



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Dé Céadaoin, 22 Aibreán 2026

Wednesday, 22 April 2026

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.

Prayer and Reflection.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I have received notice from the following Senators that they propose to raise the following matters on the commencement of Seanad Éireann today:

Senator Nessa Cosgrove - The need for the Minister of State with responsibility for the Office of Public Works to make a statement on measures in place to ensure that Sligo Abbey is open to visitors on a year-round basis.

Senator Mike Kennelly - The need for the Minister for Rural and Community Development and the Gaeltacht to make a statement on the provision of additional funding for the local improvement scheme in Kerry.

Senator Robbie Gallagher - The need for the Minister for Housing, Local Government and Heritage to make a statement on new initiatives to ensure that the register of electors is up to date and accurate.

Senator Pauline Tully - The need for the Minister for Health to make a statement on measures in place to provide accountability and answers for parents of children whose organs were retained without consent.

The matters raised by the Senators are suitable for discussion and they will be taken now.

I welcome the former Cathaoirleach and now Minister of State, Deputy Buttimer, to the Chamber.

Nithe i dtosach suíonna - Commencement Matters

Heritage Sites

Senator Nessa Cosgrove: Sligo Abbey has been described as the jewel in Sligo's heritage crown. Located in the heart of the town, the history of the abbey is the history of Sligo, both

being founded in the mid-13th century. Built by the FitzGeralds, the centre of spiritual life was rebuilt following an accidental fire in 1414. Surviving the destructive reforms of Henry VIII and Elizabethan settlement, the abbey was abandoned following its desecration by the Cromwellian forces but it continued to serve as a place of burial for the people of Sligo. Its graves bear witness to the cholera epidemic of 1832 before finally being closed to burials in 1847 at the height of the Famine. The building retains a wealth of features from different eras, a rich diversity of architectural and sculptural styles surpassing much on view in other heritage sites.

The quality of the offering means a record 45,603 people visited Sligo Abbey in 2025, up 33% on the year before, making the abbey County Sligo's most visited heritage site. Despite this attraction, it closes from the end of December until the middle of March each year. This causes disruption to the rhythm of the year as well as to the staff team who must either sign on for the period or find alternative employment. This has resulted in experienced and talented guides finding employment elsewhere. The national tourism strategy, *A New Era for Irish Tourism*, explicitly prioritises the extension of the tour season and developing less mature regional destinations. Increasing year-round tourism is the number one objective in the Fáilte Ireland destination and experience development plan for Sligo. The nearest comparable town-centre, OPW-managed site in the region is Donegal Castle, which operates year-round. Donegal has seen domestic tourism growth of 176% over the past decade compared with 47% in Sligo over the same period. This illustrates what can be done. Year-round opening has played a part in Donegal's success and is one that could easily be replicated in Sligo immediately and at very little cost. The record-breaking visitor number from last year was achieved without capital investment or facility upgrades. None are required to facilitate year-round opening. The heating has to stay on in the visitor centre year-round to prevent damage whether the attraction is open or not. Laying off staff and paying jobseeker's allowance for two and a half months each year rather than wages they want to earn means savings achieved are minimal. The marginal cost of keeping a small core staff in place is low and the benefits to the town centre economy, particularly on Sundays and Mondays when other town attractions are closed, is disproportionately high.

Sligo County Council has indicated its support for year-round opening. Just last month, my Labour Party colleague, Councillor Ann Higgins, was fully backed by all council members in a motion to provide for year-round opening. The local authority has invested in a coach parking bay outside the entrance of the abbey. The abbey features in the county council's new AI itinerary tool. It is the first of its kind in the country. Sligo Abbey features prominently in it. The record number achieved last year was the culmination of ten years' hard work on the part of the heritage professionals on the ground. The overall number has trebled from around 15,000 ten years ago. Will the Minister of State take the steps required to ensure Sligo Abbey can be open for visitors year-round? It is a reasonable request. It is fully backed by Sligo BID, a business community, and the Sligo local authority. It would pay dividends in the cultural, social and economic impact it will have on our town.

Minister of State at the Department of Rural and Community Development and the Gaeltacht (Deputy Jerry Buttimer): I thank Senator Cosgrove for raising this important issue. I apologise the Minister of State, Deputy Moran, cannot be here. The Senator certainly whetted the appetite for a visit. In her wonderful contribution she illustrated the merits of Sligo

Abbey. I thank her for that. It is, as the Senator said, a national monument in State care of significant architectural and cultural importance. She spoke about the fact that it goes back to the 13th century. If one were to analyse it, Sligo Abbey is one of the most complete surviving medieval monastic sites in Ireland and has been in State care since the 19th century. With recent television programmes such as "Nationwide" and others, that monastic life is one we should look at and revisit.

The Office of Public Works has statutory responsibility for its protection, conservation and presentation, ensuring its long-term preservation while facilitating appropriate public access. The key point for us which the Senator referenced in her contribution is that it is a significant site within the OPW's heritage estate and is one of the most visited sites in the north west, with the visitor number going from 27,000 in 2022 to almost 39,000 in 2023 and 34,000 in 2024. We are told the figures for last year exceeded 45,000. A key driver of this are the four guides which the Senator referenced. I thank the OPW guide service in Sligo Abbey and pay tribute to them on the service which benefits all of us. They are a dedicated and highly experienced guiding team who provide an extraordinary amount of expert interpretation, guided tours, educational engagement with schools and tailored experiences which suit group visitors and tour operators. The service is consistent with other guide services across the OPW estate. A strong emphasis is placed by the OPW on storytelling, accessibility and local connection significantly enhancing the visitor experience.

In addition, Sligo Abbey delivers a diverse programme of events significantly enhancing the cultural and community value, working with Sligo County Council and other stakeholders. This includes initiatives during Heritage Week, Culture Night, Christmas programming and a successful St. Patrick's Day event.

The important point is the event attracted almost 700 visitors in a single day, with strong engagement from local families and first-time visitors, demonstrating the effectiveness of targeted programming in expanding audiences. As the Senator said, it is the most visited heritage site and it is an important one. The key point for the Government and the Minister of State, Deputy Moran, is strong collaboration at local and regional levels. That is paramount to the success of Sligo Abbey. The OPW works with Fáilte Ireland, Sligo County Council and a variety of other stakeholders, tourism bodies, educational establishments and community organisations. The work aligns with the national and regional tourism policy framework, including A New Era for Irish Tourism: National Tourism Policy Statement and the Fáilte Ireland Sligo destination and experience development plan.

Opening arrangements for Sligo Abbey are kept under continuous review, taking account of visitor demand, conservation requirements, health and safety considerations and the sustainable allocation of staffing and financial resources. In this context, the OPW has already taken significant steps to extend access. Last year, the visitor season was extended by six weeks. Building on that progress, this season will run from 14 March to 30 December. That is an increase to a ten-month window for Sligo Abbey and puts it on a par with many of the OPW's larger and more visited heritage sites nationally. The extended season has enabled a stronger focus on the shoulder or off-peak season, where targeted programming has proven effective in attracting domestic tourism and supporting local economic activity.

The seasonal opening schedule is long established across the OPW's suite of heritage estates but the Senator makes a good point. It is based on established patterns of visitation and

alignment with tour operators' schedules. I agree with the Senator that the year-round offering should be looked at more because we are looking to attract more home investment in tourist attractions. I will bring her points back to the Minister of State because she has made some good points.

Acting Chairperson (Senator Dee Ryan): I welcome the Bray School Project primary school group. They are guests of Senator Craughwell. Enjoy your visit to Leinster House. It is tradition in Leinster House that visiting school groups get the day off from homework, so enjoy your evening as well.

Senator Nessa Cosgrove: I thank the Aire Stáit for his response and support. It is welcome that the season has been extended by six weeks but it leaves the staff in a precarious position. They have to sign on, which makes no sense, or else they have to get new jobs for that season. This could eventually lead to all that experience and knowledge being lost. Sligo Abbey has in the past few years been looking at festivals throughout the year. It has put on a huge amount of stuff around Christmas, working with things like Music Generation Sligo. It has transformed the space. For St. Brigid's Day, there were carvings in the abbey to mark our patron saint. They were going to build things around that but, unfortunately, it will be closed. It is the same for St. Valentine's Day. There is a love knot carving in the abbey. It will be open for St. Patrick's Day.

In fairness to the Minister of State, Deputy Moran, he has shown commitment to it. It would be great if the Minister of State, Deputy Buttimer, could bring this suggestion back to him. We see the impact it has had at Donegal Castle. As the Minister of State said, the shoulder season is an important part of the year, particularly for rural towns.

Deputy Jerry Buttimer: I welcome the students - céad míle fáilte - and thank them for being here. I thank the teachers for being here as well. I hope they enjoy the homework off. The students should get homework off tomorrow night because they are probably not in school to get homework today. Let us give them tomorrow night off as well.

We need to think differently about tourism in the world we live in, with the threats happening geopolitically. We must look at homegrown tourism and the shoulder season. I give the Senator a commitment that I will bring her comments back. The OPW will continue to monitor patterns closely and respond appropriately to demand. It has demonstrated its commitment to supporting local economic activity through initiatives in Sligo and across the wider heritage estate: extended opening periods, enhanced programming and strong stakeholder collaboration.

I thank Sligo County Council for its collaboration on parking and accessibility, along with Fáilte Ireland and local stakeholders, to improve access and the visitor experience in a manner that is sustainable, responsible and fully consistent with the long-term conservation of this important national monument. Conservation and sustainability are two important points.

The Senator made a great point about the love knot on St. Valentine's Day. We could nearly all go to Sligo for St. Valentine's Day next year. We have a Kerryman in the audience and he could do with a bit of love after losing the league final to Donegal.

It is an important contribution the Senator has made. We are committed to heritage and heritage sites. Those of us who, like the Senator, love history and tourism recognise the importance of what she has said. I will take it back for her.

Road Network

Senator Mike Kennelly: The recent bad weather across the country has taken its toll on all our road networks. The roads on the local improvement scheme, LIS, are now mud tracks. It is with a deep sense of frustration and sadness that I once again highlight the crisis facing many families across rural Kerry under the LIS. Kerry County Council has shown time and again it has the capacity and commitment to deliver under the scheme. It is ready and able to utilise up to €5 million per annum, yet the allocation provided remains at approximately €2.2. million - less than half of what is needed and of what can be effectively spent.

Behind those figures lies a stark human reality. When the scheme opened, over 800 roads applied and 706 qualified. On average, a population of about 10,000 people live on those roads. There are over 550 applicants still on the LIS waiting list in Kerry. At the current pace, 20 to 30 roads are completed each year, so many are facing a wait of up to 20 years. That is not a delay; it is a lifetime.

I recently spoke to an elderly couple. I spoke to the mom of the house. She is 78 and her husband is 83. They have been on the list since the scheme opened. The sad reality of their situation is they may not live to see their road improved. After years of waiting patiently, imagine knowing the road outside your home, the road you depend on every day, may not be fixed in your lifetime. They are No. 320 on the list. They will not see that road in their lifetime. That is the sad news I have to bring on this occasion. This is my third time speaking on this. They are not alone.

These roads are not luxuries; they are basic access routes. Some ambulances are struggling to travel them. Emergency services are being delayed. Elderly people are left cut off because transport providers will not bring them to day care services due to the condition of their roads. People are being isolated in their own homes, not by distance, but by neglect.

This is one of the most serious and overlooked road issues we face in Kerry today. What makes it all the more difficult to accept is that, in other counties, funding is not being fully drawn down. In some cases, allocations are being returned to the Department. At the same time in Kerry, we have shovel-ready roads, willing applicants and a council ready to deliver. This cannot continue. If funding is not being used elsewhere, it must be redirected to where the need is greatest – that is clearly in Kerry. Every euro left idle in one county is a year added to the waiting list for the families I mentioned.

Kerry also has one of the highest number of private roads in the country requiring improvement. That reality must be recognised at a national level, which I think it is not. The scheme needs to be examined through that lens and Kerry must be prioritised accordingly.

This is not just about infrastructure. It is about fairness, safety and the basic dignity of all our people. We cannot continue to ask people to wait decades for something as fundamental as access to their own homes and we cannot accept a situation where emergency services are put at risk or elderly people are effectively cut off from the supports they depend on. I call on

the Minister of State not just to review the scheme, but to act decisively, to increase funding for Kerry in 2026, to redirect unused allocations from other counties and to ensure this growing frustration is finally addressed.

Deputy Jerry Buttimer: I thank Senator Kennelly for again raising the important matter of the local improvement scheme. He is right. The profound weather is having a huge implication for these roads and I accept the points he made. It is not his first time raising the matter. I have listened to his contributions and will take them back to the Minister, Deputy Calleary.

It is important to note that the focus of the scheme is to continue supporting the improvement of non-public rural roads and laneways that are not normally maintained by local authorities. The Senator is right that these roads are not luxuries. They represent a vital piece of infrastructure for the people he speaks about and champions, and he has done so regularly. They provide important connectivity in communities across rural Ireland, particularly in Kerry, enhancing access to homes, farmland and amenities. The support for these schemes can be seen in their popularity at local level. I can attest to the success of the scheme because of the level of demand and interest and the joy of people who are successful.

Since the scheme was introduced in 2017, the Government has allocated over €201 million to local authorities. Our Rural Future, the Government's national rural development policy, clearly recognises the important role the LIS plays in rural Ireland and commits to ensuring that the scheme is funded into the future. The programme for Government also recognises the benefits provided under the scheme and is committed to provision of additional funding for the LIS. The Minister, Deputy Calleary, and I are committed to ensuring the scheme continues to be well funded in the coming years. In February, we confirmed funding of €17.5 million for the LIS in 2026, which represents an increase on the base funding announced in previous years. In August last year, and following the confirmation of €16.5 million in funding for 2025, we will likely be able to provide an additional second round of funding to local authorities under the 2025 scheme, which almost doubled the previous allocation committed and saw the 2025 budget increase to €30 million, the highest annual level since the scheme's introduction.

Senator Kennelly will be glad to know that in County Kerry additional funding was made available to Kerry County Council under the second round of funding to the tune of €1.2 million. This brought the funding for Kerry last year to €22.2 million, which was a 44% increase in the budget from the previous year. I accept there are delays and people still waiting. Our Department provides funding for the scheme. It is administered by the local authorities, which are responsible for the management of waiting lists, scheme applications and determining the eligibility of roads. Our officials continue to be engaged with Kerry County Council to ensure that the funding is being fully utilised.

While in previous years, as the Senator referenced, a number of small communities and local authorities did not spend their entire LIS allocation and returned money, we have asked our local government colleagues to ensure this will not happen again. To try to understand and limit underspends and maximise works completed each year, Department officials engage with local authorities to understand where full spending may not occur and the potential to redistribute funds to local authorities that may be in a position to utilise funds. As the Senator knows, County Kerry did not return money last year because it spent its full allocation. Using

underspends from elsewhere our Department was able to provide a further €64,000 in works over and above the county's approved budget.

The Minister, Deputy Calleary, and I understand the importance of this scheme, which is about supporting the upkeep of non-public roads and laneways for people in rural Ireland and in particular for our farm families. These roads provide vital access to lands and rural homes. The scheme is also used to fund non-public roads leading to important community amenities such as graveyards, beaches, piers, mountain access points and other heritage or tourism sites. I reaffirm my commitment and that of the Minister to the local improvement scheme and commend the work of local authorities across rural Ireland that administer it, particularly Kerry. I thank the Senator for again raising the matter. It is a necessary support to encourage and maintain our rural communities and this is reflected in the Government's and our commitment to the scheme.

Senator Mike Kennelly: I thank the Minister of State for his response. As we both stated, everyone welcomes the €2.2 million for Kerry, but we have told the Department that €5 million is needed to put any strain on this to take an extra 30 or 40 roads off this LIS scheme per annum. We did not get that. The frustration I show today is because when other counties give back their allocations I do not know where that money goes. Did it go back into other roads or funding mechanisms within Kerry? I am not sure. I am not aware. The people I speak for today are the people living on these private roads, which are not accessible any more. The last six months have really deteriorated the scheme. I am calling for a specific review and a special hearing for Kerry County Council and its CEO to go to the Department, with his cap, looking for the extra €2.8 million to come up to €5 million so they can complete in one given year. They cannot do over that because of staffing and so on. However, they can do €5 million. That is what we need to get anywhere with that list and take away the heartache these people are going through.

Deputy Jerry Buttimer: I hear what the Senator has said and the figure of €5 million he mentioned. Kerry County Council has been allocated over €1.3 million for the LIS this year bringing its total allocation to €12.7 million since 2017. I encourage and support our local authorities to ensure the continued and effective use of this funding in supporting our rural communities. It is an important scheme. The programme for Government makes clear its support for the LIS and the Minister, Deputy Calleary, and I are committed to ensuring this funding continues to be utilised in an efficient and effective manner. We will hold the councils to account in the case of underspend and underutilisation. We expect local authorities to continue to deliver efficiently on the scheme across Ireland. It has a huge benefit. Our officials will continue to engage to ensure the funding is fully utilised.

I will ask officials to review the allocation mechanism to look at how we can allocate and reallocate available funding for the schemes to County Kerry. The Senator said there is an extraordinary number of roads and a high number of applicants waiting. I think 580 are waiting for approval. I will sit down with the Senator and work with him to see what we can do to ensure the fund for Kerry is increased. I will not make any false promises but the points he makes are valid. They are a lifeline for rural communities. It is about accessibility to their own farmland and to tourism and heritage sites. I hear what he is saying and I will bring his remarks back.

Register of Electors

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire Stáit go dtí an Teach seo inniu. I thank the Minister of State for taking time out of his schedule to be here.

Monaghan and Cavan county councils, that of the Minister of State and many other local authorities around the country are undergoing a process referred to as the register of electors' data cleansing project. In layperson's language, that means trying to tidy up the register. It is a huge volume of work. As I am sure Senator Tully has done, I have spoken to colleagues in local authorities in Cavan and Monaghan about this issue. Thousands of letters have gone out to people to try to get them to update their information. It is important to say that at this point nobody has been taken off the register, but those who have not responded after receiving three letters from the local authorities will be taken off. I advise anybody to return the correspondence or call in to speak to the people involved.

Voter.ie will be the new vehicle for the provision for online registration across the country, a rolling register and a new national local government electoral register. We all appreciate that accuracy indicators are key for an online accurate electoral register in which there are no faults, no duplicates, no incorrect entries, and where all the data held for an entry are correct and each person is registered only once. Based on reported data, it is estimated that 11 local authorities have more people on their local electoral register than the entire population of those counties, which is a staggering statistic. A complete register is one on which those who are eligible electors are registered on each of the electoral registers. The accuracy of the electoral registers, as well as how they are managed and maintained, is fundamental to our democratic process.

Accuracy needs resources in the long term to ensure the management of our electoral register is improved and maintained. I ask the Minister of State whether he is happy there are sufficient staff to undertake this huge volume of work. Communication with the public is vital in the pursuit of accuracy and to ensure people understand what is happening and why. I would be grateful if the Minister of State could make a statement on where we are at with this entire process and what other measures, from the point of view of publicity, we can take to ensure when the process is complete that we have a document which is accurate and in which people can have confidence that those on the register are entitled to be on it and are only on the register once.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Kieran O'Donnell): I thank Senator Gallagher for raising this important issue, which I am taking on behalf of the Minister for Housing, Local Government and Heritage, Deputy James Browne. The Electoral Reform Act 2022 provided for significant changes to streamline and modernise the electoral registration process, including the introduction of continuous and online registration, as well as the use of PPSNs in the registration process, making it easier for people to check and update their information. In the intervening period, over 1 million applications for updates to the register have been made by the public through the online portals.

The Act also put in place the legal basis for a new national electoral registration system, which will be delivered by Dublin City Council this year, supported by the Department. The new, integrated national system will, among other things, enable local authorities to identify

and manage duplicate and deceased electors at national level. Overall, the system will streamline the administration of the register of electors within a modern, secure architecture and will provide an enhanced service to the public, including through enabling the use of MyGovID.

Building on the €6.5 million made available directly to local authorities since 2023 to improve the data quality of their electoral registers, in 2025 the Minister, Deputy Browne, made nearly €5 million available to fund two clerical officers at grade Ill for a period of 18 months in each local authority to undertake specific tasks to prepare for migration to the new system, including standardisation and translation, as well as identifying and following up on deceased and potentially duplicated electors across the country.

An Coimisiún Toghcháin, in its first annual report on electoral registers in May 2025, identified with concern the legacy issues around register data but acknowledged the enormous amount of work being carried out by local authorities to address these while making recommendations to accelerate this work. The Government's commitment to this and the work of local authorities are yielding results. In December 2025 the local government sector reported that over one in four entries on the register had been updated and has an associated PPSN, which means these entries have been checked and confirmed. A total of 74% of entries had a date of birth, 73% had an eircode and 60% of registered electors have both. We expect these trends to continue.

Local authorities, which have responsibility for electoral registration, have done a huge amount of work to get us to this point and I acknowledge this. In addition, the engagement of the public is critical. Each of us is responsible for ensuring that our details on the register are current and correct. Senator Gallagher made reference to encouraging the public when they are written to by the local authority to revert to it as quickly as possible. Clearly, we want to people on the register and we want the register to be accurate. Engagement with the public and people coming back to the local authorities is very important. This is the latest update from the Minister.

Senator Robbie Gallagher: I thank the Minister of State for his comprehensive response. I pay tribute to the staff of the local authorities for the huge volume of work they are doing on this. As I have said, thousands of letters have gone out. Monaghan County Council has sent out 2,000 letters to people three times looking for them to engage. I encourage these people to engage because if they do not do so by 31 May, they could be removed from the register. There is a reluctance among people in some parts to pass on their PPS number as they are afraid it may be used for an alternative purpose. I understand this is not the case. Even if they do not wish to give their PPS number, it is only being asked for purely from the point of view of making sure the names on the register are accurate and legal. People can drop into the local authority with their passport to rubber-stamp and confirm their identity. If people are reluctant to give their PPSN the door is not closed as there are other ways. If they drop in with their ID to the local authority they will be able to get around this issue. I encourage everybody who has not responded to please do so. This is very important work for which we have been calling for years and years. I hope that at the end of this process we will end up with a register that is as accurate as it can possibly be.

Deputy Kieran O'Donnell: I thank Senator Gallagher for bringing this issue up for discussion, which I am taking on behalf of the Minister for Housing, Local Government and Heritage, Deputy Browne. This is a very important issue and one on which we have made significant progress. I have set out the critical work done by local authorities in recent years, including on legacy data quality issues. I join Senator Gallagher in acknowledging and paying tribute to the work of local authority staff in this regard. As Senator Gallagher has done, I encourage people to respond to the local authorities and engage with them on ensuring we have an up-to-date and accurate register of electors in each local authority area.

We have put in place structures and processes to ensure the integrity of this critical piece of our democratic infrastructure is maintained and enhanced. Annual reporting by local authorities to An Coimisiún Toghcháin, and the commission's own annual report in which it can make recommendations and set standards, will ensure the work done to date will continue to be built upon. As I have said, it is also a matter for each of us to ensure our details are correct and up to date. This is something we can do and encourage others to do. I join Senator Gallagher in encouraging people to engage with the local authorities on this process and I ask them to revert to the local authority on any correspondence they receive on the register of electors. I thank Senator Gallagher for raising this important issue.

Organ Retention

Acting Chairperson (Senator Dee Ryan): I welcome the Minister of State, Deputy Murnane O'Connor, to the Seanad.

Senator Pauline Tully: I was contacted by Paula, who lives in Cavan. Her son Tadhg was stillborn on Sunday, 5 June 2016 in Cavan General Hospital. She consented to an autopsy, which was carried out on 7 June and buried her little son on 9 June. Tadhg's parents received the post-mortem report on 17 November 2016, which was a period of five months later but this is not the main issue they have. A year after this, in November 2017, which was 17 months after she had buried Tadhg, she received a phone call asking what she wanted to do with her son's brain and left lung. She was absolutely shocked and horrified. She did not know her son's organs had been retained. She had never been informed or had never given permission for this. The autopsy on her son was carried out by Dr. John Gillan. The post-mortem result did not indicate in any way that the organs had issues relating to his death. In fact, it was hospital error that was the cause of her son's death. An inquest was held, so it was March 2021 before she could bury these organs. A full five years and nine months had passed after she had originally buried Tadhg. She had the horrific experience of opening up his grave and, as she said, opening her wounds of grief again, to bury him whole.

In November 2022, "RTÉ Investigates" did a programme on this issue. It turns out that it was not the first time that this Dr. John Gillan - and he has been named in the programme and publicly, and he has admitted himself that he is involved - did this. Indeed, it seems he has been involved in hundreds of cases, or maybe more, similar to this one, where the organs of babies who had died at birth or who were stillborn were retained. He carried out the autopsies and retained the organs. In the late 1990s and early 2000s, concern was raised about this issue. The Government at the time did commission an expert report to investigate the scandal. The results were published in 2009, and the HSE subsequently initiated an investigation.

It found that one hospital, the Rotunda, had a very different practice to a lot of other hospitals, and this was the hospital where the pathologist, Dr. Gillan, operated from. He was let go from that post on foot of these investigations. It is shocking to find that years later he was still being commissioned to carry out autopsies in different hospitals around the country by the same HSE that had commissioned the report and found that he should be let go for these practices. He was still doing this. Apparently, organs were retained without permission or consultation up until 2020.

It has been almost ten years since Tadhg died, and Paula and her partner and their family have never been told why Tadhg's organs were kept, have never received an apology for this and do not feel that Dr. Gillan was held accountable or responsible. As I said, Paula is not the only one to have been in this position. Many other families are in very similar positions. It is very upsetting, and still very upsetting, even after this length of time, that they feel they have been ignored.

I ask if this matter could be looked into again. The evidence is there. We know who is responsible. I know legislation has been passed which tightens up this whole area, the Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Act 2024, so, hopefully, it will not happen again, but I still think we need to look at and deal with the cases where it has happened.

Minister of State at the Department of Health (Deputy Jennifer Murnane O'Connor): I thank the Senator for highlighting this serious issue and concern. I know it is ten years ago, as the Senator said, but I also send my sympathies to Tadhg's parents. It does not matter how many years ago it was, it is still very emotional.

I am taking this Commencement matter on behalf of the Minister for Health, Deputy Jennifer Carroll MacNeill, because she cannot be here. I thank the Senator for raising this important issue. First, I express my deepest sympathies again to all those affected by the deeply troubling issues around organ retention. It is an unacceptable and very distressing situation for anyone to go through, especially after having experienced the tragedy of losing a beloved child.

Most post-mortem examinations are a vital part of medical practice. It is one of the most informative investigations in medicine and can provide objective information on the cause of death, which is of value to the family of the deceased, to healthcare professionals and to other interested parties. Post-mortem examinations can provide information about the risk of inherited diseases, which might be of benefit to family members in seeking necessary care and treatment. Post-mortem examinations can provide information to improve understanding of how disease is caused, advancing medical knowledge and helping others by contributing to the fight against disease and how it can best be treated. Organs or tissues are sometimes removed and retained as part of a post-mortem examination, primarily to allow for analysis of the cause of death. In hospital post-mortem services, this follows a detailed information and consent process with families.

Consent processes underwent significant change and improvement following justified outrage, and that is factual, about post-mortem and organ retention practices in Ireland. Several inquiries have addressed the controversies around organ retention. The Dunne inquiry, as the Senator said, was established to investigate post-mortem practice and procedure in all hospitals in the State since 1970. The inquiry commenced its work in March 2001 and submitted a report

to the then Minister for Health in March 2005. In May 2005, Dr. Deirdre Madden was appointed to examine the findings of the Dunne report and to provide the Government with a final report on post-mortem policy and practice. This report was published in 2006. A subsequent report of a working group, also chaired by Dr. Madden, on other areas of post-mortem practice and procedures was published in November 2006. An independent audit of all retained organs in the State, which was commissioned by the HSE, was carried out by Ms Michaela Willis and this report was published in 2009. The HSE subsequently developed its standards and recommended practices for post-mortem examination services and circulated these to relevant hospital staff in March 2012. The overall aim of the 2012 guidelines was to drive high quality post-mortem examination services, based on legal requirements and in keeping with best professional practice. These guidelines were recently updated to the HSE national clinical guidelines for post-mortem examination services in April 2023.

The Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Act 2024 was enacted in February 2024. Part 3 deals with pathology practice and implements many of the findings of the Madden report from 2005. This will establish a new regulatory regime to ensure best practice is followed in the conduct of post-mortem examinations. The Act introduces consent provisions for non-coronial post mortems and sets out a clear framework for how consent is to be obtained and the information that must be given to individuals or their families when seeking such consent. The Act also provides for the regulation of the retention, storage, use, disposal and return of organs and tissue from deceased persons following all post mortems in hospital settings, including those directed by a coroner. The Act also amends the Coroners Acts 1962-2024 to address issues with regard to material removed and retained from the deceased person in a post-mortem examination directed by a coroner. This is something that families directly impacted by recent controversies have called for, and it is important that the legislation has not only acknowledged these requests but has addressed them.

I will be coming back in, but I think it would be important that the Senator would email me all that information, if she would not mind. I will also have a meeting with the Minister, Deputy Carroll MacNeill, on this matter.

Acting Chairperson (Senator Dee Ryan): Before Senator Tully recommences, I welcome to the Public Gallery the students and teachers from St. Mary's Holy Faith school, who are guests of Deputy Johnny Guirke. They are very welcome and I thank them for joining us. I call Senator Tully.

Senator Pauline Tully: I thank the Minister of State. The reply outlined the important changes that have taken place since, and they were required. Unfortunately, though, there was such a gap from when the initial investigations and reports were undertaken, which were all in the early 2000s, until the Act was passed in 2024. Paula lost her son Tadhg in that period. Had action been taken quicker, perhaps that might not have happened to her and many other families.

There is also the fact that it is this one pathologist. The question is why. He was made to leave his post or was fired or whatever the terminology used was. The question is why he was then allowed to carry out autopsies in other circumstances. As Paula said, she just never got the explanation or the apology concerning what happened. That is really heartbreaking for her.

I know it is because she and other families have spoken out about this issue that the legislation has been introduced, and rightly so. It is not that anybody queries the need for autopsies and how important the information that can be gleaned from them on the cause of death is. It is just about the consent for and the knowledge of what is happening to the bodies of loved ones.

Deputy Jennifer Murnane O'Connor: Again, no words can ever make up for the distress experienced by affected families who have lost a loved one, particularly bereaved parents. The inappropriate retention of organs only added to the families' distress and grief. Dignity and respect for parents who have experienced the loss of a child is of paramount importance. This is why it is so important to commence the provisions of Part 3 of the human tissue Act which will establish a regulatory framework for the conduct of post-mortem examinations that embeds in law the idea that consent is the defining principle across activities involving human tissue.

Under the Act, consent will be needed from families for arrangements relating to burial, cremation or the return of any organs retained from a post-mortem examination. The management of any organs must be in line with the wishes of the family. The human tissue Act 2024 includes a number of offences for which someone can be prosecuted for serious breaches of medical practice or records management. These are not intended to criminalise clinicians but a balance must be struck.

A culture of patient safety and quality assurance, as well as open communication, must be at the heart of high-standard health services. It is important that we take all steps to prevent this ever happening again. As I said, I will meet with the Senator, and I will absolutely speak to the Minister, Deputy Carroll MacNeill, on her behalf.

Cuireadh an Seanad ar fionraí ar 11.20 a.m. agus cuireadh tús leis arís ar 11.34 a.m.

Sitting suspended at 11.20 a.m. and resumed at 11.34 a.m.

An tOrd Gnó - Order of Business

Senator Seán Kyne: The Order of Business is No. 1, statements on prisons and alternative sentencing options, to be taken at 1 p.m. and to conclude at 2.30 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 eight minutes each, all other Senators not to exceed five minutes each, and the Minister to be given no less than ten minutes to reply to the debate; No. 2, the Air Navigation and Transport (Arms Embargo) Bill 2024 - Report and Final Stages, to be taken at 2.30 p.m., with proceedings thereon, if not previously concluded, to be brought to a conclusion at 4.30 p.m. by the putting one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; No. 3, statements on disability matters, to be taken at 4.30 p.m. and to conclude at 6.10 p.m., if not previously concluded, with time allocated to the opening remarks the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes each, all other Senators not to exceed five minutes each, and the Minister to be given no less than ten minutes to reply to the debate; and No. 4, statements on homelessness (resumed), to be taken at 6.15 p.m. and to conclude at 7.15

p.m., if not previously concluded, with time allocated to the contribution of all Senators not to exceed four minutes, and the Minister to be given no less than ten minutes to reply to the debate.

Senator Fiona O'Loughlin: I want to raise a report that was issued yesterday in Northern Ireland in relation to approximately 500 women, many of whom were trafficked, who were available for prostitution on legal websites. While the selling of prostitution is illegal in Northern Ireland, as it is here, the websites are not illegal. Obviously, many of these women are very vulnerable. Many of them have come into the country through trafficking and some, sadly, have turned to prostitution because of addiction, poverty and other issues in their lives. It is really important that we help and support these women.

However, we cannot see this a situation isolated to Northern Ireland. Obviously, it is happening every day in our towns and cities and on our streets. We must do more. Looking at the statistics in Northern Ireland, over the past 11 years, 134 arrests were made but there were only five convictions. We need to see what the statistics are here. We need to have a debate with the Minister for justice in relation to this.

I want to give a shout out to Ruhama in particular, which does a lot of really good work in this area. It supported almost 1,300 women last year. Some 36% of those had sought its help for the first time, and many of these had been trafficked. Ruhama has opened a house, called Rose's House, which has been open for approximately two years now. It is an accommodation space for those who can be rescued out of human trafficking. The Minister, Jim O'Callaghan, has done a lot of work in this area. Only this March, he had a review of exploitation and prostitution. He is considering recommendations. It would be very opportune to bring the Minister in on this matter, but also to learn about the efforts going on at EU level to identify some of the perpetrators. This is really important work that needs to be done.

Last night, I hosted a meeting in the Keadeen Hotel in Newbridge, with the Minister of State, Charlie McConalogue, on the upcoming sports capital grants. I thank all those who came. We have wonderful volunteers in my county of Kildare, but also around the country, in terms of supporting many different types of sport. It is incumbent on us to help and support them. One of the big issues, particularly in Dublin, Kildare, Meath and possibly Galway – in areas where there are developing populations - is the scarcity of land. It is important that the Minister of State for sport has a matrix in relation to the population base when trying to match resources and land that local authorities or other State organisations may have. I would like to see a debate on that within this House.

Senator Gareth Scahill: Recently, Senator Boyle gave me one of the reports from the health committee, which did a recent report on dental services. They constitute an issue that I have raised in this House numerous times. We know that we have not been producing enough dentists historically and that we do not have enough dentistry places. Last September, we welcomed the addition of 20 new places, but there is still a lack of places. Only something like 8% to 10% of applicants are getting places on dental courses in Ireland. This is not meeting demand. That resonates throughout the country. We are seeing three-, four- and five-month waiting lists to get into dentistry. We all receive calls in our offices every day of the week. Medical card holders are unable to find a dentist who will accept them. Dentists are not accepting new medical card holders. It was great to see that the report pointed out the need for

more dentists and dental places, but it also pointed out there was an opportunity to give dental hygienists more responsibilities to alleviate some of the pressure on our dentists.

I would like us to have a debate on dentistry, maybe get someone in from the Department of Health, and see whether we can have a good wholesome conversation and try to address some of these issues. It is not only affecting my area or Senator Duffy's area; it is affecting everybody's area. It is a topic that we need to have a discussion about. Dental health has a lasting impact on overall health. Addressing dental health early can reduce some of the financial pressures on other areas within the health service, as can having that conversation about dental check-ups for primary school children because we all know the waiting list extends to that as well. I would welcome the opportunity to have that conversation.

Senator Tom Clonan: I want to raise a couple of issues here this morning. The first is in relation to Commencement matters. I have submitted a number of Commencement matters in relation to Cluain services, an extraordinary resource in Clonmel, County Tipperary, that provides education, training, activities and respite for people with disabilities and people with mental health issues. It is the only centre in that part of south Tipperary doing this. However, would-be students who are taken on that course have to transfer their disability allowance or social welfare payment over to the Cluain service for the period of their course and this creates a bizarre and unnecessary administrative burden for the Department of Social Protection. For people who are suffering mental health issues or people who have disabilities, this is also onerous. A lot of people who would be able to avail of these services are not doing so because of this bizarre and anomalous administrative requirement, which may have something to do with keeping the numbers on the live register artificially low. I cannot think of a reason for it. When I have submitted the Commencement matters, I get these replies from civil servants, initially from the Department of Health and the HSE stating that it is not their Department and it is not their responsibility and that we should go to the Department of Social Protection. I put the Minister for Social Protection on the Commencement matter and that Department replies stating it is not that Department and it is the HSE and the Department of Health. We are all very busy people here and we have a mandate to represent our constituents. I was a public servant. The clue is in the name, "servant". They are here to assist us and help us. Rather than giving us these cryptic responses to the extent that you will have to figure out yourself who to send it to, could they not join the dots for us as a simple, professional and collegiate courtesy? If they are going to refuse a Commencement matter on the basis that it is not the right Department, would they have the courtesy to say who is responsible? It is wasting time in the system? It is an excellent system. It is not a criticism of the Commencement matter system; it is a criticism of these kind of cryptic responses to say it is not their Department. When they know full well who it is, they should tell us and help us represent our constituents.

There is a second issue I want to bring up. I have just come from a disability matters committee meeting this morning. In that committee meeting, three parents and carers expressed the view to the committee that they hoped their adult children would predecease them, that they would die before they do. What kind of a society are we that parents and carers like me live in fear of what happens to our children when we die? I have written to both the Minister, Deputy Foley, and the Minister of State, Deputy Higgins, about these issues and I have not even received an acknowledgement. I would like to have a debate in this House. I do not know if it is possible to bring in more than one Minister - similar to the Commencement

matter issue, there are these issues around demarcation - to have a proper debate on the abject living conditions for disabled citizens in Ireland, especially as we approach the Presidency of the EU. It is Ireland's absolute shame, and it is unnecessary.

Senator Joanne Collins: Today, I want to raise something that has been not only on my mind, but brought up to me a lot over the last couple of months. It is a Bill that will be going into the Dáil next week, on vaping and on the banning of flavours. I will give the Leader a rundown. My own story is a lot like many stories. I started smoking in 1992. The first time I ever tried to give them up was in 2012. I went into a vape shop and bought a vape. The first question I was asked was what kind of cigarettes I smoked. They matched you to your tobacco flavour. I lasted two-and-a-half days on the vape. It was disgusting. I could not continue and went back on cigarettes. Seven years ago, I gave them up when I found flavours. Since then, I have stayed off cigarettes. I can guarantee 110% that if the flavours go, it will not only be me back on cigarettes; it will be a lot of people. I have been told that since the tax went on, people are buying tobacco pouches and making their own cigarettes because it works out cheaper now to buy a pouch of tobacco and make cigarettes than to buy the liquid for their vapes.

The rationale behind it is to stop children vaping, and I completely agree. There is a law there. The law was brought in a couple of years ago. Under-18s cannot be sold vapes. We should enforce the law instead of punishing every adult who uses flavoured vapes to stop themselves from smoking tobacco, which, we have been told, is bad for us. I hold my hand up. I did not give them up for health reasons. I never had a health issue when I was on them. I gave them up for money reasons. That was the only reason I gave them up. As I said, if the flavours are gone, it will not be against my belief to go back on cigarettes because it was a money reason for giving them up, not anything else.

We need to enforce the law instead of punishing people. We will have an awful spiral of people going back on cigarettes. We have spent so much time trying to get people off them, with the smoking ban, all the health aspects of it that have come out through the HSE and all the campaigning. We will have an awful turnaround.

We should provide for generic packaging, as we did with cigarettes. They should have generic packaging. Let us take away all those lovely colours and the shop fronts and put them generic. We should have them in behind the boxes, as we have the cigarettes sold in every grocery store and every shop corner. You can buy cigarettes but they are hidden away. They are not in the nice shiny packaging.

There are lots of ways we could do this but a collective punishment is not the way to do it. We will have an awful spiral of people going back on cigarettes. I hold my hand up - I will be honest - I will be the first.

Senator Dee Ryan: Last Friday, the family of Scarlett Faulkner brought her remains to St. Munchin's Church in Clancy Strand in Limerick and they said their goodbyes. Tragically, two days later, the body of her brother, Jason Faulkner, was recovered from the Abbey river in Limerick. It is a second devastating blow for the family and friends of the tight-knit community and I would like to extend my deepest condolences to them. The HSE Mid-West is very involved in supporting the wider group and family group. The local resource officer for suicide is on site with the family, the Limerick Traveller Network is on site and the National Office for

Suicide Prevention is supporting. The Minister of State, Deputy Butler, is co-ordinating closely with the HSE Mid-West lead, Sandra Broderick, on this matter. I would ask if we could have at an appropriate time a debate on suicide prevention and mental health challenges across our country with our young people and to bring the Minister in so that she can update us on the work that she and her Department are doing in this area.

Senator Mark Duffy: I have raised on many occasions here on the floor of Seanad Éireann how important and strategic the River Moy is in County Mayo. It begins in east Mayo and flows through north Mayo and out to the Atlantic Ocean. It has been fished by many people. It is known nationally and internationally. The late and great Jack Charlton fished there many a summer after World Cups. Later this afternoon the climate, energy and environment committee will have a discussion on the salmon decline in the River Moy. I would like to take the opportunity this morning to acknowledge the work of the Moy Action Group, members of which - Martin Parker, Simon Leonard, Peter McHugh, Rob Cording and Ian Canavan - are here in the Gallery this morning, and acknowledge the work and leadership that they have brought to the table on behalf of fishermen and women in County Mayo. The ask is clear: that we have accurate data. There is no denying that there are challenges facing the River Moy and salmon stocks right around the world but the accuracy of data is part of that question. From the Leader's experience advocating for fishermen in Galway, he has been a strong supporter of them.

I acknowledge the work of the team from Moy Action Group and look forward to the discussion we will have later today. It is often commented upon that it is important to listen to communities and people on the ground because they are the eyes and ears. They understand it intimately, care about biodiversity and the precious ecosystem that is the River Moy and what can be done to protect it. It is also important to have clear data on the number of smolts and salmon in the river and what needs to be done to protect and enhance it for future generations. Blanket bans and closures are not always the answer. I will also highlight Thomas McMahon in Foxford in Mayo, who has innovated with an app that can help be part of that solution. Councillor Neil Cruise has been very supportive of it too. In respect of the measures that will be proposed later today in the conversation we will have, I ask for Commencement debates on them and that we have the relevant Minister to make them a reality.

Senator Victor Boyhan: RTÉ will air an "RTÉ Investigates" programme titled "Inside the Care System" tonight at 9.35 p.m. I am highlighting it in the context of our debate on the Mental Health Bill last week and other areas of welfare. "RTÉ Investigates" spent the last year inside the family law court system documenting an unfolding crisis in the care of Ireland's most vulnerable children. It is described as heartbreaking, with the potential to cause lasting damage. In the documentary that will air tonight, we will hear directly from young people who have been through the care system in their own words. I also take this opportunity to thank the documentary's producer and director, Lydia Murphy.

Rarely does the public hear from young people who are experiencing a care system under increasing pressure, from staff shortages to mounting condemnation from the Judiciary over its failure to meet its lawful obligations to protect children in care in this State. A teenager who we will hear tonight will talk about how he spent months in an adolescent psychiatric unit. Senators will recall many of us discussed this issue last week. When he no longer needed the

treatment he had to remain in the psychiatric unit because, as Tusla says, and this will be outlined tonight in the programme, they had no residential placement available for him. Controversial care homes known as special emergency arrangements, SEAs, mean that children are being placed in accommodation to facilitate them. These are provided by private operators, including rented apartments and houses, bed and breakfasts and hotels. However, these are unregulated and unregistered, private-run facilities that cannot be inspected by the regulatory authority. Remarkably, these SEAs are State-funded from Tusla's budget. It is a shocking indictment of a system that we have allowed go on in this State. I urge every Member of this House to tune in to "RTÉ Investigates" at 9.35 this evening.

An Cathaoirleach: I welcome to the Gallery Deputy Liam Quaide from Cork and his guests. I thank them for being here.

Senator Sharon Keogan: In January, I stood in this Chamber and called for the abolition of the universal social charge. Today, in light of the recent protests, the ongoing energy crisis and the relentless cost-of-living crisis, I find myself compelled to make that call again but I want to go further. In recent weeks, we have heard much talk from Government about increased expenditure, more subsidies and so on, justified by the ever-growing projections of a budget surplus. There is another model that deserves serious consideration; reducing and abolishing the burdensome taxes rather than endlessly expanding spending, most especially the USC. The truth is that it is far more efficient to leave money in working people's pockets than to take it from them, funnel it through an inefficient State apparatus and return a fraction of it through complex schemes and supports.

At present, the State is demonstrably inefficient, perhaps the most inefficient in western Europe. Anyone who looks at the delays, overruns and ballooning costs knows this to be true. This Government will run out of road if it continues to substitute subsidies for real reform. We cannot subsidise our way out of every crisis while ignoring the structural problems at the heart of public spending. Fianna Fáil backbenchers were told they would have influence at budget times. If that influence is real, I call on them to use it to reduce taxes, not to invent more and new subsidies that merely mask the problem. We can halve prices at the pump through tax abolition tomorrow. Likewise, every euro taken in USC is a euro that cannot be used by a household to make an energy bill, fill a trolley or cover childcare. Until inefficiency within the State is tackled head-on we should be reducing the burden on ordinary people, not increasing it under the guise of compassion. Abolishing the USC would be a clear signal that this House understands that the best way to help people through a cost-of-living crisis is not always more government but more freedom to keep the money they earn.

Senator Chris Andrews: It is disappointing to hear Government Senators looking for time to debate mental health issues when the Government guillotined the Mental Health Bill just last week.

Senator Sharon Keogan: Hear, hear.

Senator Chris Andrews: The Minister with responsibility for sport, Deputy Patrick O'Donovan, a couple of weeks ago lost his shit over idiots throwing-----

An Cathaoirleach: Stop, stop.

Senator Chris Andrews: He lost his-----

An Cathaoirleach: No, sorry. This is going to stop. A number of Senators have been using bad language in this Chamber inappropriately, not today, but I am just saying. The Seanad is not going to have inappropriate language inside. That is not going to continue. The next time someone does something like that we are suspending the House. Continue, Senator.

Senator Chris Andrews: Could you just start the clock again?

An Cathaoirleach: Having not applied by the Standing Orders, I will allow you extra time but use it carefully and appropriately. Be cautious of your language.

Senator Chris Andrews: A number of weeks ago, the Minister with responsibility for sport lost the plot-----

An Cathaoirleach: That is better.

Senator Chris Andrews: -----over idiots throwing flares onto a pitch in Dundalk. He started threatening to pull funding and to ban clubs from playing. It was hysterical. Yet, the same Minister has no problem playing a team that represents a country-----

An Cathaoirleach: The Senator should be careful about what he is saying about Government members as well.

Senator Chris Andrews: What did I say?

An Cathaoirleach: I am not repeating it because I am not helping. When you are referring to anybody, try to temper the language.

Senator Chris Andrews: I am actually not sure what I was supposed to have said there. The Minister with responsibility for sport, while critical of a few idiots and threatening sports groups and clubs about playing, has no issue about playing genocidal Israel in an international match. Israel has killed over 70,000 or 80,000 Palestinians in Gaza, including over 20,000 children. How can a Government Minister stand over playing genocidal Israel when clearly the country is out of control? How can the Government on the one hand talk about suspending the trade pact with Israel, yet at the same time also welcome apartheid Israel over here to play an international football match with open arms?

The Government says it is going to pass the occupied territories Bill but at the same time it is willing to play genocidal, apartheid Israel. In what world does that make sense? The hypocrisy is beyond staggering. Is the Government going to security-screen the players and management? Is it going to allow the members of the team and management who were active

in genocide enter the country? It is extraordinary and it is shameful. What is the FAI doing in considering to play a match against Israel? The CEO of the FAI does not live under a rock. He knows what Israel is doing, yet he is happy to play a team that is part of its sportswashing efforts. The FAI congress believes Israel should not be in UEFA but the CEO is ignoring Irish football and ignoring their own FAI congress.

12 o'clock

An Cathaoirleach: I welcome to Seanad Éireann guests of Deputy Matt Carthy from Greece, who are students from University College Dublin.

Senator Gerard P. Craughwell: It is no surprise that today I want to talk about the Defence Forces. In particular, I want to talk about the adjudication of 27 September 2010. We ask representative bodies to go to adjudication to resolve issues that exist within an organisation. The Defence Forces is suffering recruitment and retention issues. That adjudication of 2010 awarded the Army Ranger Wing and those who cook, the chefs, in the Defence Forces an increase in pay backdated to 1 June 2006. Surely it is time for the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation to be re-amalgamated into the Department of Finance. What is the point of having an adjudication if the Department of public expenditure is going to step in and say "No"?

I know this is right across the House and across all political parties. The long arm of the Department of public expenditure is reaching into every corner within the public service. Surely to God if the Department of Defence is agreeable under adjudication to give an award, it should be given and there should be no further discussion about it. It is time to get rid of the Department of public expenditure, amalgamate the two under one Minister and leave us one senior Minister who can take over the Department of Defence and can see to it that we have a proper defence Department. Coming from a garrison town, as the Leader does, I know the Leader will want to bring the Minister for Defence in here and have a discussion on this.

It is outrageous. These men, the Army Ranger Wing, are the people you put on the front line every time there is a crisis, and I mean a dangerous crisis. If the Leader could organise a debate on that I would really appreciate it.

Senator Aubrey McCarthy: A number of months ago we had Professor Steve Kerrigan appear before us and address the petitions committee. He brought in people who had suffered with sepsis or had family members who had passed away. There was a deeply moving testimony from a lady called Sinéad O'Reilly who lost her sister-in-law, Sarah.

Professor Kerrigan reminded us that sepsis is on the increase and we are facing more sepsis in sicker and older communities throughout Ireland. There are fewer effective drugs to treat it. Antibiotics, which we have always relied upon and are the cornerstone, are increasingly failing to treat sepsis. It is becoming a big issue for us and it is shaping outcomes. Doctors are increasingly facing infections that do not respond to first-line or even second-line treatments. That is a problem.

I asked Professor Kerrigan to come in to the audiovisual room. He is coming in today to discuss sepsis, why the incidence is rising and how different countries are facing this epidemic,

as he would call it. He is bringing Ciaran Staunton with him to join the discussion. Ciaran has been leading the force. He lost his son, Rory, to sepsis. In New York he has driven state-level legislation, which mandates early-recognition protocols and rapid treatment pathways. His experience is both practical and powerful regarding policy and how it can be directly translated into saving lives.

There is going to be a short address today on how sepsis affects us in Ireland and how we can use the EU Presidency to give sepsis a platform. I encourage all of my colleagues and anyone who can to attend the audiovisual room today at 6 p.m. to hear Professor Steve Kerrigan.

Senator Sarah O'Reilly: I want to raise the issue of the increase in the broadcast levy. We have a media Minister who is not happy that the wrong people got too much airtime during the fuel protests and wanted Coimisiún na Meán to investigate. We then had his line manager, the Tánaiste, Simon Harris, coming out and saying there was no need for an investigation. After a huge backlash supporting freedom of the press, the media Minister then backtracked on his threat. He then signed off on a €20,000 pay rise for the RTÉ boss, Kevin Bakhurst.

Today we hear that the broadcast levy for small radio stations will increase by 39% and in some cases that translates to €14,000. The Independent Broadcasters of Ireland, IBI, is saying it represents a hike of thousands of euro and that it results in a cumulative increase charge of 69% in two years. No warning was given and no notice. I am calling on the media Minister, Deputy Patrick O'Donovan, to intervene on this levy and to come in for statements before this House.

Small, local stations are doing great work. They are doing it on a shoestring and for some it is simply unaffordable. Do not put them on the road. Many rural people rely on their local stations as company. RTÉ was bailed out for €750 million and was rewarded for bad behaviour, slush funds, flip-flops and for wasting taxpayers' money. This is a threat to local radio stations and we need the Minister in to discuss this.

Senator Noel O'Donovan: There are many discussions at the moment around the fuel crisis, the energy crisis, Government supports and our energy policy as a nation. The Barryroe oil field is a topic that is raised quite a lot in west Cork and in recent times local media and national media have raised the issue. Not just in recent weeks, I have been engaging with the Ballyroe oil field. I met them long before this fuel protest in recent weeks. I have spoken to many in west Cork to sound out the views of people, including party members in Fine Gael and commercial people and business people. I want to put on the record that I support moving to renewables. I support all of us -whether it is parliamentarians, businesses, industry- all of us as citizens protecting our environment and reducing our emissions going forward.

However, we must be realistic. We cannot move to a state of zero emissions in the short term. We must work towards it. We have a natural resource 50 km off our coast in west Cork that potentially may lead to billions of barrels' worth of oil and gas. It is pragmatic and a commonsense policy to see exactly what is there. There is talk of billions of barrels' worth of oil but nobody knows exactly how much. The company that owns the licensing and the project at the moment is requesting an exploration licence. This was refused in 2023 but it needs to be re-looked at.

The Government needs to look at energy policy and energy security. All our oil and gas is brought to this country. It is imported. It is brought in through ships that use diesel fuel. There is a reduction in terms of emissions if we can use our own fuel. It is my view but I think it is a commonsense view. We need to look at our own resources in terms of an energy crisis. I will be discussing it further but it is worth a debate with the Minister for energy in due course.

Senator Cathal Byrne: I want to raise the issue of vaping and the proliferation of vape shops that are popping up right across our main urban areas in County Wexford. I am not against vaping for adults. I recognise it is something that quite a considerable number of people are engaging in. However, I am speaking about the direct targeting of young children and teenagers under the age of 18 through flashy, cartoon-style advertisements across our main urban streets, particularly on the main streets of towns like Enniscorthy, New Ross and Wexford.

There is a deliberate attempt by these shopfront owners using flashy neon lighting to attract and sell vapes to children so that when they are walking down the main street, their eyes are caught by these shiny bright lights outside of these vape shops. It is something we need to have the Minister for planning come in on. We need clear national guidance on what a shopfront for a vape shop can be, how vape shops can market themselves and particularly about how many vape shops can be on one main street within a proximate location to schools or a proximate location where young people are hanging out. To be clear, I am not against vaping and am not looking for a ban on vaping. I am not against vapes being sold to over-18s but given the proliferation of these shops and how many are starting to come, their frontal design with neon lights and all that goes with it, we need clear national guidelines and, if necessary, legislation in this area.

Senator Martin Conway: I fully agree with Senator Byrne. I note that, in Australia, vaping is illegal except if you have a prescription. As a result, the amount of vaping in Australia is among the lowest in the world. It is not good for you and it is not healthy.

Senator Chris Andrews: Hear, hear.

Senator Martin Conway: Senator Byrne's point on the proliferation of these awful-looking shops the length and breadth of the country was well made. I note in Ennis how a fantastic music shop that we all grew up with is now a vape shop. We need to address this. Perhaps we could have a debate on it at some stage.

Today, the HSE was at the health committee on the matter of vaccines. One of the issues discussed was the misinformation that seemed to be proliferating on social media about vaccines. Last week, I spoke about the treatment of Senator Flynn by the social media platforms and by individuals on those platforms who were let away with it by them. We are a country that prides itself as being at the cutting edge of tech. Nine of the ten leading tech companies in the world have their European headquarters here in Ireland. We should be the solution, and be finding the solution, to this hate speech and misinformation on social media. We have the ability in this country and the intelligence. We have the technological expertise to find a way. We should not be looking to Europe, the United States or other countries to resolve this problem. This problem is one that we can find the solution to. I do not have the solution because I am not a tech expert but the expertise is in this country because we have

created so much in the tech world over the years. I urge that some sort of a structure or formula be found whereby we can channel the expertise and the experts in technology in this country to find a solution to these awful problems.

Senator Seán Kyne: I thank all Senators this morning for their contributions, starting with Senator O'Loughlin, who raised the issue of prostitution and the recent report from Northern Ireland. She said we were not immune to those issues here. She commended Ruhama and the Rose's House accommodation. She also said we needed to learn from EU efforts and she called for a debate on this matter. We will request that from the Minister, Deputy Jim O'Callaghan. She also raised the sports capital grants, a recent meeting with the Minister of State, Deputy McConalogue, and the issue of scarcity of land for sports facilities, particularly in urban areas. I will request a debate with the Minister of State in advance of the sports capital grants.

Senator Scahill raised a report from the health committee on dental services and the lack of spaces for those applying to become dentists and he called for a debate on the report. That would be a very worthy debate to have. I have suggested previously that retired dentists might be rehired to carry out checks within schools. They would not have to do procedural work but they could have an important role in ensuring that those very important health check-ups were carried out in schools. I will request a debate on that report.

Senator Clonan has raised the Cluain services in Clonmel in south Tipperary and the work it is doing. There are some concerns regarding disability allowance being required to be transferred to Cluain as part of that. He has put down a Commencement matter debate on this but it has fallen between two Departments. We might be able to check to see which Department might be best placed to answer that Commencement matter. There should not be buck passing. The Senator is right that his issue is not being dealt with because of that.

Senator Clonan also raised the issue of disability and asked for a debate. There is a debate today at 4.30 p.m. on disability matters. I am sure there will be a good turnout on that very important issue.

Senators Collins, Cathal Byrne and Martin Conway raised vaping, the proliferation of vape shops and the possibility of legislative changes to ban flavours. Senator Collins spoke about the implications of that. The Public Health (Single-Use Vapes) Bill 2025 is due in this House, if not next week, then very soon. There is a second Bill regarding the licensing of premises. A lot of concerns have been raised with me locally on the proliferation of vape shops. Since they are classed as retail, as I understand it, there is no requirement in relation to planning or change of use but there are efforts being made through legislation to introduce licences to ensure that vape shops have to have a licence to open, with perhaps other changes in relation to signage, colours and everything else there also. Senator Collins made a valid point in relation to it. Vaping was always talked about as an alternative to smoking rather than an attempt to bring people into smoking. She raised a valid point in relation to the implications there for her as a former smoker.

Senator Dee Ryan expressed her sympathy to the Faulkner family on the passing of Scarlett and, subsequently, Jason. Our thoughts and prayers go to the Faulkner family, to the parents and extended family, in their sad time. I will request a debate on matters of mental health.

Senator Duffy raised the River Moy, which is a huge asset to Mayo and the rest of the country. The late, great Jack Charlton's fondness for fishing on the River Moy was acknowledged. Senator Duffy noted the need for accurate data and listening to communities. There is a debate at the environment committee today on this matter and on the reduction of salmon returnees to our waters. There are a number of issues, including climate change and warmer waters, so salmon have to go farther and are at greater risk of predation, such as by seals, as they return. There are also issues of water quality. We look forward to that debate at the committee today.

Senator Boyhan raised an "RTÉ Investigates" programme on RTÉ this evening about the care of Ireland's most vulnerable. He has encouraged people to watch it. We will wait for the programme to air. If there is a request or a requirement for a debate on the outcomes of that, we will attempt to get that.

Senator Keogan discussed the USC and called for its abolition. As I understand it, it brought in €5.3 billion in both 2023 and 2024. It is a significant amount of money. We have one of the most progressive tax systems in the European Union. We have tried to remove as many people as possible from the USC, particularly those on lower pay, and when the minimum wage rises, the thresholds for paying the USC has also risen. Reducing the tax burden is something I would certainly agree with. We hope the forthcoming budget will look at further measures to reduce the tax burden on our citizens.

Senator Andrews referred to the Minister, Deputy O'Donovan, and the issues relating to the FAI match. I am not sure if he put down a Commencement debate on the Ireland match against Israel. I know UEFA is supportive of the match going ahead and there may be repercussions against the FAI were it to be cancelled. I know there are suggestions that the match would be played behind closed doors, boycotted or protested. I think that would be the best way to show the solidarity that people have in support of Palestine and against the actions of Israel on that. The Senator may wish to put down a Commencement matter debate to the Minister.

Senator Craughwell called for a debate on adjudication on Defence Forces awards for Army Rangers and chefs. The Department of public expenditure has said "No". He might put down a Commencement matter debate on that to the Department of public expenditure. I will request a debate with the Minister, Deputy McEntee, as well.

Senator McCarthy raised Professor Steve Kerrigan, who addressed the committee on sepsis and early recognition protocols. The Senator is encouraging people to attend the audiovisual room this evening at 6 p.m.

Senator Sarah O'Reilly raised the projected increase of 39% in the broadcasting levy by Coimisiún na Meán. That would be of serious concern. She may wish to put down a Commencement matter debate on the matter but I will ask the Minister, Deputy O'Donovan, to attend the House. Coimisiún na Meán does important work in relation to supporting local radio, so it would be slightly strange that there would be an increase of 39% in the levy on them. I will ask the Minister to come in and talk about that.

Senator O'Donovan spoke about the Barryroe oil field and licences. That would be a matter for the Minister for energy directly. I was in that role previously. The former Taoiseach, Leo Varadkar, put a unilateral ban on any new licence applications. Barryroe has history in relation to licences, so there may be historical licences there to which the Senator was referring.

Some 40% of our electricity now comes from renewables - the Senator has indicated his support for that - and 50% of energy generated in February this year was by using renewables. We have seen a doubling of wind energy in the past ten years. Solar is now the third largest source of indigenous electricity. I accept that no matter which type of energy generation we are talking about, there will be people who are against it and have issues with it, regardless of whether it is oil, offshore or onshore wind or solar, peaking plants or battery plants. There are always campaigns against these sources of energy, so none of the in respect of them is easy. The licensing issue relating to Barryroe is a matter for the Minister for energy. In light of that, the Senator may wish to table down a Commencement matter in order to seek a debate with him.

Senator Martin Conway referred to vaccines, hate speech and misinformation. He commented on the appalling commentary about our colleague Senator Flynn on social media recently. There were previous attempts made regarding hate speech. I am not sure whether there are any plans in that regard, but the Senator may wish to table a Commencement matter to ask the Minister for justice about his legislative plans. The committee on media is regularly involved in discussing this difficult area. Free speech is important. Hate speech and misinformation have to be challenged.

Order of Business agreed to.

Cuireadh an Seanad ar fionraí ar 12.21 p.m. agus cuireadh tús leis arís ar 1.03 p.m.

Sitting suspended at 12.21 p.m. and resumed at 1.03 p.m.

Prisons and Alternative Sentencing Options: Statements

An Leas-Chathaoirleach: I welcome the Minister, Deputy O'Callaghan, and the staff from his Department.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank the Leas-Chathaoirleach and the Seanad for the opportunity to discuss this very important issue this afternoon. Obviously, a very important part of my functions as Minister for justice is responsibility for prisons in Ireland. I am pleased to say that since I have become Minister, I have had the opportunity to visit seven of our prisons to date and, in the very near future, I will be visiting two more. I expect, certainly by the middle of this year, that I will have visited every prison in the country. The first thing I want to say is that I get an opportunity through the visits to see first-hand the professionalism and dedication of the staff of the Irish Prison Service. I start by extending my thanks to them. I never go to a prison without meeting and talking freely to the prisoners, which I can do. That is also a very important and educational process for me to see the human face of the individuals who are within our prison system.

I am obviously aware of the challenges that exist and the difficulties that current capacity constraints pose to those who work and live in our prisons. I also note the recent reports on prison conditions from the Inspector of Prisons. I would like to acknowledge the very important work undertaken by Mr. Mark Kelly, the Inspector of Prisons. I had an opportunity to meet him face-to-face not that long ago. I am very conscious of the important role he plays in ensuring that I am held to account for the prison system. His reports highlight the challenges

faced within prisons and underline the urgency of investment to reduce the impact of overcrowding and ensure there is adequate prison capacity to underpin an effective criminal justice system.

When we look at the issue of capacity, it is worthwhile remembering the statistics. Back in 2009, the capacity of Ireland's prisons was for 4,000 people. Today, in 2026, the capacity is for 4,700 people. Clearly, we have had a population increase in those 17 years. We have had a population increase of approximately one million people. I do not believe that building prison space is the solution to our criminal justice issue, but it is certainly important that our prison capacity keeps in line with the growth in our population. Regrettably, it is the case that over the past 15 or 16 years we did not keep growing the prison capacity in the way we should have done for the purpose of ensuring that we did not have overcrowding. I have made it clear that I am determined to drive reform in the area of our prisons, invest in the prison estate and its people and provide for the humane treatment and rehabilitation of all those in custody.

Obviously, for the criminal justice system to operate effectively, there have to be consequences for serious criminal behaviour, and the main consequence and penalty we have is incarceration. I also want to ensure that we have a modern, fit-for-purpose prison system that allows staff to work to the best of their abilities. Obviously, increasing capacity is not the only solution to the challenges faced by our prison system. There are other solutions that I am looking at as well. I am pursuing a dual approach to overcrowding by implementing policies aimed at the increased use of non-custodial sanctions to try to reduce offending and divert people away from imprisonment. However, expanding the prison estate to deal with capacity will remain a very significant part of my approach. I cannot respond to the overcrowding issue in prisons without seeking to increase the amount of that capacity that is available.

I will deal with the issue of increasing prison capacity. Since 2024, 232 spaces have been constructed across the prison estate; 126 were constructed in 2024 and 106 were constructed in 2025. The majority of them are now in use, and I hope to see another 65 spaces in 2026 and 70 spaces in 2027. On conclusion of the national development plan review in July 2025, I secured a record capital investment of €67.9 million for 2026, as part of a total investment of €500 million from 2026 to 2030. That €500 million is being invested in building projects to further increase capacity, reflecting our commitment to increase prison capacity and modernise the estate with a target of delivering approximately 1,500 spaces by 2031. It will be a very large building programme. It will include a large extension to the existing Cork Prison, a new block in Wheatfield Prison and an additional block at Midlands Prison. This is in addition to spaces at Castlerea, Mountjoy and the Dóchas Centre, where an extension to Rowan House is expected to accommodate 50 female prisoners. I also plan to fund the planning and commencement of construction of a new prison at Thornton in north County Dublin. I have also sought and secured an exemption from what is referred to as the public spending guidelines. That allows me to move straight to approval gate 2, which will considerably expedite the process in terms of getting those prison spaces constructed. The Prison Service also has a very good record in terms of construction on its estates.

I have also introduced a pilot structured temporary release scheme for suitable candidates in Limerick women's prison. Recognising the positive impact of the pilot so far, the eligibility criteria for the scheme are now being extended on a phased basis to include more women in the prison.

The eligibility criteria for the scheme are now being extended on a phased basis to include more women in prison. There are also many non-custodial alternatives that should be considered by the courts and which I am committed to advancing to ensure that those options are available. One of these is in the legislation I am introducing to increase the maximum number of hours that can be imposed upon the community service order from 240 to 480 hours. That is in the miscellaneous provisions Bill. I will be coming with Committee Stage amendments to that Bill shortly. That will allow for an amendment to oblige the courts to consider a community service order in lieu of a prison sentence of up to 24 months' duration. That will be a positive development. It is a provision that I know, from looking at the probation service and community service orders that operate at present, will be of benefit to those who otherwise may be incarcerated. Every case that results in a community service order will help to free up prison spaces for offenders who genuinely warrant imprisonment.

The Probation Service has been engaging with the Judiciary to encourage the use of community service orders rather than the imposition of sentences of 12 months or less, which is the current threshold, and has provided an increase in funding of approximately 13% for the Probation Service in budget 2026. I also approved the publication of the Probation Service's Community Service: New Directions Implementation Plan 2025-2027. This plan aims to drive the delivery and support the increased use of community service as a robust and meaningful alternative to imprisonment.

I have also indicated that I am committed to introducing electronic tagging for appropriate categories of prisoners. That will mean they will not have to be in prison but can serve their penalty or the sentence imposed upon them out in the community.

Prison staffing is obviously an important issue. Last year, a total of 304 recruit prison officers were recruited by the Irish Prison Service. The pay allocation provided to the Prison Service will allow for the recruitment of up to 100 additional prison officers and up to 50 additional staff, along with a 19% increase in funding to allow for 210,000 additional staff hours. The recruitment programme is proceeding very well.

I also want to increase the facility for there to be remote hearings so that prisoners do not have to be brought from prisons for hearings that are interlocutory or preliminary in nature. Those hearings should be conducted remotely.

I am interested to hear what Senators have to say in respect of this complex matter. I have no doubt they will be critical of the fact that, at present, prisons are at 123% of capacity. I would like them to know that there is no easy solution. One option that could have been considered was what was done in the UK, which was to introduce an across-the-board reduction in sentences. I was asked to consider other options but did not proceed with them, including granting temporary release to sex offenders and cutting, across the board, the length of sentences imposed.

I must also take into account the operation of the criminal justice system. Every day, we see victims who go bravely before the courts, have their cases heard, and a finding of guilt is made for very serious offences against the criminals who have perpetrated violence upon them. There has to be a sanction for those people. If there is not and we are just going to say that we are going to let people out of prison early, it will have a very negative impact on victims and the process of ensuring that people are held to account.

Senator Robbie Gallagher: The Minister is welcome back to the House. We in Fianna Fáil very much welcome this important debate. We are acutely aware of the significant capacity pressures across the prison system and the challenges they create for staff, those in custody and the general public. Providing adequate prison capacity is essential for public safety, rehabilitation and the effective functioning of our justice system. That is why I am delighted to hear that the Minister is prioritising investment in the prison estate, with €495 million committed between 2026 and 2030 to deliver over 1,500 additional prison spaces by 2031.

However, as the Minister outlined, increasing capacity alone is not enough. We must also reduce the unnecessary reliance on custodial sentences. For many offences carrying sentences of up to 24 months, community service can often serve both the public interest and rehabilitation goals, particularly during times of overcrowding. I welcome the fact that legislative changes have been introduced to support greater use of community service orders. The Criminal Law and Civil Law (Miscellaneous Provisions) Bill, which completed Second Stage in January this year, proposes amendments to the community service Act 1983 to support and encourage greater use of community service orders, CSOs. I fully support that legislation. In fact, I have spoken to many people in my own area who have partaken of that scheme and it has put them on a new pathway. It is hugely positive. The Bill includes an amendment to oblige courts to consider a community service order in lieu of a prison sentence of up to 24 months' duration, the current threshold being 12 months, and to give reasons why they consider a CSO should not be imposed in such a case. It will also increase the maximum community service order that a judge may order from 240 hours to 480 hours.

The latest statistics show the cost of housing a prisoner in prison for 12 months is up to €99,000 per annum, which is a huge sum. It is €256 per day to keep someone in prison. It is an alarming figure and one that we must keep in mind.

As the Minister mentioned, there will be investment in the Probation Service for developing electronic monitoring and expanding early release and reintegration programmes, particularly for women. Importantly, we are focusing on prevention. Youth diversion initiatives now being rolled out nationwide aim to break the cycle of offending through early intervention, family supports and community engagements. Through these combined measures and increased capacity, smarter sentencing and early intervention, I am delighted to see that the Department and the Minister are building a safer, fairer and more effective justice system. I wish him well in that continued work.

I am sharing time, if that is in order, with my colleague, Senator Fitzpatrick.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Mary Fitzpatrick: I thank the Minister for coming to the Seanad and for engaging with us on this important matter. I commend him on the work that he and his Department are doing, the seriousness with which they are treating the issue of inadequate capacity in our prisons and the emphasis they are putting on the increased use of non-custodial sentences. It is all to be commended and I support it.

Prison will always have a place in our justice system. I firmly believe that. The Minister securing €500 million in funding to increase capacity is welcome. However, I also firmly

believe that for non-violent, addiction-driven crime, the drugs court, which has been in operation on a pilot basis in Dublin for almost 25 years, offers a real alternative. Prison is not working. Seven in ten people in our prisons identify as having an addiction. Roughly six out of ten reoffend within three years of having been released from prison. Prison is definitely not working. What it is attempting to do is to punish the crime and the behaviour, but it is not addressing the real causes. There are alternatives, and I acknowledge community service and the Minister's commitment to electronic tagging. However, I believe that the drugs court offers a unique response. It is not a replacement for prison, but it is a credible alternative. The drugs court reduces reoffending, where prison often does not. It combines treatment, supervision and real accountability. It creates a situation where there is real responsibility and not avoidance of responsibility.

The drugs court allows prison to be used where it is most effective, which is for those who have committed serious crimes, including violent crimes, but also uses public money more effectively. As Senator Gallagher said, it costs close to €100,000 to keep somebody in prison. It costs less than €10,000 per year to have somebody go through the drugs court. Most importantly, the drugs court saves lives - not just the lives of individuals who have offended but of their families and communities.

The risk of relapse and overdose is highest when people are just released from prison. One element of the drugs court is engagement in treatment - that supervision and support. It is not just a court with lawyers; in fact, there are no lawyers because participants are there on a voluntary basis. The judge deals with the offender and there is the support of the Probation Service, education service and welfare services. It supports the individual to recognise and own their behaviour and to engage on a path of recovery. It is incredibly constructive and I advise anybody who has not been down the drugs court to go down some Wednesday and observe it. It keeps people in supervision, reduces harm, supports recovery and in many cases can prevent death. It is not a soft option; it is demanding. I have seen it in action. Those who fail to engage still face consequences which could involve going to prison.

I firmly believe the drugs court works. The Government needs to take it from a pilot to having it mainstreamed so that not just people who offend in a non-violent way, suffering from an addiction, have access to it in Dublin. It should be made available nationally. If we are to do that, we need to ensure there will be supports throughout the country. That means multi-annual funding for treatment, probation and the courts. I appreciate that the drugs strategy going through from the Department of Health is driven in a health-led way but there is an opportunity now with the new drugs strategy to ensure addiction treatment exists in every region, that regional drugs courts are established across the State and the model is put on a statutory footing. It is a practical evidence-based model we should support. I urge the Minister in considering alternatives to incarceration to put it on a statutory footing and ensure it is properly funded and made available to everyone who needs it.

Senator Michael McDowell: I welcome the Minister and thank him for his contribution. I agree with nearly everything he said and with Senator Fitzpatrick's contribution. Sending someone to prison should be a last resort. That is a view I have always held at all points - when I was a barrister prosecuting, when I was a Minister and when I was Attorney General. I still hold that view. Mark Kelly, Inspector of Prisons, has reported to the justice committee of these Houses. In February he stated that the circumstances in Cloverhill Prison were degrading

conditions due to overcrowding and in Mountjoy they were so bad that they amounted, in his view, to inhuman and degrading treatment banned by the European Convention on Human Rights. I am not saying this to be critical of the Minister because he is fresh to the job but Mr. Kelly has said that unfortunately the situation is continuing to degenerate. Let us be clear about that.

Overcrowding has a long history. It goes back to the circumstances investigated in the Gary Douche commission of inquiry, where a man was killed in a basement room in Mountjoy with, I think, 14 other people in it by a prisoner suffering from a psychotic condition who had been sent there from, I think, Cloverhill, on an exchange programme because he was too unruly in Cloverhill. That report was deeply critical of the decision-making process and of the then Governor of Mountjoy for allowing that situation to arise.

Thornton Hall must be built. There is no way around it. I will explain why. Mountjoy Prison, which the Minister has visited, and I presume Senator Fitzpatrick has done so too, is incapable of providing a prison system which is both deterrent and rehabilitative and functions on a proper basis. It should be demolished. Towards that end, when I was Minister for justice, I acquired an extra acre where Egan's Cash and Carry was on the North Circular Road. There are 14 acres there which are prime development land to rehabilitate the North inner city. The women's prison is massively overcrowded. The situation - let us be honest - is that if somebody goes in, somebody goes out because there is literally no extra space in that institution.

There have been a lot of misconceptions about Thornton Hall. When I was Minister for justice, the Government promised me €30 million to acquire a site for a prison. That was to be financed by the sale of 29 acres at Shanganagh Castle in south Dublin. We got €30 million from private developers and Dún Laoghaire county council. We applied that in a process where we advertised and sought land in north County Dublin which would be available for the process. We nearly secured an 80-acre site but unfortunately that fell through. Eventually, the advertisements led to somebody tendering 150 acres at Thornton Hall which was then zoned as agricultural land. That land at Thornton Hall was the subject of major works and a significant investment. A lot of money was put into developing the access road and carrying out works preparatory to it being used for a new prison. This is very important: it would have accommodated proper psychiatric facilities for prisoners. The Central Mental Hospital simply does not do that at all. It is not in the business of looking at psychiatrically ill prisoners and dealing with them on a day-to-day basis. It sees itself as having a different function.

In relation to where the future lies, mention was made of drugs in prison. The then Governor of Mountjoy said if there are drugs outside there will be drugs inside. That is not good enough. It was a shameful statement to make because a system like ours should have drug-free areas and mandatory testing for people who want to have a lighter regime to be in a drug-free environment. Instead of that, young people in particular, whether they do or do not have a drug habit or addiction, are shoved into a place where it is almost obligatory to take drugs. It is a shame.

With the population increase, the Minister said, and I agree with him completely, that every possible way of saving people from prison has to be explored, be it the drugs court or any reasonable system. At one stage I proposed, and this House enacted, a system whereby people could be fined immediately and told they could serve a sentence if they misbehaved in the following period of time. Unfortunately our Judiciary said that was unconstitutional. I was

trying to create a situation where people did not simply get off scot-free but at the same time had something held over them to ensure they would behave in future. A Minister for justice at any time faces disappointments of that kind.

Mountjoy Prison is a 14-acre campus. It could dramatically improve the north inner city if it was developed for housing instead of being used as a prison campus. It is not worth preserving. Whatever people say about its historic characteristics, it should be demolished. No person should be incarcerated in Mountjoy Prison. I pay tribute to successive governors there, not least Eddie Mullins, a recent governor. The inspector pays tribute to them all of recent times. They have courageously fought to improve conditions for prisoners in the pre-Dickensian conditions in that place.

If the population has increased to the extent it has, we also have to bear in mind the sentences and incidence of sentencing for sexual offences, be it rape or historical sexual abuse cases, have dramatically increased. Likewise, the population of people in the criminal cohort, which is usually 25-40, has also increased.

I am not making any racial or other slur of that kind, but there are conditions now in Ireland where our demography is such that we will need extra prison spaces. There is no avoiding it. It seems to me that in those circumstances, we have to get ahead with building Thornton Hall.

If the Leas-Chathaoirleach will give me 20 seconds, I will make one last point about Thornton Hall. It was cancelled due to the crash. It was reinstated in 2010. It is now part of the Government's programme to do it in 2026. Therefore, 20 years after it was agreed to do it, it is still on the drawing board but is part of official policy. The sooner we face up to the fact that it allows decent prison spaces to be built, with a variety of regimes and with football fields and things like that in it where prisoners can rehabilitate and where there is space for people not to be overcrowded, once we do that, we will bring about a very major improvement. The Irish Penal Reform Trust is right that building prisons is not the answer. I agree with the Minister that it is not the answer in itself. If we pretend, though, that we can carry on in the circumstances condemned by the Inspector of Prisons, so roundly condemned by him, that things can carry on as they are and people can be released into society who are committing very serious offences, public opinion will not stand for it. With that in view, I will make the final point that I support the building of Thornton Hall. It is not politically popular with the trendy left, but it has to be done.

Senator Sharon Keogan: Hear, hear.

Senator Garret Kelleher: Cuirim fáilte roimh an Aire, an Teachta O'Callaghan, as ucht a bheith inár measc tráthnóna inniu chun páirt a ghlacadh sa díospóireacht seo. Is tábhachtach an rud é a bheith ag smaoineamh go rialta ar an gcóras dlí agus cirt atá againn sa tír seo agus conas gur féidir linn feabhas a chur air agus é a athrú don tsochaí i gcoitinne, d'íospartaigh a d'fhulaing mar gheall ar ghníomhartha coiriúla agus, chomh maith leis sin, do chiontóirí, chun seans a thabhairt dóibh éalú ó shaol na coiriúlachta. I welcome this afternoon's debate on prisons and alternative sentencing options. I welcome the work being done by the Minister, Deputy O'Callaghan, in seeking to improve our Prison Service and the focus on non-custodial sentences and additional funding for community service initiatives and our probation services, as he alluded to in his opening remarks.

I believe that we always need to remain open-minded to the possibilities of systemic change when the changes being proposed are evidence-based and have a proven track record of success in different but comparable jurisdictions. A quick look at the Irish Prison Service website will tell us that today, the majority of Irish prisons have more persons in custody than places available. The cumulative totals for all of our prisons today, as referenced by the Minister, Deputy O'Callaghan, show we have a bed capacity of 4,736 places. However, we have 5,814 people in custody. This equates to 123% of our overall capacity.

The current levels of overcrowding in our prisons are most acutely manifested in our female prisons. Mountjoy female prison currently has 228 women in custody today, exceeding its bed capacity of 146 by 56%. Limerick Prison currently has 91 women in custody, exceeding its capacity of 56 beds by 63%. Today, 548 mattresses are in use on the floors of Irish prisons with some prisoners being faced with the choice of sleeping with their head near their cell door or lying down with their head close to the cell toilet. It is very important that we remember the reason for imposing custodial sentences on criminal offenders is to deny those who have committed crimes their liberty. People in custody within our prisons, however, continue to have human rights and it is crucially important that these rights are respected by all in our criminal justice system.

On Thursday last, I attended some interesting presentations in the audiovisual room organised by our colleague, Senator Aubrey McCarthy. These included presentations from Release, the restorative justice charity, and the Irish Penal Reform Trust. The presentations cited successes of community-based detention systems in countries such as the Netherlands, Norway and Germany. I know that Senator McCarthy does outstanding work in providing supports for people suffering with addiction issues and in helping them on their journeys to recovery. This type of approach seems to be at the centre of the community-based detention model, which it was claimed has significantly lower rates of recidivism and reoffending when compared with our traditional prison sentences.

We must continue to ensure that we have a victim-centred approach to our criminal justice system, which encourages and supports victims to come forward and report crimes. We must also remain open, however, to exploring alternatives to traditional imprisonment, particularly for offenders given short custodial sentences. I welcome the remarks of the Minister, Deputy O'Callaghan, at the beginning of this debate. When evidence supports alternative systems that can clearly demonstrate lower rates of recidivism, better outcomes for prisoners, better outcomes for addiction issues, improved training and better roadmaps towards community involvement and successful reintegration into society, then we must give these alternatives due consideration as the process of improving our criminal justice system for all.

Senator Michael McDowell: Hear, hear.

Senator Garret Kelleher: As Senator McDowell stated in his contribution, we should look upon the imposition of a prison sentence as a last resort and continue, where possible, to explore alternative ways to deliver justice, including the consideration of the wider use of community-based detention.

An Leas-Chathaoirleach: I welcome Deputy Grace Boland and her guest, Aoife Marrinan, from Cork, to the Visitors Gallery. I hope she enjoys her visit here today. I call Senator Tully.

Senator Pauline Tully: I also attended the briefing in the audiovisual room last week hosted by Senator Aubrey McCarthy that included presentations from Release and the Irish Penal Reform Trust. A very compelling case was made for community-based detention. The talk started with a reference to the high numbers and overcrowding situation in our prisons. At the end of last month, 5,909 prisoners were in our prisons. That is 125% of the capacity. The figure has dropped in the past few weeks. As of last Friday, there were 5,776 prisoners. The capacity, though, is still running at 122%, and over 500 of those prisoners are sleeping on floors. As someone said, there are two people in a space the size of a car parking spot. One person is on a mattress on the floor, where they have the choice of sleeping with their head beside the toilet or beside the cell door. They can sleep beside the toilet or beside the door, where they might get bashed if it is opened and they are still asleep. The situation in our women's prisons is much worse. The Dóchas Centre and Limerick women's prison are operating at over 150% of capacity.

These figures cannot continue. We have a huge number of prisoners, I do not know the exact number, with mental health issues, intellectual disabilities and autism. I was a member of the Joint Committee on Disability Matters in the last term and we had witnesses in from the Irish Prison Service. They give us the facts and figures. These prisons are not the places to be able to provide the supports these people need. When asked, they said it was most likely that most of those people would not have been in prison had they received the proper supports in the community, whether for a mental health issue or a disability. Having talked to governors, there are waiting lists in prisons for psychologists and for those who require the services of the mental health hospital. Prison is not the place for people with mental health issues.

Last week, we had the Minister of State, Deputy Mary Butler, in this House discussing the mental health Bill that was guillotined. She was lecturing us for not supporting that Bill, when she would not accept any of our amendments to improve it. The Minister of State needs to look at what is happening in society here and the number of people in prison as a result of the failure of the sector for which she is responsible.

We need to ask ourselves what prisons are for. As has been said, we need prisons, obviously, for those who commit very serious crimes and who are a danger to society. They need to be punished but that does not mean those places should be inhumane or that prisoners should be receiving inhumane treatment or should not receive support to rehabilitate.

However, what we have is a conveyor belt of people who are being given short-term sentences for non-violent crime. More than half of the individuals - 57% - who were released from custody during 2019 reoffended within three years. For young adults that was 78%. That is a huge number that could be avoided. Last week, I brought forward a Private Members' motion on investment in youth services, which is what we need to see. We need investment in youth services, youth diversion centres, education and in areas of deprivation. Resource centres work closely with families and provide vital services but they are so underfunded. If it costs the guts of €100,000 to keep a prisoner, we should put that money into areas where families can be supported and, we hope, avoid a lot of those young people becoming involved in crime. I am

aware that is not going to solve the overcrowding problem we have now but it could help prevent it happening in future.

People have talked about the drug court, which is an excellent idea and has done excellent work. It was initially established in the north inner city of Dublin and now it extends to the whole county, but could something not be looked at for places far further afield? There are crimes being committed as a result of addiction all over the country. I know many young people who, unfortunately, have become addicted to drugs, committed crimes as a result and who are in and out of prison. They come out but they are not rehabilitated in any way. They are not supported to get into education or employment. A lot of them are homeless and some of them nearly choose to go back into prison because it is a bed for the night and food for a few days. It is just a never-ending circle that does not help anyone. It helps neither the individual nor society and it needs to be looked at.

The European model that was talked about last week in the audiovisual room was very interesting. It is something that is being operated in 22 countries quite successfully. The reoffending rate is only 14%, which is very low, in these countries. It is small-scale, community-integrated houses as an alternative to prison. It is still detention and it is still people being incarcerated but they are given the supports, whether addiction or mental health supports, to get into employment and education and to help them find a stable home. It costs on average €40,000 a year. When it is €40,000 versus €100,000 the argument is already won. Can a pilot programme of even one or two community detention houses be looked at initially? We could see how they operate and work. It could then be extended.

An Leas-Chathaoirleach: Go raibh maith agat, a Sheanadóir. I welcome Anne-Marie Fahy and her guest to the Chamber. I hope you enjoy your visit. You are in very capable hands.

I understand Senators Harmon and Cosgrove are sharing time.

Senator Nessa Cosgrove: Yes, four and four.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Nessa Cosgrove: Cuirim fáilte roimh an Aire. I welcome this debate. It has been said many times before that the Inspector of Prisons Mark Kelly has described the conditions in our prisons as "inhumane and degrading", which has led to the increase in deaths in custody.

I did my social science dissertation in 1997 on the difficulties within the Irish prison system and very little has changed. There was overcrowding, drug use, too many remand prisoners, not enough community facilities for young people and not enough bail or supervision orders. I do not think it is being trendy left, Senator McDowell. No one denies there is a role for prison, especially with violent and sexual crimes. However, a disproportionate number of prisoners come from disadvantaged backgrounds and areas of socioeconomic disadvantage, low educational attainment and very high unemployment rates. It is very hard to see how continuing to put people into prison due to structural inequalities they did not cause is going to alleviate any of the difficulties we see. There were 31 deaths in prison custody in 2024. That is shameful. It is a scandalously high number. On overcrowding, why continue to incarcerate people and put them in long-term custody when we know the system is overcrowded and

stretched beyond limit? It does not make any sense, especially for people who are on remand. There are welcome measures in the civil law Bill to extend community service orders to 24 months and extend community service hours to 480. However, we need to reduce the amount of short-term custodial sentences for non-violent minor offences.

I also argue we need to extend this conversation to look at legalising cannabis for personal use. This is something we cannot keep pushing under the ground. In my time as a youth worker, so many young people I worked with were getting caught up in the criminal justice system for possession of cannabis. It is something we need to start having a proper conversation about instead of kicking it down the road.

We spoke about the bail support scheme for women. This is a pilot programme, which I welcome. We want to see greater urgency on it. As was said, we spent a lot of time debating the Mental Health Bill but there are not enough places in the Central Mental Hospital. Was it last February that there were 340 psychiatric patients being held in prisons across the State? A person who will have no problem with me saying their name, Gearoid Coughlan of Inishannon in County Cork, was in the Central Mental Hospital, got referred to Wheatfield Prison and was on 24-hour suicide watch. Prison is not where he should be. Fortunately, he was moved in the last two weeks.

It is great to have this debate but we need to look at staffing levels in Oberstown as well as bail supervision schemes. I worked with Extern and we know it is keeping juvenile offenders out of Oberstown, but that campus is at critical levels and has critically low staffing levels. That has to be addressed. The terms and conditions of workers employed in Oberstown are something we have to get on top of because it is getting worse. Some of the children in Oberstown are the most vulnerable children in our State and we are failing them utterly by not investing properly in community-based youth facilities and keeping young people out of incarceration.

Senator Laura Harmon: Cuirim fáilte roimh an Aire. This is a very welcome debate and we need to look at prison reform and alternatives. We need to be doing everything we can to keep people out of prison where possible. It is welcome to see more investment and emphasis on probation services as well.

I will talk about a number of issues. First of all, when we talk about prison and people who are in prison, those with a history of addiction and drug use are the norm as opposed to the exception. People who have suffered with addiction are already in prison and this is a doubling-down and an extra prison sentence for them. We cannot have a situation any longer where prisons have to deal with issues we are not dealing with from a public health perspective. We need to improve how we deal with addiction. Ireland has never, in the history of the State, fully dealt with the issue of addiction. We have never had a proper, open, national discussion on addiction. We talk a lot about drugs and that is very important because we need to implement a comprehensive, well-resourced drugs strategy. Many people with addictions are cross-addicted as well. They may have multiple addictions, although it is not always the case. Alcohol is the elephant in the room here and we need to tackle that as a country.

There is a huge disparity between people who have health insurance and those who do not in terms of what rehabilitation they can access and the level and length of treatment. We need to have a national comparative analysis of rehabilitation centres in terms of success rates and

how they operate. We need a standardised healthcare approach when we are dealing with the issue of addiction. There is not a family in Ireland not affected in some way by the issue of addiction and there is so much stigma around it that we simply do not talk about it. That is a key area we need to address.

As for overcrowding, Cork Prison is one example among many prisons that are overcrowded. It is frequently operating at about 138% or 139% capacity.

It frequently holds over 400 prisoners when its capacity is 296. Many of the prisoners are sleeping on mattresses. We heard from the Irish Penal Reform Trust as well and we know that many prisoners have limited access to privacy. Many of them share toilets in open spaces and sleep near toilets as well.

There is a complete lack of education in prison. We need to increase the right to education for people who are in prison, as well as the right to more movement. Many prisoners spend more than 16 to 20 hours a day in their cells. That is inhumane. The conditions of some of the prisons in this country are simply inhumane. We absolutely need to deal with this. We need to expand capacity in relation to it. It is welcome that the Minister is looking at this area and at how we can divert people away from prisons and reduce the pressure on the system in terms of overcrowding, as well as having more humane pathways to deal with health issues. We should have the Minister for Health in here as well, because many people in prison are suffering with healthcare issues such as addiction and, of course, mental health, and we need to be talking about that more openly and reducing stigma.

Senator Lynn Ruane: I welcome many of the Minister's comments today. Some of this stuff I have said before, but I will repeat it. The concept of prison - many people have said today that prison will always have a place in our society. I feel there is something quite defeatist about that in terms of reducing offending to the point that there are no violent crimes. That might seem naive, but my hope for humanity and how we develop as people is that we actually look at the core drivers of those most violent crimes as well so that we are not just accepting them as being something that is going to happen in society and so we will always need prisons. That is not a soft-on-crime approach; it is an approach in which the instances of violent crimes in Ireland are so reduced that we do ourselves out of prison systems. It might seem like pie-in-the-sky thinking but for me, it is about reducing the number of victims who exist in the first place to break the cycles of victimisation.

In 2024, some 77% of new committals were sentenced to less than a year, that is, 77% of people are in prison for crimes so minor they do not warrant a sentence above six to 12 months. Nobody gets intervention in a prison in six to 12 months. A prisoner does not access school or addiction counselling within six to 12 months. We are basically warehousing 77% of people in big buildings across the country and are then saying we have a rehabilitative system when prisoners are literally just warehoused as though in a massive factory that is supposed to do something but nobody knows what. It is so concerning because we have to be able to separate people's individual behaviour that we want to interrupt so they are not offending. However, to separate that from the broader picture and to have a safer society, we have to think beyond the individual behaviour. When we send somebody to prison for a time, it does not actually make society as a whole safer if that is a victim's rights or justice piece. Somebody has committed a crime.

In wider society, imprisonment has never reduced criminality. I have referenced the book by Albert Camus, *Reflections on the Guillotine*, before. People were literally beheaded on front squares in a public spectacle as a warning not to commit crimes and people still committed crimes. It does not actually reduce offending. How do we actually get to the root causes? I read two books by Professor James Gilligan a couple of years ago. He is a psychologist in some of the most high-security lockdown prisons of violent offenders in the United States. One of his books is called *Why Some Politicians are More Dangerous Than Others*. It looks at that structural violence piece and under the Democrats and Republicans, over a 100-year period, neither of them when in power reduced the number of violent crimes committed in the country. They slightly reduced under Democrats but not enough for it to be significant.

As for when the level of hard-on-crime rhetoric, sentencing and structural violence goes up, if we look at the violence in America, which has one of the harshest penalty systems in terms of three strikes and you will get a big, long, lengthy sentence, as well as at the number of people in prison in America, it is still one of the most violent places. It has some of the harshest laws when it comes to committing crimes so we see that does not work. What we need to go back to then is looking at the fact that a large portion of people in prisons experience poverty. I know for many of us we will go to the addiction piece but addiction is actually a symptom of poverty. We need to take another step back from addiction and drug use to poverty. Poverty is one of the core drivers. It is not deterministic; it is not just because a person experiences poverty that it is determined he or she will end up in prison but it creates the conditions where he or she is going to encounter particular experiences that may end up with him or her experiencing the criminal justice system. We have to go back and look at the structural inequality that exists in relation to poverty. We have to be able to reduce poverty in a country that, on the one hand is saying it is so wealthy but on the other, inequality is entrenched and deep in certain communities.

Prison has played a funny role in my life my entire life. I must have been only about 12 years of age when I started questioning the concept of prison. If a 12-year-old can start to think about it in this way, it has to be possible for whole governments and society to begin to think about it a different way. I wrote an article about it before based on all the letters I received as a teenager from my friends who had been sent to Oberstown and to St. Pat's, that is, children who were put in an adult institution in St. Pat's and on how they were treated. In all of the letters, there was a common theme. There was this aspiration among these teenage boys that when they got out, they were going to go to Youthreach or to go back to school and get their junior certificate or were going to try to get a job. There were these aspirations. I remember looking at that and asking how does that not materialise when someone actually gets out. It is that agency of an individual trying to correct his or her own individual self with the little agency he or she actually has in an environmental situation. It is the institution versus the agency of an individual. We can talk about the rehabilitation of individuals all we want but if we do not correct the conditions that actually contributed to the offending in the first place, the person goes back out into the exact same conditions and the structural forces of poverty and inequality are so big that it is not going to take very long before his or her individual agency as a person to try to do better is completely consumed by that structural inequality and those barriers and by everything that exists and gets in his or her way of being able to have any sort of power to change his or her individual circumstance. If you had the power to change your individual

circumstance, you would not have experienced the amount of poverty, trauma and dropping out of school beforehand, because you would have done it then.

When we look at rehabilitation of an individual, we have to ask what rehabilitation of society looks like. What does rehabilitation of the equality of one's conditions look like and how do we begin to address that? If we do not do that, prison will remain a feature. All the evidence says that violent crime especially is driven by shame, humiliation and not being able to meet one's economic needs. I want to believe in a world where we reduce those violent crimes and reduce having to see the number of victims we see and the loss of life. We do not reduce shame by dehumanising people in prison and having them go to the toilet in front of each other and sleep on mattresses and not be able to access healthcare. We actually compound the shame and increase the chances of somebody becoming more violent. That is the opposite of what we want to achieve.

I am hopeful in looking at the community sanctions system. I would like to look at community courts, broader drug courts and community courts in general. I visited them in New York, in Red Hook and so on and there are some great models. We need to be ambitious. I do not think we should say prison will always be a feature; we should be working very hard to make that not a reality.

2 o'clock

Senator Sharon Keogan: Much has been said already about the overcrowding in our prisons, pressure on capacity and how we are to solve it. Alternative sentencing is being put before us a potential solution. I would like to cite one programme we had that could serve as a template. This was the Mountjoy Prison work party, nicknamed the "Pope's prisoner programme". Between 1978 and its suspension in 2009, that work party contributed over 20 community projects, including the construction and renovation of some 30 scout dens and community centres across Dublin. One of the most notable projects was Aurora House in Glencree, renovated by the Mountjoy work party and formally opened in 1979. These were not symbolic gestures but tangible contributions. This initiative also had an employment rate of approximately 80% for participants following release. It was so successful that construction firms at the time would deliberately scout for prisoners to hire. Could you imagine if such a programme existed today and had success rates even close to that? The Government would be broadcasting it from the rooftops and we would never hear the end of it. Most importantly, it shows that where offenders are given structure, responsibility and a pathway back into society, the results can be transformative - not just for them, but for communities and for public safety. It reminds us that alternative sentencing, when properly designed and properly enforced, can work. It can reduce reoffending, restore dignity and turn former offenders into contributors rather than perpetual dependants.

As an extension of this, we also require a shift in how we as a society think about prisoners. Campaigners and researchers have pointed out that, in the late 1970s, prisoners were more commonly viewed as people with potential value to society - people capable of rehabilitation and redemption. That belief, they argue, has disappeared. Too often today, prisoners are only spoken about as problems to be managed rather than people who might one day return as neighbours, workers and parents. That shift in attitude matters because when we stop believing in rehabilitation, we design systems that all but guarantee failure.

There is also scope to think creatively. For non-violent offenders and those serving sentences for less serious crimes, there is a strong case for restoring structured work parties outside prison walls. Properly supervised, such arrangements could relieve pressure on prison capacity while providing skills, discipline and purpose. This is not a radical idea; it has existed before and worked.

However - and this is critical - reform cannot be a carrot and no stick. Alternative sentencing must come with very clear, very tough consequences for those who fail to honour its conditions. Anyone who abuses or manipulates such schemes must face swift and serious sanctions. Without that, public confidence collapses, and deservedly so.

Likewise, alternative sentencing must never be allowed to become a pressure release valve for a system in crisis. It cannot be used as a substitute for dealing with the underlying failures of our prison infrastructure. The only acceptable release valve for our prison system is the resolution of its crisis, and that means building Thornton Hall. For far too long, this project has been delayed, deferred and quietly sidelined. We cannot keep pretending that overcrowding will solve itself through goodwill and pilot programmes. There is an opportunity here to join principle with practicality. Properly managed prison work parties could be used to contribute to the construction of Thornton Hall itself, giving prisoners skills and purpose while directly addressing the capacity crisis. This is how reform should work - demanding, constructive and rooted in responsibility.

Prison reform and alternative sentencing should not amount to being soft on crime. It must be serious about outcomes. It is about reducing reoffending and protecting the public. While we should continue to work on ways to see that sentences are corrective and rehabilitative, let us never lose sight of the fact that, at the end of the day, there have to be tough consequences for breaking the law. At the moment, we are trapped in a vicious cycle. The prisons are overcrowded, the convicted are left off with light or suspended sentences and, hence, we have more crime, as the criminals feel that they can get away with a slap on the wrist, and it all just continues. If we can combine discipline with opportunity, consequences with rehabilitation and reform with firm boundaries, then we can build a justice system that is not only humane, but effective.

Senator Anne Rabbitte: I thank the Minister for being here and giving myself and my colleagues time to have statements on prison conditions and alternative sentencing. I do not come from a legal background. I am on the justice committee. I attended Limerick Prison with Senator Ruane and that opened my eyes to what the conditions were like. It was my first time ever to visit a prison and it has had a lasting impact on me. We talk about the dignity of people if we want to help with rehabilitation and reform, but what I saw there that day was reflective of the contributions here today. I genuinely believe that the Minister's prison system is actually a gatekeeper for public health where we have failed within public health. I do not say it is true for all, but for a portion. That portion of people may never, for example, have been diagnosed with foetal alcohol spectrum disorder, FASD. These people go from flight to flight. They are the teenagers who drop out of school. They are the teenagers who then may not participate in Youthreach. They have turned 18 and all of a sudden they are in the judicial system without ever having known their condition. I say exactly the same about Huntington's disease. This is another classic example of a neurological disease that does not manifest itself until people hit their late teens and early adulthood, but its sufferers present an awful lot in relation to crime,

particularly minor crime that escalates, while never having got that understanding. There are a number of combinations here. We also have people who have had reduced education hours or reduced time in education. These reduced hours within classroom settings are going to cause damage in time to come. Whether they are in special classes or special units, at the end of the day and unless we have proper intervention, supports and an understanding of what a person's condition is, it will manifest and present. Sometimes, the decision will then be made that the best place to manage - that is the word used - that person due to how they are presenting is within the judicial system.

I believe in the rehabilitation of and working with individuals. We have not really explored what rehabilitation would look like outside the prison system. I really welcome the amending of legislation on community service orders from 240 to 480 hours so that people get the opportunity to get back into education and acquire hope while also understanding whatever the condition that presents in them is and how they can live within a community setting completely.

Senator Ruane has spoken about parts of the US. I know from the research that I am doing that they have gone further in the US with young offenders than what we have in the youth diversion programme. They give people the opportunity to participate in community service but also within rehabilitation. What has come out of a number of the studies that have been done is that, where people have been given the opportunity to participate in rehabilitation, there has been a 96% take-up and it has ensured that the numbers reoffending have dropped.

There are great opportunities, and I believe the Minister is the Minister to effect this sort of change. Prison has to be there for people who do wrong, but for people who have never had the opportunity to understand what has been their underlying condition, we need to afford them that opportunity and invest in that. I agree with Senator Harmon on education within the Prison Service. We need to really look at what we are delivering as a form of education within prison. We need to look at what people are stepping back out to. Are they stepping back out into employment? Are they equipped to participate in employment? Are there really good apprenticeship models there? In Limerick Prison, a lot of people were participating in work there but were finding it very difficult to get into employment.

We need to partner with industry as well in order that there will be a step-out model and that it will not just be confined to training. Training is one thing, but it is really about breaking away from the poverty element when people step back out.

That is my two and six, as they say. I do not have a legal background, but I genuinely want to ensure that we can make a difference here.

Senator Victor Boyhan: I thank the Minister for coming to the House. Initially, I asked for this debate on the basis of the follow-up inspection report relating Mountjoy Prison for the period 28 April to 2 May 2025. I want to reference that here, because it is important. The inspection report was laid before the Houses of the Oireachtas in last month. As a result, we have been given the opportunity to raise it in this House. I am not going to go into the litany of abuses that have been set out or the photographic evidence contained in the full report. I thank the Minister for coming in here to listen to the debate. I acknowledge and thank Mr. Mark Kelly, the Chief Inspector of Prisons, who drew up the report and made arrangements for it to be laid before the Houses. I refer to the follow-up inspection report specific to Mountjoy, copies of which Members have in front of them.

I also acknowledge the importance of the excellent public service broadcasting of Conor Ryan and the "RTÉ Investigates" documentary shown on 9 and 10 February 2026, which was also raised by me in this House and which exposed the failures of Ireland's mental health system. The RTÉ programme - I am sure the Minister may have seen it - highlights how people in urgent need of psychiatric care are often placed in prison cells rather than receiving the appropriate hospital and community mental health-based care they deserve. We know of cases involving people dying in custody after being turned away from mental health services. This demonstrates that there is an urgent need for practical and alternative systemic reforms.

I acknowledge my colleague Senator Ruane, who has really been a powerful and strong advocate in this space and who has brought a lot of her knowledge and understanding to the proceedings of this House. She is not here now, but I want to put on record my thanks to her in that regard. It is also important to acknowledge the Irish Penal Reform Trust, under executive director Saoirse Brady, which continues to advocate for a more just, humane and effective criminal justice system. Its work is always based on research, advocacy and engagement, which is important to note.

The Minister will be aware that following the publication of the reports by the chief inspector of prisons on 15 January, the a press release was issued by the Irish Penal Reform Trust, IPRT. The five reports from the Office of the Inspector of Prisons were based on inspections carried out in Mountjoy Prison, the training unit at Mountjoy, Cork prison, Cloverhill Prison and the Dóchas Centre between 2022 and 2023. They revealed widespread issues, including poor conditions, mistreatment of prisoners and the overuse of restrictive regimes and solitary confinement. Significant failures were identified in accountability, record-keeping and complaints systems. The IPRT also highlighted unacceptable sanitary conditions, which colleagues will see in the report in front of them, and the lack of access to basic necessities. I am deeply concerned about these practices, particularly those in the Dóchas centre. The reports that have come from there are seriously disturbing and include mention of a restrictive lock-back regime. That clearly is unacceptable. We must have a basic level of human rights, as I think the Minister will agree. I know he has set out the difficulties and I understand some of them.

Many of the issues identified remain ongoing and, in some cases, have worsened or escalated since the report was published. I refer in particular to overcrowding. There is a need for urgent action, including measures to improve conditions for prisoners and the need to strengthen independent oversight to ensure the detention conditions meet basic standards of what are basic requirements, dignity and human rights.

I wish also to acknowledge the significant and important work of the Jesuit Centre of Faith and Justice in Ireland, which engages in regular commentary on penal reform and social justice. I also acknowledge the significant work of the prison chaplaincy service, which has a very good and strong engagement role and is respected, too, as a unique contact and access for people held in detention in our prison service.

I thank the Minister for his time and for responding to the invitation to come here, which was extended some weeks ago. I am particularly pleased, as always, that the lead Minister is coming to engage with us.

Senator Martin Conway: Hear, hear.

Senator Victor Boyhan: On behalf of all Senators, I can say that we greatly respect that hands-on approach and the direct contact with us.

Senator Martin Conway: I echo Senator Boyhan's commendation of the Minister regarding his coming before the House. Lots of Ministers send in junior Ministers. While they have a very important role to play, it is great to engage with the senior Minister. I thank Senator Boyhan for proposing that we have this debate. The situation in Irish prisons is completely unacceptable, as I think the Minister agrees. There are two ways of dealing with it. The obvious one is capacity. We have a growing population, so we are clearly going to have a growing prison population as well. Sadly, it does go hand in hand that the more people we have, the more likely it is that there is going to be a requirement for additional prison spaces. I think we are dealing with that with an extra €60 million or €70 million this year. Perhaps it is not at the level we would like, but I am aware of the Minister's commitment to this. I would absolutely support him in any calls he makes for additional funding to deal with it, particularly in the context of women's prisons and the incarceration of women. The situation in Limerick is particularly troubling. I echo Senator Rabbitte's comments. An excellent female prison is now part of the campus in Limerick. Unfortunately, however, it is way overcrowded. That is only opened a couple of years so clearly there is an urgent need to address this issue.

Back in March 2013 in this House, I tabled a Private Member's motion on restorative justice. I was Fine Gael spokesperson on justice at the time. I did it on the basis of a very successful pilot programme in south County Dublin, in the Tallaght area, and in the Nenagh area of north Tipperary. Restorative justice practices were piloted in these areas. It showed clear evidence that there was a 70% reduction in people reoffending. When the restorative practices were engaged with and it was done in a structured and professional way, it clearly resulted in a drop in crime. When a young fellow robs a handbag from a lady and does not realise the devastating impact that has on that person's life, when they do eventually come face to face under proper structures, and that chap understands the impact it has had, it does lead to a reduction in reoffending. It is proven the world over that restorative practices work.

Furthermore, in February 2014 I tabled a Private Member's motion in this Chamber on the need for Dublin to look at a community court similar to the community court in Times Square in New York, which completely reduced the crime levels there. It was kind of a one-stop shop in terms of addiction services, courts services, financial supports, advice and so on. Again, the Senators who were here at the time supported the motion unanimously. It was a different time and there was financial difficulty in the country, so the resources were not there but the policy was accepted as a good policy. The concept of a pilot community court in Dublin was supported at the time by the Minister. Unfortunately, it has not happened. Twelve years later, there has not been a pilot. The Courts Service does great work and the addiction services do great work, as do the homeless and housing services. However, they could be knitted together in a one-stop-shop scenario in circumstances where some of the justice issues are clearly health issues and should not really be categorised as relating to the area of justice. We have had the debate on many occasions regarding instances where people are found guilty of drug possession and so on and that this should be looked at as a health issue in the first instance.

I think Governments are very much coming around to that school of thought. The justice committee at the time did some very good work both on restorative justice and on the concept

of community courts. I want to put it to the Minister that maybe it is an appropriate time to look at a community court in Dublin city and at expanding nationally the very successful pilot programme on restorative justice that was rolled out in south Dublin and Tipperary, as was agreed unanimously by the Members of this House back in 2013 and 2014.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): Ar dtús ba mhaith liom mo bhuíochas a ghabháil leis eis na Seanadóirí as a gcuid óráidí ar an gceist seo, ceist atá fíorthábhachtach ar fad.

I thank the Senators for their contributions on this important and challenging debate. I suppose we were discussing two issues here. First is the appropriateness of a court imposing a custodial sentence of prison on a person. Second, if that happens, is the conditions in the prison. There are complex issues. I will deal with the first at the outset and then try to respond to each of the issues identified by Senators.

When it comes to the appropriateness of a court imposing a custodial sentence in prison, one of the factors a court has to take into account, and that we as legislators do when drafting criminal justice legislation, is the fact that for the purpose of a punishment, punishment and rehabilitation have to be taken into account. That is the purpose of prison. Prison is about punishment but it is also about rehabilitation. In that context, I want to say, having visited seven or eight prisons since I have been Minister, that there is a lot of good work being done in our prisons. To read the reports of the inspector and to listen to the debates about the legitimate concerns people have about conditions in prisons, I know that you do not hear much about the good work that is being done there, but there is a lot of very good work being done in prisons. I am aware from speaking to prisoners in prison, particularly those who have received lengthy sentences, that very many of them do manage to get their lives back on track and are aspirational, as Senator Ruane said, in terms of getting out of prison and getting on with their lives. Regrettably, it is the case that the individuals who end up incarcerated in prison for lengthy sentences are to a large extent men between the ages of 18 and 35 years. I know from functions I have as Minister that when people are released on temporary release, particularly people who have life sentences, there is not much recidivism when it comes to people who have received long life sentences. A statistic was mentioned earlier, which was correct, about short-term sentences where there was recidivism. That really is because of the chaotic lives lived by people who end up before our courts.

I do not make this point to be in any way critical of Senators, but in terms of immediate fixes to the problem of overcrowding in our prisons, there is no immediate solution to that. No one has suggested here that I should do what the UK Government did previously, which was just to introduce legislation that would cut all sentences by a third across the board. Nobody has suggested that very elderly men who are in prison for historical sex offences should no longer remain in prison and that there should be some mechanism of releasing them, taking into account that, at present, they do not form a threat. We need to recognise that there is a complexity to these debates. I was in a debate in the Lower House where there were complaints about the fact that sentences imposed by a court had either been too low a custodial sentence or a suspended sentence. There needs to be some recognition that the whole process of sentencing is a complex process and it will require, in many instances, the imposition of a custodial sentence.

I want to thank the Senators for their contributions. I will not go through them all individually because I will not finish them all in the time I have. Many colleagues mentioned addiction. Obviously, there is an issue in terms of people who are sentenced to prison with addiction issues. The reason they are sentenced is not because of their addiction issues, but because they have committed a criminal offence. The criminal offence may have been induced because of their addiction but the reason they were put in prison was because they committed a criminal offence. It is now the case that people in custody have access to a growing range of medical and rehabilitative services to support their rehabilitation, reduce offending and assist with reintegration into society. These include methadone substitution treatment, counselling, psychological intervention, peer-to-peer support programmes, psychological education and the treatment and rehabilitation programme provided by Merchant's Quay Ireland. It is sometimes the case that part of the reason a court will impose a short custodial sentence on a person who has addiction issues is because the court may believe that the only way that they can get treatment for their addiction is in prison because their chaotic lives and how they will not voluntarily attend treatment mean it is the only way it can be imposed upon them.

The drug treatment court was mentioned by a number of Senators. In 2024, the Centre for Justice Innovation was commissioned by my Department to carry out an evaluation of the drug treatment court. The final report was received by my Department at the end of last year. It was shared with a number of the key stakeholders and the final report was received in February 2026. It is currently under consideration. I expect to receive this report in the very near future.

A number of Senators also mentioned building further capacity. As I said at the outset, I think it is necessary to build further capacity irrespective of what people's general view about whether people should be incarcerated more or less under our system. There is no reason that the prison system that we operate at present cannot provide treatment for people who have addiction, as I said, and also there is education that goes on. Senator Harmon indicated that there was very little education in prisons. I know from my own visits that there are education services provided there and there are mechanisms available to people in prison to assist them in getting their lives back on track.

Other Senators mentioned the restorative justice programme. I think it was proposed by Senator McCarthy. That is something I will certainly give consideration to. There are situations where there are small detention houses. We are aware of this model and the Department has visited them in Belgium. There are merits to this approach. It is something to bear in mind as part of the solutions.

Two of the prisons that are very effective and very impressive are our open prisons, one in Shelton Abbey and one in Loughan House. I visited both of them. Shelton Abbey has its own unique mobile home-type unit where prisoners stay and it seems to work very effectively. I think there is a greater role for open prisons. Those prisons are also very effective in preparing people for getting back into the community. I commended the people in Shelton Abbey, the prison staff there, but also the local community and the businesses in the locality that engage the services of prisoners and, once the prisoners are released, want to keep them on. It is important that we provide prisoners with an opportunity to be aware that there is an employment pathway for them once they leave.

People with mental health difficulties are obviously a very complex issue. Again, the reason people are incarcerated is because, notwithstanding their mental health, they have committed

serious offences. There are sometimes individuals who are found not guilty of offences but still have to be detained because of their mental health. I have also visited the National Forensic Mental Health Service, the new hospital in Portrane. It is a wonderful facility. It is a vast improvement on what was there previously at Dundrum.

On where we go with the prison system in Ireland, I think the justice committee should keep visiting prisons throughout the country.

I am pleased people went to Limerick Prison. I have to say Limerick women's prison is one of the finest infrastructural developments that the State has done in recent years. The statistics make it look significant in terms of overcrowding but the rooms where women stay are much larger than the cells represented in the Mountjoy Prison report to which Senator Boyhan referred. I would never like to think of the State warehousing people. This is not something that is being done. We have an obligation when people are incarcerated not just to punish them but to ensure we can rehabilitate them. That is a very important part of my job.

Acting Chairperson (Senator Garret Kelleher): I welcome Deputy Noel McCarthy and his visitors from Cork to the Gallery. They are very welcome and I hope they enjoy their visit to Leinster House.

Air Navigation and Transport (Arms Embargo) Bill 2024 [Seanad]: Report and Final Stages

An Cathaoirleach: I welcome the Minister of State, Deputy Canney. I remind Senators they may speak only once on Report Stage, except the proposer of an amendment, who may reply to the discussion on the amendment. On Report Stage each amendment must be seconded.

Amendments Nos. 1 and 4 to 6, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment 1:

In page 3, between lines 20 and 21, to insert the following:

" "authorised person" means—

(a) a person, or a person belonging to a class of persons, authorised in writing by the Minister to exercise the powers conferred to an authorised person under this Act,

or

(b) a member of An Garda Síochána;"

Senator Frances Black: I second the amendment.

Senator Alice-Mary Higgins: Amendment No. 1 and the related amendments, which are consequential amendments that flow from it, insert the definition of an "authorised person" into the Bill. This is the same wording as is in the Air Navigation and Transport Act 1988.

Amendments Nos. 4 and 5 remove subsequent instances of "authorised officer" in the Bill and replace them with the phrase "authorised person".

Issues were raised on Committee Stage regarding what constitutes an authorised officer. These amendments address this question. In the 1988 Act, authorised persons are entitled to inspect planes for the purpose of ensuring the aircraft are safe to fly. Therefore, it is a natural continuation to have the same definition here. Amendment No. 6 removes the reference to a member of the Defence Forces, which is no longer needed because we have an inserted definition of "authorised person". I am grateful to colleagues in the House and officials in the Department of Transport who engaged on the issue of the definition and the need for clarity in the definition on who will be performing the actions under the Bill. This could also bring greater clarity on who could be performing the actions under the existing law.

Authorised persons include members of An Garda Síochána and any person who might be appointed by the Minister for the purposes of the Bill. This addresses one of the concerns raised on Committee Stage regarding clarification on an authorised person. The definition will also address another issue highlighted, regarding the many instances we have heard about throughout the media in 2024, 2025 and 2026 of commercial airlines illegally carrying weapons through Irish airspace and the details and flight manifests pointing to the types of weapons and tools of death on board. Later, I will read some of these details. Let us be clear that this is not a technical issue. These are weapons, munitions or technologies that are directly related to the infliction of death, injury and other abuses on individuals, which have been travelling directly or indirectly to Israel. We know this has been happening.

There have been flight manifests that literally tell us what is on a plane that flies over Ireland's airspace and the Department has been made aware of these instances. The Minister stated on Committee Stage that the Department was investigating these but there has been no update or progress on these investigations. There has been no evidence of what has been done on the documented instances of flights containing weapons transiting through our airspace, in some cases without any of the necessary permissions and no action being taken. At the time the Minister said where allegations are made in whatever publications, or if Senators have specific information with regard to flights landing in Ireland transporting munitions, they should be brought forward. He said that allegations already been made in the media are being actively investigated. However, there is a gap in relation to overflights. In the case of overflights we know what is in the manifest but, effectively, there have been no steps to investigate or take further action.

The amendment to change and establish the definition of "authorised person" seems quite technical but while the Minister said everybody should report instances, the question is to whom should they report them? People let the Department know. Is this the right thing to do if someone knows there is a flight carrying weapons, and they know what those weapons will do and where they are destined for? People have contacted the Garda but the Garda does not seem to have a role in it.

The Garda might contact the airport authorities. Now, we have a clarity. Having a definition of "authorised person", which includes anyone appointed by the Minister but also An Garda Síochána, means that if people are concerned that it may be planned for a flight to illegally transit our airspace in a way that is going to be in violation of the air navigation Act and in the absence of the legally required permissions or exemptions from the relevant Minister being

sought, they can report it to An Garda Síochána. This is an important point with which to begin our discussion.

We should bear in mind that the core position is meant to be the prohibition of the transit of arms, weapons, munitions or dangerous goods, which include, of course, such technologies of war, exemptions occasionally made and with inspections to back it up. That has not been happening. If there is a concern now, it would be clear that a person would be able to contact An Garda Síochána and that members of the latter, as named authorised persons, would be able to act accordingly. Again, this is a useful amendment that strengthens the ability of the public to know who to contact in relation to these instances.

I am going to come to this somewhat later, but we are also seeking to address a gap in the 1973 Act regarding the weak enforcement powers in relation to aircraft flying over Ireland that are, as I said, operating in contravention of the order and the crew of which have not even bothered to seek permission or exemptions. Our amendment No. 7 will close that gap and strengthen and give the powers to the Minister and, again, other authorised persons to issue instructions for these aircraft to land in such instances. This is something on which we have done a lot of work. We have engaged in very good faith regarding any of the concerns that were raised on Committee Stage or at our meetings with the Department. We have come up with solutions that will really help the Government to ensure that the laws of the State are being applied and respected.

There is a problem, however. That is what we have been doing with our time. In the 12 months of the timed amendment requested by the Government for it to work on these issues, it is not clear what, if anything, the Government has been doing. We have heard nothing about investigations. The line at the time from the Minister was that we have an existing legal regime that needs to be used to its fullest and that our existing legislation provides for the inspection of civilian aircraft where there is an appearance or likelihood that such aircraft will depart Ireland and contravene Irish law. We have strong provisions in place.

As I said, we are going to try to address the lacuna relating to those flights that have not landed in Ireland. Here is the thing. During the past year, there have been zero inspections. We are still seeing no inspections of aircraft despite numerous recorded instances of flights carrying weapons, arms and the tools of destruction and death through our airspace and our airports. We have seen nothing from the Government. In fact, the language has become more cautious. There has been a pullback. At least a year ago, we were hearing language to the effect that the Government was trying to approach this matter through our existing laws and that it was going to do something. In the intervening 12 months, there has been nothing. What has happened in that time? People have continued to die, even since the ceasefire in Gaza was implemented. There have been 750 more documented deaths in the interim. We have seen the brutal actions that have been taking place in the West Bank. We have seen extraordinary violations of international law taking place in Lebanon, where Israel seems to be acting with total impunity. I will come to it later, but in the meantime other countries have begun to act. Ireland has maintained the same standing-still position of ask not, know not.

This Bill is an opportunity for the Government to, first, apply the actual laws of our State and ensure that they are applied. Any other gaps or excuses that make it difficult to apply the laws are addressed in these amendments. This Bill is about no more excuses. This Bill is about upholding the core principle reflected in our base law, which is that no arms, weapons, tools of

destruction or dual-use goods should be going over our Irish airspace or airports. That is the core position. The Government must stop making exemptions that allow it to happen and stop avoiding carrying out inspections, which would force it to admit that it knows.

I would like clarity from the Government of how it has used the time. As I said, we have very much engaged in good faith. We have tackled all the issues that have been raised. We have brought forward amendments in relation to the authorised persons. There are additional benefits that will facilitate addressing gaps that the Government has indicated it believes might be in the law. It would also strengthen the capacity of the public, who care so deeply about this matter. That is why we saw Lelia Doolan, at the age of 91, walking right across the country to bring attention to it. These are all gaps that we are addressing and that is what we have done with our time. I am sad regarding every month in which this Bill has not been put in place and in which the existing laws have not been properly applied. I want to know what the Government has been doing for the past 12 months. I want a clear report to the Oireachtas in terms of how the Government plans to move forward and make sure our laws are properly enforced and upheld.

An Cathaoirleach: I welcome the Minister State, Deputy Christopher O'Sullivan, and pupils from Glandore National School to the Chamber. They are welcome to Seanad Éireann. I welcome Jimmy Collins whose 13th birthday is today. I wish him a happy birthday. By the way, the Minister of State was speaking to me earlier and there is no homework for the rest of the week for the entire class. If possible, I would give Jimmy twice as little homework but I do not think that is possible.

Senator Frances Black: Obviously, I support these amendments. We all know that the technical precision in legislation of this kind is obviously not a minor matter. It is the difference between a law that holds and one that can be undermined on procedural grounds. When we are dealing with an arms embargo, the question of who can authorise or inspect and enforce is absolutely foundational. Vague or inconsistent definitions create gaps that can be exploited, whether by design or by default. This Bill is very important because of what is happening today to the people of Gaza and the West Bank. As of this week, the death toll from the Israeli assault on Gaza since 7 October 2023 has surpassed 72,000. That is a very conservative figure. Independent peer reviewed research that was published in *The Lancet* estimates over 75,000 violent deaths, with scholars noting that official figures represent a floor as opposed to a ceiling because the very infrastructure needed to document death has been destroyed. UN Women reported just this week that more than 38,000 women and girls were killed between October 2023 and December 2025. That is an average of 47 women and girls every day, which is outrageous. That is why getting this right is exactly what Report Stage is for. Accordingly, I absolutely support and commend these amendments.

Senator Nessa Cosgrove: I fully and wholeheartedly support and commend the Civil Engagement Group and Senator Higgins on continuing to push this. I was elected to this House just over a year ago. This was one of the first important pieces of legislation we spoke about when this Seanad was convened. I cannot understand how nothing has been done about it. The behaviour of the US Government since this Bill was last debated has proven that we need more than ever to reclaim our neutrality and disassociate ourselves completely from the US military.

War crimes have been committed by the US in Iran and by Israel in Gaza. If it is possible that weapons are being used that were delivered through Shannon Airport or via Irish airspace, we have to completely extricate ourselves from having anything to do with this. The recent revelations that almost 250 more flights than were declared had flown over Irish airspace last year was due to an administrative oversight is very hard to believe and comprehend. That is no consolation to all those killed or maimed by munitions delivered by the flights or because of intelligence gathered through the flights. It is an indication of just how many US military flights take place in Irish airspace. The figure surged by a further 56% following the unprovoked US attacks on Iran. As Senator Higgins said, Spain, which is a member of NATO, and Switzerland, have closed their airspace to US military aircraft. We should not be afraid to follow their example and to declare ourselves to be out of this neo-imperialistic war. Section 2, at the heart of this Bill, deals with the granting of ministerial exemptions for weapons, munitions or dual-use goods to pass through Irish territory or airspace. In simple terms, this Bill just puts an arms embargo in place and it bans the passage of arms through Ireland to Israel. I do not think that is an unreasonable demand.

It has been 19 months since the UN General Assembly passed its resolution calling on Israel to end its illegal occupation of the Palestinian territories. This is a resolution that Ireland voted for. We have, therefore, already accepted the argument here, so why are we still facilitating the passage of arms through Shannon Airport? It beggars belief that the Government has pushed this down the road. As Senator Higgins said, the Civil Engagement Group worked really well with the Government to come up with a solution to this issue. That was done. Now, though, it is just being left again.

This is not what the Irish people want. This is an issue of deep concern to the Irish people and there is something we can do about it as legislators. It is our job to do it. We do not want to be complicit in this war and we are. We know it is not just in Israel. Countless lives have been lost in Palestine, Lebanon, Syria and Yemen. Why would we not bring in this legislation? Why are we allowing this to continue to happen? It is like the occupied territories Bill. It is being pushed down the road and the Government is dragging its feet. Given how volatile the world is now, especially, why is the Government not disassociating us from this? We can do it. Other countries have had the bravery to do it and it is about time we did it as well. We have all watched the horror that has been going on for the past three years. This is a very simple solution that we should be very happy to embrace.

An Cathaoirleach: Before I call the next speaker, I welcome the family of Shane Lee, who works for Senator Joe O'Reilly. I welcome all the family to Seanad Éireann. They are most welcome. I also welcome the guests of Annie Keegan. They are also most welcome.

Senator Chris Andrews: Sinn Féin fully supports this Bill and the amendments. We commend the Civil Engagement Group on bringing this legislation forward and on progressing it through the House. This Bill needs to be urgently enacted and it would be simply wrong if the Government chose not to support its passage here today. Israel, alongside the United States and Russia, is one of the greatest threats to peace and stability. It threatens to return the world to an era in which might equals right and where human rights are not worth the paper they are printed on. Its genocide perpetrated against the Palestinian people has made a hollow mockery

of international law, with thousands killed and displacing many more, while facing next to no consequences from the international community.

Practically the whole world has stood idly by as Israel commits unspeakably evil acts in Palestine daily. This is despite the claim that there is a ceasefire. There clearly is no ceasefire. Only Spain and South Africa seem willing to lead by example and to take a stand for human rights on the global stage. Ireland, shamefully, has done next to nothing to stand up against Israel's fascism, besides offering empty words of sympathy for the Palestinian people and a hugely belated recognition of Palestinian statehood.

The Government is constantly gaslighting us about its efforts to stand up for Palestine, but the reality is that it has completely failed to provide leadership on this issue or to deliver any meaningful results. It is disgraceful that the occupied territories Bill has been dropped by this Government and that the Ministers are unable to condemn the illegal war of Netanyahu and Trump in Iran. If Ireland is unwilling to take a stand against Israel's wars, the very least we should be doing is to make sure we are not complicit in them. This Bill would prohibit the transit of Israeli-bound weapons of war through our airspace. It is simply an obvious step the State urgently needs to take and the Government should be moving quickly to prohibit Ireland's airspace from being used to transport arms to illegal wars across the globe.

This has been made crystal clear in the past week with the revelations that 248 US military flights over Ireland went unreported by the Department of foreign affairs as the result of an administrative error. Honestly, you could not make that stuff up. The Opposition has been saying for years that our airspace and Shannon Airport, in particular, have been used by the United States to support its wars in the Middle East and to directly assist in Israel's genocide in Palestine. Now, the Government has always insisted it is fully aware of the foreign military flights given permission to travel through our airspace and has given assurances that inspections regularly take place. This failure, though, clearly shows the inability of the State to manage how our airspace is being used. The reality is that Ireland, because of our geographic position, is a crucial link in the logistics link between America and its bases and proxies in the Middle East. A constant stream of soldiers and weapons has passed over us and through our airports and this has accelerated with Israel's war in Gaza and now the war against Iran and Lebanon.

Other EU countries have been very firm that they will not enable the transit of arms to Israel or the use of their airspace to support the war against Iran. Spain and Switzerland have both banned US military aircraft participating in the war against Iran from using their airspace. Ireland, however, has so far refused to take any similar measures with our Ministers preferring to stick their heads in the sand and pretend this issue does not exist, while simultaneously granting thousands of exemptions for US military aircraft to pass over our country.

It is unconscionable to me that our airspace would be used to transport weapons to perpetrate genocide in Palestine and in Gaza. If the Government actually cared about justice and human rights, not a single bomb or gun bound for Israel would be allowed to pass through our skies. This Bill is very clear and well thought through. It is a step towards achieving that aim and I hope that the Government changes course quickly and finally acknowledges our complicity in the criminal wars in the Middle East. The US military needs to be out of Shannon Airport and we finally need to stand up and say that Ireland will have no part in Israel's genocide and in the war of Trump and Netanyahu.

Senator Tom Clonan: Cuirim fáilte roimh an Aire Stáit chuig an Seanad. Before I came down to the Chamber, I saw footage of a small girl collecting water in Gaza from a recognised aid point. She was shot dead in front of her brother. These were two small children. He was sitting beside her body in the aftermath of that shooting. Where did those 5.56 mm high-velocity rounds come from? I will tell the House where they came from. Those rounds came from the Lake City Army Ammunition Plant in Missouri and they got to Israel through our airspace.

Now, we have known for quite some time that the United States has been supplying Israel with not just small round ammunition but much heavier calibre weapons, weapons systems and fighter jet parts that are not being used in a war but in a genocide. In the 365 days since the Government time-delayed this Bill from my colleagues in the Civil Engagement Group - whom I commend on bringing this legislation forward - 17,155 women and girls have been murdered in Gaza, predominantly by weapons, munitions and explosive ordnance that has come through our airspace.

3 o'clock

I will talk about the ground element of this first. I have heard time and again Ministers and Government spokespersons say there are no weapons being brought through Shannon Airport, to their knowledge. Well, read all about it. I reported on it in *The Irish Times* in 2006. I went to Shannon Airport. I had to get permission as *The Irish Times* security analyst to go there, but not from the Shannon Airport authorities. I had to ring the mobile of a US army lieutenant colonel, who controls access to the US troops in Shannon Airport and is based there permanently. I can give the Minister of State his mobile number, if he wishes. He can give him a tinkle and ask him for permission to come down and look at the weapons. I went into Shannon Airport and saw the Omni aircraft and other civilian aircraft landing. I was allowed to go up the steps and enter the aircraft just as they opened the door. When I looked down the body of the aircraft, I saw hundreds of young marines sitting in their seats and, as you do when you land, standing up and getting into the overhead bin. The cabin announcement was, "Ladies and gentlemen, welcome to Shannon Airport. Please leave your weapons on the aircraft. For small sidearms - automatic pistols and so on - put them in the overhead bin, and for larger weapons, put them under the seat in front of you.", and that is what they did. I wrote about that and it was published on the public record. Senator Higgins talked about the authorised officers. If I can discover weapons within 45 minutes of arriving in Shannon as a civilian, what could an authorised officer discover in our airport? I suspect it is rather a lot. It begs the question of why there is this reluctance or inhibition around trying to find out what is in those aircraft, either refueling on the ground in Shannon or transiting through our airspace.

At the moment, we have hundreds of Irish troops in south Lebanon. They are 5 km from the town of Bint Jbeil, which has been absolutely destroyed. As part of their campaign of urbicide, they have levelled Bint Jbeil. I have been through Bint Jbeil hundreds of times, looking at all the children running after the Irish armoured personnel carriers. We would give them out our ration packs and dollars. That town is gone. Where do the explosive ordnance, the weapons, the weapons systems and the munitions come from? They come from Scranton in Pennsylvania. How do they get to Israel? Through our airspace.

This Government has to ask itself a question. The weapons being used in Lebanon pose a direct threat to the lives of our troops. Our taxpayers are making a financial contribution to sending those weapons and munitions into that space. Under an international agreement, Ireland pays for the onward navigation and air traffic costs of US military aircraft transiting our airspace. If you want to count them, download the app Flightradar and have a look. You will see hundreds of US military aircraft transiting Irish airspace. They are being refunded those air navigation costs by Irish Government Departments to the tune of millions per year. Irish people might be queasy about making a financial and material contribution to a war like the invasion of Iraq, which we did, but I do not think Irish taxpayers or voters would be happy making a financial contribution to a genocide and to the femicide my colleagues here outlined.

I bear no animus whatsoever toward my colleagues in Government but I am puzzled at this. I have a piece of shrapnel at home which was embedded in the Portakabin I slept in the village of Al Yatun. This time 30 years ago, the Israelis came in during Operation Grapes of Wrath. Last weekend, on the 30th anniversary, they slaughtered 106 men, women and children in our neighbouring UN compound at Qana. We had about 250 civilians in Al Yatun. Irish troops were sheltering the local civilians. It was during that period that that piece of shrapnel hit my Portakabin. I remember being unable to touch it because it was so hot. I have it mounted on a piece of timber in the downstairs toilet of my house. Where was it made? In the United States of America. How did it get to Israel and Gate 1-4 Alpha, from where it was fired? Through our airspace. Is it not ironic that we have troops in a peacekeeping role trying to save lives during massacres and breaches of international law, yet at the same time we permit the transit of these weapons and explosives through our airspace?

I got subpoenaed to a trial in Shannon to give evidence about people trespassing on the airport perimeter and approaching US aircraft on the ground. On cross-examination, I was asked whether there were weapons on those aircraft and was able to give evidence to confirm there were. I also played audio in the court of the recording I made on that US aircraft. The judge asked me the effect those munitions would have on innocent civilians in Lebanon, Iraq or wherever they would be discharged. I said the soft tissue injuries from high-explosive weapons include the pulping of internal organs. The shock waves of these munitions causes the pulping of internal organs and shatters bones. You often see - I have seen it myself at first hand - small children and elderly people and there will not be a mark on the body because the shock wave has killed them by liquefying their internal organs. These are small children and grandparents. The soft tissue injuries are catastrophic from the blast, the heat and the shrapnel effect. Limb separation, decapitation - it is indescribable - and the burns. I do not have the words to describe that. In the court, the Garda superintendent who was conducting the prosecution for the State was completely silent. I said to him afterwards, "Do you have children?" He said, "I do." I have children. Why would we, the Irish people, accept the transit of this material?

I have two more things to say about this because it is so important. We have a growing clamour in our public discourse for Ireland to grow up and be the adults in the room. I hear people say this, including economists, God help us, and academics who have never heard a shot fired in anger and have never seen it. They want us to grow up, be the adults and participate more in what are now illegal military operations internationally. I think the growing up and smelling the coffee, as it were-----

An Cathaoirleach: I remind Members there is latitude but we are on specific amendments. I know the Senator has referred to them. I want people to keep as close as they can to the amendments.

Senator Tom Clonan: We have to know what is transiting through our airspace, for all of these reasons.

Back in 2006, when the Israelis invaded Lebanon, they closed down the cellular network in Lebanon and I could not reach any of the contacts I had there as a journalist. Do Senators remember 11811? I dialled that; it is international inquiries. I got, "Eleven eight eleven. Mary speaking." I said, "Would you have a number for the Lebanese Parliament?" She said she did not and would have to route me through its embassy in London. Lo and behold, ten seconds later I was talking to a member of the Lebanese Parliament while Beirut was under fire. He asked where I was from and I said I was from Ireland. "You know what," he said, "you should be ashamed of yourselves because I know Shannon Airport is being used to bring this destruction and death to my city." Ireland prides itself on its diaspora and neutral status and that in and of itself puts Irish lives at risk.

In terms of primary intelligence, we must be the only country in the European Union that tolerates not knowing what weapon systems are transiting through our airspace.

I commend this Bill and commend my colleagues on drafting it and persisting with it. I am disappointed to note the Government is opposing it because I do not see anything in it that causes any difficulty. When I go to sleep at night - last night was one of those rare occasions when all four adult children were in the house sleeping - I just think of how lucky we are. Then I think of that little girl who went to get water.

She was shot through the head with a high velocity round, and we are participating in that. We are facilitating that. We are not taking the simple steps outlined in this Bill to remove ourselves from that supply and we are giving genocide, femicide, patricide and homicide tacit moral approval. In years to come, I or anybody in this House may be asked, "When this was happening, Dad, Mum, Grandad, Nana, what did you do about it?" I am proud to say that we supported this initiative, and others. I thank the Cathaoirleach for his leeway.

Senator Laura Harmon: Cuirim fáilte roimh an Aire Stáit. I commend the Civil Engagement Group, CEG, on bringing forward this really important Bill. We need to ensure that it passes in full through the Oireachtas and I encourage the Government to support it today. It is extremely disheartening and, to be honest, angering to see the lack of follow-up action by the Government on the issue of illegal wars and the genocide that is happening in Palestine. I was hopeful we would see more action from the Government but, unfortunately, it has been found wanting in so many ways. The occupied territories Bill is an example of that. There were so many platitudes around it - the urgency, the need to take action and the need for sanctions. Where are the sanctions related to goods and services? There has been such a delay in that Bill and I know the Irish people want to see more from our Government on this. I thought that we were going to be leaders in this area initially but we have lagged behind so many other countries that have taken way more action than us. I see it every week in Cork. Every single Saturday in Cork, we march for the people of Palestine, and not just Palestine, but

for those who are being affected by illegal military invasions and genocides throughout the world.

This Bill is important. Just last week, we had a march on Leinster House led by Lelia Doolan, who is aged 91 and walked from Shannon to Dublin. She walked 220 km at 91 years of age with many people because the Irish public feels so passionately about this and because she feels so passionately that we need to ensure we are not being compromised as a nation, that we are not damaging our neutrality and that Shannon is not being used by other countries and nations that are implementing illegal wars. We need to stop this.

Regarding this Bill and the amendments that are in place, the Air Navigation and Transport (Arms Embargo) Bill 2024 seeks "to provide for restrictions on the transit and export of weapons of war from and through the State to the state of Israel". It is very important that we do this. I cannot believe that these inspections are not taking place in the first place. Why are we not doing this? We are all in extremely privileged positions in this Chamber in the Houses of the Oireachtas and we have an opportunity to act here and bring forward laws that could change the outcome for so many. We will be judged, as other Senators have said, in the future. Our children and grandchildren - future generations - will look back. This is a pivotal time not only in Irish history, but in the history of the world as a whole and we will be judged on every single action that we have and have not taken on this. That is why it is important that we stand on the correct side of history and support this Bill.

There is no record of any inspection having been carried out since 2020. I was shocked by that and that the Minister had granted a record 1,354 exemptions in 2024 and exemptions for a further 1,280 flights in 2025, with no inspections of any aircraft. This Bill would ensure that the Minister appoints authorised officers to inspect aircraft that have secured exemptions for the carriage of munitions of war through the State. The Minister would be obliged to provide a report to the Houses of the Oireachtas outlining the number of aircraft inspections every three months. I do not think that is onerous. That is a very sensible provision within this Bill.

The amendments proposed to the Bill aim to strengthen the Minister's powers to refuse exemptions to any countries subject to investigation by the International Criminal Court, ICJ, for breaches of the UN Charter and to close the gap that allows commercial aircraft to illegally carry weapons without necessary permissions. There are also technical amendments. We know that the ICJ has ordered states to take provisional measures to prevent acts being committed in contravention of Article 2 of the UN Convention on the Prevention and Punishment of the Crime of Genocide against the people of Gaza. We have a responsibility here to act on this. In April 2024, the UN Human Rights Council passed a resolution calling for an arms embargo on Israel.

According to data collected by the military plane tracker, Shannon Warport, as an example, at least 1,300 US military and military-contracted civilian aircraft flew within 60 km, or 37 miles, of Shannon Airport between January 2024 and March 2026, including at least 45 flights that travelled to or from Israel. We have seen the reports that Belgium's Challenge Airlines made 21 flights carrying weapons to Israel through Irish airspace from October 2023 to January 2025. These were illegal flights, I would argue, but it is clear that the Government has effectively turned a blind eye. On the one side, we are issuing statements of platitude and condemning the genocide and what is happening, and on the other side, we are turning a blind

eye and not doing anything. We have an opportunity now to actually do something very important and meaningful and that the Irish people want.

In October, the Government granted an exemption for an Omni Air International flight chartered by the US military to carry arms to the Israeli military. That was the first time since 2006 that our Government had openly acknowledged authorising a flight that was carrying weapons through Shannon to Israel. In the midst of what we have all watched over the past three years, that is absolutely shocking. It flies in the face of the steadfast solidarity and support that the Irish people have shown during this period to the Palestinians.

We have a chance before us today to make absolutely clear that this cannot and will not be accepted. I urge Senators on both sides of the House to support this Bill because we are lagging behind other European countries in tackling the arms supply. Slovenia, Spain and France have all brought forward restrictions or embargoes, so we need to play our part. That is why we are supporting this Bill. I urge everybody to support the CEG and the Bill it is bringing forward.

An Cathaoirleach: Before I call the Minister of State to respond, I welcome guests of Senator Shane Curley, Eileen and Ollie Monaghan, who are the sister-in-law and brother of Councillor Martin Monaghan. They are most welcome to Seanad Éireann and I thank them for being here.

Minister of State at the Department of Transport (Deputy Seán Canney): I thank all of the Senators for their contributions today and their work on this Bill, and for bringing forward these amendments. Amendments Nos. 1, 4, 5 and 6 seek to provide clarity on those responsible for the enforcement of the Bill. While the insertion of a definition of "authorised person" in section 1 and the removal of an enforcement role for the Defence Forces are both welcome, outstanding issues of the enforceability of this Bill remain. The Bill, as currently drafted, does not provide sufficient detail on the powers to be conferred on authorised officers. The Bill provides for the seizure of goods carried in contravention of the Bill, but with the removal of the role for the Defence Forces, is now silent on who will be responsible for this enforcement activity. In view of the serious nature of the powers required to ensure section 2 and the new proposed section 3 of the Bill, it would seem appropriate to provide for these in primary legislation.

Senator Alice-Mary Higgins: Could the Minister of State clarify his last sentence? I could not hear it. Did he say it would or would not be appropriate?

Deputy Seán Canney: I am sorry. In view of the serious nature of the powers required to enforce section 2 and the newly proposed section 3 of the Bill, it would seem appropriate to provide for these in primary legislation.

Senator Alice-Mary Higgins: If these are technical issues and if there are specifics wished for in exactly how the inspections will take place, exactly how the seizures will be conducted and exactly what physical steps will be taken in relation to it, then I would say the Government has the capacity to bring amendments specifying those details. The Government has the capacity to bring in secondary legislation, if it wishes to, by regulation or to bring amendments in respect of how it would like inspections to be conducted. Frankly, the Government is

suggesting that we cannot move forward. After years of inaction and a specific requested year in the form of a timed amendment when there has been inaction, we have answered the question as who is going to do it and what they going to do but because it does not say exactly how they are going to do it in the Bill, the Government is suggesting that makes it hard for it to move forward. Come on. If there was ever a "hold me back", ridiculous position taken by the Government - the suggestion is that there is a gap in how laws are enforced. By the way, in the core Act there is no new action. We are talking about the already existing issue of the right for inspections to take place. That already exists but we simply are saying that they need to start happening.

A crucial point is we are talking about a situation whereby the Government is choosing each flight. The base position, as I said, is the prohibition of the transit of arms, ammunition, weapons and dangerous goods through our airspace or airports. Each individual flight that lands in Ireland or that flies over Ireland is required to seek direct permission. We are talking about a base level whereby the Government is choosing each of the exemptions. It is a choice every time an exemption is made to allow the transit of those weapons. We have heard about them and what they do in clear detail. Each time, it is a choice. When it involves civil aircraft, it is a choice made by the Minister for Transport. The powers of inspection have been there for years. I will quote the Minister for Transport, Deputy Darragh O'Brien, when he spoke here one year ago:

We have an existing legal regime. That needs to be used to its fullest and our current legislation does provide for the inspection of civil aircraft where there is an appearance or a likelihood that it will depart Ireland and contravene Irish law. We have strong provisions in place.

Now the Minister of State is saying a difference is made by stating who will do the inspections. If the gap is there, it is a gap that already existed. If the gap is there, why were we being told one year ago by the Minister, Deputy Darragh O'Brien, that there were strong powers and he planned to use them? We are working through fixing the excuses but as we know, the core excuse - the core reason - is that the Government does not want to do it and does not want to know. We have come back and said exactly who can do it. We have been clear that what we want them to do is what the State should already have been doing anyway, which is inspecting. We are just making it that the State must inspect. The Minister of State said that the Government needs technical details of exactly how. Senator Clonan explained how he was able to go in and see pretty clearly and observe what is happening. If there is a desire among the Government and it has specifics of exactly how it would like these inspections to be taking place, it is for the Government to bring amendments, as it could on Report Stage and as it will be able to in the Dáil, as part of the many Stages ahead of us in that House.

To be clear, what the Minister of State is telling us right now is that the Government is not only opposing the Bill but is also not supporting these amendments. Even though the Minister of State has said that these amendments address the question of who shall do the actions, he has said that he believes there is a new gap, which is around how they will do the inspections. That is not a basis for opposing the clarity around who will perform the actions. That is not a rationale for opposing these amendments. It is certainly not a rationale for opposing the legislation. As I said, it is only practising a new excuse for inaction, which is essentially a choice. I have used the word "inaction" but I should not say it is inaction. It is not inaction

because 17,000 women and girls have died in the 12 months that we have been waiting for this Bill to be allowed back into the Chamber. Real actions killed them. Real weapons took their lives. It is not inaction but complicity. It is allowing transit. The Government is now saying this is getting close to forcing it to name who will do the job but it will try to put up another hurdle and make it even harder again.

I did not hear in the Minister of State's reply an answer to the question I asked him, which was what has been happening in the past 12 months. The Government said it wanted to do investigations into the documented cases of weapons and military goods passing over our airspace. What happened with the investigations? The Government said it wanted to use the current legislation to its fullest and to employ the strong provisions that are in place but there have been zero inspections. There have been no inspections. I would like an answer to what has been done for the past 12 months. If the Minister of State has obstacles that he believes are in his way and preventing him from taking action, I would like to know what he is doing about addressing them.

Deputy Seán Canney: As I have already said, while I commend the Senator on the amendments she has brought to the Bill, there is a serious issue still outstanding. That is why I am saying to her that it would seem appropriate to bring in these amendments through primary legislation.

An Cathaoirleach: I welcome to the Gallery guests of Senator Nelson Murray from Kennastown, Navan in County Meath. They are most welcome to Seanad Éireann and I thank them for being here.

Amendment put and declared carried.

Senator Alice-Mary Higgins: I move amendment No. 2:

In page 4, between lines 15 and 16, to insert the following:

"Ministerial discretion to extend the application of *section 2*

3. (1) The Minister may, by regulation, apply the provisions of *section 2* to—

(a) any state which is subject to provisional measures or a final judgement ordered by the International Court of Justice in respect of the Convention on the Prevention and Punishment of the Crime of Genocide, or

(b) any state which is in breach of Article 2 of the Charter of the United Nations.

(2) Where a decision is made in accordance with *subsection (1)*, the Minister shall lay a report before both houses of the Oireachtas detailing that decision."

Senator Frances Black: I second the amendment.

Senator Alice-Mary Higgins: I am glad that the Government is accepting the definition of "authorised persons". It is accepting a step forward by having a definition of "authorised persons", including, crucially, a definition of authorised persons that would give the public

clarity about who they can contact about the concerns they have about weapons passing through our airspace.

I commend all those in Shannonwatch, such as Lelia Doolan, those in the media and others who have been doing the job of shining a light where a veil has been drawn over the use of our airspace and airports for so long. Amendment No. 1, as accepted, would for the first time give them clarity about who they can contact about the breaches of Irish law, breaches which are compounded because they contribute to breaches of international law.

Another issue raised during the debate was the question of all the other times. What about all the other inappropriate uses of our airports and airspace? I agree. It is in the preamble to the legislation and I commend Sárán Fogarty who did the initial work on drafting this legislation. Our original legislation was an Act to provide for restrictions on the transit and export of weapons of war to and from the State of Israel and appropriate inspections in the context of the International Court of Justice order for provisional measures to prevent acts being committed in contravention of Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide. That was a clear international legal message and edict and there is a responsibility on all countries in relation to that kind of breach of international law to do all we can - to take all reasonable measures - to prevent acts being committed in breach of the Convention on the Prevention and Punishment of the Crime of Genocide. With genocide, it is not about after the fact. The responsibility is to prevent it. That is the obligation on all states.

That was the context in which we brought forward this legislation. It was in the context of the horrific and ongoing actions taken to effectively destroy and eliminate a people and a culture in Gaza, the mass destruction of civil society, infrastructure, all universities and all the building blocks that go to make a people, as well as the horrendous taking of so many tens of thousands of lives, including those of tens of thousands of children. That was the context of the original legislation as we brought it forward.

Sadly, during the year of inaction we have had - a year the Government sought to implement the powers it has, look at inspections further and investigate what was happening - the situation has worsened. We are now seeing a raft of illegal military actions taking place with more extraordinary bombardments. One hundred bombs were dropped in ten minutes on Beirut. We have seen the illegal strikes against Iran, the threat of military action being made against many countries across the world and what seems to be a new and terrifying era of smash and grab colonialism and accelerated might is right politics and a further move away from the international law that should be the cornerstone for all of us and of which Ireland should be the champion.

Amendment No. 2 expands the space for ministerial expression because everything in this legislation is framed around allowing action to take place - ensuring, allowing, facilitating and, where necessary, demanding action from the Minister. In this case, the amendment expands it. It proposes:

The Minister may, by regulation, apply the provisions of *section 2* [they are the provisions in respect of a prohibition and restriction] to—

... any state which is subject to provisional measures or a final judgement ordered by the International Court of Justice in respect of the Convention on the Prevention and Punishment of the Crime of Genocide, [and to]

... any state which is in breach of Article 2 of the Charter of the United Nations.

That article is core in protecting against the wrongful use of force in breach of territorial integrity. The amendment also provides that the Minister shall give account of that decision to the Oireachtas. This strengthens the Bill further by giving powers to the Minister to move and expand the kinds of core principles in the Bill to other instances.

Why is it useful? The frustration evident in the original legislation came from the fact, as I said, that the base position is meant to be no weapons, no munitions, no arms and no dangerous goods. These things should not be passing through Ireland, in general, ever. That is the core base position and it is an appropriate base position for a neutral state. Then there is discretionary power under which the Minister makes an exemption. As I said previously, it means that every time a civil aircraft carrying weapons through our airports or airspace is allowed to do so by the Government, that is a choice and it means every one of the flights that carries weapons used against civilian populations is a choice made. This is the extraordinary power. It is not that we have to introduce a limit. The limit is there and exemptions, exceptions, waivers are being given, thousands, as has been said. A record 1,354 exemptions were given in 2024 and 1, 280 were given last year, again with zero inspections of what has been done with those powers.

Amendment No. 2 would, by bringing that ministerial discretion - because arguably the Minister can already choose not to give any exemptions in these instances and I do not think Ministers should - make a blanket rule about that prohibition. It would mean we would not be dependent on ministerial discretion each time, wondering if the Minister will make a choice and decide to allow or not allow it through. The public would have assurance that there is something like a Government policy that we will not be complicit in breaches of international law and that policy would be reflected in a clear prohibition of the granting of exemptions. It would give the public confidence that permission would not be given for the transit of weapons, ammunition and dual use goods.

It is worth saying what those dual use goods are because it sounds very light, that they could be used for this or that. To be clear, dual-use goods are goods with a military function. They may or may not be used for that military function but the fact there was an almost sevenfold increase in the transit of those goods during the course of Israel's assault on Gaza tells us they probably are. Very often, they are the technologies that are core and crucial to the machinery of war, the kinds of technologies that facilitate such things as the hello daddy programme, an automated weapons system designed to activate when someone comes home. The phrase "hello daddy" signals the obliteration of that home with what Israel has been clear it regards as the large civilian casualties surrounding each of its supposed and hypothetical military targets.

That is something they are completely comfortable with. Are we comfortable with it? Are we comfortable with the technologies that facilitate this kind of thing being dual-use goods that are moving through our State? This is the context of why we had that requirement on section 2. Amendment No. 2 recognises that while our original Bill was very specific to Gaza and to the requirements and obligations under a particular ruling in respect of the Genocide

Convention, now we are seeing multiple instances where prohibitions should be applied. We urge the Minister of State to accept amendment No. 2, which allows for that discretion and, for example, for appropriate prohibition in respect of the breaches of international law we are seeing now in the assault on Lebanon where, as Senator Clonan has so eloquently described, our own peacekeepers may indeed be the victims of weapons that transit through our airspace.

While the original arms embargo was very timely, the UN had been clear and the Genocide Convention of the UN Human Rights Council called for an arms embargo, since then, in that year of inaction, other countries have been acting. It is important to note that. This is the very frustrating thing about the Irish Government's position. It acts like we are out on our own and it is so difficult. We were the 127th country to recognise the State of Palestine. We are not that far out ahead. We are pretty far behind. The Government tells us it wants to bring others with us. We wrote letters encouraging everyone to take action on occupied territories. Then Spain and Slovenia did it. Ireland, having said, "Yes, let us all do it, we are waiting for everyone," let them move ahead and did nothing on the occupied territories Bill. Here again, Slovenia has announced that it will ban the import, export and transit of all weapons to or from Israel. It announced that in August 2025. Spain passed an arms embargo on Israel in October 2025. The Supreme Court in the Netherlands ordered the Dutch Government to stop exporting fighter jet parts because of the breaches of international law. Italy and Canada, even now, they should have acted on Gaza but it seems that finally on Lebanon maybe they are moving, as they have announced that they will suspend ammunition deliveries. We are seeing other countries acting and knowing that they want to remove themselves from the record of history and from complicity in the flow of arms to illegal and appalling war crimes. Now, even those who did not act on Gaza are beginning to act because they see otherwise what the direction of travel is. If nobody is applying international law, international law itself is the victim. If we see more and more illegal wars, illegal action and action that is disregarding the UN Charter, the basics of the Geneva Convention and so on, countries will realise that unless we put some kind of a brake on this, then we are contributing not just to all those deaths at the end of all those individual rifles, bombs and pieces of ammunition that have passed through, but that they are contributing to the assault on international law, the UN and the order that matters.

It is very reasonable under this amendment that the Government is not required, but has the discretion to start acting and give leadership not just in the implementation of our Irish law but in standing up for international law and sending a clear message of prohibition that it will not be part of the arms flow and that there is an arms embargo from Ireland's perspective in any situation which is in breach of the convention on genocide or Article 2 of the Charter of the United Nations. That is an appropriate step to take. It would be a case where Ireland could show that we are serious about international law. Again as was said on the occupied territories Bill, it is another instance where the actually courageous thing, the grown-up thing for countries to do is to take a stand. International law is crystal clear on the occupied territories Bill. They have gone back to the Attorney General how many dozen times and they still have not managed to find a way to say it is not correct. It is correct and clear, and required. Similarly, making sure we take every step we can in relation to preventing genocide is required of us. Those who have taken direct action, and we see them taking it, the frustrated public, for example in those cases where Senator Clonan had to testify, have done so because the public are seeing illegality. The public care about the law, just like the Government should. The public do not just care about fellow humans right across the world, they care about the law and living in a world where

Irish and international law apply. That is why they are frustrated and led to take whatever action they may take, be it the kinds of cases that have been described of those who have entered Shannon, or those who literally walk hundreds of miles to make a point.

I hope this amendment will be accepted. I would really like to know what Ireland is planning to do. How can we stand among all these other countries that are instituting arms embargoes and credibly say that our plan is to continue saying we do not know? It is not a plan and it is not an adequate response. I hear people saying they want remove the triple lock so we can stand up and hold our head up. How can we hold our head up high when we have our hands over our eyes about the weapons that are moving through our airspace?

Acting Chairperson (Senator Shane Curley): I welcome the winners of the National Short Story Competition to the Gallery with their parents and teachers. I see my own former workmate and friend, Eoin O'Sullivan, down there. I do not know if Deirdre is still around. Just to say hello to them all and thank them for coming up today. Go raibh míle maith agaibh.

Senator Frances Black: We are at a moment where the international rules-based order is under profound strain. The ICJ has issued clear findings, as my colleague has said. The UN Charter has been breached. If our legislation responds only to the specific and the named while ignoring the systemic, we are not upholding international law, we are selectively applying it. Selective application is not a principle; it is politics dressed up as law. The International Court of Justice, the highest court in the world, has found it plausible that rights protected under the Genocide Convention have been violated and has issued multiple orders of provisional measures. The court found it had legal standing to hear the case and determined that South Africa's claims were plausible. It indicated that it is incumbent on Israel to comply with its obligations under the United Nations Charter. Those orders, unfortunately, have not been complied with.

I really feel like Ireland's credibility as a voice for small nations and occupied peoples rests on consistency. The moment we begin carving out expectations based on which country is doing the breaching, we surrender the moral authority that gives Irish advocacy its force internationally. This amendment ensures our arms embargo is principle-led, not case by case. It says that Ireland will not be a conduit for weaponry to any state found by the highest international courts to have violated its obligations. It is not really a radical position; it is the logical consequence of taking international law seriously.

Senator Laura Harmon: I wanted to come in again to make a few more points on this. First, I want to break this down.

We have weapons passing through Ireland's airspace going into areas where there are illegal wars, war crimes and genocide happening. We are not doing everything in our power to stop that. That is what it breaks down to. We are not doing everything in our power to stop that. We have the power to carry out inspections, which are not happening. This needs to happen. As Senator Higgins said, this is about broadening it out. It is obviously not just about Palestine. It is about any part of the globe where illegal war crimes are happening, including in Lebanon.

Consider if this were happening on land. Imagine if people were walking through Ireland now carrying these weapons and trying to get to the other side to deliver them. Does the

Minister of State honestly think that the Irish people would not stand in the way and prevent that if they could? Absolutely. As the Minister of State knows, every Saturday in Cork people walk and march for the people of Palestine. The Irish public are completely behind this. The Government often says to the Opposition that we are not providing solutions but all I ever hear from us here in opposition is practical solutions. I want to be proud of our Government. I want to be proud that Ireland played a leadership role in relation to this. Look at Pedro Sánchez in Spain. It is incredible to see what you can do with moral and courageous leadership and taking a stance. I would like to see more of that in Ireland. This is a very practical and simple Bill, as are the amendments. I encourage everybody to vote in support of this.

Senator Tom Clonan: I will speak directly to the amendment No. 2 in relation to dual-use materials and to echo what Senator Harmon said. This is not a radical proposal and it is not an adversarial proposal. It is simply one that will assist us in implementing existing legislation.

In relation to dual-use weapons, I know that my colleagues in Government share our concern about the export of alumina to Russia. Alumina is an absolutely essential component of weapons systems. I know we have great colleagues here who selflessly travelled to Ukraine and went to Kyiv, which is an onerous journey, to protest and to give support and solidarity for the victims of Putin's brutal and unlawful aggression. We saw the Taoiseach and Ministers witness what happened at Bucha.

Let us make no mistake about this. When Colin Powell misled the UN Security Council over the dossier about weapons of mass destruction in order to get a UN Security Council mandate for the invasion of Iraq, little did we know that they were the good old days because now governments do not even bother going to the UN for a resolution. They do not even declare war. We have a US President who says get the fuck out of the strait, we are coming and we are going to destroy your civilisation. That is what we are talking about here and that is what we are talking about in relation to dual use.

Acting Chairperson (Senator Shane Curley): Could we avoid the expletives if we can?

Senator Tom Clonan: Apologies.

Acting Chairperson (Senator Shane Curley): I know the Senator was quoting somebody else, but if we could just avoid it.

Senator Tom Clonan: I think it is important in terms of the barbarity of the times we live in-----

Acting Chairperson (Senator Shane Curley): I understand-----

Senator Tom Clonan: -----when the President of the United States uses those words against a state he has not declared war against. He calls Putin's special military operation a special combat operation. We are living in a time when full spectrum powers have turned their back on the international rules-based order and on the conventions and laws of armed conflict. By definition, what is happening in Lebanon where our troops are is war crimes. We are unhappy

about the transit of alumina from Aughinish Alumina to Russia, quite rightly, but we should be even more concerned about weapons, ordnance and materials that are military and dual use transiting through our airspace. Furthermore, the Irish taxpayer is paying for that. Is this the Comedy Club? Is this the Laughter Lounge?

We have hundreds of young Irish men and women in Lebanon 5 km from Bint Jbeil, which has been razed to the ground. After the murder of a French peacekeeper last week and Indonesian peacekeepers, I am very concerned about our troops. The Government is allowing weapons to pass through our airspace that could be used and that will be used in proximity to our troops. If any of our troops are seriously injured or killed I will know and I will be able to tell this House where the ordnance came from because I have an expertise in that area. God forbid that this happens because we may hang our heads in shame. It is disgraceful.

Specifically to the point of dual use, I will give an example. The Israeli military has a machine called the D9 bulldozer. They take this earth-moving piece of equipment, a bulldozer, they armour it by covering it in armour plate and then they use it as a weapon. They use it to destroy houses with families inside burying them alive. They have killed US citizens in this manner. In the last couple of days, there has been a documented case of two 16-year-old boys who were detained - I should say kidnapped - by the Israel Defense Forces. They were stripped, their hands were bound behind their backs with cable ties and they were buried alive. The contemporary witnesses say that before they were crushed under one of these earth-moving pieces of equipment they could hear the boys cry out. I remember when my young men were 16, when they were blossoming into young adults at that point of the threshold of adulthood, and how beautiful 16-year-olds are. Who could put them into the ground like that and use dual-use technology to murder them in that way? This is what we are talking about with this Bill. It is not adversarial and it is not radical. It is just asking us to do the right thing. The rules-based order has been turned on its head and we are going to tolerate it. It is a very simple set of suggestions.

I commend my colleagues. I will say it again. Since I came into these Houses over the last four years, I know that all of my colleagues here are good people and they share my concern and my horror at this. That is why I just ask them to please allow this piece of legislation to progress. They know what is going to happen when it is progressed. As Senator Higgins said, by opposing it Senators are making a decision. They are making a decision and it is not a passive thing of "Oh no, we have to wait and see." They would be deliberately slowing down the prospect of us intervening meaningfully in preventing genocide, femicide and medicide, which we have seen in Lebanon near where our troops are, where doctors, nurses and paramedics are deliberately targeted for murder. These are extraordinary times. This is not an extraordinary set of proposals. I prevail upon the Government to please reconsider and support this legislation to allow it to complete its passage.

Acting Chairperson (Senator Shane Curley): Go raibh maith agat, a Sheanadóir. An bhfuil an tAire Stáit ag iarraidh teacht isteach?

Minister of State at the Department of Transport (Deputy Jerry Buttimer): Gabhaim mo bhuíochas le gach Seanadóir a bhí páirteach sa chuid seo den díospóireacht. The first thing is that we will not oppose the amendment. Second, and I am taking this for the Minister but I am also speaking in a personal capacity as well as from the Government side, I do not know

anybody who supports what is happening in the world today. It is important that we agree on a number of things. The principles are first of all that the international rules-based order must be upheld at all times. I have travelled with Senator Clifford-Lee and Senator Ahearn to the Kyiv Inter-Parliamentary Union, IPU. As Cathaoirleach of this House I spoke very strongly at the IPU in support of the Palestinian people and against what is happening in the world today. Senator Clonan is right and I completely agree with him. I said it here last week. I am 19 years a Member of the Houses of the Oireachtas and in my wildest dreams, or any kind of the dream, I never thought that an American president would behave as he is doing.

4 o'clock

He is showing scant regard to all of us around the world, in particular to the institutions of the United Nations and ICJ, or even basic decency to the likes of the European Union, for example.

I do not agree with Senator Clonan that we are being carefree about our troops. On the contrary, the Minister for Defence and Government, along with the Chief of Staff, are very much aware of their responsibilities to our troops. It is important we send a message from this House that our Government will always protect and look after our troops. I would like that to be said because it is very clear. I have met our troops, visited them and spoken to them. I recognise the point the Senator is making about the flagrancy, or rather the vagaries, and we have seen the killing of troops in Lebanon. I do not mean to be controversial but something and somewhere has to look at the whole structure of the United Nations in the wider context of our debate. Two of the big five have a veto to block reform and block sending troops to Lebanon for peacekeeping, for example, which we all know is required.

I do not agree with Senator Higgins, though I fully respect and admire her passion. We have been leaders in the world. Others are following us. She spoke about Sánchez but he is following us. If we are right, we need to reflect on the EU-Israel agreement as a European Union. We must respect human rights. We have to. I was in China for St. Patrick's Day and I spoke on human rights. I did not demur from my responsibility and my role as a member of the Irish Parliament or Irish Government. We woke up this morning to the President again putting up a post about continuing the ceasefire. Our Government is being quite clear about de-escalation and the end of the conflict because there is no good in what is happening. Senator Clonan is right about Colin Powell. He was a man we all respected and admired, and what happened regarding his comments about weapons of mass destruction? Nothing. Look what happened then. The sad part is there are other actors in the world, and at a time when he is under pressure otherwise, you have to say the Prime Minister of the UK has stood up and has not been railroaded into action that could have had catastrophic consequences more profound than we currently have.

It is important in this debate that we adhere to the fact that we are looking at the whole point of upholding the rule of law. Senator Higgins speaks about consistency. I hope we are consistent. We are consistent. I commend her on what she is doing and what she has said, and I heard her in this House as a Member and hear her now as a Minister of State. I would think Government is acting on the same page though maybe along different lines. However, we share the same common bond of respect for law and respect for life. In this context it is about ensuring our Government, as the Minister, Deputy O'Brien, said here before, is not promising things it cannot do.

We will not be opposing the amendment. As a member of the Government, as a politician and as a citizen, I am appalled, as we all are, by what is happening in the world today. We all want to see this conflict end for a variety of reasons, but one of them has to be that the President of America cannot just bypass all international norms and do what he wants on a whim. The sad part for me, though this may be for a different debate, is the UN has been rendered useless. We are embarking on the journey of appointing a new Secretary General of the United Nations. That appointment has to reflect where we are in the world, geopolitically, today. We have a new secretary general of the IPU being appointed.

Senator Lorraine Clifford-Lee: Elected.

Deputy Jerry Buttimer: Elected; I thank the Senator. We as parliamentarians have a duty and responsibility to lead and be fair in these Houses, and we have, but others have not. Senator Clifford-Lee, who has done Trojan work in the IPU in a variety of different roles, will attest that in Istanbul this week some countries wanted to absolve themselves of any responsibility. I do not want to divide with Senator Higgins because I am probably a lot closer to her than she might think, but our Government is very clear and very consistent. The Ministers, Deputies O'Brien, McEntee and Harris, and the Taoiseach have made that point. The Taoiseach in Washington brought a lot of people with him. There are people in the Houses of Congress in America who question me about our Government's role and our parliamentary position and I tell them we are not anti-Israel or antisemitic but pro-people. Senator Higgins is right when she speaks about the destruction of a civic society and a people. We agree with her on that so we will not oppose the amendment and I will let the Senator come back in, but I wanted to make the point that we have been consistent.

Senator Alice-Mary Higgins: I know the Minister of State has strong personal feelings on this matter but the inconsistency is in the actions. There have not been actions. There have been no inspections of flights that are granted exemptions. As I said, I asked previously and there was no action taken on documented cases of aircraft travelling with weapons through our airspace. That choice of inaction and the choice to continue to grant exemptions and to not inspect are inconsistent with a seriousness about international law. I am talking about simply avowing international law and then acting to try to support it. The UN is the United Nations and it is about the nations of the world and what they do. I do not have time for the wider debates about United Nations reform, though I believe the General Assembly still has a clear and important role.

I would like clarity from the Minister of State. I am hearing support for my amendments. It points to the fact that these are very sensible amendments that show I listened to, engaged with and responded to any of the concerns raised on Committee Stage. I would like an indication at this point in light of the fact the Government is supporting my amendments and has been supportive of this. Is the Government going to be supporting this Bill and its progress to the Dáil where any further issues may be addressed? This amendment allows a widening of the situation and of the frame. I am concerned by some of the language we previously heard in this debate about how it is very hard to do it and how there are even more gaps in how we do it. The arms embargo against Russia has been in place for quite a long time. Is Ireland saying we do not apply inspections in general because we have not got the capacity? If we

have the capacity to apply inspections, why would we not be applying them in these instances? I would like an indication from the Government. We were told on Committee Stage there are existing powers and it is going to start using them and then they just were not used for a year. Alternatively, is it the case the Government is looking to strengthen the powers further and plans to amend the Bill as it moves through the Dáil? I would like clarity on the Government's position on this legislation because I have not had that in this debate.

Acting Chairperson (Senator Shane Curley): Is the Senator pressing her amendment?

Senator Alice-Mary Higgins: I am looking for a reply from the Minister of State on that.

Acting Chairperson (Senator Shane Curley): Does the Minister of State want to come back in on that? We can take this at the end. It is not relevant-----

Senator Alice-Mary Higgins: No, I am happy to get a response on this point.

Deputy Jerry Buttimer: I will reply in the context that the Government is not supporting the Bill's passage. I think the Minister of State, Deputy Canney, has spoken to the Senator about that already. I am a conduit for information to the Senator; I am not the line Minister. There has been engagement between the Senator and the Department and I think the Minister of State, Deputy Canney, was speaking to her beforehand, but Government will not be supporting the passage of the Bill through the House.

Senator Alice-Mary Higgins: Okay. The Minister of State can see that is disappointing because we are seeing amendments supported and it was supported on Committee Stage. I am very disappointed to see that be the position of the Government.

Deputy Jerry Buttimer: The amendments are not being opposed but the Government's position, I am informed, is we are not supporting the passage of the Bill through the House.

Senator Alice-Mary Higgins: Is the Government opposing it?

Deputy Jerry Buttimer: The Bill, yes.

Senator Alice-Mary Higgins: In that context, I am saying that I have engaged in good faith. The amendments are being taken on board, the Bill was supported as it was on Committee Stage and if it is only being improved, and the Government agrees that these are improvements, it is very disappointing to see a position of opposition to the Bill. That is fine. Perhaps I was lulled into an impression that maybe we were moving forward by the support for the amendments and that was why I was-----

Deputy Jerry Buttimer: I am standing in for the Minister, as the Senator knows-----

Senator Alice-Mary Higgins: I understand and I understand Deputy Buttimer is simply communicating a position.

Deputy Jerry Buttimer: The Government are not opposing amendments but we are not supporting the passage of the Bill. It has been clear. My contribution to Senator Higgins is where I stand. I have articulated many views that we share here. My information is that the Government is not supporting the Bill's passage through the House.

Amendment agreed to.

Senator Alice-Mary Higgins: I move amendment No. 3:

In page 4, to delete lines 17 to 20 and substitute the following:

“**3.** (1) The Minister, or authorised persons, shall carry out inspections of aircraft—

(a) seeking leave to land in the State under Article 5 of the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders 1973 and 1989, and

(b) issued an instruction to land in the State under Article 8 of the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders 1973.”.

Senator Tom Clonan: I second the amendment.

Senator Alice-Mary Higgins: Amendment No. 3 is addressing the gaps. Amendment No. 3 focuses on the provisions in relation to the inspections of flights that have been granted permission. Again, this is an issue that was raised on Committee Stage in relation to the flights that have been granted permission. As I say, I will not overstate the fact that there is no obligation to give these flights permission. These are not flights that have an automatic right to transit. They are being given permission to transit.

We have seen a situation whereby there is no follow-up. There is no check in terms of what actually is on these flights. We have heard of the special arrangement, which relates to a slightly different area in terms of military aircraft where, theoretically, military aircraft are going through from the United States without notice but will have no weapons at all on them. How plausible do we believe that is? Especially when we see an under-reporting of 248 flights on the front page of the newspapers this week.

It was raised that it would be extraordinarily onerous to inspect all of those granted permissions because a number of those who are granted permissions are Irish-registered aircraft operating outside Irish territory, which still require exemptions. These are Irish-registered leased aircraft and some of them may not be passing through Irish airports or Irish airspace but are still required to seek exemptions.

It is an interesting area. It is one that needs more attention but I have accepted, in order purely to facilitate, because I want our laws working. I want them happening. This Bill somewhat narrows. What we had previously was going from zero inspection to a mandatory inspection of all those who are granted exemptions. Now, the Bill, as narrowed by this section, would simply be a matter of mandatory inspections for all those who land in Irish airspace,

which is estimated to be around 262 flights that have been given exemption. These are flights that landed in Ireland which we know have exemptions in relation to the carriage of munitions, weapons, dangerous goods.

It is a very basic thing. I do not think it is onerous. In fact, the number "262" simply matches to the 248 flights we ignored. The 262 flights landing in our Irish airports would be inspected. Very often we are told that they are probably personal arms. The suggestion is that these may just be personal arms. I think it is very reasonable that we look in the planes and see if what we are being asked for an exemption for matches what is actually in the planes.

This would be put alongside amendment No. 7, which allows and provides for the issuing of a direction to land. Again, now inspections would be taking place on the 262 flights that have already landed and it would allow for those flights that are directed to land. We are going to come to it in amendment No. 7 in terms of directions to land.

I can list flights as examples. On 1 February 2024, there was a flight with more than 6.4 tonnes of US-funded tear gas transported to Israel. On 2 February 2024, there was a Challenge Airlines flight that included more than 24 tonnes of weaponry, all marked as dangerous explosive-containing goods, for delivery to the Israeli Government and IDF contractors. A FedEx flight on 22 May 2025 carrying 13 shipments of F-35 fighter jet parts to Israel illegally flew through Irish airspace. AirNav Ireland assisted two Lufthansa flights from Dallas Fort Worth carrying at least 18 packages with fighter jet components. There was an El Al flight on 4 April, very recently, off the coast of Galway shortly before 9.15 a.m. and Elbit Systems of America sent six shipments on El Al flights through Irish sovereign airspace from Newark Airport to Tel Aviv with cargo labelled as "Foreign Military Financing" from the US government again.

We are talking about all those instances of overflights documented, where people are saying "here is the manifest, here is what we are told is on the plane and here is its destination; it is going directly or indirectly to the IDF". Right now, the Government has said there is nothing we can do about those overflights even though it is illegal. Most of them do not even bother asking or many of them do not even ask for exemptions. However, as we will come to in amendment No. 7, now we have a position whereby we can give a direction to require those planes to land. This is putting it down and making it workable. A Minister can give a direction saying that when the public are contacted and told that a flight has left Newark, what is on the flight, that its flight path is right over Ireland and what its destination is, that flight can be directed to land. Then, in the instance that a flight has been directed to land and does land, it can be inspected under amendment No. 3, alongside all of those other flights that have landed. Again, that is not onerous and it is not too much to ask at minimum that the State would have the capacity to inspect those few hundred flights a year that land, as well as those that may land following direction.

If a flight does not land following direction, then we already know they have not submitted themselves to inspection and are therefore in clear breach. That deals with the situation for which Micheál Martin said last month there is no strong evidence. No strong evidence is an example of this language which says we cannot know for sure. There is the suggestion that there is no proof and that if anyone had proof we would ask them to come forward. We are told there is nothing we can do. When proof is being provided, they say that proof would have to be in the hands of the relevant authorities. We have now been clear that such authorised

persons would include An Garda Síochána and others. It takes away that excuse of there being no strong evidence because it creates a requirement and a capacity to search for that evidence. If a flight declines to land it will be in breach of the law. The fact is that these companies are real companies. They are not like a shadow fleet, it is FedEx, it is Lufthansa. These are known groups. That is amendment No. 3. I will come to amendment No. 7 in time, which compounds it.

Senator Tom Clonan: I will try to be brief. This amendment is about simply inspecting what is in the cargo hold.

Prior to the Minister of State's arrival, I said that there is a compelling primary intelligence interest in trying to ascertain what is on aircraft that are coming through our airspace and that are using Shannon for refuelling and onward navigation. The reason I say that is because the Israeli military has been using cluster munitions in south Lebanon, near Irish positions. Where does it get them? It gets them from the United States. Where in the United States are they made? They are made at the Iowa Army Ammunition Plant. Delivery systems are made at the Scranton Army Ammunition Plant in Pennsylvania. How do they get to Israel? Through our airspace.

I accept the point the Minister of State made about us having primary concern for our troops in Lebanon. However, if you go today to Wadi Zibqin, Wadi Baruz or Wadi Deir Siryan, which are all near where the Irish are based, you will find that they are littered with cluster munitions that have been deployed by the Israeli military and that have come through our airspace. I do not for one minute doubt that the Minister of State values the welfare of our troops. He says he visited them. I have been there. I have been under fire. I have seen what the impact of these weapons is on the innocent Lebanese men, women and children with whom we have built a relationship over the past 50 years. This is not a war; it is a genocide. Here is something we can do to further ensure the safety of our troops. I know that force protection and the safety of our young men and women is paramount for the Government. I absolutely accept that, but we are in error if we are not, at a bare minimum, checking aircraft on the ground in Shannon to see what is being transported to the Israelis for use in south Lebanon where our young men and women are stationed. This is especially true as we move up to the final deployment. Those Irish troops, and the innocent people who are being slaughtered, are my paramount concern.

Deputy Jerry Buttimer: I will be very brief, because I know Senator Higgins wants to come back in. There is much that unites us rather than divides in what we have heard. I understand and appreciate the contributions of Senators Higgins and Clonan regarding this amendment. It is important we understand that the Government and its agencies act and engage in terms of the external carriers. That is why we are not opposing this amendment. I know we are not going to support the Bill, but I certainly think, in the context of what Senator Clonan spoke about, that there is a system in place. There is a robust engagement, and I have trust in the system. I take the Senator's point. There are criteria that have to be fulfilled and upheld as regards the inspection regime relating to those who are transiting through Ireland. Again, we are not opposing the amendment. We will continue to review and monitor the situation.

It is incumbent upon us as a nation to ensure that we do not allow for the passage of munitions through our airspace that will, as the Senator said, cause further damage and potential loss of life. Today, we mourn the loss of a second French peacekeeper in Lebanon.

All of us who are parliamentarians here and the governments of various countries elsewhere must ensure that the sovereignty of our airspace and their airspace is upheld in terms of the passage of munitions.

Amendment agreed to.

Senator Alice-Mary Higgins: I move amendment No. 4:

In page 4, line 22, to delete “authorised officer” and substitute “authorised person”.

Senator Tom Clonan: I second the amendment.

Amendment agreed to.

Senator Alice-Mary Higgins: I move amendment No. 5:

In page 4, lines 26 and 27, to delete “authorised officer, the officer shall” and substitute “authorised person, the person shall”.

Senator Tom Clonan: I second the amendment.

Amendment agreed to.

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

In page 4, lines 29 and 30, to delete “by the Defence Forces”.

Senator Tom Clonan: I second the amendment.

Amendment agreed to.

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

In page 4, between lines 35 and 36, to insert the following:

“Amendment of Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973

4.The Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973 is amended in Article 8 by—

(a) the deletion of “section 64 of the Air Navigation and Transport Act 1936 (No. 40 of 1936)” and the substitution of “*section 1 of the Air Navigation and Transport (Arms Embargo) Act 2026*” for it, and

(b) the insertion of “, or over the State,” after “within the State”.”.

Senator Tom Clonan: I second the amendment.

Senator Alice-Mary Higgins: I am very interested in the Government's perspective in relation to this because this is the lacuna that we have heard about. I provided a list of examples

of some of the kinds of flights involved. We are being told that these flights are going over our heads and being asked what we are going to do. The question the Minister posed was how we would enforce this if the Bill becomes law.. Simply inserting the phrase "or over the State" into Article 8 of the order, that is the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973, and addressing the question closes the gap which currently exists. I would like the Minister of State's comments on the gap - I had some engagement from the Department on it - which currently exists in the law and which is enabling commercial aircraft to illegally carry weapons through Irish airspace without the necessary permissions.

This is not just that the weapons are being carried to illegal wars but that the flights themselves are illegally carrying weapons because in some cases they are not even seeking permissions. On Committee Stage, the Minister asked what we could do and how we could enforce the provisions of this Bill. The answer is that the powers are already there in existing legislation. We do not need to police our skies. We do not need to be sending jets up to drive them to the ground. We simply need to make it clear that these flights are in breach of our law and have in place actions that we can take. That would involve issuing instructions to flights suspected to be operating in contravention of the 1973 order that, on the basis of an order the Minister could issue, they must land for inspection. If they fail to comply with an instrument of the Air Navigation and Transport Act 1946, upon which the 1973 Act builds, then the owner or hirer of an aircraft will be deemed to have contravened that instrument. We move to a situation where rather than saying that a flight went overhead, that we are worried that it was in contravention and that it refused to land and submit to inspection, we can know that it in contravention and continue to take appropriate actions.

As I said, some of these flights are not shadowy. These are companies such as Lufthansa and FedEx, which can be made answerable in relation to a breach of the order. Under this Bill, such contravention would now therefore be clear. Therefore, I would like the Government's position on amendment No. 7. It is a really key one.

Acting Chairperson (Senator Shane Curley): An bhfuil aon Seanadóir eile ag iarraidh teacht isteach? Níl. Glaoim ar an Aire Stáit.

Deputy Jerry Buttimer: It is clear that amendment No. 7 interacts with amendment No. 1, as it pertains to authorised persons, and amendment No. 3, as it pertains to Article 8 of the order. It is clear that Article 8 of the order was drafted from the perspective of an aircraft being on the ground as opposed to being in flight. As such, and in the context of the comments on amendment No. 3 regarding what we have been speaking about, it would appear to broaden the existing powers in the order to provide for the instruction to land. If I am honest about it and if we look at it in the context of the time for assessment of the compatibility of this provision with international rules in relation to aircraft in flight but also regarding the initial examination, there is not enough detail provided on these issues within the legislation. How do we communicate with a pilot? What do you do during the flight? What are the safety implications? Senator Clonan spoke about inspections of the cargo in the hold. It is for those reasons that we are not opposing the amendment but are not supporting the Bill. The explanation I have given is that the narrow scope of the proposed inspection regime is being broadened by what the Senator is asking here in respect of existing powers. It creates more than what we need at this point, but perhaps the Minister can engage further with the Senator in the Lower House. I

know she is not a Member of the Lower House, but it can be extended to other Members of the Houses in that case.

Senator Alice-Mary Higgins: Certainly, I would appreciate the opportunity for others in the Lower House, or the Dáil, as I would call it, to engage on this issue. That is the appropriate place for these issues to be addressed. However, this amendment is an attempt to address the lacuna that the Government has identified. It has told us and has put its hands in the air asking what to do in circumstances where these flights are transiting our airspace and where we cannot police our skies. I am trying to bring an arms embargo in relation to the transit of weapons to Israel that are being used in breach of international law but there is an existing arms embargo. It does beg the question as to whether we would see the same kind of response if we had munitions transiting to Russia via our airspace. Would the answer be there is nothing the Government can do? There was a question earlier about how we would do the inspections. This is frankly inadequate.

Acting Chairperson (Senator Shane Curley): Gabh mo leithscéal, a Sheanadóir-----

Senator Alice-Mary Higgins: A year of inaction has been inadequate. Setting forth to say we do not want to expand the powers we are not using is also an inadequate response.

Acting Chairperson (Senator Shane Curley): Gabh mo leithscéal. As it is now 4.30 p.m., I am required to put the following question in accordance with the order of the Seanad of this day-----

Senator Alice-Mary Higgins: Can we adjourn at this point?

Acting Chairperson (Senator Shane Curley): I am told I have to go ahead with this. I am sorry but I am following the procedures.

Senator Alice-Mary Higgins: Was it put to conclude?

Senator Garret Ahearn: Yes.

Acting Chairperson (Senator Shane Curley): Yes. Apologies. I am just following what was set out.

Senator Alice-Mary Higgins: Okay. I think that is shameful but anyway.

Acting Chairperson (Senator Shane Curley): I am required to put the following question in accordance with the order of the Seanad: "That amendment No. 7 is hereby negatived, Fourth Stage is hereby completed and the Bill is hereby received for final consideration; and the Bill is hereby passed." Is that agreed?

Senator Alice-Mary Higgins: Agreed.

Senator Garret Ahearn: Not agreed.

Question put:

The Seanad divided: Tá, 15; Níl, 23.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Brady, Paraic.
Boyhan, Victor.	Byrne, Cathal.
Clonan, Tom.	Byrne, Maria.
Collins, Joanne.	Clifford-Lee, Lorraine.
Cosgrove, Nessa.	Comyn, Alison.
Harmon, Laura.	Conway, Martin.
Higgins, Alice-Mary.	Crowe, Ollie.
McCarthy, Aubrey.	Curley, Shane.
McCormack, Maria.	Daly, Paul.
Murphy, Conor.	Duffy, Mark.
Noonan, Malcolm.	Flaherty, Joe.
O'Reilly, Sarah.	Kelleher, Garret.
Ruane, Lynn.	Kennelly, Mike.
Tully, Pauline.	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	Rabbitte, Anne.
	Ryan, Dee.
	Scahill, Gareth.

Tellers: Tá, Senators Alice-Mary Higgins and Tom Clonan; Níl, Senators Garret Ahearn and Paul Daly.

Question declared lost.

Disability Matters: Statements

Minister of State at the Department of Children, Disability and Equality (Deputy Emer Higgins): I thank the Senators for the invitation to speak here today. I am very pleased to have the opportunity to outline my key priorities as Minister of State for disability.

It is important, first and foremost, to recognise that supporting people with disabilities is a shared responsibility. It is one that extends across all of society and, most importantly, to every level of government, because disability is not abstract; it is lived every day. For many people, engaging with disability services is not a temporary thing, but often something that continues across childhood, adulthood and later life. Census 2022, the most recent census, highlighted the scale of these issues in everyday life, with over 22% of the population - approximately 1.1 million people - reporting a long-lasting condition or difficulty. For approximately 8% of the

population or 407,000 people, these conditions have a significant impact on daily life. That is why it is so important that Government and public services work closely together.

Disability shows up in ordinary life, often in ways that are small but deeply felt, whether it is the parent advocating, explaining and pushing, not for something extraordinary but simply for their child to be able to belong; the young person who wants independence and is bravely working out how to balance support with freedom; the person planning a journey, checking access, timing and reliability, and hoping it all comes together on the day; the carer juggling appointments, phone calls and forms while still trying to show up for work, for their family and for themselves; the person who wants to take part in their community, to maintain friendships and to feel truly included; the person who wants to work, contribute and be valued, and who knows that opportunity depends as much on flexibility and understanding as it often does on ability; or the family celebrating small wins that other families might overlook, such as a good day at school, a successful appointment or an accessible bus or train actually showing up on time.

When you look at all of this together, what it shows is something very clear - disability is about people trying to live their lives, to belong, to contribute, to stay connected and to feel supported along the way - and what has become very clear is that disability cannot be addressed in silos, because people do not live in silos. A child does not experience education separately from transport, a disabled adult does not experience work separately from accessibility and a family carer does not experience health services separately from housing, income or community. Life arrives all at once and we need to be able to respond to that.

For a long time, disability policy was approached through a narrow lens. What feels different now is the growing acknowledgement that disability must be treated as a shared, cross-government responsibility because that is a more accurate reflection of how life actually works for us all.

Last September, the Government launched its first national human rights strategy for disabled people as part of Ireland's commitments under the UN Convention on the Rights of Persons with Disabilities, which we ratified in 2018. That strategy sets out a five-year roadmap of how we will turn commitments into practical improvements that make a real difference in people's everyday lives.

Delivery is supported through rolling action plans, updated every two years, which set out clear actions and responsibilities across Departments. Progress is overseen through a dedicated monitoring and delivery committee, that, importantly, includes disabled persons' organisations, ensuring progress is tracked and helping them to keep us accountable.

The Taoiseach chairs the Cabinet committee on disability and we have also got the new disability unit in the Department of the Taoiseach. All of this helps drive cross-government collaboration and ensure that the commitments set out in our national human rights strategy translate into real improvements in people's lives.

Within my Department, a new team has been set up to develop a new vision and reform strategy for disability services out to 2030, and that will help to ensure that we deliver on our commitments set out in the programme for Government. This work is about further developing person-centred and individualised models of services and moving even closer towards a human-rights based vision of social care supports for disabled people, in line with our

commitments under the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD. Close collaboration with stakeholders across the sector will be crucial to this work and we expect to see tangible outcomes by the end of the year.

In the programme for Government, we committed to a step change in disability service provision. To deliver on that, this year's budget saw a funding increase of €628 million over and above last year. That was an increase of almost 20%. It follows significant year-on-year funding increases in recent years, with an overall increase of €1.85 billion, or 91%, since 2020. The additional funding includes a significant uplift of €478 million for the existing level of service provision, which will address sectoral funding pressures such as the increased cost of service provision, pay cost pressures, capacity limitations and service provider sustainability. In addition, €150 million is provided to fund service expansion in residential and respite services, day service provision, home support, personal assistance and children's services. It will also support continued strong recruitment of in the region of 1,000 staff.

While I fully acknowledge that there is still much more to do across the sector, it is important that we recognise the progress that has been made. If I may, I would like to briefly touch on some of the key recent developments, alongside the policy areas, currently receiving attention this year.

The Government, together with the HSE, recognises that demand for residential services is extremely high. That is an issue that has been particularly evident in recent weeks. Anybody working in their community will have come across this issue time and again. In response, the HSE is actively working with agencies to explore all feasible options to respond to this need in line with the funding available. Some €65 million has been allocated to disability residential services in 2026 for new developments. That includes €40 million to be provided for in the region of 199 residential responses, including 152 newly created residential placements, as outlined in the HSE's national services plan. Funding will also support new residents in existing placements that have become vacant and require enhancement and, in limited circumstances, placements in nursing home settings.

It is equally important that our response is not limited to reacting to immediate pressures. For that reason, the 2026 national service plan signals a shift towards a more proactive and responsive model of service provision, including the development of 72 new planned residential placements. This year, with allocated funding in place, the HSE has commenced work to establish residential placement planning and review teams within each regional health area. The purpose of these teams is to ensure that individuals are appropriately assessed in advance of placement in residential services and that placements are reviewed in a timely manner and with due regard to the duration of placement, quality of care, and evolving support needs. In parallel, HSE disability programme leads are developing a procurement framework for residential placements with for-profit providers. This framework will place a primary focus on the purchasing of placements on a group basis, with the objective of strengthening the HSE's capacity to negotiate more cost-effective and sustainable arrangements. The Department is also undertaking research and advancing policy development throughout 2026, with a view to establishing a new policy framework for specialist residential services.

As Senators will be aware, respite services are an incredibly important support for families. We know that the availability of respite can prevent carer burnout, provide opportunities to connect and socialise, and can help to delay or maybe even prevent a move to a full-time

residential setting. There are currently a range of developments under way. The additional €25 million in new development funding provided for in this year's budget has enabled the HSE to plan for a significant expansion of respite services. A number of initiatives are under way, which are expected to deliver approximately 10,000 additional overnight respite sessions and 25,000 additional day respite sessions this year. In parallel, the Department is commencing work on the development of a dedicated respite services policy to help establish a robust and coherent framework to guide future expansion, investment and sustainability in respite services.

5 o'clock

Proving the assessment of need process is a priority for this Government and significant work is under way to deliver a range of both legislative and non-legislative reforms. As part of this work, the Department will shortly finalise the disability (amendment) Bill 2026, which will standardise and streamline key aspects of the assessment of need process. I thank Members who are involved in the disability matters committee, which I know has looked at this thoroughly through pre-legislative scrutiny.

Importantly, these legislative changes will not remove any existing rights for parents to apply for assessment of need on behalf of a child and nor will they alter the statutory six-month timeline set out in the Disability Act. The reforms are intended to build on the momentum already achieved, as reflected in the 43% increase in the number of completed applications in 2025 compared with 2024 and we need to continue that. The HSE has made real progress in reducing CDNT waiting lists, with preliminary figures indicating that the number of children awaiting an initial contact with the CDNT team has reduced from 16,522 in 2023 to 9,248 at the end of January this year. Despite sustained pressures, waiting lists were reduced by 28% last year and progress is being made on the recruitment of staff to our CDNT teams with the HSE reporting a 28% increase in staffing levels nationwide between October 2023 and 2025. That equates to an additional 448 whole-time equivalents, including 321 health and social care professionals. I am conscious of time.

An Cathaoirleach: Carry on.

Deputy Emer Higgins: I thank the Cathaoirleach; I appreciate that. Other important supports funded by my Department include home support and personal assistance services. Approximately 7,000 people with disabilities in Ireland currently receive home support, including both adults and children with a wide range of needs, while almost 3,000 disabled adults receive personal assistance services. These services play a key role in supporting independence and enabling people to live in their own communities. That is why this year's budget provided €5 million to deliver over 150,000 additional home support hours and personal assistance hours this year.

This year's budget also saw a substantial investment of €15 million to increase the rates paid for delivering home support and personal assistance services. This will help providers recruit and retain staff. It will help build a sustainable workforce and it will deliver on a programme for Government commitment to align disability services rates with those paid for supports in other sectors.

Looking ahead, the Department is advancing the development of a policy framework to support community living. This will bring together key supports such as home support, personal assistance and personalised budgets to a clearer and more consistent approach for the future.

An Cathaoirleach: Sorry to interrupt. I ask for silence in the Gallery while the Minister of State is speaking.

Deputy Emer Higgins: I thought the Cathaoirleach was going to give out to me.

An Cathaoirleach: No, I would never do that.

Deputy Emer Higgins: Turning now to legislation, the Department is currently undertaking a review of the Disability Act. This will examine and update the statutory framework that underpins co-ordinated action across Government and disability issues with the aim of strengthening delivery mechanisms and supporting a more effective whole-of-government approach. As part of this work, the review will also progress the programme for Government commitment to place an autism strategy on a statutory footing. In addition, I have committed to commencing a review of the Assisted Decision-Making (Capacity) Act later this year. This will be a comprehensive review, considering all aspects of the Act. Crucially, it will be informed by the voices and lived experiences of those directly affected by its provisions, as well as wider society. Alongside the legislative agenda, we are also looking at a step change in funding for disability services. We are investing heavily in our workforce and are building on progress from last year. This year we will fund an additional 976 whole-time equivalents and 74 whole-time equivalents through agency conversion. We will have a total growth of over 1,000 whole-time equivalents in the HSE and will bring the disability workforce to over 23,600 by the end of the year.

I really appreciate the Cathaoirleach allowing me to go over my allotted time. I hope I gave a small indication of the huge amount of work being done in the Department by my committed officials, as well as in the HSE, in terms of the reforms that are being introduced and the efforts under way to transform the really significant uplift in budget we got this year into improved and expanded services and, most importantly, improved outcomes for people with disabilities across Ireland.

Senator Cathal Byrne: I thank the Minister of State for coming to the Chamber to discuss this very important topic. I very much recognise the fact that the latest census suggests that we have about 1.1 million people across Ireland currently living with some form of a disability. I am very conscious of the fact that disability comes in many guises. It can be somebody who suffers from a mild inconvenience to somebody who suffers from a profound disability, which has a direct impact in all aspects on so many people, be it their family, their loved ones, the workforce they are a part of or the fact that they cannot seek employment in the workforce. As the first speaker in this debate, it is important for me to recognise the fact that we are talking about a vast range of people and a vast range of people who they interact with on a daily basis as well.

I recognise the fact that we have had in the last budget, for 2026, a €634 million increase. This speaks to the fact that this is an issue that was of profound significance in the most recent general election. So many people spoke to me when I was out on doors in Wexford about the impact on their families of interacting with the State services and the difficulties that many people are having in accessing those State services. I definitely recognise the increase in over 1,000 workers available for recruitment to positions in the HSE this year, to make sure that people can get access to the services because that is so important. In my own area in Wexford, there are difficulties with accessing CDNT services. In this Chamber I previously spoke about the difficulties in accessing speech and language therapy for children in particular, in the New Ross area. I recognise that there has been some recruitment in that area, in New Ross, but we need more supports put into that. It is not acceptable in this day and age that children are waiting four to five years for an assessment for speech and language therapy, particularly when having access to that support is such a significant step in all of their further life. In general terms, I recognise something the really important roll-out of the education therapy. I actually attended St. Patrick's Special School, Enniscorthy, with the Minister of State's predecessor, Senator Anne Rabbitte, when a pilot was rolled out to supply speech and language therapists, physiotherapists and occupational therapists directly into a special school. The point made to the parents that day was that they were bringing their children to school or they were being collected and brought to school by a bus. Then, within an hour of the day starting in school, they were leaving to attend an appointment with a physiotherapist, a speech and language therapist or an occupational therapist and then they were coming back and going somewhere else. The pilot scheme made a lot of sense and it worked in Enniscorthy. We have to roll that out further. I know it has been made available to the first round of schools but that model has to be more widespread. For budget 2027, I would encourage the Minister of State to seek further supports to enable that service to be rolled out beyond the initial set of schools that it was for. Many children are being taken out of the school, go to their appointment and are brought back to school. It really is better to have it all under the one roof. Ultimately, I would like to see that rolled out to all the special education classes that we have opening across the country in the new schools as we see most recently as of yesterday.

I want to speak for a moment about something that is very significant. I attended the Fine Gael conference on disability in Galway. This was an opportunity for many of the various stakeholders and people who live with a disability on a daily basis to speak directly to our party about what matters most to them. I acknowledge the Minister of State attended the conference as well and would have heard this point directly. One of the big things we spoke about that day was the barriers that exist for people with disabilities to get access to employment. There is a greater need for supports through the Department of enterprise and through the Minister of State's role at the Cabinet table to ensure that those who wish to take up a job are able to do so. Accommodations need to be made to recognise that they do have a disability but they want to be part of the workforce, to be able to work and take up opportunities. The real lived experience of people having to attend interviews in places perhaps where it is not possible to get up the stairs and there is no lift, was one of the key stories told that day. The person could not even get to the interview because it was not in a suitable location for them.

Those are the key issues I am hearing about in my clinics in Wexford when people talk about disability services as a whole: access; making sure the supports are widely available; and the

fact different parts of the country have different levels of service, which should never be the case.

I want to also highlight the work that has started on the abolition of the carer's means test. Many people have told me they feel they have no choice but to apply for carer's allowance but are ruled out of it by circumstances beyond their control. I recognise the last budget saw a significant change in the carer's means test, which will expand it further than ever before, but we have to get there faster. The Minister of State has a unique opportunity in budget 2027 to put resources into abolishing the carer's means test or taking a significant step in that direction. These are people who may have never applied for any other social protection payment and find, through different circumstances, they have to apply to become a carer for a loved one or significant other but are outside the threshold. While work has been done, there is a significant opportunity to do more.

For the first time ever, caring is a recognised contribution towards getting a State pension. It is very significant for the State to recognise that if someone has taken time off to care for a child or loved one, that time was work and therefore qualifies for a State pension. That is a welcome change. I welcome the work done but there is far more to be done. I know the Minister of State will lead on this. The fact we have a Cabinet sub-committee and a Cabinet-level Minister of State focused on this area is significant. I look forward to continuing to work with her on this into the future.

Senator Tom Clonan: Cuirim fáilte roimh an Aire Stáit chuig an Teach. I am always struck by the statements Ministers read out when they come in here. They are full of facts and figures but, in their quantitative way, they do not really describe the objective circumstances of living for disabled citizens. Here are some facts and figures: it was 269 m long and 28.2 m wide, could travel at a speed of 24 knots, cost €7.5 billion in today's money and burned 600 tonnes of coal per day. Fantastic - the figures are like Top Trumps. It sank in two hours and 40 minutes. It was the *Titanic*. We are on the *Titanic* as a community. It started to sink significantly during the austerity years. Notwithstanding the ethical and intellectual mistakes made during the Celtic tiger, austerity was a time when successive Governments' enthusiasm for inflicting pain on the most vulnerable citizens in Irish society was seen as a virtue. We are living the dream.

I was at the disability matters committee meeting this morning. It was an extraordinary meeting, involving some members of the Minister of State's party. No less than three parents and carers at the meeting expressed on the public record that they wished their children would predecease them. Think about that. We live in a society where we have parents who wish their children would die rather than face the prospect of what will happen to them when the parents die. There are 50,000 disabled men and women over the age of 25 living with elderly parents because there is no other provision for them.

I could tell the Minister of State of the despair, trauma and hurt in that community. Not only do you have to grieve on the diagnosis of a disability for you child, but then you have to come to terms with the condition, whether it be an intellectual or physical disability or, in the case of my son, a neuromuscular disease. You have to cope with that but then you have to fight for every item the Minister of State listed. She mentioned respite. I have never had respite in 23 years. Myself and my wife have never gone out together on our own in 23 years. One of us

has to be at home at all times with my son. I will not be here for the homeless statements tonight because I have to go home and mind my son. That is the reality: a society where parents would wish their children dead. That is on the record from three parents this morning.

This is the *Titanic* but I do not get that sense when the National Disability Authority comes into the committee and it is all facts and figures. Everything is fine. "Everything is Awesome". We had HIQA come in and celebrate the "Time to Move On" initiative, removing disabled citizens from congregated settings. One disabled citizen who was decongregated went to a lady who wrote to me. She is 89, a cancer survivor, and her 57-year-old daughter, who is a wheelchair user, was returned to her, decongregated - hip, hip, hooray. This 89-year-old woman, a cancer survivor, has to lift her 57-year-old daughter in and out of bed and manage her behaviour because she is agitated after being taken out of the congregated setting she was used to for all her adult life. Her husband is 93 and uses a rollator. The 89-year-old lady asked the HSE for help and the HSE said one of them has to die and the other has to have a diagnosis of a terminal illness before it can provide supports. That is the experience of our community. That is what it is to be disabled in Ireland today.

In the context of carers and parents who fear for the future and for what will happen after they die, one lady in Cork brought her child *in extremis* to the emergency department in Cork. The HSE wrote to her and told her to note that as a parent she is financially responsible for her child until they are 18. She is responsible for them financially and to accommodate them and care for them. If your child is in full-time education, you are responsible for them until they are 23 and if your child is disabled, you are responsible for them indefinitely. The State has no role in supporting disabled citizens to live dignified, autonomous, independent lives. There are 55,000 of them at home with elderly parents. What a disgrace. I get no sense of that in these statements. That letter to that woman has not been withdrawn. I am told there is no legal basis for that assertion by the HSE but it reveals a toxic culture within the care providers that see families and disabled citizens as recipients of charity and have a "You'll take what you're given" mentality.

We have 29,000 children waiting for an initial psychology assessment, 25,000 children waiting for an occupational therapy assessment and 21,000 waiting for an initial speech and language therapy appointment, which is an increase of 37%. It is a system that is failing and sinking. It is one where rearranging the deckchairs will make no difference to the outcome.

Speaking of letters, I wrote to the Minister of State and the Minister, Deputy Foley, during the Easter break and asked for a meeting to see if they would support my disability rights Bill. I do not think I have received even an acknowledgement of that. I checked before I came up here.

In relation to the Disability Act the Minister of State intends to review, the disability matters committee carried out pre-legislative scrutiny on that. The Minister of State says it does not dilute the request for an assessment of need, which is the only right disabled citizens have in Ireland. However, it absolutely does dilute the services and supports set out because the Minister of State proposes to put in a system of triage where a grade 7 administrator in the HSE will decide what my child is entitled to or not entitled to.

The Minister of State is shaking her head. She was not at all of those meetings. I was, and I can tell her that is what is there. I speak from lived experience. I am telling the Minister of

State that the Government failed in its wording in the care referendum to give constitutional expression to the idea that the family was the primary, if not exclusive, agent responsible for disabled citizens' autonomy and independence. The Government failed. Some 75% of the Irish people voted against that, the highest ever "No" vote in a referendum held in the history of the State. There will be a reckoning over this. We are coming up to the Presidency of the EU. We are outliers. We have children dying on waiting lists for surgical intervention in Children's Health Ireland. Chloe Maher died this year. Little Harvey Morrison Sherratt died for the lack of a surgical intervention that is routine in other jurisdictions, and the Minister of State tells me that everything is awesome?

This is Ireland's darkest shame, and I intend to fully bring this to the attention of our European partners. We are complete outliers in European terms. We are 50 years behind Germany and its principal law.

Acting Chairperson (Senator Anne Rabbitte): I thank the Senator.

Senator Tom Clonan: We are 30 years behind England, Scotland, Wales and Northern Ireland. We should be ashamed of ourselves. I heard parents say in the Leinster House complex this morning that they wished their children would die. What kind of a society is that? The Government just does not get it. As one of the mothers said this morning, the Government needs to come out of its bubble. I have been saying this *ad nauseam* for the last four years. I have to go home now and be a carer with the minimum support from the State, despite its constitutional aspirations for beautiful young men like my son.

I am sorry that I am exercised by this. It is not personal to the Minister of State, but I do not get a sense of urgency from anybody. All I hear is word salad about this, that and the other but our objective circumstances of living are deteriorating on every measurable metric. I apologise to the Chair.

Acting Chairperson (Senator Anne Rabbitte): I know.

Just before I move on, I welcome the committee from the Fr. Sammon Centre in Monivea, who are guests of Deputy Albert Dolan. They are very welcome to this House and are in very good hands.

Senator Margaret Murphy O'Mahony: Cuirim fáilte roimh an Aire Stáit. I welcome the opportunity to contribute to these important statements on disability matters. At the outset, I want to be very clear. Fianna Fáil welcomes these statements, and we welcome them because they reflect a Government that recognises that supporting disabled people is a central priority, not an add-on or an afterthought.

Disabled people continue to face real and persistent barriers in our society, barriers in education, employment, transport, housing, healthcare and civic life. This Government acknowledges these challenges and, more importantly, is acting to address them through sustained investment, structural reform and rights-based policy.

That commitment is reflected at the highest level of the Government. An Taoiseach, Deputy Micheál Martin, established a disability unit within the Department of the Taoiseach to bring

renewed focus, accountability and urgency to disability matters. This is not symbolic. It is a clear statement that disability policy must be co-ordinated, monitored and driven centrally across all Departments.

This work is rightly anchored in the National Human Rights Strategy for Disabled People 2025-2030, which is advancing the realisation of the UN Convention on the Rights of Persons with Disabilities. This strategy sets out an ambitious but necessary five-year programme to tackle the barriers that disabled people encounter in everyday life and to ensure they can live full lives of their own choosing.

Budget 2026 represents the first major step in turning that vision into a reality, and I will return to that shortly. The national human rights strategy is grounded in clear principles: dignity, autonomy, participation and equality. It moves us decisively away from a charity or deficit-based model and towards one that recognises disabled people as rights holders. The strategy commits every Department and State agency to delivery across five key pillars: inclusive education; employment; independent living and participation; health and well-being; and transport and mobility. Crucially, this is a whole-of-government approach. No single Department can deliver meaningful change in isolation.

The whole-of-government approach is evident in budget 2026, which delivers a record €3.8 billion allocation to the Department of Children, Disability and Equality for specialist disability services. This represents a 20% year-on-year increase, an unprecedented level of investment that will stabilise funding, support workforce planning and expand essential services across the country.

This funding will enable the expansion of residential care, respite services, and personal assistant and home support hours. It will support over 9,000 people in residential services, deliver thousands of additional respite nights and day services, and provide approximately 1,400 new day service places for school leavers with disabilities. Importantly, this investment also supports decongregation and independent living, ensuring more disabled people can live in their communities close to their families, friends and other supports.

Disabled children and their families have waited far too long for timely supports. Budget 2026 makes meaningful progress in this area. In health, funding is provided to recruit 150 additional staff for children's disability network teams to address therapy waiting lists and to continue the assessment of need targeted wait list initiative, delivering approximately 6,000 clinical assessments next year. In education, the budget provides €3 billion for special education, supporting around 250,000 children with special educational needs. This includes additional speech education teachers, almost 1,700 new SNAs, up to 3,000 new special classes and special school places, and expanded school-based therapy services. For early years, increased investment in the access and inclusion model ensures more children with disabilities can fully participate in the early childhood care and education, ECCE, programme in inclusive settings.

Employment remains one of the strongest routes to independence and social inclusion. Budget 2026 strengthens supports to help disabled people access and remain in work. The wage subsidy scheme has been significantly enhanced for the first time since 2022, with increased hourly rates and expanded eligibility to include people who acquire a disability or experience severe conditions. These measures will support thousands of workers and

employers. Critically, budget 2026 removed disincentives to employment. People on disability allowance or the blind pension who move into work will be able to retain the fuel allowance and the back to work family dividend is extended to more disabled people. These changes recognise that taking up work should not mean falling off a financial cliff.

The budget also strengthens disability supports across health and well-being, from mental health staffing increases to oral health, audiology services and meals on wheels.

Participation in social, cultural and sporting life is addressed through targeted funding for accessible tourism, digital inclusion, inclusive sport facilities and community-based initiatives. These investments recognise that inclusion does not end at the clinic door or at the classroom door.

Accessible transport is essential for independence. Budget 2026 continues significant capital investment, ensuring that all new transport projects follow universal design principles, while funding retrofit programmes to improve existing buses, trains and stations.

The Government also continues important legislative progress. The Assisted Decision-Making (Capacity) (Amendment) Act 2026, signed into law last month, ensures that all wards of court will have their capacity reviewed, providing clarity, legal certainty and respect for each individual.

There is still work to do. Waiting lists remain too long and workforce challenges persist, but the direction of travel is very clear. This Government is delivering on its commitments to disabled people, grounded in rights, backed by record investment and driven by accountability at the centre of this Government. The establishment of the disability unit, the delivery of budget 2026 and the implementation of the national human rights strategy together represent not just progress, but a genuine shift in how disability policy is approached in this State.

We must continue to listen to disabled people and their families, to co-design solutions and to hold ourselves accountable for delivery. This is how we build a society where disabled people are not merely supported, but empowered to live full, independent and meaningful lives.

Acting Chairperson (Senator Anne Rabbitte): Before we move on to the next speaker, I welcome Kieran Stokes-Ryan, who is studying government and politics at UCC and who is on work experience here with Senator Laura Harmon. I believe we have another group here as well. We may as well say "Hello" to everybody. The walking group from Dundalk who are here with Deputy McGreehan are very welcome. Some of the Minister of State, Deputy Marian Harkin's constituents are here as well. It is great to see them all. We are doing statements on disability and are joined by the Minister of State, Deputy Higgins, this afternoon.

I call Senator Pauline O'Reilly.

Senator Pauline Tully: It is Tully.

Acting Chairperson (Senator Anne Rabbitte): I apologise. I do that every time.

Senator Pauline Tully: I welcome the Minister of State. The first thing I will raise is the Before We Die campaign. Like Senator Clonan, I think this is an issue of huge concern. This

campaign was established by elderly parents who were caring for adult sons and daughters in their 20s, 30s, 40s or 50s and who were concerned about what was going to happen to those sons and daughters when the parents died. It is every person's right to have the option to live independently. If people do not quite know how to go about accessing housing, it seems they are just forgotten about. It is left up to them. It is seen as their responsibility.

I have spoken to many parents whose son or daughter is on the county council housing list in their local area. When I engaged with the local authority, I was told it had houses ready to allocate to people. They do not need to be adapted if the person in question does not have a physical disability but many such people will need some sort of a care plan. That might just mean a support worker or it could mean a full-time carer. In order to allocate a house, whether from the authority's own stock or through an approved housing body, AHB, the authority needs the HSE to engage with it and to put that support plan in place, but that is not happening. When Housing for All was launched during the last Dáil term, we were assured that there would be better co-operation between local authorities and the HSE to ensure that this would happen. It is not happening on the ground. There is clear frustration on the part of the local authorities. They organise a meeting with the HSE to discuss the allocation of housing and putting a support plan in place - I am talking about my own local authority in Cavan but I am sure it is happening across the board - and then, with very little notice, the HSE does not turn up for the meeting. There is very little engagement.

I contacted the HSE in my local integrated healthcare area, Cavan-Monaghan, and asked for a breakdown of the numbers in the area. I am told there are 87 people in Cavan who are engaged as service users and who have a disability and will require housing. I am not sure if that is the full number or just the number of people the HSE knows about. I was also told there are 25 emergency cases. I assume an emergency case is a case where the parent has passed away or is no longer able to care for the person in question. That means the son or daughter with an intellectual disability, autism, a physical disability or a combination of those conditions ends up being placed in a residential setting. That could be outside the county, meaning they are not able to attend their day service, to see family and friends or to live in their own community. I forget the exact number - it could be as many as 20 - but there are also quite a number of Cavan people who have been placed in residential settings outside the county. Many of them want to come back to live in Cavan and were told at the time that this was a temporary measure and that they would be facilitated in Cavan when a place became available. However, when you query those cases, you are told these people are settled, okay and already accommodated. That is not their wish or the wish of their families.

I spoke to one man who was 79 and who was caring for his daughter, who was in her early 40s. She attends a day service. He told me he was not able for it any more. There is also a question of dignity here. This is a man caring for his daughter. While carers come in at certain times of the day to shower her or dress her, these are set times. They are not there every time she requires washing or so on. Like many other parents, he is afraid that, if something happens to him or he passes away, his daughter will not only be grieving for him but also having to get used to a new setting where she might know nobody. She might be far away from everything that is familiar. It needs to be dealt with immediately. It is not just about money. It is about different agencies working together to make sure this happens.

We also still have quite a number of people in congregated settings. I believe 2018 was the time set to move on from congregated settings. We are now eight years on from that and there are still people there.

With regard to the CDNTs, there have been improvements in their staffing levels but they are still not 100% staffed. Speech and language therapy is an issue of huge concern. There are not enough speech and language therapists. I am not even sure that the initial make-up of the teams is sufficient to deal with the increased demand and significant backlog. The Minister of State said the backlog had come down but there are still over 9,000 children on waiting lists. One mother told me that, when her daughter was about 18 months old, she realised that there was an issue with her speech. She brought her to be assessed and she was found to be autistic. She was practically non-verbal. She had about five different words. This mother was in a position to access a private speech and language therapist for her daughter. Her daughter is now 7 or 8 and speaks perfectly. This proves that, if children get the interventions they need at an early age, they can overcome many issues. A lot of children get frustrated and lash out at school or in other settings because of their inability to communicate. Speech and language therapy and finding alternative ways to communicate, whether through assistive technology or some other method, is very important. Again, that is not happening widely to ensure that children can live their best lives and cope with whatever is coming up, whether in the school setting or elsewhere.

I know primary care does not come under the Minister of State's Department but under the Department of Health. However, there has to be a connection between the two. Again, I see children waiting for years for an appointment to be seen by a physical therapist, an occupational therapist or a speech and language therapist. It is the same across the board. I am also concerned that the CDNTs seem to be in the habit of saying they have had contact with a child or that a child has had a given number of appointments when this may just have been engagement with the parents or phone calls. It is not necessarily the one-to-one therapy that the child needs. That also needs to be addressed. It is almost like they are painting a better picture than is actually the case.

While strictly speaking the cost of disability also comes under a different Department, it is a huge issue. In the budgets for last year and the year before, everybody got energy credits but there were also additional payments made to people in receipt of disability payments. We heard a lot about disability in the general election campaign of 2024 but there was nothing in the first budget introduced by the new Government for people with a disability. People with a disability say they feel they are down an average of €1,400 compared to previous years. We need to see a stable cost-of-disability payment that recognises the significant additional costs to families who have a disabled member. The Indecon research into the cost of disability showed that the difference between the costs faced by a family without a person with a disability and those for a family with such a person was huge and was only increasing as the cost of living increased.

There is an insufficient number of carers on the ground. The Minister of State has said there are going to be increased supports for carers but we do not have enough of them. We need to look at how we can get more home support carers in. One woman was in contact with me. She is a wheelchair user and has been very independent all her life but she is now getting older, has issues and needs support. She has been approved for home care hours but there is no carer

available to fulfil those hours. We need to think outside the box as to how we can get more people to take on caring roles in the community.

Senator Laura Harmon: I will share time with Senator Cosgrove. I expect her to be attending later on in the debate.

Acting Chairperson (Senator Anne Rabbitte): Is that agreed? Agreed.

Senator Laura Harmon: I welcome the Minister of State to the House. I do not doubt her commitment to her brief and progressing these matters but the pace of change is too slow. Some progress has been made. It was good to hear the Minister of State mention that we cannot work in silos. That needs to apply to the Government and Departments as a whole. At the disability matters committee earlier today, we heard people's lived experiences of feeling they are being passed around the houses from pillar to post when seeking support, be it by the Minister of State's Department or housing, Transport, Health or Social Protection. The joined-up piece is important when we speak of disability and other issues. We need to move away from managing crises in this country and in this area to solving them.

There was a lot of talk about disability during the general election. A lot of light has been shed on the area in recent years. In many ways, we have played catch-up with recent Ministers to address the scale of the crisis and how far behind we are as a country. There is no unique experience. Everyone's experience of disability can be very different. Sometimes it can be the same, but it can be very different for an individual depending on their disability, which is what we are discussing. There is a need for personalised care.

At today's meeting of the disability matters committee, numerous groups and parents spoke, including those from the Before We Die campaign. It is completely unacceptable that parents in this country are caring into their 90s for their children, care for which they should receive support and that the State should be providing. People are not registered at an early age and, therefore, are not getting early intervention from childhood onwards. Care should be for a whole life cycle. Many of us in the Chamber, as Senator Clonan often correctly reminds us, will develop or may have developed a disability. This is something that the entire population may experience during their lifetime.

The word "inhumane" was used by some witnesses at the committee. The lack of dignity was cited. One of the witnesses said she felt we are going backwards. Another said he feels they are living in a black hole. That is a very dark description and language to use for that experience. They feel they are being completely let down by the State. One area is the cost of disability. We heard from groups after the budget, including disability organisations, which said disabled people were made less well off by €1,400 by the budget. Introducing an emergency cost of disability payment as a starting point is necessary.

Regarding housing, local authorities need more resources and more planning is required for disability teams, not just in housing adaptation but how we build houses and universal design. We are way behind the curve and that has an impact on independent living.

I am struck by the disparity between regions. At the committee, we heard the average hours of personal assistance provided in Dublin can be much higher than in the south west. It is

similar for home care supports. Why is there such disparity between regions? I know it comes down to staffing and recruitment, which the Minister of State is working on, but we need to improve that. We need to keep people in the country in terms of recruitment. This comes down to workforce planning. The Minister for further and higher education has a role to play. We need a whole-of-government approach as part of this.

I refer to employment. We are 20% below our European counterparts in terms of workforce participation. What can be done about that? Do we need more carrot-and-stick approaches for employers? What solutions can be put in place?

Senator Linda Nelson Murray: I thank the Minister of State for coming to the House. Senator Clonan is a great advocate for his son. I cannot imagine walking a day in his footsteps. I cannot imagine walking a day in Tracy Carroll's footsteps or understand what it is like, and I never claimed to know what it is like. I have a friend with two beautiful daughters and I cannot imagine what it is like walking in her shoes or those of the lady whose daughter I helped to get into a residential facility. I will never claim to understand even for a second what the lives of the people who came before the disability matters committee are like.

However, I did not hear a Minister come in here and say that everything is awesome. That was inappropriate. I have not heard a Minister say in the House that things are fantastic and great and look for a round of applause or pat on the back. What I saw was a Minister of State who told us about budget increases and what the Government is trying to do to help the situation. Senator Tully, who always speaks very passionately, mentioned that nothing happened in the last budget. We increased the budget for disability by €620 million. That is not nothing. It is not enough. Everything that we are doing is not enough, but we are trying and we have to recognise that.

Senator Tom Clonan: Disabled people are worse off to the tune of-----

Senator Linda Nelson Murray: It is my time to speak. I appreciate what Senator Clonan spoke about, but now it is my time.

I will speak about something that goes right to the heart of fairness, dignity and basic human rights. Many families like Senator Clonan's have a child with profound disabilities and are trying to adapt or build a house or build an extension for that child. As mentioned, over 1.1 million people, or 22% of our population, live with long-term health conditions or disabilities. For many, adapting their home is not a luxury; it is an absolute necessity. It is the difference between independence and dependence, safety and daily risk and staying in a home or being forced into care. The State recognises this. That is why we have the housing adaptation grant. A sum of €117 million has been allocated to this to allow 13,000 older and disabled people to live independently in their homes.

In my county, Meath, about €3.3 million in housing adaptation grants was provided in 2024. About 80% of the funding came from central Government and 20% was funded by the council. Despite this investment, some families are still carrying a significant financial burden because the maximum grant available is €40,000 and it is means-tested. For many households, in particular those on modest incomes, that does not come close to covering the full cost of works, especially when major adaptations like extensions, accessible bathrooms or lifts are required.

Crucially, the grant does not cover VAT on the works. I would like us to open a conversation about this.

I am dealing with a lady who sent me her bill. She will be asked to pay €76,000 in VAT alone to adapt a house for a profoundly disabled child. That is not right. Families already under pressure must pay thousands of euro simply because the works are deemed taxable. Let us be clear; this is not discretionary spending or renovation for comfort and style. This is essential work and we are taxing it. We are effectively placing a financial penalty on disability. At a time when we are supporting, and want to support, independent living, we are adding costs that make it harder. When people can remain in their homes, it reduces pressure on hospitals, nursing homes and long-term care services. That approach supports families and carers. It prevents delayed discharges and, ultimately, saves the State money. If we are serious about inclusion, dignity and fairness, it is a straightforward step. We need to remove VAT on housing adaptations for disabled people, starting with the 8% of people with profound disabilities and working from there.

I would also like to examine the number of grants available. A couple earning about €74,000 is only entitled to €12,000 towards building costs. For example, a couple who got married and bought a three-bed semi they lived in a couple of years may then have a child who is profoundly disabled. The couple wants to prepare that house for their child in the future, but €12,000 would not even get a bathroom done and there is VAT on top of that. I appreciate that we are doing amazing work on disabilities, but when it comes to children with complex needs and adjusting homes for them and their families we need to look at the grants and consider a reduced rate of VAT or no VAT rate.

The UK allows the building of ramps, the widening of passageways and walls, the adaptation of bathrooms, etc., to be VAT exempt. Other works have a VAT rate of 5%. I see this not as a benefit but a necessity, and not as generosity but justice, because no one should be taxed for trying to live safely and independently in their own home.

The Minister of State is doing an incredible job. I see it in the work she is doing. I know she totally gets this and that she is putting everything into being a Minister for people with disabilities. This is absolutely obvious to me and, I hope, everyone else, but I ask that in her conversations regarding housing adaptations for disabled people, she consider the points we have raised. People could really do with this.

Acting Chairperson (Senator Laura Harmon): I remind Members that we have until 6.10 p.m. for this debate, and that includes the ten-minute reply of the Minister of State. I therefore ask Members to be mindful of the time. I call Senator Kennelly.

Senator Anne Rabbitte: We have got to organise our time if the Minister of State has ten minutes in which to respond.

Deputy Emer Higgins: I can make my contribution shorter if that is within the rules. I would like everybody to be able to contribute. It is a question of what the Chair and Members feel. It is their House, not mine. I would like to accommodate everyone.

Acting Chairperson (Senator Laura Harmon): We have four more speakers. I thank the Minister of State for accommodating them.

Senator Mike Kennelly: I thank the Minister of State and welcome her. I, too, attended the disability matters committee this morning, and the health committee, and I too was taken aback by the pain that all the individuals and advocate groups are going through. However, I recommend and testify to the work that Deputy Higgins is doing as Minister of State in her new role.

I am going to speak specifically, in three minutes flat if I can, about respite for the people of Kerry. The two ladies who spoke at the committee meeting this morning, Josephine Keane from Causeway and Jacqueline Riordan, are advocates for parents in really dire situations owing to the lack of respite. One lady in particular, Jean O'Sullivan, whom I mentioned at the meeting, is really the spiritual leader behind all the parents in these sticky situations over respite. Her son is one of those in St. Francis School, which he attends. It is on the campus of St. Mary of the Angels. He is on his way home this evening, having spent three weeks in Crumlin hospital. I wanted to keep these people in everyone's thoughts this evening.

The reason I am speaking is to highlight the ongoing and deeply concerning gaps in disability services in Kerry, particularly regarding respite provision for adults with complex needs. Families across Kerry have made it clear that the current level of support is nowhere near what is required. There are only eight HSE-provided adult respite beds across north and south Kerry, supplemented by six beds from the Kerry Parents and Friends Association. For children, the situation is even more stark, with just eight respite beds available for the entire county. These numbers simply do not reflect the need.

Parents caring for adults with severe and profound disabilities provide 24-hour care, seven days a week, often where there are significant medical and behavioural complexities. Many of these families report exhaustion, limited sleep and no capacity to work outside the home. Siblings' needs frequently become secondary, and what most consider normal family life is often impossible.

Respite is not a luxury; it is an essential support that allows families to continue caring for their loved ones at home. For the individuals themselves, respite provides opportunities to socialise, develop independence, participate in age-appropriate activities and avail of opportunities they are entitled to.

It must also be said that the extraordinary advocacy and involvement of people like Jean O'Sullivan, whom I have just mentioned, and her husband, Councillor Teddy O'Sullivan Casey in Kerry, has for far too long fallen on deaf ears. Such families have repeatedly raised the alarm. They have offered solutions and spoken from lived experience.

Looking ahead, the need is only increasing. A cohort of young adults are leaving St. Francis Special School in Beaufort, County Kerry. Michael, whom I have mentioned, is one of those. The young adults' families are facing a future with no appropriate respite options. Without intervention, most families will reach breaking point, and the State will face a growing demand for full-time residential placements and placements that could be avoided by having timely, well-designed respite supports. I have highlighted this area.

There is a clear opportunity at St. Mary of Angels. It is in Beaufort, in mid-Kerry, the most idyllic place in the country. A strategic plan is currently on the plate. Parents strongly support the creation of a centre of excellence for respite care at this location, one that can deliver specialist, age-appropriate and medically supported respite for adults with complex needs. Such a model would not interfere with existing residents or national decongregation policy and could provide a sustainable future-focused solution.

What Kerry families are asking for is very straightforward: an increase in the number of respite beds across the county, purpose-built services capable of meeting complex care needs, and a centralised specialist model that provides meaningful opportunities for adults with disabilities.

I have raised this before, even with the Tánaiste. The good news is that he is to visit Kerry, including the centre. I am looking for something that can be delivered for the families. A mother I was on to this morning is actually getting no sleep. She is getting no respite. If she does not get it, she might not be available to deliver the care her son needs.

I look forward to working with the Minister of State and I really look forward to the initiatives she underlined today, which will see €25 million and 25,000 additional day respite sessions during the course of this year. The centre down in Kerry involves an easy ask. There is an open door. If we can just work with it, we can really make life a lot easier for the families.

Senator Anne Rabbitte: I thank the Minister of State for coming into the House this evening and giving us an in-depth response on where exactly things sit with her and her officials within her Department. Her response is very welcome.

The allocation in the 2020 budget has grown by approximately 90%. When I took over in 2020, the amount was €2.1 billion and today it is €3.9 billion.

The Minister of State's job is to drive policy and ensure she gets as much money into the sector as possible so the HSE can operationalise it. I fully realise she understands the frustration of Senators this evening, because sometimes operationalisation does not go far enough. There is a complete inequality around some of the REOs. I do not need to tell the Minister of State that because I see her out and about and engaging. I have 100% confidence in her and her team, and in what they are doing. I know she cares. That is an important part. The Minister of State has empathy, gets it and cares.

While I did not attend the committee proceedings this morning, I watched them. A really good project from about three years ago was called Living my Life. It will not solve the problem but it will address it. During my time as Minister of State, I heard exactly what parents were saying. They were growing older and did not know whether they would have the ability to care. A lot of funding goes towards emergencies. When funding is addressing an emergency, the cost is three or four times greater because there will have been no plan in place. Through the Living my Life project, a pilot project down in Galway funded for over three years, we brought Ability West and the Brothers of Charity together in conjunction with the HSE. We got the city council and county council together as well. We provided enough funding to hire an occupational therapist, a physiotherapist and a psychologist. The whole purpose was to work with the families, find the people with needs and have people work together. The Minister

of State is not a landlord. It is the job of the local authorities to step up to the plate and provide her with universally designed housing that people can access.

The Minister of State's ask within her strategy is huge, involving something like 900 houses.

6 o'clock

Let us just take one little bite off the elephant. Let us start with the pilot project. The pilot project was for approximately €1.3 million to support 33 young adults into supported and independent living. To date, 24 have gone through and the most recent year is coming. It was slow to start and to get entire buy-in because it is a different way of doing business. The different way of doing business is that we need the providers to work together. We cannot have silos, the same as we cannot have silos within Departments. We need the different providers to come together in the different areas and put the people with need at the centre and say we can use the Minister's money a bit differently. With that, we have found beautiful apartments in Letterfrack where there are three people living independently. There is also a residential house across from it that can be supported with the staff. We have corner units from the city council. Galway City Council has been good on this. While we have a programme for Government in housing, we should at the same time have a programme for Government to ensure there is housing left aside to support people so we get that early intervention.

I ask the Minister of State to expand that pilot project nationwide, put it into every single local authority and call in every provider in all of the local authorities to sit down with her and the HSE and ask them to take off 30 houses each. The template is done. We already have the OT, the physio, the social care and the psychologist. We are able to do it there and it is ready to go. We have really good people in our local authorities and have seen what has happened with Age Action Ireland through the Meath local authority. It was able to provide that secretariat support. This is what we need to do. I think it will address a lot of issues for the ageing parents to know there is a plan and pathway. I believe the Minister of State, Deputy Higgins, is the one to do this.

Senator Tom Clonan: Well said.

Acting Chairperson (Senator Laura Harmon): Our next speaker is Senator Sarah O'Reilly. I ask Senators to try to keep-----

Senator Martin Conway: I have a point of order.

Acting Chairperson (Senator Laura Harmon): Yes.

Senator Martin Conway: I agreed with the Cathaoirleach before this debate that I would get an opportunity to speak. It seems ironic that the longest serving Member with a disability in either House of the Oireachtas - 15 years this month - would not have an opportunity to speak in this debate.

Deputy Emer Higgins: I told the Acting Chair that I am happy to stay until everybody has spoken.

Acting Chairperson (Senator Laura Harmon): I am just conscious that it was agreed earlier today that we would end at 6.10 p.m., because there is another debate afterwards. That is what we are working towards because a previous debate ran over. To be clear, I am not trying to cut anybody off. I am asking people to be mindful of their contributions in the context of the time constraints.

Senator Sarah O'Reilly: I will try to be as quick as possible. One campaign that has really struck a chord with me is the Before We Die campaign and initiative. It highlights a quiet but urgent fear shared by many parents of children with disabilities. What happens to my child when I am no longer here? Where will they live? Who will look after them? It is a question that carries enormous emotional weight and worry for parents. We have examples of what can be done, particularly in Donegal. We have seen the development of assisted living facilities that provide not just accommodation but independence and community. Many people in my area of Cavan-Monaghan tell me about this and want it for themselves. I am sad that they can only dream about something similar in our counties. These models show that with the right investment and vision, we can create spaces where people with disabilities are supported to live full and meaningful lives. It is the Minister of State's job to look at that and to replicate it across the country. When she spoke earlier I heard a lot of words about frameworks, policies and legislation. I kept asking myself where the tangible benefit is for the people I represent. We seem to have been on a merry-go-round of all these things for years. It is tangible benefits on the ground that these people are living, waiting and hoping for.

Speech and language was mentioned by Senator Tully. In my area a group of parents took matters into their own hands and set up an organisation called Down's Syndrome North East where they fundraised because they could not get services like therapy and physio for their children. Their children with Down's syndrome are looked after by their own charity and they are put to the pin of their collars fundraising daily and thinking of new fundraisers. To me that is the sign of poor government, where parents have to rely on charity and raising money themselves to get speech and language therapy. We all know early intervention is important.

I have cut the rest of this off, but I would like to mention a nicer story. I am also a firm believer in the inclusion of people with disabilities beyond housing and healthcare. It needs to be embedded in cultural life as well. I was delighted today to welcome Run of the Mill into the audiovisual room for the premiere of their new film, "Mary Is Missing". I thank Melissa Byrne and Brian Crehan for facilitating this. The film was brilliant, and I recommend all Members watch it. It is a fantastic piece of cinema and has been longlisted for the 2027 Oscars. Run of the Mill was founded by Aisling Byrne because she recognised the importance of artistic expression and representation. Every person deserves to see themselves in the media, which is not usual for people with Down's syndrome or learning difficulties. They do not see themselves represented in media and programmes. I commend the team and the actors on their commitment to this. They applied for Arts Council funding but they really need multi-annual support. Is the Minister of State aware of any funding in her Department that could help them to ensure this continues? They are funded through the Arts Council. It gives them a great outlook and supports them well in their dreams. Is there any provision for funding in the Department for disability?

Senator Martin Conway: The Minister of State is welcome to the House. I know from my experience how committed she is to this portfolio, how she wanted this portfolio and how she is going to make a success of the portfolio. She is not in office that long. We need to give her an opportunity to activate her intentions, which are fantastic. I also pay tribute to the former Minister of State with responsibility for disability, Senator Rabbitte, who we are lucky is now a Member of this House. She did amazing work when she was in that Department. Her door was always open. She always listened and she did everything she could. She made a difference, which is something anyone can be proud of when they do it.

That said, I find myself in agreement with Senator Clonan. You could not have any disagreement with him and the manner in which he articulated the micro challenges on a daily and hourly basis of having a loved one with a disability. There are over 50,000 adults living at home. It is horrendous when you think of it. My experiences dealing with people in the Houses of the Oireachtas have always been positive. I think everybody is supportive of equality and equality of opportunity and ensuring we live in an equal society. However, being supportive of it and making it happen are two different things. Over my 15 years here I always decided to turn the other cheek when something happened, because I considered it an absolute privilege to serve as a Member of the Oireachtas. It was my job to portray the most positive image for other people with disabilities. You can be a Member of the Oireachtas with a disability and operate as one. It has not always been easy. People tend to maybe unintentionally overlook it, but it happens from time to time.

I remember a number of years ago there was a conference in Dublin Castle hosted by the Oireachtas on equality, diversity and disability. All of the speakers were notable people who had achievements in their own right, but the one person who was not asked to speak at the event was me, someone living and working as a politician and an Oireachtas Member.

To be fair to the then Ceann Comhairle, he was horrified when he realised I was not asked to speak. Those are the simple things that make a difference and affect people. We have a major problem with the lack of access to employment for people with disabilities. I am one of the lucky ones. With less than 20% eyesight, I can do a job that I love and can be good at a job that I love. The fact that I have been elected and re-elected three times in succession means I must be doing the job reasonably well. However, there are many more like me the length and breadth of the country who cannot and do not get the opportunity to follow their dreams and work in a job that gives them fulfilment, gives them an income and gives them equality, where they pay their taxes and are full members of society.

The objective of the Minister of State and the Government should be to ensure that every person with a disability can maximise their ability and can work, can socialise, and can be involved in culture, arts and sport. I listened to her opening statement and I know this can only be achieved with a whole-of-government approach. The Cabinet handbook has to be disability-proofed; I do not think it is. Everything about every Department and every Minister's portfolio needs to reflect disability, access and equality. We will not get everything right. The Minister of State will not get everything right, but she should give it a damn good shot and I have every confidence that she will.

Acting Chairperson (Senator Laura Harmon): I know the clock has been stopped for a while. Senator Cosgrove has one minute.

Senator Nessa Cosgrove: I will keep it very short. The Minister of State is very welcome. As we all know, job roles within disability services are extremely specialised and cover very distinct elements of care. I worked within disability as a community worker in the Irish Wheelchair Association many years ago and so I know there are different roles involved. There are personal assistants and care assistants, who provide intimate and personal care every day. Social care workers help to develop care plans and manage the day-to-day tasks designed to increase the client's independence.

I have to be very careful with what I say here because of a possible industrial relations dispute within disability services. I think it is very preventable. It is due to a lack of strategic planning and understanding of what is needed on the ground. A number of social care workers have been put in place to fulfil personal and care assistant roles, meaning those social care workers are not able to fulfil their job properly and the same applies for personal care assistants. I might liaise with the Minister of State further about it. It is really important for HSE staff and management staff within disability services to be cognisant of the various different roles required to run the service.

I am delighted the Minister of State is in this role because I know she will do a really good job in it.

Senator Pauline Tully: I wish to clarify something here. The statement I made about nothing in the budget for disability related to the cost of disability. I was very clear about that. No double payments or energy credits were given. I did not say there was nothing in the budget for disability. I said there was nothing to address the cost of disability, which I recognise is not something in this Minister of State's Department.

Senator Fiona O'Loughlin: I welcome the opportunity to say a few words. I thank the Minister of State for being here to listen to us. It is important that we spend time, even during our Order of Business, raising specific areas about those living with disabilities. Always, we are talking based on the lived experience of people we know or people who have contacted us on these issues. I acknowledge that this is a key issue for Government. The Taoiseach has established the disability unit within his own Department to bring about a renewed focus, accountability and urgency. We have to look at the whole person. We have to look at education and inclusive learning. We all got an invitation today from the Minister, Deputy James Lawless, to a presentation about two specific schemes for third level access which is hugely important.

Regarding employment, and someone having the dignity of having a job and being able to work, we cannot speak highly enough about the Oireachtas work learning, OWL, programme we have here. Ours is the first and only parliament in the world to bring it in. Some 75% of those who have come through the OWL programme have succeeded in getting a permanent job. We have to look at ways to expand and develop that, and encourage other parliaments to be able to do it because it is a really good case.

Independent living and active participation in social, cultural and sporting life are hugely important. I saw the film that the Senator was speaking about earlier by the group from Celbridge, which was absolutely excellent and really good to see. We need to see more of that

and provide opportunities for people to be able to express themselves in different ways. I welcome the discussion and I hope we will have the opportunity to discuss this again on an ongoing basis.

Minister of State at the Department of Children, Disability and Equality (Deputy Emer Higgins): I thank the Acting Chair and all the staff in the Seanad for facilitating us in running late. It is really important that everybody who wants to contribute to this debate has the opportunity to do so and it is really important that I have the opportunity to listen to those views. I thank everybody who contributed.

I have copious notes so I ask Senators to bear with me while I try to respond as best I can to the issues raised. Employment was first raised by Senator Byrne and was also touched on by Senator Martin Conway, Senator Tully and Senator O'Loughlin who reminded us of the success of the OWL programme. I really welcome that we now have had the first meeting of the forum on unemployment of persons with disability, convened by the Minister of State at the Department of Enterprise, Tourism and Employment, Deputy Alan Dillon. That is another example which shows that the issue of disability is now cross-departmental. Just today, I met with representatives of an organisation who expressed an interest in participating in that and I hope that will be accommodated. That is really progressive and a good step forward.

In-school therapies were mentioned by numerous contributors. While that is led by the Department of education, it is a really significant intervention. That is now happening in many special schools across the country. It was ramped up quite quickly and we will continue to do that.

I thank Senator Tully for reminding me that responsibility for the cost of disability is not in my Department. However, a lot of work is happening on that. The Minister, Deputy Dara Calleary, has recently run a consultative forum and a survey on the cost of disability. I know that survey has just finished and was live up to about ten days ago. The responses are being collated and the results will help form the cost-of-disability payment as committed to under the programme for Government. I certainly hope and expect it will be in the upcoming budget.

Senator Margaret Murphy O'Mahony spoke very eloquently about the direction of travel being very clear. We have record investment and a genuine shift in policy. While I completely acknowledge Senator Clonan's frustration and respect where he is coming from as a parent, an advocate and a politician, I concur with what Senator Murphy O'Mahony said that there is a clear direction of travel here. I do not accept what he said around urgency because I see urgency every day. I see it with my Department officials and with officials in the HSE. I see it in the section 38 and section 39 organisations that I visit. I see the sense of urgency by our DPOs and organisations which are all working collaboratively. We have record funding. We now have strategic planning. We have new law coming in. Reviews have been announced of the two most significant pieces of legislation, the Assisted Decision-Making (Capacity) Act and the Disability Act itself. We have a disability unit sitting in the heart of Government, in the Department of the Taoiseach. We are recruiting people. Senator O'Reilly used the word "tangible"; that is tangible. We have new laws. We have policies. We have people. We have new budgets. We cannot do anything unless we have that. My officials, the HSE and section 38 and section 39 organisations have come together and successfully fought for that. That is what we are delivering on.

Senator Clonan spoke about two pieces of correspondence. One was his correspondence to me, 0923 on 14 April. He should have received a reply and I suggest he checks his inbox. I got that triple checked while I was here. An acknowledgement went to him on that date. He also referred to a letter having been withdrawn.

I have chased this twice with the HSE. That letter should never have happened. That letter should never have gone out. Nobody can stand over that. I have asked twice whether an apology was issued. I have been told twice that an apology has been issued to the mother of the young person at the centre of that. I have asked to see a copy of that apology. I was told, and I completely accept, that I cannot see a copy of it because there is personal information in it. I have taken that at face value. My understanding is that a letter of apology has issued and that happened a number of weeks ago, and rightly so. We were very clear that the letter should have gone out. My understanding is that it did.

A numbers of Members - Senators Clonan, Sarah O'Reilly, Harmon, Tully, Kennelly and others - referenced the Before We Die campaign. I was at meetings this morning, but I understand that this morning's meeting of the Committee on Disability Matters was very emotional. I am not surprised by that because I have met that group twice. The first time was at their request. It was an emotional meeting. The second time was at my request because I asked if we could do a follow up meeting and if the HSE could be at that meeting so that we could have the right people around the table to be able to make progress. That is something that I am really committed to doing in this space. I thank all those people who are volunteering their time for this campaign because they are families who are already under pressure. They already have so many additional responsibilities compared with many other families, particularly people of that age, and they should not be in that situation. I am working with them and the HSE to help to resolve that situation for as many people as we can.

I thank Senator Rabbitte for her remarks. I acknowledge the incredible amount of work that she has done in this sector and for people with disabilities and the tangible and real impact that she has had.

Senator Linda Nelson Murray: Well said.

Senator Tom Clonan: Hear, hear.

Deputy Emer Higgins: The Living My Life programme that Senator Rabbitte spoke about was also spoken about at that meeting with the HSE and the Before We Die campaign. I met Remember Us with Deputy Grace Boland. It was discussing that same issue. Earlier today, I met with a young advocate to also discuss that issue. The Living My Life programme is relevant. The Senator is absolutely right. That is why it was spoken about at that meeting with Before We Die.

The new housing officer positions within the HSE are really important. They relate to what Senator Tully spoke about as regards her local authority area of Cavan. We now have six positions for each health organisation area within the HSE that will be related to housing. I do not have the exact title with me, but it is like a housing officer within the HSE. A number of those roles are already filled. We have four out of six of them filled. Those roles are to act as

the conduit between the HSE or the provider and the local authority, AHB or developer. We want to get this moving. That is where urgency-----

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I wish to interrupt the Minister of State for one second. I do not want to stop her and she can continue in a second, but we are over time, so I need to ask the Acting Leader to move that, notwithstanding anything in the Standing Orders of the House, the debate be extended to allow the Minister of State to finish her reply.

Senator Garret Ahearn: I propose: "That, notwithstanding anything in Standing Orders or the order of the House today, the time for the debate be extended for the Minister of State to reply."

An Cathaoirleach: Is that agreed? Agreed.

Disability Matters: Statements (Resumed)

Minister of State at the Department of Children, Disability and Equality (Deputy Emer Higgins): I thank the Cathaoirleach. I am taking time at the end because I gave up my time earlier to make sure that we got every Member in.

An Cathaoirleach: Members appreciate a detailed response rather than cutting the debate short.

Deputy Emer Higgins: I thank the Cathaoirleach. I appreciate that.

Many of those new roles are already filled at this stage. They are going to be helpful to make sure that we are moving from a situation of dealing with crisis cases. Up until now, the funding has only been in place to be able to provide for crisis cases. What we want to do is be able to deliver on a planned basis. For the first time now this year, we have funding in the budget for planned residential places. It is not enough and is a small amount compared with where we need to get to, but that funding is there. We now need to prove that we can fill it, make it work and that this delivers. That gives us the opportunity to ask for additional funding in next year's budget, so we can grow it year on year. We want to move from a situation of crisis to a situation of planned responses because that is the fair and right thing to do.

One of the Senators mentioned Donegal. I was in Letterkenny on Friday. I met the access officer there who informed me that 30% of all local authority builds were accessible accommodation. That is welcome. I hope other local authorities take that lead. All Senators have great relationships with councillors. I ask them to encourage councillors when it comes to the county development plans-----

Senator Garret Ahearn: The Minister of State was a councillor herself.

Deputy Emer Higgins: -----to get those changes into county development plans. That would be really helpful. I acknowledge the good work that is happening there. That kind of forward planning will help the situation that Senator Nelson Murray spoke about where we are talking about retrospectively upgrading homes from an accessibility perspective and housing adaptation grants. That will get us into a situation where we are more futureproofing homes. That is really positive.

I thank Senator Nelson Murray for her feedback in relation to the VAT. Someone - possibly the same Senator - said that to me last week as well. It is something that I have made inquiries on ahead of the budget. The thresholds and accessibility are something that I will continue to work on across Departments.

Respite has a role to play when it comes to supporting families where an individual may eventually end up in residential care. Respite is an intervention that can help. Senator Kennelly said that very clearly. I am glad to hear that there will be a senior leader visit at the respite centre. I hope that is a success. I thank Councillor Teddy O'Sullivan Casey that the Senator works with. His wife is a great advocate, too.

Senator Sarah O'Reilly spoke about Down's syndrome children. Actually, I cannot remember if it was children or young adults.

Senator Sarah O'Reilly: What was formerly Down Syndrome Centre North East. It was about children.

Deputy Emer Higgins: Speech and language therapy. The HSE now has an initiative called Glór, which is specifically for delivering speech and language therapy to children with Down's syndrome. It is a whole lifespan approach. For the first time ever, a number of organisations came together, including Down Syndrome Centre, Down Syndrome Ireland, Hub 21 and someone else who I am forgetting. There were four organisations that all came together with a funding proposal for the HSE because it is very clear that we needed to intervene to support people in that situation. I hope that is good news. The Senator also spoke about her particular group, which might benefit from funding. Our Department, together with Rethink Ireland, launched a funding call about two weeks ago. It is still open. The Senator can check the Department's social media on that. It is the community participation fund. The group may well be a candidate for that.

I thank Senator Martin Conway for sharing his lived experience. I thank Senator Cosgrove for sharing her experience as somebody who worked in this area. While it is difficult for me to intervene in any potential industrial relations matters, I certainly would be open to hearing what the situation may be.

Again, I thank all the Senators who have participated in this debate. I particularly thank the Senators who have acknowledged the progress that we are making. That is important for the morale of people who day in and day out are delivering so much hard work in the HSE, the Department and section 38 and section 39 organisations, as well as our advocates. Their voices are being heard, they are being listened to and they are delivering change. We have got to keep going, we have to stay motivated, we have to do this together. We are asking for this to be done on a cross-departmental basis. I would like it to be done a cross-party basis, too, so that where

we have good ideas, we come together, share them, drive and work together because we all have the same ambition here, that is, to improve the lives of people with disabilities. That is what it boils down to. We all know them. They are in our families and communities. We want to have a positive impact on their lives. That is what my team and I, and more importantly, my officials and the officials that I work with in the HSE do every day in work. I thank them for their support and hard work.

I apologise, as I should have mentioned this when I spoke about the Before We Die campaign. The Taoiseach has convened a Cabinet committee on disability meeting for Monday. Two of the topics that will be the focus of that meeting will be residential respite and housing. The Department of housing will be at the meeting. The Minister for housing and his officials will be at that meeting as well as ourselves. As I said in my opening remarks, while disability is absolutely a priority in our Department, it needs to be a priority in every single Department.

An Cathaoirleach: Before we move to the next item, I welcome guests of the Minister of State, Deputy Marian Harkin, to the Gallery. I welcome, with the Minister of State, Mr. Barry Adler, who is a former news editor with the *New York Times*, and his wife Pat. They are most welcome here to Seanad Éireann. I am sure people will be fascinated to learn all about the inner workings of the *New York Times* and what Pat and Barry think about the world of media today. I am sure Senators here will share their opinions; they will be down in the restaurant later.

Homelessness: Statements (Resumed)

An Cathaoirleach: Senators have four minutes, with the Minister to reply no later than 7.05 p.m. It might be a bit later than that but we will continue the debate now with An Seanadóir Joe Flaherty.

Senator Joe Flaherty: I welcome the Minister back to the Chamber. At the outset, I commend him on all the work he has been doing. I think he has made some of the most significant strides we have seen in trying to address the housing deficit in this country, possibly over the past 15 to 20 years. I commend him on his work and tell him not to listen to detractors and keep doing what he is doing because I think he is making real progress. We have certainly seen that in the first quarter this year.

Notwithstanding that, we have to admit that we still have a homelessness challenge. The numbers, at face value, do not reflect well on us as a society. Every family is entitled to a home and a roof over their heads but sometimes, we do not get sufficient credit, or indeed the Minister's Department does not get sufficient credit, in those figures. It is not necessarily the same 15,000 every month that is homeless. There are an awful lot of people coming into the system homeless and who are then coming out the other side quite quickly, as a matter of fact, in a home and a proper, secure social housing support at home. There are an awful lot of people across local authorities the length and breadth of Ireland working very hard in homeless services, often in combined teams across a number of counties, to address this. They are working tirelessly to address that.

The Minister might use his time to paint a picture of the dynamic of that homeless figure of 15,000. What makes that up? How many people are in the system over the long term? It would be reasonable to say that there are very few. You could probably count on your two hands the number of families who are more than 12 months in a homeless situations. In many of those cases, I think it would be reasonable to say that some of those people would probably have status issues in the country and it might be a challenge getting them out of homelessness.

On the whole, I think we are making real progress. Ultimately, the solution to homelessness and all our housing problems is delivery. It is like any business in retail; if you have not got the product, you cannot sell it, and if you have not got the houses, you cannot sort homelessness or get people into housing. However, I think the Minister has shown that there is no restriction on his ambition. He has not been afraid to take on new programmes and initiatives. He has shown that this week with teach beag, which is a great initiative. Needless to say, the critics will deride it but it answers what an awful lot of parents were asking us for. I could probably count ten times the people who have come to me and asked if it would be okay if they put up a modular unit in the field behind the house or the back garden. I told them that if they went to the planner, they will tell you no but if your neighbours are not going to make an issue with it you are probably as well to do it. It is great to see those people being brought in and that their situation is going to be regularised. This not a panacea; it is not going to sort out the homelessness problem but it is just one more measure the Minister has been willing to embrace. I know within our party and indeed with the other parties, he is having ongoing discussions and taking on board ideas. We have a collective responsibility, ultimately, to sort the homelessness problem. We will get there but we also have to acknowledge that we are one of the fastest growing, most dynamic economies and countries in Europe. It is inevitable that our population is going to increase. It is increasing dramatically and is putting additional pressures on our housing stock and supply.

Ultimately, it comes back down to that most salient point: everything humanly possible has to be done to ramp up supply. At the minute, we are totally dependent on the Minister's Department. There is probably not a housing development in the country that is not dependent on state aid through an element of social and affordable housing to get it off the ground. When people say the Government is doing nothing about the housing problem and homelessness, it is simply not true. It is a fallacy and very unfair to the Minister's Department, officials and the local authorities the length and breadth of the country.

Senator Garret Ahearn: I welcome the Minister to the Chamber and thank him for coming in again to conclude this important debate on homelessness. As Senator Flaherty said, I think it is agreed by everyone in both Houses that homelessness can only be solved by building more houses. That is just a fact. The figures for 2025 were very much welcomed and we obviously have targets to hit over the next four years and the lifetime of this Government. I have no doubt that the work the Minister's Department is doing is to achieve those targets and hopefully go beyond them. Certainly, last year's figures were quite positive and give us positivity going forward.

There was good progress on social and affordable accommodation, which is extremely important for what we are talking about. There was good progress on cost rental, with 6,000 houses. That cost rental provides accommodation for people at a value 25% below the market value, which gives people much more options and flexibility in regard to where they live. We

want to see that ramped up; the Minister does too, I am sure. Again, 6,000 houses is quite significant.

As the Minister himself knows, we see the monthly figures of homelessness increase and it is upsetting. It is almost a stick that is thrown at the Government sometimes when you see social media posts and protests. Homelessness is always talked about and that there are 15,000 to 17,000 in homelessness. It is portrayed as 16,000 or 17,000 Irish people who are homeless. It does not matter whether it is Irish or non-Irish; it is not right and we want to house everyone. However, it is not a true reflection of the situation. It does not take into account the increased population from inward migration and people we need to protect and support. I think 40% of that figure, or just over 40%, are Irish citizens who are in emergency accommodation but obviously we want to support everyone.

On a personal level - and I am sure the Minister is the same - it is incredibly upsetting when you see children and families in emergency accommodation, whether that is families with one single mother or families with two parents.

The fact there are children in emergency accommodation is incredibly upsetting. It is why, when the action plan was announced in November, it was really welcome that child and family homelessness was prioritised in that action plan. I know the Minister launched a public consultation - in January, I think it was - on that child and family homelessness action plan. I think the consultation finished in February. Seeing as the Minister is in the Chamber today, will he outline in his response where that is at the moment? I know the action plan is meant to be completed by quarter 2 of 2026. We have started that and we are not near the end of quarter 2 of 2026, obviously. The consultation finished in February. In my view, it is one of the most critical parts of that action plan for homelessness. What has the Department been doing since the public consultation finished in February?

I have been keeping an eye on it since the announcement in November but, since February, I have not seen too much happening. I am sure there is something happening behind the scenes but I certainly have not seen what progress has happened since February. Will the Minister outline what has been done in the Department since that public consultation closed because it has been six months since the announcement of the action plan. Every month, we see the figures increase. Every month, we see more children in emergency accommodation.

We always have deadline figures of things to meet but, for this, it is critical that we have it completed by 2026. Obviously, it needs to be expedited, it needs to be prioritised and there need to be targeted measures in that space. I am sure the Minister, his Department and Cabinet are doing everything to try to improve the national figures of homelessness, but particularly, from a personal point of view, child homelessness needs to be prioritised. I welcome that was part of the announcement in November but we are six months on and we really need to see that being delivered and progressed by the Department. I am interested to hear the Minister's response on that.

Senator Sarah O'Reilly: I thank the Minister for coming back in. I was just about to speak when he was called to a vote last week. Homelessness has been a crisis for the past decade, all the way back to the early 2000s. Hundreds and hundreds of articles with crisis in the headline can be found. It is not a crisis anymore; it is normality. There were 17,308 people recorded in emergency accommodation as of February 2026. That is a 13% increase in just one year.

Month after month, year after year, the numbers keep climbing. This does not account for hidden homelessness, such as the young person who is couch surfing and the two or three generations of families doubling up in overcrowded homes or the couple in a mobile home behind a hedge. It is estimated that as many as 290,000 people in Ireland could be living like this, unseen and uncounted.

Something that needs to be addressed is that the number of homeless deaths is only recorded in Dublin. How can we address a crisis when we do not even understand the full picture? We need to know the mortality rate for those outside of Dublin. Our councillor in Limerick, Sarah Beasley, has raised this time and again. If the Government is not even willing to count the homelessness, what does that say about how their lives are valued? Homeless does not mean worthless. I would like a response from the Minister on why the Department is not recording the number of homeless deaths outside of Dublin city.

The housing crisis is stunting the lives of people across the country. There are couples who are desperate to move out of their parents' homes and start a family but they cannot find anywhere to live. Affordability is a massive issue but many people who want to build have been denied planning permission for the most nonsensical reasons. I am working with a couple in Kildare who are trying to build on land beside their parents' home and have been denied planning permission because of population targets set by the local authority. That policy was set by the Minister's Department. To me, that is absolutely outrageous and the Government needs to remove all red tape for people who are desperately trying to house themselves.

It is a shocking contrast to the Minister's plans to build seven super-sized IPAS centres, which will supersede regular planning regulations. The Government had previously said this planning circumvention was an emergency measure to cope with the war in Ukraine and it would be removed, but now the Government is moving full steam ahead to copper-fasten it within legislation. The Government will apply one rule for us regular folk and another rule for itself. I have a question for the Minister on modular housing. What state are we at with legislation for modular units in back gardens? If the Minister wants, he could fast-track this legislation and provide some relief to people who find themselves without anywhere to go.

Minister for Housing, Local Government and Heritage (Deputy James Browne): I thank the Senators for their very significant contributions on the last day and again today. It is a very difficult topic because it is one that is very close to every single one of us as elected representatives and it impacts on every corner of the country in many ways. I really appreciate the time taken by people to give voice to people impacted by precarious living, homelessness and a lack of secure tenancy. Those voices are fundamental to any discussion on this issue.

I want to be very clear, as I believe I always am with this issue, that addressing homelessness and increasing the supply of homes required to do that is my absolute priority. The programme for Government recommitted to working towards ending homelessness by 2030. To meet this commitment, Delivering Homes, Building Communities was developed as an integrated housing and homelessness plan. I was determined to ensure that how we tackle homelessness was at the heart of the work of the action plan. It has to be and I feel very strongly about that. The new housing action plan is based on two key pillars: activating the supply of 300,000 more homes and supporting people to have a home of their own. The plan will ensure that the funding and the strategies deployed to address housing and homelessness are fully aligned at all times.

Increased supply is key to addressing homelessness. This Government is focused on making sure that everyone has access to quality, affordable, warm, safe and secure homes that suit their needs. Previously, the Minister of State, Deputy O’Sullivan, spoke to the actions in the plan focused on increasing supply, with over €9 billion in capital funding being made available for housing in 2026 alone. In addition, we are progressing significant measures to improve both security of tenure and supply in the rental market through the new rental legislation and the regulation of short term lets. The new rental legislation has introduced significantly stronger tenant protections by massively restricting no-fault evictions for new tenancies created on or after 1 March 2026. The current provision for tenancies of unlimited duration has been strengthened by the incorporation of tenancies of minimum duration of six years. In addition, the regulation of short-term lets will bring back a proportion of the houses and apartments which are being used for short-term letting purposes to the traditional long-term rental market, thereby helping to ease the accommodation shortage pressures. Measures and actions already under way are having an impact and I want to see more and faster. I am determined to get this right as quickly as possible for every single person and their family in a precarious living situation or accessing homelessness supports in the State.

Supported by the increased social housing delivery and supports such as HAP, more than 6,500 adults were helped to exit emergency accommodation in the last two years. This is important to recognise. It is real work that has been done by local authorities, as supported by staff and working with many charities and NGOs in the area who do incredible work to provide pathways for people to engage with services in an appropriate way for each individual case. It is extremely sensitive work. In addition to this, more than 9,000 adults were prevented from entering emergency accommodation in the same period, including through significant investment in tenant *in situ* acquisitions and tenancy sustainment measures.

The housing plan recognises that delivery alone is not enough. Despite a significant increase in new homes being delivered and the high number of people supported to exit homelessness, the number of households, including families with children in homeless emergency accommodation, has continued to rise. I do not accept this as the *status quo*. In order to see the number of people experiencing homelessness fall, there must be an increased availability of homes for households at risk of homelessness, not only as an exit pathway but also to prevent people from needing to access emergency accommodation in the first place. I am working with each local authority to examine how the allocations of these new social homes will best address the needs of households experiencing homelessness and, in particular, families with children. Under Delivering Homes, Building Communities, each local authority will prepare a new housing delivery action plan, HDAP, reflecting local need identified, including within the housing needs and demand assessment framework. Within this broad framework, evidence-informed local authority HDAPs provide a detailed picture of the quantum, type, size, and location of social homes to be delivered by local authorities and AHBs.

Learning from the first round of these plans will help to inform and strengthen the next iteration of plans and set clear targets against which local authority and AHB delivery will be benchmarked to 2030. This will include minimum targets for quantity, type and size of social homes and, for example, identifying housing for priority groups, including disabled persons.

Prevention of homelessness in the first instance is an absolute priority. In that context, there are many preventions initiatives already under way in my Department and across the

Government. This includes the provision of social and affordable housing, HAP and homeless HAP and our strong tenancy protection legislation. In addition, we support local authorities in providing services prevention services through significant funding each year. The level of expenditure on prevention services rose from €15.4 million in 2021 to €24.7 million in 2024, an increase of €9.3 million. It is now 7% of the total homelessness budget. In order to ensure a fully aligned all-of-government approach under the plan, we are developing a national homelessness prevention framework within which homelessness can be prevented in a structured and planned way with tailored prevention measures for each potential at-risk cohort.

It is also important that appropriate supports are provided to households exiting emergency accommodation to mitigate their risk of re-entering homelessness. With this in mind, the framework will have regard to the reasons for presentation to homelessness. In order to drive the development of the prevention framework, a steering group comprising senior departmental officials has been established. The framework will be in place this year.

We are developing a child and family homelessness action plan, bringing together key stakeholders to drive the continued focus on preventing children and families entering emergency accommodation, providing enhanced supports for children experiencing homelessness, as well as measures to accelerate exits and reduce the time spent by children and their families in homeless emergency accommodation. To better inform the action plan, we have invited input from all stakeholders. An online consultation to inform the plan was held in January. There was also an in-person event that was attended by more than 100 stakeholders from Departments, State bodies and NGOs. The plan is being drafted. It is anticipated that it will be published by the end of quarter 2 of this year.

Since October of last year, I have written to and met with chief executives of local authorities to ensure that all necessary actions are taken to make sure that families longest in emergency accommodation are provided with housing solutions. I want to see them all utilising the various options open to local authorities, including HAP, RAS and the allocation of local authority and AHB homes, to exit these families from emergency accommodation. To further support this, funding of €150 million has been ring-fenced for acquisitions. In addition, recognising that domestic violence can lead to family homelessness, under the new plan, a protocol will be agreed with local authorities to provide that victims of domestic violence can transfer previous time spent on a social housing waiting list to another local authority, subject to meeting all social housing eligibility requirements.

Housing first is another key policy response in our efforts to reduce homelessness among our most vulnerable individuals. A key initiative under this plan will be the further expansion of the housing first programme to create 2,000 tenancies. An updated implementation plan will specify targets for each local authority for housing first tenancies in the coming months. Housing first has been an important policy response in our efforts to reduce homelessness amongst our most vulnerable. By deliberately targeting those at the sharpest edge of homelessness, the programme demonstrates that homelessness is a problem that can be eradicated.

The success of this programme is due in no small part to the partnerships that have been formed on an inter-departmental, inter-agency and local basis between housing and health services and service providers in the NGO sector. The plan also recognises that individuals experiencing homelessness with complex support-needs often become entrenched in

emergency homeless services. Under the plan, the Department of Health will provide increased health support to households experiencing homelessness by means of the implementation of the HSE national strategic plan to improve the health of people experiencing homelessness. We had a youth homelessness strategy in place for the past three years, which introduced a range of new measures to address homelessness among those aged 18 to 24, including supported housing for youth and shared accommodation schemes. There is more to do in this space, and our new housing plan contains a commitment in respect of a continued focus on youth homelessness. I will be establishing a subgroup under the auspices of my national homeless action committee to focus specifically on youth homelessness.

Budget 2026 provides a total allocation of €563.5 million to address homelessness. This includes €513.5 million in current funding to ensure local authorities can provide sufficient emergency accommodation and essential related services, including housing first supports, homelessness prevention supports, day services, and tenancy sustainment measures. In addition, €50 million in capital funding will allow local authorities to invest in the provision of local authority or NGO-owned emergency accommodation facilities, developing a more sustainable approach to the delivery of emergency accommodation and ensuring that services are tailored for the needs of clients.

The housing plan recognises that an all-of-government approach is required to tackle the issues in this space. It is not a one-size-fits-all scenario. We have to work together to support the co-ordination of the response to homeless issues by Government and the national homeless action committee, which I chair, and which was established in 2021. The overarching objective of the committee is to ensure that a renewed emphasis is brought to collaborating across government. I do not underestimate the scale of the challenge in front of us. I will call out where work is not happening. However, we will engage deliberately where alignment goes off course to ensure it is back on course. In short, I will not accept a lack of ambition or stasis in decision-making in get things moving. Tackling this crisis demands new ways of working, with faster but always transparent decision-making and a relentless focus on delivery to deliver the homes we need.

An Cathaoirleach: That concludes the debate. I thank the Minister for coming back to the House following the vote in the Dáil.

Cuireadh an Seanad ar athló ar 6.56 p.m. go dtí 9.30 a.m., Déardaoin, an 23 Aibreán 2026.

The Seanad adjourned at 6.56 p.m. until 9.30 a.m. on Thursday, 23 April 2026.