



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Máirt, 13 Bealtaine 2025*

*Tuesday, 13 May 2025*

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

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*Machnamh agus Paidir.*  
***Reflection and Prayer.***

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### Gnó an tSeanaid - Business of Seanad

**An Cathaoirleach:** Before I read out the Commencement matters, I note that Senator Ahearn has guests in the Visitors Gallery who got married on Thursday. Congratulations to John and Mairead Casey. As a honeymoon visit of all visits, I question their choice of location. I hope she likes politics. I thank them for coming to the House and I thank Senator Ahearn for bringing in the Caseys. I congratulate them and wish them long life and happiness. We have guests of Deputy Cormac Devlin visiting. They are most welcome to Seanad Éireann. We also have some county councillors from Tipperary. I thank them for attending. John O’Heney and Liam Browne are most welcome to Seanad Éireann. Senator Keogan had coffee with them earlier and we had a bite to eat. They are most welcome to Seanad Éireann.

I have received notice from the following Senators that they propose to raise the following matters:

Senator Victor Boyhan - the need for the Minister for Housing, Local Government and Heritage to make a statement on engagement with Dublin City Council on the regeneration of the Pearse House residential complex.

Senator Gareth Scahill - the need for the Minister for Housing, Local Government and Heritage to conduct a review of the fire brigade service areas nationally to ensure the provision of services and response times reflect the most recent census data.

Senator Mark Duffy - the need for the Minister for Housing, Local Government and Heritage to make a statement on the mechanisms to shorten the planning process to deliver critical infrastructure, including amending legislation to allow Uisce Éireann to avail of the Part 8 planning process in partnership with local authorities.

Senator Dee Ryan - the need for the Minister for Transport to make a statement on the provision of additional funding for the expansion of metropolitan bus services in east Limerick.

Senator Nessa Cosgrove - the need for the Minister for Agriculture, Food and the Marine to

suspend implementation of GAEC 2 until 2026 to allow time for the identification of all peat-lands and wetlands impacted and to inform affected farmers.

Senator Chris Andrews - the need for the Minister for the Environment, Climate and Communications to make a statement on An Post services in south Dublin city.

Senator Aubrey McCarthy - the need for the Minister for Justice to make a statement on the online booking system for immigration appointments at Burgh Quay, Dublin 2; and to assist a person who has issues making a booking.

The matters raised by the Senators are suitable for discussion. I have selected Senators Boyhan, Scahill, Duffy and Ryan and they will be taken now. I regret I had to rule out of order the matter raised by Senator Andrews on the ground that the Minister has no official responsibility in that area. The other Senators may give notice on another day of the matters they wish to raise.

## **Nithe i dtosach suíonna - Commencement Matters**

### **Housing Provision**

**An Cathaoirleach:** I welcome the Minister of State, who is a former Member of the House, back to Seanad Éireann in his new capacity. I think I saw his father in Leinster House earlier. He might be coming back to visit us as well.

**Senator Victor Boyhan:** I welcome the Minister of State. He was here last week on an related matter, which is fairly interesting. Last week I talked about regulation for the public sector compared with regulation for the private sector. If there was a case to be made for my proposals last week, the matter I am raising today illustrates the sort of problems and challenges we have around our public housing.

Let us get to the point. The headline on a recent article by Olivia Kelly in *The Irish Times* stated that the Government had refused funding for the regeneration of Pearse House flats in Dublin city centre. That prompted me to look into the matter in more detail. I read all of the national papers every day. I made contact with Dublin City Council and some of the councillors involved in Dublin city and I made a number of other inquiries. It appears that the Department of housing and local government has refused funding for Dublin City Council's plans to regenerate the Pearse House complex. I understand that the Department has decided not to fund the proposed project of amalgamating smaller flat units to create new larger homes on the site. The reason cited by the Department is that the council's plans would result in a reduction in the total number of homes, despite the fact that the existing smaller flat units do not meet the current minimum size standards.

The first phase of the work would have seen 78 flats in the 1930s Pearse House complex, which, as a protected structure is a complication in itself, amalgamate into 44 new residential units for the city. That is something that I thought the Minister of State and the Department, and certainly I, would very much welcome. Seven years ago Dublin City Council announced

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plans to regenerate more than 6,000 of Dublin city's oldest flats, many of which are in a state of dilapidation, under a 15-year plan to raise social housing standards across the city. Many of the older residential flats on Dublin City Council's books simply do not meet the current building standards regarding accessibility, fire safety and building quality and have significant issues, including mould, condensation, sewerage problems and issues around health and safety. All these are issues I spelled out to the Minister of State only a week ago. He will be aware that Dublin City Council was the subject of a 2017 ruling from the European Committee of Social Rights relating to the poor condition of some of its older flat complexes. The Strasbourg-based committee found the human rights of tenants had been breached because of the failure to provide them with adequate housing.

In 2020 Dublin City Council produced plans for the Pearse House complex. The Minister of State is aware of them. The complex has 345 social flats designed by the renowned architect Herbert Simms and built around 1936. There are challenges with these buildings. We know that. The project was to be completed in 11 phases over 12 to 15 years, reducing the number of flats to between 215 and 275. We have not even got the first phase of this plan under way. In response to queries the Department said it was not in a position to support a proposal that would result in significant loss of homes. Surely, it has to be about quality and standards rather than numbers. The numbers are quite small and I am not sure what all that is about. It has been suggested by some that this is simply a delaying tactic by the Department to come behind the scheme. I am not saying that, but it has been suggested.

St. Michan's House, Chancery House, Oliver Bond House and Markievicz House are old complexes that need significant work. We need to show the local authority that we are behind them. I am interested to hear the Minister of State's response.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy John Cummins):** I thank Senator Boyhan for raising this important matter. Pearse House, as he rightly pointed out, is a flat complex of some 345 homes which was designed by the city housing architect, Mr. George Herbert Simms, and built between 1936 and 1938 for Dublin Corporation under the housing Act 1932. The project plan for the regeneration of Pearse House is a matter for the local authority concerned. However, Dublin City Council has advised the Department of Housing, Local Government and Heritage that it is further developing proposals to advance the regeneration of the flat complex. Having first received capital appraisal approval from my Department in April 2021, the subsequent pre-planning proposal by Dublin City Council for the regeneration of blocks L, M, N and P in Pearse House was to reduce the number of homes from 78 to 44. This would have resulted in the council having to find permanent accommodation for some 34 families. We are all very acutely aware of the challenges in terms of social housing provision across the country and the Department was not in a position at that time to support proposals that would result in a significant loss of homes.

Dublin City Council, however, has informed the Department that it has instructed its integrated design team to review the design strategy to maximise all possibilities to ensure that the maximum number of homes are available post-refurbishment. This work is currently ongoing and the council will continue to liaise with the Department of housing in order to progress the submission of the revised funding application. This work will ensure the project continues to fruition with the optimal design for all parties concerned.

One of the challenges of the project is that the Pearse House complex is included on Dublin City Council's record of protected structures. This presents certain complexities when under-

taking structural works, as the Senator will appreciate. As stipulated in section 51(1) of the Planning and Development Act 2000, the formulation of the record of protected structures is a reserved function of the elected members and the planning authority. As per section 30 of the Act, and notwithstanding sections 28 or 29, the Minister “shall not exercise any power or control in relation to any particular case with which a planning authority or the Board is or may be concerned”. A review of the record of the protected structures is typically undertaken as part of the development plan review process. The planning authority can also make an addition to or deletion from the record of protected structures at any time, following the procedures set out under the Act.

As I said already, Dublin City Council will revert to the Department following the design appraisal it is currently undertaking in order to maximise the quantum of housing that will be delivered on the site post-regeneration and the Department looks forward to receiving those proposals.

**Senator Victor Boyhan:** I thank the Minister of State for his response. This ties in with the issue of standards in the public and private sector, which we will revisit at another time. In relation to Pearse House we need to send out a clear message. Are we committed or not? The fact that the complex is a protected structure is not the issue here. There are challenges around protected structures. The Minister of State and I, as former councillors, know that is a reserved function. The councillors have taken advice and made that decision. In fact, I understand the Department is very sympathetic to the retention to old housing stock. We have to respond to the challenges.

The key message is that we cannot encourage a local authority to go down a road and then stop it halfway. These homes are in one of the most deprived parts of Dublin. This is very old social housing stock and we cannot compromise on quality and standards. There are regulations set down about current standards and the standards that apply in the private sector must also apply in the public sector and *vice versa*. That is the problem. I am not prepared to stand over, sell or make a case for compromised sizes or standards in accommodation for people regardless of their income or where they are coming from. I urge the Minister of State to ensure that departmental officials make this a priority.

**Deputy John Cummins:** Again, I thank the Senator for raising this matter. I wish to state unequivocally that the Department is absolutely committed to this regeneration and the regeneration of many other flat complexes across the country but we have to get it right. That is why we are awaiting proposals from Dublin City Council in that regard. We provide funding through a number of channels: the social housing investment programme, the affordable housing fund, the capital advance leasing facility, the cost rental equity loan and regeneration for remedial works, and these are through our estate regeneration fund. We look forward to receiving those proposals from Dublin City Council when they are forthcoming in order that we can find that balance between the quantum of units to be delivered on the site to regenerate the site to a high quality standard for the people who live there and ensure we continue work across other areas as well as Pearse House.

## **Fire Service**

**Senator Gareth Scahill:** I welcome the Minister of State. I call on the Minister to urgently commission a national review of the fire brigade service areas boundaries to ensure the response

times and provision of services align with the most recent census figures and, more importantly, with the real need of our people on the ground. I ask for an independent national review of this as well. This is not just a call for policy. It is a call for protection and preparedness on behalf of the lives that depend on a timely emergency response.

Recent events in Roscommon and Longford have laid bare the pressure our fire services are under, particularly in rural areas and areas with growing populations of older people. On 9 April of this year, it was reported in our local paper that 55 firefighters from five separate fire stations - Ballaghaderreen, Ballyhaunis, Boyle, Charlestown and Elphin - were needed to tackle a gorse fire in Loughglinn stretching over 800 acres. Three weeks later, three fire brigades were called to a similar incident between Trien and Williamstown. Following the five fire brigades' dealing with the initial fire, they had to attend again the following day to ensure there were no residual fires or risks to local plantations, but the threat was still live.

These are not isolated incidents; they are warnings. My colleague sitting behind me, Senator Brady, just dealt with a very big bog fire in County Longford over the weekend, which also required the services of approximately four fire brigades and lasted for more than two days. There are serious questions of what happens when multiple fire brigades are pulled to fires like this and who covers the towns and communities left behind? Are we satisfied we have accounted for the growing vulnerability of our population, especially in towns with higher populations of older residents who may need help more quickly or who may not be able to evacuate as quickly? Are we satisfied our fire services are distributed fairly and efficiently?

Let me be clear about this, our fire services are doing extraordinary work. We are very proud of our fire services in the west and in my county of Roscommon. I am very proud of the work they do and the hours they put into it but they do so under significant strain, especially at times like this. For example, Castlerea in County Roscommon, my hometown, has a population of 3,000 to 3,500 people and the fire station has been closed since 2017. Last Wednesday evening, after I tabled this Commencement matter, there was a house fire in a built up residential area in Tarmon Manor at 7.30 p.m. A retired fire officer from Sligo spoke on the radio the following morning and said that if the station had existed in Castlerea, the response time would have been seven to nine minutes. Without the station, the nearest fire units are located approximately 16 miles away, meaning a response time of 20 to 30 minutes. In an emergency, that is not just the difference between a scorched field or a lost home; it is the difference between life and death.

We need a strategic review that considers the updated population data; the latest census information, including age demographics, which I believe will show that certain areas have a higher percentage of older people; a response time analysis across all regions; and the impact of increased climate related events such as the more frequent and intense gorse and bog fires we see at the moment. We must future-proof our fire service provision and ensure no community is left exposed. I urge the Minister to act now, not after the next emergency and definitely not after the next loss of life. Conduct a review that will give our fire services the support and resources they need, or add to those supports, but conduct a review that will, above all, give our communities the safety they deserve and, for communities like my hometown, the cover they deserve.

**Deputy John Cummins:** I thank Senator Scahill for raising this important matter. He also spoke to me about the issue in Castlerea, separate to this Commencement matter. It is a very important issue and I thank him for raising it.

The provision of a fire service in its functional area, including the establishment and main-



tenance of a fire brigade, the assessment of fire cover needs and a provision of fire station premises, is a statutory function of individual fire authorities under the Fire Services Act 1981.

Keeping Communities Safe was adopted as Government policy in 2013 and is based on the internationally used systemic risk management approach combining fire safety, fire protection in the built environment and fire service response measures. Keeping Communities Safe provides for the delivery of consistent and effective fire services in Ireland while continuing to reduce the risk from fires in communities and prioritising the safety of fire personnel in their work. The policy sets out the overall approach, the methods and the techniques to achieve the objective of keeping communities safe from fire, and it sets out national norms, standards and targets against which local authorities can benchmark their fire services.

Over the course of 2014 and 2015, an external validation group commissioned by the management board of the National Directorate for Fire and Emergency Management visited every fire service in the country as part of a new external validation process arising from the implementation of Keeping Communities Safe. In April 2016, the management board published the first external validation group report, entitled Local Delivery - National Consistency. The findings of the first external validation group process are available on the Department's website. In 2020, a desktop review, entitled the Capacity Review, was undertaken by the National Directorate for Fire and Emergency Management. Following its completion, a report titled Response, Resilience & Recovery was completed in October 2020. The findings of this review indicated a strong capacity in terms of fire safety and operation efficacy across the fire services.

Keeping Communities Safe provides for each fire service to undertake an area risk categorisation process in respect of each of its fire station areas. The outcome of this process enables fire service management to establish a risk grading across very high risk, high risk, medium risk, low risk or very low risk categories for each fire station area. In recognition of population movements and changes in the built environment over time leading to variation in the categories of response times which are applicable, Keeping Communities Safe also sets out a requirement to monitor risk categories.

The area risk categorisation is a critical tool for ensuring fire service resources are used effectively and efficiently, and that the safety of the public is prioritised in all communities. By assessing and classifying areas based on defined risk factors, fire services can demonstrate an evidence-based approach to service delivery. Fire authorities determine the priority needs in their areas and apply resources in the most effective configuration, ensuring an appropriate and effective balance between fire prevention, fire protection and response measures. Appropriate mitigation measures and, in particular, community fire safety measures such as the smoke alarm scheme, which provides free smoke alarms to vulnerable households, including optical alarms for the deaf and hard of hearing, are funded by my Department and are being utilised to increase the safety of public dwellings.

It is intended that, later this year, there will be a second process in terms of that area risk and external validation group, which I can talk more about in the follow-up.

**Senator Gareth Scahill:** To reiterate, the fire service we and all Senators in this House have is a service we are very proud of. That does not mean, however, we should not look for more and better. I can only speak of my own home area, but in rural areas like Castlerea, where residents have limited mobility and live in isolated locations, delayed emergency services can have life-threatening consequences. Based on the figures in the NOAC local authority perfor-

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mance indicators in recent years, the national average cost *per capita* of the fire service is between €61.50 and €63.50. The cost *per capita* for the fire service in my local authority area in Roscommon is €36.86 to €38.50. I believe there is an imbalance in certain areas and a review would highlight that.

**Deputy John Cummins:** I again thank Senator Scahill. I too want to put on record my thanks to all the fire service personnel in the country who, when we often go in the opposite direction, run into danger in order to try to protect lives.

I confirm that a second external validation group review - No. 2 - has been commissioned by the management board of the National Directorate for Fire and Emergency Management. That process is scheduled to begin in quarter 3 of this year, with the external validation group conducting in-person evaluation visits within each fire authority. That will be a positive as it will look at everything Senator Scahill has asked for, in terms of demographic movements and how we respond to events as they occur in a safe manner, while also ensuring we put in place the supports on the prevention side as well. I thank him for raising this important Commencement matter.

### Local Authorities

**Senator Mark Duffy:** The Minister of State is very welcome back to the Seanad. The housing crisis we face is not news to him or to any of us here in the Chamber. I compliment him on the work and efforts he has commenced since taking over his brief. His knowledge is impeccable. He has experience of being his party spokesperson for housing in the previous Seanad and he also worked on the issue while in local government. I wish him the best. I look forward to supporting his efforts in his role in this Ministry.

The housing crisis is very complex and I welcome the efforts the Minister of State is beginning to make in regard to more flexibility and less red tape and regulation to empower people to have choice. A person with space in their back garden, for example, has more liberty and autonomy to improve living conditions for themselves and their family, based on their circumstance. That flexibility is very welcome.

What would also be very welcome is more devolved power and decision-making for local authorities. Like the Minister of State, I have come through the local council and I believe local authorities have a role to play. It is not just a case of making one or two decisions; it is a very complex situation and each theme needs diligent efforts.

Irish Water is a topic that comes up regularly. The chief executive, Niall Gleeson, identified recently during a speech to mark the opening of the Arklow wastewater treatment plant, which is heralded as an excellent facility that is best-in-class investment, that the greater Dublin drainage project was proposed at the same time as the Arklow wastewater treatment plant. If they had both progressed at the same speed, the greater Dublin drainage project would have cost €600 million, but it is now expected to cost the State approximately €1.2 billion.

The proposal that I bring forward this afternoon relates to improved expedience through the Part 8 process for local authorities to progress critical infrastructure for Uisce Éireann. It is for the common good and is in the interest of every local authority representative in the country because it benefits communities by improving water quality, wastewater supply and infrastruc-



ture. Critically, that would also unlock housing, which is in such challenging circumstances and is limiting the prosperity of the State to such an extent. Will the Minister of State consider devolving more autonomy to local authorities through the Part 8 process?

*3 o'clock*

This would mean that there would not be a mechanism for An Bord Pleanála to intervene, as the Minister knows, but it would also provide for public consultation. This would be a good means of improving and unlocking critical infrastructure that is within the common good. It would help to expedite the development of critical infrastructure that can unlock additional housing supply and ambition. I welcome the Minister of State's efforts regarding the planning exemption for the modular units. We need to support such a common-sense proposal in a collective manner. Local councillors should have stronger levers for residential developments. I welcome the Minister of State's consideration of this important topic.

**Deputy John Cummins:** I thank Senator Duffy for his kind words, which I appreciate, and for giving me an opportunity to update the House on planning legislation and particularly applications by Uisce Éireann. While the Planning and Development Act 2024 was signed into law in October 2024, its provisions have not yet been commenced. Until all of it is in place, the 2000 Act will remain in force.

All development requires development permission unless it is specifically exempted. As such, Uisce Éireann is required to adhere to planning legislation and seek the necessary planning permissions where required. At present, Uisce Éireann can apply to a planning authority for planning permission under section 34 of the 2000 Act for development that is not strategic infrastructure. The process provides that where no further information is required from Uisce Éireann, a planning authority shall make a decision within eight weeks of the date of the application, in accordance with section 34(8) of the 2000 Act. This eight-week period is considered reasonable for the making of a decision. A decision of a planning authority under section 34 of the 2000 Act may be subject to appeal by An Bord Pleanála under section 37 of that Act. The board has a statutory objective to meet timelines of appeal within 18 weeks.

For applications for permission that fall under the category of strategic infrastructure, such as a wastewater treatment plant with capacity to cater for a population of 10,000 or more, Uisce Éireann is required to apply directly to An Bord Pleanála under section 37E of the 2000 Act. The board has a statutory objective to make a decision on such an application within 18 weeks of the last day of the period for the making of submissions, which is a period of not less than six weeks in accordance with section 37E(3)(a) of the 2000 Act. The timeline for a decision is a minimum of 24 weeks.

The Senator is proposing that applications by Uisce Éireann should undergo the Part 8 process through partnership with local authorities to avail of the "local authority own development" procedures under section 179 of the 2000 Act. When no environmental impact assessment is required, local authorities follow the Part 8 process, which is a reserved function of elected members. This process includes a period of not less than four weeks for the making of submissions by the public under Article 81 of the Planning and Development Regulations 2001. Under section 179 of the 2000 Act, following the public submission period, the chief executive has eight weeks for the making of a report on the proposed development for submission to the elected members. Finally, the elected members have six weeks to make a decision on the proposed development, which means that there is a total of 18 weeks for decisions under the

Part 8 process.

I can confirm it is open to local authorities to enter into partnership with any party, including Uisce Éireann. However, a development under the Part 8 process requires a full majority of the council to approve the project. Additionally, the members of the local authority may, by resolution, vary or modify the proposal by Uisce Éireann, which could present a risk to the project in question. However, I believe there is merit in this proposal to unlock development in towns and villages with populations under 10,000. I am engaging with my officials in this regard. I am conscious of time. Developments that require an EIA are above that threshold. There is limited scope in improving time periods in that regard. However, there may be scope to further tease out the provisions in respect of developments that do not require the Part 8 process, which are typically those involving areas below 10,000 in population.

**Senator Mark Duffy:** I thank the Minister of State for his reply. I am heartened by it in terms of the consideration and the flexibility that could be given to local authorities. In a partnership process, any semi-State or any body that tries to develop critical infrastructure that is in the common good and the public good must be supported. I encourage Uisce Éireann and other such bodies to work with local authorities to make sure they avail of these partnership processes because it can help remove the Bord Pleanála difficulties and help expedite planning developments.

I support that work and encourage the Minister of State to consider amending the wastewater discharge regulations, which are linked through Uisce Éireann. I know they are causing delays as well as the permissions. The EPA also has a licensing challenge which can delay developments, so a bit more flexibility and less bureaucracy on that for small incremental improvements would be really supported and welcomed by Uisce Éireann. Ultimately, it will help us build and deliver more houses. I would really welcome the Minister of State's input on it all and his support for it.

**Deputy John Cummins:** It is about that. It is about unlocking development in our smaller towns and villages. Anything that can speed up the process is being considered. That is not to ignore requirements. As regards EIAs and those towns above 10,000 in population, I have set out that there is limited scope because it goes to the board and goes through that statutory process, whether it is through the local authority or through Uisce Éireann. Where there may be scope to be able to improve in terms of timelines in partnership with local authorities is for those that are below that through the Part 8 process, in partnership. We have to remember that when local authorities had control of water and wastewater, it was standard to use the Part 8 process. It is therefore possible, and we are scoping out what is possible in terms of guidance around that. As I said, anything that can speed up the process in terms of delivering infrastructure to be able to facilitate more homes is what I am all about, and I will explore all those avenues.

**Acting Chairperson (Senator Alison Comyn):** I thank the Minister of State for responding to that.

## **Bus Services**

**Acting Chairperson (Senator Alison Comyn):** We welcome the Minister of State, Deputy Buttimer, to the House.

**Senator Dee Ryan:** The Minister of State is very welcome. It is great to have him here again. I am particularly delighted to get the opportunity to address through this Commencement matter an issue I am particularly passionate about. It is a matter I have been working on for a number of years, that is, the broader matter of the improved public transport and active travel facilities for the citizens of Limerick city and county.

Today we are dealing specifically with a proposal I have submitted to the National Transport Authority for the inclusion of Annacotty Business Park in Limerick BusConnects, which we hope will soon be commenced. The ambitious plans included in Limerick BusConnects are most welcome. I compliment the staff at the NTA, the staff at Limerick City and County Council and the many councillors across the metropolitan region who contributed to it as well as the very many stakeholders who contributed to the two years of public consultation and the development of the second iteration of the draft Limerick BusConnects plan, which became the finalised plan and was published in December 2023. It includes an increased frequency of bus services across Limerick city and suburbs, an increased number of new bus routes and the introduction of 24-hour bus services on some routes, facilitating the development of an all-day economy for the first time in Limerick. There is a 70% increase in the number of bus services to be provided to Limerick city and suburbs when Limerick BusConnects is fully operational. That moves us into the space of becoming a true modern, small but very proud and ambitious European city. We are very grateful for the work that has been done by all the agencies and public servants to date.

However, I am talking to the Minister of State today about an important area that I and many stakeholders believe was omitted from those ambitious plans, namely, Annacotty Business Park. It is the largest indigenous industrial park in Limerick county. It is home to 33 businesses and 4,000 employees. They are going into and out of the business park every day and there is no bus stop there. I have engaged with the members in the park and their employees. There would be a huge appetite to see increased services, not just for the benefits they would bring right now to people who are working there but also for the future development of the park and the potential for the mostly indigenous businesses in the park to expand. As the Minister of State knows, if there are no public transport facilities for proposed developments, then we have to provide car parking spaces. Currently, businesses within the park are constricted in their expansion ambitions because of that.

The provision of this public transport loop would also have a beneficial impact for St Vincent's special school in Lisnagry, which has more than 500 people working and availing of the facilities there, and indeed for many hospitality businesses on the east side of Annacotty, including Finnigans bar and restaurant, which has capacity for 250 people seated for meals, is under new management in recent years and, with its great new energy, from an employment perspective and a connectivity perspective, could absolutely do with improved connectivity. I thank the Minister of State for his time and ask for his support in a trial expansion of facilities to the Annacotty Business Park, to measure the uptake in the services and the benefit to the surrounding area.

**Minister of State at the Department of Transport (Deputy Jerry Buttimer):** I thank Senator Ryan for her ongoing advocacy. I know she wrote to and communicated with the NTA last month regarding Annacotty Business Park. I commend her on that. I am taking the matter on behalf of the Minister for Transport. It gives me an opportunity to provide Senator Ryan and the House with an update on sustainable mobility options in Limerick.

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The Limerick-Shannon metropolitan area transport strategy has been developed by the NTA to deliver an accessible, integrated transport network that enables the sustainable growth of Limerick up to 2040, allowing it to take its place in Europe as a city of its size, as Senator Ryan said, including the upgraded bus system for the area. Significant progress has been made in delivering key projects detailed in the Limerick-Shannon region, including the BusConnects Limerick programme, as the Senator indicated. BusConnects will be transformative for all five of our cities, including Limerick. Two years ago, the NTA carried out an extensive review of the bus network in Limerick, in collaboration with Limerick City and County Council, Clare County Council, and Bus Éireann, and with the specialised expertise of transport designers Jarrett Walker and Associates. Following public consultation, the NTA published its final new bus network for Limerick in December 2023. The redesign of the bus network is one of the nine key elements of BusConnects Limerick that aims to transform the city's bus system, making public transport more useful to more people. The new bus network will enable more people to avail of public transport, resulting in increased access to a greater number of schools and workplaces across Limerick city. Overall, approximately 41% of residents will live within 400 m of a high-frequency bus route, running every 15 minutes or better. In addition to the above, the first phase of battery-electric bus charging infrastructure came on stream at Bus Éireann's Roxboro depot in Limerick last year, allowing 34 double-deck battery-electric buses to enter passenger service in Limerick also in 2024. The second phase of battery-electric bus charging infrastructure was substantially complete at the end of 2024, and an additional 21 double-deck battery-electric buses are expected to enter passenger service throughout this year.

Regarding the matter raised by Senator Ryan in respect of the design of the network and the exclusion of Annacotty Business Park, the new bus network was published in draft form in March 2023 for public consultation, during which in excess of 650 responses to this consultation were received. This feedback was taken into account in the design of the final new network plan. During the public consultation process, the NTA received feedback about the potential to extend the service to Annacotty Business Park. On review, it was decided that the provision of service to Annacotty Business Park through the Connecting Ireland programme would be a more efficient way to connect the business park with public transport. The NTA is currently working with Bus Éireann to identify how and when this need will be met and officials in the Department of Transport continue to engage with the NTA on the matter. Senator Ryan made reference to that. In her letter to the NTA, she wrote about the trial experience, which we should look at again. I will bring her concerns to the Department.

More generally, improvements in bus services in Limerick city proposed via BusConnects and the Limerick Shannon metropolitan area transport strategy will ensure a range of sustainable transport options are available to the people of Limerick. The strategy also recommends a number of improvements to rail infrastructure in the area, including a new rail station in Moyross, increasing the frequency of services on the Ballybrophy line up to two trains per hour, dual track between Limerick Junction and Colbert Station and the upgrading of Colbert Station.

In addition, the final report of the all-Ireland strategic rail review, which will inform the development of the railway sector on the island of Ireland over the coming decades and was published in July last year, calls for proposals to improve rail services in the Limerick area, including the electrification of the route between Dublin and Limerick, an upgrade to Limerick Junction and the Limerick Junction to Waterford line, along with a spur from Sixmilebridge and Cratloe to Shannon Airport.

I thank the Senator for her contribution. The reply may not be what she wants, but she has

made a good case in the House today.

**Acting Chairperson (Senator Alison Comyn):** Before I bring Senator Ryan back in, I welcome to the Gallery the Probus retirement group, special guests of the Ceann Comhairle, Deputy Verona Murphy. I presume they are from the Wexford area. They are not. My father was once a very active member of Probus. I know what incredible work the organisation does. I send best wishes from everybody here in the House and wish you continued good success.

**Senator Dee Ryan:** The group is very welcome. We have a vibrant Probus group in Limerick. I hope to have them to the Oireachtas at some stage.

I thank the Minister of State for his response. I appreciate its thoroughness. As I said, we are very excited in Limerick about the ambition of the overall Limerick Shannon metropolitan area transport strategy, which had great engagement from people right across the community. People are looking forward to the roll-out of the improved facilities. In fact, we can see the work being done in terms of the provision of improved footpaths and cycle lanes and the development of the turning circle. We can see the capital investment that is happening. I met Mr. Creegan, the acting CEO of the NTA, and regularly engage on this with other public representatives. Mr. Creegan has agreed to consider my proposal for a trial Annacotty Business Park loop. The loop would stop on the Dublin Road opposite St. Vincent's special school and proceed to the Cappamore Road and Annacotty Business Park. I raise the matter today to flag it with the Department and to seek the support and consideration of the Minister of State for the proposed trial route.

**Senator Jerry Buttimer:** I welcome the group to the Gallery. I share Senator Ryan's positivity regarding BusConnects and public transport in Limerick. As a country, we are redesigning our bus network and Limerick is at the forefront of that in terms of the provision of more public transport. As I said, there has been a 70% increase in bus services in Limerick city and suburbs, shorter waits, more direct routes, simpler network and scheduling, additional services at weekends and a new 24-hour bus route between UHL, the city centre and the University of Limerick.

In addition, following feedback from the public, the NTA and Bus Éireann are currently considering how best to provide the bus service to Annacotty Business Park as part of the Connecting Ireland programme. Senator Ryan makes a good case and in her letter to the NTA she set out in a detailed way, illustratively and in writing, how the route can be of benefit to everybody. I will bring her contribution to the Department, the Minister and the NTA.

It is important that all of us join in the celebration of the roll-out of the redesigned bus routes across Limerick city and county. It is about ensuring we have improvements under the Connecting Ireland programme, including Annacotty Business Park. I will bring the Senator's contribution back. It is about taking more people out of cars and using public transport more. If we can have creative, innovate ways of doing that, let us do it. What the Senator put forward, both in her detailed and comprehensive submission and today in the House, certainly adds value to the offering we can provide in Limerick.

**Acting Chairperson (Senator Alison Comyn):** I thank the Minister of State for his time in the House.

*Cuireadh an Seanad ar fionraí ar 3.20 p.m. agus cuireadh tús leis arís ar 3.35 p.m.*



13 May 2025

*Sitting suspended at 3.20 p.m. and resumed at 3.35 p.m.*

### **Minute's Silence in Memory of Garda Kevin Flatley**

**An Cathaoirleach:** Anois, a chairde, we are all aware of the sad passing of Garda Kevin Flatley in the line of duty. Every time a member of An Garda Síochána goes out on their day's work, there is always a chance they will not come home. On behalf of Seanad Éireann and all the Seanadóirí, I express my deepest condolences to Garda Flatley's family, friends and colleagues. I ask Members to be upstanding for a minute's silence.

*Members rose.*

**An Cathaoirleach:** Ar dheis Dé go raibh a anam dílis. Go raibh maith agaibh, a chairde.

### **Order of Business**

**Senator Seán Kyne:** The Order of Business is No. a1, Report of the Committee of Selection, to be taken on the conclusion of the Order of Business without debate; No. 1, motion regarding the appointment of members to the Joint Committee on the Irish Language, Gaeltacht and the Irish-speaking Community, to be taken on conclusion of No. a1 without debate; No. 2, motion regarding the appointment of members to the Joint Committee on Public Petitions and the Ombudsman, to be taken on conclusion of No. 1 without debate; No. 3, motion regarding the appointment of ordinary members of the Houses of Oireachtas Commission, to be taken on conclusion of No. 2 without debate; No. 4, Finance (Provision of Access to Cash Infrastructure) Bill 2024 - Committee and Remaining Stages, to be taken at 4.45 p.m. or on conclusion of No. 3, whichever is the later, and to adjourn at 6 p.m. if not previously concluded; and No. 5, Private Members' business, Parole (Special Advocates) Bill 2024 - Second Stage, to be taken at 6 p.m., with the time allocated to this debate not to exceed two hours.

**Senator Fiona O'Loughlin:** I support the Order of Business as outlined by the Leader.

I wish to bring up the escalation of antisocial behaviour. I have no doubt that this issue crosses many of our paths across the different areas in which we live. Obviously, antisocial behaviour can happen in any estate and comes from people of different backgrounds. It is not something that is just related to council tenants; it can happen in private estates as well. When local authorities are housing people who have caused problems before and have a history of extreme antisocial behaviour, it is simply not good enough to move them from one estate to another. I would like to refer to a particular situation I am aware of. Obviously, I am not going to name the place where this is happening. As a result of the level of intimidation by a family that has been housed by the local authority in an older private estate where many of the residents are in their 70s and 80s, many of them are now looking to sell their houses and move. It is simply not good enough. This has escalated beyond ongoing threats and intimidation. There have been physical assaults. The family living directly next door has had to move out of their house and are in the process of trying to sell their house. Threats have been made and antisocial



behaviour has taken place. Sadly, the children of the perpetrators in this home are now copying that type of behaviour. Recently, a 14-year-old who was wearing a balaclava and in possession of a would-be firearm threatened people within the estate. We need a debate with the relevant Ministers in this House to discuss how allocations are made and how to equip local authorities and the gardaí. An Garda Síochána has a big file on this situation. I have spoken to gardaí and to those within the housing allocations section of the local authority. It is absolutely and simply not good enough.

Barry Cowen MEP has launched a new position paper on the future of CAP. There has been months of dialogue with farmers and producer groups. I was glad to facilitate a meeting with some of them in Kildare. Barry has suggested that we put food security at the heart of EU strategy. At the core of his proposals is a new voluntary environmental pillar within CAP that rewards farmers for sustainable efforts without binding them up in red tape. I would like to see a debate on it in this House.

**Senator Linda Nelson Murray:** On behalf of my Fine Gael colleagues in the Seanad, I congratulate Pope Leo XIV. This has been a significant moment. We send him our heartfelt congratulations and we wish him well in his role. We hope he uses his voice for peace in an uncertain world. I am sure the Pope will do a lot of good for humanity and kindness. I would like to speak about volunteers who do this every day. Over the last week I have had the pleasure of meeting representatives of Navan Meals on Wheels, the Scurlogstown Haymaking Festival and the Meath Befriending Service. At the weekend the very popular Dunderry Fair took place on the same day that Meath played Louth in the Leinster final. It was a great match. I wish Louth massive congratulations. We could not have lost to a better team. Volunteers do so much work. When I meet volunteers, it never ceases to amaze me how they give up their time in an unpaid role to help people. In our political roles, we see that more than ever. I believe we need to give volunteers respect and encouragement. This morning I met members of the Meath Befriending Service who visit people who live on their own and feel isolated. They call to 45 people, which is an incredible number. Last week, I met representatives of Navan Meals on Wheels. These volunteers use their cars to deliver meals to 70 homes every day. I want to thank these volunteers and ask them to let us know if there is anything we can do to help them. I thank volunteers for all the work they do on a daily basis.

**Senator Aubrey McCarthy:** I also extend my condolences to the family, friends and colleagues of the late Garda Kevin Flatley, who sadly lost his life on Sunday. His passing marks a heartbreaking milestone because he is the 90th member of An Garda Síochána to lose their life in the line of duty - to make the ultimate sacrifice - since the beginning of the force in 1922. This figure reminds us of the dangers faced by those who are protecting our roads, enforcing our laws and serving our communities. Having read the papers and listened to the news, it is clear that Garda Flatley's dedication, courage and commitment to public service, never mind the sports clubs around Balbriggan, must never be forgotten. I think we must respect and remember him. Ar dheis Dé go raibh a anam uasal.

The recent revelation that a new \$400 million luxury jet is to be gifted to President Donald Trump by the Qatari Government has raised global discussions on diplomacy, influence and expenditure. The aircraft is meant to be the new Air Force One, and no doubt it will have gold taps, marble floors and, possibly, a golf simulator. It is apparently destined to become the main jet for the US President. It demonstrates the extraordinary generosity extended to certain world leaders. While the United States navigates the implications and ethics of this arrangement, it is worth reflecting on our own approach to governmental expenditure, particularly in respect

of State aircraft. Last December, the Department of Defence signed a deal for a French Falcon 6X aircraft at a cost of €53 million plus VAT. The aircraft has a range of 5,000 miles and it represents a significant investment by Irish taxpayers. Given the willingness of Qatar to provide such high-value assets as gifts, should Ireland not explore similar opportunities? If Qatar is giving out jets, perhaps we should throw our diplomatic hat in the ring. Maybe we could talk them into giving us a Learjet or a Gulfstream or something that is not as flash as the one for Air Force One but has leather seats, decent Wi-Fi and perhaps a microwave for heating sausage rolls. I know the Irish are not flashy, but I am calling on the Minister for foreign affairs to explore these diplomatic opportunities. While we do not need a palace in the sky, such diplomacy could yield a significant saving to Irish taxpayers.

**Senator Chris Andrews:** I propose an amendment to the Order of Business, that No. 11 be taken before No. 1. I refer to the Equality (Miscellaneous Provisions) Bill 2025, signed by all Sinn Féin Senators. This Bill seeks to prohibit socioeconomic discrimination or any sort of discrimination based on social background or economic disadvantage. The purpose of the Bill is to amend Irish equality legislation and two Acts, namely, the Employment Equality Act 1998 and the Equal Status Act 2000, in order to add a tenth form of legally defined discrimination, to include socioeconomic discrimination. This issue affects countless numbers of people across country, particularly in disadvantaged parts of the inner city. If this Bill is enacted, employers will not be able to discriminate against a job applicant or current employee because of his or her accent or the socioeconomic status that their home address might imply. Furthermore, it will prohibit service providers from discriminating against people on the basis of where they live. It will provide a legal basis to challenge socioeconomic discrimination and will give people who experience this hardship on a daily basis a practical and rights-based means of fighting back. I previously introduced this Bill as the Equality (Miscellaneous Provisions) Bill 2021 during the term of the previous Dáil. Unfortunately, it was effectively killed by a Government amendment to delay its reading by almost 18 months. I am sure we can all agree that discrimination on the basis of disadvantaged social origin or disadvantaged socioeconomic status is unacceptable. I sincerely hope that all my colleagues across the Seanad will support this legislation.

Speaking of discrimination brings me to the neglect of and discrimination against residents of the inner city, in Pearse House and in City Quay, who are facing State antisocial behaviour and neglect. The residents of Pearse House continue to be left in limbo. There was a commitment that there would be a regeneration programme for the flats in Pearse House. The conditions in which the people there are living are appalling. We need the Minister to come to the House to discuss the matter. We also need to look at the ongoing violence and criminal activity on City Quay, which is happening nightly. Residents, including older people, are terrified to leave their homes. When we talk about discrimination and antisocial behaviour, the State is the biggest discriminator. It is guilty of neglect of inner-city communities. This needs to be addressed as a matter of urgency.

**Senator Malcolm Noonan:** On behalf of the Green Party, I want to be associated with the expressions of sympathy for Garda Kevin Flatley. I extend my sympathies to his family, colleagues and friends.

Earlier today, some of us attended a packed briefing in the audiovisual room, held by Irish Healthcare Workers for Palestine. We sat through one of the most harrowing presentations I have ever seen in these Houses. The figures are quite staggering. A total of 300,000 children are malnourished, of whom 3,000 are acutely malnourished. There are many child amputees. There is huge psychological trauma on children. UNICEF has called this a war on children.

Deep psychological scars are left, not to mention the physical injuries these children are suffering. We pay tribute, obviously, to the medical workers who are working on the ground in absolutely deplorable conditions. This again, and it can never be raised enough, highlights the need to enact the occupied territories Bill and for the Irish Government and State to continue to raise its voice. That is one thing that was said to us clearly by the medical workers and other workers on the ground in hospitals in Gaza, who are working in such horrendous conditions. Dr. Mike Ryan said we are all complicit if we do not do so. I cannot highlight this enough.

On a more positive note, the national network of No Name Clubs will gather in Tullamore, County Offaly, for its annual awards ceremony this weekend. My son, Colm, is a volunteer leader with the organisation. It is a wonderful organisation that probably does not get enough credit for the work it does with young people in providing safe, alcohol-free venues and outlets for activities for young people. We do not have enough of these activities in this country. We have heard from many youth organisations that they are underfunded. It is also about having safe spaces for young people to go to alcohol-free gigs, for instance, and to be able to enjoy alcohol-free spaces in our towns, villages and cities. We see the sale of alcohol Bill that is being pushed through and the alcohol industry trying to extend licensing hours. What we actually need is the opposite. We need spaces for young people to congregate where they feel safe and are free from the impact of alcohol. I wish the national network of No Name Clubs all the best with its celebration this weekend. Perhaps we could invite it in here at some stage to celebrate the work it does.

**Senator Alison Comyn:** I wish to be associated with Senator Nelson Murray's comments welcoming Pope Leo XIV. He is a great Augustinian. We have a tremendous association in Drogheda with the Augustinians there. We hope to welcome him to Ireland soon.

I will continue on the comments of my Meath colleague. As the sole Louth representative in the Seanad, it would be remiss of me, standing here in my county colours, not to congratulate the Louth senior men's team on its tremendous win in the 2025 Leinster Senior Football Championship in Croke Park. Some 65,000 people were in attendance, which was the second-highest attendance at any football match in Europe this week, behind the Manchester United and West Ham match. It was a tremendous final. I congratulate the Louth manager, Ger Brennan, and the captain, Sam Mulroy. I also congratulate every mother, father, granny, grandad or whoever else who has stood by the edges of the pitches. We all know what the GAA brings to the community. This is bringing a tremendous lift to Louth, one for which we have waited 68 years. As the last time we lifted the Delaney Cup was in 1957, we welcome the win at the weekend.

As I am talking about the crest of a wave of pride and positivity, that is what we need to bring to Louth, and to Drogheda in particular. I would welcome a debate with the Minister for housing, Deputy Browne, regarding our funding from the urban regeneration and development fund. We have received great news that planning approval has been granted for the Westgate Vision project, which will clean up quite a poor part of the town centre. This will be exactly what we need for our heritage. We need developments and investments. We would also like to see, if possible, the town centre first heritage revival, THRIVE, funding, which is badly needed for Westgate House and the former Drogheda youth development buildings. A planning application for the project is currently going in. We have seen what our neighbours in Dundalk have done with this incredible funding of €7.5 million. The capacity is for funding of €7 million in Drogheda. Those two projects together would bring the exact amount of dignity, pride, positivity and investment that we so badly need.

**Senator Joe O'Reilly:** It is an occasion of great sadness to stand here and express sympathy to the family and colleagues of Garda Kevin Flatley, who lived in Balbriggan. He was 49 years old and a father of two, and our sympathy goes to his wife Una and his daughters Aoife and Erin. He was coach of the under-10 girls' team at O'Dwyers GAA club in Balbriggan, and there were huge tributes there about his positivity and the affection he was held in by people. The phrase used was that he had a great grá for the GAA. He spent 26 years working as a garda, having been part of the roads policing unit since 2018, serving as a community garda before that. Among the phrases, expressions of sympathy and remarks used after his tragic death were that he was an all-round gentleman, he was diligent, and he always completed the job perfectly. It is a cruel irony and a cruel twist of fate that he should be killed while trying to preserve our safety and that of others by controlling speed on the roads. That this should happen is a particularly brutal form of fate. There certainly needs to be a review of safety around these operations on the roads, and the Garda Commissioner said this would be the case. The deputy general secretary of the Association of Garda Sergeants and Inspectors, Mr. Bolger, has called for the same.

I wish to express my sympathy to all of Garda Flatley's colleagues, to members of the GRA and its officer board, to all gardaí in the country, to the Commissioner, etc. It is a huge tragedy for our country. He was clearly a good man - a good family, GAA, club and community man, a good professional, and a patriot who was serving the people of Ireland and trying to keep us safe. It is a sad day to be doing this. Ar dheis Dé go raibh a anam dílis.

**Senator Joe Conway:** Many people have expressed sympathy with the family and the force of An Garda Síochána with regard to the recent taking of life. Whereas Senator McCarthy mentioned that a large number of gardaí have died in the line of duty, in our own generation - since the turn of the millennium, not quite 25 years ago - 16 gardaí have died in the line of duty. Oftentimes, we can get complacent about the level of a pacific and peaceful society we live in, but those figures bear out that the challenges borne by An Garda Síochána are immense and ever fraught with danger. As a State, we talk up the Garda a lot but, unfortunately, the support is a tad hypocritical because I do not think the service gardaí give to the State is reflected in the level of remuneration paid to them. There is no more tangible way to express support for a force than to pay it properly.

As a peace commissioner in Waterford, I have fairly regular interchanges with the Garda. I talk to young members and I realise it does not take very long for the level of dissatisfaction, disaffection or loss of morale to build. Unless we value our police force, An Garda Síochána, which is now 100 years old, and unless we continue to support it in very practical ways, we will have an attrition rate among the young members. You see it happening already, and I do not think it is the way to bring a progressive police force into the next generation. In these Houses, we should all make a special plea for the Garda to be sufficiently remunerated in the light of the awful tasks it is sometimes asked to do.

*4 o'clock*

**Senator Evanne Ní Chuilinn:** Yesterday, I called on the Camogie Association to take the decision-making out of players' hands ahead of this weekend's Leinster finals. As things stand, it is against the rules for women to wear shorts while playing camogie matches. However, while we await the outcome of a special Congress vote on 22 May, there is a way to avoid any further distraction for players and managers regarding protests and playing gear. As per the rule book of the Camogie Association, today is the last chance for President Brian Molloy and members of the ard comhairle to call a special meeting that could see a derogation from the



skort rule put in place by Saturday. Five days' notice is required, so time is almost out.

In the meantime, crucially, Kilkenny and Wexford are in an almost impossible position. Do they refuse to play a Leinster final, thus denying themselves a proper run at their all-Ireland series preparation or do they play the game in skorts and, by doing so, take a different stance from that taken last week by their Munster colleagues? Antrim and Derry, it should be pointed out, played an Ulster final last weekend and wore skorts under protest, but if Kilkenny and Wexford, two senior teams, do the same, will they be inadvertently causing division in the ranks of inter-county camogie players and the GPA? Unfortunately, this headache is what consumes the players five days out from a championship final. This is the headache I called for the Camogie Association to alleviate yesterday. While that has not happened, there is still time to rebuild trust, claw back some of the reputational damage done in recent weeks and derogate from the mandatory wearing of skorts ahead of this weekend's senior and intermediate Leinster camogie finals. It should give notice today of a special ard comhairle meeting on Saturday morning and take the spotlight, pressure and decision-making away from elite camogie players preparing for a match.

**Senator Mark Duffy:** I share in the sympathies expressed on the death of Garda Kevin Flatley, which was a tragedy to befall the force and, most particularly, his family.

I offer my sympathies, those of my Fine Gael colleagues and, I am sure, those of the House on the passing of former councillor Senator, TD and Minister, Paddy O'Toole, who passed away over the weekend. Paddy O'Toole was a native of Erris and went to Ballina to teach in Knockanillo National School, where his commitment to education and local development laid the foundations for his future in public office. He will be sadly mourned from his native Doohoma all the way to Ballina. I offer my sympathies to his wife, Jacqueline, his children, Jackie, John, Padraig and Helen, and his relatives, neighbours, colleagues and friends. Ar dheis Dé go raibh a ainm.

May I raise an issue that has caused huge concern for communities in County Mayo and that has been highlighted by my colleague Councillor Alma Gallagher in Ballyhaunis, namely, the reduction of services of five credit unions, in Achill, Balla, Ballyhaunis, Swinford and Kiltimagh? These are five First Choice credit unions and they have announced only recently that they are going to reduce their services down to three days. Councillor Gallagher and the chamber of commerce met officials from First Choice Credit Union to relay their dismay, frustration and anger at such a move. A decision was due to be made last week but it has now been put off until the end of May. These changes and decisions are due to be enacted by 14 June. It is totally unfair when we have seen power outages and a recent finance Bill that refers to access to cash for communities. The credit union is supposed to be of the people and for the people. Unfortunately, despite this there is a proposal to reduce operating hours. I would like us to invite the Minister for Finance, Deputy Paschal Donohoe, to discuss this. I have reached out to him and look forward to working with him on the matter and supporting Councillor Alma Gallagher to achieve a satisfactory outcome in order that the affected towns and villages, namely, Achill, Balla, Ballyhaunis, Swinford and Kiltimagh, which have been neglected and deserve better, will have access to proper credit union services.

**Senator Pauline Tully:** I want to raise an issue that affects home care workers employed directly by the HSE. Up to recently, the practice was to submit claims for travel expenses on a paper form. However, the HSE has changed this and there is now an online system. One carer submitted a paper form and had it returned to her. She was told to use the online system. The

online system requires the use of a tablet or laptop but not all carers have one. This is causing a lot of stress and worry because the carers do not know how they are going to submit their claims. I have written to the HSE highlighting this and I have not got a response as yet. This is a matter I want to highlight in the House to determine whether we can get an answer on it because there are many carers who do not have a laptop or tablet and need to be able to submit travel claims on paper forms. We do not want to lose any more carers in the home care sector; they are scarce enough as it is. I have asked the HSE to provide clarification whether this is the case and, if so, what kind of supports can be put in place to actually support carers to make the claims without undue hassle and worry. I would appreciate getting an answer on this.

**An Cathaoirleach:** Is the Senator seconding the amendment by Senator Andrews?

**Senator Pauline Tully:** I second the amendment.

**Senator Paraic Brady:** I find myself raising something I raised here last week. We had a TB task force last week involving farming organisations, the Department of agriculture and the Minister. At the task force there were nine hours of discussions. No. 2 on the list was to promote badger biodiversity. No. 5 on the list was mandatory disclosure of TB herds categorisation. For anyone who does not understand this, categorisation means actually labelling a farmer in a mart where his animals are being sold. It means putting something up on a board that completely discriminates against that man, his livestock and his herd. With that up on the board, nobody would want to buy an animal that has come from a restricted herd in the past. Then we are talking about having a gap of at least a two years and six months before we have a clear test for the livestock unit.

Before any decisions are made on this on this TB forum, I call on the Minister and departmental officials to come in and meet the agriculture committee that has been set up. That is what we are actually elected to do: to represent farming communities and listen to the people on the ground. It took 70 years and this mess is still going on. We now want to solve it overnight by just bringing in rules and regulations and blaming the farmer again. The badger has more biodiversity than the people actually producing food. I find that very hurtful to my community and the farming community. At the bottom of it, there is not one word about a task force that actually helps farmers deal with the loss of all these animals. There is something seriously wrong here and it needs to be dealt with by the task force.

**Senator Maria Byrne:** I wish to raise something I raised last week, which is to pass a vote of sympathy to the former Deputy Brian Leddin on the passing of his mother, Kathleen, a former councillor and mayor of Limerick. She was buried on Saturday and may she rest in peace. She served on the council in Limerick for 25 years and her husband before her was mayor of Limerick. Brian Leddin was a Deputy in the last Dáil and I propose a vote of sympathy.

I wish to mention sunscreen. We have beautiful weather at the moment and everybody is out and about at the seaside or on the streets. There is 23% VAT on sunscreen. We need to encourage people to use sunscreen because skin cancer is one of the more prevalent cancers in Ireland. Some 20% of people diagnosed with cancer have skin cancer. The VAT on sunscreen should be reduced. I would like the Leader's support in bringing the Minister here to look at it. It has been spoken about many times but nothing has happened. We need to encourage and support people to make sure they wear sunscreen to protect their faces and the rest of their bodies. Even farmers, and I am looking at-----



**Senator Paraic Brady:** A bald head.

**Senator Maria Byrne:** I am looking at Senator Brady in front of me. Many other farmers do not wear caps when they are out and we need to encourage them to wear sunscreen.

**Senator Gerard P. Craughwell:** I would like to be associated with the expressions of sympathy on the death of Garda Flatley to his wife, his two daughters and his extended family. As my colleagues have mentioned, 90 gardaí have left their homes to go on duty and never returned. There are also the gardaí who left their homes, went on duty and were injured while on duty. I am mindful of my young brother, who was sitting in the family home in Galway while visiting my mother and father and watching the RTÉ equivalent of “Prime Time” or whatever it was called at that time. There was a piece on about prisoners in Mountjoy Prison. As he was watching the programme, one of the prisoners came on and explained about how, as a sufferer from AIDS, he was being treated so badly. The prisoner in question had bitten my brother. My brother was sitting in the house and this was the first knowledge he had of having been bitten by somebody with AIDS. He left the house quietly, came back to Dublin and went to a physician, who subsequently diagnosed him with hepatitis. He died at 47 years old. I have no doubt that what happened to him led to an early death. There were other circumstances as well but I have no doubt but that it led to an early death.

On social media every night, we see thugs walking beside gardaí filming them for social media, taunting them and trying to get them into a situation where they will injure themselves. We need to put legislation in place to protect gardaí while they are out on duty. I welcome the body cameras and similar things that will come down the line. There need to be tough sentences for those who interfere with a garda carrying out his or her lawful duty. It has been going on in this country for far too long now. I offer my sympathy with the Flatleys but also with all the gardaí who are today sitting at home unable to work because of disablement.

**Senator Eileen Lynch:** I rise to speak on biomethane facilities and their development throughout the country. It is an issue that has become incredibly prominent and problematic in recent months. I appreciate that the national biomethane strategy was published last year. It contains 25 key strategic actions to address the challenges and opportunities of anaerobic digestion and biomethane production. However, these guidelines completely fail to address the issue of the planning and location of these biomethane facilities. It is becoming more and more prominent across the country. In Kilboultragh, which is an area just outside of my home town of Macroom in Cork North-West, there is a proposal to convert a former piggery to a bio-methane facility. Residents of the area believe that this is completely inappropriate. It will be located within 2 km of 200 residents. The roads are not up to scratch for the HGVs and other vehicles that will be attending this property. It is something that needs to be addressed. At the moment, planning guidelines in this regard vary from local authority to local authority. This quite simply is not good enough. While biomethane production does produce many opportunities for us, it is important that facilities are strategically and properly placed. For that reason, I am calling on the Minister for climate, environment and communications to come to the Seanad to discuss the matter of planning in respect of biomethane facilities.

**Senator Tom Clonan:** I echo the sympathies for Garda Flatley and his family. My father was a garda. I remember as a child that you expected your mum or dad to come home from work every day. I was particularly struck to hear in the reporting of the tragic incident that the number of gardaí who are injured in roads policing is up to 70 every year. I hope that the Commissioner and the representative associations can get together and try to meditate the risk

that is obviously there on the roads for members of An Garda Síochána. Ar dheis Dé go raibh a anam dílis.

I again raise the case of Louise Hassan and her daughter Caitlin. I have raised this issue many times in the House over the past year. Caitlin is a young woman who has been sexual assaulted - raped - while in State-funded care. This is the Grace case happening right now in real time. I am particularly puzzled that while everybody quite rightly decries what happened in the Grace case and we have had statements from the Taoiseach and Tánaiste saying that this will never happen again, it is happening right now to Caitlin and Louise. I am receiving correspondence from Caitlin's mom, Louise Hassan, that leaves me gravely concerned about her and Caitlin's welfare. The Minister for Health has not attended the Commencement matter that I have raised. The Minister of State, Deputy Grealish, who was the last Minister to attend, came here in good faith and in good offices. Since raising this issue with people who are deputised to come in here, there has been no change in the attitude of the HSE and Avista. In fact, they have doubled down and are more hostile and adversarial to Louise and Caitlin at this very sensitive moment. I do not know how to address this further. Could we have a debate in the Chamber about safeguarding so that we could get the Minister in here to address this because this is the Grace case happening again in real time?

**Senator Sarah O'Reilly:** I wish to raise an issue that I raised last week, just as my colleague Senator Paraic Brady has. After 70 years of failed policy, the Minister for agriculture is going to rush through ill-thought-out proposals made at the TB stakeholder forum. The IFA recently published a report revealing that TB compliance is costing Irish farmers €150 million annually. The Minister cannot talk about new proposals for TB eradication and leave farmers footing the bill without evidence that they will work. If the Department is planning on bringing in additional mandatory testing for herds, it needs to fully cover the cost of it. Farmers are incredibly worried about suggestions of increased restrictions and blacklisting of herds. I appreciate the Minister is trying to move quickly on this but it should not be implemented so quickly that farmers barely have a chance to critique or question the new proposals. One farmer at the stakeholder meeting asked whether farmers were there to dot the i's and cross the t's or whether there was genuine engagement. Unfortunately, some farming organisations that made submissions were not invited to the forum. All stakeholders should have been invited. The reality is that the Department is telling farmers that they will have to restrict their herds further, while also suggesting that they have special marked sales for high-risk animals. This is a total contradiction. There will still be movement. The only difference is that farmers will be getting a much lower rate for their beast. Another shocking proposal involves the denial of compensation for farmers who buy or keep high-risk animals. The Department seems intent on using a stick rather than a carrot when it comes to TB eradication. These proposals will do little to address the increase in reactor rates but will financially cripple farmers. The Minister should ensure that any new proposals are entirely evidence based. The priority needs to be protecting family farm incomes.

**Senator Victor Boyhan:** I thank the Leader for putting two important motions down on the Order Paper. This is, of course, the Order of Business slot in Seanad Éireann. We will be dealing later with one of the motions, which relates to the Oireachtas joint committees and is self-explanatory. It is somewhat surprising, months after a general election and months after a Seanad election, that we have finally got our act together in order that we can actually start working for what we are being paid to do. It is to be hoped we will have the committees up and running from now. That is enough about that.

I am conscious there is an important and timely motion down on the appointment of the Houses of the Oireachtas Commission. As we will not be having a debate on the motion itself, I am going to use this opportunity and time to commend the Seanad Independent Group's nominee. We will be pursuing later the proposal that the nomination of Senator Michael McDowell to serve on the commission be considered. Nobody needs an introduction to Senator McDowell. He is an eminent lawyer, a former Attorney General, a former Minister for Justice and a former Tánaiste with vast experience. One thing I can say for this man, whom I have known for over 35 years, is that he is a man of integrity and consistency. In all his time in these Houses, he has championed and advocated strongly for the members of all parties and none. That is what we need. When I had a look at the membership of the commission, I saw that the document speaks about "responsibility, integrity, loyalty [and] commitment". One really interesting line is that members of the commission have a responsibility to "serve and act in a collective corporate capacity to support the work of parliament and its members as a whole" and "accordingly do not represent their own interests or those of their parties or groups or any other interest". Senator McDowell is a man who has the experience, the capacity, the will and the willingness to serve our Parliament. I hope he will have broad support when the motion is put before the House later on today.

**Senator Rónán Mullen:** This day last week the name Robert Francis Prevost would have been known to very few people in this House or elsewhere. A week on, he is arguably the most famous person in the world as Pope Leo XIV. He has certainly relegated you-know-who to the position of only being the second most intriguing and interesting person in the world and that is probably no bad thing in most people's view. While the Pope is primarily a religious leader and, as such, his work would be beyond the scope of interest or scrutiny of Parliament, he is a huge figure and has already shown great promise in terms of his capacity to be a bridge builder, to bring people together, and to be a voice for justice, inclusion and decency at a time when the world badly needs such voices in high places. The goodwill that everybody has towards him at this important moment has been well reflected in commentary from all strands of political and cultural opinion. I would like to add my voice of congratulations and support and who knows, please God we will welcome him to our shores before too long.

Last week I mentioned the plight of people in Haiti and the dreadful situation that is unfolding there; the chaos, displacement, gang violence, rape, the death of police and civilians and so on. I want to emphasise again what is going on there. I have heard again from Gena Heraty about the death, violence and terror, with people unable to sleep in their homes at night where she is working. When it begins to get dark they go down deeper into the valley in an attempt to avoid the raiding gangs. A person rang her at 4 a.m. the other morning and told her to stay alert because there was shooting over the hill. Another employee living in the area where the gangs are shooting was hiding in the fields. They ran, as they put it, because there was shooting everywhere. Twelve people crammed into a garden shack and when they could not all sleep there, some slept outside. The police station came under attack locally, a neighbour was killed and others were injured. People and their children are literally sliding and rolling down the hills as they run for their lives. People are being shot in front of others. People are being pulled and dragged, kidnapped, and made to carry the dead bodies of gang members who had been shot. Automatic gunfire is keeping everybody awake at night. Fear is growing and swelling throughout the valleys through nights that seem endless. I repeat again my simple call that we would turn our minds and discussion to the dreadful plight of Haiti at this time. I ask that the Minister for Foreign Affairs and Trade would come in to discuss that, and only that, in a particular session very soon.

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**Senator Seán Kyne:** I thank all Senators for their contributions. It was a day of condolences and congratulations, particularly condolences to the family of Garda Flatley. I would like to join with the Cathaoirleach and Members in expressing my condolences on behalf of the House to the Flatley family on the tragic death of Garda Flatley in the line of duty. As others have said, it is a burden that all Garda families have to carry each day. They all share the hope that their loved ones will return home safely. Our condolences to Garda Flatley's family.

Condolences also to the family of the late Mr. Paddy O'Toole, to his wife Jacqueline, and his children Jacqueline, John, Helen and Padraig. He was a former councillor, Senator, TD and Minister and I am sure there will be an opportunity at a later date, subject to the wishes of the family, to pay formal tributes to Paddy O'Toole. Condolences also to the Leddin family on the passing of Kathleen. We express our sympathies, in particular, to her son and former Deputy, Brian Leddin.

Congratulations were expressed across the House to Pope Leo XIV. Members wished him well in his very important role. Whoever is Pope has a pivotal role in the world, as Senator Mullen said, as a bridge builder, a peace maker and we wish him well in his role as head of the Catholic Church and on the world stage.

Senator O'Loughlin raised the matter of antisocial behaviour, which is prevalent in so many areas. It can be an absolute nightmare for families and individuals if they are subject to anti-social behaviour near them. It can be as simple as noise outside one's home or may extend to the more intimidating aspects of antisocial behaviour highlighted by the Senator. I will ask the Minister to come to the House to discuss the matter. Senator O'Loughlin also raised the future of CAP and a report by her colleague, Barry Cowen MEP. I will see if the Minister is available to come to the House to discuss the future of CAP at a later date.

Senator Nelson Murray raised the issue of volunteers. We all know the importance of volunteering and the hours volunteers contribute to society and to their local communities, clubs, societies and associations. It is important they are recognised, as we do in terms of volunteering week and various other tributes volunteers receive.

Senator McCarthy talked about the Government jet. I will not comment on that. I know there was a full, open and transparent process in relation to the purchase of the Government jet and no gifts will be accepted by the State in that regard.

**Senator Gerard P. Craughwell:** Are there sausage rolls on it?

**Senator Seán Kyne:** I was on it once and had a Wagon Wheel. That is all I remember. It was some time ago.

Senator Andrews proposed an amendment to the Order of Business, that No. 11, a Bill to provide for prohibiting discrimination on the basis of a person's socioeconomic disadvantaged background, for those purposes to amend the Employment Equality Act 1998 and the Equal Status Act 2000, and to provide for related matters, be taken before No. 1. I am happy to agree to that proposal and I am sure we will debate the Bill at a later date.

Senator Noonan called for the enactment of the occupied territories Bill. The Government is committed to this, subject to changes that are necessary. He also applauded the network of No Name Clubs in his community and across the country and called for the provision of safe spaces for young people. I will certainly raise those matters, and certainly the matter of the oc-

cupied territories Bill with the Tánaiste and Minister for foreign affairs.

Senator Comyn congratulated County Louth on winning the Leinster championship. I was going to say, “So do all of us,” but I will allow for some exceptions and speak on behalf of the majority of us who like to support the underdog in these things. I am sure the celebrations went well and will not stop any day soon. She also called for a debate on the urban regeneration and development fund, URDF. I suggest she table a Commencement matter with the Minister regarding the Westgate project.

Senator Joe O'Reilly, too, spoke about Garda Flatley. The Senator was nominated by the Irish Conference of Professional and Service Association, which includes the Garda Representative Association, GRA, and the Association of Garda Sergeants and Inspectors, and I know he is in regular contact with Garda representatives on the ground. His tribute was heartfelt.

Senator Connolly raised the issue of Garda remuneration, which is obviously a very important issue. I suggest we have a debate on the Garda and security, in which case we can debate these matters with the Minister at a later date.

Senator Ní Chuilinn raised the matter of the Camogie Association and the ongoing, can I say debacle, at this stage in regard to shorts versus skorts. We should certainly take the spotlight and pressure off the players. I said last week that player power will probably change these things and that is true but, at the same time, the players have a match to prepare for and it is unfair pressure on them. I hope the Camogie Association can respond to the Senator's request.

Senator Duffy raised the issue of credit unions and the reduction in services. I invite him to table a Commencement matter on that issue. I will raise it with the Minister, Deputy Donohoe, as well, but the Senator might receive a faster response by tabling a Commencement matter on the issue.

Senator Tully raised the issue of home care workers and the online system they use to submit claims for expenses. It is important that carers, who are low paid, are provided with a simple system for claiming their expenses, which are absolutely necessary. I will raise that with the Minister for Health as well.

Senators Brady and O'Reilly raised the issues of TB and the TB task force. I acknowledge the hours of discussion - the Senator said nine hours and I heard 11 hours – that took place last week on this important matter. I will raise it with the Minister, Deputy Heydon. There has been a 36% increase in the number of herds restricted between 2022 and 2024, which means that more families are facing the emotional and financial pressure of TB breakdown. There are five key pillars to address the current rates of disease: support herds free of bovine tuberculosis to remain free; reduce the impact of wildlife on the spread of TB; detect and eliminate TB infection as early as possible in herds with a TB breakdown and avoid a future breakdown; help farmers improve all areas of on-farm biosecurity; and reduce the impact of known high-risk animals in spreading TB. The Minister said he hopes to achieve a broad consensus on these issues but that there is an urgency to act also. It is important to ensure any measures adopted are based on the best scientific and veterinary advice and have the best interest of farmers and the agri sector in mind. Last year, some 14,000 badgers were vaccinated or culled, and the expenditure on this programme has doubled since 2019. There has been a deer management strategy group, which relates to the possible impact there on the spread of TB. This is an important issue. I ask all members of the Oireachtas joint committee on agriculture, after their appointment here in



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the Seanad today, to highlight this, as I am sure they will, as one of the first issues of the work programme. I am sure the Minister will be happy to engage on this matter then.

Senator Maria Byrne raised the issue of VAT on sunscreen. I note there are particular rules around VAT and exemptions and there can only be a certain number of VAT rates. This has been raised in the past and perhaps she can table a Commencement debate on this matter.

Senator Craughwell raised the matter of Garda Flatley and gardaí who are injured in the line of duty. Our condolences to the Senator and his family on the loss of his brother in the line of duty. Senator Craughwell raised an important point on those who have died and those who have been injured in the line of duty.

Senator Lynch raised the issue of biomethane facility strategies. It is always a tricky issue. There are many issues, whether they be biomethane or offshore or onshore wind production, where getting consensus is problematic. Many people believe these things are important and necessary. At the same time, when there are issues in a certain community, people have strong opinions on them, and it is the same with solar farms. I will request that the Minister comes in, but if the Senator wants a quicker response, I suggest she tables a Commencement debate on that matter.

Senator Clonan raised the issue of Louise Hassan and her daughter Caitlin. I have requested a debate with the Minister, Deputy Foley, on the Grace case, the Farrelly commission and safeguarding. I will try to see if she can come in again as soon as possible.

Senator Boyhan raised the matter of us getting down to business in respect of the committees and the establishment of the Houses of the Oireachtas Commission. There will be a motion later in relation to names, including Senator McDowell, and we have to let that process see its course. The Houses of the Oireachtas Commission is an important body in the running of these Houses. We will wait for the outcome of the work before I make any comment about individuals on it.

Senator Mullen raised the matter of Haiti and requested a debate. I will raise that again with the Minister for foreign affairs.

**An Cathaoirleach:** Senator Chris Andrews has proposed an amendment to the Order of Business, that No. 11 be taken before No. 1, which has been seconded by Senator Tully. The Leader has indicated he is prepared to accept this amendment. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

## **Equality (Miscellaneous Provisions) Bill 2025: First Stage**

**Senator Chris Andrews:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for prohibiting discrimination on the basis of a person's socio-economic disadvantaged background, for those purposes to amend the Employment Equality Act 1998 and the Equal Status Act 2000; and



to provide for related matters.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to take Second Stage?

**Senator Chris Andrews:** Next Tuesday.

**An Cathaoirleach:** Is that agreed? Agreed.

Second Stage ordered for Tuesday, 20 May 2025.

### **Report of the Committee of Selection: Motion**

**Senator Seán Kyne:** I move:

That the Second Report of the Committee of Selection be laid before Seanad Éireann.

Question put and agreed to.

### **Appointment of Members to Committee: Motions**

**Senator Seán Kyne:** I move:

That, in pursuance of Standing Order No. 116 of the Standing Orders relative to Public Business, the following members be appointed to the Joint Committee on the Irish Language, Gaeltacht and the Irish-speaking Community:

Senators Joe Conway, Shane Curley, Seán Kyne, Evanne Ní Chuilinn, Nicole Ryan.

Question put and agreed to.

**Senator Seán Kyne:** I move:

That, in pursuance of Standing Order No. 119 of the Standing Orders relative to Public Business, the following members be appointed to the Joint Committee on Public Petitions and the Ombudsmen:

Senators Chris Andrews, Paraic Brady, Joe Flaherty, Aubrey McCarthy.

Question put and agreed to.

### **Appointment of Members to the Houses of the Oireachtas Commission: Motion**

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**Senator Seán Kyne:** I move:

That Seanad Éireann, in accordance with section 8(3)(b) of the Houses of the Oireachtas Commission Acts 2003 to 2024, appoints the ordinary members of the Commission as follows:

Senators Robbie Gallagher, Joe O'Reilly.

**Senator Victor Boyhan:** I move amendment No. 1:

To insert the following after “Joe O'Reilly”:

“and Michael McDowell”.

**Senator Lynn Ruane:** I second the amendment.

**Senator Laura Harmon:** I move amendment No. 1 to amendment No. 1:

To delete “Michael McDowell” and substitute the following:

“Nessa Cosgrove”.

**Senator Malcolm Noonan:** I second the amendment.

Amendment put:

The Seanad divided: Tá, 4; Níl, 38.	
Tá	Níl
Cosgrove, Nessa.	Ahearn, Garret.
Harmon, Laura.	Blaney, Niall.
Noonan, Malcolm.	Boyhan, Victor.
Stephenson, Patricia.	Boyle, Manus.
	Brady, Paraic.
	Byrne, Maria.
	Casey, Pat.
	Clifford-Lee, Lorraine.
	Clonan, Tom.
	Comyn, Alison.
	Conway, Joe.
	Costello, Teresa.
	Craughwell, Gerard P.
	Daly, Paul.
	Davitt, Aidan.
	Duffy, Mark.
	Fitzpatrick, Mary.
	Flynn, Eileen.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.

	Keogan, Sharon.
	Kyne, Seán.
	Lynch, Eileen.
	McCarthy, Aubrey.
	McDowell, Michael.
	Mullen, Rónán.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	O'Reilly, Joe.
	O'Reilly, Sarah.
	Rabbitte, Anne.
	Ruane, Lynn.
	Ryan, Dee.
	Scahill, Gareth.

Tellers: Tá, Senators Laura Harmon and Malcolm Noonan; Níl, Senators Victor Boyhan and Lynn Ruane.

Amendment declared lost.

**An Cathaoirleach:** I welcome the guests of Senator Costello from Tallaght and the various residents associations. They are most welcome to Seanad Éireann.

Amendment No. 1 put.

**Senator An Cathaoirleach:** Vótáil.

**An Cathaoirleach:** Will the Senators who are claiming a division please rise?

*Senators Nessa Cosgrove, Laura Harmon, Malcolm Noonan and Patricia Stephenson rose.*

**An Cathaoirleach:** As fewer than five Members have risen I declare the question carried. In accordance with Standing Order 61 the names of the Senators dissenting will be recorded in the Journal of the Proceedings of the Seanad.

Amendment declared carried.

*5 o'clock*

Amendment No. 2 not moved. Motion, as amended, agreed to.

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## **Finance (Provision of Access to Cash Infrastructure) Bill 2024: Committee and Remaining Stages**

Sections 1 to 4, inclusive, agreed to.

### **SECTION 5**

Question proposed, “That section 5 stand part of the Bill”.

**Senator Victor Boyhan:** I do not want to delay the House because I am very conscious no amendments have been tabled. I monitored this Bill’s progress through the Dáil. Section 5 deals with the access to cash criteria and I welcome it. It is really important. I and Deputy Fitzmaurice were featured in Agriland recently, which covered the issue extensively. The article referred to the importance of ATMs in our rural communities and the distribution of these machines. We have seen the exit of Ulster Bank and other banks from the marketplace and we have seen machines being decommissioned. It is really important we have access to cash. I spent a week in Portugal the week before last when there was a 17-hour power cut. Interestingly, there was an issue with ATMs there because there was no power. Cash is important and I just wanted to make that point in the context of section 5.

There was much discussion in the Dáil about this legislation, and its importance was very much taken on board. I thank the Minister of State and the Department for progressing it. It is particularly important for small communities that do not have access to banks and do not have transport links to big towns, and we have to geographically map and mark them out. There is a commitment in the legislation that there will be a certain distribution of ATMs around the country, but I do not know, and am not sure if anyone else knows, where they are currently. We need to be mindful of that, monitor it and talk to communities. It is important there is a source of cash. People like to go into town but they might not have transport. There might not be a bus and there might not be connectivity. People like to go into town, and independence is important for people all ages, where they can put their card into the hole in the wall, draw out their money for the week and manage it that way. ATMs are critically important and there are relatively simple models available.

Well done to all of the people involved in this legislation. I am glad the issue was taken on board. It is really important, especially for rural communities, to have, albeit automated, dispensing of cash. I ask the Minister of State, when resources allow and with the co-operation and co-ordination of the banks, to map out and provide an inventory of the locations of ATMs so that we do not see them slowly slipping away.

**Senator Joe O’Reilly:** I welcome my very good personal friend, Deputy Canney, to the House. We served on committees together in the past. I have not had the opportunity to either welcome or congratulate him before now. It was a privilege to work with him in another capacity previously and it is great to see him here today as a Minister of State. I know he brings a lot of skill and dedication to the role.

I support my good friend and colleague, Senator Boyhan, on this important matter. It is a huge issue. We have had the banks close all over rural Ireland. Now we need an assurance by way of the inventory that Senator Boyhan talked about and we need a monitoring process to ensure we actually have a good spread of ATMs throughout the country. No place with a reasonable population or that is a centre of access should be without an ATM.

One of the great problems is that, at weekends, a lot of ATMs run out of cash. They are not properly stocked with money and they tend to run out on a Saturday afternoon and leave people stranded on a Sunday. It is quite a problem and is a real issue now that the banks have effectively deserted rural Ireland. We need ATMs and we need a network of them. I look forward to the Minister of State's response and I certainly support Senator Boyhan, whose important point was well made.

**Senator Pat Casey:** Regarding the two previous contributions, the legislation quite clearly details exactly the number of ATMs that are required as a percentage of population. Part of the review process which will happen after the next census will be to establish the use of cash in society. The issues raised by the Senators are clearly dealt with in the legislation in respect of the availability of ATMs. The legislation gives the Department the power to go after the banks if this is not working. All of that is dealt with comprehensively in the legislation.

**Senator Mark Duffy:** I welcome the provisions in the Finance (Provision of Access to Cash Infrastructure) Bill 2024. I would like to raise a point with the Minister of State. I refer to access to cash. I have had a number of conversations with constituents as this has come to light over the past number of weeks. We have discussed this in great detail. It is important to recognise the lack of access at different stages to digital and contactless payments when power outages or a lack of access to Internet connectivity occurs, and when digital systems drop that leaves people high and dry. We saw that happen recently in Spain and Portugal.

There is also a move away from cash. People should have the choice between cash or card and contactless payments. More specifically, in my home county, Mayo, the First Choice Credit Union recently decided to restrict the hours of operation in five of their credit union locations, namely Achill, Balla, Ballyhaunis, Swinford and Kiltimagh. I raised this issue earlier on the Order of Business. It has been highlighted by local Councillor Alma Gallagher, who has worked alongside the chamber of commerce in Ballyhaunis to highlight the issue and express the dissatisfaction with the First Choice Credit Union's decision. A review of the decision was due last week, but that was not communicated this week. A decision is to be made by the end of May. I ask the Minister of State to look into this. I have raised the issue with the Minister, Deputy Donohoe.

We should not allow community-run organisations like credit unions, which are of the people and for the people, to make regressive decisions like this that offer less choice. We need to offer more choice for communities. Towns on an island like Achill, which are often neglected and feel like the poor relation, should not have a death by a thousand cuts and a reduction in the services which are vital to the communities of rural Ireland. I welcome the Bill and the guarantee and commitment to access to cash.

I acknowledge that airlines have now removed cash as a method of payment on most flights I have encountered. That is not fair or right. Legal tender is legal tender. Currency needs to be accepted.

As part of the Bill, I ask the Minister of State to consider the reduction in the hours of operation of credit unions. We must have access to services for rural communities and access to cash as legal tender. I thank the Cathaoirleach and Minister of State for their time.

**Senator Seán Kyne:** The Minister of State is welcome. I welcome the Bill. It makes perfect sense. The move to technology is not going to be reversed, but it is important that people

have the right to use and be able to access cash in a location as close as possible to their home. During Storm Éowyn when the systems shut down and shops did not have access to tills or credit and debit facilities, cash was the only form of tender that was accepted. It was absolutely vital in those cases that people had access to cash to buy a loaf of bread or a bit of milk and meet their basic needs. The premise of the Bill is important. I very much welcome section 5 on access to cash criteria.

I will play devil's advocate, however, and others have expressed a view on people having the right to pay with cash. I fully agree with that. However, there are people who may wish to pay by debit card and do not have cash on them at that juncture, whether that is the purchase of a takeaway, haircut or whatever else. There are a number of cash-only businesses. As I said, in terms of playing devil's advocate, I wonder whether the right to be able to pay with a debit or credit card is a similar right for consumers. In the past, when people had to collect their pension in cash or whatever else, there was a security risk and a risk to people's safety. Is that something the Minister of State has concerns about when he refers to access to cash and access via a debit or credit card to pay for goods and services?

**Senator Cathal Byrne:** Like my colleagues, I welcome this Bill. I want to highlight a number of specific things in section 5. Like so many people, I have tended to avail of having my bank card on my phone and making payments through Apple Pay. I notice that when I seek cashback from, for example, a petrol station that is not possible when using contactless payment through Apple Pay. I understand the Bill seeks primarily to deal with ATMs, but it is also important that we recognise the fact that while there are traditional ATMs, where people insert a bank card and put in a pin code, in an era when most people have adopted a model of paying through Apple Pay and having an ATM card on their phone, it should be recognised that the ATMs made available have to be modernised and move with the times. There should be availability through Apple Pay and Google Pay to withdraw cash at ATMs. I would like the Minister of State's Department to delve a bit more into the detail on that and see whether it is possible to ensure that the ATMs addressed in the Bill can incorporate contactless withdrawals. Perhaps there is a mechanism to link with banks on that area.

When people avail of cashback through petrol stations, will that count as cash being made available? Will cashback services through petrol stations be incorporated into the percentage of areas that have cash availability? Is the legislation strictly limited to physical ATMs?

In the Bill, is an ATM defined as one that has withdrawal facilities or will there be a corresponding mechanism for lodgements? I am aware that in some larger banks ATMs allow people to withdraw and lodge cash. While we are encouraging people to make use of cash, from a business perspective businesses need to be able to lodge cash. I am aware that the post office network offers that facility. Many businesses that deal in cash do not want to keep it overnight because of insurance considerations. The ATMs we will require to be available for consumer use should also have a corresponding requirement for lodgements.

I welcome the provision in section 5 regarding the Central Bank. In the context of the report it is to deliver under the Bill, it is proposed that, should there be a reduction in cash demand of more than 15% in a calendar year, as part of the review process there must be a consultation. It is important that the consultation incorporates bodies representing the interests of consumers, people with disabilities, elderly persons and the owners of SMEs, in particular those in the retail and hospitality sectors. The reality is that they are the people who find it very difficult to access ATMs. If the Bill is to be a success, it is important that those who may find it difficult to make



their way to an ATM in a rural location are involved in consultation on where ATMs are to be located and that they are located in areas where they are accessible to people with disabilities or mobility challenges or the elderly.

I refer to post offices which allow withdrawals from bank accounts. I am aware that people can withdraw cash from AIB or Bank of Ireland through the post office network. Will that count as being an area which has access to cash, despite the fact that some of those in the area may not have a post office account? Will those post offices count towards the percentage of areas that are covered by this legislation or are they outside its remit and there will have to be a functioning ATM? Those are the points I wanted to highlight under this section.

**Minister of State at the Department of Transport (Deputy Seán Canney):** There were a lot of questions and I will try to get through as many as I can.

As of December 2022, there were 4,200 ATMs in the State. Breaking that number down, there were 397 in the Border region, 440 in the west, 417 in the mid-west, 349 in the south east, 630 in the south west, 1,159 in the Dublin area, 560 in the mid-east and 237 in the midlands. Per 100,000 of population, there were 94 ATMs in the Border region, 90 in the west, 82 in the mid-west, 76 in the south east, 85 in the south west, 79 in the Dublin region, 73 in the mid-east and 74 in the midlands. The average number of ATMs in the State per 100,000 of population was 82. We have a good spread of knowledge regarding the baseline of December 2022.

The Central Bank of Ireland will take on the function of monitoring compliance with the requirement for access to cash and local deficiency criteria. Information on the cash infrastructure in the State gathered under sections 6 and 12 will be analysed by the bank and used on an ongoing basis to determine whether the access to cash criteria prescribed under legislation are being met. In addition, section 5 provides that the Central Bank shall consult certain groups and representative organisations when preparing its report on access to cash, namely, the designated entities, bodies representing consumers, persons with disabilities, older people, SMEs, particularly in the retail and hospitality sectors, and other groups, as it may consider appropriate. The Bill provides for the Minister for Finance to consult the Central Bank and other persons as appropriate when making an order in regard to access to cash. These provisions will ensure the bank's regulation-making powers are exercised in a proportionate and non-arbitrary way.

Senator Duffy raised an issue with credit unions in his county. The credit unions are financial co-operatives in which members can save and lend to each other at fair rates of interest. They are non-profit organisations that have a volunteer ethos and community focus. The Government is supporting and enabling the credit union movement to grow. The Credit Union (Amendment) Act 2023, which was signed into law on 13 December 2023, aims to bring about significant reforms in the sector. It is very significant legislation that will have far-reaching positive implications for credit unions in the years to come. I will raise the issue the Senator referenced with the Minister for Finance and will get back to him on it.

Senator Kyne spoke about Storm Éowyn. One of the objects of this legislation is to ensure the resilience of our cash infrastructure. Recent events in Europe have demonstrated the importance of ensuring such resilience. The Bill contains a number of features to protect cash infrastructure from major disruption as a result of a number of potential issues, including protracted power outages. Section 31 empowers the Central Bank to prescribe by regulation service standards for ATMs. These service standards may include a minimum percentage of time for which an ATM must be operational, withdrawal limits, communication and signage requirements and

denomination stocking. Under section 31, ATM operators will have to notify the Central Bank of any business change that could potentially impact on the cash system as a whole. This means that if an ATM operator intends to withdraw a number of ATMs, the Central Bank will receive sufficient notice to notify designated entities of the upcoming change.

Cash-back services offered by retailers when a customer is making a purchase do not fall within the remit of this legislation. A cash-back service is available in many locations country-wide but it does not provide a viable and sustainable alternative to the withdrawal of cash from ATMs. Cash-back services were excluded from the scope of the Bill because, number one, they are voluntary services. A retailer can start and stop offering the service at its own discretion, and retailers come and go. The customer must make a purchase in addition to obtaining cash. Balance inquiry services are not always available. If cash usage and demand were to decline, this would affect the reliability of the service. In addition, retailers are limited by the amount of cash available in their till.

Cash service points are locations where cash can be deposited and withdrawn, with in-person assistance available during normal business hours. Bank branches and post offices satisfy this definition. The purpose of a cash service point is primarily to cover the lodgment function and to fulfil the critical secondary purpose of facilitating assisted cash services for people who, for whatever reason, including disability, cannot use ATMs by themselves.

I have covered most of the queries.

**Senator Victor Boyhan:** I thank the Minister of State for covering all the points really well. I am fully supportive of this legislation and something that gives me more confidence is the role of the Central Bank under it, which is very important. I have one request of him, without rehashing the legislation, to which no amendments have been tabled, regarding the consultees. As a rural TD serving a constituency that is both rural and urban, the Minister of State is familiar with Irish Rural Link. Would it be possible through his good offices to make some contact with that organisation and include it in the process? Irish Rural Link plays a critical role in representing rural communities. I am not asking the Minister of State to respond today but he might use his good contacts to suggest that it be made a consultee. I do not think there would be a problem with it. I do not want to miss this opportunity to champion the really important advocacy work of Irish Rural Link. The Minister of State might raise in conversation the possibility of adding that important organisation as a consultee.

**An Leas-Chathaoirleach:** I welcome to the Gallery the guests of Senator O'Loughlin from Seattle in Washington state. I hope they enjoy their visit to the Seanad and to Leinster House.

**Deputy Seán Canney:** Senator Boyhan's request is probably covered under my generalised point that other groups may be considered for consultation as appropriate. I would strongly advocate that Irish Rural Link be included.

Question put and agreed to.

## SECTION 6

Question proposed: "That section 6 stand part of the Bill."

**Senator Sarah O'Reilly:** I welcome the Bill and commend the efforts being made to ensure people throughout the country can continue to access physical cash. People choose to use

cash for a variety of reasons and we must respect that. For some, especially older people, cash is what they know and trust. For those with irregular incomes, cash provides a tangible way to manage budgets. For victims of domestic violence, having access to and control over cash can be a crucial lifeline to autonomy and safety.

I seek clarity on a number of points in the Bill. In Part 2, section 6 provides for a review by the Minister of the access to cash criteria if cash demand decreases by more than 15% in one calendar year compared with the previous year. After such a review, the Minister may amend the criteria. Is it the case that continuing reviews could mean the Minister makes an order in years to come that the baseline for cash services is set at 2025 rather than 2022, for example, and that, in such an eventuality, there will not be genuine protection of access to cash as this could, in all probability, decrease the number of ATMs based on declining cash usage?

While protecting access to cash is vital, we must also urgently consider the ability to spend it. There is little point in protecting people's ability to withdraw cash from an ATM if when they go to buy groceries or attempt to make appointments, they are told the service is card only. More and more businesses, particularly in urban areas, are moving to cashless models. We have already seen attempts to digitise public bodies and services such as the national car test, NCT. That move rightly met with public resistance and served as a warning that we cannot allow convenience to trump inclusivity.

We need an educational programme to operate in conjunction with this Bill. People need to be aware of the legislation to ensure the criteria are being met in their own locality. There is not much point in drafting it if the wider public has no knowledge of how it will expand their right to access to cash.

**Deputy Seán Canney:** I thank Senator O'Reilly. On the question on why a 15% drop in cash demand has been used, the legislation contains provision for the access to cash criteria to be reviewed in tandem with the updating of census figures and if cash demand drops by more than 15% in a calendar year by comparison with the preceding calendar year, or on the request of the Minister. The Central Bank of Ireland may also undertake a review on its own initiative at any time. Data published by the Central Bank show that cash withdrawals in Ireland declined by 9.69% between June 2023 and June 2024. This year-on-year change is less than 15% and, based on the proposed legislation, not sufficient to result in a review of the access to cash criteria by the bank. However, Eurostat data indicate that a drop in demand of 17% was observed between 2018 and 2019. Cash use in Ireland has been declining gradually. A decline in cash demand of 15% may occur as a result of an external shock to the economy or rapid change in cash demand. This may be driven by technological developments or demographic shifts. The inclusion of the 15% decline criterion for a review allows the Central Bank to undertake a review in the event of an external shock or rapid change in demand. The other criteria allow for a review following changes of a more incremental and responsive nature.

The Department of Finance 2022 retail banking review highlighted that cash still has an important place in the economy, and it is important to consumers in all walks of life. Cash is important because it is a private, secure and instant form of payment. It is also a budgeting tool for many people. It allows individuals such as the elderly or those with special needs to maintain their financial independence. Cash is also necessary for the day-to-day revenue and expenses of many SMEs. The Bill ensures payments in cash remain a sustainable and attainable option for Irish society as a whole. In doing so, it ensures certain vulnerable groups are not excluded from participating in society due to the shift to digital payment options. There is still

very strong support for cash and the need for access to cash infrastructure in Ireland.

On Government bodies accepting cash, it is important to state the national payment strategy, NPS, recommends cash acceptance or facilitation in the public sector where a public body levies fines or fees, or where it provides goods and services for a charge. The NPS proposes that all Departments and bodies under their aegis accept a range of electronic and non-electronic payments, including cash. If a body cannot accept cash directly, it must arrange immediately for the facilitation of cash payments via a third party. In November 2024, the Secretary General of the Department of Finance wrote to all other Secretaries General notifying them of this recommendation.

Question put and agreed to.

Sections 7 to 51, inclusive, agreed to.

Title agreed to.

Bill reported without amendment.

**An Leas-Chathaoirleach:** When is it intended to take Report Stage?

**Senator Pat Casey:** Now.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

Bill received for final consideration.

**An Leas-Chathaoirleach:** When is it proposed to take Fifth Stage?

**Senator Pat Casey:** Now.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

Question proposed: "That the Bill do now pass."

**Minister of State at the Department of Transport (Deputy Seán Canney):** I thank both the Senators who are present today and who attended the debates on the previous Stages of the Bill in this House and I thank those who attended the debates on the Bill in Dáil Éireann for their contributions and constructive engagement on the legislation. The objectives of the Finance (Provision of Access to Cash Infrastructure) Bill 2024 are to ensure sufficient and effective access to cash in the State, provide a framework to manage future changes in cash infrastructure in a fair, equitable and transparent manner, and bring cash-in-transit providers and independent ATM deployers within the regulatory parameter of the Central Bank of Ireland.

The 2022 review of retail banking in Ireland by the Department of Finance recommended that a framework be put in place to manage future changes to cash infrastructure in the State. The general scheme of this Bill was published in January 2024 and officials from the Department of Finance appeared before the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach in February 2024. The committee published its pre-legislative scrutiny report in March 2024 and I thank the members of that committee for their constructive contributions at that stage in the legislative process. I note that many of the recommendations of the committee's report were subsequently included in the Bill.

The publication of the Bill was a priority for this and the previous Government and its smooth passage through the Houses of the Oireachtas would not have been possible without the co-operation of Members across both Houses. This legislation remains a priority for the Government and attention will now turn to the making of regulations, as provided for in the Bill, as soon as possible. The data necessary to set the access to cash criteria and appoint design entities cannot be collected on a statutory basis until a commencement order has been made and laid before the Oireachtas. It is anticipated that this will be done in the coming weeks.

Cash is the preferred method of payment for people for a variety of reasons. Budgeting and privacy are still key benefits of cash and it is a consistent and reliable way to make a payment. This legislation will help to ensure that cash is available when people want it and need it. The Bill ensures that cash remains a sustainable and accessible option for Irish society as a whole and in doing so, it protects people's ability to participate in society. Once again, I thank my colleagues here and in Dáil Éireann for their input and careful consideration of the Bill. I am happy that the Bill has passed all stages and will now go to Uachtarán na hÉireann to be signed into law.

Question put and agreed to.

*Cuireadh an Seanad ar fionraí ar 5.41 p.m. agus cuireadh tús leis arís ar 6.03 p.m.*

*Sitting suspended at 5.41 p.m. and resumed at 6.03 p.m.*

### **Parole (Special Advocates) Bill 2024: Second Stage**

**An Leas-Chathaoirleach:** I welcome the Minister, Deputy O'Callaghan.

**Senator Lynn Ruane:** I move: "That the Bill be now read a Second Time."

I will share time with my seconder, Senator Eileen Flynn. I will not be using all the time anyway.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Senator Lynn Ruane:** I thank the Leas-Chathaoirleach and welcome the Minister.

I know this Bill came to the Minister's attention within the past week with respect to having time with the legislation but I think it is extremely straightforward. It is a simple, short Bill. I will give it some context in terms of where it comes from and what it is trying to achieve. First, for anyone who is unaware of the parole process - I know most of those present are aware of it - it applies to a person or persons who are serving life sentences and have served 12 years or more of their sentence, which is the beginning of the process of them being released pursuant to a parole order. It is important to state that the parole process only ever begins at 12 years. I know the public, and victims especially, quite rightly get upset or disheartened at the prospect of someone who may have taken their loved one's life being out on parole after 12 years, but that only happens when the parole process is actually instigated. It will take a long time from that starting date before a person is actually released. There are several steps that need to be taken throughout that process.



Parole is not an entitlement for all life prisoners, with decisions regarding a person's eligibility to return to the community being made by the Parole Board upon application. With regard to the importance of the parole process, sometimes the fact it begins at 12 years is a disincentive for people to engage with the parole system. Often, people do not engage very well in the early days of a life sentence with regard to psychology, counselling, addiction supports or education. It is often at that 12-year starting point that people see there is something that needs to happen for them to completely change their life, situation and trajectory if they are going to be considered somebody who can be released at a certain point and date in the future.

The Parole Board was established by the order of the Minister for Justice in July 2021 in accordance with the Parole Act, so it is a relatively new board and procedures. The board is completely independent in its functions and has the power to engage with parole applicants and victims of crime in reaching a determination. When processing an application for parole, the board must follow the procedures as set out in section 14 of the 2019 Act, the most recent version of which was adopted in 2024. As part of the process, the board may request reports regarding applicants from a variety of sources, including but not limited to the Irish Prison Service, the Probation Service and An Garda Síochána. As I said at the start, this process can be a lengthy one and, going into the parole process, you are not looking immediately at release. You may be looking at other enhancements as part of your sentence, whether that be neutral venues or a job, such as an outdoor job on the grounds. There are different elements to what people look for in parole with respect to their parole recommendations, and it is not always necessarily at a certain point that the person would be released.

The information gathered by the board in its consideration of an application is generally shared with applicants and their legal representative but can be withheld in exceptional circumstances. It is through my work with several life sentence prisoners, and the work I do in prisons and around fair, just and transparent access to justice, that it became apparent to me that there was potentially a lack of oversight in that part with regard to those exceptional circumstances. I must state strongly that I am not saying that invoking exceptional circumstances, in certain cases, is not something that may be required. I understand historically as well why that exists. It existed historically with regard to political prisoners, terrorism or persons who were a threat to the State. An Garda Síochána may say that a person is still involved with criminal activity. It became somewhat apparent to me that there may be a lack of access to justice at that point.

With regard to exceptional circumstances, they are currently undefined in the Act, and that also causes an issue. If we look to An Garda Síochána for a report or insight when a person is at a certain point in his or her parole and An Garda Síochána says it has evidence that the person is involved in X, Y or Z or is a potential threat to the State, at that point it can share that information with the Parole Board and then it can decide under the guise of exceptional circumstances that the information cannot be shared with the individual or their legal representation. This may be true in some cases. Obviously, I do not know what information is there or not there. The problem with this is that it means there is absolutely zero oversight of what exact evidence the Garda may have on a particular person. Is it being used appropriately? Who actually makes that assessment? If somebody has evidence and is taking a case in Ireland - obviously not in relation to a life sentence prisoner but just in general - the DPP's office evaluates all the evidence available to it and then decides whether the case should be taken to court. That does not happen here. There is no extra layer of oversight in relation to exceptional circumstances. Also, we are not clear what "exceptional circumstances" actually are.

I thank Robert Somerville, who works in my office, for drafting this legislation. I also thank

the legal experts who supported us to understand the process here in Ireland and assess how it compares with the process in Northern Ireland in the hope that we could create legislation that would bring us in line with other jurisdictions rather than create a new process.

According to section 14 of the 2019 Act, the applicant and their legal representative will receive “a copy of any document” or information “furnished to the Board ... where the Board is of the opinion that exceptional circumstances exist that warrant such a document or indication ... not being so given”. This means that the representative or the parolee never actually gets to answer any sort of case to any sort of evidence. They are never questioned by the Garda, and they are never brought to court. They can never refute any allegation or give any documentation to say that it is not accurate or that it is not a good use of exceptional circumstances. They have nothing to argue against because it is kept from them. When the documentation and information are withheld, applicants and their legal representatives do not receive an explanation as to why. Additionally, they have no right of reply or recourse. While there are certain circumstances where this may be necessary, and I do not discount or disagree with that, we need to ensure the applicant has a right to due process and it is not negatively undermined. Additionally, there should be greater clarity about the nature of the exceptional circumstances that might give case to the board’s decision to withhold in the first instance.

We have tabled an amending Bill. Therefore, we propose that special advocates are appointed to represent the interests of parole applicants in circumstances where information is to be withheld in the parole process. Special advocates would be independent of the parolee and his or her legal representation.

The Bill, additionally and importantly, inserts an amendment that provides a definition for “exceptional circumstances” to provide greater clarity to applicants, legal representatives, the Parole Board and the general public. I feel that An Garda Síochána should have an extra layer of oversight in terms of how exceptional circumstances are used and this Bill protects their decisions.

On the alternative, where this occurs the commissioner or chairman of the panel dealing with the parole application has the power to recommend that the advocate general - the Attorney General for these purposes here in Ireland - ensures that a special advocate be appointed to represent the interests of the prisoner in the parole process. The use of special advocates in the North is designed to ensure fairness in proceedings where sensitive information, often related to national security or public interest, can be disclosed to the parole applicant or his or her legal representative. The context for when this occurs is clearly provided in rule 9 of the Northern Ireland legislation and provides absolute clarity regarding the contexts which might give rise to information being withheld in the parole process. They are where disclosures would be likely to adversely affect the safety of an individual, result in the commission of an offence, facilitate an escape from lawful custody or the doing of any act prejudicial to the safekeeping of persons in custody, impede the prevention or detection of offences or the apprehension or prosecution of suspected offenders, be contrary to the interests of national security, or otherwise cause substantial harm to the public interest. People can see where it is laid out under similar legislation in the North, under rule 9, that there are lots of safeguards for when to use exceptional circumstances. However, where a determination is made to withhold the information for any other reason, which I have outlined, a special advocate is appointed from a panel of qualified barristers. We must remember that members of An Garda Síochána are not barristers. Gardaí uphold the law but they do not legislate, do not argue the law in court and do not engage with the law in the same way as a barrister.

Once appointed, the special advocate is granted access to the sensitive information to form an understanding of its content and implications. The advocate is precluded from communicating with the applicant or their legal representative throughout the process unless leave has been granted by the commissioner or chairman of the panel. Again, this legislation provides an extra layer of protection to make sure that the special advocate is completely independent of the parolee or their legal representative.

Having reviewed the sensitive information, the function of the special advocate is to make submissions, where he or she deems appropriate, to represent the applicant's interests to the commissioner and the Parole Board. In closed parole hearings the special advocate may additionally make oral submissions to the parole panel and cross-examine any witnesses called to attend such hearings. The parole commissioners, in reaching their determination regarding an application for parole, will consider both the open evidence that is shared with the applicant and the closed evidence, which is the information reviewed with the assistance of the special advocate.

This Bill closely mirrors the provisions of the Parole Commissioners' Rules 2009 in Northern Ireland and amends our Parole Act 2019. Section 1 is a standard Short Title, collective citation and commencement provisions. Section 2 sets out the interpretation. Section 3 amends section 2(1) of the Parole Act, providing definitions as to what constitutes exceptional circumstances. Section 4 amends section 14 of the 2019 Act to include provisions which set out the procedures to be followed where exceptional circumstances are deemed to exist. Section 5 amends the Act of 2019 through the insertion of a new section which sets out the functions of an appointed special advocate in the parole process.

As I said at the beginning, this Bill will definitely not be everyone's radar and it affects only a small minority of people in this country. Also, this Bill will probably never be something that many people will want to champion because it seeks to ensure there is an extra layer of access to justice for life sentence prisoners who often will not be able to raise these concerns or represent themselves in a particular way when they believe there is a barrier to them accessing justice or an unfair decision has been made against them, especially when that unfair decision means they do not know what the information is that is being used and has stopped them from progressing. The Bill ensures that these prisoners have access to justice but it also ensures that we acknowledge the exceptional circumstances, ensure an independent person is brought in to assess the information and that it is not shared with the parolee or their legal representatives. This Bill is good law, just and transparent and replicates successful parole procedures elsewhere.

**Senator Eileen Flynn:** I second the motion. I thank Senator Ruane and her office for bringing forward this important legislation. As the Senator said, this issue does not impact on many people within Irish society but it will have an impact on people seeking parole. I support the Bill as it will bring fairness and justice.

As a member of the Traveller community, a minority group, I know how unfair the justice system can be to people from minority groups. Earlier today, Senator Ruane and I discussed how some people do not understand what is written on a search warrant. This legislation is very straightforward. It gives a person the opportunity to again participate in society and build up trust in society. We do not talk enough about this issue. There is a sense that people who do the crime do the time and that kind of thing and people should be given a second chance. We have seen the provisions in this Bill work in other parts of Ireland and in other countries. I understand this Bill will not be accepted this evening. We look forward to debating this legislation

again and the Minister's office really taking it into consideration. We know the Minister's heart is in the right place when it comes to justice but justice is not just for one certain set of people. It is also for people going through the system.

**Senator Robbie Gallagher:** I welcome the Minister back to the House this afternoon. On behalf of the Government, I move amendment No. 1:

To delete all words after "That" and substitute the following:

- "Seanad Éireann resolves that Parole (Special Advocates) Bill 2024 be read a second time on this day six months, to allow for further consideration of issues arising in the Bill."

I believe the Minister would like to make his contribution at this point. I will be better informed to make my contribution thereafter.

**Minister for Justice (Deputy Jim O'Callaghan):** I agree with the amendment that proposes postponing the passing of Second Stage of this Bill for a period of six months. I thank Senator Ruane and Senator Flynn for introducing this legislation. It raises important issues, as has been identified by both Senators. It is not something that is highlighted publicly as an issue which is causing ongoing mischief in society but that is not a reason to oppose legislation.

This is the third time I have encountered legislation in the Seanad and I have always found it a very useful place to come. I was here a number of weeks ago when Senator Harmon introduced a Bill seeking to outlaw sex for rent, as it was referred to. It was a very sensible Bill and I have now included it within the criminal justice (miscellaneous provisions) Bill that I published last week. I want Senators to know that when they put forward legislation and they go to the bother of drafting Private Members' Bills, I will give careful consideration to it. I did the same in respect of Senator Mary Fitzpatrick's Bill in respect of retail workers.

I fully understand that this Bill has come up on short notice. I make no criticism of Senator Ruane in respect of that. It just happened that the Bill came up on short notice but I am grateful to the Senator for engaging with me yesterday. The Bill is very well drafted. It raises a couple of interesting points in respect of the processes before the Parole Board, but the main reason for the amendment proposed is that I and the Department need more time to consider what is proposed here. I will also have to engage with the Parole Board. Obviously, that is the entity that will be directly affected by it in terms of the procedures. I will also have to engage with An Garda Síochána.

I will not express a final view in respect of the matter until I have done that but I want the Senators to know I will engage on the issue in good faith. I know the period of six months will also give Senator Ruane an opportunity to consider further amendments that might help which I will outline here in due course.

First, I commend the work of the Parole Board. I derive great satisfaction and a bit of pride from the existence of the Parole Board since, back in 2020, I introduced the Private Members' Bill, the Parole Bill, that resulted in the enactment of the Parole Act. I am very well disposed towards Senators, or indeed Deputies, who introduce Private Members' Bills if they are sensible and contain sensible proposals that are beneficial. I have no sense of being proprietary. It is appropriate that we should try to progress them.

It is important to note the Parole Board operates independently of the Minister for Justice. It brings diverse and important skills and experience together and it has unquestionably improved the process of the granting of parole that operates in Ireland today. Prior to the enactment of the Parole Act, many of the decisions - all of the decisions, in fact - of the Parole Board were decisions that were made by the Minister for Justice of the day on the recommendation of the then non-statutory Parole Board. It is very appropriate we have a statutory system in place in order that people can see how it operates and that it is set out in legislation how this important process should take place.

One of the reasons we can have this debate today is there is now far clearer public understanding of the parole process, what information is considered within it and the respective roles of the parties that come before the parole decision-making process. As Senator Ruane has indicated, the purpose of her Bill is to amend a provision so that we can bring in special advocates who will determine whether information that is provided to the Parole Board should also be provided to the parole applicant. I am not aware of any circumstances where this has arisen as an issue. There may have been some cases that were initiated but they have not resulted in decisions or reserved decisions of the High Court. Nonetheless, as was stated earlier, it is not always the case we have to wait for somebody to go to court to improve legislation. The fact it is not a pressing issue in the public domain should not be a reason the Bill should not be considered.

The Senator's Bill would provide that where information is not disclosed, the Minister would be informed and would be required to consider whether to appoint a special advocate who would review the information and potentially make submissions to the board. In practice, there may be quite legitimate reasons to withhold and protect confidential information within the parole process. Such information may arise particularly in relation to organised crime cases and where there are national security implications.

For example, where a person has applied for parole to the Parole Board, one of the factors the Parole Board has to consider is whether the individual will be a threat if granted parole or will continue to be involved in criminal activity. If An Garda Síochána was aware or had information leading it to believe the individual was still involved in criminal activity and, consequently, advocate against the granting of parole, that is a factor the Parole Board would have to take into account. I do not think anyone disputes that is a factor that should be taken into account. What Senator Ruane suggests, however, is that, as well as taking it into account, there should be an opportunity provided to have the veracity and quality of that information assessed. She recognises that there could not just be a situation where the information is passed over to the parole applicant who then gets to see it, but she is putting in place a filter system through the position of special advocates, who would determine whether the information should be disclosed to the parole applicant.

Let us take a straightforward example. In an organised crime context, it may arise that an applicant has ongoing links to an organised crime group and there may be an investigation into the group that is relevant to the parole decision. The integrity of that investigation must be protected but the information is clearly of relevance to the parole decision. Information may have been received from covert investigations or from intelligence sources where disclosure could potentially endanger law enforcement personnel or other persons or hinder investigative work into other offences.

It is, of course, true to say that special advocates in civil and criminal proceedings are used



in a number of other jurisdictions. Senator Ruane referred to Northern Ireland, where it is on the Statute Book. They are also used in other parts of the United Kingdom, New Zealand and Canada. What is characteristic in those jurisdictions is a detailed body of law and procedures in respect of the operation of the special advocate system. In that respect, there is clearly work to be done beyond the scope of the current Bill. I will now outline some of the areas where I think there are difficulties with the Bill, but they are difficulties that Senator Ruane and, indeed, the Department could work on to improve it.

As it stands, the Bill is silent on various important issues: first, the criteria by which the Minister would determine whether to appoint a special advocate; second, how such advocates might be selected and what their qualifications would be; third, the basis for their clearance to view particular information; fourth, the terms of their service and how would they operate; fifth, what technical support they might receive; sixth, their powers and rights in respect of the parole process; and finally, the consequences of any breach of duties of confidentiality.

A particular issue arises with defining exceptional circumstances in the Bill. I do not think the intention of Senator Ruane is to broaden significantly the use of section 14(1)(b) to withhold information, but it would appear the criteria proposed are in fact quite broad in terms of disclosure being refused on general public interest grounds and might well have that unintended effect.

More generally, I note that the importance of disclosed information and how that information is received, tested and weighed goes well beyond the parole process. These issues arise in relation to immigration and national security, Special Criminal Court proceedings and potentially in any criminal or civil proceedings. To take a recent example, Senators will be aware that the Criminal Justice (Miscellaneous Provisions) Act 2023 put existing common law practice on witness anonymity on a statutory footing. Where appropriate, a court may order that the identity of a witness is not disclosed and material intending to identify the witness may be removed or redacted. Similar considerations arise with this Bill, so while the parole context we are discussing is very important, it cannot be fully separated from the other situations where such closed material arises. A coherent and consistent approach would be required from the State. At this stage, I am concerned that a clear rationale has not been identified. At the very least, these issues need to be considered in a broader context with a view to a more developed legislative policy and operational infrastructure. I do not say that to Senator Ruane in a negative way. This has been a very useful contribution and Bill. The Bill is an important first step.

These are not theoretical matters. I am conscious that there are practical examples of where this issue will arise in respect of people who are applying for parole. These issues are at the heart of public confidence in the criminal justice system. The Government amendment to the motion provides some space for further analysis. I would like to have further analysis in respect of it. I received correspondence from the Irish Penal Reform Trust, which is supporting the Senator's Bill. Obviously, I will give that very careful consideration as well. The main reason we would benefit from an adjournment for a period of six months - Second Stage will be passed in six months - is that I will have an opportunity to engage with the Parole Board. I will get to hear from it about the extent to which it relies on this closed information. From what has been said by Senator Ruane, there have obviously been some situations where it has relied on closed information. I also want to find out from the board what it thinks the effect will be of allowing for special advocates. The parole process has become more prescribed by legislation. That needed to happen, but I do not want to turn it into a very complicated and highly legalised area. It already provides for the presence of lawyers in terms of representation not just by the parole

applicant but indeed by the families of victims. I want to ensure we do not set up a whole new body of legal complexity by introducing special advocates. However, I would have thought that if we went down the route of enacting legislation to provide for special advocates, the role and the amount of times they would be required would be very limited. I would have thought that most parole applications do not rely upon what is being referred to as closed information.

I thank Senators Ruane and Flynn for introducing the Bill. As I said, Government will not be opposing it. We are proposing an amendment that would adjourn the passing of Second Stage in the Seanad for a period of six months. During that period we will all have an opportunity to look at it in more detail. I would appreciate it if Senator Ruane, and her fine drafter Mr. Robert Somerville, could take on board some of the suggestions and see how they might come forward with proposed amendments on Committee Stage in this House.

I thank the Leas-Chathaoirleach. I will listen to the other contributions.

**Senator Garret Kelleher:** I welcome the Minister to the House and second the proposal for a six-month period to give us an opportunity to reflect more on what exactly is entailed and to arrive at the conclusion that will best fit us and also take into account the concerns and considerations of victims of crime and of survivors, as Senator Ruane articulated in her opening remarks.

In the more than 100 years since the establishment of An Garda Síochána in 1923, we have seen the service be of immense importance in protecting the State and her people. We were reminded as recently as Sunday last of the dangers and perils faced by members of An Garda Síochána when they go about their duty. I take this opportunity to express my condolences to the family of Garda Kevin Flatley and members of An Garda Síochána on his tragic passing. This Government is committed to a radical overhaul of the criminal justice system and we need to see more gardaí on our streets. We have seen the appointment of judges, which is crucial to the criminal justice system.

I commend Senator Ruane on her work. I will not go into the detail because she articulated what exactly is involved very well in her opening remarks, but it is about fairness and ensuring those applying for parole are given due process. As I said a moment ago, and as Senator Ruane alluded to, it is important to consider the victims of crime and survivors. The proposal to defer this for six months is the right one and something we are happy to support. Once again I commend Senator Ruane as well as her office. It is very important and I look forward to revisiting the issue after the period of deferral.

**Senator Michael McDowell:** I welcome the Minister. I congratulate Senator Ruane on her initiative in tabling this legislation. The Minister's request for more time to consider what is involved is sensible and reasonable in all the circumstances. The whole idea of a special advocate is novel in Irish law. A series of issues arise in respect of restricted evidence confined to legal practitioners who are not in a position to disclose that material to the person on whose behalf they have been appointed to act. It is a concept that is well-known in European law, perhaps, and has crept into UK law too. However, let us remember that secret evidence is available in European law in circumstances that would cause most Irish lawyers' eyebrows to raise to somewhere around the backs of their necks when they consider the very concepts.

I wish to make two points. If we are going down this road we must, as I think the Minister hinted, carefully work out what the obligations, sanctions and rules are that would ensure the

special advocate does not end up imparting this information either formally or informally to third parties, especially the affected person. Can they test it out with the third parties? Can they bounce it off others, so to speak? In so doing, does a trail of confidentiality, an obligation of confidentiality and a legal duty of confidentiality attach to that process? These are serious questions that must be considered very carefully.

The second point, which I think Senator Ruane will agree is legitimate, is the question of what the duties of the special advocate are. If they come to the conclusion that information is being suppressed, effectively, for the criteria set out in the Bill, are they entitled to initiate a judicial review or are they simply stuck with the outcome? There is not clarity in the Bill as it currently exists as to what the potential consequences are for what might appear to the special advocate to be an entirely unreasonable invocation of the confidentiality procedures that exist and what the consequence of that would be in terms of the entitlement to challenge it legally.

That goes to the point that the Minister has made and made well, which is that we do not want to create some kind of cathedral of complexity over a principle which, in Senator Ruane's Bill, is just a basic principle of equity, that somebody should have the right to know whether information is being properly or improperly brought into the statutory parole process. In that context, there needs to be further balancing consideration put into this project. We need to examine what the consequences are in the appointment of a special advocate. We need, in particular, to consider very carefully what sanctions, duties and enforcement there will be for special advocates and what penalties there will be for breach of those duties. We need to consider their powers and whether they are entitled to test out the material which they have seen by, as I said earlier, bouncing it off anybody else for credibility, proportionality or anything like that. Are they to be given that right? If so, what are the consequences in terms of extending the duty of secrecy to them? If there were judicial review proceedings, and I can well imagine that there would be because so many people in this predicament have nothing better to do than to cook up a judicial review if they can possibly do so - I am not talking here about special advocates but, rather, the people who are dissatisfied with the outcome of the process - would those judicial review proceedings be held in public? Would the material which was excluded from the purview of the affected person be amenable to High Court judicial review and examination as to its substance and weight? Would that process be entirely secret or would it be semi-public? Would there be redaction? No one knows.

What appears to be a very simple precept of fairness carries with it very serious implications for the administration of justice and for a fair parole system. The Minister should take six months to think very carefully through where all of this might lead.

**An Leas-Chathaoirleach:** Senators Ryan and Collins are sharing time. Is that agreed? Agreed.

**Senator Nicole Ryan:** It is great to see the Minister in the Seanad Chamber again. I thank Senator Ruane for bringing this Bill to the floor of the House today. The Bill seeks to address the imbalance in our parole system whereby information can be withheld from parole applicants and their legal teams under the guise of exceptional circumstances. This is a barrier in our justice system and the proposal for the appointment of special advocates in such cases is a reasonable step forward. The reality is that the parole system can only work fairly when there is transparency and accountability.

The Irish Prison Service is under immense pressure. Overcrowding, underinvestment and

a lack of meaningful rehabilitation services mean that many prisons cannot properly support reintegration. The one-year reoffending rate stands at 41% and for younger adults under 21 it is 60%. In countries such as Norway only 20% reoffend within the first two years. What Norway has, and what we lack, is a properly resourced rehabilitation justice model.

As Senator Kelleher pointed out, we must centre the system around victims. The parole process is an incredibly traumatic time for survivors of sexual violence and families of homicide victims. They deserve timely information, clarity on release conditions and recognition of their rights throughout the process. If our parole system is to serve justice, it must do so to all sides.

**Senator Joanne Collins:** I welcome the Minister to the House. I am pleased to stand in support of this Bill. I commend Senator Lynn Ruane and her team on the thoughtful and considered proposal.

The Bill addresses the clear procedural gap in the current parole framework, one that undermines natural justice and leaves applicants vulnerable to decisions made on the basis of undisclosed evidence without any avenue, response or redress. What the Bill proposes is modest, balanced and grounded in best practice. The Bill proposes the introduction of special advocates - legally trained and security-cleared professionals - who can represent the interests of the parole applicant where sensitive information is being withheld. These advocates will not share the information with the applicant, but will be empowered to scrutinise it, challenge it where necessary and ensure the parole board receives a full and fair picture before reaching its decision. This is not about tipping the scales in favour of applicants. Rather, it is about ensuring that the scales are even in the first place. It is about putting in place clear legal safeguards where the term “discretion” is currently undefined and unchecked.

The inclusion of the statutory definition of “exceptional circumstances”, drawing on models from jurisdictions like the Six Counties, is another strength in the Bill. It gives clarity to applicants, legal representatives and the Parole Board. It reinforces public confidence in the fairness and integrity of parole decisions. In my county, Limerick, and elsewhere across the State, people want a justice system that is fair and firm in equal measure. They understand that rehabilitation, where appropriate, should be supported, but it must happen in a transparent framework.

The Bill does not diminish victims’ rights or compromise public safety. Instead, it protects the integrity of the process that must be seen to operate above reproach. Sinn Féin supports the Bill because it strengthens fairness, accountability and trust in the parole system. I urge the Government to do the same.

**Senator Patricia Stephenson:** I thank the Minister for coming to the House. It is great to hear how willing he is to have a meaningful debate and discussion on the Bill. I thank Senator Ruane and her team for bringing it forward.

I will echo a lot of the words that we have already heard today around what justice and democracy are and how, to have a democratic society, we must have fair justice. A major part of a just society is recourse for everyone to understand why a State institution has taken action against them and to provide recourse for challenging that decision. Simply put, we all know the term that everyone should be entitled to due process. That is true for us in the Chamber and it is also true for applicants in prison seeking parole.

The Bill is about strengthening our justice system and making it more progressive. We have

heard comments around complexity and not wanting to make the system unduly complex. We should not do that, but we are not making changes without necessity. The Bill is about closing a loophole that may exist but should not exist if people are to have access to a fair process.

The current process for seeking parole means that applicants can be put in a position whereby they are denied due process. Whether there are many cases of that happening remains to be seen, given the Minister's interventions, but that does not mean that, as he said, we should not try to close the loophole before an issue arises.

When information related to parole is withheld from somebody and their representation, we can all acknowledge that does not equate to fair justice. Under the current system, applicants can be denied access to critical information influencing their parole decision without explanation or recourse - that it can happen without recourse is an important thing to highlight. The Bill addresses these flaws by introducing two reforms which we have discussed but I will outline again. The first reform involves defining the idea of "exceptional circumstances". It is good for people in the parole system and for the public interest to have such things explicitly defined. The second reform is about establishing a framework for appointing special advocates to represent the interests of applicants where information is withheld. Again, it is about giving people the right to representation, which is so fundamental in a justice system.

Rehabilitation, as we have heard from many Senators, should be central to our justice system. Parole exists not as a privilege but, rather, as a mechanism to support reintegration and rehabilitation. When decisions affecting a person's liberty are made behind closed doors without scrutiny, we risk reinforcing the cycles of exclusion and disenfranchisement that lead many people into crime.

Special advocates provide a safeguard against arbitrary decision-making. No one is saying that the Parole Board is doing any of this with malicious intent. I acknowledge what the Minister said about the great work the Parole Board does, but it is about having legislative and procedural safeguards in place to avoid mistakes happening. In this we are following jurisdictions including, as we have heard, the North, other parts of the UK and Canada, and strengthening our system in line with that.

I support the Bill and the fact it is closing an existing loophole. It recognises that not all information can be appropriately provided to parole applicants, there being particular instances where that is not appropriate. Having that highlighted for the public good is important. The idea of having no right to reply in certain circumstances is worrying. Strengthening the right to challenge a decision that is taken is really important. I hope we will have plenty of opportunities for discussion on the Bill. I am sure the Minister will work closely with Senator Ruane in the next few months and there will be the chance to debate it in detail when it comes back to the House.

**Senator Robbie Gallagher:** I again thank the Minister for his attendance. I echo the comments by my colleague Senator Kelleher regarding the untimely death of Garda Kevin Flatley. I am sure I speak for everyone in the Chamber in extending our deepest condolences to his dear wife, Úna, and his children, Aoife and Erin. Our thoughts and prayers are with them in these dark days. They will face many such days on the long, hard road ahead of them. I say to them and to Garda Flatley's extended family that we are truly appreciative of the work he did. He really was a man of the community. His death highlights yet again the dangers the men and women of An Garda Síochána face when they put on their uniform and go out to do their duty.



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They go out the door and sometimes, like in this instance, they never return. We must never forget that. We owe them a great debt of gratitude for the work they do. Theirs is a unique profession. Not many professionals are faced with the possibility of not coming home safely. The men and women of An Garda Síochána do that every day of the week and I speak for us all in giving my sincere thanks to them.

I commend my colleague Senator Ruane on taking on this very niche legislation. As the Minister outlined, it deals with an issue people do not talk about on the doorsteps. For that reason, the Senator deserves even more recognition. Knowing her for as long as I do, I appreciate her sincerity in this regard and compliment her on bringing the Bill forward.

The Minister has been in the Chamber three or four times since his appointment. His attitude to this House and the Members of the House who bring forward legislation is refreshing and very much welcome. I commend him on it. The simple thing would be to close down such proposals and move on. In fairness to him, he has not done that and his door is always open. I very much welcome his approach.

The approach he is adopting in regard to this legislation is a very sensible one. There is a six-month window for Senator Ruane and her team to liaise with the Minister and his team to iron out the issues, particularly in regard to special advocates, the role they might have and the difficulties Senator McDowell outlined as possibly arising. There will be an opportunity to tease out all of that.

My two Sinn Féin colleagues mentioned victims. I am no expert in this field but when I think of parole, my first thought is for the victims of crime and how decisions made by the Parole Board will affect them. I am heartened in that I have heard little of discontentment in regard to decisions already taken by the board. That is a good thing. I certainly am not criticising the proposals before us but it poses the question about the need for them. However, I fully accept that, in Senator Ruane's experience, there clearly is a need for this legislation. We will have an opportunity at some point to tease out the different scenarios we have discussed this evening. I look forward to being part of that deliberation. I also look forward to us being back here safe and well in six months. It is to be hoped we will have advanced this legislation whereby we get to a point where we can pass Second Stage and everybody is moving forward in the one direction to conclude it as soon as possible.

**An Leas-Chathaoirleach:** Senators Scahill and Byrne are sharing time. Is that agreed? Agreed.

**Senator Gareth Scahill:** I welcome the Minister to the Chamber once again. I compliment Senator Ruane on this legislation. My reading of the legislation is it is intended to improve the fairness of the parole system. While I acknowledge the genuine intent behind it, the right move today is to revisit it in six months when there has been more time to consider it. The current system provides for withholding information from parole applicants in exceptional circumstances under section 14 of the 2019 Act. If there is a case for reform, it is to improve oversight and clarity around those exceptions, not to introduce closed secretive processes that place a legal wall between applicants and the information being used to decide their future. I agree with the motion to move that for six months.

**Senator Cathal Byrne:** I echo the comments that were made previously relating to Garda Kevin Flatley and offer my condolences to his family. I can only imagine how difficult today

and the past few days have been for them. I offer my condolences to all members of An Garda Síochána who served closely on the force with him.

I support the amendment tabled by my colleagues. I thank Senator Ruane for her and her office's work. I thank Senator Flynn for her work and contribution in this area. As a solicitor, I appreciate the contribution that has been made to the debate. I understand where Senator Ruane is coming from with the idea that information is being used to make a decision about somebody to which that individual does not have access. I appreciate the nuance of the point made. I very much take on board the point made by Senator McDowell that it is important in work that we do in this Chamber that we are not adding extra layers to a process that ultimately may not be regularly used. I echo the Minister's comments. It is important that he has an opportunity to hear directly from the Parole Board on how regularly this practice occurs and if it something that is used on an occasional basis or something that has not been exercised at all.

I am conscious that in this debate we must always have at the forefront of our minds the victims of these crimes. An individual must be serving a life sentence to be eligible for parole in the first instance. A life sentence is one where the individual concerned has been convicted of some of the most heinous, serious and grievous offences that anyone can be convicted of. It is important that in seeking to balance the rights of someone who is serving a life sentence to get access to information about them, we also respect that sensitive and confidential work could have been undertaken perhaps by members of An Garda Síochána, the Defence Forces or the security forces and perhaps dealing with issues of national security or serious gang or organised criminal activity. It is about finding a balance between the rights of the individual to information about themselves while not compromising anybody who is involved in protecting other issues of the State. It is important that in six months, should this amendment pass, the Minister comes back to the House with a better and clearer understanding of the balance between those competing rights.

*7 o'clock*

I agree with the point made earlier about the consequences for a special advocate breaching the confidentiality clause, should this legislation pass. Every barrister has a client and in this situation we would have the novel environment where even the special advocate, who de facto is representing the interests of the individual serving the life sentence, is in reality prohibited from giving them the information they may be under the impression is making the difference in whether they have a successful application for parole. The juxtaposition of those two competing interests could lead to a situation such that a special advocate is placed in an impossible position where he or she has insight to that information but is prohibited from placing it before the individual.

Should the amendment pass, it is important that when the Minister is reviewing this legislation, the security of special advocates, should they come into being, and the need to protect them in the same way we protect similar informers, confidential people and members of the Judiciary, is taken into account.

**Senator Lynn Ruane:** I thank everyone for their contributions. They will be helpful in teasing out what questions may come up for people. I am always grateful for the further exploration of a topic as it is coming up. I will try to answer some of them. Some of them I cannot answer just now. I considered approaching the Parole Board on this but I was also cautious around including the board in legislation that affects it. Now that it is on the Minister's table,

it makes more sense to consult the board. I have consulted legal representation from the North where similar legislation is *in situ*. I have gone around the houses but have not negotiated or sat down with the Parole Board specifically.

To be clear, the special advocate does not determine whether the parolee should be given the information. He or she makes submissions or oral presentations to the Parole Board to determine the validity or the scale of that information and whether it is an adequate use by An Garda Síochána. It is not that the special advocate would, at the end of the decision-making process, decide that this information should be shared with the parolee or his or her legal representative. It is actually an extension of the parole process itself.

With regard to confidentiality, and maybe I need to understand this more, my inclination is that we could also say that about Parole Board members because they are made privy to the information. We already have a situation where the Parole Board members are made privy to the information and it is then decided whether they think it is appropriate to share the information. If we are talking about how we support or protect a special advocate, it would be with the same processes we have in place for the Parole Board itself, which carries out that function, but without the extra layer of a barrister's oversight. It is not a criticism of the new board. I engage a lot with the board. It is not always very popular. I do a lot of work with men in the prison system, so I am constantly engaged at various levels of parole processes. This particular issue relates to a very small number of people in that wider parole process. The parole process, in terms of who is applying for parole, involves a small number of people so this legislation affects a smaller number within that small number. Regarding additional layers of burden, the process is not going to add too many layers for a large number of people. It will probably be for one or two people along the way.

When it comes to people who are seen as having an organised crime aspect, Garda advice comes up a lot and often says this person still has links to organised crime. What are we saying that means? It is very difficult for a person who grew up in a particular community, and who maybe grew up within a particular family and may have an uncle or someone who is heavily involved in it, to not have links to organised crime. It is very difficult to not have links to organised crime if someone's whole existence and life has literally been embedded within particular situations.

It is also to make sure we understand what we mean when we say "links". Are we saying this person has committed a crime as part of still having links to organised crime or are we just saying people still have links to organised crime? That is something we really should explore because it will be very difficult for some people to not have particular links to it. They would need to completely change their names, move country and no longer know their family, friends, loved ones, childhood pals or whatever. We can tease out those things in terms of how we think about these things.

The questions that have been raised are important in terms of understanding. I did not want the Bill to be too restrictive in terms of the criteria the Minister would use to decide whether a special advocate would be appointed. In some cases a special advocate would be appointed and would say this is a completely good use of this legislation and this information definitely should not be shared. This Bill definitely does not aim to try to open up information to being exposed, State secrets or other stuff such as Garda intelligence that is being unduly or inappropriately shared with anybody. It is just that extra layer which protects the Parole Board and the Garda in terms of the use of this function. This Bill also gives an extra layer of oversight to the

individual where somebody else, independent of those factors, is there to assess this on his or her behalf, and if they say this is an appropriate use, it means all avenues are covered.

I will not oppose the amendment today. I will accept it and engage over the next while in terms of the use of this Bill. I reiterate that I understand this will concern a small number of people. I know how many people it will concern currently. I do not wish to go too much into that because I do not want to identify particular cases or things that are in motion. The parole process was only set up a couple of years ago, so if this has only come up as an issue now, we need to make sure we put those extra layers of access to justice to ensure people are properly supported going forward in the parole process, that it is clear and transparent, that all avenues are covered and that everyone is protected during the process.

Amendment agreed to.

Motion, as amended, agreed to.

**An Leas-Chathaoirleach:** When is it proposed to sit again?

**Senator Robbie Gallagher:** Tomorrow morning at 10.30.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 7.08 p.m. go dtí 10.30 a.m., Dé Céadaoin, an 14 Bealtaine 2025.

The Seanad adjourned at 7.08 p.m. until 10.30 a.m. on Wednesday, 14 May 2025.