



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Dé Céadaoin, 15 Deireadh Fómhair 2025

Wednesday, 15 October 2025

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.

Reflection and Prayer.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: 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 Agriculture, Food and the Marine to make a statement on the closure of mink farms and the status of the compensation scheme agreed with the affected operators.

Senator Garret Ahearn - the need for the Minister for Agriculture, Food and the Marine to make a statement on the recent €50 million funding announcement for the tillage sector.

Senator Fiona O'Loughlin - the need for the Minister of State with special responsibility for mental health to make a statement on the funding of a Jigsaw project for Newbridge, County Kildare.

Senator Robbie Gallagher - the need for the Minister for Children, Disability and Equality to provide an update on the timeline for the completion of the replacement facility at Clogher House, Rathcorrick, County Cavan.

Senator Tom Clonan - the need for the Minister for Finance to make a statement on amending capital acquisitions tax rules for beneficiaries of childless citizens.

Senator Nessa Cosgrove - the need for the Minister Housing, Local Government and Heritage to make a statement on the enhanced defective concrete blocks grant scheme.

Senator Sarah O'Reilly - the need for the Minister for Agriculture, Food and the Marine to make a statement on farmers who missed the application window for the forgotten farmers scheme.

Senator Pauline Tully - the need for the Minister for Climate, Energy and the Environment to make a statement on making the Retrofit Ready pilot programme permanent and extending it nationwide.

Senator Mike Kennelly - the need for the Minister for Housing, Local Government and Heritage to make a statement on the timeline for introducing national planning guidelines and policy in relation to solar farm planning applications.

Senator Manus Boyle - the need for the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation to make a statement on the minor flood mitigation works and coastal protection scheme, in particular the protection works in Inver, County Donegal.

The matters raised by the Senators are suitable for discussion. I have selected Senators Boyhan, Ahearn, O'Loughlin and Gallagher and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Agriculture Schemes

An Cathaoirleach: The Minister of State, Deputy Grealish, is most welcome to Seanad Éireann.

Senator Victor Boyhan: I thank the Cathaoirleach for selecting this important Commencement matter. I thank the Minister of State for coming here to address this. In essence, I have asked for the Minister to make a statement on mink farms in Ireland, now closed, and to confirm the status and compensation agreed with the affected operators and if there are any outstanding matters in relation to same.

The Minister of State will be aware that the Animal Health and Welfare and Forestry (Miscellaneous Provisions) Act 2022 provided for the statutory prohibition of fur farming along with a compensation scheme. I wish to be clear; I fully supported the legislation. I acted proactively and robustly on behalf of the three owners because I recognised that they had a valid business regardless of my views on animal welfare in relation to mink farming, which I do not support, but I support the fact that they had legitimate legal enterprises within this State. The State took a decision in conjunction with stakeholders, conscious of European directions in relation to this matter and conscious to a whole of range issues. It was decided that the remaining fur farms would close, but at the commencement of that would be a package of compensation for the employees and farm enterprises. That would be the replacement of alternative agri-related uses for these farms.

In January 2023, the then Minister for agriculture, Deputy Charlie McConalogue, signed the legislative order which saw the closure of fur farms in counties Kerry, Donegal and Laois. Over €2 million compensation has already been given to existing farm owners. My concern relates to one in County Laois. There are extenuating circumstances around it. I do not want to get into the naming of it because that is not relevant. What is relevant is that there was an agreement entered into with fur farmers to close them down. They have complied with that, they have humanely destroyed any breeding stocks they had, and I understand there is now no legal fur farming in Ireland. Therefore, the issue is the outstanding issue of the payment. The legislation made provision for the payment of this compensation based on the income loss,

non-income, cost for the dereliction and the cost of providing alternative enterprise because we are talking about people's livelihoods. What is the plan? What is the scheme of things? What is the timeframe?

I looked this morning at the Veterinary Ireland policy document on fur farming. It made a strong case. It sets out the European model and the concerns about animal welfare. It made absolute sense. I acknowledge that very significant document from 2018. There is no dispute. Fur farming is banned in Ireland. Most of the compensation has been paid out, but there are a few outstanding issues. I hope we can get some sort of pathway and timeline to resolve those outstanding issues so we can say in the next few weeks and months that, once and for all, the complete package is that fur farming is banned, the farmers and the people involved in this enterprise have been fully compensated, the workers who were involved in this have been compensated or a relevant financial position put in place for them and we can progress. This is about honour and commitment to what we agreed when we signed up and supported this legislation.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Noel Grealish): I thank the Senator for raising this issue. The programme for Government 2020 contained a commitment regarding the prohibition of fur farming. As a result of this commitment, the Department enacted the Animal Welfare and Forestry (Miscellaneous Provisions) Act 2022 in December 2022, amending the Animal Health and Welfare Act 2013. The new Act contained a statutory prohibition on the breeding, rearing or keeping of certain animals solely or primarily for the value of, or the manufacture of products from, their fur or skin.

In June 2021, the then Minister for Agriculture, Food and the Marine, Deputy Charlie McConalogue, announced compensation for fur farming operators licensed under the Musk Rats Act 1933 following a decision to ban the practice. The Department introduced the legislative framework to compensate the remaining fur farming operators in Ireland who were impacted by the ban. Under the Animal Health and Welfare (Fur Farming Compensation Scheme) Regulations 2022, SI 650 of 2022, fur farming operators could receive compensation for income losses, non-income losses and costs incurred as a direct result of the ban. SI 650 of 2022 also made provision for compensation in respect of loss of profits, demolition and clean-up costs and professional fees for services both before and after the prohibition. My Department was also aware that workers who were to be made redundant needed to be provided for in the legislation, as the Senator mentioned. Therefore, a further provision was included to ensure a training fund to compensate the redundant workers affected by the closure of fur farming operators.

In accordance with SI 650 of 2022 and in order to avail of the compensation scheme, fur farming operators were required to submit a completed application for compensation to my Department no later than the date of the appointment of the assessor, EY, which was appointed in December 2022 by the then Minister for Agriculture, Food and the Marine, Deputy Charlie McConalogue, to determine payment amounts following a tendering process. Determinations by the assessor required the applicant to submit a completed application with all of the required supporting documentation. The assessor appointed a quantity surveyor to provide expert advice on certain demolition and repurposing works and a site visit was required for this work to proceed.

Work is ongoing on this matter. The compensation process has been ongoing since December 2022. To date, a total of almost €3.4 million has been paid to fur farming operators under this scheme. I will bring back to the Minister the issues raised by the Senator.

Senator Victor Boyhan: That is a very comprehensive response for which I thank the Minister of State. I am glad he confirmed that the compensation had risen to €3.4 million. He mentioned the role of EY. No one does anything for nothing and everyone has to be paid. The outstanding issue is how the demolition will be dealt with appropriately, along with the repurposing of the site and compensation. I hope to come back here in a few months and put the same Commencement matter down. It is to be hoped that, at that stage, we will have a response that the business has been signed off on and completed, in line with the legislation passed by both Houses of the Oireachtas.

I thank the Minister of State for his engagement on this matter.

Deputy Noel Grealish: My Department and the contracted assessor, EY, have made every effort to expedite applications and pay the determined compensation amounts in accordance with SI 650 of 2022 in a timely manner. SI 650 provides for an application procedure for compensation purposes. The compensation includes payments for income losses, non-income losses and costs incurred as a direct result of the ban. There has been recent developments at EU level regarding fur farming. Commission Regulation (EU) 2025/1422 of July 2025 provides for a ban on the breeding of American mink from August 2027. Ireland is one of 16 member states that has already banned fur farming. My Department keeps animal welfare legislation under review with respect to developments in the area of animal welfare and the practical lessons learned.

Tillage Sector

Senator Garret Ahearn: I welcome the Minister of State to the Chamber this morning and thank him for agreeing to take this Commencement matter. It is important to point out that, in last week's budget, the Department of agriculture - the Minister of State's Department - received a 9% increase in its overall budget. Aside from the Department of Defence, which was obviously going to get a massive increase, it is the highest increase of any Department. I acknowledge the obvious good work the Minister of State and his colleagues put into working with the Ministers, Deputies Donohoe and Chambers, in increasing the funding. It will have a massive impact on rural Ireland. The Minister of State knows from Galway, as I do in Tipperary, that the money feeds back into the local community.

There was major funding for TB and an investment of €50 million in tillage. As the Minister of State knows, tillage has had a very difficult couple of years. It is a sector that needs some support. I welcome the announcement last week by the Minister of State and the Minister, Deputy Heydon, in terms of supporting the tillage sector and recognising that it does not need a one-year investment, but a base level that can be used going forward.

Tillage farmers across the country want to know what they are getting per hectare, but they do not yet know that. There is a good reason they do not know that. I welcome that the Minister of State and the Minister, Deputy Heydon, want to sit down with farmer organisations and

thrash out how we get the scheme right so that farmers who really need money can get it. I ask for that to happen as soon as possible.

Obviously, farmers work in the expectation of an income that is coming through and need those decisions as much as possible. Whether it is €100, €120 or €125 per hectare, if farmers know that as soon as possible, they can budget after Christmas and into the setting season. In fairness, funding last year was provided around February or March. If that could be done again, it would be very welcome.

Last year, the money was given to everyone with no conditions in place because it was the first year of the scheme and, therefore, things could be done quickly. We have an opportunity to set a base for how we support the tillage sector and people who are really struggling. It has been an incredibly tough number of years. As the Minister of State knows, the price for barley this year is €190 but was €320 in 2022. The price for wheat last week was €200 but was €340 in 2022. There has been a decrease of over 40% in the price for farmers. No other business could manage that. This comes on top of a price increase in fertiliser from €300 to €400, or 33%. Rental costs for land over the past number of years have increased from €200 to €250 per acre to €350 to €400 per acre. All of these are added costs. Machinery costs have increased by about 20% or 25% in the past number of years.

Farmers have had a reduction in prices combined with a massive increase in costs, which means an Armageddon of challenges for many farmers. They understand that the Government recognises that and that is why the permit scheme is being put in place. I call on the Minister of State to talk to farming organisations and outline as quickly as possible the payments they will receive for the first year.

Deputy Noel Grealish: I thank Senator Ahearn for raising this important issue and I am pleased to have the opportunity to address the challenges currently being experienced by tillage farmers throughout the country and to outline the Government's response.

I acknowledge the pressures facing the tillage sector. Coming on the back of two horrendously difficult years weather-wise, conditions for harvest 2025 were, thankfully, much more favourable. That has allowed fieldwork to be undertaken and completed in a timely fashion with generally good yields. However, the sector has encountered additional pressures this year due to challenging market conditions and downward pressure on prices, as the Senator stated. This, combined with continued high input costs, has had a significant negative impact on crop margins.

The Government recognises the importance of the tillage sector. It is an integral part of Irish farming and produces high-quality animal feed and bedding for the livestock sector and ingredients for the food and drink industry. The sector makes a significant contribution to the Irish economy, estimated at €1.9 billion per annum over the 2018-22 period. It is also important in terms of employment and is estimated to support over 11,000 full-time equivalent jobs.

My ministerial colleagues and I regularly engage with farmer representative bodies on tillage matters. The Minister, Deputy Heydon, has met them on several occasions since his appointment, including through pre-budget engagements and, most recently, at the tillage crisis meeting held on 12 September in Naas. I fully understand their concerns and their ambition to support, grow and develop the sector. The Government shares that ambition and is committed

to growing the sector in line with targets set out in the climate action plan. My Department has provided substantial supports to tillage farmers in recent years. Schemes specific to the tillage sector, including the straw incorporation measure, the tillage incentive scheme, the protein aid scheme and the tillage capital investment scheme, have proved popular among tillage growers and it is widely acknowledged that these schemes made a significant contribution to the tillage sector in recent years as well as contributing to meeting Ireland's environmental objectives.

In 2026, my Department will support the tillage sector with funding of €50 million through the protein aid scheme, the straw incorporation measure and a new tillage support scheme. This marks a significant and direct investment by the Government, evidencing its commitment to the sector.

Having secured a funding allocation for the new tillage support scheme, my Department intends to consult further with stakeholders on its design and operation in due course. In addition to these measures, tillage growers will continue to benefit from other schemes next year, including the tillage capital investment scheme, ACRES and the organic farming scheme. This year, the budget for the protein aid scheme is €10 million, having increased from €7 million to €10 million annually from last year. Applications totalling €15 million in value and covering approximately 66,000 hectares of cereals and oilseed rape straw were submitted under the straw incorporation measure and the Department made the decision to approve payments to all eligible applicants. In February of this year, I announced €32.4 million in payments under the tillage and horticulture support scheme. The Farming for Water EIP, with a total budget of €60 million, is supporting targeted on-farm measures to improve water quality. Over 1,400 tillage farmers have expressed interest in establishing cover crops under this initiative in 2025.

As I mentioned at the outset, this Government wants to grow and develop the sector in the years ahead. It was for this reason that the Food Vision tillage group was established in 2023 to provide a clear roadmap for the sustainable growth and development of the sector while improving its environmental footprint. The report of the Food Vision tillage group is a comprehensive document containing 28 action points across several themes. It identifies opportunities for growth, including the development of new value-added opportunities for Irish tillage crop output to strengthen the sector's long-term sustainability.

My Department continues to engage with stakeholders to progress the implementation of these actions. As it is an industry-led report, its success will depend on continued collaboration and sustained effort from all stakeholders.

Senator Garret Ahearn: I thank the Minister of State for his detailed reply. He is correct. His Department has been very supportive over the past number of years in introducing new schemes to support the tillage sector, in particular the straw incorporation measure and the protein aid scheme. Those schemes, in the last year, amounted to roughly €10 million each. The announcement of the €50 million is very welcome and there seems to be, within the tillage sector, a kind of understanding that, of the €50 million, €10 million will go to the straw incorporation measure and €10 million will go to the protein aid scheme, which leaves around €30 million for the tillage scheme. If the Minister of State is going to be tightening the measures or working with farming organisations to make sure people who really need it get it as opposed to everyone getting it, that increases the individual level per acre that people are going to be paid, which is very welcome.

We all know it is an incredibly difficult time for tillage farmers. I was speaking to one tillage farmer of five or six generations. He said that, for the first time in his life, he was really not sure if there was a future in it. He loves the farm and loves working on it. As the Minister of State would understand, the farmer has an appreciation that he is just holding the farm until the next generation comes along but he said he was very worried about it. What we need to do, and what the Minister of State has done, in fairness, is set out not just a one-year emergency measure but a long-term plan on how we can support this sector. As has been outlined, there are 11,000 people working directly or indirectly in it and there is a knock-on effect for our economy. In every sector in agriculture, we grow the best quality of food and grain in the world. We need to be able to make sure these good tillage farmers are being supported to produce that going forward.

Deputy Noel Grealish: I know the Senator raised this with me this morning. We had a meeting in the Department recently regarding the tillage industry with the senior Minister, Deputy Martin Heydon. He mentioned that he spoke to the Senator about this and the concerns the Senator raised. I know that, in the area of the country the Senator comes from, there are a lot of tillage farmers who grow grain, corn and things like that. As he clearly stated, the price of renting land has gone up from €200 to nearly €400 and the price of manure and fertiliser has gone up a lot while the price of the grain has gone down. The Minister is very well aware of that; the Senator has raised it with him. The Minister was very adamant in the negotiations coming up to the budget that there would be a substantial amount of money put in there to support the tillage growers. The Minister has made it quite clear that he wants to target it to help the people who have suffered most in this. Some people might not have suffered, given the crops they might have got over the past number of years thanks to the weather, but the Minister is determined to bring a scheme in to help the tillage industry. I acknowledge that the Senator has raised it. I also acknowledge the case he outlined in the House. I will bring it to the attention of the Minister.

Acting Chairperson (Senator Shane Curley): Gabhaim buíochas leat, a Aire Stáit. Sin tusa críochnaithe. Anois beidh an Aire Stáit, an Teachta Kieran O'Donnell, linn.

Mental Health Services

Senator Fiona O'Loughlin: I thank the Minister of State, Deputy O'Donnell, for being here. I know the Minister of State, Deputy Butler, was keen to be here but she had a prior commitment and I appreciate that the Minister of State is here on her behalf.

The issue I raise relates to Jigsaw and my disappointment at the fact that we did not get a Jigsaw service for Newbridge and surrounding areas in the budget announced last week. I will prove the need for it. I will also refer to the fact that, having raised this matter several times in this House and in the Dáil, there was certainly a view that Newbridge was going to be next on the list.

Jigsaw provides a really good service. I know it is currently in 12 different areas around Ireland and will be in two more. I am delighted that the young people of Waterford and Clare are going to have the opportunity to have this service but I want to highlight why it is needed in Newbridge and why I am so disappointed that, yet again, we have been left out. I have raised

this several times here and have had a number of Commencement matters in relation to it. I also have a report from the children and young people's services committee, CYPSC, and Ms Emma Berney, who does an incredible job as co-ordinator of the CYPSC programme in Kildare. From some of the stats she has put together in her most recent report, we know from the census of 2022 that Kildare has the highest number of young people aged under 24 years in the State, representing 36.6% of our total population. It is understandable that if we have the highest population of young people, we are going to have one of the highest rates of issues with regard to the need for intervention for young people.

The number of under-25s in Kildare is actually higher than the total population of each of the following counties: Offaly, Cavan, Sligo, Roscommon, Monaghan, Carlow, Longford and Leitrim. It is evident that the profile of the county's population has not yet peaked and there is going to be an increased demand for young people's services over the next decade. That scale of need is not reflected in current national resource allocation. In 2020, the number of young people admitted to a psychiatric unit or a child or adolescent unit was far higher than the State rate of 14.4%. It was the seventh highest admittance rate in Ireland. The waiting list for CAMHS has doubled over the past number of years. In 2021, there was a total of 24 suicides across all ages. I really do not like bringing negative stats into it but only four areas were higher. It exceeded the national average for all years from 2011. The number of cases of young people treated for cocaine in Kildare increased by 125% between 2019 and 2021.

I brought Jigsaw to Newbridge and we looked at possible places. I genuinely felt that, once extra funding was put into this, Newbridge would get that but, sadly, it has not.

11 o'clock

I am asking the Minister and the Department to assess feasibility and the community need. We all know the Jigsaw hub would not only support mental health but also foster resilience, inclusion and long-term well-being in our county. It has to be a priority going forward.

Minister of State at the Department of Health (Deputy Kieran O'Donnell): I thank Senator O'Loughlin for raising this important matter, which I am taking on behalf of the Minister of State with responsibility for mental health, Deputy Mary Butler. Improving access to a range of youth mental health services nationally remains a priority for the Minister of State, Deputy Butler, the Department of Health, and the HSE.

In the broader context, the total allocation for mental health services in 2026 is nearly €1.6 billion and it is the sixth year in a row in which the mental health budget has been increased. Specifically in relation to youth mental health, this year's budget provided funding for new early intervention youth mental health services, funding to support a digital single point of access for youth mental health services, an additional specialist CAMHS eating disorders team, two new mental health intellectual disability teams for children and five new mental health discovery colleges for young people. As occurs each year following the budget, discussions will now take place with the HSE on details relating to specific service initiatives in the context of preparing the 2026 HSE service plan, including that for mental health.

Jigsaw already receives significant funding of over €14 million from the HSE under a service-level agreement to provide youth mental health services for those with mild-to-moderate mental health difficulties. This service-level agreement is managed by the HSE at national

level. Under budget 2026, Jigsaw has been allocated an additional €1.3 million to support the development of new services, including a service for the south east, based in Waterford city, with outreach into south Kilkenny, south Wexford and west Waterford, and an extension of the service in Limerick into County Clare. No new physical Jigsaw locations have been funded since 2020 when the organisation pivoted to develop a suite of new digital services during, and in the aftermath of, the pandemic. These digital services are available to all young people in Ireland, no matter where they are based, directly from *jigsaw.ie*. Jigsaw has since focused on the delivery of its existing services, including the adoption of a new single-session-first clinical model which has proven to be effective at achieving very positive mental health outcomes for young people while reducing waiting times.

Over the past year, the Minister of State, Deputy Butler, has been examining the different options to expand access to early intervention youth mental health services, including inviting proposals from Mental Health Ireland, the organisation behind the Mindspace Mayo service. The Minister of State is aware of the significant efforts by the Senator to establish a service for the young people of Kildare and will work with representatives from all areas to deliver full national coverage for early intervention youth mental health services.

I note the specific ask by Senator O'Loughlin regarding Kildare and Newbridge. I will highlight this to the Minister of State and the Department. I know the Senator has had detailed discussions with the Minister of State and I expect those will continue.

Senator Fiona O'Loughlin: I thank the Minister of State. I acknowledge that I spoke to the Minister's adviser yesterday. I am not at all happy with that response. I went through the statistics earlier. County Kildare has the highest rate of youth suicide in Leinster. That has to stand for something. I always try to be positive about my town and my county because I believe in being positive. I do not believe in being negative. but I am so disappointed by this response and the budget allocation. I accept that no new physical location has been put in place since 2020. I talked to Jigsaw and the HSE and I had discussions with the previous Minister of State with responsibility for mental health. I was told that after Wicklow and Tipperary, Newbridge was next in terms of need. Initially, when I saw two new centres were to be opened, without knowing where they were, I assumed and wrote to the Minister of State on the basis that one of them would be in Newbridge. It is not good enough to say that the services are online. I agree that it is better than nothing and it is good to have a cohort online, but young people who have a huge sense of helplessness need to have face-to-face and one-to-one contact. I again make the appeal that Newbridge be considered in the next round.

Acting Chairperson (Senator Shane Curley): Before the Minister of State responds, I welcome the Old Belvedere Rugby Football Club men's shed to the Public Gallery. Before I became a politician, the best grilling I got and the best preparation for debate was with the Loughrea men's shed in County Galway. I sat in with them a few times and they prepared me for life in politics very well, I welcome you all to the Gallery today and fair play to you for coming up.

Deputy Kieran O'Donnell: I too welcome the members of the men's shed. I have no doubt there are some great rugby players in the group. They are welcome to Leinster House and the beautiful Seanad Chamber.

Several factors need to be considered in the development of a new services location for services like Jigsaw. A proposal for a new location requires a detailed business case, premises, support from the regional HSE management and necessary funding to resource the staffing of the service. Any proposal also requires agreement from the HSE national child and youth mental health office in the context of agreeing new service priorities under the annual Estimates process and the development of the HSE national service plan for the next year. The Minister of State is very aware of the significant efforts by Senator O'Loughlin to secure a Jigsaw service for Kildare, including trying to secure a premises and arrange for representatives from Jigsaw to evaluate its suitability. The Minister of State is determined to ensure we have full and appropriate national coverage, so that no matter where a person lives in Ireland, they will receive face-to-face support from a physical area intervention service. It must be stressed that Jigsaw's online digital services are available to all young people in Ireland, at *jigsaw.ie*, no matter where they are located. Senator O'Loughlin can rest assured that the Minister of State will continue to work with her, the Department of Health and the HSE to ensure that young people in Kildare and every county in Ireland have easy access to intervention and care in the near future.

I will bring the issues Senator O'Loughlin has raised to the attention of the Minister of State. I have no doubt she will continue to work with the Senator regarding Jigsaw services in Kildare in general and more specifically in Newbridge.

Disability Services

Acting Chairperson (Senator Shane Curley): Gabhaim buíochas leis an Aire Stáit, an Teachta Hildegard Naughton, as teacht isteach.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire Stáit chuig an Teach. Before I outline my case, I thank the Minister of State for taking time out of her very busy schedule recently to visit County Monaghan and the Errigal Truagh Special Needs Parents and Friends CLG. We look forward to that project and many others in the region progressing.

I raise once again the issue of the much-needed replacement facility for day services at Clogher House in Cavan. Last year the area's disability services, supported by HSE estates' north east department, completed a comprehensive submission for capital funding for a new day service premises to replace the premises based in Rathcorrick. With the best will in the world, the premises there, unfortunately, leaves a lot to be desired. That in no way diminishes the quality of service that those attending receive from the staff there. The submission in question was supported by the development of a new day activation unit in County Cavan and I was very happy last year when €4.6 million was allocated to progress the project. I understand there is a process to go through. A greenfield site, in line with national policy standards, was identified and deemed suitable in Cavan town, to provide services for a new day-activation unit and a lease option was explored. The property review group advised that the submission was classed as a works contract and, therefore, would need to be advertised in line with public procurement guidelines and eTenders. An initial timeline was set out for the eTenders process and signed off from HSE property, with detailed design, planning permission and, finally, construction, commissioning and equipping. In November of last year, stage 1 of the procurement process to identify a suitable provider to deliver a facility for the HSE in Cavan

town was concluded and stage 2 of the procurement process had commenced. I understand that the HSE has invested in a number of initiatives at the existing premises, and that is very much welcome, but it is clear that a new premises is what is required.

I look forward to the Minister of State outlining this morning where exactly this project is at. Needless to say, everyone would like to see it delivered yesterday because the premises where the service is currently located, as I said earlier, leaves a lot to be desired. Those attending, the service users, and the staff deserve much better. I hope now that we have got to a point where we are ready to progress this. I look forward to the Minister of State's response.

Minister of State at the Department of Children, Disability and Equality (Deputy Hildegard Naughton): I thank Senator Gallagher for raising this important issue and giving me the opportunity to respond. Day services are Health Service Executive-funded programmes for people with intellectual disabilities, autism or complex physical disabilities that include a range of centre-based and community-based activities. Access to services is based on an individual's needs rather than on their diagnosis. The focus is on supporting people to participate in mainstream activities and in the life of their community, in line with their wishes and their needs.

Clogher House is a day activation unit premises based in Rathcorrick, Cavan. The HSE advises that a comprehensive submission for capital funding for a new day services premises to replace Clogher House, in line with the national HSE New Directions policy for adult day services, was approved in 2024. HSE disability services and HSE Dublin north-east capital and estates concluded a tender process for a leasehold site in Cavan, which was approved in July 2025. The HSE capital and estates regional office has now issued letters to the successful and unsuccessful tenderers. Once all outstanding issues are addressed, the HSE will look at engaging with the preferred provider on milestones and a programme of delivery.

Government investment has enabled the replacement of much-needed service locations such as Clogher House, Rathcorrick, and within the sector the New Directions policy has guided a major programme of change to reconfigure adult services, based on the core values of person-centredness, community inclusion, active citizenship and high-quality service provision. There are over 20,000 individuals with a disability in receipt of day services, together with a further 2,049 in rehabilitative training services. These services are provided at 1,091 locations around the country by 97 service providers. A total of €3.8 billion has been allocated for specialist disability services in budget 2026. That represents nearly a 20% increase year on year. This includes funding for a new cohort of 1,400 school leavers and in the order of 50 day service places for non-school leavers - for example, people who acquire a disability later in life.

I again thank the Deputy for raising this matter.

Senator Robbie Gallagher: I thank the Minister of State for her response. I am delighted that a preferred end user has been identified and that the HSE will now progress to finalising matters with that preferred provider. Has the Minister of State any idea of the timelines involved in that or when that process will conclude? Can she give us any idea as to when approximately - I do not expect her to give the exact date - the people can expect this facility to be up and running? It is very much needed and in many instances long overdue.

Deputy Hildegarde Naughton: I am as anxious as the Senator about this and I know that its progression as quickly as possible is really important in his constituency. The HSE will look at engaging with the preferred provider on the milestones and a programme of delivery. I can come back to the Senator with further detail on that. I am in contact with the HSE. I am just looking for further information about the progress of this really important facility for the Senator's constituency.

Cuireadh an Seanad ar fionraí ar 11.16 a.m. agus cuireadh tús leis arís ar 11.32 a.m.

Sitting suspended at 11.16 a.m. and resumed at 11.32 a.m.

Death of Former Member: Expression of Sympathy

An Cathaoirleach: Before I ask the Leader to outline the Order of Business, I know Members will be saddened to have heard of the death of a former Member of this House and a pioneering academic, Professor James Doolan. James was born in Cork and moved to Dublin. He graduated from University College Galway with a degree in English and French and qualified as a chartered accountant. He had many academic abilities, including being the first academic from Ireland to receive an MBA from Harvard Business School, in 1959. He joined the World Bank in Washington and was involved in many of its development projects. He went to lecture in UCD and the United States and also taught in Harvard Business School. He arrived back to Ireland in the 1970s and was appointed as a professor at University College Galway. He was part of its first MBA course.

He was elected to the Fourteenth Seanad in 1981 and, with his knowledge, served this House with distinction. He was admired by all of his colleagues. On behalf of this House, I express our deepest condolences and sympathies to his loving wife Caroline, his sister Lelia, brothers Patrick and Matt, and all of his extended family and friends. Ar dheis Dé go raibh a anam dílis.

I ask Members to be upstanding for a minute's silence for former Member, Professor James Doolan.

Members rose.

An tOrd Gnó – Order of Business

Senator Seán Kyne: The Order of Business is No. 1, the third report of the Committee on Parliamentary Privileges and Oversight, on the amendment of Standing Order 111A, to be taken on the conclusion of the Order of Business, without debate; No. 2, Defamation (Amendment) Bill 2024 – Committee Stage (resumed) to be taken at 1 p.m. and to adjourn at 4 p.m. if not previously concluded; and No. 3, statements on the all-island rail review, to be taken at 4.30 p.m. and to conclude at 6 p.m., if not previously concluded, with the time allocated to the opening remarks of the Minister not to exceed ten minutes, group spokespersons not to exceed seven minutes, all other Senators not to exceed four minutes, time may be shared, and the Minister to be given not less than ten minutes to reply to the debate.

Senator Fiona O'Loughlin: On behalf of the Fianna Fáil Party, I extend our deepest sympathies to the family of the former Senator, Professor James Doolan. I remember him coming to my house when my father was a councillor. There were lots of visitors and, living out in the country, one always looked forward to those who came canvassing for the Seanad election. He stood out. There was just something very special about him. I think part of that was because of his sister, Lelia, who was the most wonderful actress. My parents were big into theatre and drama at the time and that connection was an important one. We remember him fondly. As the Cathaoirleach said, he added a lot to the Seanad and to academia.

There are a number of issues I wish to raise. The first is the fact that today starts Baby Loss Awareness Week. It is an important week for so many. We know from statistics, behind which are heartbroken families, that approximately one in five pregnancies in Ireland ends in miscarriage. That is approximately 50 every day. In addition, approximately 250 babies are stillborn every year. Féileacáin does a wonderful job supporting heartbroken and bereaved parents. I know that from a friend of mine who sadly lost twins. One was stillborn and the other died a few hours later. Féileacáin does incredible work at a really important and difficult time for mums, dads and all of the extended family, etc. It is important we acknowledge and recognise the work Féileacáin does and say to families that we are thinking of them.

I also raise an issue that has occurred at a hub in Enfield where the library is colocated with other businesses. Seven young people with autism who are non-verbal attend a service there twice a week. The service gives great support to the young people and their families who are from Meath and north-west Kildare. Some of these families contacted me. Unfortunately, a complaint was made within the library services that some noise was emanating from the autism service. The library service has decided that this is not an appropriate place for the autism service to continue. I contacted Meath County Council and I spoke to Councillor Caroline O'Reilly, who is very supportive of trying to find a space for the families. It goes to the question of how we support people with disabilities and their families. We have to support them and find safe and inclusive spaces for them to have their journey. It is a matter about which we need to have a wider debate.

Senator Linda Nelson Murray: I would like to discuss how we need to broaden the donor base for critical blood supplies. We have all heard this morning how the Irish Blood Transfusion Service is calling for people to donate blood, such is its enormous fear that it might have to go into an amber alert in the next few days. Ireland has never been in an amber alert for donating blood. It would mean that elective surgeries would have to stop, which none of us wants to see.

There are a few things we can do when it comes to donating blood. The average age of someone donating blood in Ireland is 46. It is time to educate people in secondary schools and colleges about the value of donating blood. When I donate blood, I get a text message to tell me my blood has gone somewhere and is going to help save someone. It is just the most amazing feeling. It is like that feeling when you give someone a present at Christmas or for their birthday. There is nothing nicer than giving, and giving blood is the ultimate thing people can do. Maybe we could look at educating people and look at the age limit that applies. The maximum age up to which people can donate blood is 65. Given that we are living longer, should we look at extending that? Should we consider the need to communicate in different languages in light of the diverse population we have? Another thing we might need to look at

is speaking to employers to see if they could give employees even two hours of paid leave each year to allow them to give blood. It only takes about two hours to do make a donation, and it is very important.

The other matter I wish to raise is the fact that I am a bit disappointed in the potential no-confidence motion in the Tánaiste, Deputy Harris. I am new to all of this. I am a new Senator, but I have been a very proud to be a member of Fine Gael for the past few years and I am very proud to work with Simon Harris. He is such a hard worker. He is an amazing teacher, in a way, if you look at his politics and how he operates. It is sad when something like this happens. We have record levels of employment and fewer than ever people on hospital waiting lists. We are doing so much for the country in government, and that needs to be recognised. I know Peadar Tóibín; I grew up with him. He is a very good politician and has been a friend of mine for years. I am disappointed in what is happening today. I hope we can move on from it, get back to work, get back to doing what we need to do in government and get back to being good politicians who do not give out about each other but who work together to achieve the right result.

An Cathaoirleach: Before I call the next speaker, from Kilcormac, I welcome our guests from Active Retirement Croí Óg and Coláiste Naomh Cormac. I thank them for being here today. We hope they enjoy their stay in Leinster House.

Senator Gerard P. Craughwell: Last week, the House debated a motion on head and neck cancer. Much of what was in that motion revolved around my daughter Rebecca's experience. Colleagues from within the House and the Government supported the motion. Somehow or other, however, a story seems to have developed around the House to the effect that my daughter is very unwell. She is not. Rebecca has a wonderful life when she is well, but like all cancer patients, when she is not well, she has a pretty miserable time. She has been in intensive care on a number of occasions when we nearly lost her but she has come back each time. The importance point here is that what we were looking for via the motion was a small amount of money to allow reconstructive work to take place in dental hospitals in Dublin, Galway and Cork. It was wonderful to have the support of colleagues here. I hope something happens.

Unlike any other sort of cancer, head and neck cancer disfigures your face. It leaves you with a permanent mark for the rest of your life. That mark is there for everybody to see. I recall being in a shop with Rebecca on one occasion. She was standing at the counter waiting to buy something and I was browsing and looking for something. The next thing I heard was the guy behind the counter saying to her, "Oh Christ, you're not one of them that cuts yourself are you?" Why did he ask that? It is because she has a scar under her neck. Rebecca, being a feisty woman, fairly explained to him what it was all about. I again thank colleagues. Senator Nelson Murray made a point about Simon Harris a few moments ago. We are great at cutting the backs off one another every now and then, but, by God, when we come together, we are a wonderful organisation. I will always be grateful for that.

There has been a lot of talk about the €1.49 billion that has gone into defence. We are a country roughly the same size as Finland. Our populations and economies are also roughly the same size. Finland is spending €6.7 billion on defence; we are spending €1.49 billion. We are coming into the Presidency of the EU. Michéal Martin has said we are going to have to call

on European neighbours to help us to secure the country during our Presidency. For a proud, sovereign nation, that is totally unacceptable. We want to carve a route for ourselves. Many people talk about neutrality, but this country is actually militarily non-aligned. If we want to stay that way, we have to do something about it. I request that the Tánaiste come before the House - once he has survived the motion of no-confidence, which I have no doubt he will - for a debate on how we develop going forward. There are green shoots within the Defence Forces. Things are beginning to change. What we need to do is accelerate that as best we can. If the Leader could do something about that, I would appreciate it.

Senator Chris Andrews: Earlier this year, Pearse House residents were devastated to hear that the regeneration plans for their flat complex were going to be pulled. The Government said the plans were pulled because there was no additionality on the site. On a superficial level, one would think that is reasonable. However, the Pearse House complex was built in the 1930s. The flats are absolutely tiny. There is also a preservation order on complex. It was impossible to get additionality on a tight site that is subject to such an order. This has been devastating for residents. They had hopes to move to adequate, proper accommodation, but that now seems a distant dream.

They are not alone. Their counterparts in Markiewicz House, a complex located not far from Pearse House, live in similar conditions. That complex is affected by damp and mould. In addition, there are raw sewage leaks in all flat complexes right across the city. These flats are collapsing around the people who live in them. The residents of Pearse House have engaged in an amazing campaign. They have worked really hard with the council. In fairness, the council and Mick Mulhern have been very supportive and are looking to come up with solutions. Ultimately, it is the Government that holds the purse strings. As a result, it is the Government that will decide what happens to Pearse House. It has decided to put Pearse House residents on hold, having raised their hopes for a number of years.

The residents have campaigned for a long time. They are determined and will not go away. They are going to continue to fight for their rights and for some sort of decent and humane conditions to live in. If the Government were serious about additionality, then it should know that there are sites right beside Pearse House which Dublin City Council own and which could be developed in order to create additionality. However, there is no flexibility on the part of the Government to ensure that some quality of life is bestowed on the residents of Pearse House and Markiewicz House. Those residents and their counterparts in all the other flat complexes have been forgotten.

I ask that the Government show some flexibility in the context of additionality. This matter should not just be viewed in the context of that tight site at Pearse House; it should also encompass the adjacent properties that Dublin City Council owns. If you go further afield in the area - but not that much further - you will come across Verschoyle Court just up the road. That is a big site with huge potential for redevelopment. That is where you will get the additionality. The Government needs to be flexible and do the right thing for residents of Pearse House.

Senator Nessa Cosgrove: Anyone who was listening to Claire Byrne yesterday would have been struck by the very sad but uplifting story of Claire Colum from Strokestown in Roscommon. Ms Colum spoke about her daughter Kate, who was five years old when she died

following a severe strep A infection on 31 March 2023. Kate had been admitted to Sligo University Hospital on the Wednesday of that week after she became very ill. Kate had Down's syndrome. She was a very robust little girl and it was unusual for her to be ill. Kate's parents knew something was wrong when they brought her to the hospital and placed their trust in the diagnosis by the medical staff that she had a nasty virus. She met all the criteria for a diagnosis of sepsis and should have been treated accordingly on the Wednesday. However, the opportunity was missed. She was monitored as if she was suffering with a virus that would pass and was discharged from the hospital on the Thursday morning. She was readmitted early on the Friday morning, having been transported to the hospital by ambulance. Although the medical staff in Sligo University Hospital made a tremendous effort to save Kate's life, it was too late. Last week, an inquest ruled that her death occurred as a result of medical misadventure. The Coroner's Court found that the seriousness of her condition was missed when she was first admitted to hospital.

I am raising this today after listening to the strength and positivity of Kate's mother, Claire, as I have raised in the Seanad before. One factor in this may be the way in which children with Down's syndrome or who are neurodivergent can present to doctors and health professionals when they are ill. They may react differently in a hospital environment or not demonstrate the same signs as other children who are seriously ill. Having different methods of triaging patients with additional needs is something that I have raised previously. Equality does not mean treating everyone identically. It means taking differences into account to ensure an equal outcome. Kate's parents, Claire and Matthew, have talked about how her passing would not define their life. They remember Kate as being a fun-loving child who loved playschool, farming, chocolate buttons and jigsaws. They have very generously turned their grief into action and have agreed to help the HSE to better train staff in assessing the needs of children with Down's syndrome or who are neurodivergent. The training programme in Cork used the letters of Kate's name: K for kind, A for alert, T for time and E for experts.

I wanted to raise this because, like anyone who was listening to the show, I was touched by Kate's mother and the way she spoke about her daughter. I want to express my condolences to Claire and Matthew, and her brothers Matthew and Daniel, and the other members of her family. The loss of a child is a loss that no parent should endure. I hope their generosity of support will be enthusiastically taken up by the HSE.

Senator Paul Daly: On my way here this morning, I heard an interview on "Morning Ireland" with a lady called Ann Woodlock, who is an 86-year-old who won a gold medal for Ireland in the European Masters Athletics Championships in Madeira at the weekend. It was a breath of fresh air and I take this opportunity to congratulate her. It was such a refreshing interview. It got me thinking about the fact that it was in the same news cycle as the news over the last couple of days about Shane Ryan, our Olympic swimmer, having signed up to the Enhanced Games. I compliment, congratulate and thank Shane for the service that he has given Irish sport. I heard his interview on the radio yesterday evening. What struck me was his justification for signing up to the Enhanced Games, where you can actually take drugs under a doctor's supervision. We can do nothing to change that and I have no problem with it. That is his decision. His justification for it was that it was an opportunity for him to make some money, having been on a mere €18,000 per year as an elite swimmer in the Irish elite swimming team for the Olympics.

We all get carried away with the Olympics every four years. We are all in, looking for reviews, money and meetings with the Minister for sport, and we want more medals the next time, then it dies off. Maybe it is time to revisit that. I would like to ask for the Minister for sport to come in to have a debate about that fact. We cannot influence the enhanced games. It is up to us whether we agree or disagree with it. I would be fearful that it would become a model for young people. If these lads start breaking world records and it looks like taking drugs is normalised, what influence will that have on younger people through social media, with the stature people might have with their speeds and performances? I am fearful of that. There is nothing we can do about it. They are not breaking any laws, apparently, in America. The fact that he was only on €18,000 was what struck a chord with me. Maybe we should have that conversation now as opposed to post Olympics when we are celebrating or giving out about our performances.

Senator Evanne Ní Chuilinn: I echo a couple of things before I get started. The first is about Ann Woodlock. Ann is from Drimnagh. I know her well. I see her every Saturday doing the park run. She is the best of us and she beats the best of us every single Saturday. Congratulations to her on her gold medal at the weekend and the best of luck this weekend in her next event.

I also echo Senator Nelson Murray's comments about an Tánaiste, Simon Harris. Notwithstanding the fact that I would not be here without Simon Harris, the benefit or advantage that we have is that we see what Simon does behind the scenes. He is the hardest of workers. He knows his brief so well. He is a role model for all the rest of us who are budding politicians. We wish him well this afternoon.

I was going to start by giving out about something, and then I got an email this morning which was very good news, so I no longer need to give out. The Loreto Centre Crumlin does amazing work. It provides free counselling and psychotherapy services to the people of Crumlin and its environs. About 41 counsellors are working there free of charge, which obviously takes massive pressure off the HSE locally. They deliver 3,000 sessions to 250 people every year. Those people would not afford counselling and they certainly would not be joining a HSE waiting list to try to get access to that counselling. Various representatives in the area have been campaigning behind the scenes for the last number of weeks and months to get essential funding, because the Loreto Centre was established 25 years ago by the Loreto order, but it is pulling back from its services in Ireland, so the centre was going to have to close unless it got emergency funding. It needs €100,000 every year, which is not a lot of money when you consider that 40 counsellors work and deliver sessions to 250 people every single year.

The news today was very welcome. There was a meeting with the HSE last week and the centre has been awarded €65,000 in funding for now and next year. We will have to revisit this in 2027 and I will have to start giving out again, but for now, I just want to congratulate Anca Lupu, the manager. She is the only staff member in the centre; everybody else is voluntary. Congratulations on getting the funding over the line. We will continue to advocate for the Loreto Centre into the future.

Senator Victor Boyhan: I join the Cathaoirleach in condolences to James Doolan, a professor and Senator, and remarkable man. I lived close by him in Monkstown because he

lived there for many years. He was always a thorough gentleman. He brought great wisdom. He was one of a handful of really great, distinguished Senators in this House. He had varied and wide contributions to make. He was an experienced and well-travelled operator anyway. It was great to see that. I am always conscious when people come into this House, be they nominated or elected, that we need diversity of background, tradition and age. The age has crept down for some and not for others. Other opportunities and encouraging people to come into these Houses, legitimately as Taoiseach's nominees or through the election, is something that we need to bear in mind. There is a time for us all to move on and to make way for other people. I was thinking that as the Cathaoirleach was talking about him.

I raise the issue of the continuing hunger strikes of people who were in institutional care. We have had many debates about this in these Houses. There has been much talk of support. What are these people asking? When I spoke to a number of people involved in this campaign, they said they have nothing to lose. That is a profound statement for people to have to make. They are committed to their struggle and to highlighting the issue. They are seeking an enhanced medical card. Bearing in mind the age of these people and the people they represent, it is not too much to ask. I ask people who have the opportunities to meet their parliamentary parties this week to highlight it again. I know they are committed on all sides. It is not a criticism of anyone in here or in the Dáil, but let us highlight it, because this is not going to go away. It is a simple, human ask to acknowledge the hurt, disappointment and setbacks that these people have had, and the role the State played in that. Their physical and mental health is really important. I ask that we highlight it wherever we can in the next days, in the corridors of power and these Houses. The other thing is the enhanced medical card. It is not too much.

The issue of a pension is more difficult and more protracted. We have to accept that many people incarcerated in these institutions were used as slave labour. We have to find a way, whether an enhanced payment, a pension, a recognition payment or call it what you like, but they must somehow be given recompense and some contribution for their labours within our institutions.

Senator Paraic Brady: Today I raise an issue once again that, unfortunately, affects the farming community. This week, four of our major supermarkets have decided to have a price war regarding the price of milk. This sector, where farmers produce liquid milk, has seen 43% of liquid milk producers leaving in the last ten years, which is highly worrying. We have seen costs increase.

12 o'clock

We have seen outputs decrease. I urge these four retailers to move away from the Irish farming sector. If they want a price war, move it into the coffee industry or somewhere it does not affect homegrown produce or the farmers of this country. The housewives of all these farmers shop in these supermarkets.

I urge that, if the price war is not stood down in the next ten days, the people of rural Ireland boycott these supermarkets and not do the shopping there. Then they would realise the people and the farmers have a voice and that we support the farmers in this country. I urge the four retailers, and everybody knows who they are, to stand down their price war. This is having a major effect on fresh milk produce. Co-ops have been reducing the prices for September and

October. I urge the supermarkets to move the war somewhere else before the war is moved to their door.

Senator Noel O'Donovan: I echo my colleagues' disappointment in learning of the motion of no confidence in our party leader, the Tánaiste, Deputy Simon Harris. Let us be straight here: the dogs in the street know the exact reason the motion is being put down. It is because we have a presidential election next week. It is the greatest form of populist politics - I would call it pathetic politics. I hope the general public will see what it actually is. We have a duty as public representatives to call Government and the political parties to account if there are issues or challenges or issues in our communities not being worked on, but this is populist politics at its very best.

At the heart of this are scoliosis and spina bifida issues. I welcome the fact the Minister for Health and the Tánaiste have met the family of Harvey Morrison Sherratt recently but let us not forget why the motion is put down and let us call it out for what it is. I, too, have seen the Tánaiste at work on a daily basis here. Let us not forget the threats made on his life and against his family. We need to be careful as public representatives. When motions are put down and go to social media, that is the effect they can have, so I call out this motion directly.

I have raised in this House on a number of occasions the issue of infrastructure and the lack thereof in constituencies across the country. I welcome the additional funding put into infrastructure in the budget. The electricity grid and water and wastewater services need to be improved but when we see increased funding, we need to see efficiencies and delivery on the ground. We need to improve how Uisce Éireann and other State bodies communicate that delivery back to public representatives. I call for a debate with the Minister for housing to hear his plans to ensure State agencies spend money wisely. We all as public representatives email, phone and write to Uisce Éireann and it is deeply frustrating to get updates that take a long time. There is scope to put in place a website or a better communication method for public representatives at all levels to communicate the work being done.

Senator Joanne Collins: I want to raise something I noticed last week. The National Ambulance Service was in before health committee last week to take questions. Its representatives stated, and it was reported in *TheJournal.ie*, that the service would be interested in having doctors going out with its crews. I found it quite amusing, considering there is a charity that works under the National Ambulance Service called CRITICAL which practises this. It has doctors on its books. The only difference is CRITICAL personnel are volunteers so they do not get paid, whereas the National Ambulance Service would pay doctors if it was to bring them out. The service is speaking about going to Scotland to look at best practices, which I find quite unusual considering we have the practice on this island already.

I ask for a debate in the House on the services provided in this country, including charity services, which are run by volunteers and need to be recognised for the work they do and what they supply to our communities. I could not name all the counties but CRITICAL is in counties Limerick, Cork, Galway and Donegal, and there is a big base in Dublin. It trains volunteers and supplies go bags and vehicles to volunteers so they can respond to calls the National Ambulance Service cannot get to, whether because it does not have enough staff on the ground or there is an overflow. It would be nice to have a debate in the House and recognise the services that play a role in this area.

Senator Garret Ahearn: I follow on from colleagues who have spoken on the motion of confidence in the Tánaiste, Deputy Simon Harris, in the Dáil today. This is clearly a populist move at a time when a presidential election is happening and there is only one candidate from the Government side - from Fine Gael - running in the election. This is being used to try to attack Heather Humphrey's campaign and the Tánaiste and leader of Fine Gael.

It comes from a person who has very little credibility in this. He was out in the past week or so saying he is not even going to vote in the election. This is a person who talks of defending democracy, yet he is not using the right our predecessors and founders fought for, which is to vote in an election. Irrespective of your views on people running, the very least elected representatives could be doing is voting when there is a vote on.

We all know this is a populist move. The Tánaiste has worked incredibly hard in recent months as Tánaiste and Minister for foreign affairs, particularly on trade negotiations with the US and trying to get certainty on that. I have no doubt in the two-hour debate that will happen at 1 p.m., the Tánaiste and his colleagues in government will be well able to defend their record over the last number of months of this term.

We have a busy four years ahead as a State. Much work needs to be done. A programme for Government has been agreed which is ambitious and needs to be delivered, instead of wasting two hours of Dáil time on a motion which is totally political and is hypocritical in the sense that the Dáil spent three or four months debating the lack of speaking time and opportunity to speak. Now the Dáil will waste another two hours on a motion that the dogs in the street know is just a political move.

Senator Gareth Scahill: I, too, echo colleague's sentiments and unwavering support for the Tánaiste, Deputy Simon Harris. I also echo my colleagues who have called this out for what it is and pointed out the Tánaiste is upstanding and hard-working, and has delivered in every role he has ever taken on.

Today is SUDEP Action Day - sudden unexpected deaths in epilepsy day. SUDEP is one of the most devastating aspects of epilepsy. Thanks to research supported by Epilepsy Ireland, we know 33 people die of this in Ireland each year. When other epilepsy-related causes, such as prolonged seizures, injuries and drownings, are included, that number could rise to around 100 deaths annually. Behind each of those is a person, family and community changed forever.

Far too often, families tell us the first time they hear the term SUDEP is when they see it on a loved one's death certificate. That cannot continue. While the exact cause of SUDEP is not fully understood, research shows uncontrolled seizures, not taking prescribed medication and alcohol or substance misuse can increase the risk. That means awareness, education and support can and will save lives. Today I would like to remember all the people who have died of this and join Epilepsy Ireland in calling for a debate on the urgent implementation of a national strategy to reduce epilepsy-related deaths in Ireland.

Senator Sarah O'Reilly: I commend Deputy Charles Ward, who brought a Private Members' motion before the Dáil today, the 100% Redress councillors and my Aontú colleague Ms Mary T. Sweeney on their tireless work on the defective concrete blocks issue. This crisis is a slow-motion earthquake. We see homes slowly crumbling across Donegal and far beyond, and I

have no doubt it will stretch more over the country in the next few years. If this disaster were happening anywhere else, the Government would have declared a national emergency. Instead, Irish families have been abandoned in their own country.

The Government still clings to the so-called mica freeze-thaw theory. The truth now confirmed by experts is that sulphite-bearing aggregates are the real cause, yet regulations still have not changed. Quarries remain self-regulated, meaning defective materials can still be produced today. Homeowners are being charged €600 to €1,000 for building condition assessments and they simply cannot afford this in the midst of a cost-of-living crisis.

I have seen homes where every wall is covered in mould, children suffer constant respiratory infections and families are trapped in unsafe conditions with nowhere to go. During Storm Amy, Donegal had a status red wind warning in place. Imagine trying to take shelter in a house that is held up by blocks that you could put your fist through. With every storm, these houses weaken. What happens to families when their homes totally collapse? There is no plan for rehousing and no emergency accommodation. Families in north Leinster received full redress under the pyrite scheme. The families in Donegal deserve nothing less. This is a humanitarian disaster and needs to be declared as a national emergency. The damage threshold must be scrapped. The only real solution is a State-led demolition and rebuild programme, strict independent regulation of quarries and emergency accommodation for people affected.

I agree with Senator Linda Nelson Murray: we need to get on with the work of these Houses. We have been distracted and there have been a lot of deflections over the past few months to things that do not affect our own people. We need to fight for the people in our own country who are struggling. I look forward to seeing statements in the future for the people of Donegal on the defective blocks situation.

Senator Joe Conway: I add my voice to that of Senator Craughwell earlier when he asked the Leader - I am asking this as well - that we request the Minister for Defence to come into the House and give us a decent debate on the defence budget, as exposed last week, and on our defence of our sovereign nation, given our non-aligned status.

An príomhphointe atá á dhéanamh agam ar maidin ná tagairt a dhéanamh don mbriseadh a tugadh sa bhuiséad an tseachtain seo caite d'óstlanna agus do bhialanna. I refer to the amount of money that was set aside as a tax break or otherwise for the hospitality sector, the close to €700 million a year in one year. It is strange to see this come in because wages in the hospitality sector are rising and so is employment. A Big Mac in Waterford at Christmas in 2022 would have cost €4.30 and a Big Mac meal would have cost €7.20. This month, which is less than three years later, that Big Mac will cost €7 in Waterford and the meal will cost €10.90, a 60% increase in less than three years. In the Tower Hotel at Christmas in 2022, you would have paid €5.50 for a pint of Guinness. That is now €6.20, a 30% increase and well ahead of the rate of inflation.

There is talk about Simon Harris morning. Simon Harris and the Government got it seriously wrong in giving this break to the hospitality sector. A sum of €700 million in a year would have given two winter fuel rebates to poor households next winter. To my mind, going for a pint or eating in a restaurant is the comfortable choice of the comfortably off, and people who are suffering fuel poverty do not have that choice. This was a bad call from the Tánaiste and a bad call from the Government.

Senator Mark Duffy: I wish to raise an issue of serious concern to residents in County Mayo, in particular in the Lacken and Ballycastle area. It relates to a proposed wind farm development. In Mayo, we have seen a lot of investment in wind energy and turbines. It is something I support in a structured and considered way. The challenge we have at the moment, however, is that we do not have a clear wind energy strategy published by Mayo County Council, leading to a less considered and strategic approach to different developments. There is a proposal being made by Constant Energy to create a wind farm development of 16 turbines in Tirawley. It has gone to An Coimisiún Pleanála for 16 turbines. It is in a special area of conservation with incredible neolithic history and it interacts with the Céide Fields system. It is a neolithic site. I ask that we have proper and clear guidelines for these proposed wind farm developments. This is a community where they have had challenges trying to get planning permission for houses for people from the area living in the area, yet now there is a proposal going into An Coimisiún Pleanála for 16 turbines. For them, it is totally unpalatable and unacceptable. I highlight the need for Mayo County Council to publish the wind energy strategy and to protect areas like Lacken and Ballycastle to make sure that the areas of scenic beauty, which are world famous, are protected, that the ecological system and the neolithic heritage of the site are protected, and that we have clarity for communities like those in Lacken and Ballycastle. I thank Councillor Jarlath Munnelly, with whom I am working and liaising on this to make sure that the residents and the community are heard and that there is a clear strategy by Mayo County Council to end the vacuum of decision-making and certainty for communities.

Senator Aubrey McCarthy: I rise to speak about the Defamation Bill currently before the House. I think it is our final opportunity to deliver a defamation Act that protects the right of ordinary citizens and small business owners across Ireland. For too long, our defamation laws have enabled a culture of vexatious litigation whereby retailers, forecourt operators and restaurateurs are targeted not for wrongdoing but for profit. The statistics show that Ireland has 18 times the number of defamation cases *per capita* of our nearest neighbours, England and Wales. That is indefensible. The vast majority of defamation litigation in this country is not against the media but against small retailers, forecourt operators, restaurants and bars. Nowhere else in Europe can someone sue for being asked to show proof of purchase, that is, their receipt. We need to move away from that type of nonsense. The legal lobby claims that a harm test would deny access to justice. However, it has been stated in this House that that would actually not be the case and that such a test would in effect restore justice. It would mean nobody would be immune from civil prosecution but no one should be sued for doing no wrong.

As we debate the Defamation Bill this afternoon, we need to address this in the legislation. Ireland's small businesses deserve better than this.

Senator Seán Kyne: I thank all Senators for their contributions, starting with Senator O'Loughlin, who raised baby loss awareness and the great work of Féileacáin. I concur with her comments. Féileacáin should be supported at every opportunity.

Senator O'Loughlin also raised an issue about a local library and complaints from people in relation to the use of space for people with disabilities. It is a worrying development. I hope that a resolution can be found and that the adults and children who were using those services

find an alternative space, if that is needed. That is to be decided by the powers that be within the local authorities and the users.

Senator Nelson Murray raised the issue of critical blood supply. I commend the Senator for being a blood donor and volunteer. It is a very important role. I am not sure if everyone here or anywhere else actually knows what blood type they might be. That would be a good start in relation to this. There may be reasons people cannot give blood and we have to respect that but the Senator raised valid points in relation to the average age and the maximum age and whether changes could be made there. If the Senator puts it down for a Commencement debate she might get a more direct response on the matter. It certainly is a very worthy issue. The Senator also raised the issue of the confidence motion in the Tánaiste. As the Minister for Defence and Minister for Foreign Affairs and Trade he has a very busy role with the two Ministries, as well as leading the party and everything else. There is a lot of foreign travel involved. I think he is doing an exceptional job in leading those Departments and in his role as Tánaiste. It is a very busy role. Obviously there will be a motion before the House, which will be done-----

Senator Sarah O'Reilly: I do not think-----

An Cathaoirleach: The Leader without interruption.

Senator Seán Kyne: As I understand it there will be a motion at 1 p.m.

Senator Sarah O'Reilly: It has not-----

Senator Seán Kyne: It will be up to the other House to decide in relation to that. There will obviously be a thorough debate over the course of two hours on that. From experience at Cabinet and knowing other Ministers who have gone through this, it is a personal strain on them but it is part of the democratic process as well and we respect that.

Senators Craughwell and Joe Conway raised the issue of defence spending and the €1.49 billion being spent on defence. They called for a debate with the Minister, Deputy Harris. I will request that debate. Senator Craughwell also raised the issue of the motion last week in relation to head and neck cancers and his personal experience with his daughter Rebecca. I wish her well in continuously living with the issues that have occurred with her.

Senator Andrews raised the Pearse House redevelopment. I am not sure if the Senator got an opportunity to put down a Commencement debate on this matter for a more direct response. Obviously, that would be an issue for Dublin City Council and the Department of housing. The Senator mentioned the preservation order and the lack of additionality. If there are issues, as the Senator said, in relation to mould and so on then in my view that would certainly be a strong enough case for redevelopment. I urge the Senator to take this up directly with the Department via a Commencement debate.

Senator Cosgrove raised the case of a young girl with Down's syndrome, a very special girl, who died from sepsis. I listened to the interview with her mother, Claire Colum, yesterday on "Today with Claire Byrne". It was very moving and she is a very brave person in raising the

issue and making other parents aware of sepsis. A younger child, and in this case a child with Down's syndrome, may not be able to explain what is going on or how they are feeling as easily as other children would. It is a very worthy issue. Ms Colum is looking for additional training for staff and is advocating for that.

Senators Paul Daly and Evanne Ní Chuilinn spoke on Ann Woodlock and her gold medal. I wish her well on that. She certainly sounds like a wonderful lady. Senator Daly has also called for a debate with the Minister for sport on the use of drugs and the enhanced games. He mentioned the much-reported case of Shane Ryan. I am not here to defend that case. All athletes who from a young age pursue a sport, be it track and field, swimming or whatever, put their bodies through a huge amount of physical work, with early starts, diet, weight training and everything else. They should be rewarded. In this case, decisions may have been made for financial reasons and that is a matter for that person. I certainly hope that, whatever happens, his health is not impacted going forward.

Senator Ní Chuilinn also raised the motion of confidence, and she told us the good news about the Loreto Centre, with the allocation of €65,000 in funding. I know the Senator will continue her advocacy in respect of the centre because it sounds like it is not a foregone conclusion that it will continue. That advocacy is needed to ensure the valuable work the centre does will continue.

Senator Boyhan raised the issue of the hunger strike by those who were in residential care. The Senator has called on all of us to continue to highlight that, which I am sure we will. He called for the necessary issues in relation to medical cards or pension recognition payments to be addressed. I will certainly continue to do that. Senator O'Reilly also raised the issue recently.

Senator Brady raised the price war in supermarkets in relation to milk. We know how hard farmers have to work and particularly the liquid milk producers throughout the winter. It is a high-cost business. Using milk as a sort of a loss leader has a direct impact on the suppliers and it devalues the very valuable product our farmers work so hard at. I certainly hope they can come to sense on that matter. I know the Senator will continue to pursue that and keep an eye on those supermarkets in the coming weeks.

Senator O'Donovan raised the motion of confidence and called for the Minister to come to the House regarding infrastructure and Uisce Éireann. A lot of work is being done by Uisce Éireann but certainly there are a lot of plans needed as well as a lot of reinvestment. There is a lot of investment in water and wastewater, which is absolutely vital for house construction and compliance with EPA guidelines. I will certainly request a debate on that with the Minister for housing.

Senator Collins raised the issue of the National Ambulance Service and talked of best practice. The Senator spoke about the charity called CRITICAL and the work it does in bringing in doctors and training volunteers. I will certainly raise that with the Minister for Health. There has been investment in the ambulance service over the years but there are low response times in certain parts of the country. Unfortunately we will always hear of cases where somebody has had to wait an inordinately long period of time. I will request a debate on the National Ambulance Service.

Senator Ahearn raised the issue of the motion of confidence, as did Senator Scahill. Senator Scahill also raised the matter of sudden unexpected death in epilepsy, SUDEP. It is worth raising notice on that and providing coverage on it. The Senator said there is a need for a national strategy. Perhaps the Senator will table the matter for a Commencement debate. It is important that we, and particularly those who suffer from epilepsy and have survived serious issues, continue to advocate, as they do, and raise awareness in relation to the particulars of epilepsy.

Senator Sarah O'Reilly raised the issue of the Private Member's motion on defective concrete blocks brought forward by Deputy Charles Ward in the Dáil today. There is a debate going on and I am not sure what the outcome of that will be. I am not sure of the exact wording of that. Changes were made to that scheme over the years to make it more applicable to the rising costs. There was an increase of 10% last October to the values in the scheme and the cap was increased to €462,000. The ancillary grants and the square footage grant were increased as well. Certainly it is an issue that continues to impact on people's lives. The Senator mentioned the fact that, as well as a person's house crumbling, there may be storms raging outside. There is a real life issue and I certainly hope there is continued drawdown of the grants that have been made available and the financial resources that have been put into this. The work is ongoing across Donegal and other areas.

Senator Joe Conway expressed concern over the 9% VAT rate proposals. The Minister, Deputy Burke, was here yesterday. I am not sure if the Senator got an opportunity to raise this with him directly. A decision was made within the Government on this. There are many small retailers and small businesses that are being put to the pin of their collar in relation to rising costs. We all support that staff should be paid the minimum wage. The report suggested, or recommended, an increase in the minimum wage this year. There are also increased insurance, energy and food costs that all impact on small businesses' ability to keep their doors open and to assist in the bottom line.

The winter fuel payment has been continued and it has been enhanced this year to include a new cohort. There is an increase in the pension, along with the VAT reduction for gas and electricity being maintained for the next five years, which is important for older citizens.

Senator Duffy raised the issue of wind turbine development and called for wind farm guidelines. This has been requested for a long number of years and it has not been forthcoming. I advise the Senator to put it down for a Commencement debate with the Department of the environment. It has been going on for ten years and the issue at stake is the need for a national strategy.

Senator McCarthy raised the Defamation (Amendment) Bill. This is ongoing in the House. The next substantial piece of business will be on the Bill. It might be in order to raise the matters to which he referred directly with the Minister, Deputy O'Callaghan. He has been very generous with his time and has been here on all occasions when the Bill has been discussed. We have three hours scheduled for that important Bill today.

Order of Business agreed to.

Expressions of Sympathy: Motion

Senator Seán Kyne: At its sitting on 15 October 2025, Seanad Éireann passed the following resolution:

That Seanad Éireann expresses its deep sadness on the death of James Doolan, conveys its sincere condolences to his family and expresses its gratitude for his notable contribution as a Member of Seanad Éireann to Irish public life and for his dedicated service to the people of Ireland.

An Cathaoirleach: A copy of the motion will be sent to the family.

Question put and agreed to.

Third Report of the Committee on Parliamentary Privileges and Oversight: Motion

Senator Seán Kyne: I move: "That the report be adopted, laid before the House and printed."

Question put and agreed to.

Cuireadh an Seanad ar fionraí ar 12.31 p.m. agus cuireadh tús leis arís ar 1 p.m.

Sitting suspended at 12.31 p.m. and resumed at 1 p.m.

Defamation (Amendment) Bill 2024: Committee Stage (Resumed)

NEW SECTION

Debate resumed on amendment No. 5:

In page 7, between lines 14 and 15, to insert the following:

“PART 4

DEFAMATORY STATEMENT

6. Section 2 of the principal Act is hereby amended by the substitution of the following for the definition of “defamatory statement” appearing in that section:

“ ‘defamatory statement’ means a statement that tends to cause harm both to a serious and to a lasting extent in the eyes of reasonable members of society, and ‘defamatory’ and ‘serious harm’ shall be construed accordingly.”.

- (Senator Michael McDowell)

An Leas-Chathaoirleach: I welcome the Minister, Deputy O'Callaghan, and thank him for coming for this all-important Bill. Previously, Senator McDowell was speaking on amendment No. 5. Would he like to continue?

Senator Michael McDowell: No, I think I have said everything I have to say about amendment No. 5. I just want to make the point that the House was informed on the last occasion that there were concerns in the Office of the Attorney General about the seriousness

requirement being introduced into Irish law on the basis that the good name of the citizen, which is an explicit right in the Constitution, might be in some sense compromised by introducing a threshold of seriousness in respect of defamation actions. I want to repeat that I do not agree with such concerns. I do not believe that something that is not serious can be litigated as a matter of constitutional right or that a seriousness threshold in some sense infringes the rights under Article 40 of the Constitution to the defence and vindication of a citizen's good name. If something is not serious, it should not be litigable, in my view. While the Office of the Attorney General is free to express concerns to the Minister's Department on issues like that, I would be very surprised if a fully worked-out opinion that it could endanger the citizen's rights under the Constitution was ever prepared, considered, brought to the Attorney General and received the Attorney General's approval as the legal advice to the Government. It is on that basis that the refusal of the Minister to accept an amendment to introduce a seriousness threshold for defamation on the one hand, while introducing it for corporate defamation cases on the other in a later section of the Bill, fails to make a just distinction between incorporated and unincorporated businesses, retailers and the like. I do not see how the threshold differs from, as I said, Michael McDowell, the butcher in Ranelagh, personally running his business and having his stock defamed or whatever and a company that I own 100% of the shares in, running precisely the same business, and a different test being introduced for those two different situations.

I am not saying that it is definitely the case but I refer to the concerns expressed by the Office of the Attorney General that seriousness could be suspect from the point of view of the Constitution and the citizen's fundamental rights in Article 40. If this has in any sense affected the drafting and proposal of the measure in this Bill and insofar as it is contributing to a reluctance on the part of the Minister to accept an amendment that would bring us in line with Northern Ireland, Scotland, Wales, England, Canada and Australia, I think it is misplaced. We are in danger of missing a real opportunity to do something substantial, that is, to rid many people of the huge burden of nuisance actions in litigation for defamation, which cost individuals and individual trading concerns and retailers so much management time, concern and, in the end, legal fees. The Minister said that if insurance companies took a different view and were - I cannot use the term "manly" - brave in the defence of these cases, maybe there would be a different attitude among plaintiffs. However, as the Minister well knows, insurance companies right across the spectrum from personal injuries to other matters only look at the bottom line. They consider if it is worth having a courtroom squabble for €10,000 when it is easier to give the person the money and the solicitor a few bob for costs. That is easier than being brave or taking a stance that this is a relatively trivial matter. On that basis, I maintain my view that the Bill should be amended to introduce a seriousness threshold to all defamation cases.

An Leas-Chathaoirleach: Does anybody else want to speak on amendment No. 5?

Senator Linda Nelson Murray: I do not claim in any way to have the legal mind that Senator McDowell has. I am just trying to get my head around the legislation and understanding it. I am coming at it from a lay-person's point of view and from listening to business owners. Imagine a scenario in Senator McDowell's butcher shop where merchandise is scattered around the shop in lanes, aisles and areas that staff cannot see. Somebody might slip something into their pocket and maybe the staff see it, but then, by the time the person gets to the front of the

shop, the item is no longer in their pocket. If the retailer asks if they have a receipt, the person might say, "Oh my God, I don't but you've said that in public, everyone has heard it and I'm now going to take a case against you." There is a big difference between somebody being a shareholder in a company and somebody taking a defamation case, which is a lot less.

I am spokesperson for my party on enterprise. My colleague Senator Mary Fitzpatrick and I hear all the time from businesses and retailers that this is a massive issue. There is a reason that Ireland has had more cases than the UK has had over the past 15 years. Last year, we had nine more cases than there were in the UK because defamation is a new thing that people can do in shops. I have no clue as to which section we are supposed to change to make this better. I am hoping that we can do something for retailers and for shoppers in shops so that they can ask people for a receipt or ask if the item has been paid for.

I totally agree with the Minister's point on insurance companies. They look at the bottom line and decide it is a lot cheaper to give somebody €7,000 than it is to bring somebody to court for €30,000. Unfortunately, they settle and will not fight those cases. I would love to be in a world where they do fight them.

One of the amendments I have tabled, in my slight innocence in all this, is to cap the damages. Is that the right thing to do or the wrong thing to do? It worked in insurance. Is it the right thing to do here? Should we just change the definition of defamation completely and have something like a harm test to protect those working in shops, so they are able to ask, "Did you pay for that item?" They are just run ragged with all this. It has featured on "Prime Time", the news and various radio programmes. They are coming to us. I really hope we can do something to help address that. As I said, that is coming from me as a layperson but also as a business person. I am standing up for businesses here.

Senator Joe Conway: Like Senator Nelson Murray, I do not pretend to have any legal expertise given my background. Fundamentally, my concern relates to the possibility of increased costs for the layperson. I understand there is a commitment to alternative dispute resolution in the Bill and the change regarding juries in the High Court is mooted as having the effect of reducing costs and unpredictability in cases. Can the Minister give a guarantee that in those instances, the costs will decrease for the layperson?

I am a bit curious about defamation online and the likelihood that in defending possible defamatory statements online, the people who are using blogs would not be allowed to address these through alternative dispute resolution, meaning they would need legal representation to negotiate the intricacies of what looks to me like manifestly complex proposed legislation.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I am conscious that this is the first time Senator Conway has spoken on this grouping of amendments.

At the end of his contribution, Senator McDowell mentioned that insurance companies are dictated to by the bottom line, and he is absolutely right about that. However, as legislators, we cannot be dictated to by people whose only interest is the bottom line. We need to enact legislation that balances constitutional rights. Simply because insurance companies decide to

pay out because it suits their commercial interest, that is not a factor on which we should be deciding proposed legislation.

Senator Nelson Murray gave the example of somebody walking up and down an aisle. At present, that is fully protected. If somebody walks up the aisle, puts something in their pocket, takes it out, puts it back again and a shopkeeper stops them, the shopkeeper is perfectly entitled to do that at present. At times in the debate, this may not be apparent but I am putting in a further provision to give retailers even further protection. Sometimes, listening to some of the objections from the lobby groups might make one think I am reducing the protections available to retailers. I am increasing the protections for retailers. If people do not want it, I will take out the section, but I think this section will provide even greater protection to retailers because it includes, for the first time, a specific statutory defence entitling them to ask questions about somebody. Even if the worker in the shop is wrong and the person does not have an object in their possession, the worker is still protected because of this statutory defence.

Senator Conway asked if I could give a guarantee that costs will decrease. My assessment of it is that the reduction of juries, the efficiencies introduced in the system and the strengthening of defences available to retailers will result in a reduction of costs.

The Senator also spoke about defamation online. As I said earlier, the elephant in the room here is defamation that is happening online. I know Senator Nelson Murray referred to them, but the number of defamation claims in Ireland is small. Where defamation really operates in Ireland is online, with the vast amounts of defamatory publications put out by individuals about Irish citizens. We really need to be focusing on the type of remedy we can provide for them.

That is all I want to say on these amendments. I am happy for them to be put to a vote.

Senator Michael McDowell: It was the Minister who introduced the question of insurance companies. He said he wished they would take a different and more robust attitude to claims of this kind. It was not me or any of the other Senators who raised that. He now comes in and says we cannot have a law which is dictated by insurance companies. In defence of saying that seriousness does not apply, he said that perhaps the answer lay with the attitude taken by insurance companies in not defending unserious or minor cases.

I agree with the Minister that online defamation is a huge problem. I want to signal now that the provisions he proposes to introduce later in the Bill on that subject are wholly inadequate. I will be dealing with that at a later stage.

Amendment put:

The Committee divided: Tá, 15; Níl, 35.	
Tá	Níl
Black, Frances.	Ahearn, Garret.
Boyhan, Victor.	Blaney, Niall.
Clonan, Tom.	Boyle, Manus.
Conway, Joe.	Brady, Paraic.
Cosgrove, Nessa.	Byrne, Maria.
Craughwell, Gerard P.	Casey, Pat.
Flynn, Eileen.	Collins, Joanne.
Harmon, Laura.	Comyn, Alison.

Higgins, Alice-Mary.	Conway, Martin.
Keogan, Sharon.	Crowe, Ollie.
McCarthy, Aubrey.	Curley, Shane.
McDowell, Michael.	Daly, Paul.
O'Reilly, Sarah.	Davitt, Aidan.
Ruane, Lynn.	Duffy, Mark.
Stephenson, Patricia.	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Goldsboro, Imelda.
	Kelleher, Garret.
	Kennelly, Mike.
	Kyne, Seán.
	McCormack, Maria.
	Murphy, Conor.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	Rabbitte, Anne.
	Ryan, Dee.
	Ryan, Nicole.
	Scahill, Gareth.
	Tully, Pauline.
	Wilson, Diarmuid.

Tellers: Tá, Senators Michael McDowell and Joe Conway; Níl, Senators Garret Ahearn and Paul Daly.

Amendment declared lost.

SECTION 6

An Leas-Chathaoirleach: Amendments Nos. 6 and 7 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 6:

In page 7, line 27, to delete “, or is likely to cause,”.

Last week, when we discussed Senator McDowell's amendment on raising the threshold in the definition of "defamatory statement" to serious harm, the Minister responded to the effect that it is more difficult to ascertain that a person has sustained serious harm than it is to ascertain that a company has done so. He stated:

... we are trying to ensure the company can only succeed in a defamation case if it can show it has sustained serious harm. How do we assess whether a company has sustained serious harm? We look at its profits and look to see whether there has been financial loss.

The example the Minister gave involved somebody saying that McDowell Butchers Limited sold rotten meat. The Minister said that unless a business suffered financial loss, he did not see why it should have a defamation claim. I agree with the Minister on this. However, section 6 is not limited to situations in which there has been a proven or measurable financial loss. Currently, the legislation, which changes the definition of "body corporate" goes beyond that and includes situations involving statements that are likely to cause serious harm to a corporate entity and suggests that they would be considered defamatory. The Minister stated that unless a business has suffered a financial loss, he did not see why it should have a defamation claim. However, the legislation allows for a defamation claim where a business has not suffered a loss but where it is suggested that it is likely to do so. The term "likely to cause" is, again, weak language. It gives scope to what we will discuss in the context of some of the later amendments, namely the kinds of cases that are designed to intimidate those engaging in rightful and, in many cases, accurate criticism. It brings about a situation whereby the defamation is simply the possibility or likely possibility that it may cause financial loss.

This weak definition of what constitutes a defamatory statement, which others such as Senator McDowell are seeking to have amended, could allow companies to weaponise defamation proceedings against individuals or groups that might organise to outline these companies' harmful or destructive practices. Ireland already has a reputation for libel tourism. The aim behind my amendments Nos. 6 and 7 is to delete the phrases "or is likely to cause" and "or likely to cause" from the Bill. I tabled them to illustrate the power imbalance in defamation proceedings and how the system can be used to censor information published in good faith about powerful bodies or corporations and their actions and commercial interests.

I welcome the replacement of the previous section because it was entirely inadequate. It stated that a claim might be defamatory whether or not it has incurred or is likely to incur financial loss as a result of the publication. The previous phrasing was extraordinarily wide. It was whether or not it had any impact in terms of loss. That is still too wide. To be in line with what the Minister suggested, it should be limited to situations where there is demonstrated financial loss. In the context of another part of the, Senator McDowell referred to a demonstrated and sustained impact.

Senator Michael McDowell: Lasting.

Senator Alice-Mary Higgins: Exactly. I wanted to provide a few of the examples of how the abuse of defamation cases can happen - sometimes even before a case comes to court. The threat of legal action has a chilling effect that suppresses the publication of information that may be in the public interest. Examples published by the International Press Institute in a story in 2023, entitled "Ireland: How the wealthy and powerful abuse legal system to silence reporting", described a reporter telling how they were sued by a property developer for reporting on safety defects in buildings. The journalist stated: "This is typical – you issue proceedings and you let the thing sit there, with the hope the newspaper will settle, and you can claim a victory one way or another."

The article continued:

In one case, a civil society organisation was threatened with a defamation suit for highlighting privatisation in medical care by a business with interests in the sector. It never went to court and the complaints were considered legally doubtful, but due to the threat of the costs involved ... the organisation ... [deleted all relevant] communications, shut down campaigning on this issue ...

[...]

A political party was said to have sent defamation threats to two different media organisations in response to their press office being contacted with a request for comment about a story.

[...]

One civil society organisation working on accountability was threatened with defamation proceedings by a commercial interest over a report they had published [and this case continued for years]

That organisation has now lost its professional indemnity insurance as a result of this case hanging over it on a long-term basis.

These are very real consequences from cases that never even reached the courtroom. The simple fact of these cases being taken often has very serious consequences for the choices made by individuals, civil society organisations or reporters, along with very real financial and viability consequences for such. That is why it is very important that we not have a situation whereby, without any evidence of any actual harm having been accrued, a case may be taken on the hypothetical possibility of harm, including financial harm, being done. One employee at an NGO reported being told that the case was taken "to mess with us" rather than to succeed in court and to take part of the organisation's very limited resources to deal with court proceedings rather than to set out delivery of its core functions. A small publisher shared images of solicitors' letters it had received "warning of defamation proceedings in response to their coverage of the housing crisis" being taken by organisations with commercial interests in the housing sector. These are real, very serious consequences.

I wish to highlight two points. One refers to an example given by the Minister when he spoke about the rotten meat. As he said himself, if there is no financial loss, there should not be a defamation case. However, the legislation allows there to be a defamation case. There is a second level to this that I wish to signal because I may come back to it further on Report Stage, which is, if there is rotten meat, there should be no defamation case either. Within the legislation, truth is a defence, but what I have outlined to the Minister are the consequences of the cases being taken. What is or should be a legitimate basis for taking a defamation case? Cost itself is not going to be a disincentive for some of the very large actors, including corporations and companies. It is not an object to them to take these cases. Instead, the criteria under which they can take a case has to be sufficiently clear and narrow. For example, the grounds on which a case may be taken are actual financial loss - this may be where we should move to a discussion on Report Stage - where the commentary is not based on an indisputable and known fact. It would not be a matter of opinion on whether the meat was rotten. Rather, HIQA had shut a business down over rotten meat, which would be there on the public record.

The case should not be taken in the first place where there are clear and incontrovertible facts. I am not referring to disputed facts or opinion, but facts that are simply being stated. If a company is engaged in child labour, an international report on child labour states that it has been using child labour and somebody says it is using child labour and that is terrible, the truth may be a defence for that body, but the very fact that a case is taken may stop people feeling that they can make comments in relation to a corporate's use of child labour and the corporate being included on a child labour index and so forth. It should not be in a position where it can threaten a legal suit, because that information is both factually accurate and in the public interest.

We should not be wasting the court's time, or even hypothetical time, on a discussion. Where there are matters that are interpretable, fair enough, but where there are matters that are based on hard fact and the individual is simply sharing that hard, known and verifiable fact, then rather than saying that is a defence for the individual who may or may not even have the capacity to employ proper legal representation, it should be a bar to the case being taken in the first place. We need to stem the abuse of defamatory lawsuits at the earlier point. If a very large corporation takes multiple cases, it is nothing to it that they get knocked back or that only one in five of them even makes it through the courts. The point is that, based on the possibility of future financial harm, it can afford to intimidate those with legitimate, fact-based criticism.

I hope the Minister will accept these two amendments on "likely to cause" because they are in line with what he himself has stated should be the case. Separate to the amendments, perhaps we could have a discussion about the issue of truth and fact and where it sits within the piece. It should be wider than a defence; it should be a bar to cases being taken. Cases that are taken in the face of incontrovertible fact, claiming financial harm because of the sharing of facts, are effectively vexatious cases and should not be coming through in the first place.

I look forward to the Minister's response and I hope he might be able to accept amendments Nos. 6 and 7.

Senator Michael McDowell: I am interested in the amendments proposed by Senator Higgins. Two things occur to me that we should consider at this Stage in this House. The phrase "is likely to cause" is itself ambiguous. The Minister has probably come across cases in his practice - I certainly have - where the term "likely" has to be interpreted. To a layperson, "likely" can mean "probable". Is this a probable consequence? According to the legal dictionaries, "likely" can also mean "possible". The difference between those two, for the purposes of Senator Higgins's argument, is massive. If this actually means "could reasonably cause financial harm", that is one thing. If it means "will probably cause financial harm", that is an entirely different thing. Therefore, when we use the term "likely" in a definition of such central importance to the law of defamation, the Judiciary has to be told what it means. It is not good enough to say it will interpret it one way or the other. We only find that out after a case has been decided, and perhaps after it has gone the whole way up to the Supreme Court or wherever. If we mean "likely" in the sense of "could possibly" or "could reasonably possibly", such as "is it a likely consequence of driving drunk that one will knock somebody down", that is one view, and it is likely if we interpret the term "likely" as meaning "could reasonably". Is it a likely consequence of driving drunk that you will knock somebody down? That is one view of it, and it is likely, if you interpret the term "likely" as meaning "could reasonably". However, if you actually mean "would probably" when you use that phrase, an

entirely different result takes place if you legislate for it. This is not me imagining some kind of semantic difference between the two. If you look at any law dictionary, you will see entry after entry on what the term "likely" has been found to mean in one case and has been found not to mean in another case. It is important from the very least aim of certainty in what we are doing that, if we enact that phrase as in subsections (2) and (3), we are indicating to the courts that "likely" in this context means either "probably" or "could reasonably". We have to give the courts guidance as to what we mean by that phrase. Otherwise we are simply handing an ambiguity to the courts and finding out afterwards that they say the Oireachtas meant this rather than that. The funny thing is that, under the jurisprudence of the Irish courts, nothing the Minister can say here as to what he thinks it means or what Senator Higgins says she thinks it means or what I think it means is even cognisable in the courts. They say it does not matter what was said at the time this Bill was passed. It is what we think the ordinary and natural meaning of the words in their statutory context is to be interpreted as meaning. There is a strong case for more clarity on that issue.

On the wider point of Senator Higgins's proposed amendments, it is true that there have been cases. I think McDonald's started a lengthy case at one stage; I have forgotten precisely what was alleged against it. Let us imagine it was accused of using horse meat, condemned meat or something in its burgers. I do not know what it was actually accused of but it did go to law in the United Kingdom. The massive resources of McDonald's were used against some campaigning group that had, presumably out of some left-wing ideological conviction, thrown some insults at the company. What the Minister would say about that is that you cannot just sue, in the case of a body corporate which is trading for profit, unless you satisfy a court that the defamation has caused serious harm or is likely - that is subject to what I have just said - to cause a serious financial loss to the company.

It is not just McDonald's in the celebrated English case. There was litigation in the Irish courts between Ryanair and a British broadcaster and an Irish citizen who was, I think, a pilot and a representative of the pilots' association. Both of them were sued separately so as to focus particular financial pressure on the Irish citizen, that he now had Ryanair on his case, so to speak, for remarks which he had made in a broadcast querying the safety of Ryanair's operations and suggesting that a danger arose from lax safety policies on the part of the airline. Without going into the rights and wrongs of it, because I do not think that either was ever ventilated in the end in the Irish courts, the whole idea that Ryanair would actually have to in some way say that, if this programme were to go uncorrected, it would be likely to cause Ryanair serious financial loss, would involve the court and all the parties in a highly theoretical discussion. If it happened during the middle of a volcanic ash situation, Covid or something like that, proof that it was likely to cause financial loss, or if its very skilled management and clever advertising had in any event improved the company's financial position, can there be argument to say that an airline's safety policies are risky? Can there be argument about whether that is likely to cause serious harm in the form of serious financial loss? How can that happen and how can it be discussed in any particular case? I wonder about that.

I believe the term "serious", as we have just voted on, should apply to individuals and to bodies corporate. It should mean the same thing for all defamation purposes. It should not vary from one to another. That is my own view. I presume Senator Higgins would disagree with me. I definitely believe that if we are going to keep the phrase "or is likely to cause serious harm", meaning serious financial loss in the case of bodies corporate, we do owe the courts,

the public, litigants, lawyers and everybody who is involved clarity as to what we mean by the term "likely".

Deputy Jim O'Callaghan: I thank Senator Higgins for her amendments. She has put forward two amendments, Nos. 6 and 7, which are identical and which seek the removal of the words "or is likely to cause" in the new section 12 governing defamation of a body corporate. I think it is always important when we are discussing and debating amending legislation that we recall what the underlying existing legislation provides. Colleagues will be aware that, at present, a defamatory statement is defined in the 2009 Act as "a statement that tends to injure a person's reputation in the eyes of reasonable members of society". The test at present is that this constitutes a defamatory statement. Obviously, it must be published to other persons. There is a whole series of defences set out in the legislation as it exists at present.

I informed Senators on the previous occasion I was here that one of my functions, and it is a really important function, when it comes to introducing defamation legislation is to try to balance the two conflicting rights that are present in this area. On the one hand, there is the well-known right to freedom of expression, an absolutely essential right that must be protected. Similarly, there is the right to one's good name, which probably is not as organised or as represented a right as the right to freedom of expression but it is one that I also have to take into account. Any defamation legislation necessarily will try to balance those two rights. I think it is clear to all Members of this House that the purpose of the amending legislation is to slightly shift the balance in favour of the freedom of expression right. I think that is the clear objective of the legislation that is being introduced. The reason that is so is because there is a perception, which indeed in some cases perhaps transfers into reality, that the defenders of defamation actions probably need a bit more protection than those who are bringing the claim.

2 o'clock

We in these Houses have to be careful that we still recognise and seek to protect the former right, namely the right to one's good name. No one else is organising groups of people to represent individuals' good name, and we have an obligation to ensure that we do so and that we protect their good name.

Regarding the specific amendments tabled by Senator Higgins, the purpose of the new section 12 that I am seeking to insert into the existing Act is to make it more difficult for a corporate entity to bring a defamation claim. The way I am doing that is by saying that companies cannot bring defamation claims unless they have suffered financial loss or as a result of the statement are likely to suffer financial loss. That is a marked distinction from what is currently there. At present, a company can take a defamation action and does not need to prove financial loss. It may be a factor that the court takes into account that no financial loss has been sustained. At the moment, however, there is no requirement for a company to establish that it has sustained or is likely to sustain financial loss as a result of a defamatory statement.

Part of the reason the law in the UK was changed was because of the defamation proceedings brought by McDonald's against two Greenpeace activists, Helen Steel and David Morris, which became known as the "McLibel" case. It is important to note that, notwithstanding the fact that they lost in the UK courts, Ms Steel and Mr. Morris were subsequently vindicated because they won before the European Court of Human Rights. What I am introducing here is a mechanism, a statutory scheme, to make it more difficult for

corporations to take cases. Deputy Higgins says that we should just limit it to corporations that can prove, as a matter of fact, that they have sustained financial loss and that if they are not able to do so, that should be the end of it. That would be too draconian in the context of corporate entities.

I return, and I hope Senator McDowell will forgive me for doing so, to the example of McDowell Butchers Limited. Let us look at a case where McDowell Butchers Limited has been defamed by a much larger entity. I will not give a name, but let us say that some enormous supermarket chain decided McDowell Butchers Limited was a real irritant and wanted to do damage to it. In that instance, the large corporate entity could decide to put out stories about the meat in McDowell Butchers Limited being rotten. In such circumstances, the enterprise of McDowell Butchers Limited would be entitled to bring a claim. Simply because it cannot prove at the time it takes a claim that it suffered financial loss should not preclude it from being able to say what was being said about the company was likely to cause financial loss. That is appropriate because in many instances defamation actions have to be taken quickly, and it might be difficult for the eponymous butchers to be in a situation where it could immediately establish that it had sustained financial loss. It will not have its financial accounts available for the relevant year.

It is also important to point out that the company may want an injunction. Not everything in the Defamation Act revolves around awards of damages. You can bring an interlocutory application for an injunction to stop the huge supermarket defaming McDowell Butchers Limited. In that instance, it would be unfair to say to the small company it could not take a claim or even look for an injunction because it has not been able to establish that it has actually sustained financial loss. For that reason, a company in that instance should be able to say it was likely it would sustain financial loss and, looking at the broad publication of the statement, that its customer base was down. It may not be the case that financial loss could be established, but it is likely that it would cause the company financial loss.

I hope Senators will permit me to say this, but a narrative has developed that the only people taking defamation actions are the strong and powerful and that the defendants of defamation actions are the weak, vulnerable and impecunious individuals. As Senator McDowell will tell us, that is not always the case. Many defamation actions are brought by those who are in weak financial positions. In a corporate context, they are brought by small companies against larger corporate entities. We should not assume or presume that people taking defamation actions are individuals who are engaged in some form of nefarious wrongdoing. If a company's good name has been unfairly damaged as a result of a false publication by a large, more powerful competitor, that company should be able to take a claim provided it can establish it has sustained financial loss or is likely to do so.

In terms of proceedings, Senator Higgins also stated that Ireland has become a place for libel tourism. I am not aware of that. If she can give me an example of a case before the courts, I would be happy to consider it. One of the points that was raised was that a defamation claim that achieved some prominence recently and that could have been brought in Belfast, was brought down here. Are we really going to say that we should not allow people who live in Northern Ireland to bring claims in Ireland, particularly if, for example, the defendant - a large broadcaster - publishes something in the South?

Unfortunately, I am not going to accept Senator Higgins' amendments. It is important to point out that the section which is being introduced is going to restrict the ability of corporate entities to take claims. They will only be able to take claims now if they can establish that they have sustained a financial loss or that it is likely that they will sustain a financial loss. Senator McDowell asks how the courts are going to interpret this. My answer to that is that every day the civil courts have to decide cases on the balance of probabilities and whether it is likely, on the balance of probabilities, that a claim being made by a plaintiff is correct. That is what will happen here. A judge will have to look at the example we have of McDowell Butchers Limited and agree that the huge supermarket chain defamed it by saying that the meat it was selling was rotten and that, of course, this would damage the McDowells in the particular area in Ranelagh in which it operates. A court in that instance could decide, although it would not have the financial reports yet, that it was, on the balance of probabilities, established that it would likely cause the company financial loss. For those reasons, I am not prepared to accept the amendments.

Senator Higgins went slightly further and spoke about other aspects of defamation claims. If McDowell Butchers Limited was selling rotten meat, everyone is entitled to say that it was doing so. The Senator's point is that people should be entitled to say that. They are entitled to say it. What the Senator is suggesting is that people should not be allowed to take defamation actions in respect of certain statements and that there should be immunity from suit. She is suggesting that McDowell Butchers Limited could not take a claim in such instances if it was the case that a claim was correct. We get into dangerous territory when we start giving individuals immunity from suit. No one has it. As I said on the previous occasion, even in this House, notwithstanding the constitutional provisions, we do not have immunity from suit. Somebody could sue me for what I am saying in Seanad Éireann now. I have to put in a defence stating I have a defence of absolute privilege. I can bring an application to have the claim struck out as being frivolous or vexatious. Senator Higgins is right in saying that there are frivolous and vexatious claims but there is a mechanism within the court rules to deal with them. Once they are issued, an application can be brought to strike out the claim on the grounds of it being frivolous or vexatious. If it is either, it will be struck out.

When it comes to defamation claims, however, the position is generally not as clear-cut as the Senator states. In many instances, a statement that somebody makes about - using the same example - the meat being rotten in a butchers can be open to interpretation. It is not always the case that it is accepted that the meat is clearly rotten. It is not as clear-cut as the Senator presents. This is an area in respect of which we have to try to get the balance right. I am limiting the right of corporate plaintiffs to bring claims to a sufficient extent now. If I was to limit it completely to people only being able to take claims and succeed only if they can prove financial loss, that would be excessive. We should give a little more leeway and allow a claim if the statement is likely to cause financial loss. As stated, not every remedy is about damages. The company may want to bring an injunction claim as well.

Senator Alice-Mary Higgins: One of the concerns I have relating to what we have heard from Senator McDowell is that the word "likely" is very amorphous. The language is still not clear. I suggest that even if the legislation used the word "probable" that would be the case. I know we are using these hypothetical examples of a large corporation suing a small corporation and that perhaps speaks to a different issue. These are questions about whether cases are being

caught early enough. If cases are being brought by a competitor, that is a different issue that may need to be addressed. In that case, there may be mal intent in the defamation that is tied into intent about a competitor acting. In the multiple examples I gave, a lot of the cases taken by corporations were in fact taken against individuals, NGOs, whistleblowers, civil society organisations, health and safety experts and journalists who report matters. There is a balance with all of this.

Deputy Jim O'Callaghan: Yes.

Senator Alice-Mary Higgins: I acknowledged in my opening remarks that it is an improvement on what was there. I have acknowledged that. It is clear that it narrows it into this area of financial harm. However, the language is still ambiguous and "likely to cause" can be parsed in different ways. Those who are in a large body corporate will be very willing to take multiple case examples until they get the precedent they want in that regard, whereas individuals will be daunted. I gave multiple examples of individuals who have been financially impacted, those who have stopped highlighting issues of considerable public interest because they were intimidated by a legal case, and circumstances where organisations have been unable to get insurance because of a pending lawsuit which effectively inhibits them from operating.

Those are significant consequences. I am worried the legislation as it stands does not do enough to narrow those consequences and address them. As I say, "likely to" is still wide enough. I am not talking about somebody having immunity. It is not about saying who is immune from prosecution. Nobody is creating a 007 designation whereby people can go without prosecution. Nobody should have immunity but my point is that cases have to be taken on relevant grounds. I can sue people on grounds but where it could get caught as being vexatious and inaccurate. At the moment, the legislation does not really capture it because it goes back to the definition the Minister read out. Defamation is defined as being likely to cause harm to a person's reputation, or likely to injure a person's reputation in the eyes of reasonable people and so forth.

Let us say I am giving a fact, such as that a particular company failed 20 safety tests last year or another company has been indicted in three other countries for breaches of child labour regulations or whatever it may be. If I am giving a piece with a factual basis, it can be said that is likely to have an effect on the reputation but the question is whether my making the utterance is what is having an impact on the reputation or is it the fact the company used child labour that has impacted on its reputation and customers' willingness to engage with the company that has been using and found to use child labour. Does the Minister know what I mean?

Deputy Jim O'Callaghan: It is causation.

Senator Alice-Mary Higgins: There is a whole question of whether the injury is done by the fact or by the fact being stated. That all has to be argued out in the courts. Truth is available as a defence but that is far down the line and some of these cases have been hanging around for years. The Minister talked about the vexatious piece and he might elaborate on how exactly he sees that playing out in way at an earlier point because I am very concerned it would not be found to be vexatious because, according to the legislation, it is an utterance which potentially has an impact on the reputation of a company. It meets the definition of defamation that is in

the Bill and I worry that the court would say that has to play out and you have to use the defence of truth. I worry it would not throw those cases out at an early point and it would wait for the case to play out before reaching the defence of truth.

I am not talking about every case and I do not think rotten meat is a good example. It could be a company that had been shut down by the Health and Safety Authority on five occasions in the past ten years. That is just a fact if you say it. Should that company then be able to take a case claiming there is a potential financial impact on the company as a result of those facts being highlighted? That is what I am trying to get at. We will come to it later when we discuss the question of "manifestly unfounded" and some of that later in the SLAPP pieces. It is one I am concerned about.

I am concerned about how these will be used but, going back to the question of "is likely to", there is a burden of proof piece there. The case may pan out and no substantial financial harm can be demonstrated but there is no consequence for the company because it can say it thought it was likely but did not say it was definite. If a company takes multiple cases on the grounds it is likely to cause serious harm but it does not produce any actual instances of the serious harm, it still fulfils the language within the Bill. There is no pressure from the legislation against this kind of case being taken even if, time after time, the company fails to demonstrate the actual consequence in terms of financial harm. I am thinking of those who take multiple cases. We know there are corporations who will be willing to take a number of cases or exercise a chilling effect through an example or two of cases.

I am sorry to come at it and I know I am not coming at it from the point of view of playing out defamation cases in court, which maybe the Minister and others in the Chamber have done, but I come at it from the point of view of having worked in civil society for 15 years. I come at it from the experience of those who have tried to pursue information and highlight information in the public interest. I come at it on behalf of people who have worked on very serious issues of health and safety and have tried to highlight issues of serious public interest. I come at it having worked with persons who have engaged on issues of due diligence internationally - this is of personal importance to me - on issues such as child labour, environmental damage and so forth. I know that side of it. I know that in that side of it, there is a chilling effect from the threat of legal action and the fact that most NGOs do not have a massive legal sink fund ready to take cases. They are operating on €1,000, €2,000 and €4,000 grants that allow them to do small, specific projects and investigative work in those contexts. The threat of even one case like that can cripple the action they might be doing.

There is an inequality of arms here that needs to be addressed. I know the Minister goes some way towards addressing it in this legislation but I ask him to consider and review that language. I ask him to review the language of "is likely" and consider whether it could become "or is probable". Can we define that in some way in order that there is some pressure and a burden of proof in terms of them being able to show they genuinely thought there was a high probability of damage. That would at least do something rather than leaving this as a very wide phrase that can be used without evidence, potentially multiple times, by the same actors.

Senator Michael McDowell: Perhaps this is a first, but I was looking at AI on my phone---

Deputy Jim O'Callaghan: Oh dear.

Senator Michael McDowell: -----in the context of getting the legal meaning of the term "likely". It is stated that the term can mean "more probable than not" and that there is "a reasonable possibility". In answer to a question as to whether I could fall down the stairs, one could answer that it is a reasonable possibility. In answer to a question as to whether I will fall down the stairs, one could say that it means I am going to fall down. The question that then needs to be asked is whether would someone take a bet on it happening at odds on or whatever.

The Minister said the courts operate on the balance of probabilities, but they do not when it comes to this. All the case law people will find if they google it states that it all depends on the context in which the term "likely" is used in a statute. All I want to say is that rather than prolong this discussion, the section should be amended to make it clear that it either means it is a reasonable possibility that a company will suffer serious financial loss or, alternatively, it is more likely than not that it would do so. On Report Stage, we should be willing to say what we intend it to be interpreted as meaning. Otherwise, we are throwing up a patent ambiguity for the courts to interpret without giving them guidance as to what we actually mean.

Senator Higgins referred to, say, a large retailer selling t-shirts at cheap prices and the allegation that the relevant firm is using child labour in Bangladesh, Vietnam or wherever to produce these. That would affect a company's reputation. Can it be stated that this can be said, effectively, with immunity unless the person publishing the statement or making the accusation can be shown to have caused or be likely to cause a serious dent in the retailer's profits? If that is to be the test, that is fine.

I take the Minister's point that he feels he is liberalising the law and making it more possible to make statements without being sued, but it seems that it is somewhat arbitrary to say that because a company is trading and there is no way, and no likely way, to use that term, that we will never be able to look at its profits at the end of the year and say that what was published in *The Irish Times* about it put a dent in its profits and that this should prevent it from suing somebody who is causing serious harm to its reputation. As a result, serious harm is not to be defined by reference to the effect on the balance sheet. That is possibly a form of serious harm. Obviously, if there was damage done to the profitability of a company, I have no problem with saying that this is a species of serious harm to that company's reputation. However, it is not the only criterion. If someone states that a company in Dublin selling t-shirts and clothing at economic prices - which is very important to a lot of people in Ireland who depend on highly competitive, low-price clothing - is using child labour in Bangladesh, Vietnam, Burma or wherever in circumstances where that is wholly untrue and if they keep repeating that, even though it is wholly untrue as far as the company involved, which may have sent inspectors to Bangladesh, Vietnam or wherever and which can answer the claim, is concerned, saying that it is not defamatory unless the company can also point to its balance sheet and highlight the consequence of the statement that was made is not a proper test of seriousness. I am in favour of a seriousness threshold, but I do not think that handcuffing commercial companies to serious financial loss is a fair way of dealing with what could be very serious defamation.

I will give the Minister an example. If somebody says without cause that the Boeing aircraft corporation is manufacturing dangerous planes, to say that Boeing cannot come to an Irish court to stop them from saying this, unless it can also show that what they said has really

affected its worldwide sales in some way, is wrong. We are not even dealing here with something that Senator Higgins would probably have more sympathy with than me, which is, boycotting companies because of suspicions they are using child labour, because their products are not green or because they are using fracked gas or whatever. It seems that anchoring the right to respond to a defamatory statement on the basis of its effect on a balance sheet is wrong.

The other issue is that there are companies limited by guarantee, which obviously means they are not or may not be companies that trade for profit. That is another issue that is hanging there in the context of this definition. Let us even take something like a farmers' co-op. Is that a company that trades for profit or is it something else? I am suspicious that this amendment, although I accept the Minister's proposition that it is intended to relax the rules of defamation, carries with it ambiguities and unintended consequences that have not been adequately thought through.

Deputy Jim O'Callaghan: Senator Higgins gave the example of a statement to the effect that a company has been shut down on five occasions in the past ten years. If that statement is absolutely true, no one who I am aware of would contemplate issuing defamation proceedings in respect of it. They would not get a lawyer to stand over it. A solicitor has got to swear an affidavit of verification in respect of it. If it is the case that the company had been shut down on five occasions in the past ten years, I do not see any claim getting off the ground in respect of that.

Obviously, people are defamed all the time. However, people exercise discretion as to whether or not they are going to institute defamation proceedings. I am sure there are people in pubs talking about all of us in this House individually and will issue completely defamatory statements about us. If we get to hear about it, we do not go off to our lawyers and then go to court. It is only if it reaches a certain threshold of seriousness that people decide to get involved in a legal process. Senator McDowell used the example of Boeing manufacturing dangerous planes. If somebody said it in the pub here, I am sure Boeing would do nothing about it. It is actually a sensible test that is being introduced in this amendment that in order for a company to take a claim, it has got to be able to establish that it has sustained or is likely to sustain financial loss. That is the real difference. Boeing would have to be able to establish that in this instance.

There is a process in place for people to bring applications promptly to strike out vexatious claims. The Senator raised the issue of causation. Causation is an integral part of any person trying to establish his or her claim.

I will conclude on the *McLibel* case. The *McLibel* case resulted in the change of law in England and Wales. It resulted in the serious harm test in terms of corporate plaintiffs, in particular. That was sensible because there was no real loss sustained by McDonald's that it could identify commercially or in terms of its profit margin or financial loss. What I am trying to do here is replicate that. This is in defence of free speech.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 7:

In page 7, line 31, to delete “, or is likely to cause,”.

Amendment put and declared lost.

Section 6 agreed to.

NEW SECTION

Senator Sharon Keogan: I move amendment No. 8:

8. In page 7, after line 32, to insert the following:

“Serious harm threshold for natural persons

7. (1) The Principal Act is amended by the insertion of the following section after section 12:

“**12A.** A statement concerning a natural person shall not be considered defamatory unless its publication has caused, or is likely to cause, serious harm to the reputation of that person.”.

(2) The amendment effected by *subsection (1)* shall apply only to causes of action accruing on or after the date of the coming into operation of this section.”

Amendment put and declared lost.

Question, “That section 7 stand part of the Bill”, put and declared carried.

SECTION 8

Senator Linda Nelson Murray: I move amendment No. 9:

In page 8, lines 22 and 23, to delete “it shall be a defence to a defamation action for the defendant to” and substitute “no cause of action shall lie where the defendant can”.

I will withdraw this amendment because the Minister has indicated that he will look at something to do with retailers.

Amendment, by leave, withdrawn.

Section 8 agreed to.

Sections 9 and 10 agreed to.

An Cathaoirleach: The question is, “That section 11 stand part of the Bill.” Is that agreed? Agreed. The question is, “That section 12 stand part of the Bill.” Is that agreed? Agreed. Section 13-----

Senator Gerard P. Craughwell: Section 11 is not agreed. I said “not agreed”.

An Cathaoirleach: The Senator has got to speak up. We had got to section 12.

Senator Gerard P. Craughwell: I am sorry, but I said, “Not agreed”.

An Cathaoirleach: I had gone on to section 12. Please do speak up. I did not hear the Senator. My apologies.

Senator Michael McDowell: Section 11 is not agreed.

Senator Gerard P. Craughwell: It is not agreed.

An Cathaoirleach: I know, but-----

Senator Michael McDowell: If the Cathaoirleach wants votes all afternoon, Senator Craughwell said it was not agreed. Perhaps he was not heard.

An Cathaoirleach: I have got to be able to hear him.

Senator Michael McDowell: I have to say to the Chair that it is a section of huge importance. Rattling off sections in the way the Chair has is most unfair, especially if a Senator says it is "not agreed" and he is bulldozed out of the way.

An Cathaoirleach: I am not bulldozing-----

Senator Michael McDowell: If the Cathaoirleach wants votes all afternoon on every comma in this Bill, he will get it now. If the House wants to go back to section 11, it is entitled to do so, as the Chair well knows.

Deputy Jim O'Callaghan: I have no objection. We can go back to section 11.

An Cathaoirleach: As the Minister has no objection, we will go back, but I ask Members to please speak up. They have plenty of voice. To be clear, we do rattle through sections because when we are getting to-----

Senator Michael McDowell: I am not against efficiency.

An Cathaoirleach: I thank the Senator, and no one is against efficiency, but if a Member has a section they want to talk on, please speak up. As the Minister and the House are agreeable---

Senator Michael McDowell: Just so everyone knows, Senator Craughwell and I spent an hour talking about this section this morning and came here with the express intention of opposing it.

Senator Gerard P. Craughwell: I am sorry that I did not speak loudly enough for the Cathaoirleach.

An Cathaoirleach: It is most unusual.

SECTION 11

Question proposed: "That section 11 stand part of the Bill."

Senator Gerard P. Craughwell: As the Cathaoirleach knows, I do not hear him all the time either. I was trying to adjust my hearing to hear what was going on.

Section 11 amends section 26 of the principal Act. In looking at this amending section, it strikes me that all of the safeguards that were included in the 2009 Act, which was introduced by my colleague Senator McDowell, are gone. It strikes me that this amendment is highly favourable to the media. Anybody who wants to take the good name of a person can simply base it on an allegation between two people. A media observer hears it and can then go and write a story. They are perfectly cleared provided they can wreak what is called "the public interest".

Where does the public interest start and stop? If we look in one of today's newspapers, there is an article based on innuendo and based on "dúirt bean liom go ndúirt bean léi", no names mentioned, no pack drill. We are seeing this all the time and it is totally unacceptable. We are told in the article that the newspaper could not print the name because of defamation laws. As in all of these things, the newspaper probably left enough breadcrumbs in the article to lead to two or three people in this House or the Lower House.

It is simply unacceptable that we are taking away the safeguards that are included in section 26 of the 2009 Act. I will examine some of those safeguards, if I may. For the purposes of the Act, one must be able to show that the statement in respect of which an action was brought was published "in good faith". Publishing stories in good faith is something I do not see a lot of lately. The article published today does not strike me as being in good faith, in the first instance.

Section 26 also states: "... in the course of, or for the purpose of, the discussion of a subject of public interest, the discussion of which was for the public benefit". Stories like these are typically published about high-profile people, whether they are Members of the Oireachtas or entities outside the Oireachtas. We need an extremely high bar. We cannot have a situation where people's names can be used based on some accusation made by person A about person B, which allows a media entity to then publish a story naming person B and being exempt from defamation laws purely because it was only reporting in the public interest what was heard. I am deeply concerned by what I see here.

Section 26(3) states: "The failure or refusal of a plaintiff to respond to attempts by or on behalf of the defendant, to elicit the plaintiff's version". If somebody contacts you looking for an answer to something and you refuse to provide it, you are protected in the 2009 Act. The individual is protected. To quote section 26 again:

... the plaintiff's version of events, shall not-

(a) constitute or imply consent to the publication of the statement, or

(b) entitle the court to draw any inference therefrom.

The last part of this section states:

"court" means, in relation to a defamation action brought in the High Court, the jury, if the High Court is sitting with a jury;

"defamation action" does not include an application for a declaration order.

The point I am trying to make here is that we cannot have a situation where we ease up. The Minister mentioned earlier that he was all for free speech. I am all for free speech, too. I heard someone refer to social media earlier. On the issue of free speech on social media, we have no recourse whatsoever. People can say anything want. In a recent statement on social media, somebody said that I was a person who supported child abuse. I have no reaction and no action against that person because I do not know who they are and I have no action against the organisation that allows it to be published on its website. Yet, it is widely read. We need to raise the bar, not to make it easier under any circumstances. We need to make it extremely difficult to write an article that will identify an individual. Going in this direction with the Bill means it will be much easier to name the individual. If someone was writing the article in the *Irish Independent* today, they would actually say the name of the individual because they would be covered under this legislation. I will leave it at that for a moment.

Senator Michael McDowell: I strongly urge the Minister to reconsider this particular amendment. This amendment to the Act of 2009 was tendered in the course of the Dáil debate by the Minister. It is not referred to, as far as I can see, in the original explanatory memorandum and it actually promises a very radical effect of change in the defamation law of this country. The House should be made aware that back in 2006 and 2007, when the 2009 legislation was being prepared and was actually commenced in this House, I remember sitting where the Minister is now and somewhere behind where Senator Conway is. I remember an impassioned speech against section 26 of the original Bill being made by none other than Senator David Norris. He claimed that I was opening the floodgates to the defamation of public figures and he was passionate in his condemnation of the reform I proposed at that time. It is important to put on the record of the House what the existing law is. It is as follows:

26.— (1) It shall be a defence (to be known, and in this section referred to, as the “ defence of fair and reasonable publication ”) [Mark the words, "fair" and "reasonable"] to a defamation action for the defendant to prove that—

(a) the statement in respect of which the action was brought was published—

(i) in good faith, and

(ii) in the course of, or for the purpose of, the discussion of a subject of public interest, the discussion of which was for the public benefit,

On that, it is not just enough that it is public interest but that it is for public benefit as well and that it was done in good faith. Those are the ingredients of the law at the moment. The subsection continues:

(b) in all of the circumstances of the case, the manner and extent of publication of the statement did not exceed that which was reasonably sufficient,

There is a threshold in the existing law of the land, as we stand here now. It says that the defence of fair and reasonable publication was contingent on the establishment by the

defendant that the manner in which the matter was reported, or the statement that was made, did not exceed that which was reasonably sufficient, and, "(c) in all of the circumstances of the case, it was fair and reasonable to publish the statement". The journalist or the newspaper has to say it was fair and reasonable to publish this statement. That is the law as we have it at the moment.

Recently, we had the case, to which the Minister tangentially referred, about whether it was fair to criticise Gerry Adams in the way the BBC did. The jury said it was not but that is being abolished now. The fairness test is being taken out of defamation law. Subsection 2 states:

(2) For the purposes of this section, the court shall, in determining whether it was fair and reasonable to publish the statement concerned, take into account such matters as the court considers relevant including any or all of the following:

(a) the extent to which the statement concerned refers to the performance by the person of his or her public functions;

That is an issue. Does this statement concern the performance by a person of his or her public functions? The subsection continues:

(b) the seriousness of any allegations made in the statement; [We will not bring seriousness into our law at all, except for companies]

(c) the context and content (including the language used) of the statement;

(d) the extent to which the statement drew a distinction between suspicions, allegations and facts;

Let us contemplate that. The court is required at present, whether it is a jury trial or a non-jury trial, to ask if a statement drew a distinction between suspicions, allegations and facts. The subsection goes on:

(e) the extent to which there were exceptional circumstances that necessitated the publication of the statement on the date of publication; [In other words, was there urgency, that this story be published on the day]

(f) in the case of a statement published in a periodical by a person who, at the time of publication, was a member of the Press Council, the extent to which the person adhered to the code of standards of the Press Council and abided by determinations of the Press Ombudsman and determinations of the Press Council;

This had the effect of asking newspapers if they followed the standards of the Press Council and complied with its recommendations or demands for retractions. The subsection continues:

(g) in the case of a statement published in a periodical by a person who, at the time of publication, was not a member of the Press Council, the extent to which the publisher of the periodical adhered to standards equivalent to the standards specified in *paragraph (f)*;

In other words, if there was an English newspaper or magazine, did it follow the kinds of standards that the Irish Press Council put in place? Those standards are really important. They include checking the facts and putting the story to the person who is being written about. Those are all part of our law as it stands. The subsection continues:

(h) the extent to which the plaintiff's version of events [That is the person about whom the story is written] was represented in the publication concerned and given the same or similar prominence as was given to the statement concerned;

We just have to go back to the Adams case and we can see that his denials were published but the allegations were given far greater prominence. The subsection concludes:

(i) if the plaintiff's version of events was not so represented, the extent to which a reasonable attempt was made by the publisher to obtain and publish a response from that person; and

(j) the attempts made, and the means used, by the defendant to verify the assertions and allegations concerning the plaintiff in the statement.

In other words, there is a duty of verification. That is in the law as it currently stands. None of this will be the law if we pass this Bill in the form that the Minister is proposing. The fairness will go out, as does the question of whether an attempt was made to verify a story. All of that is swept aside.

Senator Craughwell earlier noted the following:

(3) The failure or refusal of a plaintiff to respond to attempts by or on behalf of the defendant, to elicit the plaintiff's version of events, shall not—

(a) constitute or imply consent to the publication of the statement, or

(b) entitle the court to draw any inference therefrom.

As has happened on many occasions to many people in public life, you are told a publication intends publishing tomorrow the following about you and it is giving you a chance to respond. If you then ring your solicitor and he says under no circumstances respond because the publication will publish a denial story stating Senator Joe Soap denies allegations of corruption, that is not permissible as an argument in court as the law presently stands. In other words, if you are told by your lawyer that something is false but if you start mud wrestling with the journalist in question and say it is untrue, you will end up facing a story stating that Senator Joe Soap has denied an allegation by X, Y or Z that he did or did not do X, Y or Z, was or was not corrupt or whatever it may be. That is the law as we have it.

It is not an accident that is the law. The generation of section 26 was done with the greatest of care and, without divulging Cabinet confidentiality, it engaged the minds of Ministers at great length at the time. They could see that if we do what the Minister is now proposing, huge consequences would follow for people in public life in particular. That is the law that we have established today. Some of it has been difficult to rely on by defendants in jury cases because the jury would say that, at the end of the day, it was not fair. That is the end of the matter.

What we are proposing now to put in instead of it, and I ask Members of this House to look at it very carefully, is that "it shall be a defence [to be known as defence of publication on a matter of public interest - What is different? The phrase "fair and reasonable" has been dropped. That is just the title of the defence] to a defamation action for a defendant to prove" in all the circumstances of the case three things: the statement in respect of which the action was brought was on a matter of public interest; the defendant reasonably believed that publishing this statement was in the public interest; and the statement was published in good faith. If somebody goes to a journalist and accuses a TD, Minister, Senator, or anybody else in

public life for that matter, of very grave wrongdoing, from child abuse, as mentioned by Senator Craughwell, to public corruption of one kind or another, those three things can be established by the defendant. First is that the statement in respect of which the action was brought was on a matter of public interest. It would be of huge public interest by definition if one of us or a Member of the Dáil or a member of the Government had acted corruptly or was corrupt, so you are over that hurdle before you start. The second point is that the statement in respect of which the action was brought was on a matter of public interest and the defendant reasonably believed that the statement was in the public interest. If a Minister is accused of corruption, is a journalist or newspaper not very easily in a position to say that if this accusation has been made, it is in the public interest that it should be disclosed? For instance, if a well-placed member of An Garda Síochána goes to a newspaper or journalist and says Minister X is corrupt or Minister Y, although Minister for children, has a record like that which was alleged against Senator Craughwell, that is in the public interest and publishing it is undoubtedly in the public interest because the public is entitled to know that a member of An Garda Síochána believes that that particular person is a danger to children. The third point is that the statement was published in good faith. What does that mean? Does it mean that the journalist believed the garda who blackened the public figure? All three ingredients are then established by proof: I believed it was true, it came from a credible source and, in view of the nature of the charge, it is in the public interest that the public knows about it.

That is the test that this Minister is putting before us in this House in future to establish a defence of publication in the public interest. Any newspaper which satisfies those things, that it in good faith believes it, it has a good source for it, the nature of the charge is of very great public importance and it is important that the public should know that a senior garda suspects a person of that offence, then it can publish. There is no requirement in the Minister's provision that the story has to be bounced off the person who is going to be defamed - none whatsoever. You do not even have to lift the phone to him as long as you believe in good faith that the story you have been given by a member of An Garda Síochána is true, that it is in the public interest, if it is true, that the public should know about it, and the matter is one which should be published in the public interest. If I as a journalist received information that gardaí were investigating a Minister in the present Cabinet for corruption, first of all, I might ask the garda if they were sure of what their accusation is, and if they said "Yes", I would then ask if it was in the public interest. By definition, it is. I would then ask if I could publish it in good faith, and of course I can because I believe it is true. That is the test that this Bill is proposing.

The existing law was carefully calibrated to provide some balance. It means that if those three things are satisfied tomorrow, any journalist can publish a story on the front page of any newspaper and there is a good defence to establish those three points. If a Minister, Deputy, Senator bishop or whoever you want faces that headline, it is a good defence and the end of the matter if the journalist and editor say they believe it to be true, it is obviously in the public interest and publication of it is in the public interest. They can state they did not even bother to ring the individual in question because of the evidence they had.

3 o'clock

They saw the Garda file and that was enough for them. They do not think the gardaí would have invented this, so there it is. It goes on the front page, uncontradicted.

I will go back to what the law is at the moment. Section 26 refers to "fair and reasonable publication". It has to be fair. What is fairness in this context? The fact the gardaí suspect you of something should be drawn to the attention of the people at large - is that fair? Is it consistent with, for instance, the presumption of innocence that because gardaí suspect a person in public life of doing something wrong, that can be published without more?

Section 26(1)(a)(ii) states it must be "in the course of, or for the purpose of, the discussion of a subject of public interest, the discussion of which was for the public benefit". It is important under present law that the journalist states it has to be dealt with now because it is for the public benefit that it be dealt with now. It is not down the road when there will be a jury trial about it; we are entitled to know about it now because that is what the gardaí suspect.

Section 26(1)(b) stipulates that "in all of the circumstances of the case, the manner and extent of publication of the statement did not exceed that which was reasonably sufficient". Front-page story or front-page headlines - that is gone as a requirement.

Section 26(1)(c) is the crucial one. It states that "in all of the circumstances of the case, it was fair and reasonable to publish the statement". Is it fair and reasonable to publish a statement that a public figure is suspected by somebody else of corruption or subject to allegations by somebody else, whether a garda, Opposition TD or whoever, relating to corruption? Is it fair to put that into the public domain without some form of legal adjudication as to whether it is true and without the matter going through the court process, at the very least?

Let us then look at the additional protections in the existing section 26(2). It states:

For the purposes of this section, the court shall, [must - this is not an option for the court] in determining whether it was fair and reasonable to publish the statement concerned, take into account such matters as the court considers relevant including any or all of the following:

- (a) the extent to which the statement concerned refers to the performance by the person of his or her public functions;
- (b) the seriousness of any allegations made in the statement;
- (c) the context and content (including the language used) of the statement;
- (d) the extent to which the statement drew a distinction between suspicions, allegations and facts;

The story must not be written as "Senator X corruption allegation"; the story and statement must draw "a distinction between suspicions, allegations and facts". Section 26(2) then refers to:

- (e) the extent to which there were exceptional circumstances that necessitated the publication of the statement on the date of publication;

If, for instance, an allegation of corruption or child abuse was made, why publish it now? Why not leave it to a jury? Here is a very good point: when somebody is accused of sexual assault and brought before the courts, they are given anonymity for rape charges, pending the outcome of the case. Under the Minister's version, if so-and-so is suspected of rape or there is an allegation of rape against X or Y, a public person, that person's anonymity does not have to be respected because there is no court proceeding in existence.

Then there is the business about the Press Council. The Press Council has laid down a code of conduct for journalists. It requires them not to publish things which could seriously damage other people unless they conduct an investigation of the matter themselves and unless they afford the person about whom they will write the right to rebut what was said or to convince them it was false. That is all guaranteed under the existing law.

Section 26(2) goes on to refer to:

(h) the extent to which the plaintiff's version of events was represented in the publication concerned and given the same or similar prominence as was given to the statement concerned;

It is very easy to write a story. The gardaí say X, Y or Z. They are relying on a whole series of things. Set that out in the story and then say at the end of it, "Senator So-and-So denied it". Under existing law, someone is presumed to read the whole thing and the fact the person denied it is thrown in at the end, but the story is all over the front page of the newspaper. The subsection continues:

(i) if the plaintiff's version of events was not so represented, the extent to which a reasonable attempt was made by the publisher to obtain and publish a response from that person;

That is gone too. That is no longer part of this defence. What used to be fair and reasonable, is now public interest only.

The next paragraph is:

(j) the attempts made, and the means used, by the defendant to verify the assertions and allegations concerning the plaintiff in the statement.

A duty is cast by our law at the moment on the person publishing the statement to investigate it, rather than simply say: "The gardaí say such and such" or "This woman says that she was raped" or "This man says he was raped" and then say:

As far as we're concerned that's enough to go on. We believe him. We had an interview with him in the newspaper office. We believe him in good faith and we believe that the public should know about this.

This is the brave new world the Minister is trying to persuade this House and Parliament to bring about.

Section 26(3) states:

The failure or refusal of a plaintiff to respond to attempts by or on behalf of the defendant, to elicit the plaintiff's version of events, shall not—

(a) constitute or imply consent to the publication of the statement [That is obvious. If you say you are not answering that, it does not mean you are consenting to its being published], or

(b) [and this is crucial] entitle the court to draw any [adverse] inference...

You may say you are not answering or have no comment, or you simply do not respond to a message left on your phone, saying "We intend publishing the following about you

tomorrow". This happens, by the way. This is not me imagining situations. It happens weekly in our Republic that people get messages of that kind from investigative journalists, saying "We're publishing this and we're giving you an opportunity to deny it." At the moment, they know that if the person does not reply, they cannot rely on that in the court for any purpose whatsoever. That is the law. There is a difference in making no comment under the proposed legislation because they will be able to publish "Senator accused of rape", with the details of the allegation they believe to be true, add that the Senator in question said "No comment" and stick it on the front page as their lead story. That is where we are going and nobody should be under any illusion about that.

Why we are changing the law to permit this, I do not know. As I said to the Minister before, the present formulation was considered clumsy, but there are guarantees in it which are hugely valuable to people about whom public interest defamation may or may not be published. There are very serious safeguards which curtail media behaviour and impose good manners, such as Press Council standards, on them. All of that is to be swept away. It will not be any good saying in court, "Why didn't you apply Press Council standards and procedures and advice to the way in which you handled this story?" It will not be any good to say that because the fairness requirement is gone. It has gone out of the window. Instead, we will have a brave new world where somebody will be able to say, "I have it on good authority from a member of An Garda Síochána, who perhaps should never have revealed this to me, but I have seen the file, and there are reasons to believe that Minister so-and-so or whoever is guilty of corruption."

Do gardaí leak files? Yes, they do, on occasion. I was amazed way back to the time when I was Attorney General that a file was leaked to a particular newspaper and journalist that there was somebody carrying out abortions in Ireland. That file, by the way, that file was handed over in a city centre pub, as we later found out. The next thing that happened was that women who were alleged to have had the abortions carried out - this was prior to the repeal of the eighth amendment - had a journalist knocking on their doors asking them to confirm that they had abortions by this doctor. Do gardaí leak files? Yes, they do. Thank God, the great majority of gardaí do not leak files and comply with their duty of secrecy and confidentiality under the Official Secrets Act, the Garda code and the Garda Síochána Act. There are often cases, however, where people who are frustrated that prosecutions are not be authorised and that the DPP said "No" and the evidence is not sufficient. They think, "I will just throw it at a journalist and see if the journalist would make something of it, and damned if that person is going to get away with this misbehaviour." That is the kind of thing that happens. It is not just a matter of police activity; it is right across the board. It is people who are suspected of professional misconduct. Anybody in that situation is vulnerable to a file landing on the desk of a journalist alleging gross misbehaviour or gross criminal misconduct. Of course, the Minister's amendment will facilitate a newspaper to publish that because it is in the public interest that there is serious suspicion about a particular person in public life. It is in the public interest that they should know that. The publisher has looked at file and feels convinced by what he has seen, without the other party's denials being there, that it is probably true. If it is true as the publisher believes, the public should know about it. Publication in the public interest is satisfied. Good faith is satisfied because the person believes it to be true and that it is wrong that this person should remain a Minister, TD, Senator or whatever else if all this information which they have been given in confidence is true.

Senator Craughwell made a hugely important point. This very day in one newspaper a senior politician is stated to have fronted up a charitable event where the money was misappropriated and where it was only devoted to the charitable object after enquiries were made. That is a very serious allegation to make about somebody. I am sure in the corridors of this House there are people wondering who that is. It is a perfectly natural inquiry to make. What would stop somebody from publishing that politician's name this morning if the Minister's amendment becomes law? It is clearly in the public interest that, where a politician fronts up a charitable event, raises substantial money and the money is not applied for the purpose for which it is raised, that should be stated and publicly known. It is clearly in the public interest that, if that politician is so senior as to have authority or have had authority and those were the person's standards, that should be known as well. I have no doubt that the journalist who published that story today believes that every fact that he or she put in their story which we are reading about is true. All the three ingredients in the Minister's formulation of publication on a matter of public interest are satisfied. It does not matter whether it is fair or reasonable to publish it. The concept of fairness is taken out of the equation. It is just belief that the public interest requires it and good faith on the part of the person publishing it - in other words, an absence of bad faith. It would be totally different under the Minister's formulation if the person knew it was false. However, where the person believes it is true, good faith in its publication is satisfied if the matter is of such public import that the public should be told about it.

We are given a choice in this House, a choice that was not adequately debated in the House below, as to whether this should or should not be the new law in Ireland, that it should be possible to publish allegations which are of sufficient gravity to cross the public interest threshold in relation to publication, that are believed by a journalist or a newspaper to be true, and that the newspaper reasonably believed that publishing the statement was in the public interest. Let us look at a fairly simple situation. One public figure alleges that another public figure has behaved corruptly. For example, in a coalition government, one Minister accuses another of behaving corruptly in relation to the second Minister's functions as a Minister. He goes to a journalist and says, "I am fairly satisfied that Minister X received money or made that decision because his son or daughter has stood to gain from it, and here is why I believe that." The first Minister is therefore under suspicion, and it could be credible suspicion, of corruption. All of the ingredients in subsection (1) of the Minister's new section 26, as proposed, are satisfied. There is no obligation to bounce it off the victim of that statement, if it is a defamatory statement and is untrue. The journalist can say with abandonment, "I put this to Minister B and he failed to respond for the last three days." That carries with it, in many people's eyes, the suggestion that there must be fire because there is smoke there. So, the journalist is publishing Minister B's name and the name of the accuser, although they might give the name of the accuser some confidentiality because he was their source, which is fair too. There is no breach of that at all. Is this the standard we want to give to our journalists in future?

The Defamation Bill introduced in 2006 was extremely carefully calibrated. It looked around the corners and asked itself what would be the outcome in Irish law of changing the law at that time to accommodate what was roughly the Reynolds defence in Britain. The balance struck was the balance I have outlined to the House. Now, we say that was the wrong balance. It is too clumsy, too difficult and too constraining on free expression on the part of the media. Why force the media to investigate the matter themselves? Why immunise a Minister who says he is not responding to an inquiry on advice from his lawyers and who does not even return the

pressman's call? Why give the media the right to say, "Minister so-and-so was contacted and given three days to respond and we have not heard a word"? Why do that? Is that the standard we actually want to have?

As Senator Craughwell has said, we have this very day an example of a newspaper publishing a story about a senior politician which looks extremely unfavourable to that politician and has all the characteristics of a major defamation, if any of it is untrue. However, the newspaper then says to the public that for legal reasons, it is not naming that politician. What are the legal reasons? The legal reasons are that the existing section 26 does not accommodate it in naming the politician. That is where the protection lies. Today, if we pass this particular section, we are saying those safeguards no longer exist.

I assure the Minister that all of this was discussed and debated in great detail at the time. For instance, the provision that failure to deny a story could never be relied upon was put into our law for very good reason. "Let us see him deny it" is the oldest journalistic trick in the book because the journalist can then say the Minister denies corruption, rape or whatever it is and shove that on the front of a newspaper, or even that the Minister says "No comment" on the record when confronted with allegations of a very serious kind. We put that into law because it was necessary to put it into law. It was a necessary protection, particularly for people in the public eye, so they would not be ambushed by telephone messages saying "We intend to publish the following about you and want to hear from you by Saturday as our Sunday edition will be carrying this story."

I cannot understand how anybody would think that the terms of the existing section 26 are unfair or unreasonable. Who is demanding that the politician written about in today's *Irish Independent* should be identifiable today? Who is demanding that? Is it the media? Is it the public? Is it curiosity? If that is true, we had better know who it is immediately because An Garda Síochána is investigating it, believe it or not. It is not that the Garda has found it is true, but that it is investigating whether a senior politician fronted up for a charitable event and the money did not end up going to its charitable purpose. Why not name the politician? What protection is the Minister offering them? Absolutely zero.

Why was this amendment to section 11 not much more widely discussed before it was made, and the terms of it and its implications more widely understood? I have put this in terms which are designed to appeal to Members of this House because they can see very clearly that they could be in the firing line, as could Members of the Dáil and members of the Cabinet. I put it in those terms without apology. It was clear from section 26(2)(a), which says that one of the matters the court must take into account is "the extent to which the statement concerned refers to the performance by the person of his or her public functions". However, this does not just apply to politicians. It applies to senior clergymen. It applies to child protection officers. It even applies, dare I say it, to members of An Garda Síochána. It applies to teachers, professors and university heads. It applies to people down the authority pecking order in the public service, for example, passport officers alleged to have taken a bribe. This protection applies right across the board. What the Minister is proposing to do is radically change this section.

Because I was involved in the political compromise and authorship of the existing section 26, I do not claim it is perfect. I can see that, to some extent, it requires some reform. I am happy to debate with anybody changing any of the existing protections or qualifying them in any way. However, when I am confronted with a proposal to sweep away virtually all the

defences the ordinary citizen, or a person in public life at whatever level, has in the face of a public interest test of the kind proposed by the Minister, I have to say this goes far too far. It is not balanced at all. If the Minister says it is too restrictive, I could go along with him in making the case to this House that it is too restrictive for any of the following reasons: this kind of publication is being wrongly inhibited; juries are confused by some of the language in the existing section 26; it is too long; it is too clumsy; or the reference to the Press Council is otiose and redundant. I will listen to any argument, but I cannot accept an argument that none of this should remain our law and should be entirely swept aside.

I do not think its implications were adequately debated in Dáil Éireann. If this afternoon the Members of Dáil Éireann looked at today's *Irish Independent* and realised that, had the Minister, Deputy O'Callaghan, managed to get this through the Seanad, that person would have been named this morning, they might wonder whether we were wise to permit such a change in our defamation law.

I have made my points. I am not saying that section 26 is perfect. I am quite happy to acknowledge that somebody could in good faith believe it required amendment. However, the radical chopping down of most of the tree to leave it as simply a matter of public interest, publication in good faith and the requirement that its publication was believed to be in the public interest is a ridiculously low standard to apply if every other constraint in the current law is taken away at the same time.

I can well imagine juries taking a bit of a run at the present law and saying it was all very well but it was not really fair and that is the end of it. Even if the word "fair" was recast to make it clear to juries what was involved, I would happily debate that and see if there was a formulation that was better. However, I cannot accept the proposition that the amendment proposed by the Minister would have anything except really harmful effects on public affairs in Ireland.

I make one last point. In the context of the presidential election and the recent nomination process, very vicious things were written, not just the one online that Senator Craughwell described. Very vicious things were said. It struck me: who would put their head in the firing line to receive such vicious, often defamatory obloquy anonymously online about them? Who would go into public life if journalists are given a free potshot at them as long as they can invoke the three grounds of the Minister's proposed section 26? Would it not be wiser to halt and reconsider whether the whole process of liberalisation, about which I wrote in today's edition of *The Irish Times*, can go too far? It can get to the point where democratic values are under threat and where participation in public life is unsustainable psychologically and from a family point of view to people who are tempted to play their part as citizens in the democratic life of the State. It cannot be allowed to have that effect. As someone who is on the wrong side of public opinion on occasion, I get to understand how intense the blizzard can be. In addition to that, people may now write whatever they like provided it is a matter of public interest, that the defendant reasonably believed the publication was in the public interest and that the defendant published it in good faith. In future, those will be the only criteria for assaulting people in public life and destroying their reputations.

What it is the media want to publish now that they are being inhibited from publishing? Today's *Irish Independent* story is a very good guide to that. If the Minister's amendment had been made, the name of that woman or man would have been a front-page story in the *Irish*

Independent and tomorrow in all the newspapers and in broadcast media. If that story was given national prominence identifying him, the attitude would be one of let us see him deny it, let us see him defend it, let us see him pick up the pieces of what is left, and it is in the public interest American style.

I really ask the Minister to drop this amendment and let Dáil Éireann have a second look at what he is proposing. I am not impressed by the fact that there was little or no opposition to it in Dáil Éireann. In that Chamber, there is a certain cowardice and deference to the media, and fear that if the media say X or Y, their party, their personal reputation or whatever will suffer, and if the media demand this, it should be done. If the Minister is willing to go along with it, so be it. However, both Houses and the justice committee in particular should revisit this before it becomes law. Once it is law, the dam is burst and trying to put it back will be virtually impossible because the media will say this is great, they now have free-fire conditions against people whom they disapprove of in public life, let us see them sue the media in future.

Those in the Sinn Féin Party are fond of suing people and they did not oppose this in Dáil Éireann - big surprise. I will leave it at that.

Senator Joe Conway: At my age, it is not all that easy to be shocked by things but I have to say the bar is being crossed here today by the section under discussion. As a democrat and as somebody who treasures free speech and fairness in public life, I am truly shocked by the proposals in the measure under discussion. Most of us here would remember an August day in 2014 when South Yorkshire police raided the house of a very prominent entertainer, Sir Cliff Richard, in Sunningdale in the UK. The raid on Cliff Richard, his reputation and his standing, from which he has never recovered, was accompanied by what you could call a squadron of helicopters filming the raid from the air. The squadron of helicopters was chartered by and had newshounds from the BBC, who were there watching the ignominious disgracing of a national treasure, as they would call him. This was news media, the BBC news.

People very quickly began to question how in God's name the BBC was so attuned to what was going on in the legal world that it was able to charter, prepare and do all of the infrastructural preparation with these aircraft to film the bringing down of Cliff Richard. Of course, it was manifestly clear it could only have been done with the involvement of the South Yorkshire constabulary, the people who were manipulating the investigation of Cliff Richard on child abuse allegations, which, of course, he has never even been charged with, let alone tried for. Effectively, the man was shattered, his reputation was shot to shreds and he never graced a stage again as far as I know. The BBC had to fess up and it was painfully obvious what had happened: the police were attuned, shall we say, to the newsroom in the BBC and the BBC was given the privilege of passing over £250,000 of the licence fee-payers' money to absolve itself of a completely scurrilous and unfounded allegation.

I am using that as an example. Senator McDowell mentioned gardaí leaking files. Are there corrupt people in police forces around the world? If you are as old as I am and you are reading books, periodicals and newspapers, you will know the saying about how, in every barrel of apples, there is a rotten one or two. It only takes one or two of those to shaft somebody like me or any Member of this House or the Lower House. Let us recall back in the day when it was becoming much more commonplace to talk about child abuse and child sexual exploitation. When I started teaching back in the 1970s, such things were never on the agenda

or the horizon, but within 15 years of teaching, it was beginning to creep in and there were more cases and allegations. When we had INTO meetings and would go for a few pints afterwards, the common wisdom then was that we were very vulnerable because you did not have to be guilty any more. All it has to be is somebody making an allegation and you may as well be guilty. In a local town, village, county or wherever, if somebody says a teacher or headmaster is fondling children at after-school sporting activities, it may never come to court and may never come to serious investigation by the Garda, but the reputation of that man - it is nearly always a man - in that locality is gone to the dickens.

Many of my friends asked me what I do up here in Dublin in the Seanad all day. I find this quite amazing because I am only half a year in the job and I find myself standing here speaking to an approximately 10% occupied Chamber, with practically nobody from the Government or so-called Opposition here except for a few diehards, and at the same time we are trying to nail down one of the basic tenets of the democracy we try to live by, that is, the tenet of fairness. Are we going to toss it away on a non-considered section 26 in the Lower House? It would have been a poorly considered section were it not for the intervention of Senator McDowell here on my left, who gave a very trenchant exposition of the dangers of the chasm we are blindly walking across, down into the depths where anything will be possible with the media.

I was making some notes there and I will put on the old spectacles to have a look. I have a speaking note for myself, "Nixon." We will all remember the paragon of the defence of legal rectitude, the man who was the President of the United States, Richard Nixon, whose favourite catchphrase when he was dealing with his henchmen and he had an opponent was to tell them, "Give him something to deny." That is all it took. Is that fair? Is it reaching the bar of fairness?

Look at the other things we have here. There is a questioning about the ability of people and the rectitude of the way they do their public functions. Do the allegations have seriousness? What about the language used? Do we have suspicions, allegations or fact? Was there the urgency in the report that would be at one with the strictures of the Press Council and its equivalent standards?

I also have a note here for myself on Mandy Rice-Davies. I am sure an awful lot of people will not remember Mandy Rice-Davies. She was involved in the Profumo affair back in the Harold Macmillan Government in the UK. She and Christine Keeler were up to hijinks with John Profumo, who was a Minister for defence procurement in Macmillan's Government. This is going back a good way now.

Senator Rónán Mullen: Can we have a definition of "jinks", please?

Senator Joe Conway: The famous phrase Mandy Rice-Davies was connected with was how, when someone rebutted an allegation, she said, "Well he would, wouldn't he?" This is the sort of thing that attaches to people who are ringing up public figures and telling them about how they have "credible evidence", "well-appointed sources" and "sources close to Garda." These sorts of phrase mean nothing really - they are just conjectured by journalists - but are put out in the public domain after there is a consideration of the so-called allegations. Often, the people who are at the butt of these, who are having their world kicked out from underneath them, are phoned up by the journalists who say they have credible allegations from well-placed sources close to the Garda and people have seen the files, and they ask what the people are going to say.

Usually in panic, the people phone up their solicitors and ask what in the name of God they are going to say. The solicitors tell them to say nothing because they do not have to say anything. Usually, that puts a halt to the gallop at that stage for a while. If, however, we are precipitant enough to throw away today the protections in the legislation currently today, we are doing a big disservice to democracy and to fairness. I speak as a layman, a former teacher and somebody who values the whole business of democracy and fairness. I commend the Minister. Of all the Ministers I have seen in the past six months, he is the person who is most assiduous in his attendance at the Seanad. He is fantastic.

Senator Robbie Gallagher: Maybe not after this.

Senator Joe Conway: I have high admiration for him. He is an extraordinary Minister and an extraordinary public representative, but I fundamentally think, "Guys, gals, the man may be great, but on this occasion he is damned wrong." I am not encouraged by the tendency of the divisions on this Bill that they are going through on the nod. The Government side and the Minister have an onerous responsibility to step back from this and not to press it ahead because we are doing ourselves a desperate disfavour.

Senator Gerard P. Craughwell: The Minister's ears are probably being burnt off him at this stage. We have a serious problem, and this amendment will actually make it worse. We have talked about the article in the *Irish Independent* today. It quotes sources from An Garda Síochána. Why is there not a criminal investigation today into the source that leaked that story to the *Irish Independent*? Journalists, without ever naming a politician, can destroy a career in the way they write stories. Claims to have seen files or evidence can be printed without any evidence that it is true. Members of An Garda Síochána who serve this State with honour, and they have done so for over 100 years, advertise frequently, asking people to come forward to confidential lines in order to provide evidence where a crime has been committed. Who in their right mind would come forward with evidence knowing there is a fear that their name would be released and a fear that the evidence they would provide would be released? That is one problem we have.

People often say to those who feel they have been defamed, "Well, you can go to the courts." It is not that easy to go to the courts, and there is risk in every court case you will ever take. As my colleague Michael McDowell has said, there are now only three things you have to satisfy: one, that what you published was in the public interest; two, that you believed it was in the public interest; and, finally, that you published it in good faith. How do I prove, how does the Minister prove or how does any Minister or Senator or county councillor or priest or teacher prove that a journalist did not act in good faith? I had experience some years ago of a teacher who had been alleged to have carried out a sexual assault on a student. After a period of investigation, the student came forward and said that, actually nothing had happened. They just did not like him. When the teacher sought a timetable to go back into his classroom, he was told they were not really happy about that because there is no smoke without fire. The man had been exonerated but there was no smoke without fire.

We have seen a plethora of publications in this country based on innuendo. Imagine what that will change to if this legislation passes. The Minister himself made the comment about the two people in a pub talking. It was in an earlier part of the debate. Senator McDowell was

referring to the Boeing aircraft and two people saying they are dangerous aircraft. Boeing is not going to go after them. A journalist sitting there now may well say, "Joe Bloggs said", and Joe Bloggs may happen to be a very wealthy man so Boeing might just go after him for the hell of it. Why not? Many times I have sat in company, as I am sure the Minister has, when somebody has stated a fact that is totally untrue and that everybody sitting around the table knows is untrue but the person making the statement is doing so with such conviction that they know it is an absolute fact, but of course it is not a fact. We see it on social media every day of the week. I am delighted I have been Twitter-free for three weeks now. I will never go back to it because it is a horrible cesspit full of people who will say things with impunity, destroy people's lives and cause people to sit up at night worrying over things that are said. It is a horrible place.

I plead with the Minister not to proceed with this amendment and to come back with another amendment on Report Stage and let us all work together to get this through and get to where he wants to go with it. As Senator McDowell has said, if this goes through, it will take God knows what to reverse it.

I say to the Minister, and he is Minister for justice and we now have a new Garda Commissioner, whom I met recently, a fine policeman with great service to the State, we have to plug the holes and stop journalists attributing to Garda sources stories they publish. I believe our gardaí are above that. If there are one or two bad apples in the Garda, as my colleague Senator Conway said, let us weed them the hell out of the place and stop the constant attack on people in public life. If we go ahead with this, I am afraid we will see during every election campaign innuendo with names attached to it. It will be no longer "sources close to" or "Minister such-and-such" or "Deputy such-and-such"; it will be "source told me that John Murphy was A, B, C and D", and that is John Murphy then having to explain, and we all know in this House and in the Lower House that when you are explaining, you are losing. We have to be extremely careful about that. I ask the Minister to do as I ask. I will not delay him any longer myself; he has had a good airing.

Senator Rónán Mullen: I am afraid I will be one more voice contributing to the rumour of the Minister's fallibility on this. Senator McDowell offered an answer to a question I had in my mind when I read this section, this dramatic proposed change to the law, which was, "How did this section survive? How did it escape the scrutiny of the Dáil?" I felt the same about this section as I did about the ill-fated so-called hate speech legislation last year in that here, it seems to me, is legislation that fails to understand and respect the necessary balance that must be there in order to protect freedom of speech, the expression of ideas and the expression of opinion and, on the other hand and at the same time, to protect people's right to their reputation.

Another thing that strikes me is that what is in this section is so out of kilter with what the Ceann Comhairle had to say recently at the beginning of the Dáil term, when she basically called out the abuse of politicians in particular and asked for all sides to work together to combat it. When I heard her comments at the time I wondered what she meant? Were this to be acted on or interpreted in a particular way-----

4 o'clock

An Leas-Chathaoirleach: Senator Mullen, I have to ask you to report progress.

Senator Rónán Mullen: I report progress.

An Leas-Chathaoirleach: As it is 4 p.m., the debate is adjourned by order of the House today, with Senator Mullen to be called on the next occasion.

Progress reported; Committee to sit again.

Cuireadh an Seanad ar fionraí ar 4 p.m. agus cuireadh tús leis arís ar 4.35 p.m.

Sitting suspended at 4 p.m. and resumed at 4.35 p.m.

Teachtaireacht ó Chomhchoiste - Message from Joint Committee

Acting Chairperson (Senator Shane Curley): Tá an Comhchoiste um Thithíocht, Rialtas Áitiúil agus Oidhreacht tar éis a bhreithniú ar na Rialacháin fán Acht um Pleanáil agus Forbairt (Forbairt Dhíolmhaithe (Acht 2000)), 2025.

All-Island Strategic Rail Review: Statements

Acting Chairperson (Senator Shane Curley): The Minister of State, Deputy Canney, will speak first for ten minutes and then we will have the group spokespersons for seven minutes each. All other Senators will have four minutes each. The Minister of State can then reply not later than 5.50 p.m. The statements will conclude at 6 p.m.

Minister of State at the Department of Transport (Deputy Seán Canney): I thank the Acting Chair very much. The Senators' faces are all very familiar. For some reason, Galway and Mayo have taken over here. I thank Senators for inviting me to address the House. I welcome the opportunity to provide an update on the all-island strategic rail review.

Rail lines built in the 1800s are still carrying passengers today, and the decisions and investments we make for rail in this decade will similarly benefit the Irish people, the economy and the environment to the end of this century and beyond. This is why it is so important to plan our rail network in a holistic, strategic manner, looking at the impacts and benefits across all regions. This is a key strength of the all-island rail review.

Before I discuss the review, I would like to provide an update on the progress we are already making in advancing rail projects across the country. We have invested significantly in recent years in our national rail network to create a more efficient, safe and better rail service for the people of Ireland. Most recently, Woodbrook DART station in south Dublin opened to the public in August of this year. The station is the 147th station on the Irish rail network and is at the heart of a large residential community. The new station will enable transport-orientated development, supporting the delivery of housing close to high-capacity public transport services.

The opening of a new "through" platform at Kent Station in April represented a landmark day in the delivery of the Cork area commuter rail programme. I visited this station earlier in the year. I am very impressed with the work there. This platform will facilitate Cork commuter

trains to travel through Kent Station from Mallow to Midleton or Cobh without requiring passengers to change service, which will support a better rail service. This platform is just the first element of the Cork area commuter rail programme to go live. Works are also well under way on two other work packages, namely the twin tracking of the Glounthaune to Midleton line and a significant signalling upgrade. These elements of the programme are on course to be delivered next year and, together with the new platform, they represent phase 1 of the Cork area commuter rail programme. That will help deliver a more frequent, efficient and reliable rail service to the people of Cork.

A public consultation on phase 2 of the programme, which includes the delivery of eight new stations and provides for the electrification of the Cork commuter rail system, concluded in July. The opening of the new platform at Kent Station is part of a series of train station upgrade works being progressed across the country, with works progressing at Ceannt Station in Galway and the development of a new Plunkett Station in Waterford. Works at Oranmore Station in Galway commenced earlier this month to deliver an additional train platform and a passing loop, and a planning application was lodged with Limerick City and County Council to construct a new train station at Moyross in August.

These station upgrades will provide enhanced passenger experience and improved accessibility. Crucially, they will enable increased capacity on the network, helping us plan for the future. For example, the upgrade at Ceannt Station in Galway will increase the number of platforms to five, which will support a growth in frequencies envisioned under the all-island strategic rail review.

In the Dublin region, DART+ is the most significant expansion of the electrified commuter rail system since the introduction of the original DART service in 1984. The DART+ programme will bring electrified DART commuter trains west as far as Maynooth and M3 Parkway, south-west to Hazelhatch and Celbridge, and north to Drogheda. It will double the city centre rail capacity from approximately 26,000 to 52,000 passengers per direction per hour, and triple the electrified network, from circa 50 km on the existing DART line to 150 km.

We have seen positive news emerge from the planning system with An Coimisiún Pleanála granting conditional planning approval of the DART+ West project and the full planning approval of the DART+ South West project in 2024, as well as the DART+ Coastal North project in August this year. It is on the northern rail line from Connolly station to Drogheda that the public will get to experience the first element of the DART+ programme, when the new battery electric DART carriages, which are currently undergoing testing, are brought into service. These new carriages are not just significant because they will provide greater capacity and a better passenger experience, but also because they are helping us to meet our decarbonisation goals. They may also be used to enable the extension of DART services in other parts of the network in advance of the roll-out of overhead wires, such as the DART extension to Wicklow, planned for around 2029.

The programme for Government is clear on the need to continue investment in our rail network, noting that we will work collaboratively to act on the recommendations from the all-island strategic rail review to improve connectivity across the island of Ireland. The review, which was published in July last year, was led by my Department and the Department for Infrastructure in Northern Ireland. This groundbreaking report sets out a strategic vision for the development of the rail system across the island over the coming decades.

The final review report sets out 32 strategic recommendations to enhance and expand the rail system over the period to 2050, aligning with net carbon-zero commitments in both jurisdictions. The recommendations seek to transform the quality of the rail system to the benefit of passengers and wider society on the island, through additional capacity on the rail network, increased service frequencies and developing new rail lines. These investments will support higher frequency and more efficient passenger and rail freight services. On this basis, the report's recommendations envisage huge benefits being created for rail on the island. Much of the single-track rail network will be upgraded to double-track, with four-track in some areas to provide additional capacity. New 200 km/h intercity trains will provide faster services, with rail journey times between cities significantly reduced and, in some cases, halved. There will be higher frequency train services, at least hourly between cities and at least every two hours on regional and rural routes. In line with Ireland's decarbonisation goals, there will be a net carbon-zero rail system, primarily through the overhead electrification of intercity routes and new electric trains.

Creating wider connectivity, the rail review recommends that the rail network route length on the island increase from approximately 2,300 km to almost 3,000 km, with the reopening of former and new rail lines, including the western rail corridor.

Wider access will be facilitated by new rail routes in the north midlands and north west, meaning 700,000 more people would live within 5 km of a train station. High-level economic analysis conducted as part of the review indicates that the benefits of the package of recommendations broadly equal their cost, indicating economic feasibility.

I am delighted to say that included among these 32 recommendations is the reinstatement of the western rail corridor between Claremorris and Athenry. The reinstatement of this line has the potential to support both passenger and rail freight services, allowing a direct route for freight services from Ballina and Westport to ports on the south coast that avoid the more congested part of the rail network around Dublin. This route would also reconnect Tuam to the railway and enable direct passenger services between Galway and Mayo, supporting regional development in the area. This project serves as an example of the types of benefits that interventions proposed under the rail review can provide right across our rail network.

My Department is working with the European Investment Bank, EIB, and rail stakeholders across the island, including the National Transport Authority and Iarnród Éireann, to consider how best to sequence and implement the recommendations of the rail review. This work includes the preparation of a project prioritisation strategy. It considers how best to optimise the sequencing and implementation of the rail recommendations, including in the context of short-term interventions and longer term projects.

More detailed analysis on eight rail projects - including FourNorth, the purpose of which is to address capacity constraints between Connolly Station and Clongriffin on the northern commuter rail line - is also being progressed by the EIB and other rail stakeholders. This analysis will support the preparation of project appraisal documents, which should help expedite their approval and may also assist in accessing EU funding to supplement Exchequer funding to advance these projects from planning and into construction.

The recently concluded review of the national development plan, which was published by the Department of public expenditure and reform, has confirmed my Department's annual capital

allocations from 2026 to 2030. My Department is currently reviewing key programmes and projects in the transport sector in the context of that capital funding envelope, including plans for investment in the rail network. A decision on a programme of delivery within the available funding envelope will be made in the coming months. However, the NDP will help provide funding to advance the protection and renewal of our rail network, deliver a new train protection system to safely cater for growth in rail traffic levels and funding to advance projects across the rail network, including helping to progress elements of the rail review.

I look forward to working closely with the National Transport Authority and Iarnród Éireann in the coming years to make these investment plans a reality. I look forward to hearing the contributions of Senators. I wish to acknowledge work of Jim Meade, who will be retiring on Friday from his position as chief executive of Irish Rail. I thank him for the Trojan work he has done to bring this story to life. Mary Considine is taking over as the new chief executive. I met her in Galway last week, and she is very enthusiastic about her new role. I look forward to working with her and wish her well.

Senator Imelda Goldsboro: I thank the Minister of State for coming in this afternoon. This is a great opportunity to comment on the all-island strategic rail review, a landmark initiative jointly commissioned by the Department of Transport in Ireland and the Department for Infrastructure in Northern Ireland. The review sets out a bold and strategic vision for the development of our rail system across the island of Ireland over the coming decades.

Rail is one of the lowest-carbon-emitting modes of transport for both passengers and freight. It offers a powerful tool for both jurisdictions to meet their commitments to achieving a net-zero carbon transport system and economy. If we are serious about tackling climate change, we must be serious about rail. We need to see a major modal shift in how we move around this island. Our overreliance on cars is unsustainable. Rail offers a cleaner, more efficient and more inclusive alternative. It is a vital step toward connecting the unconnected and bringing opportunity, mobility and economic growth to communities that have long been left behind. The decisions and investments we make in rail this decade will shape the lives of Irish people for generations to come. That is why it is so important to plan our rail network in a holistic and strategic manner that considers the impacts and benefits across all regions of Ireland - not just Galway and Mayo - including Tipperary.

We must be honest about where we are today. There are significant gaps in rail network coverage. Service frequencies and speeds are relatively low compared with railways in similar countries like Scotland and Denmark. The quality of service does not consistently meet customer expectations. Four of the five busiest airports on the island, including Dublin Airport, the busiest in Europe without a rail or metro connection, remain disconnected from the network.

The differences are striking when we compare today's rail map with that of 100 years ago. The emergence of two separate jurisdictions in the 1920s disrupted traditional patterns of trade and travel. Customs controls on the new Border led to the closure of almost all cross-Border routes by the 1960s, leaving counties like Cavan, Donegal, Fermanagh, Monaghan and Tyrone without any rail services, except for the lone line between Dublin and Belfast. Today, we have a chance to reverse that legacy. Denmark has shown us what is possible, achieving average rail speeds between major cities that are twice as fast as ours, largely through investment in

existing infrastructure. We can do the same. We are no different. If all recommendations in the review are delivered, over 700,000 more people could live within 5 km of a railway station, a 25% increase in population catchment. Every county in Ireland and every local government district in Northern Ireland would have at least one station served by regular passenger rail.

The all-island strategic rail review and the national development plan represent the first of three decades of delivery, with projects benefiting the national network, sustainable transport for major cities and the expansion of the role of passenger services and rail freight all under way. The projects in the current NDP are essential prerequisites in the context of the ambition of the all-island strategic rail review. They include: the DART+ programme; the Cork area commuter rail; the national train control centre; investment in Galway, Limerick and Waterford; Rail Freight 2040; the new Enterprise fleet; new stations; the Navan rail line; east coast rail infrastructure protection projects; and capacity enhancement studies for a range of routes including Wicklow, Limerick to Galway, Limerick to Limerick Junction, and Galway to Dublin. Iarnród Éireann is working with the Department of Transport, the European Investment Bank, the National Transport Authority and others on the preparation of a plan to implement the all-island strategic rail review recommendations, including a comprehensive investment plan for the next ten years.

We are already making progress on progressing rail projects across the country. These efforts support not only our national goals but also our European decarbonisation commitments. Let us not forget the role of affordability. Travel costs are subsidised by the Government to ensure public transport remains accessible to all.

My principle when it comes to public transport is simple: if we provide a good service with frequency, we will offer a compelling alternative to the car. That is how we shift behaviour. That is how we build a better future. Today, I am seeking commitments from the Government that it will continue to push forward. Let us invest wisely, plan strategically and act boldly. The future of rail in Ireland depends on it, and so does the future of our people, our economy and our planet.

Senator Rónán Mullen: Cuirim fáilte roimh an Aire Stáit. I was thinking of Percy French because the debate got off to a rather slow start. I was wondering whether we would get there before the night.

As I was listening to the Minister of State the thought occurred to me that if the review recommendations were to be implemented, the rail network would increase from 2,300 km to 3,000 km, which would be commendable. However, I was wondering how many kilometres of rail there were at the time of the West Clare Railway. We have a long way to go in the important task of restoring rail transport to the very central place it should have in the ordering of our transport system, including for the sake of trade. One can think of the potential of the western rail corridor; the opportunity for decongestion - a full intercity train would take 275 cars off the road as we know; decarbonisation; and of course the social dimension of it. We all need our cars; that is understood. However, in thinking about the loneliness in our society, one can see that the car is almost a symbol of that every time somebody makes a solitary journey, which is sometimes necessary. However, it would be great if we could get to the point where people would make journeys not in cars but on communal transport as much as possible.

The Department of Transport press release on 8 October gives us to understand that the next phase of the western rail corridor from Athenry to Claremorris is to be restored as a priority project, as cited in the strategic rail review. That is very much to be welcomed. This is a shovel-ready project. It will connect all the main towns of Mayo via Tuam to Galway and take thousands of cars off the road every year.

5 o'clock

It would also offer a direct gateway to the southern ports of Foynes and Waterford for those major exporters currently using sustainable rail services out of Mayo but in a way that would avoid the more congested Dublin zone. That is what I mean when I talk about trade. The success of the Galway-Limerick route proves that when rail services are put in place, they will be used. Oranmore Station, which opened in 2013, demonstrates that the appetite is there for park and ride. Passenger numbers have increased by 1,100% in the past ten years. Establishing similar facilities just off the N17 in Milltown and at the N63 near Ballyglunin will take commuters off the already crowded road network before they reach the first of the morning tailbacks.

The N17 north of Tuam has seen a 47% increase in traffic in the past ten years. At the same time, as I have said, a single full intercity train can displace close to 275 cars. Fewer cars means less congestion on the approach to Galway and it means safer driving conditions. It is worth noting that rail as a commuting option is nearly 30 times safer than road transport.

Following the publication of the revised national development plan, it is now vital that the next phase of the western rail corridor project commences without delay. The whole project will happen inside Irish Rail's fence line, meaning that commuters from Mayo and Tuam could be on the train to Galway city in less than four years. Would it not be a wonderful thing if the Minister of State was facing into the next general election having posed on a train or outside a train in Ballyglunin where my late uncle, Jim, worked for five wonderful years when they made "The Quiet Man" or in Tuam station where he worked for 20 years?

Beimis uailmhianach. We need to be ambitious. I hope the Minister of State does not stop until that train goes all the way to Sligo. That western rail project is a testament to the tenacity and determination of many good people. It is time when we have the resources that we see that project through to completion. The reopening of the railway would help reduce congestion on the approaches to Galway and it would offer hard-pressed commuters a sustainable alternative to tailbacks and gridlock. It is very much a case of enough talk, we need to see shovels in the ground.

We live, as the Minister of State knows, within the northern and western region which is one of the three regions in the Republic of Ireland and one of 240 regions in Europe, including the eight outer most regions. Of the three, our region, the northern and western, is the only one categorised as a NUTS II region or a region in transition. The other two are developed regions. In 2022, our region was downgraded to a lagging region by the European Commission when our GDP per head of population fell to 71% of the European average. We are ranked 218th out of 234 in terms of infrastructural development. Only 16 regions are in a worse position than us. When we talk about increasing rail services in the north west, it is no special pleading. It is central to the long-overdue revival and enhancement of this region.

I will mention something briefly that we do not really have time to address, which is the social dimension of rail transport. We need to keep a close eye on the behaviour of people on our transport network. We need to consider what it says about our society and what it is becoming if there is unacceptable behaviour, if people are in fear or if they are in any way being intruded upon in way that used not to happen to the same extent. We need not only to keep a close eye on it but also to consider how to address it so that people not only have access when they take the train or other forms of public transport but have safety and comfort as well.

It might seem like a trivial matter in comparison, but I cannot honestly say what the current position is on the improvement of catering facilities across the rail network. There was a time when you could get breakfast and know for sure when getting on train that there would be a shop or somewhere to get refreshments. That is a very important part in making rail transport attractive again.

Looking to the future, I was listening to the BBC the other day and it was marking the 200th anniversary of rail in Britain this year. In nine years' time, we will be marking the 200th anniversary of the beginning of rail in Ireland with the opening of the Kingstown line which, if I am not mistaken, goes back to 1834. Let us hope that when we get to that point, and the Minister of State may be Taoiseach at that stage, we can say that, in the past decade, we really took rail transport seriously, especially and including the western rail corridor, by ensuring an extension of high-quality and, in places, high-speed rail transport that also offers people comfort, security and safety so that we again put rail transport at the centre where it should be for all sorts of environmental, financial and trade reasons.

Senator Mark Duffy: I thank the Minister of State for joining us for such an important discussion on the all-island rail review. I acknowledge and compliment that 7,000 submissions made, the truly inclusive nature of the review and, in particular, the work of different advocacy groups, including West on Track. While I do that, I acknowledge the late John Bradley, who was dedicated in his advocacy as a former economist with the ESRI and an advocate for West on Track and the western rail corridor in particular. He passed away recently while, sadly, on a rail journey, I believe, between Dublin and Mayo. I thank John and pay tribute to the dedication and advocacy he persisted with and maintained through his constant reports. When Ernst & Young created a report that belittled the western rail corridor, he counteracted it and kept the argument and fight on the table. I acknowledge and pay tribute to him and offer my sympathies to his wife, Mary. I thank him and the West on Track team that has advocated for the western rail corridor.

As has been mentioned, the increase in passenger numbers over the past number years, especially since Covid-19, have been significant. In Mayo, I have advocated for the addition of the early morning rail service connecting commuters with a 5.05 a.m. train into Heuston Station in Dublin at 8.30 a.m. We have also seen the addition of later evening services arriving into Mayo between 10.30 p.m. and 11 p.m. What is being noticed anecdotally is that all of these routes are now at capacity. We need to improve the capacity, speed times, service and experience on each rail journey, whether that is ensuring there is good security but also catering services, which is something that has been widely discussed.

I want to focus on the western rail corridor, in particular. I know the Minister of State believes in and is passionate about the opportunity that exists for the north west. If the all-island rail review is realised, 700,000 more people will live within 5 km of a railway station. That is an incredible statistic and something that is very achievable considering the fact that the western rail corridor in particular remains in public ownership. It can connect Ballina, Westport, Castlebar, Claremorris, Tuam and Athenry, all the way down the western seaboard to Limerick, Cork, Foynes and Waterford. The first phase between Athenry and Claremorris is a total open goal and such a great opportunity to revitalise and give a vote of confidence for transport infrastructure in the north west.

I acknowledge the Northern and Western Regional Assembly which has done a lot research in terms of the disparities in transport infrastructure investment. Senator Mullen acknowledged that the north-west region ranks 218th out of 234 European regions in terms of the quality of its transport infrastructure. For people who commute to appointments, whether from Galway to Mayo or *vice versa*, but also students given that the costs of living, housing and student accommodation are so high, improved connectivity between towns can make a difference. It can mean that young people who have grown up in towns such as Tuam, Ballina, Westport and Castlebar can at least hypothetically continue to live in them while studying in Galway or Sligo. That has a huge and positive social impact on everyone.

It is fair to say the Minister of State has the full support of the House on the western rail corridor. He has every bit of support I can lend to help him to realise it. Whatever can be done to ensure it is a priority should be done. Can the Minister of State provide an update on when we may have further progress on the realisation of the first phase of the western rail corridor? This is only phase 1 of a two-part trick. The northern route to Sligo is a no-brainer for all the reasons outlined in respect of connecting the whole north west. The line remains in public ownership. A shuttle bus connecting the nearest station to Ireland West Airport Knock could have a transformative impact on the whole north-western region. We cannot forget about phase 2 but we do need to see action, ground-breaking and progress on phase 1. We need to have metrics for success. There is a danger of underselling the potential of the Sligo line because of low passenger numbers. We need to see what success looks like for phase 1 so we can justify phase 2.

I thank the Minister of State for all his work on this. He has been steadfast in his support for the western rail corridor and indeed rail investment. I look forward to hearing his contributions and to supporting him in realising this significant project for the north west.

An Cathaoirleach: Before calling the next speaker, I welcome to the Distinguished Visitors Gallery our great friends from South Dakota State University: Dennis Hedge, the provost and vice-president for academic affairs; Sally Gillman, director of the study-abroad programme; and Dr. Joseph Cassady, dean of the department of agricultural, food and environmental sciences. I am not sure if Dr. Cassady is any relation to Butch Cassidy and the Sundance Kid.

Senator Rónán Mullen: Cassady is a good Irish name. Come west.

An Cathaoirleach: The other guests from South Dakota State University are Rosemarie Nold, assistant dean and director of global agricultural leadership, and Joseph Santos, academic

director and professor. They are most welcome to Ireland. I note they were out earlier with staff from University College Dublin, building on collaboration. Ireland is a gateway to Europe, but South Dakota, like Ireland, is a small state where you can get things done and you are always about one phone call away from the person who can make it happen. I thank our guests for coming to Seanad Éireann today.

Deputy Seán Canney: Are our guests coming to Galway?

An Cathaoirleach: I believe they are going to the Minister of State's house for tea.

Senator Joanne Collins: I welcome the opportunity to speak on the all-island strategic rail review and to put on record the needs of Limerick and the greater mid-west when it comes to rail. I also welcome the all-island approach taken by the review. For far too long, transport planning has stopped at the Border, and too often it has actually stopped at the M50. For decades, successive Governments have presided over line closures, chronic underinvestment and a transport policy that overwhelmingly prioritised Dublin and its commuter belt. That is not balanced development; it is centralisation by neglect.

Limerick has the potential to be a true rail hub for the mid-west, connecting the western seaboard, the south and Dublin. The review identifies routes such as Limerick–Galway, Limerick–Cork and Limerick–Ballybrophy, but until we have new rolling stock and proper investment, those ambitions will remain promises on paper.

We are told that additional trains will not arrive until 2027 because the DART+ project will take priority. Once again, it is to stop at the M50. Limerick commuters already face overcrowding. Their link to Cork is irregular and the link to Dublin is painfully slow. A rail link to Shannon Airport is only a concept on paper, yet Dublin Airport, even with all its resources, will not see heavy rail until the 2040s. After decades of campaigning, the Foynes line is finally reopening, but only for freight. Passenger services will have to follow. The Foynes–Limerick line could be the backbone for the mid-west commuter network, linking people to jobs, education and Shannon Airport eventually.

The Dublin–Belfast economic corridor shows what ambition actually looks like: six ports, two airports, strong road and rail services, and growing cross-Border co-operation. Investing in high-speed rail along this corridor could reduce congestion, cut emissions and open up opportunities North and South. That is the real meaning of an all-island economy. However, to achieve balanced growth, that same ambition must reach Limerick, the west and the north west. Since the review was published, the Government has had several chances to act, yet the national development plan review contained nothing new for regional rail. The only big announcement was MetroLink but, again, it stops at the M50. The Minister of State is going to be sick of me saying that.

Budget 2026 included no new capital funding for rail. There was even talk of fare hikes. Raising fares while failing to expand regional services is not policy; it is punishment for living outside Dublin. There is a theme to my speech. We need to maintain the fare reductions and at the same time extend them to rural and regional services so no community is left behind.

Sinn Féin's vision is a rail system that connects every part of this island – from Foynes to Derry, from Cork to Collooney and from Belfast to Dublin. Having the Dublin–Belfast economic corridor as the northern spine for transport and opportunity means completing the western rail corridor to Sligo, reopening the Navan line and giving cities like Limerick the same level of investment and ambition that Dublin has enjoyed for decades.

I do not often take the train. The first time I took a train, I was 15 years old, and the second time I took one was in February of this year to come to Dublin. I drive everywhere because I live in County Limerick. There is no public transport that can get me to where I need to go. If I want to go to Sligo from Limerick by train, I first have to drive for 45 minutes to get into Limerick city because there is no train station near me. I then have to go from Limerick station to Dublin, get off at Heuston Station to travel to Connolly Station, and then get a connection to Sligo. It takes seven hours to go from Limerick to Sligo by train. It is not right or fair to people living on that side of the country. It is crazy to think you would have to seven hours travelling to Sligo if you wanted to go there to see family or for another reason. It is no wonder people are still driving. We need a rail system that suits every part of this country.

Senator Nessa Cosgrove: I welcome the Minister of State. His being here again is a reflection of the interest we have in rail in the west. He knows this well himself. For once, I am not going to be talking about the western rail corridor. I will refer to it only at the very end.

I have a picture to hand to show the significant rail gaps referred to in the all-Ireland rail review. The document recognises there are significant gaps in rail network coverage. There was never a truer word. Nothing grabs attention like a map. A picture paints a thousand words. From it, we can see the complete lack of provision in the north west. It is so obvious from the presence of all the Senators from the west how much they are interested in and need rail. My parents are both from Cork. If they want to see me, they have to travel to Dublin, get the train from Heuston to Connolly and then go across to Sligo. We have an interest in rail. Build it and they will come. I will get to that concept in a second but first I want to describe what we feel in the north west.

I compliment Dr. John Bradley of West on Track and his family. Dr. Bradley has worked so hard on this. The Minister of State is an advocate of his work. Dr. Bradley's reports were dismissed but he has a huge legacy. The extension from Athenry to Claremorris is included in the plans, but would it not be brilliant if, before the next election, the line from Claremorris to Collooney were included, as Senator Mullen said?

Donegal, north Leitrim, north Sligo and areas of the North of Ireland are completely devoid of rail. North of Sligo and east of it, as far as the proposed line, there is a vast rail wilderness. There is a lack of hope if you look at Donegal, Cavan, north Sligo and north Leitrim. Recently, I visited the homestead of one of our heroes of the 1916 Rising, Seán Mac Diarmada, in Kiltyclogher. While Kiltyclogher feels remote today, the tour guide when we were there, who was wonderful, made the point that in 1915 Mac Diarmada made his way to Dublin from the local Glenfarne station, which was part of the Sligo, Leitrim and Northern Counties Railway. Glenfarne and Kiltyclogher did not feel remote in 1916. They were very much a central part of a united Ireland with a functioning rail network. The title of the all-island rail review makes clear that the Border does not make sense in terms of rail infrastructure and the absence of railways makes our area of the nation more remote.

The attention shown in the plan to improving the cross-Border offering in the east, with the Belfast-Dublin line, is only right and demonstrates the importance of rail in our network with our neighbours. In this spirit, I welcome the long-term reinstatement of a spur from Letterkenny to Derry as well as Portadown to Mullingar. However, the lack of attention, the absence of railway and the lack of ambition to build railway infrastructure is symptomatic of the neglect shown to the north west as a region as a whole.

In terms of building capacity on the existing infrastructure between Sligo and Dublin - I use this train as I get it up every Tuesday and back every Thursday - the frequency, the length of the journey time and the capacity all need to be improved. I love the train. It is so comfortable. The Wi-Fi is really good on it. The plugs are really good on it. We have a lot of space. They are wonderful trains but we need more. We need more train lines and I suppose we need the catering cart - I will get to that in a second as well. We welcome the new carriages which came in last year and we are looking forward to receiving second-hand carriages when new ones come in on the east coast.

To move pastures from road to rail, travel needs to be quicker and more efficient. I can see in the railway review, because I spent a lot of time looking at it, that we have, on pages 103 to 105, a list of short-term, medium-term and long-term targets which set out potential projects which could be delivered by 2030, 2040 and 2050. The short-term targets in the review include introducing hourly services between Dublin and Belfast, Cork and Limerick, and Galway and Waterford. In terms of frequency, Sligo is relegated to an ambition of a two-hourly service. That is not a great level of ambition considering that the timetable is nearly two hours at present. It also directly contradicts exchanges that I have had with senior members of Irish Rail who have told me explicitly on two occasions that they are targeting a move to an hourly service within the next two years. I would like to know if the Minister of State could clarify that. Is there going to be a move to an hourly service?

A more urgent immediate ambition, and one which has been proven will work thanks to the great work of an engineering graduate of ATU Sligo - it is lucky that I am on the transport committee - is the delivery of an early morning commuter train from Longford to Sligo and possibly an evening return train. This would benefit students, workers, tourists and people attending medical appointments. No doubt some of my colleagues will probably raise this as well. I was reassured yesterday to hear on RTÉ radio Barry Kenny of Irish Rail say that he hoped in the relatively short term to be delivering this and that it does not want all the commuting to be focused on Dublin. To ensure this, a suggestion for an easy initiative to improve customer experience is the reintroduction of the catering cart. It is an easy win. It is back on the Dublin-Cork train. It is back on the Dublin-Belfast train. I hope we will get it. It is something that could be delivered quite easily.

To go on about the spine of Connacht, it is fantastic that the Athenry-Claremorris section has been committed to but, as Senators Mullen, Duffy and Collins said, we need it in the west of Ireland. We need this connectivity. The Minister of State will remember the wonderful song, "The West's Awake". Let the west be reawakened. Deputy Canney knows it because he lives there and he is a great advocate for it. Could we see an addendum put into the all-island rail review to review dealing exclusively with and positively discriminating in terms of the west and north west and that section of the railway? It is in public ownership and that section of the railway should be included in the review.

Senator Shane Curley: Gabhaim buíochas leis an Aire Stáit as ucht a bheith anseo anocht.

On a light note, because I am going to focus on the infrastructural side of things, I concur with Senator Cosgrove, who mentioned the song, "The West's Awake". When it comes to getting caffeine on the Dublin-Galway train on the way home on a Friday evening, the west is definitely asleep because we cannot get a cup of coffee and a Dairy Milk. It used to be lovely when I was coming home from college in the 2010s but it is a pity that is gone. It is back on the Dublin-Cork train, so what is wrong with the west? Let them give us back our trolley and the cup of tea. Anyway, that is on a lighter note.

One of the first things that I have been asked to raise tonight by an awful lot of people in the west of Ireland, particularly in our own constituency of Galway East, is a timeline for the Athenry to Claremorris phase of the development and when we may see boots on the ground, the sod being turned and development. As well as that, there is a small point. When we did the county development plan in Galway in 2022 when I was a county councillor, I got a nice little line inserted into the county development plan that plans would be put in place for Loughrea to be reconnected to the Galway-Dublin line. There was strategy behind that. There is a huge benefit to having people from as far south as Nenagh connected by rail as they go north to Loughrea to take the traffic bedlam that is Bóthar na dTreabh and reduce the number of cars on it. It would be hugely beneficial.

I have been contacted by councillors in Galway, Mayo and Sligo who have serious concerns regarding the extension which would connect Galway and Sligo, two of the biggest urban centres in Connacht. That is hugely important. Will there be a commitment to see this vital piece of rail connectivity realised?

I have also been contacted in relation to Donegal by a lot of councillors up there. Some simply want the north west to be included in genuine expansion plans. Some want to ensure that the county of Donegal sees rail connectivity to both Sligo and the North, up to Derry. Some are concerned that Letterkenny to Derry is the only consideration and that towns such as Buncrana are also hugely important in considerations. One councillor contacted me in relation to a feasibility study which, it was suggested, could be funded by the shared island unit because of the cross-Border element of it. Where does that stand? Has there been talk about it in the Department as regards funding the Letterkenny to Derry feasibility study through the shared island unit?

There is an argument to be made that an ambitious expansion of rail would open up huge tourism opportunities, both to Galway East and from Galway East up to the north west. Connecting large urban centres, such as Sligo, up through Donegal county and all the way up to Derry would provide such opportunities both to and from our constituency at a time when the midlands-north-west has been designated as a European Union region in decline. That is regrettable, but rail could play a huge part in upping our tourism output in Galway East and for everybody else in the north west. Not only that, it could have other benefits such as decarbonisation and reduction of our vulnerability to fines of up to €26 billion by 2030 if we do not cut down our carbon emissions. Rail takes a huge amount of cars off the road. People trust rail because it is usually on time, there are rarely delays, it is a safe mode of transport, and it gets you to and from the place comfortably.

I look forward to working with the Minister of State in the years to come. I hope we can see rail going through Tuam and up into Mayo, Sligo, Donegal and up to Derry as the years go on.

An Leas-Chathaoirleach: I welcome Deputy Cormac Devlin and his guests, the Rev. Chris Hudson and his brother, Fintan, to the Gallery. I hope they are enjoying their visit to Leinster House today. They are very welcome.

I understand that Senators Nelson Murray and Brady wish to share time. Is that agreed? Agreed.

Senator Linda Nelson Murray: According to the most recent census, Meath had a population of 230,000 in 2022. No doubt the figure is more than that now. Only yesterday, I left my house in County Meath at 7 a.m. and it took two hours to get here - a 27 km journey. This morning, I left at 8 a.m. and I got here at 9.55 a.m. I cannot get those four hours back. We have an excellent bus service, the NX. When I say "excellent", it is excellent on weekends or at off-peak hours. Try getting it at peak times and there is a high chance it will drive straight past you. The people of Meath spend more time commuting to work than those of any other county in the whole of Ireland. We are desperate for the rail line in Navan. When the public consultation was released on this two years ago, 4,000 people responded, such was the want from our county. This project was promised 20 years ago and many people bought their houses in Navan in good faith expecting the train line, but nothing materialised.

The Minister of State mentioned in his opening statement that many of the train tracks are there since the 1800s. We had a train line in Navan from the 1850s. Some 175 years later, we learn that we are going to get the train. Consultants have been appointed and we are on our way. I was informed at a meeting with Iarnród Éireann that a route will be identified by the end of this year and decided upon by next year, with public consultation as part of the process. However, it is very tough waiting all the time for this and to hear people in Navan tell me they will not be around to see it happening. I want to assure the people of Navan and County Meath that they will be around to see it happening. When the Minister of State is looking at where he will spend his money under the NDP, I would urge him to put what he can for the rail line to come quickly to Navan in County Meath.

Senator Paraic Brady: I thank the Minister of State for taking the time to be here today. I, too, would like to address some of the issues regarding the Sligo to Dublin rail line. As the Minister of State knows, we have two train stops in the county of Longford, one in Longford town and one in Edgeworthstown. The one in Edgeworthstown catered for the whole of the Cavan-north Longford region where we have seen a huge influx of people. Where this can have a huge effect is that house prices in Longford are approximately €320,000-odd. We have students renting accommodation in Dublin for extraordinary rents. It took roughly two hours and 15 minutes the last time I travelled from Longford to Dublin. I am asking that we would have, not a high-speed rail - I am not asking for the bullet train they have in China - but at least a train that travels at normal speed. Everyone knows the train itself is safe and there is no fuel burden. A person can get on and relax and do a day's work on the train. They can sleep or do whatever they want to do. They can talk to somebody. It is a great spot to meet new people, even students. What it provides is a link for older people who do not like driving.

As the Minister of State knows, when one leaves Longford, we have a single carriageway the whole way from Longford to Mullingar that then comes on to a dual carriageway. As a county in the centre of Ireland, on both sides of Longford there is a motorway and dual carriageway, even down into the west. We feel we have been left behind, certainly when the road infrastructure has come in, so we certainly do not want to be left behind if a high-speed train comes in. I urge that we at least look at making that train high speed and put some investment into it.

A small issue has cropped up a number of times, which is that some of the machines on the platforms regularly are not working. When a person gets on the train, they cannot purchase a ticket on the train without paying a fine. That is something we need to address. Further, I know it is not the Minister of State's remit, that it is private, but I hope the coffee cart on the Sligo train will be reinstalled sooner rather than later.

Senator Anne Rabbitte: The Minister of State, Deputy Canney, is very welcome to the House this evening. I echo his words of good luck to Mr. Jim Meade. He has been a phenomenal CEO and has worked very well with everybody across both Houses.

I have every faith in the Minister of State to get that rail line opened from Claremorris to Athenry. He has even converted me, and I was hedging my bets for a long time with the greenway and the blueway and the railway. I am absolutely converted. It is the right thing to do. Covid showed us that. We need it. Our population needs it. We do not have the capacity in Galway to support the young people from a housing perspective, but one thing is for certain, they are getting their education in Galway. They are driving up and filling the buses. If we had a functioning railway line, it certainly would happen.

I am not leaving the people of Sligo or Donegal or anywhere else out. We are always one step short in the west because we do not have the railroad. We do not have trains coming in but we have them coming from everywhere. We are leaving the cousins off in Mayo, Donegal and Sligo. From the perspective of the youth, they have changed. They are way ahead of the curve. They are quite happy not to have a car and to use public transport, and it has been made available to them. We have encouraged them over the past number of years. However, one thing is for certain, on a Sunday night, when you have a teenager going back to college in Dublin and they cannot get a ticket, you have to drive to Limerick Junction to put them on a train to Dublin. It is not that I mind going to Limerick Junction or anywhere else like that, but there are capacity issues. There is no doubt about that whatsoever. The trains are full, the youth are using them and we need to encourage them to do that.

On safe access to our trains, something I am sure the Minister of State read in *The Connacht Tribune* himself over the past week was an article about bringing animals on the train. It is not that it is not something we would encourage people to do, but certainly, after the fair in Ballinasloe, there were animals brought on the train and it made a lot of the passengers quite uncomfortable. We do need to ensure passengers are safe on our trains, the Luas and the DART. As a west of Ireland Minister of State at the Cabinet table, I have every faith Deputy Canney will ensure that, when that NDP purse is opened, he opens it good and wide for the people of Galway and the west and delivers on his ambition of a railway station in Tuam and in Ballyglunin so that people will be able to access that travel option. There is no pressure whatsoever because I have complete faith he will do it. He has already put in the funding for

the regeneration of the platform. It is a shovel-ready project. What we now need to do is ensure that his Department works with him to deliver it.

Senator Seán Kyne: The Minister of State is very welcome. First, I acknowledge and commend both the Department of Transport and the Government on commissioning the all-Ireland strategic rail review and the advocacy of the then Minister, Deputy Ryan, and that of the Minister of State. The review is a coherent document and it gives us a picture of where we are at the moment and where we can get to in that vision, which is important for our rail network. The renewed investment in the country's rail infrastructure is very welcome. For too long it was a case of closures and retrenchment. Now it is a case of acknowledging the sustainable and dependable mode of transport that is rail. If we look at where we are in Europe, we have more to do. The investment received and the work that has been done is hugely important. Looking closer to home, I have been a long-term advocate for the western rail corridor, as has the Minister of State, who has led the charge on this, along with people like Éamon Ó Cuív and Pauline O'Reilly. It is important that we acknowledge those because there were some difficult times, and I have to say there were some nasty online campaigns as well over the years. That was not pleasant.

Phase 1 of the western rail corridor reopened in March 2010 and, after a slow start, understandable in terms of the economic situation at the time, we have seen a growing service. More than 70,000 journeys took place in 2024, far above the levels anticipated during the planning of this. I look forward to investment in some of the stations in phase 1, which was previously inadequate in terms of the length of the station platforms. We need longer trains to cater for the demand and, obviously, longer platforms. For too long, passengers in the first phase had to stand for long periods because we did not have the extra carriages.

Oranmore station was built as part of phase 1. It is now an extremely busy station with a packed car park and work under way to facilitate a second platform and provide a public transport corridor to Galway for the new Oranmore suburb of Garraun, which has plans for large housing developments. Last week, the underpass was completed to help increase the capacity of Oranmore, and a multistorey carpark is also planned. None of this would have happened without phase 1 of the western rail corridor. It was criticised at the time. Those who advocated for it and supported it were laughed at. There is no one laughing now. It is seen as a strategic, proper, sustainable investment.

The next stop is Tuam and Claremorris, and it is very heartening to see the next phase of the western rail corridor included in the strategic review. Tuam, with a population of 10,000 and a hinterland of tens of thousands more, will be connected to Galway, Dublin, Limerick and Mayo by train. The station in Tuam, with its large land bank, will be focused on investment, transport and business, fitting for the largest town in the county. Its residents will have an alternative mode of transport to Galway if they want to avoid the traffic jams around the city. Thousands of people from north Galway and south Mayo travel to Galway every day for college, work, healthcare and business. This takes too long, but at last, the decision to turn north from Athenry has been made. I hope I get an invitation to the turning of the sod, whenever that is, which I hope is soon. The redevelopment of Ceannt Station is very welcome and it is great to see the increase in capacity and number of platforms. I see the review indicates double-tracking the line between Athenry and Galway, and I wonder if there is a timeframe for that work.

There is no better builder of balanced regional development than good infrastructure. Along the Atlantic arc we need good roads, good grid capacity and good rail service. The review is very welcome. We need to see it implemented as a matter of urgency. I acknowledge the Western Inter-County Rail Committee and all the local authorities, from Clare to Donegal, that have supported the cause of the western rail corridor and done much to preserve the alignment and track. I also acknowledge the West on Track community organisation, which drove the project in a determined, professional and focused way, as well as my colleagues, Councillor Peter Feeney, the Minister of State, Councillor Michael Connolly and others in the region. Of course, Dr. John Bradley, who passed away recently, played a pivotal role as well. While Claremorris is the first phase, we need to progress this to Sligo and onwards towards Donegal. This is a great opportunity to connect the Atlantic corridor in terms of rail infrastructure.

An Leas-Chathaoirleach: I apologise. I am being tight on time because I am trying to fit everyone in, if that is okay. I call Senator Tully.

Senator Pauline Tully: I welcome the all-island strategic rail review. It makes sense to plan our rail system on an all-island basis. The fact that it will be reviewed on a regular basis is also welcome to ensure that we are meeting the different targets set out, including the short-, medium- and long-term targets. I live in County Cavan where there are currently no rail services. Monaghan, Fermanagh, Tyrone, Donegal and north Leitrim do not have any rail services either. That leaves the whole of the north-west region without a rail service. We are in the bottom 20 of more than 200 EU regions for infrastructure development. I acknowledge there are plans to put in place a railway service from Portadown down through Monaghan and Cavan. I was told its timeline is around 2040, so I am not sure whether that is a medium- or long-term plan. That would still leave quite an amount of the north west without any connectivity. It is unfortunate because we had better connectivity 60 or 70 years ago. My parents remember using a rail service that came into Cavan, but next thing the whole thing was stopped. If the rail line had even been maintained at the time, it could have been upgraded. Instead, it was lifted and people were allowed to build over it and so forth. It is very unfortunate. I welcome the fact a rail service will be restored. I also support Senator Nelson Murray's call for the rail service into Navan because that would help a lot of people from Cavan who would travel through Navan and on farther if they had a rail service from there.

At times, I use the M3 Parkway to park my car and take the train in, which connects at Clonsilla with the Maynooth train to get farther into Dublin. If the Maynooth train is late coming back from, say, Connolly Station or Drumcondra and people miss the connecting train to the M3 Parkway, they end up waiting most of an hour for the next train. It could be tied in better. If the train coming back to Clonsilla is late, most of the people going to the M3 Parkway are coming from that Clonsilla train.

Cavan people can use those train services, but a lot of Cavan people, especially those living in the south Cavan area, use the Sligo train. They board it somewhere in Longford or Edgeworthstown or maybe they go over to Dromod in Leitrim. For people working or going to college in Dublin, that train leaves Dublin at 5 p.m. Most people do not finish work finish work to get to Connolly Station by 5 p.m., however. They then have to wait until 7.30 p.m. A lot of people depend on that train but it is regularly late. People who get it in the morning are often late for work or college and it is often delayed in the evening by at least 15, if not 30,

minutes. When it arrives at different stops, there are sometimes Local Link services that are not connected up with the train times. It would make sense to connect them so that people can do their whole journey using public transport rather than a five-minute delay causing people to miss the Local Link service, leaving them waiting half an hour or longer.

We need to ensure we have connections with our airports as well. The MetroLink to connect Dublin city with the airport in Dublin will be great when, or if, it happens. We also have airports in our different regions, such as Knock and Shannon airports. Public transport is needed in order that people can access those airports and that people, as I said, are less dependent on their cars. We need to do so for environmental reasons. As Senator Rabbitte said, a lot of young people are keen to use public transport for all the right reasons and we need to do as much as possible to ensure they can do so without depending on the car.

Senator Seán Kyne: I propose that we extend the sitting for an additional ten minutes. We will call the Minister of State to respond at 6 o'clock.

An Leas-Chathaoirleach: Is that agreed? Agreed. I thank the Minister of State for agreeing to the extension. I call Senator Flaherty.

Senator Joe Flaherty: I thank the Minister of State for facilitating the additional time to hear the very important issues from Longford. I know that is why the time was extended. Obviously, at the risk of giving a history lesson, we could blame Henry Ford for the state of our rail service. That is probably why we have no one from Cork in the Chamber to take responsibility because they claim him as a Cork man. Certainly, we had a much better rail service 150 years ago. Obviously, the advent of the car and car transport and the fact that it became so cheap to buy cars changed how we travelled in Ireland. We are now looking to go full circle to some degree. When I hear people talking about the western rail corridor, I wonder would they swap the Wild Atlantic Way for it, large tracts of which are built on what was a railway track. Would they swap one for the other? It is important we get more people back on our trains.

I am delighted to hear many people mention Jim Meade. He was a force for great good in Irish Rail. He drove through phenomenal change and he took on the agenda of getting us back on trains. We have a lot to be proud of with our rail service in Ireland, notwithstanding the challenges we have. In comparison with the UK, where there are multiple operators, we have one single operator in Ireland. Our trains are much cheaper and efficient and our staff are better. We have a lot of positives but we certainly need to make rail travel more accessible.

Speaking specifically on the Sligo to Longford rail line, when I met Jim Meade, he assured me at the time that Irish Rail was conducting a review of the route at that stage to establish the exact point where two trains cannot pass each other. For example, if both the Dublin-bound train and the Sligo-bound train are coming, one has to stop, which can often add up to 45 minutes to the journey time. The journey time at the minute is 2 hours and 15 minutes. If that journey time could be reduced to one hour and a half, it would mean that it would be quicker to travel to Dublin by rail than by car. I am being told unofficially that the cost of those works would be €250 million. In the context of the infrastructure challenges we have in Ireland at the minute, that is money well spent and should be included in the national development plan. As

Senator Brady referenced, Longford is very much in the commuter district now. Those early morning trains in particular are full. If we were able to achieve that journey time reduction, it would ease the situation with regard to the demand for housing.

In those discussions, Mr. Meade assured us that we would have an hourly train service from Longford to Dublin by early 2027. It is critical we follow through on that. Ideally, if we could get that earlier, it would be much better. We also need a later train. Mr. Meade told me that, as part of those plans, we would have a late train leaving Dublin at 8 p.m., which would be welcome. I would like to see that go to 9 o'clock, but his issue in that regard was the time the train would be arriving in Sligo for staff. We need more late evening trains to take account of people trying to get to Dublin for events and concerts.

Many people have mentioned the food trolley or the food carriage. I listened to Mr. Barry Kenny speak on the radio during the week where he explained that it is not Irish Rail that provides those food carts. Rather, it is an outside provider which Irish Rail pays to provide this service. There is an opportunity for Irish Rail in this regard. If it works with local communities, it may find a young person who wants to open a food truck outside the station. I am sure Irish Rail is not getting that food carriage service cheap. If it could redirect that money and give it to the local community or some guy who wishes to start up a food business, let those people operate and it would be money very well spent. I hope engagement could be had in that regard.

Senator Martin Conway: The Minister of State is very welcome to the House. I know he fully understands the benefits of rail travel. I also wish to be associated with the comments regarding Jim Meade. I used meet Jim regularly enough travelling the early morning trains from Ennis to Dublin. He is a good Clare man. I also wish Ms Mary Considine, the incoming CEO of Irish Rail, the very best of luck. She is another Clare woman. The future of our rail service is in good hands.

I have three issues. First, I 100% support the Minister of State, Senator Kyne and others on the western rail corridor. When the Ennis to Galway section was opened, people said it would never work or be used. To be fair, at the start, it was not regularly used. Now, though, you cannot get a seat on it in the mornings because of the amount of students travelling to Galway, the amount of people who are working in Galway and travelling from Ennis, and the people from Galway travelling to Limerick and Ennis as well. It is absolutely fantastic to see how successful it has been. We could do with another railway station or two on the line and with taking over some of the crossings to speed it up a little bit. Crusheen is an obvious railway station. An economic benefit study was done recently, so I would be interested to hear the Minister of State's views on Crusheen railway station. The Moyross station is happening, which is very welcome. We need more frequency of services between Galway and Limerick specifically, Ennis and Limerick, and Ennis and Galway. There are flooding challenges at Ballycar. An interdepartmental and interagency report was done on that. It will cost a few million euro but at some stage - hopefully, later rather than sooner - we are going to see the flooding back and buses transporting people, which is not ideal and not what we need to be seeing.

I travel by train every week, sometimes daily. One of the benefits are the staff. The Iarnród Éireann staff are outstanding. Obviously, everyone would like to be able to get a cup of coffee on the train and it would be nice to see that service return.

There is a discrepancy. When I am in Dublin, I stay in Maynooth a lot of the time and I get the trains in. People tell me on the trains that it is good value, yet it is dearer to get the train from Ennis to Limerick or from Ennis to Galway. These journeys are more or less the same distance. We need to see a kind of standardised rail cost and ticket fare. Why should somebody living in Ennis be paying more to go to Limerick, which is more or less the same distance as from somewhere like Maynooth or Kilcock to Dublin? That needs to be looked at in the upcoming review.

Are there any plans for a rail link from Ennis to Shannon and Shannon to Limerick? That would be very useful. I welcome the fact that we are looking at developing the Foynes to Limerick route. I know the Leas-Chathaoirleach would agree with me that a DART-type system around Limerick would be very useful because the structure is there. It would make sense if there was light rail system supporting Limerick city.

Investing in rail ticks a lot of boxes and it achieves a lot. Rail transports a lot of people very quickly. The train services out to Kildare in the evenings and in the mornings are full. You can barely get standing room, so this proves it works. From a Clare perspective, I would like to see more frequent services between Ennis, Limerick and Galway, I would like to see the Crusheen railway station back on the agenda, and I would like to see more frequent services between the two cities and Ennis.

Senator Niall Blaney: The Minister of State, Deputy Canney, is welcome to the House. I thank him very much for outlining the plans thus far in relation to all-island rail projects.

We have had statements in the House numerous times, certainly during the last term, where the all-island rail review was talked about. In particular, I remember when the former Minister, Eamon Ryan, was here. We were pushing hard to have it published. The Northern Ireland minister, Ms Nichola Mallon, was a great advocate for the Belfast-Derry link, given the massive population between those two cities and the substandard level of rail there at the moment. In fairness to then Minister, Eamon Ryan, he wanted to hold back the rail review until a new minister was in place once Ms Mallon stood down.

What role does the Minister for Infrastructure in Northern Ireland now play in the all-island rail review and in these projects? I have concerns on a number of fronts. Back in 2000 when the first national development plan was announced for road motorways, we were left out at a time when there was the same daily traffic at the halfway point between Dublin and Donegal in Omagh as the Galway-Dublin route had. The latter has its motorway now but we are still fighting. I heard a Sinn Féin representative talking about the Sinn Féin vision. The Sinn Féin vision has left us, now for the second time, without the ability to go ahead with the A5. I wonder what impact, or what role the Northern Ireland minister, has and how much the North is pushing the Belfast-Derry route.

City status has now been given to the region. I listened to my colleague talking earlier about looking to have money for a business case analysis. We do not want and do not need a business case. We have been kicked down the road far enough. We have the population. The connectivity from Letterkenny to Derry is in the review. We need to get things moving now. Currently, the rail journey from Derry to Belfast takes 2.5 hours. You would not need a massive spend on the existing rail line to get it up to a decent standard. A smart approach would be to look at that sooner rather than later.

We are finding it hard to catch up in the west and the north west. Given that we have lost out so much since the 1960s, particularly in relation to rail, I would have thought more emphasis would be put on the rail review being front-loaded and bringing the areas that were deprived up to speed with the rest, as other Members have talked about. I ask the Minister of State to go back and have a review of our strategy. Moreover, I would like to see the rail review actually set out a programme of events whereby we timeline these projects, as TII does for roadway projects. Until we get there, we are not really going to know where we are with any drive for rail or with when our projects are going to start and finish. It has to happen. All of those projects have to be laid out.

In Donegal, I do not get a chance to take coffee on a train - I take a coffee in my car at the local petrol station - but I look forward to the day that I do. Connecting Donegal is not that difficult. There are three avenues. Outside the Down connection, there is also the avenue we used to go by, down by Dungannon, and also a connection via Sligo.

One of the picturesque old photographs still around is of the Barnesmore Gap. The old train used to go there and there are still photographs of it here and there. I heard what somebody said about upping tourism. It would be a great advantage to the Wild Atlantic Way to have a better rail service in the west.

An Leas-Chathaoirleach: Before the Minister of State gets up to speak, and as Senator Conway has said, a light rail system in Limerick would be welcome any time. I just want to put that the record. The Minister of State is very welcome.

Minister of State at the Department of Transport (Deputy Seán Canney): There is no pressure at all on me, I would say.

I thank Members for their contributions. Sometimes, I have to pinch myself when I hear people talking nowadays compared to in 2004 when I joined the intercounty rail committee. We were maybe an organisation that was not proud of what we were doing. We had the vision but it took us a long time to get to a stage where we could convince people, including politicians. Between 2016 and 2020 - actually, it was later - we drafted a letter that we sent to the then Minister for Transport, Eamon Ryan. We had every party and none sign that letter supporting railway. When I listen to what everybody wants, I say, "Jeepers, there must be something here". And there is. We have a huge success story but we have not matched it with investment over the years. A simple example is the western rail corridor phase 1 from Ennis to Athenry. That line sees 750,000 passenger journeys per year now. Back when it was opened in 2010 or 2011, that number was something like 132,000.

When people say they want more carriages - I talk to Mr. Jim Meade about this - it means we would have to extend the platforms. That is grand and we will get on and do it. It is a great story that we are talking about it.

6 o'clock

I do not think there is anybody in the House who has any doubts about what we want to do, and not just in the context of the all-island rail review. At this stage, I want to do one thing. I also acknowledge the work of the Athair Mícheál Mac Gréil. This is just the vision he had back in the seventies when the railway line between Athenry and Claremorris was closed. He

insisted that Irish Rail leave the line in place. Now we can actually do that project without the need for a rail order. We are refurbishing it. The same thing has happened between Limerick and Foynes Port. That is being done. The railway is there. It is freight only at the moment, but it has the capacity to take passengers. The next phase is to put in all the signalling and junctions and then commission the line and test it with trains. I am expecting that we will have that up and running with trains on it in 2027. We will build on that then.

I am picking these out as I go along. Taking Sligo as an example, I refer to the Claremorris to Collooney line. Irish Rail has confirmed that this line is not available for anything other than railway use. Going back to 2004, there was a very slim chance that we were going to build any railway or do anything with rail. The whole thing has changed. What we need to do is change with it and change our attitude. People in my neck of the woods are wondering about the western rail corridor. What we are doing with all of the projects is that some of them are with the European Investment Bank, which is preparing the cost-benefit analyses. I hope to have a version of those in the next month or so. Then we will see what we are going to do.

As Senator Blaney mentioned, we need a programme. That programme will set out all the projects we have to do and will indicate when they are going to start and when they are going to finish. Some projects are shovel ready. There are about 20 passing lanes needed in different places around Ireland. Planning permission and all of that is required in respect of those. These passing lanes mean that there can be additional frequency. Senator Kyne knows how long it took to get the Oranmore project up and running. Irish Rail has the expertise to help us deliver on our ambition.

One of our sons was in London for 14 years. He never had a car because he had access to public transport. If he needed a car, he could hire one for a weekend if he was going someplace. He never needed a car. We have train stations that are closed. If they reopened, there is probably ten to 15 acres of land beside each of them that could be used for park-and-ride facilities and to allow pedestrian access. Most of these stations are located within the centre of the towns. The philosophy is easy. What we need to do is get going with it. My commitment to the House is that the Department and I will continue to work closely on this to ensure that we get projects that are shovel ready started as quickly as possible and that we prepare other projects in order that we will have a pipeline for the next 20 years.

In relation to the Sligo line from Claremorris to Collooney, there will be a review of the all-island rail review in about ten years or so. It might be quicker than that depending on the success of projects ahead of it. When Eamon Ryan decided to build a line from Limerick to Foynes, he probably tripled the cost-benefit analysis case for opening the western rail corridor because now there is a port in close proximity. We also have a connection between Ballina, Westport and all these places down to Clare and then on to Foynes. We can go down to Cork and to Waterford Port. We have three ports. I call it the Atlantic rail corridor. It is also the Atlantic economic corridor. We need rail to do that.

There are a lot of eggs in the basket. I have to start picking out eggs, cracking them and frying them. How many projects can we do over the lifetime of the national development plan in order that there will be a continuous roll-out? Can we have confidence in the industry and civil engineering business to build these over the next ten, 15 or 20 years? It is important that we answer these questions. That is where I am at with it at the moment. There were a lot of issues, including safety. When the number of train journeys per year increase from 132,000 to

750,000, you are going to have problems. Safety is an issue. That is being looked at by Irish Rail in conjunction with the Department.

Just going through the other things, we also have the issue of Meath. I know all about it. Deputy Gillian Toole lives in this area.

Senator Linda Nelson Murray: I will have to take the Minister of State's word for it. Say something wonderful now.

Deputy Seán Canney: That is on track to get moving. Sometimes these things move slowly when there is a public consultation or whatever. It is not a shovel-ready project, but we will push on with it. In addition, people are looking for additional stops and connection from Loughrea. These are things we can look at. If they make sense, then we are in business. Our biggest success story over the past ten years is public transport. That is why we were talking about doing more and more. We are demanding more and more now. It is great. The challenge for the Government is to get the money to deliver it.

We have a good national development plan, which gave us a good kick-start to get the next five to ten years planned out. When you build a railway line, it will be there for 100, 150 or 200 years. It is that kind of an investment. The amount of maintenance required is not like a road. It is simpler. Irish Rail has Jim Meade as its CEO; he has built a fantastic team. I visited Kent station in Cork, Corbett station in Limerick and Galway. I have other places to go to. When you look at the work they are doing. It is not up in big lights, but I was in Cork station and I thought it would not look out of place in any city in Europe. That is the good news. All they are saying is that is they need more carriages and faster services and that they need them now.

As regards people getting a cup of coffee, in fairness, Irish Rail has tendered the contract out. It stopped during Covid. After that the prices went through the roof. Some of the services are back. It is looking at how it can innovate. We do not need to get breakfast on the train; we are interested here in people getting a cup of coffee on the way onto the train. There are ways we can do it. We are looking at that to see how we can improve the service and the delivery of the service.

Senator Conway mentioned Crusheen and Moyross in Clare. I have seen the plans and the feasibility study for Crusheen. It is an exciting project. That is something we have given the Department to have a look at. Moyross has gone for planning permission.

I am back to Donegal-----

Senator Martin Conway: If the Minister of State can deal with it, I wish to raise the issue of flooding.

Deputy Seán Canney: I will come to that. Going back to Donegal, that area is ripe for development in terms of connecting with Derry, down through Donegal into Sligo, connecting the north-west and the south of Ireland. We have an advantage in that we have the tag of being a lagging region or a region in decline. We are in NUTS II. Let us make use of all of the acronyms to go to Europe. I have asked my officials to do that in order to try to garner more

funding to positively discriminate toward this region to allow us to can tilt the balance. That is the only way to do it.

Senator Shane Curley: Hear, hear.

Deputy Seán Canney: We have TEN-T funding for some projects, including the western rail corridor, but, again, you have to apply for it. The funding is there, so we should apply for it aggressively.

Back to Ballycar. I was down there in 2016 when I was Minister of State for the OPW. We set up the interdepartmental working committee. Everything was going fine until somebody mentioned the price tag and asked who was going to pay for it. Everybody ran for cover. I will check it out and see where it is at because it is a huge negative if there is a flood and you cannot use a train for maybe six or eight weeks. It is disrespectful for the passengers who use them and to Irish Rail to have to try to manage all of that. It also creates a lack of confidence in passengers when they continue to use it or buy a car or whatever.

I have tried to cover as much as I possible. I cannot disagree with anything I have heard. I want to make sure that we try to squeeze as much as possible out of the lemon and get as much done as possible over the next five years and over the ten years after that. I thank Senators for their contributions. The Chair said, "Light rail for Limerick". Is it going to Galway as well?

Senator Martin Conway: Let us get the ring road done first.

Deputy Seán Canney: People say we should have light rail in Limerick and Galway. In fairness to the people who are advocating for that in Galway city, research was carried out. It has been deemed that it would be feasible in certain circumstances. What we need to do is prepare for it rather than saying we will do it. Let us create the corridors with buses first and plant the light rail on top. The way we can do it now is a lot simpler than was the case 20 years ago, in that there is light engineering. Works do not have to be as disruptive as when they were done in Dublin. You set the rail 18 inches into the ground and do not have to dig huge foundations. We have all of that going with us. We have a journey to take.

I am delighted that so many Senators waited for the debate. That demonstrates the interest. Senator Mullen apologised because he had to go. I do not know if I gave him any answers that he liked, but like everybody else, he is passionate. It is not just regional. It is an issue right across the country.

In the national development plan, €2 billion is allocated to MetroLink. That is in addition to what is in the budget for public transport. It is important to state that money is not being robbed from the public transport allocation. It is a stand-alone project, and it is important. If I dare say it, the project gives us an opportunity to press further for connections to Knock and Shannon airports. It is important that Senators keep that on the agenda, as I will.

An Leas-Chathaoirleach: Before we adjourn, I welcome former Deputy Olivia Mitchell and her grandchildren. I hope they enjoy their visit to Leinster House.

Cuireadh an Seanad ar athló ar 6.12 p.m. go dtí 9.30 a.m., Déardaoin, an 16 Deireadh Fómhair 2025.

The Seanad adjourned at 6.12 p.m. until 9.30 a.m. on Thursday, 16 October 2025.