



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Dé Máirt, 26 Bealtaine 2026

Tuesday, 26 May 2026

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.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:

Senator Margaret Murphy O'Mahony - The need for the Minister for Health to make a statement on the services and supports in place to assist people living with inflammatory bowel disease, particularly Crohn's disease and ulcerative colitis.

Senator P.J. Murphy - The need for the Minister for Agriculture, Food and Marine to make a statement on the timeline for publishing the scientific assessment into the threats posed by imported non-native honeybees.

Senator Victor Boyhan - The need for the Minister for Children, Disability and Equality to provide an update on the provision of funding for staff and services needed for people with disabilities to live in local authority homes.

Senator Lynn Ruane - The need for the Minister for Justice, Home Affairs and Migration to make a statement on the impacts on vulnerable individuals and groups following proposals to introduce a flat fee for criminal legal aid representation.

Senator Sarah O'Reilly - The need for the Minister for Transport to make a statement on the provision of additional funding for roads in the Cavan and Monaghan area.

Senator Chris Andrews - The need for the Minister for Agriculture, Food and the Marine to make a statement on capping the number of breeding females permitted within a dog breeding establishment.

Senator Mike Kennelly - The need for the Minister for Health to make a statement on the progress of the proposed HSE primary healthcare centre for Cahersiveen, County Kerry.

Senator Fiona O'Loughlin - The need for the Minister for Housing, Local Government and Heritage to make a statement on the provision of adequate funding to address ongoing water supply and infrastructure issues relating to the Allenwood reservoir in County Kildare.

Senator Nessa Cosgrove - The need for the Minister for Health to make a statement on the funding of multiple sclerosis services in the north west, including a dedicated community worker for the Sligo-Leitrim area.

Senator Manus Boyle - The need for the Minister for Agriculture, Food and the Marine to provide an update on the progress being made towards granting designated port status for Killybegs Port for non-EU vessels.

The matters raised by the Senators are suitable for discussion and I have selected Senators Margaret Murphy O'Mahony, PJ Murphy, Victor Boyhan and Lynn Ruane and they will be taken now. The other Senators may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Healthcare Policy

An Cathaoirleach: I welcome the Minister of State, Deputy O'Donnell, to the House.

Senator Margaret Murphy O'Mahony: I sincerely thank the Cathaoirleach for selecting this Commencement matter today. I also thank the Minister of State, Deputy O'Donnell, for coming to the House to take the debate. I rise today to highlight the urgent and ongoing challenges faced by people in Ireland living with inflammatory bowel disease, particularly Crohn's disease and ulcerative colitis. I call for action to address gaps in awareness, services and financial supports. Last week marked world IBD day, a day to raise awareness and give a voice to those living with these conditions. For many this is not something they think about once a year but their reality every single day.

I will begin with real story. A member of my office, Jason Dyland, began experiencing severe abdominal pain and weight loss two years ago. Like many people he initially hoped it would pass but it did not. What followed was a long and difficult journey, multiple GP visits, multiple scans and tests and multiple hospital admissions. Despite this, many results came back inconclusive and at times he felt dismissed. Many thought he was faking illness when in reality he was faking being well. Eventually he was diagnosed with Crohn's disease. His experience is not unique and reflects a wider problem in how we diagnose and support people with IBD.

Inflammatory bowel disease affects at least 40,000 people in Ireland. It is a chronic lifelong condition that is often invisible but deeply debilitating. Symptoms include severe abdominal pain, fatigue and urgent frequent use of the bathroom. On their worst days people may need to use the bathroom more than ten times. It is often described as living with food poisoning every day. Diagnosis can take far too long. Many patients experience delays and a significant number end up in emergency departments before receiving answers. This points to clear gaps in early detection and awareness.

Beyond the physical symptoms the emotional toll is significant. This is not an easy condition to talk about; there is stigma, embarrassment and isolation. Many people struggle with anxiety and depression yet access to mental health supports remains limited. There are also everyday challenges that many of us rarely consider. Leaving the house, going to work or travelling can require careful planning around something as basic as access to a toilet. Most patients believe our public spaces do not adequately meet these needs. This impacts people's independence and their quality of life. The healthcare gaps are equally concerning. Patients report difficulty in accessing specialist supports such as dieticians and appropriate follow-up care. Confidence in primary care is mixed and people often spend significant time navigating the system without feeling fully supported.

One of the most pressing issues is the financial burden. Despite being serious lifelong conditions, Crohn's disease and ulcerative colitis are not covered under the long-term illness scheme. As a result, many patients face substantial out-of-pocket costs for education and care, often running into thousands of euro each year. A significant number experience financial hardship and some are forced to delay treatment due to cost. This is deeply concerning and very unfair.

IBD also affects people during key stages of life, particularly young adulthood. It has a real impact on education, employment and career progression. Many are forced to reduce hours, change roles or pass on opportunities because of fatigue and unpredictable symptoms. Today I ask for more than an acknowledgement; I ask for action. We need to see earlier and more efficient diagnosis pathways, greater awareness and understanding of IBD, improved access to specialist and mental health supports, better public infrastructure, particularly access to toilets and, critically, a review of financial supports, including consideration of including IBD in the long-term illness scheme.

Minister of State at the Department of Health (Deputy Kieran O'Donnell): I thank Senator Murphy O'Mahony for raising this important issue. I am taking this Commencement matter on behalf of the Minister for Health, Deputy Jennifer Carroll MacNeill.

Inflammatory bowel disease, IBD, is the name used for a group of disorders that cause inflammation of the intestine. It is a term used for conditions known as ulcerative colitis, Crohn's disease, and indeterminate colitis. I hope Jason is doing well. Is he still a member of the Senator's staff?

Senator Margaret Murphy O'Mahony: He is.

Deputy Kieran O'Donnell: I wish him well.

Senator Margaret Murphy O'Mahony: I thank the Minister of State.

Deputy Kieran O'Donnell: Approximately 50,000 people in Ireland suffer from IBD. The national clinical programme for gastroenterology and hepatology was established in October 2019 as a joint collaboration between the HSE and the Royal College of Physicians of Ireland, RCPI. Gastroenterology and hepatology multidisciplinary teams, MDTs, provide expertise in the diagnosis, treatment and prevention of conditions of the digestive tract, liver and pancreas,

including inflammatory bowel disease. The HSE advised that as of May 2026, all level 4 hospitals, in addition to Connolly Hospital and Mercy University Hospital, which is level 3, have gastroenterology MDTs.

In relation to supports for patients, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be eligible for a medical card under the General Medical Services, GMS, scheme. In accordance with the provisions of the Health Act 1970, as amended, eligibility for a medical card is determined by the HSE. In certain circumstances, the HSE may exercise discretion and grant a medical card, even though an applicant exceeds the income guidelines, where he or she faces difficult financial circumstances such as extra costs arising from illness. The HSE affords applicants the opportunity to furnish supporting documentation to determine whether undue hardship exists and to fully take account of all relevant circumstances that may benefit them in assessment. In circumstances where an applicant is still over the income limit for a medical card, they are then assessed for a GP visit card, which entitles the applicant to GP visits without charge.

The issue of granting medical card eligibility based on having a particular disability or illness was previously examined in 2014 by the HSE expert panel on medical need and medical card eligibility. The group concluded that it was not feasible, desirable or ethically justifiable to list medical conditions in priority order for medical card eligibility. In following the expert group's advice, a person's means remains the main qualifier for a medical card. Under the drugs payment scheme, DPS, no individual or family pays more than €80 a month towards the cost of approved prescribed medicines. The DPS is not means-tested and is available to anyone ordinarily resident in Ireland.

Access to affordable healthcare services has improved over the last few years. These improvements include reductions in the DPS threshold, expansion of access to free GP care, and the abolition of all public inpatient hospital charges for children and adults. These measures continue to create a health and social care service that offers affordable access to quality healthcare. Finally, individuals may also be entitled to claim tax relief on the cost of their medical expenses, including medicines prescribed by a doctor, dentist, or consultant. Relief is available at the standard tax rate of 20%.

I note the other points the Senator raised in respect of the long-term illness card in terms of public transport and access to public facilities in respect of public toilets and bathrooms and so forth. Obviously, the Government keeps these aspects under active consideration.

Senator Margaret Murphy O'Mahony: I thank the Minister of State. I suppose we can agree that a lot has been done but there is more to do regarding this issue. I will finish by paying tribute to Jason who works along with me in my office. By telling his story, he has opened the doors for many others to feel not alone.

People living with IBD are managing a condition that is unpredictable, exhausting and often invisible to others. They deserve a system that recognises that reality and responds to it. Jason's story and the experience of thousands of people across Ireland should not be defined by delays, gaps or barriers. It should be defined by timely care, dignity and proper support.

Deputy Kieran O'Donnell: I again thank Senator Murphy O'Mahony for raising the issue of the ongoing struggles faced by people living in Ireland with inflammatory bowel disease.

I am taking this Commencement matter on behalf of the Minister for Health and will convey this to her on the Senator's behalf. The other matter she raised would be relevant to other Departments and Ministers. There are measures in place to reduce the cost burden of coping with long-term illness. The Government remains committed to improving healthcare services, providing for each citizen of Ireland.

Inflammatory bowel disease has been highlighted as an area of utmost importance through the work of the national clinical programme for gastroenterology and hepatology, shown throughout the development of the IBD working group, which is comprised of consultants, nurses, allied healthcare professionals, including dietitians and psychologists, and a patient representative. The key output from the working group has been the development of an IBD modernised care pathway. This care pathway will service patients, both adults and children, presenting with consistent gastrointestinal symptoms lasting more than six weeks, abdominal pain, indigestion, changes in bowel habit, internal bleeding, nausea, loss of appetite and loss of weight, and patients with a known diagnosis of family bowel disease. The Government remains committed to improving access to care for acute and chronic diseases such as inflammatory bowel disease through Sláintecare healthcare reforms.

Invasive Species Policy

Senator P. J. Murphy: I appreciate the selection of this Commencement matter. I have been attempting to raise this for a number of months and feel particularly strongly about it. I thank the Minister of State for coming in to take the matter on behalf of the Minister for agriculture. In October 2021, Senator Vincent P. Martin introduced a Bill that unanimously passed this House to ban the import of honeybees into Ireland. To give a background reason for wanting to implement such a ban, northern Europe, from Poland to Ireland, France and Scandinavia, up until 100 or 150 years ago, was the home of the northern European black honeybee, *Apis mellifera mellifera* in Latin. Over the past 150 years, the range of this species of bee has declined and declined further and further, with the introduction of Mediterranean and Asian strains of honeybee into Europe. There is one last remaining stronghold of the northern European black honeybee in the world, which is Ireland.

In recent years, imports of queen bees of different strains have increasingly diluted the pure genes of our native honeybee. To explain how difficult it is to control, when bees mate and breed, they are not like livestock. They are not like horses, cattle or sheep, where the bull is put in the same field as the cow the farmer wants it to mate with, or a stallion with a mare, or a ram with a ewe. We cannot control the way that bees mate. When a virgin queen bee is ready to mate, she flies out of the hive and to a bee congregation area, where she will mate with between eight and 20 drone bees from a number of different colonies in the vicinity, and then return, mated, to her parent colony. The beekeeper has no control over the mating process. Therefore we have no ability to keep the strain of bees pure once non-native bees are present in the vicinity. A number of companies across Europe are marketing non *Apis mellifera mellifera* queens to be sold into Ireland. Beekeepers here, again and again, choose to buy those bees, and they are endangering the last true remaining stock of northern European honeybees.

With every year that passes, the percentage of pure *Apis mellifera mellifera* in our national gene pool decreases in comparison with the non-native strain. Very soon, the scales will be tipped beyond the point of no return. Whenever the percentage in the gene pool reaches a certain level, we cannot recover, and we are very close to that point.

Not only must this ban be introduced for the protection of the pure strains of indigenous bees but we also must think about the threat of disease and parasites coming with the import of bees. Back in the late 1990s or early 2000s the varroa mite was accidentally introduced to this island. My God, how we wish we could turn the clock back and implement the ban before that parasitic mite decimated our bees in the 1990s and early 2000s. The warning was there. The Government at the time was warned we needed a ban on the introduction of bees but there was no action. Now we have the tropilaelaps mite, which is a much more dangerous mite, on the edge of Europe. It will absolutely decimate our bees if we do not implement a ban as soon as possible.

I have four questions for the Minister of State. Will the Government support this Bill? If it will I want to know when and if it will not I would like to know why. The required research has been done. Does the Department consider that a robust scientific and legal basis for legislative action based on the findings of this research now exists and does the Government intend to amend the Bill in any way based on the research's findings? Given the imminent threat posed by the tropilaelaps, mite does the Department intend to implement an interim ban on the importation of honeybees as soon as possible as a precautionary measure? Will the full assessment of the research by the Department of Agriculture, Food and the Marine's independent experts be released together with the results of the research delivered in December 2024?

Acting Chairperson (Senator Chris Andrews): I thank the Senator. Before the Minister of State replies I welcome guests of Senator Cosgrove's office. They are an ecumenical group which includes Fr. Laurence Cullen who is parish priest of Geevagh and Highwood in Sligo, Mark Flener who is visiting from the US and Celia Dunne and her husband, the Right Reverend Dermot Dunne, dean of Christchurch Cathedral, who will be retiring from his role this September. We wish you the very best in your retirement and I hope you are all enjoying your visit.

The Minister of State may go ahead.

Deputy Kieran O'Donnell: A Chathaoirligh, I join you in your sentiments towards the guests in the Public Gallery.

I thank Senator Murphy for raising this important issue. I am taking it on behalf of the Minister for Agriculture, Food and the Marine, Deputy Heydon. The Protection of the Native Irish Honey Bee Bill 2021, which the Senator referenced, is a Private Members' Bill currently before Dáil Éireann on Second Stage and is subject to procedures of the Oireachtas. The Bill aims to ban the importation of non-native species or sub-species of, and strains derived from, *Apis mellifera*.

Trade in bees is permitted and governed by EU law. EU animal health regulations set down rules for entry of bees into and movement within the EU. These EU regulations contain specific

provisions to safeguard the health of bees located in the territory of the Union. All imported bees are accompanied by a health certificate issued by the country of export. There are approximately 4,400 active beekeepers in Ireland maintaining approximately 27,000 colonies of bees. A number of these beekeepers are commercial beekeepers who outsource the breeding and selection of bees and therefore rely on the importation of honeybees. Nevertheless, there has been a steady decline in the number of honeybees imported into Ireland over the past few years. There are concerns that a statutory ban on bee imports into Ireland could constitute a restriction on trade under EU regulations. Accordingly, further legal advice was sought on the compatibility of the Bill with EU Single Market rules. Following receipt of this advice, which recommended a scientific review, the Department of Agriculture, Food and the Marine sought tenders for research services on the native Irish honeybee, *Apis mellifera mellifera*. The tender sought independent scientific evidence in the form of a comprehensive assessment of the threat to the native Irish honeybee and the impact upon biodiversity and the ecosystem from the crossing and cross-breeding of the native Irish honeybee with non-native species or sub-species of and strains derived from *Apis mellifera* imported to Ireland.

In October 2023, a contract was signed with the National University of Ireland Galway, NUIG, for the provision of research services on the native Irish honeybee, *Apis mellifera mellifera*. The research work concluded in December 2024 and the research report was subsequently evaluated by an external expert. Following the completion of the evaluation, the research service provider, NUIG, was afforded the opportunity to respond to the evaluator's comments and these comments were received in September 2025. The Department of Agriculture, Food and the Marine is currently finalising the overall response to the report.

The Government is very supportive of beekeepers and beekeeping associations in their efforts to conserve the native Irish honeybee. The Exchequer-funded grants to Irish national beekeepers' federations provides an annual grant to the four Irish national beekeepers' federations. In 2025, the four national beekeeping federations received a total of €25,500 through this measure for initiatives, including the conservation of the native Irish honeybee. Funding has also been provided for the conservation of the native Irish honeybee under conservation of plant and animal genetic resources scheme. Irish beekeeping is supported through the provision of grant aid for capital investments by individual beekeepers in specialised beekeeping-related equipment and structures, including specialised bee breeding equipment. Lastly, €121,000 was paid out under the national apiculture programme in 2025 to support beekeeping through an approved applied research project.

Senator P. J. Murphy: I thank the Minister of State for his reply. Speaking as somebody who worked for over 20 years as a commercial beekeeper, I am aware of the fact that bee imports into Ireland are reducing, but reducing is not enough. They have to be stopped completely. When it comes to introducing disease, parasites and breeding that cannot be controlled once it is in the country, the only acceptable number of imports is zero. That can only be achieved with a complete ban on the import of bees.

NUIG fulfilled the requirement of answering the report in September 2025. That was nine months ago. It is past time for that report, its findings and the response to the report to be published by the Department. We do not know where we are going until we know the findings of that. Their publication is long overdue. I urge the Minister of State to work with the

Department and the Minister for agriculture to ensure the publication of that report as soon as possible.

Deputy Kieran O'Donnell: I thank Senator Murphy again for raising this matter. As I stated, I am taking this on behalf of the Minister for Agriculture, Food and the Marine, Deputy Martin Heydon. The Minister fully recognises the important role played by honeybees, especially in terms of honey production and the pollination of horticultural crops. The Department of Agriculture, Food and the Marine is fully supportive of the work carried out by beekeepers and the beekeeping association in relation to the conservation of the native Irish honeybee, which is evident in the level of support provided through various initiatives. The Minister appreciates the concerns among beekeepers' associations that it has taken time for the outcome of the research to be published, but wishes to assure the House that his Department is currently finalising the overall response to the report. The points Senator Murphy made today will be brought to the attention of the Minister and the Department of agriculture.

Acting Chairperson (Senator Chris Andrews): The next Commencement matter was submitted by Senator Boyhan, but we are waiting for the Minister of State to arrive as there is a vote in the Dáil. While we are waiting on the Minister of State, Deputy Emer Higgins, I welcome the guests of Senator Lorraine Clifford-Lee. They are very welcome. When students visit the House, we usually give them the day off homework, but I think there are only one or two guests who have homework.

Senator Victor Boyhan: We will give you the day off work.

Acting Chairperson (Senator Chris Andrews): Exactly. They are very welcome. I hope they have been well-looked-after. I am sure they are.

Will Senator Murphy propose that the House suspends for the duration of the vote in the Dáil?

Senator P. J. Murphy: I propose that the House suspends for the duration of the vote in the Dáil.

Acting Chairperson (Senator Chris Andrews): Is that agreed? Agreed.

Cuireadh an Seanad ar fionraí ar 3.02 p.m. agus cuireadh tús leis arís ar 3.07 p.m.

Sitting suspended at 3.02 p.m. and resumed at 3.07 p.m.

Disability Issues

Senator Victor Boyhan: I welcome the Minister of State to the House. She is here on behalf of the Minister for Children, Disability and Equality, Deputy Foley, who, I understand, is tied up with parliamentary business and cannot be here today.

I am very conscious that the national housing strategy for disabled people 2022-27 provides a framework for the delivery of housing for people with all levels of disability. I also

understand, of course, that housing is ultimately the responsibility of the Minister for housing and is not the responsibility of the Minister, Deputy Foley. However, there is a level of dovetailing or cross-interest here in the sense that the Department of Children, Disability and Equality actually funds the provision of supports for community living in collaboration with the HSE. There is a crossover there and I want to acknowledge the excellent collaboration between the two Departments and the two Ministers.

I was prompted to raise this as a Commencement matter because about ten days ago there was an headline in the *Irish Examiner* which read, "Councils now have to set housing delivery targets for disabled people". That struck a chord with me. The article in the *Irish Examiner* referred to the Minister, Deputy Foley, and to a statement or contribution she made at the Fianna Fáil Ard-Fheis. That statement was carried in Monday's papers. The article referred to a game changing new policy that will be "aimed at two groups - people who are able to live independently with some supports, and people who need specialist 24-7 wraparound care". The Minister of State, having spoken about these issues previously, knows the importance of having both. We want people to live independently, if at all possible but we recognise that is not possible for everyone. We recognise the policy of decongregation of institutional settings and understand the importance of wraparound services for people who have limited ability or limited access to supports. There is no one-size-fits-all course that works for everyone so there has to be flexibility in supports and provisions for people who want to live in their community. We all want to enable people to live and play a full and meaningful role within their own communities as much as possible but we also recognise, as do disability advocates and those with a disability, that they need supports.

The practice of emptying out fully residential support systems without providing wraparound supports has not worked. I am very familiar with a number of charities, which I will not mention here, that embarked on the emptying out of old, unsuitable institutional buildings. They put people in one-bedroom units, particularly around the greater Dublin area. People had been institutionalised in settings for a long time and suddenly after weeks there were no supports. Supports fell away. The novelty wore off. I think we have done a lot of learning there.

I also liked what the Minister, Deputy Foley, said, that for far too long disabled people have not been a priority for social and affordable housing. I think we will all agree with that. She mentioned the role of local authorities and the significance of that, and then mentioned the targets. Unless we measure this, and we set targets for all our local authorities, it is simply not going to happen. I commend the Minister, Deputy Foley, in particular on the initiative, although it is a Government initiative. We recognise that too many people with disabilities are not being enabled to play a full and meaningful role in the community in the way they wish. We also hear that it ties in with choice as regards where they want to live and the level of support they want.

It is a point worth making here again, although it is not part of the Commencement matter, that far too many people with a disability who want to work cannot get work. There is a bigger picture here. Today our focus is on housing and the collaboration between the Ministers, Deputies Foley and Browne. To follow all that initiative and support, we must put the money in place. I would be very interested to hear the Minister of State's response and am grateful to her for coming here this afternoon to deal with this matter.

Minister of State at the Department of Children, Disability and Equality (Deputy Emer Higgins): I would like to thank Senator Boyhan for raising this important issue and for giving me the opportunity to respond on behalf of the both the Minister, Deputy Foley, and me. We are both in the Department of Children, Disability and Equality.

As the Senator mentioned, the national housing strategy for disabled people provides the framework for the delivery of housing for people with all levels of disability. While the housing response itself falls within the remit of the Department of Housing, Local Government and Heritage, as the Senator has said, the Department of Children, Disability and Equality funds the provision of supports for community living, as well as supports for more complex specialist disability residential services, with the services provided either directly by the HSE or on behalf of the HSE by service providers.

The overall budget increase from €1.7 billion at the close of 2017 to close to €3.9 billion this year for specialist disability services reflects the programme for Government commitment to improving the lives of people with disabilities, signalling to those with a disability that this Government is committed to making a difference in their lives.

Specialist disability services that people with disabilities may need to live in local authority homes include disability residential services, personal assistance and home support. That is where the dovetailing the Senator spoke about comes in. In 2026, €65 million has been allocated to disability residential services for new developments, which includes €40 million that will provide in the region of 199 residential responses, and will also cover the 152 new residential placements. The remaining €25 million will support in the region of 40 residential packages for children in care with complex needs, the enhancement of existing residential placements, decongregation transitions, which the Senator mentioned, and the under 65s programme.

Other key supports that people with disabilities may need to live in local authority homes include home support and personal assistance services. The budget this year also provided €5 million to support the delivery of over 100,000 additional home support and 50,000 additional personal assistance hours, enabling approximately 7,000 people to receive disability home support services and almost 3,000 adults to receive personal assistance to maintain their independence.

As the Senator mentioned, the Ministers, Deputies Foley and Browne, along with their officials, have made significant progress, through the implementation structures established under the national housing strategy for disabled people, in improving co-ordination with the local authorities and disability service providers at local, regional and national level. This includes establishing the levels of unmet need for specialist disability residential services in each county or local authority area. This will inform the setting of targets in the local authority housing development action plans for two cohorts of disabled people, namely those living more independently in the community, and those with greater support needs, who will receive specialist disability residential services.

As the Senator said, if we do not have targets in place, it will be hard to motivate people to reach them. It is also very hard to measure the progress. I am a big believer in them and welcome them.

The Senator might also be interested to know that the HSE has established new housing co-ordinator roles and new residential planning and review teams. These are currently being hired for and will be in place this year to co-ordinate and oversee the delivery and planning of new residential placements and future placements, many of which will be delivered by local authority homes. At present, this is very much a crisis response, and we are very aware that we want to move towards a more sustained, planned response.

The Senator mentioned disabled people and work in his comments. I visited a service yesterday in Celbridge called Dara, which has a fantastic work-ready programme. Unfortunately, the level of disabled people in our workforce is currently at only 17%, but Dara has translated that 17% to 74% in its service.

There are very positive things happening around the country, and it is important we also shine a light on those.

Senator Victor Boyhan: I thank the Minister of State and ask her to convey my thanks to the Minister, Deputy Foley, for the response.

Key to all of this is, of course, the local authority and, as the Minister of State said, the housing development action plans. I do not know where they are, and if they are just about to start; it is pretty new. It would be interesting to keep an eye on that and let us all look at it again. Independent living, independent dignity, respect for the individual to make choices around their needs, accommodation, etc., are very important, and key to all of that is their being placed at the centre and heart of our communities, and to be supported in it all.

Clearly, the Minister of State's response emphasises the importance of ensuring we continue to support people with disabilities to live meaningful and fulfilling lives through their choices, direction and chosen pathways, with a person-centred approach across the services, tapping into the multi-community services.

Finally, I acknowledge that significant levels of funding will be required to roll this out over a period. It is not going to happen today or tomorrow, and that is a key ask. I ask the Minister of State to take back to the Minister my desire, and I am sure everyone's desire, that this be kept in focus as we run into the budget. This area needs resources and funding.

I thank the Minister of State and the Minister, Deputy Foley, for their comprehensive response.

Deputy Emer Higgins: I thank the Senator for that, and for everything he does to raise these very important issues.

I reiterate this is a priority for this Government. The Government recognises there is more to do to improve the lived experience of people with disabilities, and that is ultimately what this boils down to. The Senator set out in his own contribution that people are at the heart of this, and that is why we need to ensure we are doubling down on our efforts.

The increase in the disability budget for this year, which is 20%, demonstrates the multiple commitments made in the programme for Government to improving the lives of people with disabilities and making a difference. We need to ensure that funding translates into improved outcomes and expanded services.

I reiterate the importance of ensuring we continue to support people with disabilities to live meaningful and fulfilling lives, with a person-centred approach right across all our services. The ambition of Government is to bring about a step change in services for people with a disability in Ireland, and we are committed to the expansion and reform of disability services to maximise people's independence, to help support them to live ordinary lives in ordinary places.

The bottom line is the Government is aware of the challenges, which present across all regional health areas. The Department is actively engaging with the Department of housing and the HSE to explore new and existing ways of responding to demand, while appropriately managing the significant levels of funding provided to residential services.

Acting Chairperson (Senator Chris Andrews): The Minister of State, Deputy Brophy, is outside, so we will just swap over now.

Legal Aid

Acting Chairperson (Senator Chris Andrews): I thank the Minister of State for coming in today. I call Senator Ruane.

Senator Lynn Ruane: I want to raise the issue of the planned introduction of a flat fee for criminal legal aid.

I note similar flat fees have been introduced in other areas of law such as family law and they have been heavily criticised. What particularly concerns me in relation to these proposals is a flat fee of €455 regardless of the number of appearances before the court. This is not so much in relation to a debate or conversation about how much legal representatives should or should not earn, but access to justice for some of the most vulnerable people who may end up in front of the courts. When these proposals came in, one of the assessments made in relation to 350,000 cases in the District Court from 2022 to 2023 found that the average number of appearances in criminal legal aid, CLA, cases is 5.04 compared with 3.24 for non-criminal aid cases. Comparing criminal aid cases to more simplistic, straightforward cases is not a good mechanism or measurement for how we ensure people have good, solid access to justice.

A principle I believe in, as do the Department and many other justice bodies, is prison as a last resort. If we have prison as a last resort, especially when it comes to criminal legal aid cases, what we are doing is creating a scenario where there is an expectation to have matters dealt with more quickly to match non-criminal aid cases. As the Minister of State can imagine, some of those cases are not going to cut having three or four appearances in court such as, for instance, people experiencing addiction, language barriers, people with severe mental health issues or intellectual disabilities or whatever the complexity of the case and the need may be. To give some reality to that, in one particular case among the cases I have looked at, there were eight appearances before the court. That may have included a probation report. The person may appear again when the probation report is not ready and the case is then adjourned again and again. In some cases it might be said that solicitors are delaying cases but many of these cases are found to be State-led in terms of delays.

Another case I looked at was from 24 April 2025. The number of adjournments between that date and 6 November 2025 was 21. Can the Minister of State imagine that a solicitor receiving €455 for a total of 20-odd cases is going to be able to provide adequate support to that individual who has severe mental health and psychiatric issues? At one point in the case he was unable to plead due to his unwellness. These things obviously tick on and on. Can the Minister of State imagine a solicitor being faced with a case like this, which has complexities, whether poverty or trauma or whatever it may be, and in this scenario telling him or her that €455 is the fee? That is not even the out-of-court aspect and it has nothing to do with prison visits that may be needed to build the case and adequately support the individual.

This is of real concern to some of the most vulnerable people who may end up before the courts. Whatever about the access to justice they may receive, we may also see, as we have in other areas of law, people leaving the legal aid system and saying it is not feasible for them to be able to work within it. What we are doing is creating a shrinking pool of access to justice for some of the most vulnerable people in the country. We cannot really say we have a system built on fair access to justice and legal aid if we are saying there could be a case with more than 20 adjournments in which we expect a solicitor to work for €455 and treat that person with the detail and care he or she needs across those adjournments.

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Colm Brophy): I thank the Senator. It is important to remember that the programme for Government contains three commitments in relation to criminal legal aid, namely, to reform the operation of the criminal legal aid scheme; restore the fees, and enact the criminal justice (legal aid) Bill. It is the Minister, Deputy O'Callaghan's intention to fulfil all three commitments. The Minister fully recognises the crucial role played by the legal profession in the effective administration of criminal justice. Equally, the criminal legal aid scheme is fundamental to upholding the constitutional human right to a legal defence.

The Minister's only objective in making these reforms is to make the system more effective and efficient while ensuring that those accused of crimes, including those who are vulnerable or disadvantaged, are provided with the legal representation to which they are constitutionally entitled.

The reform of the criminal legal aid fee structure in the District Court will not affect the ability of legal professionals to engage in criminal legal aid work. Neither is it intended to reduce the cost to the State of providing criminal legal aid. Rather, it will improve efficiencies, reduce unnecessary adjournments, simplify the administration of criminal legal aid, speed up case resolution and enable faster payments to practitioners. For cases in the District Court, regardless of the number of appearances, a set fee will be payable to solicitors. The new structure will also provide for a full separate set fee for each defendant in court on a given day. This reform will be a major improvement on the current fee structure.

In considering the need for reform, it is important to note that while criminal case volumes in the District Court have decreased, expenditure on criminal legal aid in the District Court has nearly doubled, from €19 million in 2015 to €37 million in 2024. The Department of Justice, Home Affairs and Migration reviewed more than 350,000 District Court cases which took place during 2022 and 2023. The reforms aim to address structural issues identified during this

review, such as unnecessary adjournments resulting from the payment-per-appearance model, which also impact those who are vulnerable or disadvantaged.

The Department of Justice, Home Affairs and Migration has been engaging extensively with relevant stakeholders, including An Garda Síochána, the Probation Service and the Courts Service, as well as legal professionals and their representative bodies, on the review and proposed changes to the scheme. Officials from the Department met with the Bar Council and the Law Society in May, July and October 2025 and again in March 2026. The Minister, Deputy O'Callaghan, has written to those two bodies recently offering to meet with them to discuss the proposals.

Senator Lynn Ruane: I know from reading the submission made by the Law Society that it also asserts this is a flawed proposal. When we think of efficiency, I am sure there are plenty of unnecessary adjournments in some cases, but in many there are not. As a community worker, I always try to portray to people whom we go to for funding that you cannot measure human interaction in efficiency or number of outcomes, number of adjournments or number of cases. It is a matter of how you work with individuals on a day-to-day basis, especially when we look at the courts system. In Ireland we say we have a rehabilitative system, whereby we might look at young people and vulnerable adults and often try to create other pathways for them out of the criminal justice system. However, you could be saying, "We need unnecessary adjournments", but your solicitor could be saying, "We need some adjournments because we have just got this person to register with their local youth centre and they are going to start a course in a community college." However, now you have only a flat fee and all of a sudden you cannot put in all those structures to make sure that person exits the criminal justice system and has what they need.

Finally, can the Minister of State say if any engagement took place with the District Court judges, who administer the system day in and day out, before the Department came up with these proposals?

Deputy Colm Brophy: I will convey the Senator's remarks on this to the Minister, Deputy O'Callaghan. As mentioned, the reform of the criminal legal aid fee structure in the District Court is aimed primarily at improving efficiencies, speeding up case resolution and reducing unnecessary adjournments, while ensuring that those accused of crimes, including those who are vulnerable or disadvantaged, are provided with the legal representation to which they are constitutionally entitled. The proposed reform is intended to make the system work better for all concerned. The Minister, Deputy O'Callaghan, looks forward to continuing engagement with the relevant stakeholders and representatives of the legal profession in advance of the introduction of new arrangements, including the full restoration of fees, which is due on 1 July.

Acting Chairperson (Senator Chris Andrews): I welcome the visitors and guests of Deputy James O'Connor. You are very welcome. I hope you are being well looked after in the Dáil restaurant and the bar.

Cuireadh an Seanad ar fionraí ar 3.29 p.m. agus cuireadh tús leis arís ar 3.33 p.m.

Sitting suspended at 3.29 p.m. and resumed at 3.33 p.m.

Casual Vacancy

An Cathaoirleach: Dia dhaoibh, a chairde. Before I call on the Leader to outline the Order of Business I wish to announce that Senator Seán Kyne has been elected to Dáil Éireann and is, by virtue of Article 15.14 of the Constitution deemed to have vacated his seat in Seanad Éireann. Consequently, a casual vacancy has occurred in the membership of Seanad Éireann.

On a personal note, I thank now Deputy, former Senator, Seán Kyne, for his service as Leader to the Twenty-seventh Seanad. I wish him well. He worked well with all sides. He was always very attentive to Members when they raised questions on the Order of Business and worked very hard in that role as Leader of Seanad Éireann. We will be sorry to see him leave but delighted for him personally having stood before the electorate and been elected, and having succeeded previously but also not been successful on other occasions. It is always a great joy for anybody who is involved in elections to see someone elected to the Dáil, particularly somebody for whom we have great respect and regard. I wish Seán all the best---
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Senator Sharon Keogan: Hear, hear.

An Cathaoirleach: -----as he takes up his seat in Dáil Éireann today.

Senator Gerard P. Craughwell: There is a vacancy going.

Senator Garret Ahearn: I might say something about it at the conclusion of the Order of Business.

An tOrd Gnó - Order of Business

Senator Garret Ahearn: The Order of Business is No. 1, statements on student accommodation and supports, to be taken at 4.45 p.m. and to conclude at 6.15 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, all other Senators not to exceed five minutes and the Minister to be given no less than ten minutes to reply to the debate; No. 2, International Co-operation (Omagh Bombing Inquiry) Bill 2026 - Report and Final Stages, to be taken at 6.15 p.m.; and No. 3, Garda Síochána (Powers) Bill 2026 - Committee Stage (resumed). to be taken on the conclusion of No. 2 and to adjourn no later than 9 p.m. if not previously concluded.

An Cathaoirleach: Before I call the next speaker, I welcome to the Distinguished Visitors Gallery the Croatian ambassador to Ireland, who is here to celebrate Croatia's national day along with An Leas-Chathaoirleach and the newly appointed convener of the Ireland-Croatia Parliamentary Friendship Group. The ambassador is most welcome. I think he has been here nearly seven years at this stage. It is always a delight to meet him and to talk about the issues that join us together, such as the many Irish people who go on holidays in Croatia and the many people from Croatia - the number is nearly 17,000 - who work here in Ireland. This year marks

the 35th anniversary of Croatia's declaration of independence from Yugoslavia, which was recognised by Ireland on 15 January 1992. We look forward to celebrating that anniversary next year. Obviously, we have shared history when it comes to fighting a much larger power to achieve our independence over many centuries. A history of emigration is something else that we tragically share, along with the desire to stay connected with our diaspora. I know the ambassador does that very well on behalf of his government and his people. We look forward to delegations coming over from the Croatian Parliament during our Presidency of the European Union and engaging with our convener Deputy Paul McAuliffe and others with regard to strengthening the bonds between Ireland and Croatia. In this month of May on the anniversary of Croatia's statehood, we wish Croatia a happy statehood day and thank its ambassador for being with us here today.

Senator Fiona O'Loughlin: I start today by congratulating Deputy Kyne. It was a privilege to work with him as Leader of the Seanad. I have no doubt that I speak for all of the Senators across the House when I mention his sense of fairness to everybody. His office was always open, his phone was always ready to deal with an issue or a problem that anyone had, and he carried the role with great dignity. I wish him very well in his time back in the Dáil.

I wish to raise the wonderful campaign being carried out by Jordan and Cian Adams in raising awareness for frontotemporal dementia. Through their remarkable marathon challenge across Ireland, the brothers have raised really significant awareness as well as over €1 million for dementia research and support services after tragically losing their mum to the illness. I know that the campaign has resonated really strongly right across the country. Tomorrow, we are looking forward to welcoming Jordan and Cian in Kildare where we expect very large crowds to turn out to support them on the second last day of their journey through the country. The support that has been shown around the campaign really shows the strength and depth of compassion and solidarity that exists in Ireland for families affected by dementia. Unfortunately, both Jordan and Cian carry the inherited gene linked to the condition but they have transformed their huge personal tragedy into a campaign of hope, awareness and fundraising that has inspired so many. I would like to ask the Minister of State with responsibility for older people to come to the House to outline and debate what further investment and supports are being considered for dementia research, awareness campaigns and services for families living with neurological illnesses.

I commend Dublin Bus on its recent Books on Board book club initiative aimed at encouraging reading among commuters. When people are spending long hours commuting every day, the joy of being able to pick up a book and leave back a book is really important. It helps make it a far more positive and engaging experience, while promoting Irish literature and providing books at a discounted price. It has been a positive initiative, and we would like to see more of it. I would also like the Acting Leader to ask the Minister for Education and Youth to outline how similar community-based initiatives can continue to be supported, including supporting young people reading at an early stage. There was a presentation in the audiovisual room approximately two or three weeks ago about the importance of reading and of libraries having new books. I hope that will be addressed in the budget. It is important that we ask the Minister to come in to look at these initiatives that promote reading across public transport and across the community.

Senator Manus Boyle: I thank Seamy McDermott and Vinney Gillespie who are undertaking a cycle from Malin Head to Mizen Head. It is a more than 1,000 km challenge to raise money for the Irish Kidney Association, a cause close to both men's hearts. I wish them the best of luck and hopefully the good weather stays with them.

I turn to a more serious issue that I and Senators across parties have raised here many times. It is givinostat for children with Duchenne muscular dystrophy, DMD. I was proud to stand with the people on the Diamond in Donegal. So many turned out on Sunday to support Aaron Langan. It was organised in four days and thousands of people turned out to support Aaron and the Langan family. It was a great event to be at. I give a big thanks to Onóir, the MC Noel Cunningham and all involved for their tremendous work in highlighting this serious issue. It is sad that families have to wait so long for this drug. At a meeting of the health committee last year, I was told it would be sorted before Christmas. Then I was told it would be sorted early in the new year. It is almost June now. This is unacceptable. We need to get this sorted as soon as possible for the children of Ireland. I understand the HSE received a proposal on 8 May from the company that supplies givinostat. Surely the HSE can put a plan in place to get givinostat for Aaron and these other children as soon as possible. The drug is available in England and Northern Ireland and is working well. It slows down the muscle loss. Would the people making this decision on givinostat take so long if it were their son or daughter? Time is muscle. I ask the Acting Leader, the Department and everybody to get behind this campaign. We need to support Aaron and the children of Ireland who have this disability. We have to get this sorted. They are depending on us as politicians to get this over the line. For Aaron and all the other people, we need to get this sorted as soon as possible.

Senator Sharon Keogan: I wish to speak to the recent acceptance of the credentials of the Iranian ambassador to Ireland, a decision that raised serious and deeply troubling questions. I believe we need to be clear about two things. First, this was not a ceremonial inevitability. Second, this was not the President's decision. While the President formally receives the letter of credence, the decision to allow that ceremony to proceed rests squarely with the Government, specifically the Department of Foreign Affairs and Trade acting under the authority of the Minister.

Senator Gerard P. Craughwell: Hear, hear.

Senator Sharon Keogan: This House must not allow any blurring of responsibility, something I feel the media latched onto as the Government hid behind the President's more outspoken views. The Executive made this decision, not the President. We must ask who made this call, and why now? This decision comes against the backdrop of ongoing repression in Iran, a regime accused of killing thousands of protesters and detaining tens of thousands more with credible reports of torture, rape and systemic brutality used to silence dissent. Whatever one may think of America's ongoing war with Iran, this does not change the fact that the current Iranian regime has the blood of its own citizens on its hands.

At the very same time, across Europe, there have been serious discussions about designating an element of that state's apparatus, namely, the Islamic Revolutionary Guard Corps, as a terrorist organisation due to its role in repression and destabilisation and, in some cases, it has been decided to do so. I ask again: what changed between the decision to postpone this

accreditation earlier this year and the decision to now proceed? What assessment was carried out? What assurances, if any, were received? How does the Government reconcile this step with Ireland's stated commitment to human rights? Ireland has long prided itself on speaking with moral clarity on the world stage. Today, that clarity appears absent. The Government must come before this House to explain who authorised this decision, the rationale behind it and how it aligns with the values we claim to uphold.

Before I conclude, I wish to respectfully address remarks made last week when I blew out some of the candles on Fianna Fáil's 100th birthday cake. I appreciate that some colleagues defended their party in a measured and thoughtful way. That is always welcome. However, I noted a sharper tone from others. I must ask why they were shouting and raising their voices. What made them shout about what I said? By all means, let us have robust debate but challenge my viewpoints based on the arguments I have actually made.

An Cathaoirleach: I welcome visitors from the school of law in Duquesne University, Pittsburgh. They are guests of Senator Frances Black and the chief translator, Vivian Uíbh Eachach. I thank them for coming. If they find any flaws in our processes, I ask them to point them out.

Senator Gerard P. Craughwell: Do they get homework off?

Senator Pauline Tully: Ar dtús, déanaim comhghairdeas leis an mbeirt Teachtaí nua, an iarSheanadóir, Seán Kyne, agus Daniel Ennis. Today, I will raise the issue of the autism protocol brought to Cabinet by the Ministers for disability and Health this morning. As a member of the Joint Committee on Autism of the previous Dáil and a member of the all-party parliamentary group on autism, I want more clarity on what exactly this protocol is. It is to be launched today with the HSE. It is a new autism assessment process for children and adults. I welcome anything that will address the significant backlog in assessments of need for children. We are approaching 22,000 at the moment. There is currently no method for adults to be assessed publicly so I also welcome that. However, on reading up about it, I have come across conflicting evidence. In one place, it is stated, "This will replace the current AON process" but, in another, it is stated, "Importantly, these changes will not remove any rights for parents to apply for an Assessment of Need for their child, nor will they alter the statutory sixmonth timeline set out in the Disability Act." How do those two statements marry together?

It is also stated, "Assessment officers will be supported by eleven new teams" throughout the country with each team having four members. There is going to be a psychologist, a speech and language therapist, an occupational therapist and an administrator. At the moment, CDNTs and primary care teams are under extreme pressure to find psychologists, speech and language therapist and occupational therapists so from where will these positions be filled? Are we going to take from existing teams to fill these positions? The problem with the current teams and the primary care teams is that there are not sufficient numbers of staff to deal with the level of demand. We are seeing more and more children waiting for assessments or for services because of this lack of staff. A few years ago, the early intervention teams and the child development teams were replaced by the CDNTs and that ended up with children being missed, falling through the cracks and not being on any list for services.

There is also reference to "The introduction of an additional management grade overseeing Assessments of need". The last thing we need is more bureaucracy and more managers within the HSE. We need front-line staff within these teams and within our acute hospitals. We do not need more managerial grades. I want to ensure these teams will work to address the backlog because, while I read that "Children do not need an Assessment of Need report to get access to services", I find that children are not getting services without one. They are not getting into special schools or special classes without an assessment of need.

How will all of this be addressed? Even those children who have the assessment of need carried out are not getting the services. I would welcome a more in-depth discussion on the protocol.

Senator Mary Fitzpatrick: I also offer my best wishes to Deputies Seán Kyne and Daniel Ennis, both having been elected to the Dáil. I give a big shout-out to Jordan and Cian Adams, the FTD Brothers. Jordan and Cian carry the frontotemporal dementia gene. They inherited the gene from their mother, Geraldine, who sadly died at the very young age of just 52. Jordan and Cian have been running marathons in every county. They are coming to Dublin and will arrive on 28 May. The work they are doing to raise awareness of dementia is tremendous. More than 60,000 people live with dementia in Ireland and more than 180,000 people care for people with dementia. They have raised in excess of €1 million already and people can continue to support them at the FTD Brothers' GoFundMe page. Most importantly, I ask people to come out and give them a warm Dublin welcome on Thursday. I have been in contact with the Lord Mayor, Ray McAdam, who has assured me that the city council will do their best for the lads. They deserve a huge bualadh bos and I send them my best wishes. Well done.

An Cathaoirleach: I welcome the ambassador from Georgia, H.E. Sophie Katsarava. She is most welcome to Seanad Éireann. She is a guest of Senator Diarmuid Wilson. Georgia and Ireland have a great friendship, and have had many a contest on the soccer field. We thank the ambassador for coming today and for her friendship. I thank Senator Wilson for bringing the ambassador to the Distinguished Visitors Gallery and for being here today.

Senator Gareth Scahill: I wish to be associated with the congratulations to Deputies Seán Kyne and Daniel Ennis.

I will highlight the issue of access to education for people with disabilities. We have a focus on the WorkAbility programme, a major initiative running through to 2028, which has a budget of approximately €36 million. It is designed to help people with disabilities transition to education, training and employment. As well as this, we have a focus on the higher education access programme, the national access plan, which aims to further increase the proportion of students with disabilities entering third level education. I have been made aware of an issue whereby students with disabilities are able to complete up to level 5 qualifications. Level 5 has been identified as putting students in an excellent position to transition to apprenticeships, yet in order for people with disabilities to go onto an apprenticeship programme they have to give up their disability allowance. This puts them at a distinct disadvantage. When they give up an initiative like this it is very hard to get it back. I call on the House to have a discussion on access to education for people with disabilities.

To follow on from what some previous speakers said, I also acknowledge Jordan and Cian Adams from the FTD Brothers. I ran with them when they were in Roscommon. Senator Boyle brought up Duchenne muscular dystrophy and trying to get givinostat medication. When the FTD Brothers were in Roscommon, the Join Our Boys Trust charity was their local charity of choice to which they gave some of the funds they raised. It supports two young boys with Duchenne. As Senator Boyle highlighted, time is muscle and we need to act on it fast. I welcome the fact the manufacturers have applied for a licence for recognition in Ireland but we need to speed up the process.

Senator Gerard P. Craughwell: I want to be associated with the congratulations to Seán Kyne. Saturday and Sunday were nail-biting and showed the value of the single transferable vote. I am delighted for Seán and his family. A more decent man you could not meet. We will be holding interviews for the position of Leader over the coming days - CVs to me before the close of business this evening.

To my colleagues who have spent their time in both Houses crying about the triple lock, Ireland's neutrality and all of that nonsense, yesterday was the start of the collapse of Ireland's peacekeeping missions overseas. Operation Irini is still continuing, but Irish service personnel cannot serve any more. They have been withdrawn with effect from 24 May. Let us watch over the coming months as we withdraw more and more of our Defence Forces people back home because of an infantile process known as the triple lock.

Who in this House would go to their next-door neighbour and ask if they could let their husband or wife out for a drink tonight? Who would ask some stranger if we could let the children out? Yet we are quite happy to allow the English King, the President of the United States, the President of France and the President of Russia to decide where we will send our troops. Is it not time that we grew up as a sovereign nation?

Can we imagine the position of General Seán Clancy, the current chairman of the European Union Military Committee? He is an Irish general who cannot see his own countrymen serve overseas. This nonsense has to stop. It really does. People are telling me today that there were fewer than 12 people involved, so the Government did not have to withdraw them. I ask them to check the law. The Government had no choice. It had to withdraw them. I would like to see the legislation on the triple lock come into the House before the break and let us put an end to this nonsense.

Senator Noel O'Donovan: I wish to share in the comments made by my colleagues congratulating Deputies Seán Kyne and Daniel Ennis on their election to the Lower House. The comments about our former colleague, Seán Kyne, from across the floor have been a tribute to him as a man of sincerity and decency and a man willing to work with all of us in this House. The vote, and the transfers, showed that over the weekend as well. I genuinely wish him the best of luck. It is a symbol of the man he is that he has promised to be a better and more hard-working TD than he was the last time. This is a reflection of the man he is.

I also agree with the contribution from Senator Craughwell in terms of the triple lock debate. I look forward to having that debate in this House because it is an important one. Some extremely important issues will be discussed. The Senator laid it out straight, in terms of Irish generals not being able to make decisions themselves on where Irish peacekeeping forces go.

We should be making those decisions ourselves as a Government and a nation, rather than asking others to do so.

I also want to raise the issue of our income tax policy. A discussion of this issue is needed in this House. As a proud member of Fine Gael, I believe strongly in rewarding hard work, encouraging initiative and supporting those trying to build a better life for themselves and their families. Increasingly, though, there is a concern that our tax system is sending the opposite message. It was a message that came through quite clearly on the doors in west Cork in recent weeks when a young family set out their situation. There are two good jobs in the household, with one person working in a semi-State and one working for a pharmaceutical company. Yet the family is struggling. There is a need to look at our tax system in the upcoming budget and in the budgets to come. I would welcome a debate in this House on this matter before the upcoming budget.

Senator Chris Andrews: I extend my congratulations to Deputy Daniel Ennis and to the former Senator, Deputy Seán Kyne, who was particularly patient with Members from this side of the House. He was very accommodating and easy to work with and I wish him well. Personally, I feel very glad for him.

Last week, an elected member of Dublin City Council posted a video on social media which could only really be described as Nazi propaganda. The video praises Adolf Hitler and openly expresses support for the Holocaust, in which 6 million Jewish people were murdered by Nazi Germany and its collaborators. The views expressed in this video and shared online by Councillor Philip Sutcliffe are an absolute disgrace, not only to Dublin City Council but to Ireland as a whole. This is not the first time that Councillor Sutcliffe has shared his extremist and bizarre views online, and I am sure it will probably not be the last. Unfortunately, these sorts of evil, extremist and delusional viewpoints are creeping into Irish society.

4 o'clock

People like Sutcliffe do not speak for the Irish people or for working-class communities across this city or country. People like him want to tear our country down for their own benefit, sponging money and fame while communities are torn apart by anger and hatred. Their vile hatemongering does not increase wages or solve the housing crisis. It does not build more homes or get the homes we have to the standard we need. It does not make our health service any better, make childcare more affordable, or make our transport better. All it does is turn ordinary people against one other, replacing frustration with fear and swapping hope for anger. The antisemitism and hateful rhetoric espoused by Councillor Sutcliffe and people like him need to be condemned in the strongest possible way. I hope everybody in this House is in agreement in saying that there is no place for antisemitism or Nazi apologism in this country, and there never will be.

An Cathaoirleach: As Members are aware, political charges are part of the cut and thrust of the Seanad and obviously, issues that are of public interest and in the public arena are open for discussion here but people have to be careful about making anything other than political charges.

Senator Mark Duffy: I join my colleagues and Senators from across the House in congratulating our former colleague, Seán Kyne, on his magnificent election in the by-election. He has been a brilliant colleague to work with over the past 18 months or so and has a wealth of experience that he will return to the Lower House, Dáil Éireann. I congratulate him, his family, and everyone who helped to make it possible. I wish him well. He will definitely be a loss to this House.

I raise flood relief schemes and the OPW. In my area of north Mayo, we have seen the benefit of investment in Crossmolina, where the flood relief scheme is progressing very well. The Ballina flood relief scheme, in conjunction with the OPW and Mayo County Council, is also progressing well through all of the different statutory stages that are required. Both areas have been enormously impacted in the past due to flooding and both will be addressed with this investment. It is important that we have projects that work with and engage with communities. In fairness, both have been constructive in that way.

I highlight and would welcome a discussion with the Minister of State, Deputy Moran, about the flood relief scheme in Crossmolina. In a certain area on the road towards Rakestreet, a number of homeowners will potentially be impacted by road closures. It will involve a major detour to get on the regular route, which many would travel three or four times a day. It will add potentially half an hour to their commute, or more, depending on how many times they travel each day. I call on the local authority to engage with the OPW to make arrangements that work for residents in the Crossmolina area in order that this project can be delivered on time but with the support of residents and without too much disruption.

Senator Paraic Brady: I would also like to be associated with the comments regarding Senator Seán Kyne, now Deputy Kyne. I first of all congratulate him and his wider team but also the people of Galway for something very special. Seán Kyne is very likeable but he is also trustworthy. That is the message we got on the doors, when we canvassed in Galway, that Seán Kyne is a likeable fellow and is trustworthy. We see people giving out on social media that he did not get the highest vote and so on. Democracy is at play here and it is strong in this country. It is not first past the post. People have to understand that. There are some woeful comments that he did not get the highest vote but at the end of the day, he finished first at the end of the race, which is what democracy is all about. Moving on from that, I congratulate Daniel Ennis and his family. It is lovely to get elected and is a great achievement.

I raise an issue regarding beef prices.

There was a huge increase in beef prices last year for farmers but unfortunately this year there has been a decrease and a number of farmers are losing between €4 to €5.50 a head on prices last year for the same weight of animal killed in factories. We are talking about food security. It has to be priority number one but we are seeing massive losses on farms. Despite this, the retailers are paying €13.99 to €25.99 for the same beef the farmers are getting €6.30 or €6.50 for. There is a huge price gap here for the factories and there is huge price-gouging going on whether we like it or not. The farmer is keeping those cattle for 500 to 600 days on average in most cases. The factories have them for six weeks and the retailer has them before he sells them for maybe 21 days. If we are talking about food security we have to get serious about this. I call on MII to give a statement on why the price of beef is falling at the rate it is at this time of the year.

Senator Sarah O'Reilly: There is something special about Ireland when the sun comes out. People head to the beaches and to the back of the wardrobe for their sandals and we swap dinners for salads. Across towns and villages people gather outside their local pub after work to chat, relax and soak up the sun but these meeting places that hold communities together are disappearing. The Vintners Federation of Ireland has warned that rural pubs are facing a massive threat unless the Government acts in budget 2027. Since 2005, 2,200 pubs have closed their doors across Ireland. In recent years, closures have increased to an average of 128 pubs per year. Rural Ireland has been hit hardest of all. When a rural pub closes, it is never just a business shutting its doors as it is often the last meeting place in a village. It is where birthdays are celebrated, funerals are remembered, matches are watched and lonely people find company. When a rural pub closes, a community loses a social anchor. At a time Ireland has been identified as one of the loneliest countries in the European Union, this is significant. Nearly 190,000 people over the age of 65 live alone. Rural isolation is a thing, especially for single male farmers. I ask the Government to consider the proposed tax credit scheme from the VFI because it would go a long way to supporting our local pubs. If we can support film, television and gaming through targeted tax credits, surely we can support the small publicans keeping rural communities alive.

I congratulate Seán Kyne on his win, as well as Daniel Ennis. I got to know Seán over the past year and I believe he was elected because he is a genuine, kind person. I was the beneficiary of his kindness in here. On many an occasion I sat for maybe two hours to speak and we ran out of time but he noticed and asked for more time. He is very tuned in and I wish him the very best of luck.

Senator Sharon Keogan: Hear, hear.

Senator Linda Nelson Murray: Ba mhaith liom comhghairdeas a dhéanamh leis an TD nua, Seán Kyne. I just thought I would say that in Seán's language as he had such good Irish. I hope I pronounced it well.

There is no such thing as a hopeless cause. I definitely learned that yesterday when I went to the Joshua Community's centre in Navan. It was my first time visiting. I ended up spending about two and a half hours in the centre. I am probably a little bit ignorant of everything that is going on with people who are vulnerable and homeless and it was definitely an experience for me to visit that centre yesterday. At the centre there are projects aimed at those who feel they need a fresh start or new direction. These people may have been unemployed for a long time. This includes those who may have suffered with substance abuse. I met one person yesterday who suffered a very severe drug addiction up until ten years ago when she found the centre. The community is in Cavan as well as Meath and Senator O'Reilly was mentioned yesterday. The community was able to help this person do courses and seek employment.

On seeing someone's life completely at one of the scale being turned around to the other end of the scale, I was just blown away. It opened a thought for me as to what can be done to support places like this. People were going in there yesterday to have a shower. They may have been going in to grab a toothbrush and toothpaste or simple little things like a change of socks. These are things that so many of us take for granted. It was a very humbling experience for me. I wanted to use my time today to raise the Joshua Community and to open the

conversation even more. My colleague, Senator Aubrey McCarthy brings it up a lot in this House, as do many other Senators, but we should have a good, strong debate about what the Government can do to support people who are going out of their way to help vulnerable people in Ireland. In my community, I can see first-hand the impact it is having.

Senator Robbie Gallagher: This week, I endorse the ongoing campaign in relation to Tractor Safety Week. The campaign urges and encourages people using tractors and farm machinery to be very careful as they go about their daily tasks. The tractor is synonymous with farm work. Indeed, it is centrally used - nearly every single day of the week and with that comes many dangers. Unfortunately, last year, 25 people lost their lives on Irish farms. That is twice the number of the year before. In addition to that, there were approximately over 4,600 serious farm accidents, many of them resulting in life-changing situations for the people concerned and their families. This week, I endorse that campaign. I plead with all farmers, farm contractors and anybody in close proximity to farm machinery to be very careful. I was born and reared on a farm myself. During this particular time of year with the sun high in the sky, farmers are very busy. They are under pressure regarding time. I urge them to pause for a second, to check that the machinery is working okay and to be extra careful as they go about their daily tasks. When a fatality occurs on a farm, it is truly heartbreaking for that family. Every single day that they get up and go on that farm, there is a reminder of it. My plea today is for people to be extra careful as they go about their daily work.

Senator Nessa Cosgrove: I also say comhghairdeas agus bualadh bos to Seán Kyne. Go n-éirí an t-ádh leis ina phost nua. It is fantastic for him and I am delighted for him. I also wish Daniel Ennis the very best and congratulate him. I congratulate everyone who ran. It was a long campaign and everyone who ran needs huge credit for putting their name forward on the ballot paper.

I was at a great report launch yesterday by the children and young people's services committee, CYPSC, in Sligo and Leitrim. The report is on transforming youth mental health supports in Sligo and Leitrim. We heard from the CYPSC co-ordinator, but also from Comhairle na nÓg in Sligo and Leitrim. I will read out a quotation from the focus group. They are basically looking for an early intervention youth support facility for young people in Sligo and Leitrim:

Young people in Sligo and Leitrim are struggling and we need support that actually helps us. It should not take months to talk to someone or feel like you're fighting a system just to be heard. We want help that's easy to reach, and when things start to feel overwhelming, not after when everything has already gone wrong.

There are a lot of recommendations in this report. I know they have presented this report to the Minister of State, Deputy Butler. As it is driven by young people, there are recommendations on the services that are there. Jigsaw is in Mayo and Mindspace in Donegal and Roscommon. In all the surrounding counties, there are early intervention mental health services for young people. We do not have that in Sligo. A total of 270 people were identified for these focus groups. I think 223 of them were young people. It is in their own words saying that they need a space that is free, accessible and not just based in an urban town. It has to be based in rural areas as well. They asked for youth-friendly design, that privacy and stigma be addressed and for goal-oriented supports and access to a range of number of professions.

We are very lucky in Sligo and Leitrim in that we have a lot of youth services and we have CAMHS. They need somewhere to direct people to. I know this from being a youth worker on the ground. There is nowhere to direct services. If a young person presents with a mental health need, we have nowhere to direct them. There is no one there. I hope the Minister of State, Deputy Butler, will take on board the recommendations in this report.

Senator Garret Kelleher: Chomh maith leis na Seanadóirí eile ar fad, déanaim comhghairdeas leis na Teachtaí Dála nua atá againn, Seán Kyne agus Daniel Ennis, as ucht na mbuanna a bhí acu sna fothoghcháin an tseachtain seo caite. I gcás Sheáin, is iontach an rud é a bheith ag cloisteáil na ráiteas ar fad ó na Seanadóirí, go háirithe Seanadóirí an Fhreasúra, agus na dea-rudaí atá le rá acu mar gheall air. The Fine Gael Group knows the enormously positive contribution Seán made. As the group was primarily made up of first-time Senators, it was very important to have somebody of his experience - and that of our Acting Leader - from previous Seanaid. It is lovely to hear the positive comments coming from the Opposition. Positivity was very much a theme of Seán's campaign. Everybody in this Chamber today has spoken of his integrity and decency. It is very refreshing to hear that level of magnanimity from everybody towards Seán, and to hear the regard in which he was held, which came out very much in the campaign. Déanaim comhghairdeas leis agus le Daniel Ennis. I do not know Daniel personally. I met him on two occasions today and had a brief exchange with him. He got a very strong mandate from the people of Dublin Central. I hope he does very well.

I would like to very briefly take up something that was said by Senator Gallagher. I refer to the work that is being done to assist people who have sustained injuries in farm accidents. As the Acting Leader knows, there is a very active group in Mountrath, County Laois - Embrace FARM, led by Brian Rohan and his wife, Norma. He established that charity as a result of losing his father to a farming accident. They do superb work. That is something on which I might well have a discussion with Senator Gallagher afterwards.

Déanaim comhghairdeas leis an mbeirt Teachtaí Dála nua atá againn. Tá súil agam go n-éireoidh go geal leis an mbeirt acu.

An Cathaoirleach: I welcome guests of Senator Andrews - students who are doing their masters in international development in Maynooth University. They are most welcome to Seanad Éireann today. I also welcome guests of Senator Noonan and Deputy Clarke. I thank them for being here.

Senator Cathal Byrne: I join with colleagues today in expressing congratulations to our former colleague and former Leader of Seanad Éireann, Seán Kyne, on his election to Dáil Éireann. One of the big things that stands for me about Seán is his interest in public service, his decency and also the respect he had for the institution that is Seanad Éireann. In the time that he was the Leader of the Seanad, he recognised the important role we do here as a legislative Chamber made up of different groupings, parties and people who have very different policy beliefs, but all of whom believe in the importance of democracy and the importance of this institution as a legislative Chamber and a Chamber for discussion and debate. In his contributions as Leader while responding on a daily and weekly basis to the Order of Business, I always felt that he took up those issues and that there was a balance in the debates that led from the Order of Business here, recognising the various different groupings that we have here.

I congratulate him, his family and the Fine Gael Party and organisation in Galway, including the very hard-working team of Galway councillors who played a very important role in the election campaign. I also congratulate Daniel Ennis on his election as a representative for Dublin Central. This is very much a day for them and their families. I hope that they both have the opportunity to reflect on the big moment that it is to take a seat in the Lower House.

As somebody who was elected to the same panel as Seán Kyne, I particularly want to congratulate him.

Senator Martin Conway: I would also like to pay huge tribute and congratulations to our former Leader, Seán Kyne, on his elevation to the Lower House. I have known Seán Kyne for more than 20 years at this stage. The first time I met him was prior to the 2007 Seanad election when he came and sat in my kitchen and from then on we were firm friends. Seán is there in good days and bad. He is a thoroughly decent person and is a loss to this House but a huge asset to Dáil Éireann. The people of Galway are very lucky to have a representative like Seán and they know it, because they elected him. Governments do not win by-elections but Seán Kyne did win a by-election, which is a testament to him, in the first and last instance, and his decency, integrity, backbone, intelligence, shrewdness and above all, his commitment to public service. The Houses of the Oireachtas are very fortunate to have people of that calibre and I wish him every success over the next three and a half years in his role in Dáil Éireann. I would also like to wish the Acting Leader well in the coming days.

I would like to echo the comments made on farm safety. The Cathaoirleach will recall the initiative of the Seanad Public Consultation Committee between 2011 and 2016, which resulted in a very good report on farm safety that included a series of recommendations. I was lucky enough to be the convenor back then. A number of the recommendations were taken on board by the Government at a time there were not huge resources in the country. Unfortunately, too many people are still losing their lives in farm accidents. It might not be a bad idea to refresh that very good report and draw up a supplementary report on farm safety, 15 years later. It is an issue on which we have to be ever vigilant. Beautiful days like today are the type of day that farmers embrace, want and need. We do not want people getting hurt or losing their lives so whatever can be done, in terms of raising awareness, should be done.

An Cathaoirleach: I thank the Senator for his work as convenor on that report on farm safety. It was quite comprehensive in terms of engagement with farming organisations and groups as well as with the victims of farm accidents, those who lost loved ones and those whose lives were transformed by injuries they received. I thank him for his work on that. The report's recommendations led to changes throughout the country on the issue of farm safety.

Senator Laura Harmon: I congratulate the two new TDs, Daniel Ennis in Dublin Central and Seán Kyne, our former Seanad colleague and Leader, on their elections. Comhghairdeachas agus beir bua. I wish them both well in the future. Of course, we now look forward to a by-election in the Seanad.

I also want to congratulate Glasheen Boys' School in Cork city, which won the Sciath na Scol hurling championship. We are very proud of them in our local community and I congratulate the boys, their teachers and coaches as well.

I want to raise the issue of survivors of institutional abuse. I have just come from a briefing in Buswells Hotel on this. Survivors are calling for a number of actions, the first of which is a commitment to a meaningful redress package for those who were boarded out.

There should be an immediate removal of the 180-day eligibility requirement for mother and baby homes in terms of the redress scheme. The Labour Party has said that anyone who has spent a minute in a mother and baby home or institution should be liable for full redress. We also need to ensure that all institutions operating within the network of mother and baby homes and county home institutions, including private nursing homes and other settings, should be included in this. It is really disappointing to see that there has been such a low uptake of redress schemes. This is because it has not been promoted properly by the Government, or through embassies and representatives abroad either. These people are being doubly traumatised as a result of this. A redress scheme is one thing, but being excluded time and time again is extremely traumatising for survivors. We absolutely need to ensure that they have proper health and housing supports. We should have the Minister in the Seanad soon so we can have a full debate on this.

An Cathaoirleach: I call on the Acting Leader to respond.

Senator Garret Ahearn: I thank colleagues for their contributions. I will say a few words on former Senator Kyne at the end.

Senator O'Loughlin spoke about the 32 marathons in 32 days by Jordan and Cian Adams. The amount of money they have raised for dementia is phenomenal at over €1 million. It is really to be recognised. As the Senator outlined, there is a good opportunity to have a debate in this House with the Minister of State, Deputy Butler, on resources for people with dementia. We will see if that is possible. She also spoke about the importance of reading and investing in libraries. It is so vital, particularly for young people. I see with my own two young boys how much they benefit from reading. The last contribution of the former Minister, Paschal Donohoe, in the Lower House was about investing in libraries and reading. We need to do more of that.

Senator Boyle spoke about a drug that has been mentioned a number of times in this House and needs to be approved by the HSE. I know it has received a proposal from the drug company in respect of that illness. It needs to be brought forward. Senator Boyle could put down a Commencement matter on that issue with the Minister for Health.

Senator Keogan raised the issue of the Iranian ambassador receiving their credentials to Ireland. As she said, it is a decision by the Department and the Minister. It is always important that we have some sort of dialogue, even with countries that do not agree with us on certain things. There are a lot of countries that have questionable human rights issues; Iran is one. There are many others for which we have ambassadors in this country. I take the Senator's concerns on board and take them as genuine, but it is a matter for the Department and the Minister.

Senator Keogan made a comment in relation to Fianna Fáil colleagues. It is not for me to answer for Fianna Fáil, but in this House we have and should always have that respect between both sides. That is something that the former Leader had, as was mentioned today. We can

have a robust discussion but we can do it in a respectful way. I think the majority of colleagues in this House have always acted that way. Hopefully, that can continue.

Senator Tully raised the issue of autism and the new autism assessment. She is right that it is a good opportunity for the Minister to come in to the Seanad to outline it. In fairness to Senator Tully, in her two-minute contribution she had at least 15 or 20 questions she is looking for clarity on. As public representatives, we all know families looking for early intervention for people to be assessed who might have autism. There are 22,000 people still waiting for early assessment. A lot of money has been put into it. A lot of publicity was brought to this by a girl from my parish in Tipperary, Cara Darmody, who has done an awful lot over the last number of years in launching Cara's Fund. It is timely that we would have a debate in the House with the Minister and I will request that on behalf of Senator Tully.

Senator Fitzpatrick also spoke about Jordan and Cian Adams, the amount of money that has been raised and the work they have done. She asked people in Dublin to get out to support them, which is very important.

Senator Scahill also raised Jordan and Cian and mentioned he ran with them. I am not sure how many kilometres he did, but he certainly did not do 32 days and 32 kilometres and he is a keen runner. The Senator also spoke about access to education and disabilities. Money has been put aside for that. It has always been an issue for people with disabilities that if they go into the workforce and get a job, they lose their disability allowance. That can have a real impact on that person and their family, particularly if it is a young person. We need to ensure there are no barriers for people to have a job, a full education and go into the workforce. We can have a debate on that.

Senator Craughwell spoke about the triple lock and where we are with it at present. It is currently progressing quite well and we are hoping to have it before the Houses by autumn. He outlined in his contribution the reasons it needs to be done and gave a very good example of the people coming home from peacekeeping this week. These decisions have to be made by the Irish Government as to where people who are peacekeeping will go. There will obviously be a discussion on that in both Houses when it comes to the floor. There have been many discussions in the House on it already. The committee on defence has discussed it also and people have separate issues on it. Certainly, with the background the Senator has and his understanding of the Irish Defence Forces, he outlines exactly the reason the Government wants to introduce this.

Senator O'Donovan also outlined the triple lock and the importance of it. He spoke about what many of us who were knocking on doors in recent weeks would have realised, which is that tax is a real issue. People working full time with good jobs are still struggling at the end of the week or month to pay their bills. I will speak to the Minister for Finance to try to have a debate in this House and for him to outline his priorities in the upcoming budget, to make sure people who are working hard every day can take home an income that can last a full week or month.

Senator Andrews spoke about a video by a Dublin city councillor. I have not seen it myself, but I have no doubt it is as shocking as the Senator suggested. It is probably best that I do not comment on it. I always find with these things that the more you speak about your outrage, the more publicity the person gets from it, which is totally contrary to what we want to happen.

Unfortunately, some people like this get elected around the world and we have one or two in our own country. It is our job, even when we are on different political sides, to work together on issues. As the Senator said, it is about trying not to create a divide or influence or mislead people. That certainly seems to be what he suggested is happening in this video. Like the Senator, all normal public representatives would not condone that sort of carry-on.

Senator Duffy spoke on the flood relief schemes, particularly the one in Crossmolina and Ballina. The Senator welcomed and outlined the exact biggest issue for big infrastructure projects, which is dialogue with communities. The communities want these projects, but they also want consultation on when these projects are being built, so that their own lives and normal day-to-day business are not totally uprooted. There is going to be a real impact on the community for several weeks or months with road closures. It is a good opportunity for the Senator to put down a Commencement matter with the Minister of State, Deputy Moran, regarding that consultation for homeowners on the roads that are going to be closed.

Senator Brady spoke about beef prices. He knows very well that beef prices go up and down. Farmers always have to budget not on an annual basis, but almost on a five-year basis for where beef prices will be. It is extremely challenging and very frustrating for beef farmers when they see their own price dropping but the price in a retail shop increasing. It is very difficult for people to understand how and why that could be the case. It is a good opportunity for Senator Brady to raise this issue and highlight the inconsistency of that.

Senator O'Reilly spoke about rural pubs.

Anyone from rural Ireland is well aware of the number of rural pubs which have closed over past number of years. It is happening because of a changing rural way of living, particularly in young people. You just do not see it. Back in our day we went to the rural pub first on a Saturday night before going into the town. We always looked after the rural pub. That just does not happen as much as it used to. We have made changes and commitments, particularly in the next budget on the 9% VAT rate in the hospitality sector. That does not cover every single rural pub - it only covers pubs which serve food - but it makes an impact. We are well aware that no matter whether we are talking about pubs, post offices, schools or small businesses, any closure has a massive impact on a rural community. We need to make sure we invest in rural Ireland as much as possible. That is why we have a Department solely responsible for investing in rural Ireland.

Senator Nelson Murray spoke about the support provided by the Joshua Community at its centre in Navan and the work it does for unemployed people who have unfortunately had addiction. To see their lives turned around by the work that is being done – much of this work is done voluntarily or with very little funding – is fantastic. The Senator has asked for a debate on how we can do more. We hear from Senator McCarthy on an almost weekly basis about the work that is done by Tiglin to support people who have had a knock-back in life and need a bit of support and receive it from organisations.

Senator Gallagher mentioned that this week is Tractor Safety Week. It is a timely week to have this campaign because of the weather and the sunshine. Many farmers are out on the roads. When you drive on rural roads at the moment, as I was this morning when I brought my kids to school, you come across tractors every kilometre or two. Obviously, it is very dangerous. The majority of people driving these tractors are young people. It is always

important that we highlight the responsibility for safety that they have when they drive them. Some 25 lives were lost last year in farm incidents. Anyone who is from or grew up on a farm, as I did, is always aware that the family home is also a workplace. Accidents happen all the time in workplaces. You need to be so vigilant on a farm because it is a workplace where young children want to get out and see tractors and combine harvesters. That is something we always have to be conscious of and remind people of. If something happens, as Senator Gallagher said, you will be reminded every single day when you go out to the farm that a terrible accident happened on it. We do not want that to happen to anyone.

Senator Cosgrove highlighted the launch of a CYPSC report on a youth support facility that is needed for Sligo. It can be very frustrating when neighbouring counties have supports like Jigsaw. I know this because the Jigsaw facility in Thurles, County Tipperary, is wonderful for young children who suffer from anxiety or mental health issues and need supports close to them so that they do not have to travel a long distance. They have it on their doorstep and it is available for them. As the Senator said, there are a number of recommendations in that report. There could be a good opportunity for the Minister of State, who is very passionate about this, to have a discussion on the report and the recommendations put forward in it. We can see in other counties that when these facilities are put in place, they have benefits for the people of the area. I will ask the Minister of State's Department to see if that is possible.

Senator Kelleher raised farm accidents. He mentioned Embrace FARM, which is a wonderful organisation in County Laois that has done great work on awareness of farm accidents.

Senator Martin Conway also referred to farm safety. He mentioned that the Seanad Public Consultation Committee did a good lot of work on this issue previously and made some recommendations. It has been a long time since that was done. He suggested a supplementary report. It would be no harm at all to consider that, considering the week we are in.

Senator Harmon spoke about survivors of institutional abuse. Obviously, that matter has been discussed a lot in both Houses over the past number of years. The things that went on in those facilities were outrageous and that is why the Government is committed to a redress package.

I understand the Senator's views on it and her concerns and the concerns of the group she talked about. We can have a debate with the Minister about it. It is disappointing that the uptake is not as high as we would expect. I do not know whether that is because it needs to be promoted more or whether it is about people just not being aware of it, but the package is there. It does not include everyone, as the Senator said. That was a decision that was made by the Cabinet at the time. I will see if there is a possibility of having a debate on the matter.

Finally, every colleague spoke about the two by-elections in Dublin Central and Galway West. I congratulate Daniel Ennis on taking his seat as a TD for Dublin Central and wish him and his family all the best. I also congratulate the former Leader of the Seanad, now Deputy, Seán Kyne, on his election. It is wonderful that so many Senators got to know Seán over the past 18 months and saw what a decent person he is and how he works across the aisle regardless of political views. It is lovely to hear them mention that. It reinforces why we in Fine Gael thought he might be transfer friendly - people respect him and acknowledge the good work he has done. There was great work done particularly in Galway by the Galway Members and

Galway councillors, as Senator Cathal Byrne mentioned. We are all in this profession and we know we have our ups and downs, and it is always lovely to see someone who has had one or two downs succeed and get back again. We will miss him here, obviously, but we all wish him well. I know he will take the unified approach he took in this House into the madder House down below.

An Cathaoirleach: I welcome the Japanese ambassador to Ireland. He is most welcome to the Seanad. We are delighted he is here. We have great relations with his country and great regard for its friendship with Ireland. We are delighted to see him here with the Minister of State, Deputy Christopher O'Sullivan. I thank the Minister of State for bringing the ambassador here. Long may our friendship continue. I also thank the ambassador.

Order of Business agreed to.

Cuireadh an Seanad ar fionraí ar 4.42 p.m. agus cuireadh tús leis arís ar 4.54 p.m.

Sitting suspended at 4.42 p.m. and resumed at 4.54 p.m.

Gnó an tSeanaid - Business of Seanad

Acting Chairperson (Senator Nessa Cosgrove): I ask the Acting Leader to suspend the House until the Minister arrives.

Senator Gareth Scahill: I propose that we suspend the House.

Acting Chairperson (Senator Nessa Cosgrove): Is that agreed? Agreed.

Cuireadh an Seanad ar fionraí ar 4.55 p.m. agus cuireadh tús leis arís ar 5.04 p.m.

Sitting suspended at 4.55 p.m. and resumed at 5.04 p.m.

Student Accommodation and Supports: Statements

Acting Chairperson (Senator Nessa Cosgrove): Cuirim fáilte roimh an Aire.

Minister for Further and Higher Education, Research, Innovation and Science (Deputy James Lawless): It is a great pleasure to be in the Seanad today. I look forward to updating Senators on the work of my Department, myself and the team around me, particularly in the areas of student accommodation and supports. I understand we might return another day to research, innovation and higher education, some of the other aspects of the portfolio. I understand that we are under time pressure today.

Further and higher education are critical elements of Ireland's economic growth, which is fundamentally tied to our societal progress because we do not have a strong society without a strong economy. This has been a core pillar of Government policy for several decades now. Our greatest natural resource is our people. It is a talent we all have, that is latent within us, and that we can unlock through the training and education systems. The talent and skills of our

population are what we have to thank for progress we have made today in advances in the economy and societal resilience, and all the other positives we enjoy. It is thanks to the hard work of our people and their imagination, innovation and determination. These strengths, in turn, support the public good and fund the essential services we all rely on, critical things like education, housing and healthcare, of course. This is being built on a strong skills base and sustainable investment in education and in our students.

Many of the achievements and advancements underpinned by the National Training Fund and the national development plan, which are laying strong foundations for the future, are infheistíocht inár ndaltaí. I fully recognise that the cost of education remains a key concern for students. That is why student accommodation remains one of the most immediate, real and present challenges for students today. I recently secured Government approval and published the National Student Accommodation Strategy 2026-2035. This strategy sets out a clear and ambitious roadmap focused on increasing the supply of student beds, but also on strengthening affordability measures for students. It has twin pillars of viability and affordability, viability to intervene to ensure the beds get built in the first place, and affordability to ensure students have the resources to be able to rent those rooms and take up those accommodation offers. It addresses those challenges in two ways. The demand is projected over the next decade to stretch to 42,000 additional beds. The existing deficit is about 15,000 beds, which is contributing to unsustainably long commutes for many students. Students are spending longer on the road, bus or train than I or anyone would wish them to. That is where we are going to have to fill a shortfall of 15,000. Over the next decade, as we look at the demographics coming into third level and further education, according to the CSO data, the numbers in the secondary school population over the last five or six years have swelled. That will work its way into the further and higher education system over the next couple of years. There are demographic pressures at play here as well. As we play that forward over the next ten years, the demand will reach up to about 42,000 additional beds required.

Meeting this demand will require strong collaboration between the State, higher education institutions, that is, the colleges, and the private sector to deliver purpose-built student accommodation at the pace and scale that is required. I mentioned that the strategy is structured in two pillars, one being supply and viability. That includes the delivery of both on-campus and off-campus accommodation as well as expanding the use of rent-a-room, digs-type accommodation. Pillar 2 focuses on affordability supports, ensuring students are supported regardless of whether they live at home, rent privately, are in purpose-built accommodation or are availing of a room in a private home.. It is giving students monetary supports to help them pay their way, pay their rent or digs, whatever their expenses are, as well as intervening at supply level to ensure we increase the stock of building across the State and get shovels into the ground as quickly as possible.

Recent measures, including the VAT reductions and targeted rent reforms, are helping to unlock developments that had previously stalled due to viability challenges, ensuring that projects with planning permission can now progress more quickly. There were several developments around the country which had planning permission secured but had stalled and had not got out of the blocks. We needed some kind of intervention to make those viable. We have done that using a number of measures, some of which are already beginning to come on stream. Some of the supply-side interventions include reductions in VAT costs for new apartments, changes to rent-setting arrangements for student-specific accommodation, and the

introduction of more flexible design standards to reduce construction costs. On the design standards, I should say that it is flexibility without any diminution of quality. It is about high quality, best in class, using international comparators to deliver student accommodation, but in a way that is efficient and optimal in terms of the number of students per development, preserving common areas and interaction.

That is good not only for optimising bed capacity in each development but also for student well-being and mental health. Providing shared spaces, common areas and living areas is a good thing to do in any event. We are already seeing the fruits of the strategy slowly beginning to bear fruit. It is only six weeks since it was launched but we are seeing shoots beginning to emerge. Some 3,000 student beds are now under construction around the country and a substantial pipeline of more than 14,000 beds with planning is ready to be activated. We also have the additional relief through the rent-a-room scheme, with advertised student beds rising from under 2,000 in 2023 to more than 5,000 in 2026. That is effectively what we call digs accommodation. The number of beds has more than doubled in the space of three years, with some promotional campaigns and interventions around that to drive it on. That scheme has proved popular with homeowners who can now earn up to €14,000 per year tax free, providing an important and flexible source of accommodation supply.

Looking to our technological universities, they have also identified potential accommodation projects. I engaged with them over the last year to ask for submissions to be made on potential sites for campus accommodation where we could look to build out student accommodation. They engaged on that fulsomely and we now have a number of projects identified around the country which we can begin to target for building out these sites. We have also expanded that to the traditional universities under the higher education sector student accommodation programme, HSAP. We are now asking the traditional universities to produce the same set of proposals and identify sites, land banks and areas within their grounds where student accommodation could proceed. These projects are all being advanced on a phased basis, supported by a demand analysis, structured engagement with the development sector and financial frameworks to enable delivery, including, for example, the enablement of a nominations agreement for technological universities to enter into borrowing arrangements, which was not previously available. The technological universities had long sought it. It is now contained and delivered within this strategy. The first phase is being rolled out across the areas of highest demand, which are Dublin, Cork and Galway. It is the intention to move to the second phase as quickly as possible this year.

The average cost of student accommodation around the country approximates to €700 per month. That is a significant burden for many. I appreciate there will be some above that, and probably some below that, but that is the average nationally. In response to that, I am targeting a number of financial supports which amount to €176 million annually to assist students with accommodation and living costs. I have achieved that in a number of ways. I will continue to outline my commitment, which I reiterate again today, to improve student supports in a way that is equitable, sustainable and fair, and also provides certainty for families for planning for budgets, etc., year on year.

Budget 2026 was the beginning of a transition away from temporary supports towards a more permanent and balanced system, one that provides certainty so that students and their families know from one year to the next what is happening and what they can expect. Under

the existing free fees initiative, the State supports eligible undergraduate students, who account for the vast majority of undergraduate students in the State, with tuition costs. More than 148,000 students had their full fees paid in the 2024-25 academic year. Along with that, the SUSI grant scheme provides targeted supports, with more than 65,000 students receiving SUSI supports in the last year. More than 44,000 students have had their fees, including the student contribution fee, paid in full, and another 30,000 students have benefited from higher maintenance grants because of the cost of living away from home. I deliberately targeted students living 30 km or more away from the campus, with additional maintenance grant supports in the last budget to make sure that those students who had the extra burden of travel or accommodation were supported through real money increases in their grant.

Also in budget 2026, I introduced a permanent €500 fee reduction in the student contribution charge, reducing it from €3,000 to €2,500. That is the first such permanent reduction since 1995. That benefits approximately 108,000 undergraduate students as well as 14,000 apprentices who also had their apprentice contribution reduced *pro rata* in the same way. I increased the SUSI grant rates by between €200 and €430 in different bands, supporting 30,000 students, and I increased the threshold for fee support to €120,000. Students in a household with an income of €120,000 or less will pay a maximum €2,000 in student contributions this year. As people go down the income scale, they pay less and less. Some 44,000 students did not have to pay any fees at all. Any student in a household earning €120,000 will have had a maximum contribution of €2,000 towards their fees.

There are a number of other measures, such as the 1916 bursary scheme, which targets students from disadvantaged and underrepresented backgrounds. The student accommodation assistance scheme focuses on dedicated supports for Travellers, Roma students and students exiting care. I have met a number of care groups and worked with them. We have the student assistance fund, which is now at an historical high, of just under €20 million. It is available on discretionary merit and is available to access offices in colleges to award as they see fit in their student bodies. We have increased the fund for students with disabilities, mental health supports and many other funds.

I am conscious of time. I have set out some of the affordability measures I have introduced in the current budget, along with the significant inroads we have made in the strategy I have set out in the student accommodation plan, which is now up and running and entering phase 1.

Senator Dee Ryan: I thank the Minister for his time. I am delighted to welcome him back into the Seanad on the occasion of this important debate on student accommodation. I acknowledge the very significant progress that has been made under his leadership in the Department. Sometimes in politics we focus solely on problems and do a disservice to the taxpayers and citizens by failing to recognise the actual progress that is being made and the genuine delivery and reform. Since taking office, the Minister has pursued an ambitious agenda with tangible results already, and that deserves recognition in this House. He has unlocked €1.48 billion from the National Training Fund to support higher education and skills development. He introduced the full professorship grade for technological universities. This is a landmark reform that strengthens parity of esteem across the higher education system and supports the continued growth of regional institutions. He secured a record €410 million investment in apprenticeships, expanding courses and student spaces for learners right across the country. He delivered and made permanent the €500 reduction in the student fee

contribution, a very meaningful support for students and families. He launched *aiready.ie*, the national AI skilling platform to ensure that Ireland remains competitive in the rapidly changing global economy.

Critically, for today's debate, the Minister made student accommodation a clear priority. Last year, he published the national design guide for student accommodation, helping to ensure that new developments are high quality, sustainable and designed around student well-being. He introduced nomination agreements allowing higher education institutions to partner directly with developers and accommodation providers to accelerate the delivery and provide certainty for students. He introduced the borrowing framework for technological universities. That work, combined with the introduction of the 9% VAT rate for apartments in last year's budget, has brought confidence back to the market and sent signals to the construction sector that Ireland is serious about supporting the development of student accommodation. I also acknowledge the Minister's work in securing the carve-out for students within the stronger tenancy protection legislation - the three-year protection window for students. That is a practical and important change that he secured.

The Minister published the student accommodation strategy, tying all of those other measures together, with clear national targets and the roadmap for delivery of the 42,000 beds he has projected we will need over the lifetime of the strategy. While there is more work to do, it is important to state clearly that these are substantial achievements and they are making a difference. We are now beginning to see progress right around the country, in particular in my home town of Limerick. In recent months, we have had very positive announcements that demonstrate the momentum is now building. Most notably, the Minister and I visited the site in Limerick at the Groody Student Park in Castletroy, close to the University of Limerick, where a landmark 1,400-bed student accommodation project will be delivered over two phases. It is set to start later this year. It is going to be the largest student accommodation project ever undertaken outside of Dublin. The project will not only provide modern accommodation for students but will also ease pressure on the wider rental sector in the Castletroy area in Limerick. It will support economic activity and reinforce Limerick's role as one of Ireland's leading university cities.

In March of this year, planning was granted for a 115-bed student accommodation unit in Pennywell in Limerick city centre, very close to the art college, which we are very pleased to see. Unfortunately, we have not had as much success in developing student accommodation in the west of the city, near Mary Immaculate College, but I hope and believe the changes the Minister is introducing and leading will help us to get there.

We have also seen proactive engagement from Limerick City and County Council in examining additional opportunities for purpose-built student accommodation on public lands. Earlier this year, the council went to consultation to gauge market interest in partnering on such development on local authority-owned lands. It is now reviewing the responses. There is a role for local authorities in this area in addition to the work being done by the Department and complementary to the public private partnerships and nomination agreements. The Mayor of Limerick, Mr. Moran, has ambitious plans for smart housing in the form of modular accommodation, which could be ideal for students.

Financing will, of course, be an issue for local authorities. We need to look at increasing their borrowing capacity in order to fund these types of projects, which can be self-financing

to some extent, and increase the amount of student accommodation being provided overall within a region. There is nobody better than the councils to identify the most suitable sites and handle all the challenges associated with development. I urge the Minister to relate this discussion to the Minister for public expenditure, Deputy Chambers, and ask him to examine the possibility of introducing for the local authorities a similar capacity to the TU borrowing framework, in the interest of providing what is the Government's top priority, namely, housing of all types.

These developments matter because student accommodation is not simply about buildings. It is about access and whether a young person from rural Ireland can afford to attend college. It is about whether students can participate fully in university life without enduring the exhausting commutes or unaffordable rents we have discussed. It is about ensuring our regional cities continue to grow as centres of education that foster innovation and attract investment into the wider economy, thereby providing opportunity for all.

Challenges remain, of course, and the Minister has acknowledged them and is determined to address them. Unfortunately, demand continues to outpace supply in many areas. Affordability pressures are real and many students are experiencing enormous anxiety as they try to secure accommodation. Senator Rabbitte spoke to me recently about the pressure a constituent of hers is facing in trying to find accommodation in Limerick for September. God willing, that student will get a place. This is why the momentum under way must continue. We need accelerated delivery of purpose-built student accommodation near campuses and transport links. We need continued collaboration between the Government, higher education institutions, local authorities and the private sector. We must continue to strengthen our regional education centres in order that opportunities are spread right across the country and not solely concentrated in Dublin. That will ease the burden the concentration of services and opportunities is putting on the capital.

The measures introduced under the Minister's tenure are laying important foundations for the future. There is much still to do but there is clear evidence of progress, a clear direction of travel and a seriousness of purpose that deserves acknowledgment. Fianna Fáil remains committed to supporting practical, deliverable policies that expand educational opportunity, support balanced regional development and ensure students have access to safe, affordable and high-quality accommodation.

Senator Victor Boyhan: I welcome the Minister and thank him for facilitating this really focused debate on student access, accommodation, etc. I take on board his point about innovation, which warrants another, separate debate in the Seanad. There are many progressive developments ongoing, particularly in regard to STEM, on-campus sites and the synergies between the private sector and education. It is a really exciting space and there are real opportunities within it for a great synergy of private investment funding that could be tied up to pay back to universities. As well as being about learning, universities are also about evolving innovation and research. I welcome the developments in that regard.

I thank the Minister for publishing the national student accommodation strategy for 2026 to 2035. It is a very exciting document. We are at the early stages yet, with a number of follow-on measures to come, which I will mention presently. It is important to note some of the problems. As politicians, we are involved in policy formation but I would not like people

listening to this debate to think we are somehow tone-deaf to the real issues and challenges facing third level students. I am aware, as is the Minister, that the student accommodation crisis is a major barrier for some to accessing higher education. That crisis is primarily driven by the severe shortage of accommodation, which is tied to exorbitant rents and precarious living conditions. Those significant challenges directly lead to financial stress, extreme daily commutes and poor academic and mental health outcomes for many people. These are not easy times for students.

The provision of purpose-built student accommodation is an important and exciting development but, in the past, people managed to facilitate many students in small and non-purpose-built accommodation. There is room for the private sector but any provision must be based on good quality standards. We see around us the intense competition for limited on-campus accommodation. Last week, I visited Trinity College's Trinity Hall accommodation in Dartry. It is an amazing campus, which is used for other purposes in the summer. I will not say it is self-financing but the accommodation is not empty outside term time. It is used for education, leisure, conferences and other activities. That is an important model to consider.

Campus housing is full, with many students forced to rely on substandard accommodation in the private sector. It is an issue I know the Minister is committed to tackling, along with the Minister for housing, Deputy Browne. The low level of accommodation availability is a challenge. I spoke to a person last week about long-distance commuting. There are students commuting from Galway to UCD on a daily basis, which is tough. People spend hours hanging around on campus waiting for buses that may turn up at the wrong time. Feeding themselves is another expense. There are a lot of challenges and difficulties due to the lack of housing options.

We all know about rising living costs and they are a particular issue for students. Some have told me they are eating chicken-filled baguettes for their lunch. Will the Minister consider piloting a free scheme providing main meals for students who wish to avail of them? We could not provide free food for all students initially but I ask him to consider identifying some third level establishments in which a scheme could be delivered offering one hot meal a day as an option for students. Such a scheme would have to be piloted initially and then assessed. I make that request to the Minister today because students are making it to me. They tell me they are living off takeaways because the food available is not good. They are meant to be at their peak of health to learn but they are not getting the nutrition they require. In the context of rising living costs and the associated challenges of people having to commute every day or second day from the west to Dublin, we can all agree that we all need food, rest and decent accommodation in which to lay our heads and recharge. The impact of food and nutrition is really important in the lives of students.

Health, including mental health, is really important. We are seeing students dropping out of university. I acknowledge and praise the work going on in UCD with students who have had to opt out. There are implications of dropping out of courses in terms of grants and funding. UCD is running schemes to give people a year out, not to do nothing but to pause, tie into other ways of learning and have an opportunity to get back on the moving academic bus. That is important.

Exorbitant rents are a major challenge. We know the high demand in Dublin, Cork, Galway and Limerick is a problem. Students are unable to immerse themselves in college life, which

is all about formation. Student life is about more than academia. Sport, for example, is critically important. It is about personal development, relationship building, mental health, participation and volunteering. These are all critical parts of young people's development and they are missing out on them. Many students have no option but to live in really overcrowded accommodation, with many of them sharing rooms with multiple people they do not know morning, noon and night. I have heard of six or seven people living in a bedsitter in Rathmines. They do not want to complain. All they want is to get through their college career. Students are also reporting subpar living conditions, including a lack of any heating, no access to the Internet and no cooking facilities.

That also ties in with my suggestion in regard to food for the pilot. Mental health and anxiety issues are serious and they need to be addressed and targeted. We can do that through the availability of on-campus or off-campus support for students. It is optional and we have to give options there.

At the end of the day, many students are feeling insecure, are under pressure and do not have the accommodation to meet their needs. The easy option is to struggle to continue on with their academic work and have a full-time job. I am told there are many students who are in full-time employment and are balancing night hours or early hours with being a student. They are trying to be a full-time student and a full-time employee and they do not tell their employer about this set of circumstances. They are run ragged and are under fierce pressure. Not everyone survives and many crack so that is a problem.

For students, living in casual, rental room situations carries enormous risk. We have heard of cases of students being put under pressure. There are anecdotal suggestions of prostitution in lieu of rent; this has been raised in this House, in the Lower House and in the committees. These are the sorts of challenges students are facing.

I acknowledge and thank the Minister for the National Student Accommodation Strategy 2026-2035, but it has to be more than just physical accommodation. It has to meet the holistic needs of students in universities, in other third level institutions, in apprenticeships and in all forms of learning and support. When students have to come to the big towns and the big cities and do not have accommodation, it will cost them and many people are backing off.

The Minister's proposal has an implementation action plan for his strategy, but he has yet to establish the implementation strategy. He will put in place mechanisms. He might keep the House informed of those. This is an excellent document. It has only recently been published. It is a pathway for a very clear intention the Minister has driven and personally taken great interest in so I commend him and his Minister of State on this strategy and wish them well.

Senator Mike Kennelly: I welcome the Minister to the House. I thank him and his Department and acknowledge the work they do. For the past 18 months it has probably been one of the best-run Departments, due to many factors, so I want to put that on the record. Many of the commitments that were made during the programme for Government, which include reducing the cost of education, improving access and building a strong and modern third level system, are under way in all Departments. During the past year, real progress has been made. We have delivered a permanent cut to student fees, which I have been raising, which helps families across the country. We have also strengthened the technological university sector and created 55 new professorships across the country to support teaching and research. The

Minister mentioned the first permanent reduction in costs since 1995. That improvement and delivery has to be acknowledged.

This Government must stand over its commitment to continue to lower student contribution costs in order to reduce the financial pressure on students and families permanently. It must be an ongoing priority. I ask the Government to honour that commitment, in full, during the term of this Government.

The Department has secured €4.5 billion in funding under the national development plan. Only recently we have unlocked, through the national training fund, NTF, a surplus allowing it to be used to support skills and training across the whole sector. One of the things that was said here was to "spend wisely" because we are looking for accountability across all Departments at a time where there has been wastage on some public projects in other Departments. Keep an eye on the spend and the wastage will no longer exist.

Student accommodation is now a key part of our education system. Without affordable and secure housing, many students cannot take up their places or fully take part in college life. Student numbers are rising, so we must really plan ahead. Last month, the Minister published a student accommodation strategy, as has just been mentioned. Under the previous strategy, 16,000 beds were delivered. Demand is growing, as we can see. We now need around 42,000 more beds, as the Minister said. One of the issues we have, as I think the Minister mentioned, is that there are 3,000 beds currently under construction. With the 300,000 target this Government faces in housing construction until 2030 - and given the need for the 14,000 beds that have planning permission, including the 3,000 that have started - my fear going forward is whether the Government will meet its targets. Perhaps the Minister can clarify that for me.

The next page is about apprenticeships and all of that. My fear is that we are really kicking the can down the road in that we need apprenticeships to be rolled out a bit faster. Some of the apprenticeships take four years and an electrical apprenticeship could be reduced to three or maybe three and a half years. Will the skilled workforce that is coming out now deliver 300,000 houses, and 42,000 beds by 2035 as well?

The new higher education institution student accommodation programme will allow universities to work with private developers through nomination agreements and the use of HEI-owned sites. This will help to deliver accommodation at scale using standard designs and through better use of lands to reduce costs. We are also supporting flexible options such as the rent-a-room scheme, but increasing supply is not enough and affordability is a serious matter.

Almost 30,000 students will benefit from the €200 increase to the non-adjacent SUSI grant announced in budget 2026. In total, financial supports for students now amount to €176 million each year, alongside the rent tax credit of up to €2,000 for jointly assessed couples. This is a game changer for many people, it has to be welcomed and I thank the Minister for that. The implementation of the strategy is also under way and a programme board has been set up, including the National Development Finance Agency, NDFA, and the HEA, and representatives from both university sectors. Work with NewERA and the Department of public expenditure is ongoing to resolve issues with technological universities' nomination agreements.

To move on to the committee's report on apprenticeships, it was a proud effort from the committee of which I am a member. There were 48 recommendations in that report. The one

thing about reports is that everyone welcomes them and there is a ticker-tape parade for most of them but unfortunately some of the reports lie on top of shelves and stuff like that. Will all 48 recommendations be seriously looked at? The next time the Minister comes back into the House for statements, which recommendations will be picked? There are a lot of brilliant recommendations in the report on foot of our time as a committee meeting apprentices across the country and across different areas to discuss what apprenticeships bring. Apprenticeships do and will play a bigger role in meeting Ireland's skills needs, especially as we build more homes, expand infrastructure and respond to climate challenges.

Artificial intelligence, AI, is also exploding. As we speak, the need to prepare and adjust our college courses to ensure readiness must be a priority. The big question is whether we are ready for this. According to recent reports, AI will cost this country jobs in the future, so how we roll out preparations in our education sector to counteract that requires a big plan ahead.

The previous action plan delivered strong results. By the end of 2025, the apprentice population reached 31,165. That was an increase of almost 60% since 2010. Annual registration rose by 9,461 and funding has increased by 125% since 2020. This year, more than €410 million will be invested in the apprenticeship system. I hope there will be an awareness of the attractiveness of apprenticeships, as I mentioned in our report recommendations, to be driven by guidance counsellor reform in our schools. This gives us a strong base to reach the programme for Government target of 12,500 new registrations per year. Everything is target-driven now. There are now 81 national apprenticeship programmes available, as well as 25 craft apprenticeships in traditional SOLAS trades and 56 consortia-led apprenticeships. The next action plan must focus on sustainable growth and strong supports for both apprentices and employers. I ask the Minister that the work done in the committee in drawing up the recommendations for apprenticeships will be taken into full consideration.

On the adult educator contracts, I recognise the important work of tutors and adult educators in the further education and training sector. Their commitment and skill make a real difference to learners across the country. Our committee heard concerns from the Adult Education Teachers Organisation. While an approved education and teaching organisation, the AETO is not a recognised trade union. Many of its members were represented by the TUI and SIPTU during negotiations on the new adult educator grade. These people were before us in committee as well. I ask the Minister if their issues will be discussed. I ask for clarity and acknowledgement and better pay and conditions for these people. Across student accommodation, apprenticeships, adult education and research, we are delivering on the commitments set out in the programme for Government and permanently reducing costs for students. The Opposition might not pat the Minister on the back for that, but I will. There is more to come.

Senator Pauline Tully: The lack of availability and the unaffordability of what is available are proving a barrier to some pursuing further and higher education options. We see many young people forced to live at home with parents, which is the last thing they want to do. After doing their leaving certificate, they want to experience college life and get away. I know a lad doing his leaving certificate next week and he cannot wait to get away. Hopefully it will all work out for him in the autumn.

The fact that students are living at home is putting pressure on them because they are commuting. The options for commuting are not always reliable, whether it is the bus service, the train service or even if they are driving, with traffic and everything else. There is a cost to that. It is not just a financial cost, although there is that too. There is also a cost in terms of their ability to study. They will be tired from all of the commuting. There is a cost in terms of their ability to engage in college life. Of those who are renting, approximately 60% are struggling to pay the rent. Many of them are working part-time, or almost full-time, to cover the costs. That is also having an impact on their ability to study and live their lives. Many of them are dropping out because they cannot maintain both the job and their studies.

The Minister pointed out that 42,000 units have been identified as being needed by 2035. However, a report by Sherry Fitzgerald in February stated there is a deficit of almost 39,000 now in our major cities of Dublin, Cork, Limerick and Galway. That could increase those who are commuting are factored in. Demand is huge. It will take the State, private developers and colleges working together to ensure there is sufficient accommodation in the coming years. However, targets are not being met as it is. Many of the projects for which planning permissions have been given are not being developed and cost is a huge factor in that. When these developments are built, most of them are not affordable to students. All of that needs to be addressed.

I welcome that the borrowing framework for technological universities has been worked out. Representatives of many of the TUs appeared before the committee and had plans practically ready to go. They would be able to develop purpose-built accommodation on land. I am delighted that the borrowing framework is in place, and they can progress those plans to provide accommodation. One college that has a lot of accommodation is UCD, but it is extremely expensive. I have heard of students being charged over €11,000 for a year for accommodation. The cost may vary but it is very high. We want to see a good standard of accommodation provided to our students, but it does not have to be over the top. It just needs to be basic quality accommodation.

There is an over-reliance in the student accommodation strategy on digs and the rent a room scheme. We know of many arrangements that work out really well. I have known people who have used digs over the years, but there are some perilous arrangements as well. I have heard of students who are not allowed to stay at weekends. They may be allowed to stay for only three or four nights during the week and then they have to move all of their stuff. They cannot have friends over. They cannot use the kitchen or have a shower after a certain time. We have the sex-for-rent scandals as well, which are even more serious. We need protections for people who rent a room or take digs in a house. At the moment, they do not come under the Residential Tenancies Board or any other such body.

I am concerned by the cost of developing purpose-built student accommodation. It seems very high. I know construction costs have increased across the board for all building, whether private or not. I do not know if construction or development companies are taking advantage of the fact that they know there is a huge deficit and, therefore, pressure to have purpose-built student accommodation. The Minister will tell me the contracts go out to tender and so forth but I wonder why the cost is so high.

Student contribution fees were reduced last year. I hope we will see a further reduction this year. I know the Minister will not confirm that at this stage, but I hope it happens.

On SUSI, I have been contacted by a couple of people, one of whom is a young lad who was born in this country. He went to primary and post-primary school here. He did well in the leaving certificate a year ago, applied for college and was accepted, but when he applied for the SUSI grant he was denied because his parents are visa holders. They are here on work permits, but his father has been here for more than 20 years, working and contributing to the economy. The young man was deemed not to qualify for a SUSI grant, which I feel is unfair. I understand that someone who has just moved here might not be entitled to this kind of support but this is someone who was born and reared here and whose parents have contributed to the economy. He should be entitled to SUSI. He has applied again this year and I hope he will be successful. If not, I may come back to the Minister to seek some guidance on the case.

Another young girl was not born here but has been here since she was seven or eight years of age. Most of her schooling was done here and she is in the same situation. Her parents, who are non-European, are here on work permits and she is deemed not to qualify. That is unfair for these students who have worked really hard, got good results and want to progress. This is their home. It is the only country they have known living in, and they are being denied opportunities. Their parents cannot afford to pay for them privately.

Students' unions do great work supporting students in our colleges, but they are under pressure. They say they are acting almost like letting agencies because student accommodation is such a big issue and they are trying to support so many students. That puts a lot of pressure on their ability to support students on other issues. In fact, in a number of colleges they have had to open food banks. That is very serious. There should be more supports given to students' unions to support students. What we need are more interventions in the area of affordable and available accommodation, and cost-of-living supports for students who are finding it difficult to make ends meet.

Acting Chairperson (Senator Garret Kelleher): I understand Senator Harmon is sharing time with Senator Cosgrove. Is that agreed? Agreed.

Senator Nessa Cosgrove: I thank the Minister for giving us the opportunity to discuss this issue. A few weeks ago, ATU and the students' union delivered a presentation in the audiovisual room. It was a student-based survey carried out among local ATU students and property owners on the availability of student accommodation. It found that the situation has deteriorated, rather than getting better.

I am sure the Minister is aware of difficulties with accommodation in Sligo that was supposed to be purpose-built student accommodation but ended up not being so. The regulations on borrowing for technological universities frustrated it. The Minister referred to this issue in his opening statement. We were talking about a partnership approach. Sligo County Council and ATU have a good working partnership. A 16-acre site in the ownership of Sligo County Council has been identified as a good site for developing purpose-built student accommodation to facilitate ATU. Agreement has been reached with ATU that it could be purchased. Unfortunately, while ATU has enough money to buy the site, it does not have the resources to fund the construction. This is where the borrowing framework comes in. It does not include enough details on how the TUs are able to borrow.

We are looking at the prioritisation of certain colleges. That prioritisation comes from central government and then some of the technological universities feel they are stuck. For example, Atlantic Technological University, ATU, Sligo feels like it is stuck but it is a really growing university because we have this really good relationship, if we are looking at a partnership, between Sligo County Council and ATU Sligo. Because ATU has not been identified as one of the priority projects, we feel like we are in limbo and are stuck. There are 2,700 staff and 30,000 students and it is growing all the time because Sligo is an area of growth. It is in an area within the north west that is recognised as an area of significant growth. There are new courses coming in such as the five-year masters in pharmacy. It is a huge deal for a TU to have the big high-point careers that were in the traditional universities. We need to back the technological universities a bit more and we need to get clarity on the borrowing framework. The prioritisation should not be just from central government, especially when we have needs identified locally and where they have the ability to buy the site but they do not have the ability to borrow to build on it.

I also want to talk about having joined-up co-operation with the Department of Transport for delivering an early morning commuter train from Longford. Everything is there for it and it just needs the green light. That would alleviate a huge amount of the student accommodation problem in Sligo. There is a train ready to come into Sligo for 8.15 a.m., and it would make a huge difference to alleviate the problem at the moment.

Senator Laura Harmon: Cuirim fáilte roimh an Aire. It is great to have this discussion here on such an important issue as student accommodation. When we talk about student accommodation, this is part of the wider housing crisis, but it is not just about housing. It is about access to education in general, be it further education, apprenticeships or higher education. It is also a question of the cost of living and of student poverty. This is so important. I know I always say it but I was the president of the Union of Students of Ireland 11 years ago. This was an issue then and it is becoming even more of an issue now. We knew this was an issue then and I believe there was not enough forward planning and action put in place at the time. Now we are in the situation we are in. The president of the Munster Technological University is on record at the Oireachtas Joint Committee on Further and Higher Education, Research, Innovation and Science as saying that student housing is now the biggest barrier to access to college in Ireland. This is a significant statement. We know that people are commuting for hours every day. People are sleeping on couches and these numbers are not recorded. They are part of those hidden homelessness figures. We have a lot of overcrowding in student housing as well, and there is a need for more inspections of that. We have people who are considering deferring college because they cannot find somewhere to live. We can predict the headlines every September about the scramble for student accommodation. It has been the same every year for 15 years-plus and it will be the same again this year, unfortunately, during what should be a very exciting time for people when they are embarking on that journey. There is research on the shortfall of beds currently, and I would question whether the student accommodation strategy is ambitious enough in addressing that shortfall of beds. There is mixed messaging and a mixed reception to the strategy from student unions, students and colleges. The colleges have questions about the risk they might be undertaking financially in building student accommodation on campus. We cannot afford to wait ten years for action on this.

Students in Cork face some of the highest rents in the country. We know there are students paying up to €330 a week for shared accommodation and for sharing bathrooms. Students are paying €450 a week for studios. What we need is affordable and good quality accommodation. It is not luxury we are looking for. My colleague Deputy Eoghan Kenny has also raised this with the Minister in the Dáil. The Deputy quoted a figure that for every 13 students in Cork and Kerry, there only about ten beds available. There are 206 beds in Cork under a commencement notice, with planning for 1,700 more. We need to ensure, however, that more beds are made available.

I also question part of the evaluation of the student accommodation strategy. Will the rent-a-room relief scheme be included in that in the number of beds that are made available? Will modular homes or sheds that are built in back gardens be counted in those figures if students are living in those? I think that is a cop out. I do not think they can be classified as purpose-built student accommodation. We also need more protection under licensee agreements for those living in digs. A lot of those students are very vulnerable and international students cannot just go home on the weekend. They cannot just have Monday to Friday leases. Another issue I have been vocal on and have tried to champion since becoming a Senator is the sex-for-rent issue, which was mentioned here. We know that 5% of international students have seen ads for this or they have been directly propositioned. Again, this needs to be clamped down on. Legislation from the Minister for justice is proposed and the Bill is going through the Houses of the Oireachtas. We need to make sure this legislation is as strong as it possibly can be.

Technological universities need to borrow, acquire land and build their own accommodation as part of this. It was very disappointing to see colleges, particularly UCC and DCU, trying to overcome the rent pressure zone legislation and caps by increasing service charges. We need to have a rent cap and we need to clamp down on this legislatively. The Residential Tenancies Board, RTB, has a role in ensuring this is regulated.

I will make one last comment as I know my time is out. The House knows my views on the student contribution fee. I would see this as an increase and not a cut on the previous year. It needs to be reduced further. I state on the record that Fine Gael Senators resolutely opposed that measure that was taken in the previous budget with the increase. They are on record in this House opposing that. We need to ensure it is reduced further during the lifetime of this Government. That was the commitment in the programme for Government. Students and families need clarity on that as well. It was the late great Niamh Bhreathnach who brought in free fees for third level in the 1990s. The Minister has an opportunity to have that moment as well.

Acting Chairperson (Senator Garret Kelleher): I thank the Senator. We have about eight minutes until I am due to call the Minister to respond to the debate and we have four people looking to speak. That puts us under time pressure. Are all four speakers happy with two minutes each?

Deputy James Lawless: I could stay later if that helps the House.

Acting Chairperson (Senator Garret Kelleher): I thank the Minister but, unfortunately, we cannot as the next item will be starting at 6.15 p.m., so we will keep it to two minutes if is that agreed. Agreed.

Senator Fiona O'Loughlin: The Minister is very welcome. I know him to be a politician of conviction, particularly when it comes to education and access to it for everybody of every type of ability and those with mixed abilities. The Minister has done a lot of work already. I note a report that came out today, the Mid-term Progress Review of the National Access Plan 2022-2028 for higher education and equity of access. We have actually gone beyond the targets and we are two years ahead. I commend the Minister on that. It is really important. Expanding access and excellence has to be key to everything we do.

In the short time I have, there are two things I will bring up with the Minister. The first is the importance of transversal education, the non-formal and informal, to make our young people very well-rounded young people so that they can develop resilience. It is important this is factored into everything. For some young people leaving secondary school, going into third level or further level can be quite daunting. Anything we can do to help and support has to be considered.

The Minister will not be surprised to hear me speak on the need for apprenticeships in north-west Kildare. We badly need this in a place where Bord na Móna was synonymous with apprenticeships. It is also about encouraging young people to be entrepreneurs and set up their own businesses.

The last thing I will mention is an individual called Des Henry who has done incredible work with the WALK PEER programme. He works in Walkinstown with WALK.

6 o'clock

It is around career guidance for young people with disabilities leaving school. Unfortunately, they are now actually shunted back into day services. We need to do more and he has an excellent plan to do it. I will talk to the Minister separately to get support on that.

Senator Gareth Scahill: The Minister is once again welcome back into this Chamber and I welcome the opportunity to speak on student accommodation and supports. With two minutes, I am going to have run through a lot of the other things and not go through things that have been said already.

I welcome the student accommodation strategy. The Minister put it very well when he spoke about viability, allowing to build, and affordability, enabling and empowering the students to be able to afford the accommodation. The 42,000 beds by 2035 is a good, ambitious target. The current demand is 15,000 so it is great to see a Department looking to well exceed the current demand because that is very important. It is achievable because with the rent-a-room scheme, you are going to hit about 10,000 of those beds through digs and renting out accommodation in private homes. We welcome the VAT reductions and rent reforms and the flexible design elements the Minister spoke about as well. They are all very welcome.

I refer to something Senator Boyhan mentioned about third level food and trying to create that scheme. That scheme was there in the past when the Council for Education, Recruitment

and Training, CERT, were in all of our technical institutes. The equipment and facilities are there, or most of it, and there is huge demand. We had the Restaurants Association of Ireland in last week talking to us about the lack of skills there. It is potentially not a huge budget; it is actually just expanding your apprenticeship model to include that and I would love to see that looked at again.

The Minister has €176 million committed for student supports, including bursaries and grants. That is very welcome and we want to see him delivering that. I would like to mention the Athlone green city plan. We have Mr. Sean Mulryan committing to 5,000 student beds, and if any man in this country can deliver that, it is definitely him. I would love to see the Minister's engagement with that particular project. There is also the access to skills for people with disabilities. There is a €36 million budget under the workability programme there - I know I have gone over time, I am sorry - but there are still barriers there. The barriers are leading to issues with our delivery on housing, student accommodation and infrastructure and we could do with having a conversation or a further debate on that.

Senator Anne Rabbitte: I thank the Minister for being here in the House this evening. I will start by seconding everything Senator Dee Ryan said. She gave a comprehensive overview of the work the Minister has done and I want to put on record my support for that.

In the two minutes or one minute and 45 seconds I have left, I will focus on student accommodation. I thank the Minister for responding to me last week when I was in a flurry. The Minister I am talking to is continuously responding, and I want to acknowledge that. While I accept the strategy has developed, I do have concerns about it. I am really worried. Three thousand are in building, 14,000 have planning permissions but there is 42,000 of a need. We need to be bold, ambitious and pragmatic. The Minister is the Minister responsible but I do not think he can do it on his own. He needs the help of the Ministers for housing, public expenditure and reform and Finance, who need to come to the table. The Minister needs to convene a round-table consultation on this.

While nobody wants to talk about rent pressure zones, I think we should have student pressure zones. We should have student caps. I would go as far as saying that not everybody will be able to afford shiny and new when shiny and new arrives. Shiny and new is costing a minimum of €1,100 to every parent at the moment. That is the starting point, going all the way up to €1,480. I can talk about it. I had three children in college last year so I am living proof of it. My sister is in exactly the same position. We want to give our children the best but it is actually quite expensive to do it.

What I would say in relation to the rent cap is we might bring a lot of people in out of the black market. Maybe we should work with our student unions, where we could use an ID to be able to cap a bed. We also need to look at the income tax earned for those beds. Maybe we should look at removing that income tax so we can free up those beds. The reason I talk about those beds in our inner cities and main towns - and I am talking about Galway - is that we want to ensure our students can walk safely to and from college. Finally, stamp duty and capital gains need to be looked, and that is for the Departments of Finance and public expenditure and reform.

Senator Sarah O'Reilly: The Minister is very welcome and I am delighted to be here to be able to speak. I thank the Acting Chair for sharing out the time. College is about deepening our education but it is also a rite of passage. It is where young people fly the nest and start to get their independence. They learn to manage their budget for themselves and it is when they realise their washing does not magically get clean.

The Government's student accommodation strategy at least acknowledges the scale of the problem, and that is good. It estimates that we have a requirement for 42,000 additional student beds by 2035 but is unclear how this will actually happen. What is the strategy to increase construction? I think Senator Rabbitte touched on that. Is it just the increased capacity for colleges to access finances or is there more? I am not clear on that.

There needs to be far greater responsibility placed on higher education institutions themselves. If colleges are increasing student numbers, then accommodation capacity must form part of the expansion plan. There was a 10% increase in international students in the 2024-25 academic year. We cannot continue to recruit students into courses without any realistic plan for where they will live. Students are travelling four hours a day because they cannot find accommodation. Others are couch surfing, living in overcrowded houses or spending most of their grant on rent before they even buy a book or eat a meal.

I am also uneasy about proposals from the Minister that would reduce time physically spent on campus. The social side of college matters enormously, especially at a time when loneliness, anxiety and mental health difficulties among young people are increasing. The strategy, as it stands, may deliver some additional accommodation but it will undoubtedly lead to the same cost for students and the current astronomical rents we have come to normalise.

Acting Chairperson (Senator Garret Kelleher): Gabhaim buíochas leis an Seanadóir. I thank all Senators for their understanding of the curtailed speaking time. I apologise for being a bit stricter than usual with my use of the bell.

Minister for Further and Higher Education, Research, Innovation and Science (Deputy James Lawless): What I am going to do is take each of the comments. There were a number of comments. I thank everybody for their contributions and I am going to step through the different issues that were raised. How much time do I have?

Acting Chairperson (Senator Garret Kelleher): Ten minutes.

Deputy James Lawless: Grand. I thank Senator Dee Ryan for setting out a number of items that I have been progressing over the past year. I thank her for her support on that as well as Fianna Fáil spokesperson in the Seanad, and indeed the wider team. I thank the wider House for its ongoing engagement on these matters. It was a pleasure to visit Limerick recently with Senator Ryan and see the Whitebox development with 1,500 beds that are about to come on stream. It utilised the new design template that I published. It was great to see that bearing fruit already in them being able to use it. We published that ahead of the wider strategy last June. They used that in their design and it is now coming on stream, so that is great to see. I take the point about local authorities playing a part as well. That is very important. This is something where the State must use all levers at its disposal - State lands and assets, local

authorities, agencies and the colleges themselves. We all need to work together to make that happen.

Of course, the Senator stepped through the viability measures including the 9% VAT rate and a variety of measures we need to look at. On the protection window, which I am going to turn to a couple of times, a number of people spoke about rent caps and protecting students. As Senator Ryan outlined, I have included in the legislation, which is now on the Statute Book, a three-year carve-out. No student can have their rent reset for a minimum of three years into their tenancy, despite the fact that students will, very often, come and go by summer. It is stitched into the law now that regardless of how many times students come and go from a particular unit, the rent cannot be reset other than after a minimum three-year window, which is very important.

Senator Boyhan talked about a number of things. I acknowledge his comments on innovation and research. We might return to those in here another day. He mentioned Trinity College Dublin, TCD, and Dartry Hall. For the information of the House - people may or may not be aware - I have approved a project under the short-term activation fund to deliver, I think, 350-odd beds in Dartry Hall. It is either under way or will certainly be getting under way very quickly. That will progress well and it is, again, a really tangible impact with beds coming on stream. I also take on board - I am sure he will have a look back - the Senator's comments around the idea of a free hot meal for third level students. It is something I will examine as a pilot. I would mention the student assistance fund, which is a €20 million fund. Senator Boyhan is on cue; we could not have *Hamlet* without the prince.

Senator Victor Boyhan: I always come back to listen to the Minister. Cheers.

Deputy James Lawless: Good man. I am replying to his comment on the free student meal. It is something I will have a look at. There is a €20 million fund, the student assistance fund, which colleges can use at their discretion. If a particular college wanted to start utilising that for that purpose, that would be within its control.

If the Senator knows any that are interested, he might encourage them along to that. Certainly, I am happy to work with him on that and see what happens there.

The other point Senator Boyhan made - again, a few others touched on this as well - was about broad education, that is, the idea that it is not just about what happens in the classroom or in the lecture hall but also about the sport, the participation, the friendships, the networks and all that campus life. I have been very strong, I hope, on advocating for broad education. It is not even necessarily about a deep dive into one particular specialty but about the opportunity during a university education to sample humanities, sciences, commerce and the wider world in order that when you go forward, particularly in an age of AI and digital evolution, you will not be tied to one particular set of skills but will have the ability to be transversal, as a number of Senators have said, and can bring those skills with you.

Senator Kennelly spoke about the cost of education, improving access and the 55 professorships in the technological universities which I have introduced. He mentioned correctly the need to amplify our apprenticeship output and our skills. One thing I frequently speak to is matching the Government's ambition in terms of infrastructure, construction, energy,

grid, transport, ports, roads and railways, not to mention housing front and centre. We need to have the trades, the skills and the people ready to do that. Just tomorrow morning, as it happens, I am hosting a construction round-table event. I am bringing about 40 different companies in the construction sector together along with my training agencies, SOLAS, the ETBs and the Higher Education Authority and having a round-table discussion to say, "What are the skills you need? What are you getting from the training system? Have you enough, and if not, tell me, and then I can actually begin to pay for the system to supply those skills." It is paramount to deliver other serious projects, which we absolutely want to do. We need to make sure we have the skills and personnel ready to do it. As it happens, tomorrow morning, I am bringing all those bodies together to work through that. That is so important.

Senator Cosgrove spoke about the strategy as it pertains particularly to Sligo. In terms of ATU, the first phase of the strategy talks about Dublin, Cork and Galway so, obviously, ATU Galway can participate in that. However, it does not stop there. The first phase is where we have expressions of interest and we go out to colleges in those three cities and say, "What do you have ready to go? Are you interested in partaking in this? Talk to us about your proposals." I have said clearly, and I said it to President Orla Flynn when I met her last week, that if there are proposals outside of those three cities and they are ready to go, people should come straight in the door with them. I will not stand on ceremony or wait for six months in line with the 12 months to get to another phase. If there are projects around the country, in any part of the country, that are ready to go, let us take them now and get them moving. I have said that, and Senators should feel free to speak to the people in the different colleges and areas they represent because I will not wait around for anything. Let us get this moving as quickly as we possibly can.

In addition, I totally agree with Senator Cosgrove's remarks about the pharmacy school coming into ATU. I launched the veterinary school in Letterkenny ATU just recently as well. I completely agree that it is so important and transformative to have professional qualifications delivered across the TUs in regional areas where previously they were the preserve of the big cities. Dublin was the only place and UCD was the only college in the country where you could do veterinary until now. Now you can do it in three places: SETU, ATU and UCD.

Senator Harmon spoke about supporting colleges through the roll-out. I absolutely agree, and again, we have an engagement group up and running and we have had a number of meetings already with a number of colleges. I know the Senator has a national remit but she spoke to Cork as well about the MTU and Cork. As I said a moment ago, any projects that are ready to go should approach us immediately. Cork is actually in the first phase of the strategy in any event, so they are already being engaged with in MTU and in UCC. I was in UCC just last week. I met President O'Halloran and we talked about the strategy as regards UCC as well.

Senator Harmon also talked about the student protections and I completely share her concerns about that. That is why I introduced in the legislation the three-year protection window - to make sure that student tenancies are not reset. As regards the way it was done with the new landlord-tenant legislation on RPZs, had I not made that intervention, they would have been subject to an annual reset when they vacated, so I had to proactively intervene and secure amendments in the legislation. That was done and that happened and that is now law.

I thank Senator O'Loughlin for her kind words. The mid-term review of the national access plan is really impactful and shows progress being made in an empirical way. We had a target

of students with disabilities participating in higher and further education. We have actually exceeded our targets for 2028 and 2026, so for the past 15 months we have got two years ahead of schedule. We will not rest on our laurels; we will continue to drive that on and to do more. It goes back to the point I have often made about targeted supports, which is that rather than something for everyone in the audience, we ask who the cohorts that particularly need assistance are and who particularly needs help. For students with disabilities, obviously a cohort that fits into that category, we have given those additional supports and now we see the fruits of that coming through already. I will continue to work on that, but that was really positive.

On Senator O'Loughlin's comments about the opportunity for north-west Kildare to play its part in apprenticeship delivery, she will be pleased to know I have already spoken to Kildare and Wicklow ETB on that, encouraging it very strongly to put forward proposals we can then work with.

I thank Senator Scahill for his comments. He is right that we are going way beyond what we currently anticipate as the need. In terms of the 15,000 deficit, we are looking at 42,000. Let us not always be on the back foot; let us actually get ahead of it. That is very much the intention. I am familiar with the Athlone green city initiative. I have had a number of meetings about that and I admire the ambition that is there and certainly want to support that in every way I can.

Senator Rabbitte has a very good sense of the student pressure zones in terms of rent pressure zones. I will certainly look at that and I think it will be taken into account when the colleges sit down with others. Senator O'Reilly asked a question about how this will actually work in practice. One of the ways it will work is that the colleges identify sites, which they can develop themselves if they wish to do so, or they can partner with the private sector to come on site and build it out for them. Part of that conversation will be about what the rent will be. The colleges have the opportunity to be involved in that conversation and set a rent that is appropriate to them and that they are comfortable with on behalf of their students. That is part of that engagement. There is a very long lease built in here as regards the nominations agreement, so there is comfort for everybody in that once they get the terms of that agreed to their satisfaction, it is very doable for them.

Senator Rabbitte mentioned that she had three children in college at one stage. Fair play to her. My mother had four of us in college at the same time and it is not easy. It is something I am minded to examine in the budget. I will not make any promises about budgets but I am certainly very mindful of that. Senator Ryan has also mentioned it in the past and other Senators and other Deputies have mentioned it. Where there is a family with multiple children attending college at the one time, again, there should be targeted intervention, that is, that little bit of extra help for those families. I am very minded to examine that.

Senator O'Reilly asked about how it actually works and the mechanics of it. We have an engagement team up and running, and all the presidents of the colleges have been briefed on it right across the TUs and the universities. That team has now come to the detail of the proposals. Effectively, they suggest land banks or sites within their campuses that might be appropriate for accommodation. They then come and speak to my team. They can be matched up with private finance where necessary. There is now also the borrowing framework for TUs, which

was not there previously. Then they can come to terms that are agreeable to all and go ahead and build it.

I noticed that Senator O'Reilly also mentioned spending time on campus. I completely agree. It is so important. It goes back to the broad education point I made. It is one of the reasons I vetoed an early draft proposal to have more remote timetabling. I do not think it is appropriate. I think it may be of benefit but it is not something I can stand over as a solution, so I was very keen that students have the benefit of a college education. That means being in college. It does not mean being at a lecture remotely on Zoom every night. You really miss out on the experience by doing that.

Finally, in terms of access and student supports, I will publish an options paper in the coming weeks. As I did last year, I met students' associations, access groups, the Society of St. Vincent de Paul and a number of different groups and we had a very good session recently where we got around the table and listened to what students' asks, wants and needs were. I am putting those into an options paper, where I will itemise the different requests, put a price against each one, because all these things have Exchequer commitments, and, for the first time this year, something I initiated with the economics unit in my department, we will put an impact against each item as well. If we do this, how much does it cost, and then what is the impact of doing it? I will publish that and I would welcome a debate about that and feedback on it when it is out in the ether.

Thank you, Chair, for having me here. I thank colleagues for a very good engagement, as always, and I look forward to working with them into the future.

Acting Chairperson (Senator Garret Kelleher): Go raibh míle maith agat, a Aire, agus gabhaim buíochas leis na Seanadóirí ar fad a ghlac páirt sa díospóireacht.

International Co-operation (Omagh Bombing Inquiry) Bill 2026: Report and Final Stages

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

Bill received for final consideration.

An Leas-Chathaoirleach: When is it proposed to take the next Stage?

Senator Cathal Byrne: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

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

Senator Cathal Byrne: I note the specific importance of this legislation and recognise the work that was done by the Minister and his officials in the Department of justice. Many different viewpoints were expressed during the debate, but the main viewpoint here is to try to get the truth and a proper sense of accountability for what was done in the past. It is important

that this legislation has passed. I encourage a speedy implementation on behalf of the Fine Gael Senators.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senators for the efficient and speedy way with which they progressed this legislation through the Upper House. As people in this House are aware, it is an extremely important piece of legislation, not just nationally, but, in many respects, internationally as well. The first important aspect of it is that the Omagh bombing was an appalling criminal act. It was probably the worst atrocity on the island during the Troubles. It was essential that this State and the United Kingdom seek to try to provide answers to the families of those who were bereaved as a result of this heinous act of murder. As I have said previously, justice comes to our courts through the criminal justice system. That has not been achieved to date in respect of Omagh. What the states can do is try to provide answers for questions that must be answered in respect of what actually happened. The families and the public in both Ireland and Northern Ireland are entitled to that.

I welcome the passage of this legislation. I know it will be of significant assistance to the chairperson of the Omagh Bombing Inquiry. It is due to commence its public sittings again in September. As I have stated previously, the Irish State has already entered into a memorandum of understanding with the bombing inquiry, pursuant to which we have provided over 25,000 pages of material. This legislation will ensure that oral evidence can be given for the benefit of that inquiry. It is extremely important in both jurisdictions that we are able to show we co-operate thoroughly with inquiries taking place in the neighbouring jurisdiction. As they are differing jurisdictions, it is important that there is that co-operation. I once again thank the Senators for their co-operation.

Question put and agreed to.

Garda Síochána (Powers) Bill 2026: Committee Stage (Resumed)

SECTION 1

An Leas-Chathaoirleach: Amendment No. 1, in the name of Senator McDowell, has been ruled out of order.

Amendment No. 1 not moved.

Section 1 agreed to.

SECTION 2

Senator Lynn Ruane: I move amendment No. 2:

In page 6, lines 25 and 26, to delete “other place at which a person may be held while in the custody of An Garda Síochána” and substitute “vehicle”.

This amendment simply proposes to delete the words "other place at which a person may be held while in the custody of An Garda Síochána" and to insert "vehicle". It seeks to narrow the definition of a "Garda custody facility" in the Bill to a Garda station or a Garda vehicle.

We believe that the definition in the Bill as it stands is far too wide. There is no clarity in the current definition of "other place". It could feasibly include any location, including locations that are unmonitored or unregulated.

Current statutory regulations are specified in the Criminal Justice Act 1984 for the treatment of persons in custody in Garda stations. The 1987 An Garda Síochána stations regulations outline clear provisions for the treatment of persons who are held in Garda stations. However, these regulations apply to these settings and no regulations are in place for those outside of Garda stations. Can the Minister give us clarity as to where he envisages these other places to be? Will they be the private detention facilities that will be established under the International Protection Act? How does he anticipate the wideness of the definition that has been applied? I note that we have concerns that the protections granted to persons who are detained in Garda stations will not carry over to other places that might be used for detention. Regardless of what the Minister might say in relation to this, the Bill as drafted does not provide this clarity as it is currently written on paper. Without that clarity in the legislation, we believe that this definition may require amendment.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senator Ruane for her amendment. Before dealing with her amendment, I advise the committee of my intention to bring forward amendments on Report Stage. These will primarily provide for the repeal of existing overlapping statutory search warrant provisions to ensure alignment with the broader body of legislation. I also highlight that some amendments may be necessary to address technical drafting issues, as may be agreed between myself and the Attorney General's office for Part 5, concerning persons in Garda custody.

I will now deal specifically with Senator Ruane's amendment, which seeks to remove a section of the definition of Garda custody facility. The definition at present provides that a "Garda custody facility" means a station or other place at which a person may be held while in the custody of An Garda Síochána. Senator Ruane wants to take out the latter part of the definition beyond "station" and replace it with "vehicle". Replacing "other place" with the limited term of "vehicle" would unduly restrict lawful custody.

Senator Ruane has asked for examples of what type of scenario I am talking about. It is important to note that suspects are frequently detained outside Garda stations for reasons unrelated to transit, as Garda custody extends beyond stations and vehicles. For example, individuals requiring medical attention are held under Garda custody within hospital emergency departments. Detainees may also be held in courthouse holding cells or dedicated airport processing facilities. The current wording is therefore necessary to ensure custody operations safely adapt to practical requirements. For that reason, I am unable to support the amendment. There is a benefit in having a broad definition of any "other place" at which a person may be held while in the custody of An Garda Síochána. They obviously still have to be lawfully within the custody of An Garda Síochána. As my examples have illustrated, however, that could be in hospital, in a courthouse or in dedicated airport processing facilities.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendment No. 3 and amendments Nos. 30 to 33, inclusive, are related and may be discussed together by agreement.

Senator Sarah O'Reilly: I move amendment No. 3:

In page 6, between lines 34 and 35, to insert the following:

“ “journalistic privilege” means the right of a journalist to protect the confidentiality of sources and unpublished journalistic material in accordance with Article 10 of the European Convention on Human Rights;”.

I thank Senators Boyhan and Clonan for co-signing these amendments. I understand Senator Keogan will also be speaking in support of them. It is essential to insert a definition of "journalistic privilege" into the Bill. At first glance, this may appear to be a technical drafting amendment but, in reality, it goes to the very heart of democracy and the protection of freedom of the press in this State. Journalistic privilege is not some special favour granted to reporters. It is a long-recognised democratic safeguard that protects the ability of journalists to receive information from confidential sources without fear that those sources will later be exposed. Without that protection, many stories of enormous public importance would never come to light. Rather than exposing corruption, wrongdoing, abuse of power or institutional failure, potential whistleblowers would simply remain silent.

The Irish courts have repeatedly recognised this principle. In the landmark case taken by the Mahon tribunal against *The Irish Times* in 2009, the Supreme Court recognised for the first time that journalists enjoy a right under Irish law to protect confidential sources. More recently, Irish courts have repeatedly affirmed the importance of Article 10 of the European Convention on Human Rights and the central role the protection of sources plays in a functional democracy.

This amendment simply puts this principle clearly into legislation. It provides clarity not only to journalists, but to gardaí. If we are to grant extensive powers of search, seizure and digital access under this legislation, we have a duty to ensure strong safeguards exist where press freedom may be affected. The stronger the powers of the State become, the stronger the protections for civil liberties must become. I urge the Minister and the Government to accept this amendment. Doing so would strengthen the Bill, reduce legal uncertainty and demonstrate that this House takes seriously both freedom of expression and the essential role investigative journalism plays in a democracy.

Senator Cathal Byrne: I recognise the purpose behind the amendment being put forward by the Senators. Recognising the importance of the protection of journalists' sources and the recognition afforded to it by the courts over many years, will the Minister clarify whether this matter is already addressed by section 2(2)(b)? The section states that references to material being privileged:

shall be construed as a reference to the material being, by or under any enactment or rule of law—

[...]

(b) the subject of privilege, other than legal professional privilege, where, under the enactment or rule of law concerned, the holder of the material is obliged to disclose it to another person only where a court has directed such disclosure

Where journalists find themselves in situations where they are under pressure to disclose sources, is their privilege already protected by section 2(2)(b)? Will the Minister confirm whether that is the case?

Senator Sharon Keogan: I thank my colleague Senator Sarah O'Reilly for putting down this amendment. I will speak to the grouping, which addresses a clear and important gap in the Bill as it currently stands. At the outset, I will say that I am not approaching these amendments from a position of hostility to Garda investigations. I fully accept that there will be circumstances where journalistic material is relevant to serious criminal inquiries. These amendments do not seek to block investigations but to ensure that when the State interferes with journalistic material, it does so in a way that is careful, proportionate and consistent with long-established constitutional and European principles.

Amendment No. 3, which introduces a definition of "journalistic privilege", is a modest but necessary starting point. The Bill already contains detailed provisions on legal professional privilege but it is largely silent on journalistic privilege. This is despite the fact that Irish courts and the European Court of Human Rights have repeatedly recognised the protection of journalistic sources as a corner-stone of any democratic society. If we value freedom of expression and freedom of the press, it makes sense to recognise that explicitly on the face of the legislation.

Amendments Nos. 30 to 33, inclusive, give practical effect to that principle. They do not create an absolute shield for journalists. Instead, they require applications for search warrants involving journalistic material to be made on notice and heard *inter partes* by default unless genuinely exceptional circumstances exist. That strikes me as a reasonable and balanced approach.

To put it plainly, searching a journalist's phone, laptop or files is not the same as searching an ordinary premises. Journalists routinely hold unpublished material, communications and information that, if exposed, could have a chilling effect well beyond the individual case in question. A simple hypothetical illustrates this point. Let us say a journalist is investigating alleged wrongdoing by a powerful organisation and An Garda Síochána believes some material held by that journalist may be relevant to the investigation of an offence. Without these amendments, a warrant could be sought and executed without the journalist being heard. By the time the journalist becomes aware of it, confidential sources may already have been exposed. Even if no charges follow, the damage cannot be undone. These amendments introduce an essential pause for judicial scrutiny. Where applications proceed without notice, An Garda Síochána is required to explicitly draw the court's attention to constitutional protection, Article 10 of the European Convention on Human Rights and the requirement for necessity and proportionality. That does not weaken policing. It strengthens oversight and decision-making.

These amendments sit particularly well in the context of the expanded digital powers provided for elsewhere in the Bill. As we have already discussed, modern devices collapse vast amounts of information into a single place. A journalist's device may contain years of work on multiple investigations and numerous sources that are entirely unrelated to the matter under inquiry. Without safeguards of this kind, journalistic privilege risks being recognised in theory but eroded in practice.

This is also about public confidence. A free press does not exist for the benefit of journalists alone. It exists for the benefit of the public. If sources believe that speaking to journalists carries an undue risk of exposure through routine policing powers, fewer people will come forward and matters of genuine public interest may never reach daylight. Supporting these amendments does not create a caste of people who are above the law. It recognises that certain forms of State power can have consequences far beyond the immediate investigation if exercised without sufficient care. For those reasons, I will be supporting this group of amendments. They strengthen both the Bill and the constitutional values it should reflect.

Senator Lynn Ruane: In this grouping, we have amendments Nos. 32 and 33. Section 17 outlines the procedure for applying for a search warrant by a member of An Garda Síochána. Section 17(5) outlines that, if the member suspects that privileged material will be present at the place of the search, he or she must include this information in the application for the search warrant. Section 18 provides for a privilege screening in instances where a judge considers it necessary and proportionate. However, it is not mandated in every instance.

Amendment No. 32 seeks to ensure that, where a member of An Garda Síochána includes in an application that privileged journalistic material might be present at a place that is to be searched, that member will not have access to the material prior to a privilege screening. Without such a provision, the sequencing by which gardaí have access to privileged material could very seriously undermine the confidentiality of that material. The screening process only begins after search warrants have been issued against journalists. Once gardaí are given access to journalistic materials, there is significant risk of improper disclosure of confidential information. A burden is also placed on members of An Garda Síochána. If members were to read privileged information that was in some way associated with a potential crime of any sort, they would have to act on that privileged information. It creates a burden in the other direction too. More generally, this Bill provides a statutory footing in Irish law for the investigation of journalistic material by gardaí, although that footing is constitutionally murky.

Currently there is no such provision or clear guidance on how journalistic privilege operates and there has been an ongoing tension between the courts and journalists on whether such a privilege is absolute since the Mahon tribunal sued *The Irish Times* in 2009 to recover confidential documents leaked from the tribunal regarding payments to the then Taoiseach, Bertie Ahern. Despite winning the core legal arguments in the case, *The Irish Times* was punished for destroying documents ahead of legal proceedings and the court's decision was to have substantial legal costs awarded against them. The court's message was that journalists do not get to decide what constitutes journalistic privilege, we do. This Bill purports to give the court guidance in how the constitutional right to journalistic privilege can be expressed in practice but the process here is convoluted and unnecessarily complicated.

Amendment No. 33, as the Bill is currently drafted, is probably unworkable. However, as recommended by the Irish Council for Civil Liberties, ICCL, the intention here is that search warrants would not be granted for journalists' homes or places of work without a determination of privilege preceding it. The convoluted way in which the Bill is currently structured does not allow for this and, obviously, a determination of privilege cannot be made from material that is not seized in the course of a search. The fundamental point is that true consideration of journalistic privilege and their associated constitutional rights must be given before the granting of any search warrant. This is simply not the case in the Bill as it is currently drafted.

Deputy Jim O'Callaghan: I thank Senator Sarah O'Reilly for tabling this amendment and I thank the other Senators for their contributions.

Amendment No. 3 seeks to include within the definitions section of the Bill the definition for journalistic privilege. It is important to remember how this part of the legislation comes before the Houses of the Oireachtas because Senator O'Reilly's amendment, although it is in the definitions section, is to a large extent concerned with Part 3 of the Bill, which deals with the search of premises.

The reason, in part, that this section of the legislation is being brought forward is because of the actions of a journalist back in 2018. Emmett Corcoran was a journalist with *The Democrat* newspaper and doing his job he covered an incident in Strokestown where some violent disorder took place. Subsequent to that, members of An Garda Síochána went to the District Court and availed of the powers available to An Garda Síochána, which are the powers that still exist today, under section 10 of the Criminal Justice (Miscellaneous Provisions) Act 1997, to seek a search warrant. They wanted to search Mr. Corcoran's house and his premises. When the gardaí went to the District Court they never told the district judge that the person who they wished to search was a journalist or that the premises they wished to search was the office of *The Democrat* newspaper. In fairness to the gardaí at the time, there is no requirement on them to do that under section 10 of the 1997 legislation, as it exists at present.

Mr. Corcoran, having been served with the search warrant and information being sought from him by the Garda, refused to provide the information. He said that he wanted to assert his journalistic privilege and he was not going to provide information relating to his sources. He went all the way to the Supreme Court and he won. In the decisions of the Supreme Court that came out in 2023, two of the judges, and obviously there was unanimity among the court, Mr. Justice Collins and Mr. Justice Hogan expressly referred to section 10 as it exists at present. They recognised that section 10 does not provide any recognition of the fact that when a garda is searching a premises or applying to the District Court for a search warrant, there is no statutory obligation on the garda to tell the District Court that by the way, the premises we are searching is the home of a journalist or, indeed, using another type of legal professional privilege, would want to search a solicitor's office. In both judgments of the Supreme Court, Mr. Justice Collins and Mr. Justice Hogan said this is an area that requires urgent legislative intervention by the Oireachtas. I repeat: urgent legislative intervention. Implicit in it, and they did not rule it in that case, is that they are sending a message that there is a serious constitutional question mark over section 10 of the 1997 Act because it does not provide for a mechanism for a District Court to be told that the premises being searched may be that of a journalist, a lawyer or an entity that is exercising privilege, or for the process of that privilege to be assessed statutorily.

The primary reason I am bringing forward Part 3 of this legislation is in response to what the Supreme Court said. I am seeking to provide a legislative remedy for the defects in section 10 that were, in my opinion, correctly identified by the Supreme Court. The purpose of the sections that are contained within Part 3 - search of the premises and Senator Ruane referred to some of the provisions - is to set out a statutory mechanism so that if a garda is going to a District Court and he is looking for a search warrant, and he knows that the person he is going to search is a lawyer or a journalist that he has to notify the District Court judge, at the time of making the application, that he believes there may be journalistic privilege or legal professional

privilege arising as a result of the search. What I am doing in the legislation is trying to put in place a statutory scheme that respects that. The purpose of this legislation, in terms of Part 3 and the provision in respect of privilege, is that I am giving greater protections to journalists. They do not have those protections at present under section 10. Lawyers do not have that protection at present under section 10. Obviously members of the Garda are aware of the limitations of section 10 but in recent times what in practical terms happens is the gardaí inform the district judge of the fact, if it is a law firm that is being searched, that that obviously should be brought to the attention of the District Court.

I will deal specifically with the amendment tabled by Senator O'Reilly. As I said, she wants, in amendment No. 3, to insert a definition for journalistic privilege. Section 2(2)(b) of the Bill defines privilege as "other than legal professional privilege", a definition which encompasses journalistic privilege as well as other forms. Journalistic privilege is not defined separately because unlike legal professional privilege, it is not absolute and the broad definition is sufficient. This approach permits other privileges, such as public interest privilege, to be considered without needing to define each type individually since the process for handling them is the same. It is the case in Irish law that journalistic privilege is recognised and protected. People have referred to judgments earlier and there is another judgment by Mr. Justice Hogan, which arises from the Cornec case. It is recognised as a form of privilege. However, like many privileges, it is not absolute.

Journalistic privilege is not defined to reflect the absence of any settled legal definition of "journalist" in either EU or domestic law and the long-standing reluctance of courts and legislatures to treat journalism as a fixed legal status. Regulation No. 1083 of 2024, the European Media Freedom Act, does not provide a stand-alone definition of "journalist" but instead focuses on protections for journalistic activities. Likewise, EU jurisprudence has consistently examined whether conduct falls within journalistic purposes or journalistic activities rather than attempting to define journalism exhaustively.

As I said, in the Corcoran case, the Supreme Court adopted the functional understanding of journalism centred on the gathering and dissemination of information in the public interest. The reasoning of the Supreme Court reflects the risk that rigid statutory definitions could exclude emerging forms of media activity in an evolving communications environment, and I agree with that. For those reasons, I am unable to support Senator O'Reilly's amendment.

I will briefly deal with amendment No. 31 since it is being discussed. Article 10 of the convention undoubtedly affords strong protection to journalistic sources and confidential material. However, Strasbourg jurisprudence does not mandate a single procedural model for member states nor does it require that every stage of a warrant process occur *inter partes*. For those reasons, I do not consider amendment No. 31 necessary. The Garda powers Bill instead establishes a dedicated High Court process for determining claims of privilege before any examination of the material can occur.

I will pause there. Using the example of Mr. Corcoran from before, in an instance where that were to apply after this legislation is enacted, the gardaí would be required to inform the court that Mr. Corcoran was a journalist. If there were a dispute between the parties as to what constituted journalistic privilege, Mr. Corcoran would be able to say that he wanted his claim to privilege to be determined. The way it is determined is by the High Court looking at the documents if necessary - if the description is not sufficient - and it will determine whether or

not it is journalistically privileged. That is the case with legal professional privilege as well. Just because a lawyer says a document is legally professionally privileged does not mean the other side, the adversary in the case, cannot seek to inspect it. In those circumstances, the court may be required to look at it if the definition as to its privileged status is not sufficiently clear.

The framework in the Bill ensures that the balancing exercise required under Article 10 occurs before any substantive access to the material takes place. That is the critical point of interference for convention purposes. The Court of Appeal in *Corcoran* stressed the importance of judicial oversight prior to access, save in urgent circumstances. Section 24 gives effect to that requirement by making judicial determination a precondition to examination of the material. While the initial warrant application may proceed *ex parte*, that reflects the long-standing necessity in criminal investigations to prevent the destruction, concealment or interference with evidence. The subsequent High Court process provides the affected party with a full opportunity to assert privilege before any review of the material can occur. Accordingly, the Bill achieves an appropriate balance between investigative necessity and the protections guaranteed by Article 10.

Section 25 further reinforces those safeguards by providing a suspensive period during which the parties may seek agreement on the scope of any potentially privileged material prior to judicial determination. Having regard to those protections, I do not consider the proposed amendment to be required.

Senator Lynn Ruane: This is for a practical understanding. The screening process only begins after search warrants have been issued. If a screening is done on whether something falls within the realm of journalistic privilege, who, at whatever level of An Garda Síochána, actually carries out the screening process? This is unlike a solicitor with disclosure in court and what can or cannot be considered. Several gardaí could raid a home or use a warrant to remove someone's devices and those gardaí will have access to everything that exists, and they will have to go through it line by line and page by page to determine what is and is not relevant. All of a sudden, a group of people has access to highly privileged information that has nothing to do with the scope intended under the warrant. They are then deliberating on that. This is people's lives and all the data they have gathered over the years, including every time somebody has contacted them about something. There could be personal information about people and things unrelated to a crime. Who exactly is sitting down and screening whether this is to be considered in the context of journalistic privilege? Who exactly has sight of all this and how do they make that determination? What do they do with all that information that has nothing to do with the intended use of the warrant?

Senator Michael McDowell: I first want to remind myself and put on the record that the Emmett Corcoran case to which the Minister referred was one in which I was personally involved as Mr. Corcoran's counsel. I respect the rules of my profession that I am not supposed to comment on cases in which I appeared. Nothing I say now is supposed to compromise in any sense that perfectly sensible rule.

I have a few questions for the Minister. As I understand it, the particulars of the Corcoran case, as outlined to the House by the Minister, appear to be correct. However, there is a slightly wider issue, and I ask the Minister to consider it. Let us suppose the information subject to journalistic privilege is not on a phone. Let us take that case and suppose it is a notebook, a

file or something like that. Let us also suppose for a moment that we are dealing with the search of a person or of a vehicle where a member of An Garda Síochána stops a car that belongs to a journalist in which the garda believes documents that could be evidence related to a criminal offence are located. Let us suppose a search takes place under Part 2 of the Act, which does not deal with searches of premises under warrant but with searches carried out of persons and vehicles done without warrant under, say, section 10. That section provides for circumstances in which a member of An Garda Síochána is in a public place or any other place to which power of entry by law is implicitly or explicitly provided, and has reasonable grounds to believe that an offence in Schedule 1 has been, or is about to be, committed. Let us take it that he has reasonable grounds to believe an offence has been committed. The garda:

May require a person to stop a vehicle for the purposes of enabling the member to ascertain whether ... any person in ... the vehicle has committed, is committing or is about to commit [an] offence, or evidence relating to the commission or intended commission of the offence by any person is in or on the vehicle or on any person [occupying] it.

Let us suppose we are dealing with material here like a journalist's notebook or documents given to an investigative journalist relating to the commission of an offence, or which could be so related. Let us suppose a garda suspects that such documentation is in a car, stops the car and finds the file on the back seat or passenger seat of the car. I would like the Minister to explain to me if the journalist can tell the garda that they may not seize a document in his or her possession because it contains material that is the subject of qualified journalistic privilege. The Minister is correct. The jurisprudence of the Irish courts is that journalistic privilege, however defined, is not as absolute as the kind of privilege I have, as a Member speaking in this House, or a witness has in a court case.

7 o'clock

What happens then? Part 3 deals with searches of premises under warrant issued by a district judge. Suppose we are dealing with the deployment of a member of An Garda Síochána's powers under Part 2. What happens then to the material that is taken from the journalist's possession, effectively, because it is evidence in the eyes of a garda which relates to the commission of an offence? Unlike electronically stored material, there probably will not be a code encrypting the information temporarily from third-party observation. Is the journalist in those circumstances entitled to refuse to hand the garda the file? One the garda reads it, he cannot unknow what he has seen. If a journalist has notes saying that such-and-such an offence was committed by such-and-such a person, of whatever kind, a garda who opens the file and reads it is not in the same position as somebody staring at a phone in which this material may or may not be there and in respect of which a claim of privilege is made. He is looking at actual documents which are the subject of the same kind of journalistic privilege as would be the case for those stored on an electronic device. He is staring at it in written form in front of him and does not have to take any further step, once he opens the file, to know and to invade the journalist's privilege. Are we dealing with such a scenario adequately or at all?

I agree with the Minister that the two members of the Supreme Court in the Emmett Corcoran case said that as a matter of urgency the law should be changed to deal with the protection of invasion of journalistic privilege under warrant, and that section 10 needs reform in that respect. I fully accept that is a fair summation of the recommendations made by the members of the court. However, we are also dealing with searches unauthorised by warrant,

say, of a car in which an member of An Garda Síochána believes there is evidence of the commission of an offence of some kind. How does the journalist driver resist handing over his material to the Garda? I do believe that a member of An Garda Síochána did in fact deploy search powers under Part 2 in respect of a car where he thought that there was documentary evidence of the commission of an offence, be it photographs, confessional material, inculpatory material, or statements by somebody who was a witnesses to a crime which indicates somebody's particular involvement in it. That situation is worthy of protection under the ECHR jurisprudence, in like manner to material stored on a journalist's phone, which requires further interference to access it other than simply using one's eyes.

Section 23 deals with treatment of materials seized under search warrant and section 24 deals with privilege. Section 24(1), for instance, provides:

This subsection applies where—

- (a) material has been the subject of a privilege screening analysis or an examination (including a digital forensic examination),
- (b) it is considered that the material concerned may be privileged material, and
- (c) the authorised member wishes to have access to the material on the grounds that he or she considers that the material is evidence of or relating to the commission of an offence.

That kind of scenario is dealt with under Parts 3 and 4. The particular scenario that I am putting forward, however, is in respect of material which is privileged, like a journalist's notebook. This seems to have no protection at all under the provisions of this Bill. A garda can in good faith say they believe that so-and-so - a crime correspondent - has just had a meeting with a baddie, and that they are going to search his car and find out if there are any written documents in his possession or evidence of the commission of the indictable offence by the baddie. I wonder what the law would be in such circumstances. Would it be lawful for a garda to deploy his or her power of search of a vehicle to obtain sight of the journalist's notebook in a way which invades a journalist's protected status? In the alternative scenario dealt with in the Emmett Corcoran case, the material would be available to the Garda after opening electronically a phone, computer or other device in the possession of a journalist in respect of whose premises a warrant had issued. I would like the Minister to deal with this issue. Are we dealing satisfactorily with the deployment of search of individuals and vehicles belonging to individuals in a manner which protects journalistic privilege to the same extent as would be required, if this legislation is passed, in respect of material which is stored electronically and which is not immediately visible on a search to members of An Garda Síochána?

Senator Sarah O'Reilly: I want to speak to amendment No. 31, which the Minister said was not necessary. The amendment seeks to introduce an *inter partes* hearing where a search warrant is being sought in relation to journalistic material or material capable of identifying a confidential source. In plain language, this means that where the State wishes to search a journalist's home, workplace, phone or files, the journalist or media company employing them should, wherever possible, have the opportunity to be represented before the warrant is granted. At present, the Bill largely maintains an *ex parte* process where only one side is before the

court. The concern with that approach is obvious. A judge may hear extensive arguments in favour of disclosure without hearing any argument at all from the other side. The Minister described that earlier. The Northern Irish *Fine Point Films* case dealt directly with this issue. In that case, the court made clear that *inter partes* hearings are an important safeguard in protecting journalistic privilege under Article 10 of the European Convention on Human Rights.

The amendment also recognises that there may be genuinely exceptional cases where an *ex parte* hearing is necessary, but in those circumstances it requires the applicant to fully inform the court of the constitutional protections attaching to freedom of expression and freedom of the press. This amendment would strengthen the legitimacy and constitutionality of Garda powers, and would also bring Irish practice closer to best international standards in protecting journalistic freedom.

Deputy Jim O'Callaghan: I thank the three Senators for their contribution. I will deal with the issues they raised in order.

Senator Ruane inquired about journalistic screening and how this will operate. It is worth pointing out how, in practical terms, this is going to arise. If a garda wants to search the premises of a well-known journalist under the new legislation, he or she will have to notify the District Court judge in advance that the premises is that of a journalist and the person he or she is seeking a search warrant for is a journalist. That will affect the nature of the order that is made by the District Court judge. It is similar when a garda goes to effect the search warrant. We live in a society where we are dependent upon people asserting their rights. If a garda goes into the premises of a well-known journalist and says they have a search warrant, that person is not mute or incapable of stating the garda cannot search their computer because it is protected by journalistic privilege. In practical terms, that is how that is going to operate. The journalist will assert he has an entitlement to journalistic privilege over the computer or notebook the garda seeks to search. Once that happens, there is a statutory procedure in place that will enable the determination of the issue by a High Court judge, who will ultimately probably have to look at the documentation. That is how it will happen in practice.

In terms of the journalistic screening to which Senator Ruane referred, the definition section of the Bill contains a definition of privilege screening. It states:

in relation to material other than material referred to in *paragraph (b)*, means a review of the material for the purpose of ascertaining whether it contains privileged material, and [...] in relation to data contained in, or accessible from, an electronic device or information system, means a review of the data for the purpose of ascertaining whether the data contains privileged material ...

If we move forward to section 19 of the legislation, we see that section 19(1) sets out the procedure in terms of a search of electronic device or information system under a search warrant. It provides that:

a search warrant may be expressed, and operate, to authorise the authorised member, in addition to exercising any power specified in *sections 18* or *20*, to do such of the following as the issuing judge considers necessary and proportionate having regard to the information provided to him or her by the applicant under *section 17* ...

One of the things a judge can do is permit the authorised member seeking the warrant "to conduct a privilege screening of the data (whether captured or not) contained in or accessible from an electronic device or information system ... found at the place of search". The purpose of a privilege screening is in circumstances where the journalist is not asserting there is information. In fact, it generally probably arises in circumstances where the identity of a journalist is not known, or the fact that the person a warrant is being served on is a journalist is not known. If the court believes there should be a privilege screening, there will be an assessment to see if there is anything that could come within the parameters of the protection of privilege. The alternative is that we completely balance the legislation against the interests of the investigation of crime and say that if a garda arrives with a search warrant, a person can say there is journalistic privilege involved and the garda cannot search it. That cannot be the appropriate mechanism to deal with it.

Senator McDowell raised the issue of section 10, which is the power of An Garda Síochána when its members are in a public place and have reasonable grounds to suspect an offence under Schedule 1 has been, is being, or is about to be committed. If we look at what is contained within Schedule 1, we see that the types of offences covered are egregiously serious offences, such as murder, manslaughter, and a whole series of others which are set out.

Senator McDowell went on to section 10(2), which states:

Where this section applies, the member concerned may require a person to stop a vehicle for the purposes of enabling the member to ascertain whether [...] any person in or accompanying the vehicle has committed or is about to commit the offence [That is a reasonable power to give An Garda Síochána, particularly when we look at the schedule of offences set out in Schedule 1] or ... evidence relating to the commission or intended commission of the offence by any person .. in or on the vehicle or on any person in or accompanying it.

When we look at the evidence relevant to the commission of the offence which is about to be committed, it would be stretching credulity to say that a journalist's notebook in the back seat of the car in some way could be relevant to the commission of the offence. Although I listened to all Senators carefully, I am not as concerned as Senator McDowell is about that. We have to provide powers to An Garda Síochána to conduct searches when it appears to the Garda that a very serious offence is about to be committed. If we look at Schedule 1, we can see it includes murder, manslaughter, firearms offences and other very serious offences, such as child trafficking, pornography and smuggling of persons. There is a whole series of offences, with 16 of them set out there.

Senator O'Reilly referred to the very interesting decision of the *Fine Point Films* case. That was the decision involving two journalists, Barry McCaffrey and Trevor Birney, who were both arrested in 2018. They were preparing a documentary in respect of the murders in Loughinisland and allegations of RUC collusion with loyalist paramilitaries. The Northern Irish decision in that case was grounded in the statutory framework of the 1989 legislation, which expressly required an *inter partes* hearing when search warrants were sought against journalists. In 2023, the Irish Supreme Court endorsed the *Fine Point Films* case as relevant in Irish law. However, it did not definitively determine that Article 10 requires an *inter partes* hearing in every case, as opposed to an *ex parte* process accompanied by appropriate safeguards and judicial scrutiny. It does not follow that Article 10 itself requires a pre-seizure *inter partes*

hearing in all circumstances, nor does it follow that it would be applicable in all jurisdictions. Rather, the essential requirement is that there be a meaningful opportunity for independent judicial scrutiny before privileged material is examined or used.

While I am on my feet, as they say, I should have mentioned amendment No. 33 in my opening comments to this group of amendments. I will give Senators my views on amendment No. 33. I am not agreeable to accepting it because I do not think it would operate coherently within the Bill. A determination under section 24 can only arise after material has been seized or captured pursuant to a search warrant and where, following privilege screening or examination, it is considered that the material may be privileged. Section 24 is therefore a post-seizure High Court determination mechanism for material identified as being potentially privileged. Requiring at the warrant application stage under section 18 that a determination of privilege under section 24 has been made would be procedurally impossible, as no material will yet have been seized or examined and, therefore, no section 24 process could yet have been triggered. The Bill instead addresses privilege concerns at the application stage, which require gardaí to notify the District Court of known privilege risks, allowing the judge to impose appropriate limitations, including privilege screening prior to further examination in cases where no such risk was identified at the initial stage, and potentially privileged material is subsequently identified. The material may not be accessed until the section 24 High Court process is completed. For that reason I am not persuaded that the amendment is necessary.

There is a very careful statutory architecture put in place here which first, and importantly, puts into Irish written law statutory protections for journalists, lawyers and others where a privilege may arise.

It obviously has to be balanced weighing, on the one hand, the interests of An Garda Síochána in investigating suspected offences and, on the other hand, respecting journalistic privilege, which as Senator McDowell said, is not absolute, as well as other forms of privilege.

The procedure, as set out here, will be very effective because ultimately we will have a judge-supervised process. From the moment a guard appears in the District Court seeking a search warrant on an *ex parte* basis, the court will be aware if it is a journalist or a lawyer or if there may be other privilege attaching to it. If somebody subsequently says, "Listen, you might not know me but actually I am a journalist" then that person has a statutory mechanism to challenge the Garda search of the material and ultimately that can be appraised by the High Court. What I cannot allow to happen is people simply stating - in order to avoid a Garda investigation - that there is journalistic material on that, it is privileged and you cannot look at it, and us having to go, okay, that is the end of it.

Senator Lynn Ruane: I will remap in steps what has been said to understand the intent. I now understand that there is one scenario where there is awareness that there could be journalistic privilege and that is given as part of the request for a warrant. When a warrant request is given and the judge decides that it is necessary and proportionate for there to be a privilege screening, who conducts the screening?

Deputy Jim O'Callaghan: The guards.

Senator Lynn Ruane: The guards do the screening. That means the guards have access to lots of privileged information although they might only need-----

Deputy Jim O'Callaghan: We do not know at that stage that it is privileged. Nobody has asserted the privilege of it.

Senator Lynn Ruane: Yes but the journalist has, to a degree. My point is there is other journalistic information within that, which will not be relevant to what the warrant was for, that people will still set eyes upon. It is more just stating the fact of it rather than questioning it right now.

I now understand that there is another instance where the guards have a warrant but are not aware that there is potential journalistic privilege and at that stage-----

Deputy Jim O'Callaghan: Somebody comes forward.

Senator Lynn Ruane: -----they will cease. Will the guards walk away once somebody says that?

Deputy Jim O'Callaghan: No. The guards are aware, if they are searching a journalist's house, they have to notify the district judge. If they get a search warrant they have no idea that there may be any journalistic privilege involved and the person who is searched says, "Hold on, I am a journalist and I assert journalistic privilege over this." If a person does that then there will be a procedure exercise, for the purpose of the court, looking at it.

Senator Lynn Ruane: The guards will not be required to return to the court for a warrant like the one you would get if you applied for a warrant under the awareness of journalistic privilege. Everything can still be taken and it will go through the process even though the judge has not decided whether it is proportionate or necessary.

Deputy Jim O'Callaghan: The person is now asserting for the first time. A guard may not know every journalist in the country.

Senator Lynn Ruane: That is fair, yes.

Deputy Jim O'Callaghan: An individual could just assert that there is journalistic privilege here. If the person does that for the first time then there is a mechanism to assess that under the legislation.

Senator Lynn Ruane: Will the guards assess it like they would with screening or will it go back to the judge?

Deputy Jim O'Callaghan: I suggest that the Senator looks at the provisions contained in section 24. The ultimate determiner, or the person who will assess whether or not material contains journalistic privilege, will be the High Court. That is provided for. If somebody

makes a valid claim that this is journalistic material, it cannot be searched. There is a statutory procedure for that to be assessed by the High Court.

Senator Lynn Ruane: I struggle to understand this because, in one sense, we are saying the guards will assess the material and then that the High Court will decide on that material.

Deputy Jim O'Callaghan: There is a screening and that is the ultimate hearing. There is a privilege screening that can apply.

Senator Lynn Ruane: Am I correct to think that in the case where a guard is not aware and conducts a search and where a person asserts his or her journalistic privilege at that stage, then the Garda, even without the appropriate warrant associated with journalistic privilege, is required to do the screening on the mere mention that this is journalistic privilege?

Deputy Jim O'Callaghan: The warrant remains. There is only one warrant. In terms of the procedures set out here, a warrant is being applied for but what is contained within the legislation is a statutory mechanism to deal with an instance where the guards suspect that there may be privilege or where somebody, subsequently, asserts that there is privilege.

Senator Lynn Ruane: I thank the Acting Chairperson for allowing a back-and-forth discussion; it is helpful. In the instance where a guard goes to a District Court to request a warrant then, within this legislation, as part of that warrant request, if the guard is concerned that it is a journalist or someone else who has privilege, then the guard lets the judge know.

Deputy Jim O'Callaghan: Yes.

Senator Lynn Ruane: Is the Minister telling me that the warrant that a guard will receive from that judge will be the exact same warrant, with the exact same criteria and powers as a normal search warrant if the guard did not realise it was a journalist? What is the point in the judge setting out the parameters of the search warrant and he or she needing to know if there is already an automatic assertion of journalistic privilege, which then would have to go through a screening because somebody has said he or she has journalistic privilege? What is the point of the judge? Does he or she set parameters for how that material is handled? Why would it not go back to the judge? Is it the judge who would decide, where the person then asserts that he or she has privileged information? Why would that not go back to the judge for that particular type of search warrant that encompasses journalistic privilege? I do not understand the point of the judge if a person can simply assert that there is journalistic privilege.

Deputy Jim O'Callaghan: I suggest that the Senator looks at Part 3, which deals with the search of premises. Section 16 deals with the definitions.

Section 17 deals with an application for a search warrant to the District Court and sets out the offences specified in respect of it.

Section 18 then deals with the issue of a search warrant. Section 18(1) states: "A judge of the District Court ... may, on an application, issue a search warrant ... if satisfied by information provided by ... the application that—

- (a) there are reasonable grounds for suspecting ... and
- (b) the issuing of the search warrant is necessary ...

They are the general provisions.

Section 19 then deals with the search of electronic device or information system under a search warrant. That section is specifically included because of another Supreme Court Decision, called *Quirke*, where Mr. Justice Charleton said that an electronic or computer system, a phone or a computer is a separate space for which you require a separate search warrant. At present we do not have that. Section 19 deals with that effect.

Section 20 provides that the "Search warrant may authorise examination of material subject to section 2(2)(b) privilege in certain circumstances". We know what section 2(2)(b) privilege is because it is already defined. I suppose that allows for a warrant to examine material where it is necessary for the purpose of protecting the life or personal safety of people. If somebody is sort of saying there is journalistic privilege, then this section gets around that if there are circumstances where the life or safety of people is threatened. It is an exceptional provision but I think it is necessary and it is not one, I would have thought, that is regularly going to be used.

Section 21 deals with the right to be informed of search pursuant to the search warrant. Obviously when the guards go to the house they are obliged to tell the person that they have an authorised warrant to search the premises.

Section 22 deals with the exercise of powers under a search warrant and details what it is permitted to do in terms of exercising the powers under the search warrant.

Section 23 deals with the treatment of material seized under a search warrant. Section 23(1) states "An authorised member who ... seizes material, shall ensure that following its removal", the material is recorded and stored appropriately.

Section 24 deals with the issue as the determination as to privilege. Section 24(1) states:

This subsection applies where—

- (a) material has been the subject of a privilege screening analysis or an examination ...
- (b) it is considered that the material concerned may be privileged material, and
- (c) the authorised member wishes to have access to the material on the grounds that he or she considers that the material is evidence of or relating to the commission of an offence.

It sets out in section 24 what happens in terms of the determination as to privilege. There can also be, as provided for in section 25, agreement between the parties. This is where gardaí and the person being searched agree that one part is privileged, while the other sections are not, and that they are the ones dealing with search privilege. I should have referred the Senator earlier to section 19(1)(d), on the search of an electronic device, which includes a is specific

reference to conducting "a privilege screening of the data (whether captured or not) contained in or accessible from an electronic device or information system ... found at the place of search".

At the beginning of section 19, it states:

a search warrant may be expressed, and operate, to authorise the authorised member [the garda], in addition to exercising any power specified in *sections 18 or 20*, to do such of the following as the issuing judge considers necessary and proportionate having regard to the information provided to him or her by the applicant under *section 17*

Section 17 also provides a requirement in terms of identifying where there may be information which is privileged. That is correct. If Senator McDowell reads section 17, he will see "application for a search warrant" and in section 17(5) it states:

Where an applicant [the garda] suspects that privileged material may be present at the proposed place of search, or contained in, or accessible from, any electronic device or information system that may be present at that place, his or her application shall [meaning it is a mandatory requirement] include such information as is known to him or her relating to—

- (a) the nature of the privileged material concerned, and
- (b) any other matter relating to the privileged material that the applicant considers relevant to the issuing of the search warrant.

There is, therefore, a procedure set out in Part 3 in respect of a search warrant. Obviously, a search warrant is a warrant. The same warrant is issued to search, say, my house or the house of an editor of *The Irish Times*. It is the same warrant but the circumstances will be different and the provisions will be different. The order of the District Court may be different because in a certain instance there may be journalistic privilege and the court may set out in those circumstances what is or is not appropriate to be done in terms of the ultimate determination of it.

We are dependent to a large extent on people asserting their rights. If somebody knows they are going to be the subject of a search warrant, their premises is being searched and they have been informed about it, they have to assert their rights. If they assert their rights, there is a mechanism here for their assertion to be determined.

Similarly, it puts a greater obligation on An Garda Síochána. There was a criticism of the gardaí involved in the Corcoran case. If a garda knows or suspects they are searching the house of a solicitor, a barrister or a journalist, they suspect that there is going to be privileged material there. Under section 17, as I just showed the Senator, there is now a statutory obligation on a garda to tell the District Court that the warrant is for the purpose of, for example, searching a solicitor's house who the garda thinks is involved in the commission of criminal offences and that, because it is a solicitor's house, there may be privileged material there, and the garda wants to search the solicitor's computer, seize their phone on which there is probably privileged material and therefore the garda wants to inform the court about it. There is a mechanism put in place to determine that. This is not a good defence of it but, obviously, it is far better than what is contained in section 10 at present. As regards the point I just made, when we look at

section 10 there is no statutory duty imposed upon the Garda, whereas now there is a statutory mechanism put in place that recognises and allows for the determination of claims of privilege.

Senator Michael McDowell: The Minister said that the offences in the Schedule are all serious offences, and many of them are, but if he looks at paragraph 14 of the Schedule of offences he will see it states that any "offence under section 4 ... of the Criminal Justice (Theft and Fraud Offences) Act 2001" is an offence for the purposes of the Act. When I look at section 4 of the 2001 Act, I discover that any offence of theft is covered by the Schedule. It is not all at the level of murder or anything else. That is the first point I want to make.

Second, it is all very well to provide, for journalists' places of business, places of residence or whatever, that a search warrant cannot be applied for without incurring the obligation to inform the District Court, at the time the warrant is applied for, that there is a potential privilege issue. That is a necessary protection but I go back to the point I made to the Minister on instances where there is no search warrant required. Where there is a stop-and-search power deployed, there is no premises involved at all. The whole warrant procedure and the obligations, which are rightly being provided for in this legislation, simply have no application. What happens then? If a member of An Garda Síochána stops a journalist and seizes his notebook in his car, what happens then? No warrant is involved. No obligation to tell any District Court judge anything is activated by this necessary legislation in respect of search warrants. However, we are now saying that any garda can stop any car in which he believes there is any evidence of the commission of a theft and he can seize anything in that car without any protection for journalistic privilege of any kind whatsoever.

This is not pedantic or theoretical. If a member of An Garda Síochána has a choice between stopping a journalist's car and finding material in it which is evidential of the crime of theft or, alternatively, waiting until the journalist gets home and applying to a District Court judge, with an elaborate protection procedure for the journalist's recognised rights of qualified privilege, why would the garda not stop his or her car? Why would they not do that give that this legislation allows them to do that?

Deputy Jim O'Callaghan: Journalistic privilege still exists. We have got into this habit of-

Senator Michael McDowell: I fully accept that the privilege still exists but what is the consequence if the file can be read by a garda who, bona fide, believes the file is there and is evidence relating to the commission of an offence? There is no protection at all for the journalist in those circumstances. The garda has actually taken the file out of the car, read it, shut it and put it back in the car and knows precisely what is in it. The garda has invaded the journalist's privilege successfully and, because no warrant was involved, he now knows what he could not have achieved if he had waited for that file to get back to the journalist's house.

If we are going to protect journalists in the circumstances referred to by the Supreme Court in the Emmett Corcoran case, why are we not going to say that a member of An Garda Síochána shall not deploy the powers under section 10 of a stop and search with a view to getting or seeing material which would be privileged if it were the subject of a search warrant?

The Minister has not dealt with that issue. Under the Schedule, we are dealing with any offence of theft of any kind whatsoever. That is not something that is going to bring down the State or which amounts to murder, manslaughter or an offence under the Offences Against the State Act. Any offence of theft is covered by this. If I believe that a journalist has any material in his possession which, if I see it, will enable me to effectively breach his or her privilege, and I deploy my powers under sections 9 or 10 of this Bill of stop and search, there is no protection at all for the journalist to say, "Sorry, you cannot look at the notebook in the car". Worse still, there is nothing there to say that a garda who decides to do that is acting unlawfully. There is nothing there to effectively protect the journalist who is stopped on the street or is in a car that is stopped on the street, whether as the driver or the passenger, and who has documentary material in his or her possession, having it read by the Garda on a deliberate basis. There is nothing there to prevent that situation.

I fully understand that the Minister is meeting the Emmett Corcoran decision in the Supreme Court, and that he rightly says members of the Supreme Court said this should be urgently addressed, but what about the point I am making? The Minister referred to the fact that a defence lawyer leaving court could resist his brief being grabbed by a member of An Garda Síochána with a view to just nosing through it on the basis that there could be evidence of an offence committed in it. I fully understand that but a journalist is given no right to resist a search of his or her documents in a stop-and-search situation as envisaged by section 10. It does not appear there is any law in Ireland that says the fruits of such a search, if conducted lawfully, cannot be used to mount or pursue an investigation such as there is in the United States. I am not suggesting we should have exclusionary rules such as those the United States has, but I do think the Minister is not facing up to the searches of journalists, or of documents that are in their possession or power, which are not the subject of a prior warrant application to a District Court judge. We should cover that situation.

I am mindful of one other thing. There is a whole crowd of yahoos going around now with their cameras up claiming to be journalists. For some of them, if it was not so ridiculous it would be absurd and perhaps harmful. There are people posting stuff on social media and claiming to be a journalist whose function is to go around harassing people by putting a phone camera in their faces. They then claim they are journalists. I fully appreciate that the claim to be a journalist is a difficult one. Maybe, in the context of a warrant for a search being applied for, a court would say that this is not a journalist at all but a local gouger wandering around with a camera phone in his pocket, and that it is not what the European Convention on Human Rights is concerned with at all.

However, I ask the Minister to deal with the question regarding what protection a journalist has, who might have their papers, notebooks and things like that in his or her car as they drive in public. What effective protection have they in a stop-and-search situation, when sections 9 and 10 are so open to their use by gardaí to look at particular materials and invade the journalist's journalistic privilege? If a garda can look at a journalist's papers on foot of a power of search not requiring a warrant of any kind, it will happen. As sure as night follows day, when confronted with the difficulties of getting at such material by means of a search warrant, it would be so easy to just stop the journalist on the street and see if they can get that material from them under a power of search that is not the subject matter of a warrant, as arose in the Emmett Corcoran case.

Senator Joe Flaherty: As we discuss privilege and the pros and cons on both sides, I am very taken by the debate. I think there are adequate safeguards there to protect it but I am reminded of the late Vincent Gill, a notorious journalist in Longford provincial papers in the 1950s, who was probably one of Senator McDowell's "yahoos". He was also an alcoholic who frequently had run-ins with An Garda Síochána. They got him barred from Granard one time and he decided to just publish a page of black ink that said "Granard at night". He had another swipe back at the Garda when he was particularly aggrieved by a local sergeant who was promoted to inspector. Mr. Gill published details of his promotion but the headline was "Town Improvements". It would be interesting to see how the Garda would use its powers if Vincent Gill was still here.

On a more serious note, the Bill does seek to consolidate modernised policing powers, specifically in relation to search warrants, stop-and-search procedures and the treatment of suspects in custody. It is certainly a response to many of the supports and policing powers long sought by serving members of An Garda Síochána and the general public.

If Senators will indulge me, I will make some points that will speak to all amendments to and sections of the Bill. Before I say what I have to say, I will preface it by saying that I heartily welcome the recent appointment of Justin Kelly as Garda Commissioner. I passionately believe he is the right man for the job but I worry he has inherited a disillusioned, frustrated and far from motivated police force. I will elaborate on the point later but it is important. I understand there is a very clear divide between the Minister's office and his capacity and the management of An Garda Síochána, which is ultimately the responsibility of the Garda Commissioner, but we are seeing a drip-feeding of court cases in regard to personnel issues and mismanagement within An Garda Síochána. That is very concerning and disconcerting.

I would welcome if the Minister could tell us whether he is aware of all outstanding disciplinary issues within the Garda, and of all civil court cases pertaining to HR issues within the Garda, and also any-----

Acting Chairperson (Senator Shane Curley): I am not sure it is 100% relevant to the amendment.

Senator Joe Flaherty: It is relevant to the amendment and also-----

Acting Chairperson (Senator Shane Curley): On journalistic privilege.

Senator Joe Flaherty: I dealt with that at the outset and I am dealing with this issue now. It is relevant to all sections of the Bill. The recent Limerick court cases involving serving members of the force, which led to their unilateral acquittal, cast doubts on the decision-making of senior management at that time, as did the famed Athlone case, where a serving garda loaned a bicycle to an elderly man during the Covid era.

These were not isolated cases and there are several instances of good rank-and-file gardaí being ostracised through the machinations of a managerial style that has no place in modern policing. There is no Garda station where we will not find rank-and-file members who are frustrated and disillusioned about how they have been treated, managed, sometimes sidelined and, at other times, humiliated. There has been a drip feed of court cases. One that is

particularly relevant occurred last week at Longford Circuit Court where Edward 'Blondie' Stokes was jailed for 15 months after pleading guilty to a charge of endangerment, production of a slash hook, criminal damage-----

Senator Sharon Keogan: On a point of order-----

Acting Chairperson (Senator Shane Curley): Naming people in particular court cases-----

Senator Joe Flaherty: The court case has been dealt with and is a matter of public record.

Acting Chairperson (Senator Shane Curley): It is just not advisable to name people who cannot defend themselves.

Senator Joe Flaherty: I am well aware of that but it is a matter of public record.

Acting Chairperson (Senator Shane Curley): First, I am not sure it is 100% relevant to journalistic privilege within the confines of Garda powers, and second, naming someone like that-----

Senator Joe Flaherty: What I am speaking about is relevant to morale within An Garda Síochána and giving gardaí additional powers.

Acting Chairperson (Senator Shane Curley): I appreciate that.

Senator Joe Flaherty: It involves my genuine concerns and those of many others, including many people within An Garda Síochána, about morale within the force.

Acting Chairperson (Senator Shane Curley): We have a point of order.

Senator Sharon Keogan: On a point of order, this has nothing to do with the amendments we are discussing. We dealing with amendments Nos. 3, 30 and 31.

Acting Chairperson (Senator Shane Curley): We are loosening the boundaries of what is relevant to an amendment. Unless it has some relevance to journalistic privilege, can we deal with it later on a more relevant amendment? Is that fair enough?

Senator Joe Flaherty: I will come back in at a later date.

Senator Lynn Ruane: We have gone back and forth on this a few times. If a Garda makes an application for a search warrant and makes the judge aware that there is a risk to journalistic privilege as part of that search warrant and at that point, the judge decides to go ahead with the search warrant and the gardaí carry out the screening assessment. Having insight and understanding regarding An Garda Síochána's protection of data rights over the years and data leaks, it is very concerning that the assessment of privilege would happen at that level. There

is also the question of what Garda rank it happens at. Is it at a certain rank? Will there be a designated office that decides to search that? I am just imagining for a moment that I am a journalist. I have my laptop taken and on that laptop, I have several files. One file is called "Confidential sources", another file is called "Whistleblowers" and another file is called something else. A Garda or an authorised person under this Bill assessing whether or not that is relevant material now has information on confidential sources for various different cases. They could have been confidential sources or a Garda whistleblower. Imagine if somebody came across that information. Confidential sources are confidential for a reason so even if there is a threshold set around what can be considered relevant, there is a risk with regard to the volume of data that could be seen by gardaí as part of that risk assessment and how that is held and handled. If it is a USB key they have to plug that into their internal system to assess its relevance, what happens to that data? Do they have so many days to delete all that data? How do we know they delete all that data? Do they hold on to files and files that are unrelated? It is hard for me to understand. We want to ensure that there is legislation to protect that journalistic privilege where I understand there are grey areas and it is not absolute and all those conversations but what is really scary to me is the thought of gardaí just having access to files upon files upon files and going "Okay, they're under journalistic privilege" and then handing them back. They will still have seen them. There are people who might have divulged high levels of abuse or neglect and gardaí actually will have access to this. Whatever about protecting one confidential source, we are actually exposing many other confidential sources in the effort to do a screening access. I am still finding it hard to understand how that data is treated, handled, minded and protected during the screening process because we are going to expose many things to the eye of An Garda Síochána that have nothing to do with the warrant.

Definitions bring us back into what is a very wide sweep. Senator McDowell referred to the other stop-and-search powers. Regarding asserting journalistic privilege when a garda already has a search warrant, gardaí arrived at a community project a few weeks back and said they had a search warrant. Those in the community project had no idea why they were there. They asked why and whether they could come back because there were people there receiving confidential services from the project. The gardaí did not care about the anonymity of the people availing of an addiction service in that moment. These were people in very vulnerable positions. No crime had taken place on the site, no call had previously been made, and the gardaí just said they had the search warrant, this was what it said and they were coming in and taking the camera, and they wanted that camera because it might have picked up something somewhere else. They did not pay any heed to the fact that there were people in there receiving care. Without detailing what the process of screening is, the rank of Garda and how it is held, it is really concerning. What we are going to see is a huge amount of secrecy and silence where people become incredibly terrified to share any sort of information with a journalist, especially like when we look at the North, which has *inter partes*, as mentioned by Senator Sarah O'Reilly. We do not even allow for the journalist in question to be able to be in the court to make the case at that level and for the screening to happen then before the search warrant so for me screening is a serious issue. Even though the Minister is referencing all the other parts, I still have a scenario in my head involving a garda of whatever rank with a rake of information. Regardless of whether that is determined relevant or is under journalistic privilege, that Garda has still seen it, still has it and still has all those confidential sources. Whether the Garda can use them is another thing.

Deputy Jim O'Callaghan: I thank Senators for their contributions. Senator McDowell referenced section 10, which is in Part 2 dealing with stop and search. Part 3 deals with search of a premises. Regarding the type of scenario that stop and search deals with, I am trying to give statutory powers and statutory limits to gardaí when they find themselves encountering the commission of an offence. The Senator referred specifically to section 10. It is about a power to search persons and vehicles for evidence of an offence. The section applies when a member of An Garda Síochána is in the public place or any other place authorised by law and has reasonable grounds to suspect that an offence has been, is being or is about to be committed. The Senator will be aware that when gardaí suspect a person is involved in the commission of a serious offence or there is an offence and they want to search their premises, they have to apply under Part 3. This arises when they are in a public place, there is a vehicle and there are persons in vehicles. It can arise in practical terms where an offence has been committed and the gardaí want to apprehend somebody who they think has been involved in the commission of the offence or the gardaí lawfully stop a car because they believe it is associated with the commission of an offence. Section 10(2) states that where this section applies, the member concerned may require a person to stop a vehicle for the purposes of enabling the member to ascertain whether any person in or accompanying the vehicle has committed, is committing or is about to commit the offence.

8 o'clock

Let us remember the offence is what is set out in Schedule 1. Senator McDowell is correct. There are a lot of serious offences but he is right that there is a theft offence there as well. I think it is appropriate that the Garda should have the power to require a person to stop a vehicle for the purpose of enabling it to ascertain whether the person in the vehicle, or somebody with them in the vehicle, has committed theft or is committing theft. That is a perfectly legitimate statutory provision the Oireachtas can absolutely stand over.

The section also provides for enabling them to ascertain whether "evidence relating to the commission or intended commission of the offence by any person is in or on the vehicle or on any person in or accompanying it." Again, this is seeking evidence in respect of the commission or intended commission of the offence. I always listen very carefully to Senator McDowell but it is very adventurous of him to suggest that this could be availed of by a garda to stop a car on the basis that there is an offence being committed, but in fact that garda wants to get the notebook in the back seat because it belongs to a journalist. That is not what this statutory provision is about. It is about gardaí stopping a vehicle because they believe somebody has committed an offence or is in the process of committing an offence and that the car has relevant evidence, whether it be a weapon or a stolen item. It is not for the purpose of gardaí stopping a journalist's car a number of days or weeks after an event and saying, "We believe you have information in respect of the commission of an offence that has been committed or is about to be committed and we are going to seize your notebook". Even if that fanciful scenario did arise, the journalist still has appropriate constitutional protections because the journalist, much the same way as Senator McDowell successfully brought the case on behalf of Emmett Corcoran, would be able to say that this is an abuse of the statutory procedure, and that journalistic privilege is a right recognised under the European Convention and under the Constitution, which deserves to be and has been recognised by our courts. If the highly unlikely scenario that Senator McDowell suggests arose, there is still constitutional protection there for the journalist. Any invocation of such powers by a member of An Garda Síochána

would clearly be an abuse of the statutory scheme, since it is apparent from Part 3 of the statutory scheme that journalistic privilege is protected. It is not just journalistic privilege; all privilege is protected and can be determined. That is my response to Senator McDowell.

I will not go into detail in respect of what Senator Flaherty said. I will respond to him personally in due course because the issues he raised would take up too much time here. I will just say that morale in An Garda Síochána is very high at present and the Commissioner is doing an excellent job.

To Senator Ruane's point, privilege screening is not an examination of each of the documents. Privilege screening is the limited examination of captured material for the sole purpose of identifying potentially privileged material without permitting a general analysis of the data for evidential purposes. This process is typically authorised by a judge when privileged material is likely to exist. The review is strictly confined to identifying the presence of such material. Beyond this no further examination is permitted. It is not looking at the content of the material. We talk about journalistic privilege here all the time. Legal professional privilege is also a form of privilege we should be appraising and considering. If there is a warrant to search a solicitor's premises, or a solicitor's mobile phone or email, and you are able to look to see whether there is correspondence between the solicitor and his or her client, that is the type of screening that would be done. You would not read the letter but if it is apparent there are communications between the solicitor and his client, which are clearly or probably protected by legal professional privilege, that is the purpose of the screening process.

Again, I have to emphasise that we live in a society where people assert their rights. As was the case of Emmett Corcoran, the strong likelihood is that if the Garda seek to effect a search warrant on a person who claims that the material it is seizing has the benefit of journalistic privilege, then he or she will assert that and it will be asserted promptly before the court. This will then invoke section 24, which is the most important part in the determination of privilege because it sets out the very detailed procedure by which the High Court will determine claims to privilege. Just because a lawyer says, "That is legally privileged" or just because a person says, "I am a journalist and that is journalistic privilege" does not mean we all have to genuflect before it. There has to be an assessment of it and the way we assess it is that the High Court objectively looks at it. Obviously, it is taken into account whether somebody is a registered lawyer, for example, and has communications with the client. That clearly will get the benefit of legal professional privilege. Whether somebody is a journalist, a recognised journalist involved in investigative journalism or whatever type of journalism, is where it gets difficult in terms of defining what a journalist is because it can be very vague. People like those Senator McDowell was talking about would then seek to avail of it, but the courts know what journalistic privilege is when they see it and there is a mechanism here for the first time in statute to recognise that privilege.

Senator Michael McDowell: I do not see anything fanciful at all about a member of An Garda Síochána, who knows there is evidence in a car relating to the commission of an offence, stopping and searching that car and looking at the evidence. I do not think there is anything fanciful about that. Section 4 the theft Act is so wide it could deal with somebody who stole from their employer or stole from their place of work. Evidence relating to that could consist of photocopies of documents in the possession of a journalist. I am not against the Minister's proposals. I am saying that we should look at what is available to a journalist by way of

protection if a member of An Garda Síochána decides to invoke the stop and search powers, as opposed to going to a District Court judge and getting a warrant to stop and search the journalist or the journalist's car with a view to gaining access to evidence.

I will give an example. Let us suppose there is a non-digital camera sitting in the back of a car, or a photocopied document that is suspected by the Garda to be the kind of material that will give it the lead they need in an investigation, and it suspects it is most likely in the possession of a journalist who they have seen talking to somebody who knows something about a case. What protections are we putting in place for a journalist to say, "No. You cannot search the file in the back of my car or the notebook I keep as a journalist to see who I was speaking to in such and such a pub down the road". We are not doing that in this legislation but we are doing it in the case of a garda who thinks that the journalist's notebook is back at home in his or her house. In those circumstances, we are saying that a District Court judge has to be warned, all of the assessments and all the rest of it come into play, and the protections for the journalist come into play. Apart from saying that there is something "unlikely" about the scenario I am outlining, I am not hearing the Minister saying what the consequences would be.

I do not regard it as in any way demonstrated in Irish law that a prosecution would be stopped because a garda had at some point, in order to give himself or herself a good indication of who the offender was, seized a journalist's papers. I do not see there being anything unlikely about that.

I fully support what the Minister is saying about electronic devices, the protections and the situation that arose in the Emmett Corcoran case. I fully understand that that needs to be addressed. I am making a different point. I am saying that we are introducing stop-and-search powers for any offence of theft of any kind whatsoever and there is no protection at all for journalists in that context. There is no protection whatever that corresponds to a search of a journalist's home, office or workplace. Why should the situation be dramatically different relating to a journalist's home or workplace, on the one hand, and, on the other, a journalist in a car on the public highway? Why should there be such a two-tiered approach to the protections available to journalists? That is the point I am making.

Amendment put:

The Committee divided: Tá, 10; Níl, 29.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Boyhan, Victor.	Blaney, Niall.
Collins, Joanne.	Boyle, Manus.
Keogan, Sharon.	Brady, Paraic.
McCormack, Maria.	Byrne, Cathal.
McDowell, Michael.	Byrne, Maria.
O'Reilly, Sarah.	Casey, Pat.
Ruane, Lynn.	Clifford-Lee, Lorraine.
Stephenson, Patricia.	Comyn, Alison.
Tully, Pauline.	Conway, Martin.
	Crowe, Ollie.
	Curley, Shane.
	Daly, Paul.

	Davitt, Aidan.
	Duffy, Mark.
	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	Rabbitte, Anne.
	Ryan, Dee.
	Scahill, Gareth.
	Wilson, Diarmuid.

Tellers: Tá, Senators Victor Boyhan and Michael McDowell; Níl, Senators Garret Ahearn and Paul Daly.

Amendment declared lost.

Section 2 agreed to.

An Cathaoirleach: Before proceeding, I remind Members from the Midlands-North-West constituency that all five MEPs representing the constituency will be in the Chamber from 2 p.m. to 4 p.m. tomorrow. I hope Members will be able to attend, especially in view of Ireland's upcoming Presidency of the European Union.

Sections 3 to 5, inclusive, agreed to.

NEW SECTION

An Cathaoirleach: Amendments Nos. 4, 5 and 54 are related. Amendment No. 5 forms a composite proposal with, and is consequential on, amendment No. 4, with amendment No. 54 also being consequential on amendment No. 4. The three amendments may be discussed together.

Senator Michael McDowell: I move amendment No. 4:

In page 8, between lines 27 and 28, to insert the following:

"Implementation guidelines

6. (1) The Minister shall make regulations governing the exercise of powers by members of An Garda Síochána in respect of the following matters and those regulations are referred to in this Act as "implementation guidelines":

(a) the use of covert human information sources, and

(b) the use of covert investigative activities involving the use of pretence or subterfuge with the purpose of facilitating other persons to commit or attempt to commit criminal offences.

(2) It shall be the duty of members of An Garda Síochána to comply with the provisions of implementation guidelines made under this section.

(3) The Minister shall consult with the Commissioner of An Garda Síochána and with the Policing and Community Safety Authority in relation to implementation guidelines which the Minister proposes to make or amend under this section.

(4) Before making regulations for implementation guidelines under this section the Minister shall publish the proposed regulations in draft form and should not make such regulations unless each House of the Oireachtas has passed a resolution approving the proposed regulations in such draft form."

This amendment proposes to require the Minister for justice to make regulations, which will be referred to in the legislation as "implementation guidelines", for the exercise of powers by members of An Garda Síochána in respect of, first, the use of covert human information sources and, second, the use of covert investigative activities involving the use of pretence or subterfuge with the purpose of facilitating other persons to commit or attempt to commit criminal offences.

The proposed amendment also provides that it would be the duty of members of An Garda Síochána to comply with the provisions of implementation guidelines that the Minister would make. Prior to making the regulations, the Minister would consult with the Commissioner of An Garda Síochána and with the Policing and Community Safety Authority on the implementation guidelines he proposes to make. The guidelines should be submitted to both Houses of the Oireachtas for approval.

Since we are dealing in this legislation with police powers, there is a significant case for the basis on which members of An Garda Síochána can use, for instance, covert human information sources and the use of covert investigative activities involving the use of pretence or subterfuge with the purpose of facilitating other persons to commit or attempt to commit criminal offences to be the subject of publicly understood guidelines by which members of An Garda Síochána would be bound to act. We are giving them significant powers in this legislation. We are doing it - as the Minister said earlier - in response to the Emmett Corcoran case, and other cases. When we look at what happens in the neighbouring jurisdiction in respect of members of their police forces acting covertly, real ethical problems do arise. I refer, for instance, to members of An Garda Síochána infiltrating protest groups and the like, pretending to be part of a movement and creating false alibis for themselves in terms of their identity and the like so that they can internally spy on a movement. I am not against that in every circumstance but there should be guidelines as to when and how it can be done and at what level it can be authorised in An Garda Síochána. For instance, let us take a current example. Let us suppose An Garda Síochána is concerned that the pro-Palestine, pro-Gaza movement in Ireland was being infiltrated by extremists. What steps is it entitled to take to infiltrate the movement with a view to effectively gather intelligence about what it is doing? How far can someone go in infiltration? At what point does it become unlawful to appear to be encouraging other persons to take steps which could give rise to a criminal prosecution? For instance, we know that there

have been criminal proceedings in respect to people interfering with certain aeroplanes at Shannon Airport, but is it legitimate for members of An Garda Síochána to pretend to be involved in planning such escapades? If it is necessary, at what level in An Garda Síochána must there be authority for such steps to be taken? It has been uncovered in England that there were some pretty hair-raising activities by infiltrating members of their relevant police forces involving not merely befriending but actually engaging in sexual relations with some members of protest movements. We have no published code in Ireland on such matters. I do not want to rehearse matters that have got quite a deal of publicity, but the difference between being an agent provocateur on the one hand and a credible infiltrator on the other hand is very narrow. At the very least, if those tactics are regarded as necessary I would like to see that there was some ethical code as to how far people could and could not go in creating situations where other people are enabled to take steps which amount to offences.

What I am really suggesting here is that it is about time there is a publicly known code, which binds members of An Garda Síochána when using covert investigative techniques not to trespass over the line of entrapment on the one hand or to act as agent provocateurs on the other hand in a manner that breaches what most people would consider to be decent ethical standards of policing. That is the purpose of this amendment. It is a fairly straightforward purpose, but what worries me is that we have examples in the neighbouring jurisdiction of what can and cannot happen in the absence of clear guidelines that are understood and which are enforced at least within An Garda Síochána by a hierarchy of authority that is understood.

I remember one particular case where a member of An Garda Síochána was subject to discipline for failing to disclose his source in respect of informers. There did not appear to be at that time, although I believe there are protocols in existence, regulating how far you could go in guaranteeing immunity for persons who are involved in criminality in order to spy on other persons who are equally or more guilty. I refer to those kind of situations. It is with that in view that this amendment has been tendered. It is not demanding that all of these activities stop; it is simply demanding that there are ethical standards beyond which one cannot go, in using covert policing, of an agent provocateur, entrapment or encouragement. The public should be satisfied that members of An Garda Síochána may not cross the line without sanction if they breach what most people would consider decent investigative techniques.

I fully understand that the security of the State sometimes requires covert activity by our security forces and that they cannot all the time operate on the basis of utterly transparent engagement with those who are suspected of wrongdoing of a very serious kind.

It also seems there is a very strong case for a code of conduct to be laid down by the Minister to ensure people who might not otherwise commit crimes do not find themselves being encouraged by members of An Garda Síochána to do so in order to obtain convictions or intelligence. That is what this amendment is intended to do.

Deputy Jim O'Callaghan: I thank the Senator for tabling the amendment. I will not support it. The main reason I will not support it is the guidelines he asks that the legislation should implement should also be published and only approved if the Houses of the Oireachtas agree to them. We need to recognise that policing is a complicated and professional task. It requires expertise. There are many people out there, whether they want to threaten the security of the State, are organised criminals, drug dealers, who want to import weapons to Ireland or are

involved in child sexual abuse and human trafficking. There are dangerous people out there and we need to make sure the public are protected from them. The people we use to protect us from them are An Garda Síochána; the only lawful entity in the State that can investigate the commission of criminal offences.

It is an essential part of Garda work that members have access to and use covert human information sources. If we try to restrict An Garda Síochána in gaining access to covert human information sources we are undermining the protection that all of us in this House want to have the people protected by. That also applies in respect of covert investigative activities.

It is the case, however, and I fully agree with the Senator McDowell, that there must be ethical standards operated by An Garda Síochána. However, ethical standards do not require regulations made by a Minister and then approved by politicians in both Houses of the Oireachtas. We have a very stringent oversight system for review of the behaviour of An Garda Síochána in terms of the Policing and Community Safety Authority, Fiosrú and I as Minister, as the Senator will know as well, having oversight over the activities and methods of An Garda Síochána.

The Bill seeks to codify the Garda powers of stop, search and seizure as well as search warrants, and the remaining Garda powers will be codified at a later stage. Legal issues in relation to covert human intelligence sources, or controlled deliveries, are addressed regularly in the courts. Operations that involve the use and conduct of a covert human intelligence source must be conducted in accordance with law and must be carried out in compliance with human rights obligations under the Constitution and the principles of the ECHR. The management and use of covert human intelligence sources is already governed within An Garda Síochána by detailed policy and operational procedures, which provide that operations involving such covert human intelligence sources must be conducted in accordance with law and in compliance with constitutional and ECHR obligations. The policy framework also provides for internal Garda oversight and external independent oversight. The admissibility of evidence obtained during covert operations is ultimately a matter for the courts, including in circumstances where issues relating to entrapment, proportionality or fair procedures are raised. Operational policies in this area must remain capable of being updated quickly in response to court judgments, operational learning and evolving criminal activity. For those reasons, it is not appropriate to create a new statutory, regulatory regime for such matters in this Bill. In fact, it would be damaging to the public interest and to the work being done by An Garda Síochána seeking to investigate and ensure those involved in serious criminality are prosecuted.

I will also speak briefly to amendment No. 5, which is in this group. This amendment is out of scope because it establishes an exclusionary rule of evidence tied to the proposed section 6 guidelines, which are not relevant to this legislation. Therefore I cannot support amendments Nos. 4 or 5.

Finally, in respect of amendment No. 54, I believe this amendment is also out of scope. The 2023 revised general scheme explicitly narrowed the scope of this legislation to address urgent specific gaps regarding stop and search, digital access and custody safeguards following Supreme Court rulings in Quirke and Corcoran, expanding the Long Title to include general governance guidelines goes beyond this expedited mandate and introduces requirements that do not align with the focused statutory fixes now being advanced.

I assure the Senator that when it comes to covert human information sources and activities that there are strict policies in place within An Garda Síochána as to how those sources and activities can operate. Any time they go before the courts, they are subject to the supervisory conduct of the courts. Any unethical behaviour or behaviour seen to be in breach of constitutional or convention rights will not be tolerated and as well as that, the Garda Commissioner, Fiosrú, the Policing and Community Safety Authority and I would not permit covert activities that were unethical or in breach of convention or constitutional rights.

However, we need to recognise that when it comes to investigating and trying to stop serious criminals, it is a difficult and tough business and sometimes it does require members of An Garda Síochána to engage in undercover work. Sometimes it does require them to send human resources into a dangerous situation to find out information about serious criminal activity. If I were mandated by legislation to draft and sign regulations that would set out the circumstances the Garda can use covert investigative activities and covert human information sources and if I were to come to the Seanad or the Dail to get approval for them, the Garda would come to a standstill in investigating serious crime. For that reason, I cannot accept the amendment.

Senator Michael McDowell: I thank the Minister for his reply. I sympathise with a number of the points he has made. It does seem that some things should be declared off limits, publicly. The Minister said that the courts, rules of admissibility of evidence and the like are sufficient to deal with a lot of these matters. Up to a point, I agree with him. His answer presupposes that unethical behaviours will have their comeuppance through the judicial and courts systems. I am not quite clear in my own mind that is always the case. People can be compromised by unethical behaviour who are never charged with anything. If you want to get at Mr. Big you might get at Mr. Big's niece or nephew, get them into trouble and put them in the position that they fear being exposed to criminal prosecution, or to retribution by Mr. Big, in circumstances where they would not have ever put themselves in that position if they were left alone in the first place. It is not the case that every instance of covert policing or use of deception and the like, of an unethical kind, always ends up with the safeguard that evidence, which is the fruit of such behaviour, comes to light in the criminal justice system and the courts, the Minister, or a supervisory judge are in a position to know that has happened.

I believe there is a strong case for minimum ethical standards to apply, so that a person who is no danger to anybody but would be a useful informant is not led into a situation by deception which exposes that person to retribution by criminal elements, on the one hand, or brings to their mind a fear of prosecution, on the other hand. To me, that is a basic proposition of decency and ethics which may never ever come to light at all, yet members of An Garda Síochána are not, as I understand it, really prevented from using such unethical tactics on the basis that the end justifies the means. There is not a public statement even of minimal standards of ethical behaviour involving recruitment of informants, management of informants, methods used to get people to be informants, and the extent of deceptions which can be employed.

I think of the woman in England who had an affair with an undercover police officer for many years and thought that she had a boyfriend. She discovered that she did not have a boyfriend, but a police spy pretending to be her boyfriend for a number of years. That would not necessarily come to a court case, but it is behaviour which is very unethical. The guidelines that I had in mind were not designed to stop the gardaí from being effective, but merely to state

basic principles that anybody who wishes to deploy such methods should bear in mind, having regard to standards of decency and ethical behaviour, whether there is a likelihood that it will ever come to public notice.

Amendment, by leave, withdrawn.

Amendment No. 5 not moved.

Section 6 agreed to.

SECTION 7

An Cathaoirleach: Amendments Nos. 6 to 13, inclusive, are related. Amendments Nos. 10 and 11 are physical alternatives to amendment No. 9. Amendments Nos. 6 to 13, inclusive, may be discussed together, by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: If I want to resubmit them at Report Stage, would I be better off speaking to them?

An Cathaoirleach: If the Senator does not speak to them, they cannot be brought back in.

Senator Lynn Ruane: I move amendment No. 6:

In page 9, to delete line 5.

Amendments Nos. 6, 7, 9, 12, and 13 relate to stop-and-search powers. Obviously, many of the exceptions referenced are hugely important to relevant articles, but not necessarily in terms of recodifying some very concerning stop-and-search powers within this legislation. This suite of amendments seeks to narrow the definition of what constitutes a relevant article under this Bill, which we believe is far too wide as drafted. Given how invasive, degrading and humiliating an experience it can be to be stopped and searched by gardaí, it is absolutely essential that there are sufficient guardrails and robust safeguards in place to prevent abuse of these powers. Under the proposed legislation, An Garda Síochána will be able to stop and search individuals where they have reasonable grounds to suspect that a person is in possession of a relevant article. This will become the foundational basis for An Garda Síochána to exercise stop-and-search powers and the circumstances under which a significant number of interactions between the public and the gardaí will take place.

At the moment, the vast majority of stop-and-searches by gardaí are undertaken under the Misuse of Drugs Act 1977. Under this Act, gardaí are empowered to stop and search someone in a public place or in a vehicle if they reasonably suspect that a person is in possession of a prohibited substance as an offence under section 3 of the Act. It has been demonstrated in Ireland that the courts are usually quite deferential to the legal thresholds for police searches set out by the Oireachtas, meaning that the gardaí currently have wide discretion to exercise their stop-and-search powers. Those who observe stop-and-searches rightly assume that the person subject to a stop-and-search has done something wrong, but research demonstrates that in the overwhelming majority of instances of stop-and-search, no criminal wrongdoing is detected. Subsequently, those subject to stop-and-search develop a highly negative view of the

interaction, which feeds into the negative perceptions of policing in the community, undermining police and community relations.

Contact with the criminal justice system is shaped partially by behaviour, but also by visibility and enforcement. In particular, the experience of being stopped and searched by gardaí is effectively normalised. This is because people are more likely to be stopped indiscriminately by the gardaí if they are from a community that is overpoliced or where police-community relations are under strain than if they are from a far more affluent community where there is a greater sense of trust between the community and the police. It is not the case that working-class communities or minority communities are inherently more violent or more prone to criminal activity, yet they bear the brunt of the State's policing responses.

We should facilitate a discussion at another stage on the social determinants of crime, and the social, economic and environmental factors, which we know to be the most significant drivers of criminality, but we must also recognise the stigma that comes from being part of an under-served or under-represented community, and how this shapes interaction between the gardaí and the community. Research demonstrates that under-served and under-represented communities recognise frequent, routine contact with gardaí as part of everyday life in their areas, but it is not the case that the presence of An Garda Síochána in these communities has made them any safer, or even provided a feeling of safety for the community. Rather, it serves to undermine relations between the community and police, and erodes trust which effective policing relies on.

According to a recent report published by the Irish Penal Reform Trust, IPRT, called *From Punishment to Prevention*, place-based factors such as income inequality, labour market conditions, housing insecurity, social exclusion and weak community infrastructure contribute to higher levels of crime, victimisation and greater justice system contact, with more frequent and more intrusive policing. For many of the IPRT's research participants, being known in their local community meant being stopped repeatedly by gardaí while going about ordinary activities, even when no offence had been committed.

Acting Chairperson (Senator Victor Boyhan): It is now 9 o'clock.

Sorry, I am looking at a clock with a different time. The Senator has about a minute.

Senator Lynn Ruane: I have lost my flow. Time is a construct. Very briefly, section 3 is most concerning to me. It is used and abused so much. You cannot take section 3 of the stop-and-search powers alone. Sections 2, 3, 15 and 23 of the drugs Act are obviously all inter-related, so when we mention them with regard to this Bill, it is hard not to take them as a suite of stop-and-search powers in relation to possession. I grew up in a community where we were stopped and searched daily, even as children. You began to run from the police even if you saw them just drive by, even though you had not done anything, as a form of resistance to being stopped and searched consistently and constantly, whether you were walking through a park or standing outside an estate. Apparently, if you are in a group of people in a community like mine, you are a gang. If you are a group of people in a community that is not overly policed, maybe you are just hitting a ball with a hurl or doing things as a group.

9 o'clock

All of a sudden, when people come into a community like mine and they profile others in a perfect way, a group becomes a gang. People standing around together is not a gang but they get stopped and searched all of the time under this power.

Acting Chairperson (Senator Victor Boyhan): As it is now 9 p.m., the debate must be adjourned in accordance with the order of the Seanad today.

Progress reported; Committee to sit again.

Acting Chairperson (Senator Victor Boyhan): When is it proposed to sit again?

Senator Robbie Gallagher: At 10.30 a.m. tomorrow.

Acting Chairperson (Senator Victor Boyhan): Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 9 p.m. go dtí 10.30 a.m., Dé Céadaoin, an 27 Bealtaine 2026.

The Seanad adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 27 May 2026.