Children First and young children and young people's rights and welfare and protections in the State because it does not underpin this legislation. It does not go far enough at all to very clearly highlight the importance of what we must remember are a very vulnerable cohort of people in this society. They are people who have experienced trauma and a whole diversity of issues, and what they need are services. This legislation, as Deputy Kelly said, could be seen from a child's point of view as an opportunity to underpin what is not an optional extra. A child's access to basic human rights and services is not an optional extra. This legislation is not underpinned by a child's best interests, not just with regard to the detention - we have covered that, and I am sure we will cover it again - but also the way in which they interact with the services of this State as they experience the international protection system.

My amendment No. 14 was ruled out of order because of the money message. I am a new TD; I am learning. I will have it written in a different way for future pieces of legislation. However, I say that to show the Minister there is a series of ways in which he and his officials could draft what this will look like as a definition. It is essential that the ways in which a child's welfare are of utmost importance are central to this legislation.

Deputy Matt Carthy: Sinn Féin will be supporting amendment No. 10. I just want to speak to amendments Nos. 17, 20, 134, 154, 192 and 206, which are in my name and which set out very clearly in a number of different provisions within the Bill that the best interests of the child should be a primary consideration in the carrying out of any procedures. This is really

important for a number of reasons. Children are clearly very vulnerable in many aspects. There is a whole raft of areas of concern about how children are treated in the international protection system, particularly when we are talking about very young children. They do not decide to arrive in Ireland or anywhere else and make an international protection application. If they are with their parents or guardian, that decision has been made on their behalf by their parent or guardian. Whatever about the merits of the case or whatever else, it is academic. It does not matter. Their interests need to be protected.

We also know that for what I would consider to be too large a number of unaccompanied minors who come into the State, in many respects, there is a hidden hand behind their arrival in Ireland. Some of it is quite nefarious and some of it is very dangerous in terms of the safety of the children. There are bad actors - the terms "people smugglers" or "human traffickers" could be applied to them. Therefore, it is crucially important that this State has very robust procedures, absolutely, but also that it ensures the welfare of the child does not come into question.

I agree with everything that has been said that when we talk about any core principle, we also need to define it. That is why I welcome the amendment from Deputies Gannon and Kelly that set out a definition. Again, I would ask the Minister whether he is accepting that definition. I think the definition is 100% fine. If he is not accepting the definition, is he going to bring forward another definition or is there going to be a definition for rights of the child?

In respect of amendments Nos. 17, 20, 134, 154, 192 and 206, which are in different parts of the legislation and refer to very specific roles regarding the best interests of the child, that principle is set in as an important general instruction to those who will be charged with manning the international protection system. It is important. The Irish people want a system that works. They want a system where decisions are made quickly but where they are the right decisions, so that if people have an entitlement to be here, they receive that entitlement and they are supported to become fully fledged members of our communities, and if they do not have an entitlement to be here, that decision is made quickly. In the meantime, when that decision is being made, I believe the vast majority of Irish people want people to be treated decently. They want people to be treated with the same responsibilities and the same rights and benefits we would expect Irish people to receive elsewhere. They are just fundamental principles.

There is a particular empathy with young people who are emigrants. I was born as an emigrant. It was not a million miles away - across the water - but the experience of an immigrant child is very peculiar because growing up is hard to do and especially for older children and teenagers. It can be a very traumatic experience, and we need to be cognisant of that because regardless of whether somebody is entitled to ultimately to be in Ireland, we want their experience to be a positive one from the start. If they are not entitled to be in Ireland and they go elsewhere in the world, we still want their experience of dealing with the Irish system to have been fair and humane. I commend this amendment.

I will press each of the amendments. I am hoping that the Minister will give an indication that he will accept some, if not all, of those amendments, which, as I said, are just putting the principle of the best interests of the child in various sections. However, I do think it would be important that the House vote on at least one of those to send out a very clear message that they are the guiding principles by which we judge ourselves.

Deputy Ruth Coppinger: On this practical application of the best interests of children, I agree with the definitions. The child's developmental needs and vulnerability are some of the items that are listed in this amendment. I want to give the Minister an example, and this needs to be carried through to how we treat people in IPAS accommodation, not just those applying for accommodation. I have been contacted by IPAS residents in the Crown Plaza hotel in Blanchardstown. They have lived there for a number of years.

They were told in a letter dated 13 February, but I do not know whether they received it then, that they must move this Friday, 20 February. That is less than a week's notice. They have to move to Breaiffy Woods in Castlebar, more than 200 km away. These people have children in local schools and preschools. In the case of the family who contacted me, they have a child who is autistic. They have a child linked to essential services in Blanchardstown. They have a child in preschool, which is like hens' teeth as it is absolutely impossible for somebody who has special needs to get into a preschool that caters for those needs where they get the therapeutic services necessary for their development.

I ask the Minister to intervene to see that the best interests of this child are protected and that they are not moved to an area 200 km away where, I am absolutely certain, they will not have treatment services for their autism lined up or services necessary for their language skills. I ask the Minister to intervene to make sure this family, for example, is able to stay in Dublin even if they have to move to other IPAS accommodation until they find their own accommodation, be it out in Finglas or wherever, to allow them to stay in Dublin and to continue getting the services.

This is an example of the best interests of the child in practical application. We should adopt these amendments. It really is very unfair for the Department to issue people with letters to move hundreds of miles away within a week, when they have been in an area for several years and made links there, developed there and have children in schools there. We all know the crisis there is in autism and special education in particular. I hope the Minister will take this on board.

Deputy Jim O'Callaghan: I thank Deputies Gannon and Kelly for the amendment. I will discuss all of the amendments grouped together. Amendment No. 10 tabled by Deputies Gannon and Kelly can be divided into two parts. The Deputies want to set out in the legislation that the best interests of the child shall be a primary consideration in all matters affecting a person who is minor. I have no difficulty with this provision being put into the legislation but I need to inform Members that it is in the Bill already. Section 29(1) contains a provision dealing with a guarantee for minors. Section 29(1) states: "The best interests of the child shall be a primary consideration in the carrying out of procedures in respect of a minor under this Part." Colleagues may revert and state this is limited to that Part but I would look at it because I certainly want it to be the case that throughout the legislation the best interests of the child should be the primary consideration.

In the next part of the proposed amendment from Deputies Gannon and Kelly they have decided they think it would be preferable to define what is the best interests of the child or how the best interests of the child should be determined, and they do so in six paragraphs setting out the views of the child, the age of the child, safety and developmental needs, preservation of family relationships, particular vulnerabilities and any other particular circumstances. There

is a genuine debate to be had as to whether when we put a protection in legislation, it is benefited by seeking to provide a definition of that general protection. The term "the best interests of the child" is in Article 42A of our Constitution. The courts are required to ensure that decisions made are in the best interests of the child. I will consider it. I will table amendments in respect of this matter. I cannot accept the amendments as they are at present, particularly amendments Nos. 10, 17, 20 and 206.

Section 15 clearly provides for the safeguards required by the Eurodac regulation on the collection of biometric data from children. I do not propose to accept amendments Nos. 134, 135, 154 and 192. Article 23 of the asylum and migration management regulation and Article 22 of the asylum procedures regulation set out that the best interests of the child shall be a primary consideration for the state and the competent authorities of the state with respect to all procedures provided for in those regulations. This is a legally binding obligation on the state. As such, it may not be necessary to include these amendments in the Bill. I will give careful consideration to what is in these amendments and I may bring forward further amendments later to give effect to them. It is important, however, to note that the legislation already provides that the best interests of the child be the primary consideration.

In respect of what Deputy Coppinger has raised, what makes immigration a really difficult thing to deal with, particularly if you are the person making the decisions - and everyone in here makes decisions when it comes to legislation - is that you are dealing with people's lives. Decisions that are made have consequential impacts on individuals. What I have tried to do - and feel free to criticise me, which I know the Deputy will - is that I have tried to get away from a situation whereby we have an arbitrary system. I have tried to have a rules-based system. Deputy Gibney criticised me and asked where the compassion is in this. If I go down the route of moving away from a rules-based system and decide I will deal with individual requests on an individual basis, we will have a system that is very unfair in the generality of how it is applied. It will become arbitrary and nobody will know what the outcome will be. Those who can get a well-connected campaign up and running will know they are in a better position or people may think if they can mention a case in the Dáil, they will have a better chance of receiving a positive result.

I do not know the situation in terms of the individuals Deputy Coppinger referred to. I do not know whether they have been refused status. I am not asking the Deputy to deal with the details of it now; if she wants to she can mention them to me. I do not know whether they have been refused status and been served with a deportation order. Alternatively, I do not know whether they have been granted status. One thing the Minister of State, Deputy Brophy, and I cannot do if people have been granted status is to get into the accommodation business of providing an ever-growing amount of accommodation for people who are not international protection applicants but who are beneficiaries of international protection. Deputy Coppinger may not want to assert it but she will know this something that is just not feasible. There has to be movement through the system of individuals who come in and apply for international protection. We have an obligation under the material conditions directive to provide them with that accommodation during their application process. Once that process comes to an end, we no longer have an obligation. It is not tenable for the State to provide endless accommodation after decisions have been made. It would be a recipe for quite significant trouble were that to arise.

The Deputy asked me to intervene. I could fudge this with her and say something else but I will not intervene. I have to be consistent across the board. If somebody comes up to me here and asks me to intervene, I will be honest and say I will not do so. We have to have a rules-based system. Otherwise if I intervene on the basis of TDs contacting me and asking me to intervene, the system will become very unfair to the individuals concerned.

Deputy Paul Murphy: The Minister's response is quite revealing. We are saying this is a Bill for the detention of children. He is saying not to worry, he will recognise the rights of children and there is nothing to be worried about. Then we have amendments before us that propose the best interests of the child should be a primary consideration in the carrying out of this procedure in terms of asylum, and we have amendments that propose this Part will be interpreted in line with the guarantees for minors set out in Article 23, but the Minister is here to tell us he cannot accept them. The most substantive reason he gave for not being able to accept them is that he says the provision is already there. The Minister knows it is not already there because he has just read it out. It is there in a different Part.

He asserted two reasons he cannot do it. One is because it is already a legal obligation so what is the point in doing it and the other is that it is already there in a different Part. He read it out himself. It is in the Part relating to Eurodac and screening. The Bill states explicitly that the best interests of the child should be a primary consideration in the carrying out of the procedures under that Part. We are asking him to state it in relation to the asylum process and he is not going to accept it.

Deputy Jim O'Callaghan: I am going to consider it.

Deputy Paul Murphy: The Minister is not going to accept it today on Committee Stage. As part of the Minister's consideration, I ask him to consider that he cannot logically say that we do not need it because it is already binding on us because of Article 23 itself, and then on the other hand say it is here in relation to this particular part. The fact that it is there in relation to the Eurodac regulation and screening illustrates that it is there. Someone decided there is a need for it to be there in order for that to apply. Yet, as it stands, when we finish Committee Stage it is not going to be there in the part that relates to asylum procedures. Does Deputy O'Callaghan really want to be the Minister who says that the best interests of the child and guarantees for minors are not going to be referenced in terms of how we are carrying out asylum procedures? That is fine, the Minister will vote against it today and vote it down. However, I would say the argumentation does not hold water. That it is referenced elsewhere suggests that someone somewhere recognised the need to reference it, and it needs to be referenced in relation to this part as well.

Deputy Aidan Farrelly: I thank the Minister for coming in. With regard to amendment No. 10 and equally the one in my name, amendment No. 20, I want to highlight a couple of aspects of amendment No. 14 that went into detail on this matter. It has since been ruled out of order. It is essentially just an extension-----

An Cathaoirleach Gníomhach (Deputy Cathal Crowe): We are not discussing that amendment. Can the Deputy speak to the amendment before the House?

Deputy Aidan Farrelly: -----of what amendment No. 20 was. It is the same amendment essentially without the detail. The Minister can see that. Long before I ever considered or entertained a career in politics or had an opportunity to do so, I was a youth worker in Kildare. I worked with children and young people who were living in direct provision centres. I would love to be here appealing for legislation to enshrine meaningful opportunities for young people and children to engage in education, to engage in play and to engage in appropriate health outcomes. It is really hypocritical of the Minister to say that the best interests of the child are already enshrined in this legislation when we are collectively engaging in a process of legislating for the detention of children. It is still there; we have just voted it through. It is still part of it.

I accept the Minister's sincerity in this regard. I can see in him that he believes that children's rights are not being impinged as part of this legislation. The lived experience I have had, which is a very limited one in comparison to the children and young people who have experienced direct provision or the international protection system, is at complete contrast and odds to that. I appeal to the Minister again. Amendment No. 14 is out of order based on the cost; that is fine. There are really meaningful pieces in amendments Nos. 10 and 20, and many others, that ensure that what actually comes out of this, among many other things, is an opportunity for the State to very clearly say it will ensure that the experience of a child or young person experiencing the international protection system is just and is fair, and that there is a quality associated with this. We have seen way too many contracts being signed by this State over the last number of years that did not define a minimum set of standards with regard to accommodation, play, education, independence, meal preparation or anything like that. On many occasions, we have seen operators riding roughshod over what they believe to be optional extras with regard to quality of life. That is why I am here today. I am trying to represent the children and young people who have experienced that system. We cannot ever stand over a statement that a child's best interest is part of this legislation if we intend to provide for their detention when they have done nothing wrong.

Deputy Gary Gannon: I appreciate that the Minister has said he will "consider" the amendment. Two weeks ago he said he would consider amendments, but I have not seen a huge amount of evidence of that. When we asked for the specification of the rights of the child to be clarified in the Bill, he said this may not be necessary. One of the factors he pointed to was the Constitution. The rights of the child are protected in the Constitution.

Deputy Jim O'Callaghan: I was saying that we do not set out in the Constitution what the best interests of the child are.

Deputy Gary Gannon: No, but the Minister said that the term "the best interests of the child" is in the Constitution. The rights of the family are also enumerated in the Constitution, but later tonight the Minister will obliterate the family reunification scheme. There is no consistency across the board in terms of the arguments or the merits. I have come to the conclusion that the Minister is probably going to vote against all of the amendments. That is fine; he is in Government and we are not. However, there is no way that 276 amendments can all be without merit. Why can we not define the rights of a child here? The Minister may need to add two or three things through Seanad amendments if he wishes, but why do we not

establish collectively across the Chamber that it would be in the best interests to put some specification on what exactly the best interests of a child would be? Should he wish to amend that further in the Seanad, that is up to the Minister, but at least we can come away with the sense that maybe this was a worthwhile several-year process that we all engaged in, where we were told at each point there would be something coming at the next point. It simply has not happened. I think we can all agree that the best interests of children should actually have some specification in a Bill of this importance.

Deputy Ruth Coppinger: I will not go on about this but I want to clarify something for the Dáil record. By raising a case, I am not asking the Minister to break any rule. The IPAS residents I mentioned are being transferred to another place. It is not breaking a rule for them not to transfer to that place. They could transfer to another place. We already have a rule that children's developmental and health needs, etc., will be taken into account. They have not committed any crimes. If they are in the hotel, presumably they have not got a deportation order so I do not know why the Minister raised that. If they are being transferred to Mayo, they hardly have a deportation order. It was very confused things the Minister said. The case I mentioned is just an example. The people in question are living in an area where their children are going to school. They are accessing services after a huge amount of work was done to get those services. We are just asking that they be allowed to maintain that. We are not asking the Minister to give them an amnesty or anything like that. It is important. There is already a rules-based system where we are meant to take children's needs into account.

Deputy Jim O'Callaghan: I assure Deputy Gannon that I am not saying I do not see any merit in the amendment. I do see merit in it. I have indicated to the Deputy that I am going to consider it and that I will most probably bring forward amendments in respect of it to emphasise the best interests of the child. I do not think it is without merit.

The point I was making about the reference in the Constitution to "the best interests of the child" is that we can decide whether we want to define what the best interests of the child are - Deputies Gannon and Kelly have put it in their amendment - or we can leave it vague. By leaving it vague, it is probably broader. One of the downsides of specifying what a term means in legislation is that when somebody looks at it, they will very much limit the meaning of "the best interests of the child" to the six paragraphs that have been set out. Sometimes it can have broader application if we do not try to specify it and tie it down in six areas.

Amendment put:

The Committee divided: Tá, 62; Níl, 80; Staon, 0.		
Tá	Níl	Staon
Bacik, Ivana.	Aird, William.	
Bennett, Cathy.	Ardagh, Catherine.	
Brady, John.	Boland, Grace.	
Buckley, Pat.	Brabazon, Tom.	
Byrne, Joanna.	Brennan, Brian.	
Carthy, Matt.	Brennan, Shay.	
Clarke, Sorca.	Brophy, Colm.	
Conway-Walsh, Rose.	Browne, James.	
Coppinger, Ruth.	Burke, Colm.	

Cronin, Réada.	Burke, Peter.	
Crowe, Seán.	Butler, Mary.	
Cullinane, David.	Butterly, Paula.	
Daly, Pa.	Buttimer, Jerry.	
Devine, Máire.	Byrne, Malcolm.	
Doherty, Pearse.	Byrne, Thomas.	
Donnelly, Paul.	Cahill, Michael.	
Ellis, Dessie.	Callaghan, Catherine.	
Farrelly, Aidan.	Calleary, Dara.	
Gannon, Gary.	Carrigy, Micheál.	
Gibney, Sinéad.	Carroll MacNeill, Jennifer.	
Gogarty, Paul Nicholas.	Cleere, Peter 'Chap'.	
Gould, Thomas.	Clendennen, John.	
Graves, Ann.	Collins, Niall.	
Guirke, Johnny.	Connolly, John.	
Hayes, Eoin.	Cooney, Joe.	
Healy, Seamus.	Crowe, Cathal.	
Hearne, Rory.	Cummins, John.	
Kelly, Alan.	Currie, Emer.	
Kenny, Eoghan.	Daly, Martin.	
Kenny, Martin.	Dempsey, Aisling.	
Kerrane, Claire.	Devlin, Cormac.	
Lawless, Paul.	Dillon, Alan.	
Lawlor, George.	Dolan, Albert.	
Mac Lochlainn, Pádraig.	Dooley, Timmy.	
McGettigan, Donna.	Feighan, Frankie.	
McGuinness, Conor D.	Foley, Norma.	
Mitchell, Denise.	Gallagher, Pat the Cope.	
Murphy, Paul.	Geoghegan, James.	
Mythen, Johnny.	Grealish, Noel.	
Nash, Ged.	Harkin, Marian.	
Newsome Drennan, Natasha.	Harris, Simon.	
O'Callaghan, Cian.	Healy-Rae, Michael.	
O'Donoghue, Robert.	Heneghan, Barry.	
O'Gorman, Roderic.	Heydon, Martin.	
O'Hara, Louis.	Higgins, Emer.	
O'Reilly, Louise.	Keogh, Keira.	
O'Rourke, Darren.	Lawless, James.	
Ó Broin, Eoin.	Lowry, Michael.	
Ó Laoghaire, Donnchadh.	Maxwell, David.	
Ó Murchú, Ruairí.	McAuliffe, Paul.	
Ó Súilleabháin, Fionntán.	McCarthy, Noel.	
Quaide, Liam.	McCormack, Tony.	
Quinlivan, Maurice.	McEntee, Helen.	
Rice, Pádraig.	McGrath, Séamus.	
Sheehan, Conor.	McGreehan, Erin.	
Sherlock, Marie.	McGuinness, John.	
Smith, Duncan.	Moran, Kevin Boxer.	

Stanley, Brian.	Moynihan, Aindrias.	
Tóibín, Peadar.	Moynihan, Michael.	
Wall, Mark.	Murnane O'Connor, Jennifer.	
Ward, Mark.	Murphy, Michael.	
Whitmore, Jennifer.	Neville, Joe.	
	O'Callaghan, Jim.	
	O'Connell, Maeve.	
	O'Connor, James.	
	O'Dea, Willie.	
	O'Donnell, Kieran.	
	O'Donovan, Patrick.	
	O'Meara, Ryan.	
	O'Shea, John Paul.	
	O'Sullivan, Christopher.	
	O'Sullivan, Pádraig.	
	Ó Fearghail, Seán.	
	Ó Muirí, Naoise.	
	Roche, Peter.	
	Scanlon, Eamon.	
	Smith, Brendan.	
	Timmins, Edward.	
	Toole, Gillian.	
	Troy, Robert.	

Tellers: Tá, Deputies Gary Gannon and Alan Kelly; Níl, Deputies Mary Butler and Emer Currie.

Amendment declared lost.

Section 2, as amended, agreed to.

SECTION 3

An Ceann Comhairle: Amendment No. 11 is out of order.

Deputy Matt Carthy: Can I get clarification as to why amendment No. 11 was ruled out of order?

An Ceann Comhairle: As discussed earlier, amendments Nos. 1 and 11 would both require that the Minister carry out reports and administrative matters and lay these reports before the Houses before the Act or provisions thereof can be commenced. It is a long-established precedent that the commencement of an Act cannot be made contingent on an administrative matter external to the Houses, and that is to say contingent on a matter that is outside the control of the Houses themselves. As this is in conflict with the general principles of the Bill as read a Second Time, the amendments must be ruled out of order in accordance with Standing Order 194(1) as they are in conflict with the principle of the Bill as read a Second Time.

Amendment No. 11 not moved.

An Ceann Comhairle: Amendments Nos. 12, 137, 138, 140, 144, 155, 159, 167, 194, 197, 221 to 224, inclusive, 245 to 247, inclusive, 255, 263, 266, 267 and 269 are all related and will be discussed together.

Minister of State at the Department of Justice (Deputy Colm Brophy): I move amendment No. 12:

In page 23, lines 33 and 34, to delete "*174(1) or 174(5)*" and substitute "*174(1), 174(5), 176 or 193*".

I propose to take Amendments Nos. 12, 137, 138, 140, 144, 155, 159, 167, 194, 197, 221 to 224, inclusive, 245 to 247, inclusive, 255, 263, 266, 267 and 269 together.

They are technical and drafting amendments providing clarity and correcting errors in the text.

Amendment agreed to.

Question proposed: "That section 3, as amended, stand part of the Bill."

Deputy Matt Carthy: The Ceann Comhairle mentioned the rationale for amendment No. 11 being ruled out of order. It would be appropriate if the Minister of State could give an indication as to how exactly these Houses are to have any faith whatsoever that Tusla will be in a position to carry out the obligations that are placed on it as a result of the measures in the Bill.

I take it from the Ceann Comhairle's guidance that the part of the amendment that precluded it from being taken is subsection (3) which indicates that the Act cannot commence until the report that is sought in the earlier subsections is furnished. In that regard, I will try to have a better-worded amendment on Report Stage.

Seriously, how can the Minister of State enact this, which will place additional issues and pressures on Tusla, without ensuring that it has the staffing, the resources and the operational capacity to meet what is expected to be very expanded statutory duties that will involve unaccompanied minors, issues around delays, inconsistent care and the system strain? The pre-legislative scrutiny process, when we were dealing with the general scheme, heard from numerous witnesses at the committee that there are very serious concerns around the ability of Tusla to do the jobs it already has never mind the work that we have here.

The legislation that is being brought forward now requires Tusla to take on greater responsibilities for assessing, for supporting and accommodating unaccompanied minors, for co-ordinating child protection interventions and for ensuring welfare safeguards during any procedures involving children.

8 o'clock

In practice, that will mean Tusla's workload for reception, oversight, care and planning for vulnerable young applicants is going to be expanded. The burden of responsibility on Tusla is going to be much greater.

If we look at the here and now, Tusla is under-resourced and overstretched as it is. It is unable to meet its statutory duties for vulnerable children, including unaccompanied minors in the international protection system. The general scheme debate at pre-legislative scrutiny stage dealt comprehensively with the number of young people going missing from Tusla care, the majority of them having been unaccompanied minors in the international protection system. The number is astounding, but what is more astounding is the lack of public focus on the issue. Unless we have major investment and staffing increases and shake up Tusla, we cannot have any confidence whatsoever.

That is why we have brought forward amendment No. 11, which would have called on the Minister prior to the commencement of the Act to lay before the Houses of the Oireachtas a report on the capacity of the Child and Family Agency to discharge its statutory function. That report would include an assessment of the staffing levels, the operational capacity, the organisational structures of the Child and Family Agency insofar as they related to the performance of its functions under the Act, an assessment of the financial and other resources available to the agency for the purpose of fulfilling those functions, and confirmation that the agency was in a position to comply with its statutory obligations under the Act upon its commencement.

The amendment is not there, but can the Minister of State give an assurance that Tusla is going to have the capacity to deal with the additional responsibilities the Government is forcing through in this rushed legislation? Can he give an assurance that for the issue of care of unaccompanied minors, the structures and resources will be in place, that we will not have children in the international protection system who are in accommodation provided by private, for-profit operators with sometimes very dubious track records, and that we will have the personnel and staff in place within Tusla to provide care? If the Minister of State can give that assurance, most Members of the House will be quite surprised. The experience with Tusla in terms of every other care it has responsibility for is that it is not in a position to do that across the board. I do not know how, therefore, we can in any way be confident that passing legislation that increases the administrative workload and operational responsibilities on Tusla is going to happen.

Before we adopt section 3, we need to have assurances that that is in place. Otherwise, I do not know how we can adopt section 3, which allows for the Minister by regulations to provide for any matter referred to in this Bill and outlines the different regulations that may be made under this Bill. We are going to be entrusting Tusla, an organisation that does not have the best track record in caring for children, with more responsibilities. It has told us, or at least the evidence before the committee suggests, that there are serious questions as to the ability of that organisation. Of course, the whole issue of international protection and Tusla in the public mind has been mixed up with the absolutely terrible story of a young girl going missing who was subsequently allegedly attacked at the Citywest centre, and how Tusla dealt with the situation. That was a young girl who went missing, a 12-year-old girl. Nobody knew about it, and then Tusla issued what was, quite frankly, a victim-blaming statement that talked about a 12-year-old child's behavioural issues. This is the organisation we are giving more responsibility to.

I really hope the Minister of State can give us some assurance that the principles of amendment No. 11, notwithstanding the fact it has been ruled out of order at this stage, will

actually be adhered to, and that he will ensure that he as Minister of State and the senior Minister and the Department are absolutely confident that Tusla can do what is asked of it before we enshrine in law its capacity to do all that.

Deputy Colm Brophy: It is the Government's intention that the system will be properly resourced to deal with the issues and matters arising that the Deputy has mentioned.

Deputy Matt Carthy: May I follow up on that? Will the Minister of State put detail on that? How many new staff are going to be allocated to Tusla in order to fulfil the responsibilities being assigned to it? How many staffing posts are vacant within Tusla and how is the gap actually going to be filled? When the Minister of State talks about-----

Deputy Colm Brophy: Sorry, the Deputy is talking to an amendment-----

Deputy Matt Carthy: I am talking to the section.

Deputy Colm Brophy: Yes, but he is referring to his amendment. Tusla is not under my control as Minister of State.

Deputy Matt Carthy: No, but the Minister of State is bringing forward legislation that is putting additional responsibilities onto another organisation. He cannot just wash his hands of it-----

Deputy Colm Brophy: I am not.

Deputy Matt Carthy: -----and say it is another Department. It is his Department.

Deputy Colm Brophy: I am not. I very clearly said it is the Government's intention that Tusla will be properly resourced.

Deputy Matt Carthy: I am asking the Minister of State how he is going to do that.

Deputy Colm Brophy: I clearly indicated-----

Deputy Matt Carthy: How many extra staff are going to be provided, how much extra funding is going to be provided and when is that going to be funded? Will the Minister of State ensure all those measures are put in place before he assigns these additional responsibilities to a State agency that has not been able to fulfil the responsibilities it already has?

Deputy Colm Brophy: I have clearly indicated to the Deputy.

Question put:

The Committee divided: Tá, 77; Níl, 62; Staon, 0.		
Tá	Níl	Staon

Aird, William.	Bacik, Ivana.	
Ardagh, Catherine.	Bennett, Cathy.	
Boland, Grace.	Brady, John.	
Brabazon, Tom.	Buckley, Pat.	
Brennan, Brian.	Byrne, Joanna.	
Brennan, Shay.	Carthy, Matt.	
Brophy, Colm.	Clarke, Sorca.	
Browne, James.	Conway-Walsh, Rose.	
Burke, Colm.	Coppinger, Ruth.	
Burke, Peter.	Cronin, Réada.	
Butler, Mary.	Crowe, Seán.	
Butterly, Paula.	Cullinane, David.	
Buttimer, Jerry.	Daly, Pa.	
Byrne, Malcolm.	Devine, Máire.	
Byrne, Thomas.	Doherty, Pearse.	
Cahill, Michael.	Donnelly, Paul.	
Callaghan, Catherine.	Ellis, Dessie.	
Calleary, Dara.	Farrelly, Aidan.	
Carrigy, Micheál.	Fitzmaurice, Michael.	
Carroll MacNeill, Jennifer.	Gannon, Gary.	
Cleere, Peter 'Chap'.	Gibney, Sinéad.	
Clendennen, John.	Gogarty, Paul Nicholas.	
Collins, Niall.	Gould, Thomas.	
Connolly, John.	Graves, Ann.	
Cooney, Joe.	Guirke, Johnny.	
Crowe, Cathal.	Hayes, Eoin.	
Cummins, John.	Healy, Seamus.	
Currie, Emer.	Hearne, Rory.	
Daly, Martin.	Kelly, Alan.	
Dempsey, Aisling.	Kenny, Eoghan.	
Devlin, Cormac.	Kenny, Martin.	
Dillon, Alan.	Kerrane, Claire.	
Dolan, Albert.	Lawless, Paul.	
Dooley, Timmy.	Lawlor, George.	
Feighan, Frankie.	Mac Lochlainn, Pádraig.	
Foley, Norma.	McGettigan, Donna.	
Gallagher, Pat the Cope.	McGuinness, Conor D.	
Geoghegan, James.	Mitchell, Denise.	
Grealish, Noel.	Murphy, Paul.	
Harkin, Marian.	Mythen, Johnny.	
Healy-Rae, Michael.	Nash, Ged.	
Heneghan, Barry.	Newsome Drennan, Natasha.	
Heydon, Martin.	O'Callaghan, Cian.	
Higgins, Emer.	O'Donoghue, Robert.	
Keogh, Keira.	O'Gorman, Roderic.	
Lawless, James.	O'Hara, Louis.	
Lowry, Michael.	O'Reilly, Louise.	
Maxwell, David.	O'Rourke, Darren.	

McAuliffe, Paul.	Ó Broin, Eoin.	
McCarthy, Noel.	Ó Laoghaire, Donnchadh.	
McCormack, Tony.	Ó Murchú, Ruairí.	
McGrath, Séamus.	Ó Súilleabháin, Fionntán.	
McGreehan, Erin.	Quaide, Liam.	
McGuinness, John.	Quinlivan, Maurice.	
Moran, Kevin Boxer.	Rice, Pádraig.	
Moynihan, Aindrias.	Sheehan, Conor.	
Murnane O'Connor, Jennifer.	Sherlock, Marie.	
Murphy, Michael.	Smith, Duncan.	
Naughton, Hildegard.	Tóibín, Peadar.	
Neville, Joe.	Wall, Mark.	
O'Callaghan, Jim.	Ward, Mark.	
O'Connell, Maeve.	Whitmore, Jennifer.	
O'Connor, James.		
O'Dea, Willie.		
O'Donnell, Kieran.		
O'Donovan, Patrick.		
O'Meara, Ryan.		
O'Shea, John Paul.		
O'Sullivan, Christopher.		
O'Sullivan, Pádraig.		
Ó Muirí, Naoise.		
Roche, Peter.		
Scanlon, Eamon.		
Smith, Brendan.		
Timmins, Edward.		
Toole, Gillian.		
Troy, Robert.		

Tellers: Tá, Deputies Mary Butler and Emer Currie; Níl, Deputies Pádraig Mac Lochlainn and Matt Carthy.

Question declared carried.

SECTION 4

Question proposed: "That section 4 stand part of the Bill."

Deputy Matt Carthy: I ask the Minister of State for clarification. Section 4 sets out how official documents can be served. It allows for delivery in person, by post or electronically. It defines valid email and phone contact points, explains the use of a secure online portal and states when a service is legally deemed completed. Is the Minister of State satisfied the section does not potentially create a problem whereby documents might be deemed served even though an applicant may not have received them? Does he feel amendments might be required to make it abundantly clear that where a document is deemed served on an applicant, the applicant has actually received it?

Deputy Colm Brophy: I thank the Deputy. In relation to that, I am happy. Care and attention was taken in the drafting of that to make sure it is appropriate and correct.

Question put and agreed to.

SECTION 5

Question proposed: "That section 5 stand part of the Bill."

Deputy Matt Carthy: I have a couple of technical questions. Section 5 removes several parts of the 2015 Act, repealing Part 2, Part 8 and specific sections. It is effectively clearing out older procedures to make way for the new system. Are there old procedures that are not included in the new Act? If so, can some detail be provided on that?

Part 2 sets out the framework for making international protection applications, including preliminary interviews and how claims are lodged. If he has that information, will the Minister of State detail what the change will look like in the application process, the interview process and the lodging of claims? If this Act comes into place in the summer, what will be the difference between September and now?

The previous Act designated Britain a safe third country - at least that is my understanding - and the current Bill does not. Instead, it creates a case-by-case safe third country test that requires the Minister to assess whether a country meets specific standards. Because Britain is not part of the EU framework any more, am I right in saying a new assessment would have to be carried out? Will the Minister of State clarify whether Britain will be deemed, post the enactment of this legislation, a safe third country?

Deputy Colm Brophy: My understanding is that, as part of this, there will be the deeming of countries to be safe third countries. The procedure in the new Bill is intended to be more efficient, with specific timeframes set out for the different parts of the process. The question of the UK being a safe third country will be looked at after the Bill has gone through.

Question put and agreed to.

Section 6 agreed to.

SECTION 7

Deputy Alan Kelly: I move amendment No. 13:

In page 25, between lines 16 and 17, to insert the following:

“(2) Where an officer of the Minister, pursuant to any enactment or rule of law, performs a function conferred on the Minister by virtue of *subsection (1)*, the officer is independent in the performance of that function.”.

The structure of decision-making in individual international protection application cases has changed over the years. Under the Refugee Act 1996, applications were made to and considered by an independent refugees commissioner, who made a binding recommendation to the Minister. Under the International Protection Act 2015, the procedure was brought in-house and recommendations were made to the Minister by international protection officers.

These IPOs are officials of the International Protection Office, the immigration service of the Minister of State's Department. IPOs are not ordinary civil servants. It is quite technical. The Act provided in section 74, "An international protection officer shall be independent in the performance of his or her functions." To be clear, he or she shall be independent in the performance of his or her functions. The Supreme Court has held that the independent status of an IPO is a key feature, stating:

An applicant has a right to be interviewed, heard and have decisions concerning them made by an independent decision-maker who is familiar with the relevant law. As well as under statute, these rights arise under the Procedures Directives ... The procedure must be transparent. Fairness and impartiality must be at the centre of the process. The reasons for any decision must be clear. EU law requires no less ... Failure to effectively implement the fundamental requirements laid down in the Directives and the case law will lead to a violation of EU law.

That is from *ASA v. Minister for Justice and Equality*, 2022. The reference to the procedures directive is to the asylum procedures directive, which requires under Article 10.3(a) that international protection applications be "examined and decisions ... taken individually, objectively and impartially". While the procedures directive is repealed by EU Regulation 2024/1348, the new regulation also requires in Article 34.2 that applications be examined "objectively, impartially and on an individual basis". There does not seem to be any real change to this at EU level. The Supreme Court in the *ASA* judgment seems to have been prepared to hold that the Irish regime would have been in breach of EU law, including charter rights, if IPOs did not have statutory independence.

The new Bill abolishes this independence. In fact, the Bill makes no reference at all to officials with regard to decisions on protection applications. The Bill vests the power to take such decisions on the determining authority, which is the Minister, under section 7. It seems pretty clear that the framers of the Bill expect the *Carltona* doctrine to apply. This is a rule of administrative law by virtue of which statutory functions conferred directly on the Minister can be performed by his or her civil servants. Such functions may be carried out by officials without any expressed statutory grant of power or administrative act of delegation. There will no longer be an examination or recommendation by an official acting independently, followed by a formal ministerial decision. All functions vested in the Minister will be exercised, in practice, by officials.

The Bill does no longer appear to require that a single identifiable individual will consider the information and, ultimately, decide the application. The question is whether such dispersed decision-making responsibility in a hierarchical organisation is compatible with the EU requirement that decisions be taken objectively and impartially. If the Bill enables an application to be dealt with as a departmental file *per se* that is to be sent up the line with additions, etc., and then decided on by superiors, it could well fall foul of both EU law and the Supreme Court's decision in *Geraghty v. the Minister for Local Government* 1976.

An international protection application must be considered and decided, by whoever decides it, on a quasi-judicial basis. What is happening here prevents it from being treated as a departmental matter to be considered and scrutinised up the line in a departmental division, hence the requirement for the amendment, which I will press.

Deputy Colm Brophy: Under section 74 of the International Protection Act 2015, the International Protection Office is independent in the performance of its function. Officers, in considering international protection applications at first instance, make recommendations to the Minister on the applications, but they do not make decisions. This provision was necessary at the time when the Act was drafted to allow the International Protection Appeals Tribunal to set aside a first instance recommendation and issue a fresh recommendation to the Minister. The ministerial decision unit in the IPO would then issue the final decision.

Under the timelines of the pact and Bill, this system of recommendations is no longer feasible. The Minister is the determining authority who will be responsible for issuing first-instance decisions. The measures under the pact do not require the independence of officers who will be performing the functions of the Minister. It is for this reason I do not propose to accept the amendment. By the way, the arrangements have been subject to very careful consideration by the Office of the Attorney General to ensure we are satisfied that this process is in place and correct.

Deputy Gary Gannon: I will support Deputy Kelly's amendment. There is an element of having your cake and eating it when it comes to the pact and the measures the Government says are required. When it requires safeguards, the Government seems to offer fewer. When it requires oversight, it seems to offer the bare minimum. I think that is what Deputy Kelly is getting at here. There is an absence of oversight and a consolidation of power in the Minister of the day for decades to come. It is a dangerous space when we operate without independent oversight. We have seen multiple failures already in the area of justice because of the absence of independent oversight.

Deputy Alan Kelly: I thank the Minister of State for his response and I acknowledge the note he received from his officials with regard to the Attorney General. That is fine. We have put a lot of research into this amendment as a party because we believe there are serious legal questions around this, particularly in the context of hierarchical decision-making, the case law within Supreme Court decision-making and how all that fits in.

While I know the Government will not accept this amendment, I have to press it because we fundamentally think there is a gap and issue in this regard. I encourage the Minister of State and his officials, in all honesty and decency, to relook at all of this before we conclude this Bill because I have received advice from a number of highly eminent people who are very concerned and concerted about this. They believe there is a real issue here. It can be solved but the way in which it is being dealt with in the legislation is not going to cut the mustard. I will press the amendment.

Deputy Colm Brophy: I hear clearly what the Deputy is saying. However, I will reiterate what I said in my initial reply to him. Areas like this are looked at very carefully. Advice is sought from the Attorney General. There is clear advice on what we are doing. Therefore, I am not in a position at this point to accept the Deputy's amendment.

Amendment put:

The Committee divided: Tá, 62; Níl, 78; Staon, 0.		
Tá	Níl	Staon

Bacik, Ivana.	Aird, William.	
Bennett, Cathy.	Ardagh, Catherine.	
Brady, John.	Brabazon, Tom.	
Buckley, Pat.	Brennan, Brian.	
Byrne, Joanna.	Brennan, Shay.	
Carthy, Matt.	Brophy, Colm.	
Collins, Michael.	Browne, James.	
Conway-Walsh, Rose.	Burke, Colm.	
Cronin, Réada.	Burke, Peter.	
Crowe, Seán.	Butler, Mary.	
Cullinane, David.	Butterly, Paula.	
Daly, Pa.	Buttimer, Jerry.	
Devine, Máire.	Byrne, Malcolm.	
Doherty, Pearse.	Byrne, Thomas.	
Donnelly, Paul.	Cahill, Michael.	
Ellis, Dessie.	Callaghan, Catherine.	
Farrelly, Aidan.	Calleary, Dara.	
Fitzmaurice, Michael.	Carrigy, Micheál.	
Gannon, Gary.	Carroll MacNeill, Jennifer.	
Gibney, Sinéad.	Cleere, Peter 'Chap'.	
Gogarty, Paul Nicholas.	Clendennen, John.	
Gould, Thomas.	Collins, Niall.	
Graves, Ann.	Connolly, John.	
Guirke, Johnny.	Cooney, Joe.	
Hayes, Eoin.	Crowe, Cathal.	
Healy, Seamus.	Cummins, John.	
Hearne, Rory.	Currie, Emer.	
Kelly, Alan.	Daly, Martin.	
Kenny, Eoghan.	Dempsey, Aisling.	
Kenny, Martin.	Devlin, Cormac.	
Kerrane, Claire.	Dillon, Alan.	
Lawless, Paul.	Dolan, Albert.	
Lawlor, George.	Dooley, Timmy.	
Mac Lochlainn, Pádraig.	Feighan, Frankie.	
McGettigan, Donna.	Foley, Norma.	
McGuinness, Conor D.	Gallagher, Pat the Cope.	
Mitchell, Denise.	Geoghegan, James.	
Murphy, Paul.	Grealish, Noel.	
Mythen, Johnny.	Harkin, Marian.	
Nash, Ged.	Healy-Rae, Michael.	
Newsome Drennan, Natasha.	Heneghan, Barry.	
O'Callaghan, Cian.	Heydon, Martin.	
O'Donoghue, Robert.	Higgins, Emer.	
O'Gorman, Roderic.	Keogh, Keira.	
O'Hara, Louis.	Lawless, James.	
O'Reilly, Louise.	Lowry, Michael.	
O'Rourke, Darren.	Maxwell, David.	
Ó Broin, Eoin.	McAuliffe, Paul.	

Ó Laoghaire, Donnchadh.	McCarthy, Noel.	
Ó Murchú, Ruairí.	McCormack, Tony.	
Ó Súilleabháin, Fionntán.	McEntee, Helen.	
Quaide, Liam.	McGrath, Séamus.	
Quinlivan, Maurice.	McGreehan, Erin.	
Rice, Pádraig.	Moran, Kevin Boxer.	
Sheehan, Conor.	Moynihan, Aindrias.	
Sherlock, Marie.	Moynihan, Michael.	
Smith, Duncan.	Murnane O'Connor, Jennifer.	
Stanley, Brian.	Murphy, Michael.	
Tóibín, Peadar.	Naughton, Hildegard.	
Wall, Mark.	Neville, Joe.	
Ward, Mark.	O'Callaghan, Jim.	
Whitmore, Jennifer.	O'Connell, Maeve.	
	O'Connor, James.	
	O'Dea, Willie.	
	O'Donnell, Kieran.	
	O'Donovan, Patrick.	
	O'Meara, Ryan.	
	O'Shea, John Paul.	
	O'Sullivan, Christopher.	
	O'Sullivan, Pádraig.	
	Ó Feargháil, Seán.	
	Ó Muirí, Naoise.	
	Roche, Peter.	
	Scanlon, Eamon.	
	Smith, Brendan.	
	Timmins, Edward.	
	Toole, Gillian.	
	Troy, Robert.	

Tellers: Tá, Deputies Alan Kelly and Conor Sheehan; Níl, Deputies Mary Butler and Emer Currie.

Amendment declared lost.

Section 7 agreed to.

Sections 8 to 10, inclusive, agreed to.

SECTION 11

Question proposed: "That section 11 stand part of the Bill."

Deputy Matt Carthy: This is again dealing with the concept of a safe third country. I want to go back to the situation with Britain as a result of the amendment of the 2015 Act. As the Minister of State will know, following Brexit, Ireland could no longer use the EU Dublin III regulation to return international protection applicants to Britain, but for a while Britain remained a de facto safe third country because of the 2015 Act and the regulations still listed

in it. Then in 2022 the Government formally stopped treating Britain as a safe third country due, I think, to the advice of the Attorney General. That effectively ended Britain's practical status as a safe third country for Ireland even though the original designation was made in 2015. Considering the lengthy discussion we had about the common travel area and the senior Minister's charge in respect of all the good work that is being done in terms of the collaboration with the British Government, will the Minister of State clarify that after this Bill passes unless Britain is designated rapidly as a safe third country, there will be questions about how applicants can be returned to Britain? This is an important point and I raise it because the public would welcome clarification on it, but also because it may require further amendment to clarify the onus on us. As the Minister of State said, and as I have mentioned a number of times, the assertions from Government are that over four in five applicants in our IPAS system are coming via the common travel area, so this is not a moot point. It is a critical point for our ability to have a functional IPAS system that works for everyone involved.

Deputy Colm Brophy: As I have mentioned in relation to this - and I appreciate the Deputy has too - this will be examined in terms of the UK prior to commencement and it can be done by ministerial action. It is our intention to look at this after the enactment of the Bill.

Deputy Matt Carthy: What does the Minister of State mean by "look at"? Does he see the Oireachtas being informed about the ongoing work? It is as clear as mud at this point. I gather from his response that this is an important issue that requires clarification and potentially a response through regulation. Is it a provision in this Bill? Will this section allow this matter to be resolved and will it be resolved through Britain being designated a safe third country? Is that what is proposed?

Deputy Colm Brophy: It is section 11 and it will be resolved by the designation of Britain, which can be done prior, as I said, to the commencement by the Minister.

Deputy Gary Gannon: Too often during this debate and for the past number of months we have heard this will be looked at and this will be assessed. There is very little confidence about the manifestation of those words as something tangible we can look at and scrutinise to see how it fits into our laws. It is one of the reasons this Bill is almost designed to fail. I am going to stick with the figure of 84% of people who claim asylum in this area doing so through the common travel area. I am sticking with that without evidential basis other than the fact I have heard a Minister say it even though several other Ministers have given a different figure. This is the scandal with this Bill as it stands because we share a common travel area with Britain. A returns agreement between Great Britain and Ireland signed in 2020 proved to be worth no more than the paper it was written on. It was challenged in the courts from the Irish side within a couple of months and it fell down. New regulations were brought in in 2024-25 and the British side just said they were not applicable to them and they would not take any more returns. It makes a nonsense of this whole Bill that there are no answers to this very significant question. My fear, which is probably different from those of others in the Chamber, is that this will fall down and we are legislating for places of detention, including for children, and we have no answers to the fundamental issue that if a person claims asylum here, who we have established came through the common travel area, there is no means by which he or she can be returned and therefore we will have a detention system with terrible consequences. I will continue to

reiterate that our country's history of institutional incarceration means we should be treading very carefully. Rather than doing that, we have this Bill, which is scheduled to be law by 12 June. I appreciate this is not the Minister of State's fault in a singular sense but it is grossly irresponsible of all of us to continue with this Bill given the gaps in it.

Deputy Colm Brophy: A huge amount of work has gone into this Bill for the purpose of examining the range of issues Deputies are mentioning to ensure from the Government's point of view we are bringing forward the strongest set of legislative proposals we can, taking account of the advice we have received. The Bill is designed to succeed in trying to address all the issues Members across the House want to see us address in terms of international protection, how we regulate it and how manage it. I am very confident this Bill can do that for us.

Deputy Ruairí Ó Murchú: This is the whole problem with what is being dealt with here. The only reason we are operating on this timeline is the EU migration and asylum pact and the deadlines that have been set for us. We have all stated one of the major issues is the common travel area. Unfortunately, partition continues to cause problems no matter what the issue is. This common travel area is not taken into account. There is no detail on how the relationship with Britain regarding safe returns is going to evolve. The Government is going to look at it afterwards but that just is not good enough and nobody from the Opposition could sign off on that. I would have expected a greater level of due diligence from Government but this is no shock. On some level this is being presented as the Government getting its act together, which it has failed to do over many years in relation to processing and the absolute disaster - and we will deal with amendments specifically related to this late - where those in communities lost resources.

9 o'clock

For those who were out to make a profit in a private capacity, though, it was left to the market and they made a fortune. These issues should have been dealt with long before now. To present this as some sort of solution is a farce. It is not good enough for the Minister of State to say that the Government will look at this afterwards.

Deputy Donnchadh Ó Laoghaire: This issue received a great deal of attention in mid-2024. At the time, the Government handed a bit of a gift to the Conservative Government in the UK by the way it communicated this, and the Conservative Government seized it with glee. The Government in Britain was under pressure at the time and tried to take every advantage to capitalise. The Irish Government is potentially in a different situation whereby it can perhaps make more headway in this area. The section on which we are seeking clarity relates to the ability of the Government to make decisions and designate a third country. For this to work to the greatest extent required, though, there needs to be a bilateral agreement with Britain. I hope that the Minister of State can provide me with an update on the progress of any such negotiations. It has been touched on for quite some time. The First Minister, Michelle O'Neill, has raised this issue.

It is important that the Irish Government seek to persuade the British Government that it is in the interests of both countries to ensure there is an orderly process to ensure that people are

returned in cases where they are unsuccessful in one jurisdiction and then seek to make an application in another or various other circumstances. Obviously, such returns must ensure that, to the greatest extent possible, people are treated with dignity and respect, but it is important that the returns happen in order to ensure that the system works.

It should be possible to persuade the British Government that it is in nobody's interest not to reach an agreement. The flows can go in both directions. There could be a see-saw effect, whereby at one stage the flow is in one direction and at another time it goes in the other direction. It should be possible to make headway with the British Government and persuade it of the need for an agreement on returns. That has not happened at this point in time. The space exists for it. Will the Minister of State give us an update as to when this is likely to take place?

Deputy Gary Gannon: Britain has moved from being a safe third country because of its Rwanda policy. The Irish courts found that they could not ensure that people who were returned to Britain would be safe from harm. I accept that the policy of redesignating Britain as a safe third country is because we think Keir Starmer is a lot friendlier than Nigel Farage or whoever may be coming next, but that is the problem with legislating for the moment. Within a short space of time, we could have a scenario whereby Nigel Farage is the Prime Minister in Britain and the Rwanda policy may be on the table again, resulting in an increased level of volatility. That is why this does not make sense. We are legislating for the moment on the assumption that everything will be as it is when we know that is not the case.

Deputy Colm Brophy: We are legislating to put in place what the Minister, Deputy O'Callaghan, and I believe is a complete overhaul of our system and what we need going forward. As other contributors have said, this is not just for the now, but for the future. That is very important. On a number of occasions, I have addressed comments on the fact that we have a strong ongoing relationship with the UK at a political and official level, and at a relationship level between An Garda Síochána and the policing authorities in the UK. All of that relates to ensuring the proper and effective running of the common travel area.

Question put and agreed to.

Sections 12 and 13 agreed to.

NEW SECTION

An Cathaoirleach Gníomhach (Deputy Micheál Carrigy): Amendment No. 14 has been ruled out of order due to a potential charge on revenue.

Amendment No. 14 not moved.

Deputy Matt Carthy: I move amendment No. 15:

In page 26, after line 30, to insert the following:

“Community impact assessments prior to location of international protection accommodation

14. (1) Prior to the establishment of any new accommodation centre under this Act, the Minister shall ensure that a Community Impact Assessment is prepared and published.

(2) A Community Impact Assessment shall be carried out by—

- (a) the relevant local authority, or
- (b) such other competent body as the Minister may appoint for that purpose.

(3) A Community Impact Assessment shall include—

- (a) the projected capacity of the proposed centre,
- (b) an assessment of local service impacts,
- (c) community engagement plans,
- (d) proposed mitigation measures, and
- (e) an analysis of the Pobal Deprivation Index for the area concerned, including consideration of whether the proposal would contribute to a disproportionate concentration of accommodation centres in disadvantaged communities.

(4) The body carrying out the Assessment under *subsection (2)* shall conduct a statutory consultation with—

- (a) the relevant local authority (where it is not itself the assessing body), and
- (b) community stakeholders.

(5) A centre shall not commence operation until—

- (a) the consultation period has concluded, and
- (b) the Community Impact Assessment has been published.”.

This is a critical amendment from Sinn Féin's perspective. It sets out that, prior to any new IPAS accommodation being established, the Minister would ensure that a community impact assessment was prepared and published, the impact assessment would be carried out by the relevant local authority or other such competent body as the Minister may appoint, and the community impact assessment would include information pertaining to the projected capacity of the proposed centre, an assessment of the local service impacts, community engagement plans, proposed mitigation measures and an analysis of the Pobal deprivation index for the area concerned, including consideration of whether the proposal would contribute to a disproportionate concentration of accommodation centres in disadvantaged communities. The body carrying out the assessment would carry out a statutory consultation with the relevant local authority and community stakeholders and the centre would not commence operation until that consultation period had concluded and the community impact assessment had been published.

This is critical because all of the debates around migration and, specifically, IPAS have taken place in the context of this aspect of our international protection system being handled disastrously. I would say disgracefully. I say that as someone who comes from a rural county, Monaghan. As I mentioned earlier, I was born a migrant across the water. The history of

Monaghan is a history of migration to places all over North America. There are countries in Latin America that are independent today because Monaghan people emigrated or, in some instances, were exiled. The Fenians attempted to capture Canada at one point, led by a Monaghan man.

The history of Monaghan's migration was one of outward migration for many centuries. For the past number of decades, however, even though we are a rural county, we probably had much more immigration proportionately than many other counties. There are a number of reasons for that, and one is that we have a strong and vibrant agrifood sector. Employment permits were issued originally to people from eastern Europe and now from all over the world. County Monaghan had one of the first direct provision centres. We have had a success story in terms of people coming to our county, making it their home and making our communities more vibrant. Local communities have embraced and welcomed people.

People have come to Monaghan from the Congo, Syria and elsewhere on official resettlement programmes. I was a member of the local authority when those resettlement programmes happened. This will sound alien, but I will tell Deputies about my experience. Prior to those programmes, the council was asked to appoint a number of members to sit on a preparation group. We attended meetings with health and education services, the Garda, the local authority and the Department well in advance of resettlement. We dealt with all of the contingencies and potential issues that might arise and all of the mitigation measures that needed to be in place were thrashed out and planned. Those resettlement programmes were a huge success. People who came through the scheme as kids are now adults and play a vital and very welcome role in our communities. That is how to do things right.

Move forward and we see the debacle of direct provision and how it was allowed to run roughshod and become a source of profit for a small number of individuals. In the late 1990s and early 2000s and for the first time ever, Ireland became a destination for people seeking international protection or asylum. I would love to have been a fly on the wall to try to understand the mentality of the people who sat around and said they could examine international models of how best to manage this only for somebody to say that we needed to figure out a way for a few of their mates to make money out of this, because that is essentially what happened with direct provision.

In this regard, I often think of a scenario where someone asked what would happen if they converted a building into a direct provision facility and the numbers dropped. I can imagine a Fianna Fáil representative saying, “Don't worry. We'll make the process so slow that once someone is accommodated in your centre, they'll be there so long you'll be guaranteed to make your return out of it.”

By the mid-2010s, the direct provision system was full to the seams. Something else needed to happen at that point. Rather than learning from the mistakes that were made, those responsible decided to try to find emergency accommodation. Did they put in place a State body? No. What they did was go back to the same people again and provided them with more profits. It was decided to find intermediaries. That was the term used at the time. As a result of all this, people in the rural communities close to where I live who had already lost their post offices and Garda stations and who had no amenities other than their local hotels, woke up one morning to discover that - without any engagement with them - they were being turned into

IPAS centres. If the Government were to try to create division, resentment and anger in local communities, it could not have done it any better.

That system began in rural communities. It then began to be put in place in urban communities more often. The one thing all the communities involved had in common when this happened was that they were already deprived of services, amenities and investment, both public and private. More than any single action taken or any set of decisions made, that was what led to the hostility and anger we have seen across our country. There are people standing by who are ready to manipulate that anger and turn it against those in the accommodation to which I refer as opposed to turning it against those who were at fault, namely the successive Governments that allowed the system to come into place.

Everybody accepts that we need change. The amendment sets out very clearly for local communities – I include in this those who have made our towns, villages and cities their home in recent years – that never again will we allow such obscenities to happen. In that context, I refer to communities losing amenities and seeing buildings being converted into IPAS accommodation centres and things being done for the motivation of profit without their being engaged with. The amendment sets out the parameters as to how that would happen. I appeal to the Ministers to accept it. If they do not, they will be sending a message to the effect that what happened before could happen again.

Some of the stories I have heard are absolutely obscene. We have had countless towns which were struggling for economic regeneration and in which the last hotel was snapped up overnight with no engagement whatsoever. Of course, the elected Government representatives in these places go to ground when this happens. In many areas, it has been left to Sinn Féin representatives to try to be the bridge between communities and the Department and to get some semblance of understanding as to what was happening. In many cases, that put us in the firing line with those who were most angry. That is completely unfair. If we are going to live up to our responsibilities and recognise that mistakes were made, we have to put in place a mechanism by means of which those mistakes can be corrected.

Let us make no mistake about it. The location of IPAS accommodation has been determined by one factor, that is, the availability of buildings and the willingness of their owners to allow them to be used for the purposes of providing such accommodation. Nothing else has been taken into consideration. There is no assessment of either the capacity or the needs of the communities involved, of the purposes for which such buildings are being used or of the impact their being repurposed will have. Our amendment sets out how and why we need to deal with that.

When you are dealing with profit motivation, the areas most likely to be the source are those where property is cheaper. Where is property cheaper? It is cheaper in areas that considered deprived in the context of the Government's index, namely the Pobal HP deprivation index. Many communities and community leaders have been left in impossible situations. They want to ensure that anybody who moves into their area is welcomed and treated with dignity, but they are also dealing with the absurdity of more vulnerable people being brought into communities that are already full of vulnerable people and where services are stretched to breaking point. The amendment simply seeks to ensure that there will be proper community engagement in future. That engagement should not take the form of a consultation process like that which currently operates whereby what counts for engagement is elected representatives

getting a phone call or an email to tell them that a contract has been signed, brought to an end or whatever. That is not engagement. Engagement is what I described previously with regard to what was done in respect of resettlement programmes. I put that on the record because some of our amendments relating to due diligence and transparency have been ruled out of order.

We have to get to the point where people are told the facts in respect of contracts that are being signed. Last year, €1.2 billion was spent on IPAS accommodation. That is more than €3 million each day.

I really hope the Minister of State will indicate that the Government is going to accept amendment No. 15. There is nothing in it that would interfere with any other aspect of the International Protection Bill. Nothing in the amendment will prevent the Minister from doing anything in terms of processing or any of the other mechanisms. All it says is that before a new IPAS centre is opened, a community assessment should be carried out. We are saying to communities all over the country that they are going to be part of what happens in the same way they are when virtually anything else is being built and when they can have their say through the planning process. We are also saying that if something is being developed by someone with a bit of cop-on, they should engage with the local community and get the goodwill of its members.

I am very proud of this amendment. I really hope the Government will indicate that there has been a sea change in the context of how we deal with this issue and that it is going to accept the amendment.

Deputy Joanna Byrne: If the Minister of State needs an example as to why this amendment is crucially important, he should talk to any of the nearly 50,000 people who live in my hometown of Drogheda. Overnight, and at the stroke of a pen, the only hotel in the town was taken away without any consultation with the local authority or without any consultation or communication with the elected representatives in the area. As my colleague pointed out, we got an email the night before to say that the contract had been signed. There was no consideration given to the impact this would have on the hospitality trade and the tourism trade, or to the affect it would have on the arts, tourism and the surrounding areas. There was nothing. The soul of the town was completely destroyed overnight at the stroke of a pen. Two years on, we are still trying to recover from that.

The contract is up for renewal over the next few weeks. There is massive pressure from all elected representatives, both locally and nationally, for it not to be renewed. The reason that has been asked of the Government and the reason why a community impact assessment is needed is because what has happened has had a devastating impact. The Chamber of Commerce vocally opposed the closure of the hotel. Those involved with the business improvement scheme, who were not consulted or engaged with, came out against it at the time. To this day, it remains their position that what happened decimated the heart and soul of the largest town in the country and left us with no functioning hotel.

It is completely unheard of that decisions like this can be made without any consultation or consideration for the effect it could have on the community. I commend my colleague. This is the most crucial amendment to be tabled in respect of the Bill. It is something the Government really needs to consider and support.

Otherwise, it is going to continue to rip the heart and soul out of our communities and the hospitality, tourism and other vibrant trading and social scenes in our towns and villages around the country.

Deputy Ruairí Ó Murchú: We have just heard Deputy Joanna Byrne do what she does, which is to look after the needs and wants of Drogheda. If the Cathaoirleach Gníomhach will allow me a bit of flexibility, I will commend her on to the rightful position she took in calling on the FAI to ensure no Irish team plays against genocidal Israel.

Deputy David Cullinane: Hear, hear.

An Cathaoirleach Gníomhach (Deputy Micheál Carrigy): Stick to the amendment, please, Deputy.

Deputy Ruairí Ó Murchú: I know the supporters and sponsors of Drogheda United and the good people of Drogheda stand solidly behind Deputy Joanna Byrne. This is very difficult for someone from Dundalk to say. I ask that there be a rethink by Drogheda United, because it is an absolute disgrace-----

An Cathaoirleach Gníomhach (Deputy Micheál Carrigy): Deputy, please stick to the amendment.

Deputy Ruairí Ó Murchú: It needed to be said and I appreciate-----

An Cathaoirleach Gníomhach (Deputy Micheál Carrigy): Stick to the amendment, please, or I will move on to the next speaker.

Deputy Ruairí Ó Murchú: Táim críochnaithe. Go raibh maith agat.

I imagine a considerable number of people are going to speak to this amendment. Many of us have had to deal with the circumstances this Government has caused by not dealing with the issue of accommodation over many years. Deputy Carthy is correct that at times we have taken flak in relation to this. While there are a number of really bad actors out there, circumstances were created that they could use and abuse.

It is right that we talk about the D Hotel in Drogheda. It was not good enough that the people of Drogheda lost that amenity. Proper due diligence was not on the contract and there were issues with fire certificates and all the rest of it. As we have always seen, this State and the Government rely on the private sector. People saw an opportunity and jumped in to make a profit, which is what they did. I accept that some people ran reasonable businesses, but some chancers made a complete fortune. The way they operated businesses, if that is what we want to call them, was no addition to the people living in the accommodation and caused disaster in the communities where this happened.

Deputy Carthy has stated explicitly the terrible history. We also know that where immigration has happened, it has happened well. People have been brought into the community and into people's homes and there has been integration. That has happened, both

naturally and facilitated. None of this, however, is happening in the circumstances I have described. The situation has been made worse by the absence of a fit-for-purpose for dealing with processing. I do not see any solution to that because we have had promise after promise from the Government, but we have not seen clarity on delivery.

We heard earlier that we do not even know what the solution will be, what relationship there will be and whether there will be a bilateral agreement with Britain in which we deal with the reality of the common travel area. That shows everything that is wrong in relation to this matter. Deputy Carthy spoke about the need to ensure we have all the services required in communities. Anyone who talks to members of any community will realise where the deficits are. In deprived communities, the deficits have been there for generation after generation. There has been abject failure.

I agree with Deputy Carthy on the question marks concerning Tusla. We had Gerry Hone before the children's committee not that long ago. He explicitly stated that Tusla needs at least 300 more social workers and at least 100 more social care workers, and that is before we talk about the lack of foster parents. That is to deal with the issues in front of Tusla now, never mind what this legislation is going to put in front of the agency afterwards.

The Minister and Minister of State may not want to accept the amendment from Deputy Carthy, but I beg them to find a means to have proper, decent interaction with communities and to do a proper assessment of resources and a needs analysis. This would be necessary even if we were not dealing with the issue of international protection. I fear that this abject failure will continue. It has done nothing but a disservice to our communities which have been failed for far too long.

Deputy Fionntán Ó Súilleabháin: Likewise, I think this amendment is helpful, constructive and sensible. To take a similar area in County Wexford, Rosslare was a really deprived village. It had two IPAS centres and was probably the most welcoming village in Ireland. It is the gateway to Ireland and Europe. People there raised over €100,000 immediately for the Ukrainian response and took in over 70 Ukrainians. It was one of the first villages to take in Ukrainians.

What reward did this extremely deprived village get? It had the Great Southern Hotel, which was earmarked in planning to be a nursing home. The Pobal deprivation index shows the village has a very high percentage of elderly people, so people were waiting for this nursing home to come along. What happened? A developer flipped the property and said he was going to put 400 people into it. That was the plan. It caused absolute chaos in the village and there was cross-party opposition to it. I was delighted to march with the people down there, as were representatives from across the spectrum. People said if there was a wrong way to go about things, this was it. This was the reward the village got for being so accepting. People said we should spread the locations among the different counties and communities. As Deputy Carthy and others mentioned, the concentration has been in deprived rural areas and working-class communities. If we wanted a masterclass in how to divide an area and turn people against each other, this was a classic example. This amendment is a good, sensible option to take the heat out of this situation.

I spoke to various providers. They said that five years ago, there was a rundown place with approximately 100 vacancies in it and they were getting €80 per place per night, or €8,000 per

night. I spoke to a woman who said her brother was running one of these centres. He was getting €8,000 per night. The only requirement was to provide cornflakes or another cereal in the morning. It was basically a licence to print money. As Deputy Carthy mentioned, €1.2 billion was spent on this area last year.

In the case of Rosslare, the village did not even have a doctor. We were saying we had to provide health services for people arriving into Ireland, yet there was no doctor in the village. Rosslare was being earmarked for a centre but, thankfully, people power stopped it, which was a sensible decision.

I could mention several other examples around Ireland. The case of the 300-year-old Dundrum House Hotel in County Tipperary was another classic example. Brogan Capital Ventures Limited was involved. Again, this was a huge flashpoint. We all remember the scenes on TV of what happened at Dundrum. That could have been avoided. This hotel was the centre of the village. It was the centre for births, christenings, marriages, the afters of funerals and everything else. It was the only hotel in the village, and then someone decided it could be flipped over. It was vulture capital at work.

The number of people being put in to that hotel exceeded the population of the village. It was a classic example. Last November, just before Christmas, the High Court ordered the centre, which was basically an unauthorised centre, to be shut down. It issued a quashing order in respect of the planning exemption granted to the hotel. That was another very good example, and vindication for the residents and all the groups. It was cross-party politics. I could cite several other examples, but I will not waste time. It was a masterclass in how to make money quickly for speculators and get rich quick cowboys and in how to divide communities.

This is a really constructive, sensible proposal on how to take the heat out of this and go about it the proper way, basically, to do a community impact assessment based on the Pobal deprivation index, etc. Therefore, I plead with the Minister to at least back this. If he is not going to back the other amendments like earlier, he should at least back this one.

Deputy Pádraig Mac Lochlainn: A number of years ago, I chaired the Oireachtas Joint Committee on Public Service Oversight and Petitions. At that time, the public service ombudsman and Ombudsman for Children were looking for oversight of the direct provision system. I was the chairperson of the committee and I led the delegations. We travelled to direct provision centres around the country. We met with the asylum seekers. We insisted on absolute access to every corner of the direct provision centres. We met with a range of stakeholders. I am glad to say that the Ombudsman for Children and public service ombudsman did get oversight of the direct provision centres because there was real concern, particularly for children in those centres. As we speak, however, the Ombudsman for Children does not have oversight of the temporary emergency centres all around the country that have been set up in recent years. How can that be defended? We have children in those centres and there is no oversight. We have made a mess of this whole issue of the challenge of dealing with asylum seekers. It is a challenge for every country, particularly in Europe and North America. However, it is a challenge we have to face and deal with and make sure people's dignity is protected in the process.

I have watched this unfold for a long time, but I now need to give testimony to what I have seen in Donegal and what really happened in my and Deputy Doherty's home county. It was

absolute opportunism and greed. We had a situation where there were buildings, in some cases former manufacturing factories. We had hotels that were not doing terribly well. We had pure opportunism. Groups of businesspeople, in some cases failed businesspeople, networked together to source buildings. They would talk people who were maybe considering renting badly needed rental properties into doing deals. Two things happened: we had the influx of Ukrainian refugees - there are 10,000 today in Donegal - and then we had the challenge of asylum seekers. Those things came one after the other over a number of years, and it was handled absolutely abysmally. There was no consultation with local communities. There was no consultation with health services, schools or public representatives.

The Minister and Minister of State know that we are coping with a profound humanitarian disaster in most of Donegal which has been caused by defective concrete blocks. Thousands of homes, both private and council homes, are falling apart. People's lives have been destroyed. We cannot find rental properties for them. We cannot find resources to help people have somewhere to stay while their homes are being rebuilt, and large numbers of people are locked out of the scheme. That is one of many reasons why. We are dealing with all those challenges, and none of that was taken on board. Would you believe that, *per capita*, Donegal took in more Ukrainian refugees and asylum seekers than any other county in the State? That happened because groups of opportunists came together and made fortunes. This is what I resent because I know the people of Donegal. I know them, and the vast majority of the people who were expressing concerns do not have a racist bone in their bodies, but they were genuinely aggrieved and taken aback at what they saw incrementally happening again and again. I can tell the Minister something else; it certainly was not in the interests of asylum seekers because they were put in the back end of nowhere in some cases, in totally inappropriate accommodation and, indeed, in urban areas in totally inappropriate accommodation.

I will go back to the tour of various direct provision centres, where rooms of men from all different nationalities and cultures were plonked in together, treated with indignity, for years languishing in a system that was failing them. I remember all of that, and that continues. To be very clear, the Government failed and disrespected the communities across Donegal, and it utterly disrespected the asylum seekers in terms of their dignity and rights. None of that was taken on board. That is why there is such anger around the country.

The best way we can defend ourselves from the racists who are out there in this country and who are fomenting hatred is to listen to local communities and treat them with dignity and respect and hear the concerns they have. The worst thing we can do is to have zero consultation. The worst thing we can do is not to talk to the local schools, local councils and local health services, but reward the few. The Government has made millionaires out of some people in Donegal who were failed businesspeople. The whole county knows it, and people are furious about it and deeply hurt across the county. Does the Minister know what they are really angry about? When they were raising these matters, there were people who were labelling them as racists and as uncaring, which is completely off the mark.

This is what we need to do, and I am going to say it clearly as a proud left Irish republican. The best way to protect our people from the scourge of ugly racism, indifference and everything that comes with that is to treat working-class communities with respect. It is to engage and consult with them, look at where the most appropriate locations are and have State-provided, State-resourced locations.

This is a critically important amendment from Deputy Carthy. We know from experience in Donegal what needs to be done. To be very clear, I am somebody who in my political life has shown leadership in protecting the dignity and rights of asylum seekers. I made sure that the Ombudsman for Children and public service ombudsman had oversight of the direct provision system but, right now, the Ombudsman for Children has no oversight of asylum seeker children. There are tens of thousands in these temporary emergency centres around the country, and that is utterly wrong. What we can do is treat asylum seekers with dignity and respect while their applications are being processed but, by God, the Government also has to treat communities - working class communities that have been left behind and failed - with respect too. If it gets those two things right, then we will have a system that functions. This amendment is critically important.

Deputy Matt Carthy: Well said.

Deputy Donnchadh Ó Laoghaire: There has to be recognition at some stage at that the way in which - to call it "consultation" is to be very generous - was carried out was in many instances completely inadequate. I made a contribution on statements on international protection recently about the need for respect - respect for the rules, of course; respect for the residents and asylum seekers because it is absolutely essential that they be treated with dignity and respect at every stage; and respect for communities. To be honest, however, in many instances, respect for communities went completely out the window. My colleagues have given numerous instances on the matter. There are so many examples of instances where what constituted consultation was simply an email, usually after the fact, sometimes just as a decision was being made and sometimes with incorrect or inadequate information. That created a vacuum. It created a situation that led to distrust, suspicion and hostility. Nothing in that lack of consultation and nothing in those failures can ever justify some of the actions that took place, including arson, intimidation and threats of violence. Nothing of that kind could ever be justified by a lack of consultation. However, it is the case that for the greater part of the community - those who wish to have nothing to do with that kind of behaviour - a huge vacuum was created. The Government has to take responsibility for that.

In many respects, as my colleague has said, they are the only criteria that seem to be considered. Many Government documents spoke about the need for criteria and the need for a strategy of some kind for this. It should obviously follow if there is going to be a situation whereby accommodation needs to be provided that there should be a strategy for where it should be located, there should be criteria and there should be logic. It did seem to be the case that the only logic was to find out what was available, regardless of where it was. In many instances it seemed to be in the most marginalised, peripheral and disadvantaged communities in the country. The accommodation was located there without regard for education or transport, whether for the community as a whole or for new residents, asylum seekers and migrants, and whether for education, healthcare or anything like that. There seemed to be no reference to anything like that.

There is a planning system in this country and it is there because it recognises that to have an orderly situation in a town, a village or a city, everything has its right place and should be located in a way that makes sense. A very difficult situation was created by the fact that when communities heard there was going to be a development or a use of property in their

community, there was no opportunity for them to have their say in any way. There is nothing I can think of in the State where there is no opportunity for the community to have their say. I would say that it put public representatives, including Government representatives, in a very invidious position. In any kind of development, whether for a recycling centre, a bring site, a funeral home or a housing development, at least public representatives can have engagement with the community and tell them there is an opportunity for them to make their submissions, seek legal advice and do whatever they wish to do to engage with the process. There was no avenue in which to direct communities on how they could constructively have their say. This added to the sense of distrust and frustration that was there.

In relation to the consultation, in so much as it was there, I will say that people were working hard. There were some such people in the community engagement teams and I acknowledge the work of Cork City Partnership and the hard work it did. Honestly, in some instances people stretched themselves very considerably to make up for the gaps that had been created at a national level. There were also people on the Department side, and I want to instance Eibhlín Byrne for the co-operation I received from her at stages. On the whole, community engagement was under-resourced and stretched beyond belief, and ultimately, the ability of communities to get answers and a sense of what was happening and have their say was not there at all.

Even now, in terms of what the Government is talking about, it has been evidently proven to be the case - this was documented for years and years before the Government decided to do anything about it - that public provision is more cost-effective and has better conditions for the residents than private provision. This has been the case for a long time. It has been evident. The Government has adopted this language but in truth the Government's strategy will still only amount to about one third of beds being publicly provided in the coming years. Two thirds of them will remain privately provided, will be more expensive, less able to be overseen and less likely to ensure the conditions are adequate.

There needs to be a complete change in approach in what has been outlined here in terms of criteria and a strategy. I am sure the Minister, in response to this, might say something to the effect that yes, we can have discussions but there will be no perfect location. This is very obviously true but there will also be places that are wholly unsuitable, that are largely unsuitable and that are not the right location. The determinations and who makes them are further questions but clearly there will be locations that are wholly unsuitable. Yes, there will not be perfect locations but the very process of identifying what is in a location and what is present will also help to identify what is required in an area when a decision is made to locate such a centre there. Yes, there is no perfect solution but it is very clear that some of the locations chosen were entirely unsuitable.

I echo the point made by Deputy Mac Lochlainn on the very point of oversight, ensuring decent conditions and why public provision is so important. It is not acceptable that the Ombudsman for Children does not have access to many locations where children are in this State within the international protection system. This clearly needs to be addressed. It is very obvious gap and there is no justification for not addressing it.

Deputy Mark Ward: The Minister of State and I do not share a constituency but we do share the local authority area of South Dublin County Council. It houses the largest number of international protection applicants in the country with 4,200 in total. I have to say that some

have settled in better than others but one thing they all have in common is that they are all with private operators who are making vast money from vulnerable people.

An issue I have had from the start is with communication and consultation, how it is delivered and how people find out. It needs to be better because when it is not communicated well to people in our constituencies, it leaves a space for misinformation, bad actors and rumours. I will give an example. Any time there was a bit of work being done on a building, people said it would be the next IPAS centre. I will never forget that I had to stand outside the old Rowlagh credit union in Neilstown when it was getting done up. Nobody knew what was going on at the time or why it was being done up. Rumours were started and spray paint was being put all over the building to burn it out. There was all this kind of stuff that is not wanted in our communities. It is not with regard to my community but this is what was happening. It took me to find out what was happening. A much-needed GP service was coming into an area of high disadvantage. I had to go and speak to the doctor. He was from Kerry and was relocating his service into north Clondalkin. I had to stand outside and take a photograph and explain to people what was happening. My concern was that bad actors were going to come in and burn the place down. This was the direct impact of no communication and no consultation on the locations of IPAS centres.

Citywest is also in our area. Communities and TDs should not have had to find out from national newspapers that the Government was going to purchase Citywest as a public IPAS centre. This is no way to do business. It caused a lot of hurt and anger in the area. Citywest will not be the last public IPAS centre that the Government will put in place but it has to learn from the mistakes that have been made already. The community engagement team came in after the fact and not during the fact. I have to be honest and say it has got better. The responses I am getting from the community engagement team are a lot better. I always say, and I have said it to the Minister before publicly and privately, that we need people on the community engagement team who have the ability to make decisions. Instead of going off and finding out information and coming back again, they should have the ability to make real decisions that will make a difference in our communities.

The amendment we are speaking about is on a community impact assessment. It is about seeing what impact an international protection service would have, and what impact having more vulnerable people in it would have on the area. If we had a community impact assessment prior to Citywest, for example, we would have known there were issues in the area with a lack of gardaí, a lack of school places, transport and GP provision. There is no provision for public health nurses in the area. All of these issues could have been ironed out before the announcement was made and it would have stopped an awful lot of upset in the community.

The Pobal deprivation index has to be key if other centres are going in. We must make sure we use the Pobal deprivation index. I spoke to the Minister not long ago. Parts of my constituency have gone backwards in the Pobal deprivation index. They went from being areas of high disadvantage to being areas of extremely disadvantaged in recent years. If consideration was being given to putting an international protection centre in these places on top of everything else I do not think it would be the right thing to do. The Pobal deprivation index should be considered by the Government. This is a very sensible amendment. It calls for an assessment of an area before something else goes into it. I would like the Minister to take the amendment on board.

Deputy Darren O'Rourke: This is an eminently sensible amendment and I hope the Minister would take it on board. Since the Minister has come into office and discussed these matters, the provision of IPAS accommodation and the system he inherited, he has pointed to a set of circumstances that previous Ministers had to live with. They experienced a very significant increase in demand for IPAS accommodation and temporary protection accommodation. They made decisions in a rush. Are they contracts we would enter into now? From the Minister's perspective he would say no, they are not.

If the Minister really wants to deliver and is committed to delivering a step change in the system that people can have confidence in, and it is essential that communities can have confidence in the system, this is exactly the type of amendment the Minister will take on board. It is eminently sensible. The offence for many people and many communities was just the type of approach the Government has taken in recent years. Literally, the only thing that was needed was a willing landlord. No other circumstance mattered. Contracts were entered into and are still in place in many cases that are completely unjustifiable. They are insane, reckless, dangerous and, if the Comptroller and Auditor General is anything to go by, there is nowhere near the level of transparency or accountability in relation to them.

To add insult to injury, the level of consultation was and remains in some cases absolutely pathetic. For example, section 5 exemptions as a matter of policy are, for everybody involved, an act of insanity. It immediately leads to suspicion on behalf of people and to questions being raised like why was there no consultation or opportunity to engage? Why was this the exception and practically the only exception? Of course, others play on that and add fuel to the fire. We need a system that people can have confidence in, that has the necessary level of consultation and engagement.

I am in the Meath East constituency and we have had extensive experience in recent years and further back to Mosney, which was the largest direct provision centre in the State for a long time. We had Thornton Hall, which was to be one of the State's significant or major State-owned accommodation centres. We have a number of smaller centres. We have a number of section 5 exemptions that caused huge uncertainty, confusion and everything that goes with that in communities where there was essentially speculation on behalf of wealthy developers. Some of those developers made their fortunes on the back of this system and do not have good standing in the community at all. A feature of every single one of those efforts, some of which are successful, some which never happened and others are well embedded in the communities, is a failure of adequate consultation and engagement with public representatives and with the community at large.

My colleague, Deputy Ó Laoghaire, gave credit to some departmental officials. I do not share in giving that credit at all in my own experience, particularly relating to Thornton Hall. I have stood in rooms with hundreds of people where I felt we had a way forward and the barrier in all of it was the departmental officials and the lack of proper information and communications. It was a recipe for failure. That is what was seen in many cases.

This amendment provides an objective set of criteria. It calls for a community impact assessment. If we want to approach these matters in the right way, we must ensure that communities have the opportunity to have their say, that they can contribute to it, that this is a managed system that recognises the needs of communities and the impact of future development, whether it is in terms of international protection or other development, and that

we have a sense of that impact. I can speak on behalf of my own community, the Meath East constituency, where GP numbers are the lowest per head of population in the State, Garda numbers are the lowest per head of population in the State and classroom sizes are among the highest in the State. Each of those criteria have to be taken into account in terms of the development.

The proposal for a community impact assessment is an eminently sensible one. It would be very well recognised as an important factor among communities. They would appreciate it. It would show a commitment on behalf of the Government to recognise if it is saying there were a particular set of circumstances that gave rise to rushed decisions. If the Minister is looking for a new dispensation there is an opportunity in this amendment to do just that. I encourage him to take the opportunity.

Deputy Claire Kerrane: I come to speak to this amendment in a slightly different way in terms of my own experience in my home town of Ballaghaderreen. When I was elected to the House in 2020, it was before the war in Ukraine but we had already experienced the arrival of Syrian refugees to begin with. Ballaghaderreen was actually one of the few towns that very much gave the céad míle fáilte and I was very proud that it did. The hotel in the town had been closed for some time. It is not owned locally but that was the accommodation provided and it remains to this day. The real kicker in all of that, and I say this from first-hand experience, is that the resources, the supports and the services that were needed did not follow. The tension that caused could have been totally avoided. I have lost count of the amount of times since 2020 that I have made this point on the floor of the Dáil. I could never understand how the Department of education and the Department of Health in particular could not have come together, looked at Ballaghaderreen and said they could, for example, put an extra nurse in the local health centre twice a week, or they could do X, Y and Z to support a huge increase in population in a town that not only has the highest deprivation rate in County Roscommon but also the highest unemployment rate in County Roscommon, a town that lost so much, particularly in terms of jobs in 2008 and which, to this day, sadly, has not recovered in terms of those numbers. Ballaghaderreen could have been a huge success but it was the Government that let the side down. Had the local services in the area been looked at, it could have been very different.

We then had a situation where the Department of justice offered funding in recognition of the town of Ballaghaderreen and what had been done. A fund was announced that would see the development of a childcare facility in the town. At least that was something in terms of acknowledging what the people of Ballaghaderreen had done. That funding from the Department of justice was then pulled. Eventually, the funding was found by the community. Many of us came together and it was found through the community recognition fund at the very last minute. We are still awaiting the childcare facility but I am very glad to say it will open in the coming weeks. The funding was put in place by the Department of justice for a reason, and then it was pulled. When we actually look back in terms of Ballaghaderreen, despite the deprivation rate and huge poverty in the town, there was nothing there to say how we were going to support the town given what the people there had done in hard times and in a welcoming way. There were no threats of violence or nastiness at all, and yet, for me, the people were very much let down.

10 o'clock

They should not have been because they were one of very few towns not in the position to do it but it did it anyway and gave a céad míle fáilte. The town did it and really had nothing to show for it afterwards. There has to be a lesson in that. As I said, I never understood why heads could have not been brought around the table locally to determine what is needed to support an increase in population. It did not matter if it was 200 people from Dublin or 200 people from anywhere else. An increase in population meant huge stress and pressure on local services. That was always obvious but that is how the town was left. That should not have happened. The saddest thing of all is that we have so many wonderful families in Ballaghaderreen who have been there for generations and who did their bit and played their part. To this day, they still do and the local national school has over 22 nationalities. There is a great sense of community in Ballaghaderreen altogether but the Government let it down. There need to be lessons learned about that.

Deputy David Cullinane: I was first elected to Waterford City and County Council back in 2004. Sometimes, I have to pinch myself that it has been 22 years since I was first elected to the council. I learned a very harsh lesson very quickly in the first number of weeks I was elected. In the biggest working-class housing estate in the ward I represented in Waterford city, there was a plan to put in place a service in a house right in the middle of the estate by an organisation that supported people with drug and addiction problems. There was a lot of fear in the community. Some people dismissed the fear as irrational and people were not listened to. I was a local councillor and I received phone calls at the time. People who lived in the community came up to me and asked me what was happening. People with drug problems and alcohol problems were going to be coming in and living in the community. They were asking who they were, what was this organisation and so on.

For weeks, there was a vacuum. The vacuum made the situation worse and it got to a point where there was a meeting in the local community centre that was full. There was a lot of tension. It struck me very quickly that the people who were speaking had genuine concerns. The problem I very quickly saw was that the fears they had been raising were dismissed as irrational. That was what was causing the problem. Those of us on the council, and two of us especially, proposed at the meeting to bring in the organisation that provides the service at a future meeting. Let us hear the organisation out and see what it provides. Let us see what this will mean and then, people can make decisions. That happened in a follow-up meeting. It was much more positive and a bit more calm.

A small number of residents were selected to go and visit centres in different parts of the State where the same organisation had similar houses providing similar services. Over time, the fear dissipated. The service providers won over the local community. That service has been there for the past 22 years and nobody gives it a second look. In fact, it is supported by the local community. It was a very harsh lesson for me that if you do not communicate, if you do not listen to communities and do not engage and if you dismiss as what you might see as an irrational fear as an irrational fear that somebody or a community has, you then lose those communities. That is what happened for a very short time in that instance.

We all know those very same communities. We all know them. You can pick any working-class community or any community in this State. There are strong community leaders. There are people who run the local community groups, local crèches, the soccer club, the hurling club, the boxing club and so on and they are people of good standing. They are people who

have built up those communities that very often have been ignored by the Government and left behind. There were high levels of deprivation and low levels of educational attainment. They are the same areas where classroom sizes have often been too big. We do not have enough teachers. These were big working-class communities that were built without proper amenities that had to be built up and it was hard fought and hard won over a large number of years. Trust in the system, the establishment or the Government is always very low. There is always a mistrust because they always have had to fight for everything. They have a fear or view that the Government does not always have their back or very rarely has had their back, as they see it.

I come then to the immigration issue, because it broke my hearts to see all the wrong moves made by the Government where again, people's fears were dismissed as irrational. People were called racists at times for raising for what they saw at times as very legitimate issues from their perspective because they are their own communities. The people who were ignored were obviously the communities but also those strong community leaders. We had a resource. We had networks. We had opportunities to mobilise those positive forces to actually engage with communities and we did not use them. What happens then is all of those bad faith actors and those on the extreme of politics come in and mix it up. They come in with their mobile phones - we have all been victims of it - and put them in our faces asking us were we consulted, were we engaged and what is our position. Communities and those community leaders, who are good people, end up on the back foot. They are on the back foot - including local representatives - because the Government absolutely failed.

I thought about this issue long and hard over the last number of years because it has evolved. We have more people coming. There are people who are fleeing poverty, war and persecution. People are coming for all sorts of different reasons. I believe in a rules-based system. We had a discussion on this and I raised these issues on Second Stage where I said I support the rules-based system. If I want to go to America, I have to abide by its rules. I have to get an ESTA form and I have to go through customs. If I want to go Australia, I have to abide by its rules. I do not mind that. We must have rules. People want the system to be fair for people who are coming but they also want that system to be efficient and it has not been efficient. People have seen the failures with their own eyes and it has not been enforced. When they see a system that is not enforced, that is the big weakness and that is the problem.

When there is then no consultation of any kind with communities, including elected representatives being the last to know, those communities being the last to know and people who live in the communities and those community leaders being the last to know about anything that is happening about IPAS accommodation, it creates suspicion and mistrust. Sometimes, that is exploited, as we have seen by those bad faith actors. That vacuum that was created has allowed those people to come into those communities and sow more distrust. To me, that was the most heartbreaking part of what happened over the past number of years. If we have not learned those lessons, shame on us and shame on the Government.

The amendment that is being put forward here by Deputy Carthy is an entirely sensible one where it talks about community impact assessments. The Minister might disagree with some of what is in that. He might disagree that it should be the local authority that should do them. The Minister might even disagree with the concept. I do not know. We will see what the

Minister will say in a few minutes. What is the alternative? That is the question that has to be asked of Government. What is the alternative?

I met a group of people who live in Lismore, County Waterford, about three years ago. I met them in Lismore, I met them again in Dublin and I think I met them in Dungarvan as well. They were a mix of ordinary people who live in working-class housing estates. There were business people there and there were about ten people at the first meeting. The reason I met them was because the hotel in Lismore was being used as IPAS accommodation. It is the only hotel in the town of Lismore. I had to accept that was not the best location. In fact, at the time, the plan was to reopen that as a hotel. If you walk down the main street of Lismore, half the shops that are there are gone. That is down to the desolation of rural communities. Post offices have been taken out. Schools have closed and Garda stations have closed. Housing was not provided in those areas. Those towns then end up not being properly supported.

When I went there the first time to meet them, I walked down the street and I was shocked at how many premises were empty. There was one coffee shop. It was about 3 o'clock in the afternoon. I walked up to the front door and there was a sign on the door that said it was closed for a half day. I went into the butchers next door to ask why the cafe was closed and they said it was because there are no customers. The coffee shop routinely closes because there is no business. The one hotel in that town was then used for IPAS accommodation. The people there who I met genuinely had no difficulty in supporting people who were coming. In fact, they were talking about alternative accommodation in that same town.

Why can that alternative accommodation not be used?

There are over 300 IPAS centres. I asked Deputy Carthy earlier how many of them are hotels still. I would say there are dozens of hotels still being used, so there has to be a plan to phase that out and to find better alternative accommodation. There was a White Paper on purpose-built State IPAS centres a long time ago. I do not know what has happened, where that is, how that is to be delivered and where the Government is at. I have heard the Minister state on many occasions that he does not believe that hotels should be used, if possible, for IPAS accommodation, but it is still happening. I am making all of those arguments because it goes back to the point I am making, which is at the core of what I am saying. If you do not listen to communities, that is a massive failure. They just want to be heard. That is all they want. They want to be heard. They want to be reassured. They want information, and when that is provided, that is the best way to ensure you win over the support of those communities.

The points made by Deputy Kerrane are fair ones because Ballaghaderreen is a perfect example of where we got it wrong. There was huge support and buy-in, and local communities and people who live there supported the people who were coming and did everything possible to welcome them. They were promised additional resources would come but they never came, and that undermined the good work that was done by community leaders and local politicians in showing leadership. If you do not provide the support, that creates more resentment and a vacuum and provides an opportunity, as I said, for those bad faith actors.

There are few Members of this House who would stand over some of what we have seen from a small number of people who live in our communities who attacked IPAS centres, who aggressively attacked asylum seekers, and who live on X and spread their hate, bile and all the rest of it. Nobody wants that. I want that to end. I want those people to be marginalised. I do

not want those people to be listened to in the communities I represent, but if we do not do our job and if the Government does not do its job, we allow those voices to be heard. That is the biggest mistake the Government has made.

The amendment that has been put forward, in my view, is reasonable. The thrust of it is what the Government needs to be looking at. If the Minister is not minded to support the amendment, he has an obligation and a responsibility to point out what it is he and the Government will do to get much better at engaging with and listening to those communities who have, unfortunately, been left behind and not properly represented by the Minister's party and the Fine Gael Party for far too long.

Deputy Aidan Farrelly: I have tried to listen attentively to this. This has been a really interesting conversation over the last hour or so. I have mixed emotions on it, I have mixed views on it and I do not really know where I stand on it yet. Ultimately, proposed centres were never set on fire because of a lack of GP services, a lack of school places in a community or because the traffic congestion was too bad, and this amendment is almost a damning indictment of how Government has got it so wrong in the past. I am from a constituency where we have seen significant housing growth in the last 30 years. Our population in Kildare has doubled from 120,000 in the 1990s to 250,000 right now and I have yet to see a mobilised effort, a demonstration or a protest at any of the hundreds of housing developments that are proposed. That needs to be said tonight because, ultimately, the narrative and the discourse about what is before us tonight and what has happened over the last couple of years is the manifestation of an absence of political leadership, if I am honest, in all sections of this House. We have seen too many examples of where immigration and diversity is what makes us thrive as a country, but what we have allowed is a small cohort of people to blame the process and the mode of delivery as the rationale for racism.

With the greatest respect to my colleagues in Sinn Féin, I completely understand where this amendment comes from but when the State cannot even comply with its own planning legislation as enacted right now, I fear that an amendment like this would gather dust with haste because we have seen the State sign so many contracts with private providers in buildings that are not fit for purpose for anybody to live in, that do not have any sort of services - no running water, no heat, no electricity - and where we appeal that contracts are not signed for those services for those sites, people are ignored.

So much of the issue has been covered. The piece that I thought was a little ironic in this is that so many of us have spoken tonight about local issues that pertain to this amendment, about how communities have struggled because of a lack of investment over generations, but I wonder which of the communities we have spoken about tonight would pass through the stages of this assessment and be deemed okay to host a direct provision centre or an IPAS accommodation centre. When the mode of delivery is wrong, everything else that comes from that will always be wrong. We need State-run services. That is fundamentally a really important part of this. We need standards, we need quality but we need the State to comply with its own laws when it comes to planning permission in the first instance to ensure that where services are established, they can provide the basic amenities to those who will be living in them.

Deputy Gary Gannon: If the last hour has proven anything to me, it is that in many ways the Minister has got his way with bringing Committee Stage to the floor of the Dáil. There are 270 amendments and we will not get close to any of them. There will be no scrutiny of the Minister's family reunification changes that are horrendously cruel. There will be no scrutiny of the Minister's places of detention health screening. We may as well throw the amendment book out the window. Next week, we in the Social Democrats will pick a particular motion early on, we will all come in and we will give a big speech on each of them because Committee Stage has gone out the window now. The Minister is the cause of that. The Minister has purposely set out to avoid scrutiny and he has achieved that end.

I have to speak to the amendment that Deputy Carthy brought forward an hour ago. If I were to do a full impact assessment of the centre that opened up in East Wall two and a half years ago, that impact assessment would look very different now from what it looked like two and a half years ago. If I were to have done it two and a half years ago, I never would have been able to factor in the benefit of a young man like Asem, who lived in that centre that is entirely unsuitable, playing in goal for the local football team, getting player of the year and working with local construction workers. I would never have been able to factor in the communities that helped build the Mud Island and Ballybough community garden. I would never have been able to factor in those who are part and parcel of the community now. It would have talked about consultation and about protest, but I never would have got to talk about the lighting of the Christmas tree in December last, where people who were potentially outside at one time are certainly inside with a cup of tea in their hand and making friends with people who are part of their community now. That is why I am hesitant when I think about community impacts because I do not think you get a full impact.

It does not absolve the Department or the Minister's predecessor of the shambles he made of building a system suitable for purpose, and there was a way. The Catherine Day report demonstrated that there would be talked-of reception centres. That was updated to meet the increasing demand after Covid when we had a larger increase of people coming here seeking international protection. In this whole conversation, we have heard no talk of the Catherine Day report on State-run reception centres, with the exception of Deputy Mac Lochlainn, who referenced them.

I hope the proposer might clarify this, but I am conscious that I do not want to see a proposition that the privatised model will be the one that goes forward. The privatised model has absolutely failed us but, within that, we also have to accept there will always be people who come here in search of sanctuary. People will always need to be housed with dignity, care and compassion.

Before I decide on how I am going to vote on this amendment, could the Minister tell me if the Catherine Day report is still Government policy? Where are our State reception centres? Each of us who call for State reception centres should be able to provide for ones that may exist in our own communities. They should not just say they might exist elsewhere. If the Minister would like, I am happy to give some suggestions on where they would fit in, because we have an obligation and that is never going to go away. Migration is always going to happen in different trends, be that through climate migration or people fleeing from wars that may take place in future. However, we have responsibilities here. We all have a responsibility as parliamentarians to stand true to our values when these things come to pass.

Deputy Alan Kelly: I have had to adapt to the issues relating to IPAS centres being in my constituency for a lot longer than most people inside here. Some did reference going back a while, but not everybody. I understand the spirit of this amendment. I accept there should be community analysis and I will outline the reason for that in a few minutes, but I am not sure practically how many centres would end up getting through this funnel.

What I said in my Second Stage speech comes back again. The problem is we have to be careful as the political class, the highest political class in this country - we are the Legislature - that we do not create a situation whereby we facilitate legislation that gives people a pass for covert racism. We have to be very careful on that. I have said here before that I have been very disappointed by people in this House, on this side of the House and that side in particular and, dare I say it, a few scattered around the place also. When you are elected to this House, you have to have conviction and you have to stand up for what you believe in. We all know this system is horrendous. We all know the profiteering and that the private nature of how this has been done has been horrendous. We all know it should be a public-based system. We all know it needs significant investment. We all know the challenges. We all know it is imperfect; it will never be 100% perfect. We all know we need to do better, but that has not happened.

In 2019, I was the only TD to attend, along with one councillor, when there was a public outcry - outcry is too strong a word but there was a public meeting - in Borrisokane. An outcry was beginning across several locations with regard to where IPAS centres were being located. This was in 2019, seven years ago. I was the only TD who turned up. The people of Borrisokane created history and I am so bloody proud to represent them. I have referred to this several times, but the Department of justice officials sat down, discussed and more or less did a deal. There were 90-odd people welcomed to the town, and they have grown in that town. They have contributed to that town and have done so much.

I have a little story. Back then, there was a lot of fear in the area. Sorry, can the Chair interrupt the ushers? Excuse me, are you finished?

An Cathaoirleach Gníomhach (Deputy Micheál Carrigy): Quiet, please.

Deputy Alan Kelly: Thanks. This has never happened in my career here. There was a lot of fear in the community, and in the community at that time, there were people who were willing to block access to the Riverside apartments, because they did not want people coming.

Swing on to 2024, when these people who had been moved into the apartments were being forced out of the apartments, again because it was run privately and there was a profit motive for moving them. The same people who blocked the apartments five years previously were willing to pull their machinery outside the apartments to keep them in. That was the social impact of those people moving to that area from various parts of the world. That was the impact they had on the school. That was the impact they had in the community. That was the impact they had on Borrisokane GAA. To see those young children running up the street for training on a Tuesday or Thursday evening, to see them in the Borrisokane gear, to see them winning awards and medals playing GAA and contributing in so many different ways was so heartening and refreshing.

Then, you have a situation whereby we have a significant population coming into a town like Roscrea. In a town like Roscrea where there are social issues, a deprivation index you would look at and all of that, for a Government Department - the Department of justice - to take out the only hotel in the town, Racket Hall, the only place where people could have social gatherings, was absolutely stupid, idiotic and crazy. It was so bloody stupid that it is beyond comprehension how anyone - a Government or officials - could do that. There is that dichotomy between Borrisokane and Roscrea - both great places, fantastic places. Looking at what happened in Roscrea - talk about elevated levels of stupidity - to get representatives, particularly Fianna Fáil representatives, through an election they gave out €150,000 to do a feasibility study of an old hotel that has been closed a decade and does not have a hope in hell of being viable as a hotel into the future. A total of €150,000 of taxpayers' money was just flipped over the shoulder, gone, a waste of time. Tipperary County Council came out in the past week and said it is not buying it or doing anything with it. The Government is not doing anything with it. Many officials in several Departments have laughed and scoffed at this idea. I was previously a manager in Fáilte Ireland. It laughed at this. It is not viable. If it was not viable ten years ago, it is not viable for that purpose any more. It might be viable for something else because it is on a great street in the middle of Roscrea, but not for that. What sort of stupidity was that?

When you come to the decision around community assessment, community assessment has to be done. However, you have to work with people in a way that is reasonable. You have to work with people in the manner in which it happened in Borrisokane. You do not do what I have outlined happening in Roscrea. You do not elevate the decision by trying to right an obvious wrong. The Government has now made the decision that it will not take out the final social gathering places and hotels.

They are disembarking from hotels across the country, which I believe to be the right thing to do. It is absolutely the right thing to do. I put it to the Minister that when it comes to community engagement, there has to be a competency level within his Department that is increased way beyond what has ever happened in the past. It has been absolutely horrendous. The volume of the waste of money has also been horrendous. The model is broken. The Minister might be doing his best to change the model but the model has to be changed to deal with this, and that will only be through public investment. The Minister cannot do it any other way.

Deputy John Brady: Tomorrow, the Committee of Public Accounts will return to its scrutiny of the extraordinary expenditure on IPAS accommodation last year of €1.2 billion. We return to this scrutiny on foot of a damning report carried out by the Comptroller and Auditor General who raised serious issues about governance, oversight and transparency. Contracts have been awarded to some of the largest criminals within the State. We see shelf companies being set up and established. People have become millionaires overnight on foot of this. We see contracts being renegotiated due to the failure of due diligence being carried out where fire safety certificates were not in place and where proper contracts were not in place. There have many failures by the Government in this regard.

For me, one of the biggest failures of the Government has been the failure to engage with communities around the provision of IPAS accommodation. Those failures have led to huge resentment right across the State. My constituency in Wicklow is certainly no stranger to that.

Way back in February 2024 the HSE responded to a request by the Department and put forward a site in Newtownmountkennedy, County Wicklow. This was River Lodge, or Trudder House, in Newtownmountkennedy. It was offered to the Department. That site had been long fought for by the community to be handed over for community purposes. Newtownmountkennedy is one of the fastest growing towns within the State where services have failed to keep up with demand, for example, for school places. There is a huge campaign for a secondary school there. There is demand for GPs, community services and amenities. These not being put in place are all serious failures. There were huge concerns about what was being proposed at that stage. Members of the community came to public representatives like me and councillors and other TDs within the constituency looking for answers as to what was being planned at Trudder House. We reached out to the community liaison person who was in place. I can only say that the community felt they were lied to on foot of their engagements. The community liaison people said that no decision had been taken with regard to Trudder House in what can only be described as a Comical Ali moment as the JCBs were on the site in Trudder House preparing the site for what was to come. The community, myself included, was being given misinformation. Engagement with the community is critical. Those concerns were not just about the failures to deliver critical services within Newtownmountkennedy. Concern was also expressed about the suitability of that site at Trudder House. It was prone to flooding. It was very rural. It was on a back road with no public lighting. There were huge issues about the site but none of that was taken on board by the Department or the officials. It seemed to be one-way information coming from the Department.

Lo and behold, after €2.8 million was spent preparing the site at River Lodge it was used for tented accommodation from the March but it was then flooded out in December. The people who had been moved onto the site were moved out into alternative accommodation. Yet, up to that point €2.8 million had been spent in preparing that site. The absolute lunacy of the situation is that the site remained completely unused from December 2024 right the way through 2025, costing an additional €1.3 million, which was spent last year protecting an unused site that ultimately, the Department concluded was unsuitable for any usage, either then or into the future. Over €4 million was spent on a site in my constituency. This was needless waste. If the community engagement had taken place, and more importantly, the concerns had been listened to, €4 million may not have been wasted. The Department has now stated it does not want it, as it is unsuitable for it, and so is handing it back to the HSE but to this day, that process still has not concluded and money still is being spent on security costs to protect a vacant derelict site.

Newtownmountkennedy was a flashpoint and it started a cavalcade of protests right across the State. All of that could have been handled, and the situation as it unfolded in Newtownmountkennedy could have been prevented, if accurate information was given to the community in the first instance. If the concerns had been listened to and taken on board, it would have prevented a lot of what went on. It would have saved millions of euro if that critical piece of engagement had been listened to. That failure to consult has wasted millions. It has actually divided Newtownmountkennedy. There are some brilliant community groups there now trying to pick up the pieces and pull the community back together. Those failures, however, are on the Government. I fully support this amendment and hopefully the Minister and the Government will accept it also.

An Ceann Comhairle: I thank the Deputy. That concludes the debate for this evening as the time limit of eight hours has been reached.

Progress reported; Committee to sit again.

Protection of Employees (Employers' Insolvency) (Amendment) Bill 2025: Report and Final Stages

An Ceann Comhairle: Only one amendment was tabled for Report Stage, by Deputies Ruth Coppinger, Richard Boyd Barrett, and Paul Murphy. That amendment has been ruled out of order on the grounds of non-relevance to the provisions of the Bill and it does not arise out of Committee Stage proceedings. Accordingly, there are no amendments on Report Stage.

Amendment No. 1 not moved.

An Ceann Comhairle: As there are no amendments tabled for Report Stage that are in order, we now proceed to Fifth Stage. I welcome the Minister to the House.

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

Deputy Ruth Coppinger: I am indicating to speak.

An Ceann Comhairle: On the question?

Deputy Ruth Coppinger: I want to speak on the general Bill and the reason I tabled an amendment.

An Ceann Comhairle: Yes.

Deputy Ruth Coppinger: I welcome the Bill in that it seeks to transpose a worker's rights into law. It is something that will assist workers and we can support it. It was, however, an opportunity to go much further. The fact that this right was not transposed into law in the first place speaks volumes about the priority that successive Fianna Fáil and Fine Gael Governments have given to workers facing insolvency. A court case had to be taken for the Government to bring this in. The Bill should have been an opportunity to bring in legislation that would protect workers in other situations such as that faced by the Debenhams workers. I am sure that everybody here knows the battle that was waged by those workers. During the pandemic they were laid off by their employer. An opportunist liquidation happened using the pandemic as an opportune time. They were, it must be said, also let down by their trade union. They had to organise themselves. They were let down by the Government too. It could have done more to keep those jobs. Many of those stores were extremely profitable, including the one in Blanchardstown. The Government could have fought might and main to see that those workers either got their owed redundancy and, if not, that the laws were changed in order that this would never happen to any other group of workers again.

Unfortunately, that opportunity was not taken. We had Fianna Fáil, Fine Gael and other political parties calling down to the picket lines at those times, I remember, to get their pictures taken with local workers, but they have never done anything to change the situation. It happened to the Clerys workers, has happened to many others since and will continue in cases of liquidation and insolvency.

Why did the Government not take this opportunity? The Debenhams Bill, for example, which was on Committee Stage in the previous Dáil, is effectively frozen. It would ensure preferential creditor status for workers in any liquidation. As well as recognising collective agreements in relation to redundancy, it would treat redundancy payments as a debt that would be paid out first, rather than at the very end of the process. Will the Minister commit to moving that Bill forward? It is there and could be moved. He could amend it in whatever way he saw fit on the next Stage.

The workers are keenly watching this. They would love to have a legacy arising from the battle they waged for 400 days. They have had films made about their strike and their situation. The redundancy payments are important but losing a job is a massive financial upset for people. Workers need a buffer to help them adjust and avoid having to immediately worry about bills. The Government brought forward legislation post Debenhams; however, it was a pale reflection of what was needed and demanded by the workers. It did nothing to bring forward the preferential creditor status and did nothing to oblige companies to engage with workers in good faith - something that did not happen for the Debenhams workers. The fines for breaching the legislative limits around consultation are token. The Irish Congress of Trade Unions called for fines of €250,000. The Government legislation did not expand the information provided to employees either, which was cited in subsequent cases the workers took. There was no opening up of the books if a company pleaded it was in difficulty. The payments made under the Social Insurance Fund are often not enough. It is capped at low levels and is part of a regime of minimal social insurance.

A number of people who were in power at the time, and who still are, commented. Leo Varadkar said the Debenhams staff were treated "very badly". Damien English said he wished he could, and knew the Taoiseach and Tánaiste wished they could, do more for the Debenhams workers. Micheál Martin, who is actually the Taoiseach, said Debenhams should do the right thing by its workers and pay the redundancy agreed and that the then Government would do everything it could within the law to support the workers and provide resources to enable workers to secure their rights, entitlements and future employment. He said the treatment of Debenhams workers was "shabby, shoddy and unacceptable". Unfortunately, other workers can still face exactly the same situation.

While it is welcome that a partial move is being made for workers in certain situations, we need to protect workers who worked for decades, in those cases, paid into unions, paid huge amounts of tax and all sorts. They did everything right and were treated abysmally by multinational companies who would not even engage with them. The Government failed them badly as well. Unfortunately, it has missed yet another chance with this Bill.

Minister for Enterprise, Tourism and Employment (Deputy Peter Burke): I thank the Deputies for the passage of the Bill and the discussions on Committee Stage, which I took and which were robust. The Bill aims to further support workers in the event of employer

insolvency, which is an important aspect, and to expand the insolvency payment scheme to include employees of employers who cease trading without formally winding up the business, which is the critical point. The technical nature of the Bill really just achieves that. My officials have been working hard to ensure workers who need to avail of these expanded protections can navigate the new processes with support and guidance. The Bill is a positive step for workers and will ensure the State can protect the most vulnerable. I thank Deputies for their engagement and look forward to taking the Bill through the Seanad.

Deputy Johnny Guirke: Workers have often been left vulnerable, especially in times of crisis. When a business becomes insolvent, it is not just about profits or corporate failure; workers are thrown into turmoil. For decades, workers, particularly the lowest paid and most vulnerable among them, have called for support and fairness from the Government. Time and again, low-paid workers have been on the front line. Those working in retail, hospitality, cleaning and other essential sectors have protested and demanded that their voices be heard. I heard of a case last week where employees showed up for work to find the business they work at closed, with the employer uncontactable. These workers do not know where they stand now and are due wages, holiday pay and fair redundancy payments. They lost their jobs, their livelihoods and their dignity when their employer closed the business and did not have the respect to update them.

What is often overlooked is that these workers have consistently called on the Government to stand with them, protect their rights and ensure they are not left behind. For years, workers have protested on the streets, demanding support, fair treatment and that those who profit from their labour do not walk away without consequences. They have called for better protections, fair entitlement payments and the security they deserve as workers. Time and again, Sinn Féin has stood shoulder to shoulder with them, advocating, fighting and demanding that their voices be heard. We supported low-paid workers when they called for fairness, staged protests and demanded justice. We have championed their right to fair wages, decent working conditions and protection when their employers abandon their responsibilities. The cases of Clerys and Debenhams are stark reminders of how corporate greed and tactics such as tactical liquidations have been used to avoid obligations to workers.

It is also worth noting what the Fastway workers are going through currently. Franchise holders that operated under the name of Fastway are being screwed. Many of them had vans on finance, employees working for them and huge overheads. They are being poorly treated and they do not know where they stand as legislation offers little or no support for them. Legislation also does very little and offers no protections for employees of subcontractors or outsourced workers, such as the case involving the Covalen staff.

We acknowledge the Bill is about ensuring that, even if a business ceases trading informally and without going through a formal liquidation, workers can still claim their unpaid wages and entitlements from the insolvency payments scheme. It is about justice, dignity and making sure those who have worked hard, often in low-paid jobs, are not left to suffer alone when their employer walks away.

Fairness should never be limited by outdated legal technicalities. The Bill extends protections to the most vulnerable, including sole traders and those facing gender discrimination. We have always believed that legislation must prioritise workers' rights,

especially during their most vulnerable moments when a company is in insolvency. Insolvency is very often driven by rising costs, costs that the Government has failed to address adequately, such as high gas and electricity prices.

This Bill promises that, when businesses shut up shop, employees are not forgotten about and ensures they do not have to bear the burden alone. That is why we welcome the Bill, but we remain steadfast that workers' rights must be strengthened at all times.

An Ceann Comhairle: Does the Minister want to come back in? No. The question now is that the Bill-----

Deputy Ruth Coppinger: I asked a question of the Minister. Out of courtesy, given workers and people ask what the Minister replied when I ask him a question, is there any chance he could actually answer it?

Deputy Peter Burke: I have addressed the Bill.

Deputy Ruth Coppinger: I asked a question about whether he would allow a moving forward-----

Deputy Peter Burke: I have addressed the Bill.

Deputy Ruth Coppinger: -----of the protection of workers.

An Ceann Comhairle: Thank you, Deputy Coppinger. Please resume your seat.

Deputy Ruth Coppinger: Does the Ceann Comhairle think that is okay?

An Ceann Comhairle: I cannot demand an answer. Thank you, Deputy.

Deputy Ruth Coppinger: I do not think it is okay.

An Ceann Comhairle: You are out of order even asking that question.

Deputy Ruth Coppinger: It is so ignorant.

An Ceann Comhairle: You know that my role is to be impartial and chair the debate. Thank you, Deputy.

Deputy Ruth Coppinger: It is typical of the Michael O'Leary type that the Minister is, I have to say.

Question put and declared carried.

Quality in Public Procurement (Contract Preparation and Award Criteria) Bill 2021
[Seanad]: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the Quality in Public Procurement (Contract Preparation and Award Criteria) Bill 2021, taken on Thursday, 12 February 2026. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 85(2), that division must be taken now.

Question put: "That the Bill be now read a Second Time."

The Dáil divided: Tá, 62; Níl, 78; Staon, 0.		
Tá	Níl	Staon
Bacik, Ivana.	Aird, William.	
Bennett, Cathy.	Ardagh, Catherine.	
Brady, John.	Brabazon, Tom.	
Buckley, Pat.	Brennan, Brian.	
Byrne, Joanna.	Brennan, Shay.	
Carthy, Matt.	Brophy, Colm.	
Collins, Michael.	Browne, James.	
Conway-Walsh, Rose.	Burke, Colm.	
Coppinger, Ruth.	Burke, Peter.	
Cronin, Réada.	Butler, Mary.	
Crowe, Seán.	Butterly, Paula.	
Cullinane, David.	Buttimer, Jerry.	
Daly, Pa.	Byrne, Malcolm.	
Doherty, Pearse.	Byrne, Thomas.	
Donnelly, Paul.	Cahill, Michael.	
Ellis, Dessie.	Callaghan, Catherine.	
Farrelly, Aidan.	Calleary, Dara.	
Fitzmaurice, Michael.	Carrigy, Micheál.	
Gannon, Gary.	Carroll MacNeill, Jennifer.	
Gibney, Sinéad.	Cleere, Peter 'Chap'.	
Gogarty, Paul Nicholas.	Clendennen, John.	
Gould, Thomas.	Collins, Niall.	
Graves, Ann.	Connolly, John.	
Guirke, Johnny.	Cooney, Joe.	
Hayes, Eoin.	Crowe, Cathal.	
Healy, Seamus.	Cummins, John.	
Kelly, Alan.	Currie, Emer.	
Kenny, Eoghan.	Daly, Martin.	
Kenny, Martin.	Dempsey, Aisling.	
Kerrane, Claire.	Devlin, Cormac.	
Lawless, Paul.	Dillon, Alan.	
Lawlor, George.	Dolan, Albert.	
Mac Lochlainn, Pádraig.	Dooley, Timmy.	
McGettigan, Donna.	Feighan, Frankie.	
McGuinness, Conor D.	Foley, Norma.	

Mitchell, Denise.	Gallagher, Pat the Cope.	
Murphy, Paul.	Geoghegan, James.	
Mythen, Johnny.	Grealish, Noel.	
Nash, Ged.	Harkin, Marian.	
Newsome Drennan, Natasha.	Healy-Rae, Michael.	
Ní Raghallaigh, Shónagh.	Heneghan, Barry.	
O'Callaghan, Cian.	Heydon, Martin.	
O'Donoghue, Robert.	Higgins, Emer.	
O'Flynn, Ken.	Keogh, Keira.	
O'Gorman, Roderic.	Lawless, James.	
O'Hara, Louis.	Lowry, Michael.	
O'Reilly, Louise.	Maxwell, David.	
O'Rourke, Darren.	McAuliffe, Paul.	
Ó Broin, Eoin.	McCarthy, Noel.	
Ó Laoghaire, Donnchadh.	McCormack, Tony.	
Ó Murchú, Ruairí.	McEntee, Helen.	
Ó Snodaigh, Aengus.	McGrath, Séamus.	
Ó Súilleabháin, Fionntán.	McGreehan, Erin.	
Quaide, Liam.	Moran, Kevin Boxer.	
Quinlivan, Maurice.	Moynihan, Aindrias.	
Rice, Pádraig.	Moynihan, Michael.	
Sheehan, Conor.	Moynihan, Shane.	
Sherlock, Marie.	Murnane O'Connor, Jennifer.	
Stanley, Brian.	Murphy, Michael.	
Wall, Mark.	Naughton, Hildegard.	
Ward, Mark.	Neville, Joe.	
Whitmore, Jennifer.	O'Callaghan, Jim.	
	O'Connell, Maeve.	
	O'Connor, James.	
	O'Donnell, Kieran.	
	O'Donovan, Patrick.	
	O'Meara, Ryan.	
	O'Shea, John Paul.	
	O'Sullivan, Christopher.	
	O'Sullivan, Pádraig.	
	Ó Cearúil, Naoise.	
	Ó Muirí, Naoise.	
	Roche, Peter.	
	Scanlon, Eamon.	
	Smith, Brendan.	
	Timmins, Edward.	
	Toole, Gillian.	
	Troy, Robert.	

Tellers: Tá, Deputies Sinéad Gibney and Cian O'Callaghan; Níl, Deputies Mary Butler and Emer Currie.

Question declared lost.

Ban on Investment Funds Purchasing Family Homes: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Pearse Doherty on Tuesday, 17 February 2026:

That Dáil Éireann:

notes that:

- the housing crisis continues to deepen for ordinary workers and families while corporate landlords, investors and developers make ever greater profits;
- residential property prices have increased by 47.7 per cent since 2020, pushing first-time buyers further into debt to secure a home, while locking many out of home ownership;
- high rents and residential property prices are making it increasingly difficult for workers and families to purchase and own their own home, leading to the collapse of homeownership;
- investment funds bulk purchasing homes takes homes away from ordinary workers and families, and drives up prices;
- despite the commitments by Government to end the practice, investment funds have continued to bulk purchase homes;
- the Government re-committed to prohibiting the bulk purchase of homes in the Programme for Government; and
- despite repeated promises to address the issue of homes being bulk purchased by vulture funds, the Government continues to allow the practice;

further notes that:

- Sinn Féin have repeatedly called for investment funds to not be allowed bulk purchase homes;
- the Government was warned by Sinn Féin that belated measures introduced in May 2021, and the adjustment in Budget 2025, would be insufficient to end this unacceptable practice;
- the Government are responsible for the continued bulk purchase by investment funds, with over 2,000 houses purchased by investment funds triggering the higher rate of stamp duty between May 2021 and the end of 2025, at the expense of individual home buyers; and
- this only captures a fraction of the homes being bought by vulture funds, who continue to be able to buy up to nine houses at a time without even having to pay the higher stamp duty rate, and face no restrictions on the purchase of apartments;

concludes that the Government, comprising Fine Gael, Fianna Fáil and the Government Independents, are prioritising the interests of developers, landlords and investment funds, at the expense of struggling workers and families; and

calls on the Government to ban investment funds from buying family homes.

Debate resumed on amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

acknowledges that:

- the new housing plan 'Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness', is focussed on putting in place the conditions to enable delivery of a minimum of 300,000 new homes between 2025 and 2030;
- the plan includes a commitment to deliver 72,000 social homes, and provide 90,000 affordable supports, to help people secure a home of their own;
- it seeks to significantly accelerate delivery of new homes by focusing on activating land and creating the optimal environment to encourage housing activity, including regulatory reform, tax incentives and the largest ever capital investment in the history of the State, with €275 billion invested in infrastructure over 10 years, through the National Development Plan;
- to accelerate future supply, Budget 2026 included a suite of taxation measures aimed at stimulating the supply of new apartments, including a reduced Value Added Tax (VAT) rate and an enhanced Corporation Tax deduction for apartment construction costs;
- the revised National Planning Framework, published in April 2025, is a major step forward in this regard, and will help increase capacity and accelerate home building across the country;
- over the last five years, almost 149,000 new homes have been delivered, which compares with 83,267 in the previous five-year period, and just 29,217 in the five years before that;
- a total of 36,284 new dwellings were completed in 2025, an increase of 20 per cent year-on-year;
- the unprecedented level of investment that Government has committed will bring about a very significant scale-up in the delivery of housing over the coming years, address the needs of the most vulnerable in our communities, make buying and renting homes more affordable, and support the development of villages, towns and cities across the country; and
- the delivery of 300,000 homes by 2030 will, however, require an estimated €20 billion in development finance each year, a significant portion of which will need to come from investment by the private sector, to support home ownership and a well-functioning private rental market;

recognises that:

- Government has implemented several measures in recent years, including an 'owner occupier guarantee' and stamp duty measures, to ensure a balanced housing market across all tenures, including home ownership, social housing and private rental;

— the issuing in 2021, of the Section 28 Guidelines for planning authorities on the Regulation of Commercial Institutional Investment in Housing, aims to restrict the practice of multiple housing and duplex units being sold to a single buyer, and these guidelines ensure that new 'own-door' houses and duplex units in lower-density housing developments can no longer be bulk-purchased by institutional investors in a manner that causes the displacement of individual purchasers or social and affordable housing, including cost-rental;

— these guidelines, setting out the 'owner-occupier' guarantee, also ensure that 'home ownership' is included as a specific tenure type within a local authority's housing strategy;

— in May 2021, as an additional measure to tackle the bulk acquisition of new houses, a Stamp Duty rate of 10 per cent was introduced, where 10 or more houses were acquired in any 12 month period, and in 2025, this rate was increased to 15 per cent;

— these measures have succeeded in preventing the inappropriate bulk purchase of a very significant number of homes, and securing those homes for purchase by homeowners;

— as of Q4 2025, since May 2021, a total estimate of 63,962 houses and duplex units received planning permission, with conditions restricting the bulk purchasing or multiple sales to a single purchaser;

— based on provisional data from the Revenue Commissioners, bulk purchased homes are reducing year-on-year since 2023, and in 2025, 293 homes were bulk purchased, down from 675 in 2023;

— the Programme for Government commits to maintaining the 'owner occupier guarantee', thereby continuing to prohibit the inappropriate bulk purchase of homes, and securing homes for homeownership;

— the measures outlined are having the desired effect regarding family homes, and the Government has rightly not applied those to apartments, as it recognises the positive role institutional investment needs to play in developing apartment supply as set out in the Delivering Homes, Building Communities housing plan; and

— Budget 2026 included a suite of taxation measures aimed at stimulating the supply of new apartments, including a reduced VAT rate on new apartments, and an enhanced Corporation Tax deduction for apartment construction costs; and

affirms Government efforts to:

— continue to bring forward measures that will increase the supply of new homes across all tenures, to make sure that everyone has a range of housing options available to them, whether they want to buy a house, rent one, or are in need of social housing;

— adequately resource the Land Development Agency (LDA), to deliver an increased quantum of new homes, noting Government already recently increased resourcing to the agency;

— diversify sources of investment, noting the level of investment required in the long term cannot be solely the responsibility of the State, and it will also require a very

significant level of private investment, including appropriate institutional capital investment, essential for the delivery of critically needed private rented stock;

— prioritise infrastructure development as critical means for increasing housing supply, noting the establishment of the Housing Activation Office and the new Infrastructure Investment Fund, to coordinate homebuilding and investment in the servicing of zoned lands;

— expand the capacity of the construction sector as another key measure to scale-up delivery to the levels necessary by 2030, and thereafter building on ongoing measures to tackle barriers in construction careers, promote career opportunities, and make construction more attractive to women;

— build on the significant number of social and affordable homes provided in 2025, expanding State investment, supplemented by LDA investment and Housing Finance Agency lending;

— ensure that Home Building Finance Ireland has the capacity and flexibility to continue to respond to funding gaps, and support increased housing delivery nationwide;

— improve equity availability for homebuilding through the Ireland Strategic Investment Fund's new €600 million equity programme, in partnership with the national banks;

— boost homeownership, and help support younger people seeking autonomy in the housing market, through measures like the First Home Scheme, Help-to-Buy Scheme, and the Local Authority Home Loan Scheme; and

— tackle homelessness through a suite of cross-Government responses, acknowledging that homelessness is a complex issue, requiring multifaceted responses to deal with varying causal factors and family circumstances.

- (Minister for Housing, Local Government and Heritage)

An Ceann Comhairle: I must now deal with a postponed division relating to the motion regarding ban on investment funds purchasing family homes. On Tuesday, 17 February 2026, on the question, "That the amendment to the motion be agreed to", a division was claimed and in accordance with Standing Order 85(2), that division must be taken now.

Amendment put:

The Dáil divided: Tá, 78; Níl, 62; Staon, 0.		
Tá	Níl	Staon
Aird, William.	Bacik, Ivana.	
Ardagh, Catherine.	Bennett, Cathy.	
Brabazon, Tom.	Brady, John.	
Brennan, Brian.	Buckley, Pat.	
Brennan, Shay.	Byrne, Joanna.	
Brophy, Colm.	Carthy, Matt.	
Browne, James.	Collins, Michael.	
Burke, Colm.	Conway-Walsh, Rose.	
Burke, Peter.	Coppinger, Ruth.	

Butler, Mary.	Cronin, Réada.	
Butterly, Paula.	Crowe, Seán.	
Buttimer, Jerry.	Cullinane, David.	
Byrne, Malcolm.	Daly, Pa.	
Byrne, Thomas.	Doherty, Pearse.	
Cahill, Michael.	Donnelly, Paul.	
Callaghan, Catherine.	Ellis, Dessie.	
Calleary, Dara.	Farrelly, Aidan.	
Carrigy, Micheál.	Fitzmaurice, Michael.	
Carroll MacNeill, Jennifer.	Gannon, Gary.	
Cleere, Peter 'Chap'.	Gibney, Sinéad.	
Clendennen, John.	Gogarty, Paul Nicholas.	
Collins, Niall.	Gould, Thomas.	
Connolly, John.	Graves, Ann.	
Cooney, Joe.	Guirke, Johnny.	
Crowe, Cathal.	Hayes, Eoin.	
Cummins, John.	Healy, Seamus.	
Currie, Emer.	Kelly, Alan.	
Daly, Martin.	Kenny, Eoghan.	
Dempsey, Aisling.	Kenny, Martin.	
Devlin, Cormac.	Kerrane, Claire.	
Dillon, Alan.	Lawless, Paul.	
Dolan, Albert.	Lawlor, George.	
Dooley, Timmy.	Mac Lochlainn, Pádraig.	
Feighan, Frankie.	McGettigan, Donna.	
Foley, Norma.	McGuinness, Conor D.	
Gallagher, Pat the Cope.	Mitchell, Denise.	
Geoghegan, James.	Murphy, Paul.	
Grealish, Noel.	Mythen, Johnny.	
Harkin, Marian.	Nash, Ged.	
Healy-Rae, Michael.	Newsome Drennan, Natasha.	
Heneghan, Barry.	Ní Raghallaigh, Shónagh.	
Heydon, Martin.	O'Callaghan, Cian.	
Higgins, Emer.	O'Donoghue, Robert.	
Keogh, Keira.	O'Flynn, Ken.	
Lawless, James.	O'Gorman, Roderic.	
Lowry, Michael.	O'Hara, Louis.	
Maxwell, David.	O'Reilly, Louise.	
McAuliffe, Paul.	O'Rourke, Darren.	
McCarthy, Noel.	Ó Broin, Eoin.	
McCormack, Tony.	Ó Laoghaire, Donnchadh.	
McEntee, Helen.	Ó Murchú, Ruairí.	
McGrath, Séamus.	Ó Snodaigh, Aengus.	
McGreehan, Erin.	Ó Súilleabháin, Fionntán.	
Moran, Kevin Boxer.	Quaide, Liam.	
Moynihan, Aindrias.	Quinlivan, Maurice.	
Moynihan, Michael.	Rice, Pádraig.	
Moynihan, Shane.	Sheehan, Conor.	

Murnane O'Connor, Jennifer.	Sherlock, Marie.	
Murphy, Michael.	Stanley, Brian.	
Naughton, Hildegard.	Wall, Mark.	
Neville, Joe.	Ward, Mark.	
O'Callaghan, Jim.	Whitmore, Jennifer.	
O'Connell, Maeve.		
O'Connor, James.		
O'Donnell, Kieran.		
O'Donovan, Patrick.		
O'Meara, Ryan.		
O'Shea, John Paul.		
O'Sullivan, Christopher.		
O'Sullivan, Pádraig.		
Ó Cearúil, Naoise.		
Ó Muirí, Naoise.		
Roche, Peter.		
Scanlon, Eamon.		
Smith, Brendan.		
Timmings, Edward.		
Toole, Gillian.		
Troy, Robert.		

Tellers: Tá, Deputies Mary Butler and Emer Currie; Níl, Deputies Pádraig Mac Lochlainn and Denise Mitchell.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 78; Níl, 62; Staon, 0.		
Tá	Níl	Staon
Aird, William.	Bacik, Ivana.	
Ardagh, Catherine.	Bennett, Cathy.	
Brabazon, Tom.	Brady, John.	
Brennan, Brian.	Buckley, Pat.	
Brennan, Shay.	Byrne, Joanna.	
Brophy, Colm.	Carthy, Matt.	
Browne, James.	Collins, Michael.	
Burke, Colm.	Conway-Walsh, Rose.	
Burke, Peter.	Coppinger, Ruth.	
Butler, Mary.	Cronin, Réada.	
Butterly, Paula.	Crowe, Seán.	
Buttimer, Jerry.	Cullinane, David.	
Byrne, Malcolm.	Daly, Pa.	
Byrne, Thomas.	Doherty, Pearse.	
Cahill, Michael.	Donnelly, Paul.	
Callaghan, Catherine.	Ellis, Dessie.	
Calleary, Dara.	Farrelly, Aidan.	
Carrigy, Micheál.	Fitzmaurice, Michael.	

Carroll MacNeill, Jennifer.	Gannon, Gary.	
Cleere, Peter 'Chap'.	Gibney, Sinéad.	
Clendennen, John.	Gogarty, Paul Nicholas.	
Collins, Niall.	Gould, Thomas.	
Connolly, John.	Graves, Ann.	
Cooney, Joe.	Guirke, Johnny.	
Crowe, Cathal.	Hayes, Eoin.	
Cummins, John.	Healy, Seamus.	
Currie, Emer.	Kelly, Alan.	
Daly, Martin.	Kenny, Eoghan.	
Dempsey, Aisling.	Kenny, Martin.	
Devlin, Cormac.	Kerrane, Claire.	
Dillon, Alan.	Lawless, Paul.	
Dolan, Albert.	Lawlor, George.	
Dooley, Timmy.	Mac Lochlainn, Pádraig.	
Feighan, Frankie.	McGettigan, Donna.	
Foley, Norma.	McGuinness, Conor D.	
Gallagher, Pat the Cope.	Mitchell, Denise.	
Geoghegan, James.	Murphy, Paul.	
Grealish, Noel.	Mythen, Johnny.	
Harkin, Marian.	Nash, Ged.	
Healy-Rae, Michael.	Newsome Drennan, Natasha.	
Heneghan, Barry.	Ní Raghallaigh, Shónagh.	
Heydon, Martin.	O'Callaghan, Cian.	
Higgins, Emer.	O'Donoghue, Robert.	
Keogh, Keira.	O'Flynn, Ken.	
Lawless, James.	O'Gorman, Roderic.	
Lowry, Michael.	O'Hara, Louis.	
Maxwell, David.	O'Reilly, Louise.	
McAuliffe, Paul.	O'Rourke, Darren.	
McCarthy, Noel.	Ó Broin, Eoin.	
McCormack, Tony.	Ó Laoghaire, Donnchadh.	
McEntee, Helen.	Ó Murchú, Ruairí.	
McGrath, Séamus.	Ó Snodaigh, Aengus.	
McGreehan, Erin.	Ó Súilleabháin, Fionntán.	
Moran, Kevin Boxer.	Quaide, Liam.	
Moynihan, Aindrias.	Quinlivan, Maurice.	
Moynihan, Michael.	Rice, Pádraig.	
Moynihan, Shane.	Sheehan, Conor.	
Murnane O'Connor, Jennifer.	Sherlock, Marie.	
Murphy, Michael.	Stanley, Brian.	
Naughton, Hildegard.	Wall, Mark.	
Neville, Joe.	Ward, Mark.	
O'Callaghan, Jim.	Whitmore, Jennifer.	
O'Connell, Maeve.		
O'Connor, James.		
O'Donnell, Kieran.		
O'Donovan, Patrick.		

O'Meara, Ryan.		
O'Shea, John Paul.		
O'Sullivan, Christopher.		
O'Sullivan, Pádraig.		
Ó Cearúil, Naoise.		
Ó Muirí, Naoise.		
Roche, Peter.		
Scanlon, Eamon.		
Smith, Brendan.		
Timmins, Edward.		
Toole, Gillian.		
Troy, Robert.		

Tellers: Tá, Deputies Mary Butler and Emer Currie; Níl, Deputies Pádraig Mac Lochlainn and Denise Mitchell.

Question declared carried.

Work Life Balance (Right to Remote Work) Bill 2026: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the Work Life Balance (Right to Remote Work) Bill 2026, taken on Wednesday, 18 February 2026. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 85(2), that division must be taken now.

Question put: "That the Bill be now read a Second Time."

The Dáil divided: Tá, 57; Níl, 82; Staon, 0.		
Tá	Níl	Staon
Bacik, Ivana.	Aird, William.	
Bennett, Cathy.	Ardagh, Catherine.	
Brady, John.	Brabazon, Tom.	
Buckley, Pat.	Brennan, Brian.	
Byrne, Joanna.	Brennan, Shay.	
Carthy, Matt.	Brophy, Colm.	
Conway-Walsh, Rose.	Browne, James.	
Coppinger, Ruth.	Burke, Colm.	
Cronin, Réada.	Burke, Peter.	
Crowe, Seán.	Butler, Mary.	
Cullinane, David.	Butterly, Paula.	
Daly, Pa.	Buttimer, Jerry.	
Doherty, Pearse.	Byrne, Malcolm.	
Donnelly, Paul.	Byrne, Thomas.	
Ellis, Dessie.	Cahill, Michael.	
Farrelly, Aidan.	Callaghan, Catherine.	
Gannon, Gary.	Calleary, Dara.	
Gibney, Sinéad.	Carrigy, Micheál.	

Gogarty, Paul Nicholas.	Carroll MacNeill, Jennifer.	
Gould, Thomas.	Cleere, Peter 'Chap'.	
Graves, Ann.	Clendennen, John.	
Guirke, Johnny.	Collins, Michael.	
Healy, Seamus.	Collins, Niall.	
Kelly, Alan.	Connolly, John.	
Kenny, Eoghan.	Cooney, Joe.	
Kenny, Martin.	Crowe, Cathal.	
Kerrane, Claire.	Cummins, John.	
Lawlor, George.	Currie, Emer.	
Mac Lochlainn, Pádraig.	Daly, Martin.	
McGettigan, Donna.	Dempsey, Aisling.	
McGuinness, Conor D.	Devlin, Cormac.	
Mitchell, Denise.	Dillon, Alan.	
Murphy, Paul.	Dolan, Albert.	
Mythen, Johnny.	Dooley, Timmy.	
Nash, Ged.	Feighan, Frankie.	
Newsome Drennan, Natasha.	Fitzmaurice, Michael.	
Ní Raghallaigh, Shónagh.	Foley, Norma.	
O'Callaghan, Cian.	Gallagher, Pat the Cope.	
O'Donoghue, Robert.	Geoghegan, James.	
O'Gorman, Roderic.	Grealish, Noel.	
O'Hara, Louis.	Harkin, Marian.	
O'Reilly, Louise.	Healy-Rae, Michael.	
O'Rourke, Darren.	Heneghan, Barry.	
Ó Broin, Eoin.	Heydon, Martin.	
Ó Laoghaire, Donnchadh.	Higgins, Emer.	
Ó Murchú, Ruairí.	Keogh, Keira.	
Ó Snodaigh, Aengus.	Lawless, James.	
Ó Súilleabháin, Fionntán.	Lawless, Paul.	
Quaide, Liam.	Lowry, Michael.	
Quinlivan, Maurice.	Maxwell, David.	
Rice, Pádraig.	McAuliffe, Paul.	
Sheehan, Conor.	McCarthy, Noel.	
Sherlock, Marie.	McCormack, Tony.	
Stanley, Brian.	McEntee, Helen.	
Wall, Mark.	McGrath, Séamus.	
Ward, Mark.	McGreehan, Erin.	
Whitmore, Jennifer.	Moran, Kevin Boxer.	
	Moynihan, Aindrias.	
	Moynihan, Michael.	
	Moynihan, Shane.	
	Murnane O'Connor, Jennifer.	
	Murphy, Michael.	
	Naughton, Hildegard.	
	Neville, Joe.	
	O'Callaghan, Jim.	
	O'Connell, Maeve.	

	O'Connor, James.	
	O'Donnell, Kieran.	
	O'Donovan, Patrick.	
	O'Flynn, Ken.	
	O'Meara, Ryan.	
	O'Shea, John Paul.	
	O'Sullivan, Christopher.	
	O'Sullivan, Pádraig.	
	Ó Cearúil, Naoise.	
	Ó Muirí, Naoise.	
	Roche, Peter.	
	Scanlon, Eamon.	
	Smith, Brendan.	
	Timmins, Edward.	
	Toole, Gillian.	
	Troy, Robert.	

Tellers: Tá, Deputies George Lawlor and Mark Wall; Níl, Deputies Mary Butler and Emer Currie.

Question declared lost.

Cuireadh an Dáil ar athló ar 11.21 p.m. go dtí 8.47 a.m., Déardaoin, an 19 Feabhra 2026.

The Dáil adjourned at 11.21 p.m. until 8.47 a.m. on Thursday, 19 February 2026.