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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

Teachtaireacht ón Dáil - Message from Dáil 322
Gnó an tSeanaid - Business of Seanad 322
Nithe i dtosach suíonna - Commencement Matters 323
Third Level Education 323
Health Services Waiting Lists 327
Health Services Waiting Lists 329
Tax Reliefs 332
An tOrd Gnó - Order of Business 335
Gnó an tSeanaid - Business of Seanad 335
An tOrd Gnó - Order of Business (Resumed) 336
Death of Former Member: Motion 355
Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks: Motion 356
Arbitration (Amendment) Bill 2025: Report and Final Stages 356

SEANAD ÉIREANN

Dé Máirt, 9 Meitheamh 2026

Tuesday, 9 June 2026

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Machnamh agus Paidir.

Prayer and Reflection.

Teachtaireacht ón Dáil - Message from Dáil

An Cathaoirleach: Dáil Éireann has passed the Gas Safety (Amendment) Bill 2026 on 27 May 2026, to which the agreement of Seanad Éireann is desired.

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 Patricia Stephenson - The need for the Minister for Further and Higher Education, Research, Innovation and Science to make a statement on the future of staff employed by Carlow College following the planned closure of the college.

Senator Cathal Byrne - The need for the Minister for Health to make a statement on the use of certified athletic therapists to address HSE waiting lists for physiotherapy.

Senator Maria McCormack - The need for the Minister for Health to make a statement on waiting times for neurology services.

Senator Robbie Gallagher - The need for the Tánaiste and Minister for Finance to make a statement on the introduction of a tax rebate or tax credit for individuals purchasing gym and fitness club memberships.

Senator Shane Curley - The need for the Minister for Housing, Local Government and Heritage to provide an update on the status of the local democracy task force report.

The matters raised by the Senators are suitable for discussion and I have selected Senators Stephenson, Byrne, McCormack and Gallagher and they will be taken now.

Senator Shane Curley may give notice on another day of the matter that he wishes to raise.

Nithe i dtosach suíonna - Commencement Matters

An Cathaoirleach: I welcome our Cabinet member and Minister, Deputy James Lawless, to the House. You are most welcome to Seanad Éireann.

I am sure you will join me in welcoming from the Illinois Senate its president, my good friend Don Harmon, Senator Laura Murphy, the assistant majority leader, Senator May Cappel, state Senator, Representative Jackie Haas, assistant leader, Jeff Keicher, conference chair, Natalie Murphy, state Senator, and the extremely honourable Fran Hurley, who is one of the national co-chairs of the American Irish State Legislators Caucus. She is one of the founding members and has served and continues to serve in many ways in the Illinois House of Representatives. I thank Fran, Don and all the team from Illinois for their visit to Ireland. They are going to go to Cork and I think they are joining the Galway crew later in the week. Of course, Chicago and Galway have a great link. I thank them for being here. They had meetings today in relation to trade, investment and, critically, the Good Friday Agreement, the ongoing support by the United States and state legislators for the peace process. As I have said many times, there are people alive in Ireland today because the United States got involved but also stayed involved in the peace process. For that, we are truly grateful.

Our first Commencement matter is from Senator Stephenson.

Third Level Education

Senator Patricia Stephenson: I thank the Minister. We appreciate when the correct line Minister comes to the Chamber to take our Commencement matters. It is noted and we are very grateful.

The closure of Carlow College marks the loss of one of Ireland's oldest and most significant educational institutions. Founded in 1782, it has been part of the social, educational and cultural fabric of Carlow for generations. The Department's press release about the structure transition framed it as positive news but that simply does not reflect the reality of what is happening to the college community. Staff and students have been left blindsided. They are angry, disillusioned and in shock. What was framed as a merger has now suddenly become a closure and redundancy. What was the Minister's understanding of this merger? Was the closure of Carlow College always on the cards from the beginning of these discussions? Will the Minister tell us when the Department or South East Technological University, SETU, advised Carlow College it was not going to transfer into SETU?

Staff are being told that redundancy processes will begin as early as August. These people have dedicated years of service to the college. They have remained committed through the discussions about what many understood would be a transition involving SETU. Staff believed that there would be opportunities for transfer or redeployment as part of that process. Instead, some are facing imminent redundancy. I am particularly concerned by reports that staff are unable to access internal SETU recruitment opportunities despite the fact that SETU will ultimately take ownership of the campus. What are the financial implications for staff? Many have not received increments since 2019 or 2020. Some administrative and support staff earn little more than minimum wage despite years of dedicated service. There is significant anxiety regarding redundancy terms. Staff understood that enhanced arrangements would be available.

They are now concerned that rather than enhanced redundancy, it might just be statutory redundancy that they are offered. This is for workers who have devoted their entire careers to this institution. It is an extremely worrying prospect.

What phase-out plan was put in place for this buy-out? Did Carlow College ask for students and staff to be transferred to SETU for the two years of the teach-out phase? Students were in the process of being offered places. They were really excited to take up new offers and now they have been left with nothing. One such student is 23-year-old Dylan Walsh who was offered a place to study psychology. Dylan has Duchenne muscular dystrophy, so travelling to another college outside of Carlow is simply not an option for him. He already faced many challenges completing his level 5 course when his carer was not available to turn up, forcing him to go home while studying. What is the solution in place for students like Dylan? Where can he study now? As Dylan said to me, his hard work did not pay off because of the selfishness of the system that is supposed to be for the students.

There is a whole cohort of students who cannot take up their places in Carlow College. Students who entered the college with an expectation of studying a three-year plus one-year degree to take them to level 8 are now not able to do so. They will have to leave with level 7, which has a real impact on their future employment opportunities, particularly for social care students. Was notice given to the CAO that Carlow College would not be in a position to accept students for the upcoming 2026-27 year and if that happened, when did it happen? The master's and HDip programmes have both been cancelled for new intake despite the fact that they would be completed within the remaining two-year window and would have contributed income to the college. I wonder why that was. It would be great to get clarity on that. There seems to be no credible reason. The entire Carlow College community has been utterly blindsided by this.

Will the Minister commit to engage directly with Carlow College, SETU and staff representatives to explore whether redeployment or transfer opportunities can still be facilitated? Will he consider examining whether affected staff can be granted access to internal recruitment processes with SETU? Will he seek assurances that redundancy arrangements are fair and reflect the years of service, including the impact of stalled increments and progression?

What has been presented and what I have outlined is not the win that Carlow College is being told it is. It is not the success story it is being portrayed as. It has caused so much upset and confusion and I hope the Minister will be able to give some answers to the Carlow College community today.

Minister for Further and Higher Education, Research, Innovation and Science (Deputy James Lawless): I welcome the opportunity to address this matter in the House. There has been a great deal of commentary about Carlow College and SETU since the announcement was made two weeks ago, although some of the central facts have been lost. I do not blame the Senator for that but it is important to recognise that the reality of this matter is actually far from how it is being represented in the media and elsewhere.

Carlow College came to Government seeking assistance. The institution had been operating at a deficit for several years. Its financial position had become unsustainable and, without an intervention, there was a very real risk the college would simply cease operations. If that had happened, students would have faced uncertainty about completing their courses, staff would

have been left bereft, without any structural protections, and the future educational use of the campus would have been far from guaranteed. I hope the House will agree that this would have been an appalling vista. It is a scenario the Government set out to avoid. It is a scenario, that I, supported by colleagues in government, including the Taoiseach and Tánaiste, and with credit to the sterling work of the Minister of State, Deputy Murnane O'Connor, have succeeded in avoiding. Since that time, my Department has already provided in excess of €2.5 million in additional supports to Carlow College at its request. This is over and above funding provided through the student supports and fee payments. We did so because protecting learners and maintaining higher education in Carlow matters greatly to me and the Government.

Since being appointed as Minister I have engaged extensively on this issue. I have met representatives of Carlow College on at least three occasions, including a visit to the campus during my first month as Minister. I have also met them here in Leinster House and in Government Buildings on a number of occasions. I have met representatives of SETU separately on site and in this House. I have gladly participated in every meeting I have been invited to attend and have proactively arranged more meetings to ensure that this matter receives significant, high-level attention.

In addition to all of those meetings, I convened a dedicated working group involving representatives from both institutions, together with a State-appointed independent mediator. This group has also met on multiple occasions and has jointly produced the roadmap that has now been freely agreed to by both institutions and endorsed by both of their respective governing authorities.

Since Carlow College first approached the State in 2022 seeking support we have engaged constructively and responsibly. The college started out and remains, until this is finalised, a privately owned, church-operated college outside the State system. The ongoing work is to allow it to transition into the wider SETU framework. The roadmap is one that has been requested jointly, then negotiated, and subsequently endorsed by both colleges. The engagement has been guided by four primary objectives: to protect the interests of Carlow College students to ensure the completion of their programmes; to ensure clear, fair and transparent treatment of staff; to secure the future educational use of the campus in Carlow town; and to protect the heritage and legacy of Carlow College, recognising its contribution to education in the south east over many generations. The solution arrived at is one that safeguards current students, secures the long-term future of the campus and ensures the building will remain in educational use. It provides a pathway for staff to be treated fairly through agreed redundancy arrangements, with redeployment opportunities where possible, and through engagement as is appropriate with the representative bodies, including the trade unions, which my officials are already doing.

The fact is that the Government stepped in to prevent a disorderly collapse and replaced uncertainty, fear and doubt with a structured and sustainable future. The teach-out arrangement has been agreed between the two colleges and will work through to 2028. The overriding priority is that all current students will be able to complete their studies and graduate as planned. If we had not taken decisive action and engaged extensively over the past 18 months or more, all parties would be in a far worse position today.

Acting Chairperson (Senator Chris Andrews): A vote has been called in the Dáil Chamber so we will finish up and suspend in a minute. I welcome guests from Carlow of the Minister of State, Deputy Murnane O'Connor, who is waiting in the wings to step in for the next Commencement matter.

Senator Patricia Stephenson: I thank the Minister and I take from his contribution that college management was included in the pathway and roadmap the entire time. The question is whether union representatives were included only recently or were they there throughout the discussions. Staff have been told there will not be pathways for them through SETU and its Carlow campus will not be offering the humanity and arts courses which Carlow College has. They are being told it is redundancy only and there are not suitable pathways for them.

I also have a question about the CAO. When did the CAO know that Carlow College would not be accepting new students for the 2026-27 intake? Students had been applying via the CAO. Can we have guarantees that internal recruitment processes for SETU will be open to academic staff from Carlow College? What specific redeployment and transfer opportunities will be facilitated by the Department? While I appreciate entirely that the Minister has said the management of Carlow College was on board throughout this discussion, the gap remains that staff very much were not and for the 87 staff who were not involved, this is brand new and shocking to them. It is like being hit by a bus for a lot of the staff. For a lot of students also it has come completely out of the blue.

Deputy James Lawless: It is very surprising and disappointing for me to hear this because I visited the college and there was local media coverage of it on numerous occasions in the past. The Minister of State, Deputy Murnane O'Connor, has been highly engaged on the issue with all stakeholders. However, it is a fact that until this transfer completes, Carlow College remains a privately operated institution outside of the State system and it has autonomy over all matters, including staff, public relations and employment. It is important that every student will be allowed to continue their training and to complete and graduate as expected.

Furthermore, it is important to say that a significant sum of money will be paid by the State through the Department to Carlow College in consideration of the transfer of its campus to SETU, and it is fully expected and anticipated that this will be made available as part of the restructuring process when consideration is being made for staff. This will happen in the appropriate way through the representative bodies and the trade unions. It was not for me as Minister to do so but I strongly encouraged and advocated for full staff engagement at all times, including formally and in writing over the past two years. I have stressed on multiple occasions the importance of transparent and ongoing engagement with staff, which I was assured was happening.

It is important that we protect the staff and the students and that we secure the future use of the building as an education facility in Carlow town, and all three of these objectives have been accomplished thanks to me, the Minister of State, Deputy Murnane O'Connor, and other active and constructive stakeholders. I thank all involved, including the Carlow College and SETU governing teams, for their very strong work and intensive engagement to make this happen and to protect the future for learners, for the institution and for Carlow town.

Acting Chairperson (Senator Chris Andrews): As a vote has been called in the Dáil and we need to suspend so the Minister can attend.

Senator Cathal Byrne: I propose that the House be suspended for the duration of the vote in the Dáil.

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

Cuireadh an Seanad ar fionraí ar 2.48 p.m. agus cuireadh tús leis arís ar 2.59 p.m.

Sitting suspended at 2.48 p.m. and resumed at 2.59 p.m.

Health Services Waiting Lists

Senator Cathal Byrne: I thank the Minister of State, Deputy Murnane O'Connor, for coming in. This is a serious and profound issue I will raise, based on the latest figures from the HSE for people awaiting physiotherapist services in the south-east health region. The figures show 6,693 people have been waiting for those services for more than 12 months.

In the Minister of State's area of Carlow, Kilkenny and Tipperary, there are 295 people. In the south Dublin and County Wicklow area, there are 100 people, but in the Waterford and Wexford area - Wexford is my county - 4,404 people have been waiting more than 12 months. Something has clearly broken down in the HSE if two thirds of all the people in the Dublin and South East health region who are waiting more than 12 months for physiotherapy are based in Waterford or Wexford. Unfortunately, we do not have a further breakdown of how long these people have been waiting. The figures are capped at waiting more than 52 weeks.

The reason I tabled this Commencement matter today is to offer a solution to this, which is to allow qualified athletic therapists, who are regulated by Athletic Rehabilitation Therapy Ireland, to engage with the HSE to free up physiotherapists by allowing athletic therapists to do work coinciding with, not replacing, physiotherapists by working alongside them. These people are qualified, having studied for a level 8, four-year degree from DCU, SETU in our area, or ATU. At the moment, approximately 150 graduates are coming out of colleges having done a four-year degree. They are recognised, certified athletic therapists and they have told me through their representative body, Athletic Rehabilitation Therapy Ireland, that there has been engagement with the HSE about allowing them to work within the HSE structures, but the engagement has not successfully led to them being allowed to work. Given the enormous waiting lists in my area, the south east, and in general, a review of this should be carried out. I would be interested in hearing the Department of Health's position about allowing these professionals to work in the health service, particularly given that they have four-year degrees and are approved and qualified as having a regulated, recognised position. Also, currently the NHS allows them to play an important role in the UK.

Minister of State at the Department of Health (Deputy Jennifer Murnane O'Connor): I thank the Senator for highlighting this important issue. I saw the figure for Wexford of 4,400. That is a lot of people waiting. In my area of Carlow-Kilkenny there are 295 so I can see where the Senator is coming from.

I am taking this Commencement matter on behalf of the Minister for Health, Deputy Carroll MacNeill. The Minister for Health is aware of athletic therapy as a profession and Department of Health officials have engaged with Athletic Rehabilitation Therapy Ireland, ARTI. Athletic therapists complete training in sports and injury rehabilitation. In line with workforce optimisation policy, the Department continues to focus on population health need and maximising the available workforce to meet that need safely. In this context, Department officials attended the World Federation of Athletic Training and Therapy World Congress hosted by ARTI in October 2025. This included engagement with ARTI and representatives of the British Association of Sport Rehabilitators. The Senator said this is happening in London.

Regarding HSE waiting lists and physiotherapy, physiotherapists complete training in musculoskeletal, neurological and respiratory conditions across health and social care settings. Primary care physiotherapy services for adults and children are delivered through community healthcare networks. In line with addressing more complex care in the community, the Minister has prioritised physiotherapy waiting lists. In 2025, more than 511,000 patients were seen in physiotherapy services. As of April 2026, more than 170,000 patients have been seen in physiotherapy services. Approximately 91,000 patients were awaiting assessment by a physiotherapist at the end of April 2026. These patients identified for physiotherapy have a range of conditions and complexity.

The Department of Health is working with the HSE on a focused programmatic approach to primary care therapy waiting lists, putting in place considerable standardised infrastructure to support systematic responses to primary care waiting lists. As part of this work, a waiting list initiative is under way to address physiotherapy, occupational therapy and speech and language therapy waiting lists and to reduce the waiting times for these therapies to less than 39 weeks.

There is a concern with the waiting lists. I totally agree with the Senator in that regard. This initiative is designed to ensure appropriate and safe care.

The latest available data, from February 2026, shows that since its commencement more than 5,000 people waiting over 39 weeks have been removed from primary care therapy waiting lists. The Sláintecare implementation strategy emphasises the importance of community-based care. One of its main objectives is to enable individuals to maintain their health and independence within their homes and communities. As the Senator will know, we are very much focused on primary care units and having units in everyone's area. We are looking at them as much as possible. It is about the right care in the right place at the right time.

The programme for Government sets out a priority to place greater focus on exercise and well-being as a preventative and rehabilitation measure. It also sets out to examine ways to support the provision of community-based clinical exercise programmes nationwide. Work is under way with the establishment of pathways in healthcare to direct people with chronic disease into physical activity programmes in the community as part of their treatment.

In acute hospitals and primary care centres, the focus is on treating complexity and care is largely managed by physiotherapists. Many exercise and physical activity programmes are delivered outside of these settings. Contribution to these community-based exercise programmes may be from a range of professionals with expertise in physical activity, including athletic therapists. This is what the Senator was speaking about.

The Minister has committed to a meeting with athletic therapists in the coming weeks. This is to have further engagement. It is a good way forward. I thank the Senator for bringing this up today.

Acting Chairperson (Senator Chris Andrews): I welcome the Mayor of Austin, Kirk Watson, to the Seanad, as well as his delegation of guests. They are guests of the Minister of State, Deputy Robert Troy. They are very welcome. I am sure the Minister of State is looking after them very well.

Senator Cathal Byrne: I thank the Minister of State for her response. I welcome the fact that the Minister will engage with the athletic therapists' representatives. Perhaps, after that meeting, we can see progress on it. This is a unique opportunity to assist in tackling the waiting lists. I am particularly struck, as I said earlier, that people living in Wexford or Waterford will be ten times longer on the list than those living in Carlow, Kilkenny or Tipperary. Something has clearly broken down in the HSE model when it comes to providing physiotherapist services in Wexford and Waterford. I urge the Minister of State to take this issue back to the Department and her officials and to engage with the HSE to see what exactly has gone wrong, how it can be fixed and how the waiting list in Wexford, comprising 4,404 people, can be reduced.

Deputy Jennifer Murnane O'Connor: I assure the Senator that the Government has a steadfast commitment to improve public health. As mentioned, the programme for Government sets out a commitment to place a focus on exercise and well-being as a preventative and rehabilitation measure and to examine ways to support the provision of community-based clinical exercise programmes. It is also recognised that future health services require new approaches.

The Senator is right that we need to review this. This needs to be reviewed. I will definitely be going back to the Minister, Deputy Carroll MacNeill, in this regard. I was going to read the statement but it basically says the same thing. We need to get this review done. As I said, the Minister will have a meeting. That is important. The Senator can be assured that either my office or that of the Minister will come back to the Senator with an update on the progress going forward.

Health Services Waiting Lists

Senator Maria McCormack: I thank the Minister of State for coming to the Chamber to take this issue. I raise this Commencement matter because of a young woman in Laois who contacted me recently. Like many others, she never imagined she would find herself fighting not only a serious health condition, but also a healthcare system that seems unable to provide the care she urgently needs. Following spinal surgery, this young lady developed a neurological movement disorder that now affects her ability to stand and walk. She relies on a walking aid every day and faces the possibility of needing a wheelchair in the future. Instead of getting answers and support, she has been told she could be waiting two to four years just to see a specialist.

Let us just sit with that. Imagine you are told your mobility is deteriorating, you are struggling with everyday tasks that most of us take for granted and you are then told that help

may not arrive for years. Unfortunately, her story is not unique. Across Ireland, approximately 860,000 people are living with neurological conditions. More than 50,000 people receive a neurological diagnosis every year and yet approximately 24,000 people remain on waiting lists for neurological appointments this year.

What struck me most when speaking to this young woman was the sense of hopelessness that she felt. Every door she tried to open seemed to close - referral after referral, waiting list after waiting list. She is now considering travelling abroad because she simply cannot wait for answers but even this process is not straightforward as she needs a referral from a consultant in order to be able to travel abroad. When she is told that she needs to wait for two to four years, it is mind-boggling and does not make sense. No patient should be forced to leave Ireland to access timely diagnoses and treatment. People should not feel abandoned by a healthcare system at a time in their lives when they are most vulnerable.

Ireland continues to face significant challenges in neurology services, with long waiting lists, workforce shortages and unequal access to specialist care. Early diagnosis and intervention are crucial for many neurological conditions, yet too many patients are waiting. It has left them with untold suffering. I, therefore, ask the Minister of State what specific measures are being taken to reduce neurological waiting lists, increase specialist capacity and ensure that patients can access the care that they need now, not in four years. The woman who contacted me is not asking for special treatment. She is asking for what every one of us would want for ourselves or for a loved one, which is a timely appointment to get a diagnosis, access to specialist care and a chance to live her life with dignity and independence, not fear of deterioration.

Her story is just one story, but it represents thousands more. We need action on neurology waiting lists urgently. We need more specialists and we need to ensure that people living with neurological conditions are not left waiting years and years for care they desperately need now.

Deputy Jennifer Murnane O'Connor: I thank the Senator for raising this important issue, which I am taking on behalf of the Minister, Deputy Carroll MacNeill. I understand from looking at the waiting lists. The Senator might send me the information and I will see what I can do, if that is okay. I again thank the Senator for raising the matter.

In Europe, neurological disorders are the third leading cause of death and disability. The numbers are expected to rise in line with our ageing population. In Ireland, approximately one in six people has a neurological condition. The Department of Health is committed to working with all relevant stakeholders, including the Neurological Alliance of Ireland, the HSE and the patients' representatives, to strengthen key services and supports. That is really important, going forward.

We have made significant investments as well as committing to further measures in the programme for Government. The Minister for Health allocated €4.3 million in 2025 to support the implementation of the neurology model of care and the hub-and-spokes model for neurology services. I am sure the Senator is aware of that. This funding is enabling the recruitment of five consultant neurologists and 25 specialist nursing posts. Those posts are specific to this area. The funding is also enabling the development of the deep brain stimulation, DBS, service at the Mater hospital in Dublin, which was allocated 1.5 posts. The DBS is an effective treatment for Parkinson’s disease and other movement disorders. As of

April 2026, approximately 78% of the posts have been recruited. We need to do more. The Minister is committed.

This service development is to progress the implementation of the HSE model of care for neurology. The focus of the neurology initiative is aimed at achieving improved access to appropriate neurology services, and the Senator spoke about the lady she knows in that regard; improved safety and quality in the delivery of patient-centred neurological care; and improved value for both patient and health services across neurology services. More broadly, the national clinical programme for neurology is actively working on a hub-and-spoke model to guide equitable neurology services around the country.

Therefore, the Minister is working on this. The services will align with the new health regions and tackle the gaps in neurology services nationally. We know the gaps exist and this is something we have to work on. The model will cater for people with all neurological conditions and deliver on the Sláintecare principle of delivering care closest to patients' homes. The model will include one model 4 hospital hub per health region, catering for the most complex neurological care. The sites will support model 3 hospital spoke sites, which will provide services for people with less complex needs. Many hospitals already have well-developed services. Funding received in 2025 is enabling the delivery of phase 1 of the hub-and-spokes model. It is expected that this proposed hub-and-spokes model will enable a reduction in waiting lists and timely access to diagnosis and treatment and, thus, improve quality of life and prognosis for people with neurological symptoms. I thank the Senator.

Acting Chairperson (Senator Chris Andrews): I welcome to the Seanad H.E. Mr. Ferit Hoxha, Minister for Europe and Foreign Affairs of Albania; H E. Dr. Uran Ferizi, the ambassador of Albania to Ireland, and Ambassador Ciara O'Floinn, the Irish ambassador to Greece. They are all guests of Deputy Barry Ward, former Member of the Seanad and current Chair of the European affairs committee. They are very welcome. We hope they enjoy their visit.

Senator Maria McCormack: I thank the Minister of State. I appreciate her taking this on behalf of the Minister for Health. I welcome the funding but have a couple of points to make. In the case in question, the person has actually emailed the Minister twice and is getting no response. It is a young girl in her early 20s. I definitely will send over the details to the Minister of State. The woman has really been failed by being told she will have to wait two to four years before she even gets an appointment. This is a young girl who cannot work, go to college or do anything else. She is actually not able to walk. This is completely unacceptable.

I understand €4.3 million was allocated but figures like that are big figures that are not making a difference on the ground right now to a young girl facing time in a wheelchair if she does not get an appointment. We really need to fast-track the process where there are particular cases. I welcome the opportunity to forward the details of this case privately.

Deputy Jennifer Murnane O'Connor: Again, I thank the Senator. She can be sure I will be speaking to the Minister, Deputy Carroll MacNeill. She is very committed to funding the services and working in this regard.

It is acknowledged that patients are still waiting too long for hospital appointments and treatments. I am conscious of the burden this places on patients and their families. In January this year, the Minister for Health published the 2026 waiting time action plan as part of the Government's ongoing commitment to improving access to hospital care and reducing waiting times for patients.

Since the commencement of the multi-annual action plan approach in September 2021, significant progress has been made in reducing the length of time patients are waiting, and this is really important for us. These improvements have been achieved against the backdrop of increased demand for planned care services. Addressing this increased demand while also working to sustainably reduce waiting times will require the health service to deliver more services. We have to consider productivity, efficiency, ongoing reform and enabling supports through targeted additional capacity.

The waiting time action plan sets out six targets that will be achieved through the delivery of 36 actions under the scheme of reforming planned care, enabling planned care and capacity optimisation. With the 2026 plan, we will continue to build upon the progress delivered to date under the multi-annual action plan approach, moving towards the ultimate vision of a public healthcare service in which everyone has timely access to high-quality scheduled care where they need it. The progress is seeing the implementation of the plan together with the roll-out of the model of care. Therefore, there is work being done but the Senator should absolutely send me on the details. Again, I thank her for highlighting this important issue.

Tax Reliefs

Acting Chairperson (Senator Chris Andrews): Next up is the incredibly lucky Senator Robbie Gallagher.

Senator Robbie Gallagher: You have to buy the ticket if you want to win the prize.

Acting Chairperson (Senator Chris Andrews): Absolutely, yes.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire Stáit, an Teachta Troy, go dtí an Teach inniu. Prevention is better than the cure is an old adage that is as true today as it ever was. This is particularly relevant with regard to health and well-being. Every year, the health budget increases. Treating illness is an incredibly expensive business. It makes sense perfect sense to spend on preventative measures and to support people who are trying to stay healthy. More people in Ireland today are living with obesity, diabetes, heart disease and mental health challenges than ever before. Billions of euro are spent each year treating these conditions that are often preventable.

A system that only intervenes after people become ill will always be under pressure. On the other hand, a system that supports people to stay healthy builds resilience. When people spend money on activities that keep them fit and healthy, the State should recognise that fact, just as it does with GP visits, prescriptions or other medical treatments. If gym membership or other approved physical activities were treated like other health expenses, people could claim tax

back at the standard rate. For example, if someone is paying €500 a year for gym membership, they could claim 20% back and get a rebate of approximately €100.

The rebate would help reduce the cost and reward healthy choices. It would support people who want to stay active, whether through gyms, fitness classes, swimming or structured exercise programmes. The State already subsidises preventative dental care on the understanding that early intervention reduces long-term costs and it makes perfect sense. Extending this preventative logical to physical activity is consistent with other existing health policies.

We are very good at spending money on people who are unwell. We are not so good at supporting people to stay healthy in the first place. Regular physical activity reduces pressure on GP and hospital services. It improves mental health, lowers long-term healthcare costs and helps people remain active in work and community life for longer. Even small increases in activity levels can have positive meaningful impacts on demands across the health system. If a modern tax incentive encouraged more people to stay active, the return on that investment would be financial, social and measured in a better quality of life.

Fundamentally, this would align the tax system with an outcome that we already say that we want. Preventative health is about reducing future pressures on the system so that we can cope better when shocks inevitably come. Allowing people to claim tax back on gym membership is a small change, but it would send a clear signal that prevention matters and that staying active is something that the State should actively support. We should encourage as many of our citizens as possible to stay fit and active. A small bit of physical activity a day will pay dividends in the long run.

A good Monaghan man, Professor Niall Moyna, said that if we could get the benefits of physical exercise and put it into a capsule or tablet, it would be a world best seller. Any help that we can give to people who are members of gyms or swimming pools or whatever would send out a positive message to encourage people to take up or continue with physical activity. An incentive in the budget in September would send out a positive message whereby people would get a small return back on their gym membership.

Minister of State at the Department of Finance (Deputy Robert Troy): I thank the Senator for raising this extremely matter in the House today. I acknowledge his passion and advocacy on this issue over many months and years. I know that when I am going through a bout of health consciousness and running 5 km at a time, I feel far better than when I am not. We can all agree on the importance of participating, encouraging greater participation in sport and fitness activities and continuing to support those already participating in sports. It is acutely important.

As the Senator said, prevention is far better than the cure. The Senator will be aware that the Programme for Government: Securing Ireland's Future includes a commitment "to consider measures, in conjunction with the Department of Finance, to encourage gym membership and active participation in sport and exercise".

The programme for Government also acknowledges that sport "holds a special place in Irish life and society promoting health and wellbeing, encouraging community participation and instilling a sense of pride in our people." Certainly, we instilled a sense of pride in our people

in Westmeath by winning the Leinster championship only a couple of weeks ago. I am sorry to disappoint the Acting Chairperson, Senator Andrews, but I never thought I would get the opportunity to acknowledge that in the Seanad. It certainly was a huge achievement for Westmeath to win only its second ever provincial title in the last number of years. It really did instil a sense of pride in the whole community in Westmeath.

The programme for Government also commits to supporting our sporting ecosystem so more people can participate, reap the benefits of sport, and fulfil their potential - from grassroots right up to high performance level. This can be achieved through a variety of means including increased participation, education, increased funding, supporting high performance and governance.

I would like to take this opportunity to note that the tax code already provides for a number of fitness-based measures more generally. For example, the cycle-to-work scheme provides that bicycles and associated safety equipment provided by employers to employees will be treated as a tax exempt benefit-in-kind subject to certain conditions being met. One of the benefits envisaged from the scheme was that more people cycling to and from work would improve health and fitness levels.

In addition, the accelerated capital allowance scheme for childcare facilities and fitness centres encourages employers to develop on-site childcare facilities and fitness centres for their employees. The scheme provides accelerated allowances for qualifying buildings or structures over a seven-year period and accelerated allowances for related equipment at 100% in year one.

Furthermore, the private gym sector already receives tax-based public support through a reduced rate of VAT of 9% on membership fees. It is estimated that this reduced rate saves private gym operators and gym members in the order of approximately €34 million per annum.

Officials in the Department of Finance considered potential tax measures to support gym and sports membership as part of the annual Tax Strategy Group process last year, set out in chapter 10 of the Income Tax, Tax Strategy Group - 25/01 budget 2026 paper, which is available on the Department's website. After considering the matter, the introduction of an income tax relief on gym and sports membership was not recommended at that time. However, as the Senator will be aware, the consideration of various tax measures is a matter for individual budgets. As with other commitments, this will be kept under review. Decisions regarding taxation measures are made in the context of the annual budget and Finance Bill processes at the appropriate time and having regard to available resources and the sound management of the public finances.

Senator Robbie Gallagher: I thank the Minister of State for his comprehensive response to my question. As he outlined, this particular initiative makes perfect sense. What we are talking about is prevention rather than cure. If we can encourage, where possible, more people to take up gym membership, whether in swimming pools or wherever, that is a good thing.

It can be quite costly to be a member of a gym - €500, €600 or €700 per annum - but it is hugely encouraging to see so many, young and old, taking up gym membership. Giving them something small back would be a positive signal for the Government to send out to encourage

people to keep at it, and some kind of tax relief in the next budget would very much be welcome.

Acting Chairperson (Senator Chris Andrews): I am not sure if I could allow the Minister of State to speak again after his reference to Dublin's inglorious defeat.

Deputy Robert Troy: All I would say is I do not know how but, after being beaten twice, you are still in the championship. The championship was never designed to give teams such as Dublin three cracks at the whip but there you have it.

I have listened carefully to Senator Gallagher's contribution and I want to reiterate the point that it is a programme for Government commitment that we want to look at a variety of means of increasing participation in sport. This, quite clearly, is one opportunity.

The Senator will acknowledge that the level of capital investment in our sporting facilities over the last number of years has been significant. In fact, it has been over and above the target we set ourselves. I am conscious that the Minister of State, Deputy McConalogue, will be bringing forward a new round of sports capital programmes later this year. This will provide opportunities for sports clubs, including small clubs like my own Ballynacargy GAA, that have built gyms as part of community centres or community facilities. These are available to members, sometimes free of charge and sometimes only costing €40 or €50.

Supports currently exist, but I take on board what the Senator said in relation to people paying hundreds of euro annually to be members of a gym. There is an opportunity here to give something back. I have heard what the Senator has said and will certainly bring the very forceful message he has raised here back to my colleague, the Minister, Deputy Harris, for consideration by the whole of the Government in the upcoming budget.

Senator Robbie Gallagher: I thank the Minister of State.

Cuireadh an Seanad ar fionraí ar 3.30 p.m. agus cuireadh tús leis arís ar 3.34 p.m.

Sitting suspended at 3.30 p.m. and resumed at 3.34 p.m.

An tOrd Gnó - Order of Business

Senator Garret Ahearn: The Order of Business is No. 1, motion re Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 (Designation of Carlow County Council) Order 2026, to be taken on conclusion of the Order of Business without debate; and No. 2, Arbitration (Amendment) Bill 2025 - Report and Final Stages, to be taken at 5 p.m. and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 8 p.m. by the putting of one question from the Chair that shall, in relation to amendments, include only those set down or accepted by the Government.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: Members will have been saddened to hear over the weekend of the death of a former Member of this House and former councillor, Ernie Caffrey. A proud Mayo man, he devoted himself wholeheartedly to the people of Ballina and the wider region. He served on Mayo County Council and Ballina Urban District Council. He was also a Member of this House from 1997 to 2002, serving on the Industrial and Commercial Panel. He had a genuine desire to improve the lives of those he represented and among whom he lived. He was privileged to serve in this House and he had the qualities of integrity, loyalty, humility and kindness.

He was widely regarded as a gentleman, listening attentively and acting thoughtfully, as well as ensuring the people he represented were central to everything he did. He represented the communities of north Mayo and west Sligo and left a legacy of enduring commitment. He was central to the creation of Moy Valley Resources, a community development organisation established in 1990 to support enterprise and voluntary projects at a time when unemployment and emigration in that part of the country exceeded 30%.

He had a great interest in sport and was involved in Castleconnor GAA club, where he received the club's hall of fame award in 2009. He is fondly remembered as setting up the club in the 1950s. He was a remarkable sportsman in his own right who competed at national and international level into his 70s in track and field events, including sprinting, long jump and shot put. Beyond public life, he was a devoted family man.

On behalf of this House, we extend our deepest sympathies to his children Liam, Declan, Elizabeth and Miriam, and to his grandchildren, extended family and the large circle of friends he leaves behind, as well as members of the Fine Gael Party. We express our deepest sympathies. I ask Members to be upstanding for a minute's silence.

Members rose.

An Cathaoirleach: Ar dheis Dé go raibh a anam dílis.

An tOrd Gnó - Order of Business (Resumed)

Senator Fiona O'Loughlin: On behalf of the Fianna Fáil grouping here, I also extend our deepest sympathies.

First, I wish Katie McCabe and her team the very best of luck tonight in Grenoble at 8 p.m. This is a very significant match. We are all hearing about another match, but for now, this is very important; it is the World Cup qualifier. Thinking back to when I was growing up, there was not really a thought of women's football being able to compete at this level or indeed at all, so it is fantastic for our Irish women and I wish them all the best.

Last week, the midlands hospice was finally given the green light for much-needed palliative care for those who live in the midlands. It was a very long and challenging road, but Professor Humphrey O'Connor led a grassroots campaign for this. I want to pay tribute to him because there were a lot of twists and corners, as there often are, as regards site acquisition in particular.

What has happened is good. I was delighted to work with the campaign. I worked with our local Offaly representatives as well, including Barry Cowen, MEP, in his time as a TD and with Deputy Tony McCormack. It is just great to see this development and I want to note it, and I thank all of those involved.

Today is a significant day in terms of Cabinet approval of Jennie's law. I first met Jason Poole when Deputy Paul McAuliffe introduced me to him a number of years ago. I was very struck by his story, as were many, and was determined to try to help with what he clearly saw as a void in our legislation. We worked together and I drafted a Bill called Jennie's law, which went through a number of iterations here in the Seanad. I am really pleased to say that it got Cabinet approval today with the help of everyone in the Dáil and the Seanad. This may well become legislation before the end of the summer. It is an important step in helping to protect victims of domestic violence and provide people with information that could help keep them safe. It is a lasting legacy for Jennie and hopefully it will save many lives.

The last thing I would like to mention is the frontotemporal dementia, FTD, brothers. I spoke about them the week before last and then had the opportunity to meet Jordan and Cian, who have taken this incredible race of 33 marathons in 33 days. They are racing against time because they both have the gene for FTD. It was just incredible to meet them, their dad Glenn and everyone around them. This has to matter. It cannot just be about fundraising. They have raised over €2 million, which is absolutely incredible. Half of that money is going to the Alzheimer Society of Ireland. It has to matter and we have to make it matter. The Government has to make it matter in terms of helping to support research and support those with dementia and their carers. Equally, all of us within our society and communities have to think in terms of making our towns dementia friendly. It is a great thing to do for those who are living with dementia and their carers. I think we need to have a debate about how we can make their legacy matter, how we can make what we saw around the country matter and how we can all work together on that.

Senator Manus Boyle: I would like to pass on my condolences to the family of the former Senator, Ernie Caffrey, on behalf of myself and my colleagues.

I want to raise concerns about the liquidation of Tickets.ie and the Rory Gallagher International Festival in Ballyshannon. The festival is one of the most important cultural and tourism events in the north west. Every year, it brings thousands of visitors to Donegal and supports local hotels, restaurants, pubs, shops and up to 30 small businesses. It is reported that the festival is now owed €283,000 following the collapse of Tickets.ie. This is a major concern for the organisers and for all those local businesses that provided services during the festival. What makes it most difficult is the fact that this was the best festival in the 23-year history of the event and had the biggest crowds in Ballyshannon. Organisers are now facing uncertainty about whether another festival can be put together and bills can be paid. We need to get clarity on the protections that are in place when ticket companies hold money on behalf of festivals and other events. I would ask the Minister what engagement has taken place with the liquidators and affected festivals. What supports are available to organisations impacted by this liquidation? These issues are about more than one festival. They are about protecting our community events, supporting local businesses and maintaining confidence in Ireland's events sector. I hope we can all work for those affected and consider what lessons can be learned. This is a very sad situation when an organising committee has pulled everybody together for a

great event. I attended it myself. The crowds that were in Ballyshannon were unreal, but now the festival has been landed into a mess like this where it is €283,000 in debt through no fault of its own. Surely we have to get the Minister involved here.

Senator Aubrey McCarthy: I want to raise a matter of huge concern that has been reported in the newspapers recently and was even on "Morning Ireland" this morning, namely, the Aughinish Alumina factory in Limerick.

The reports suggest that the plant is shipping vast amounts of alumina to be smelted in Russia where it is then used to manufacture aluminium which is then sold to a trading company supplying dozens of Russian arms manufacturers. The CSO figures for the first quarter of this year show that 83% of the factory's total exports were shipped to Russia. The company has said since that was a mistake and a clerical error. I am a convener of the Ukraine group. Ireland has been unwavering in its support for Ukraine and we cannot allow confusion about figures or statistics to obscure the truth. If material is being exported from Ireland and is contributing, whether directly or indirectly, to Russia's capacity to sustain its war against Ukraine, that has to be taken with the utmost seriousness. I call on the Acting Leader to arrange a full debate on the matter. The Department of enterprise is conducting an investigation which must be transparent and independent and conclude without delay. Our integrity and solidarity with the Ukrainian people deserves full transparency.

I also want to mention the tragic death of Alex Coughlan following an assault in Blanchardstown recently. There is a police investigation. When something like this happens, we all express our shock and offer our condolences, and then it seems that we move on until the next time it happens. We need to start asking ourselves why this is happening and why it keeps happening. Alex Coughlan, whom I did not know, was a son, brother and friend. He seems to have been a remarkable individual. He was described as caring and selfless. An article mentioned how he carried an organ donation card. A number of people were thus helped after his death. His family now faces the loss of a loved one and had to face a horrendous funeral. We need to have an honest conversation in the House about violence in our communities.

I have spoken in the House about one-punch attacks which seem to be a part of life, yet we are losing people. Every act of violence leaves victims, families and communities carrying the consequences. We need stronger support for young people, early intervention when problems emerge and a clear message that violence is never acceptable and is certainly not entertainment. I heard videos were shared, which is appalling. My thoughts are with Alex's family, friends and loved ones. I hope his family find peace.

Senator Pauline Tully: I want to raise the case of a woman in her 30s who is the mother of children, two of whom are very young. She is currently in Cavan General Hospital and has experienced pain for years due to kidney stones. The failure of the hospital and Beaumont Hospital has robbed her of her health and life because she has put up with years of antibiotics, painkillers and steroids while being told her case will be addressed. She has been in and out of hospital. A year ago, she was admitted to the hospital when very ill with an infection as a result of kidney stones. She had a recurrence of sepsis. Her partner and parents were called in one night because it was thought that she would not see the morning. Thankfully, she was rushed to Beaumont Hospital and the infection was brought under control. A stent was inserted

into her kidney in Beaumont and she was told it would be in for a maximum of two months and she would then be brought back to have her kidney stones removed. A year on, she is still waiting for that. The stent is still in her kidney and has become infected.

She went back to Cavan General Hospital on Friday for a routine scan and had to be kept in because she was so unwell. She was put on a ward yesterday, but had not yet seen a doctor as of midday today. She does not know what is happening. She does not know if she is being sent to Beaumont. If her issues had been addressed in a timely fashion she would not require additional medication and hospital stays which cost our health service money. People seem to go to hospital on a regular basis with an issue and are given painkillers and told to go home, and then have to return in a few days or a week later because the condition has worsened.

I had a Commencement matter on a different issue a few weeks ago and neither the Minister of Health nor any of the Ministers of State from the Department of Health turned up, which I was really disappointed about. I call for a debate on acute medical care. I will also contact the Minister directly to intervene in this particular case. We need a debate on what is happening in our health service. We are supposed to be looking after people's health, not making it worse. I cannot understand the reluctance to deal with a very routine operation. She should have had those stones removed by keyhole surgery and avoided all of this unnecessary pain.

Senator Joe Flaherty: Recent days have unfortunately brought more disquiet and concern over governance issues at Horse Sport Ireland, a heavily funded organisation to support and grow the vibrant sport horse sector. Representatives for professional riders and equine veterinarians have resigned from senior positions saying their roles are no longer tenable. The Irish Equine Veterinary Association has withdrawn its representation from HSI and cited governance issues. Also resigning last week was Barry O'Connor, representing professional competitors. He is one of the most respected voices in the sector. His decision is damning. I have repeatedly endeavoured to raise issues of concern at HSI, as have many staff members who as a consequence were bullied out of the organisation. The chief executive has been before the agriculture committee several times and continuously stated that the organisation had no cost exposure as a result of HR issues over the past three years but we now know the HSI had in fact been availing of employment practice liability insurance to cover the cost of those actions. All costs, legal and settlements, are covered by a very expensive insurance policy. In January 2025, Nadia Rea took a bullying case and settled for a six-figure sum. In July 2025, HSI settled a case with Michelle O'Reilly, another former staff member. Brian Hennessy, a former press officer, has also filed an action against HSI. I understand the organisation is also facing two defamation actions from former showjumping coaches. In the current Olympics cycle it will receive €3.6 million in funding from Sport Ireland but of greatest concern is the fact that it is one of at least two organisations tendering for contracts with the Department at the moment worth €6 million and €2 million. One is for national equine breeding services and the second is for the provision of marketing services. I have asked in the past for this organisation to be wound up. Now at the very least it needs to be omitted from the competitive process for these two contracts. Anything short of that is a dereliction of the Department's responsibilities to the sport horse sector and the integrity of governance across the public sector.

An Cathaoirleach: I remind members in relation to the Standing Orders on the public good that there is a balance between that and the Standing Orders in terms of naming people in the

House. I trust Members' judgment but I want people to be aware of it. A lot of the issues the Member brought up are in the public domain but I just want to make sure we do not say anything in this House that could affect any process in the future. I call Senator Scahill.

Senator Gareth Scahill: I raise an issue that has been brought up with me by a number of families recently in relation to domestic wastewater treatment systems. The local authorities through the national inspection plan have an onus on them to inspect a certain number of domestic water treatment systems annually. Unfortunately my area in Roscommon has historically had a very high failure rate. In 2025, the failure rate was 85% of the systems inspected. Thankfully in 2026 that is down substantially to about 50%, I think, so far this year. All of the households and individuals I have been engaging with understand why they need to be inspected. They want to participate and ensure their systems are up to scratch. In 2023, supports for domestic wastewater treatment increased from €5,000 to €12,000 but as we constantly hear in this House and in the Lower House, the cost of doing any job has significantly risen in recent times. People are finding now that even the €12,000 support, when they are eligible, does not cover enough of the cost.

It is leaving an increased burden on these households. These people are potentially facing the prospect of having to appear in court over not being compliant. I was hoping that we might be able to have a look at this in the House. I know the Minister has proposed some amendments to the schemes to try to bring more guidelines in for local authorities but I would welcome the opportunity to further discuss that.

In the time I have left, I would like to acknowledge Ernie Caffrey in Ballina. I extend my sympathies to his family. I did not know Ernie but I was familiar with the Moy Valley Resources centre. Back during the downturn, I know the support that resource centre gave to the community in Ballina in terms of training and access to further job opportunities. It is good that he has a legacy like that to follow him.

Senator Chris Andrews: The last time the Seanad met, the Arbitration (Amendment) Bill 2025 was shamefully guillotined on Committee Stage before the House could properly debate the legislation or discuss the vast majority of proposed amendments. This morning, we were notified that Report and Final Stages would be cut short, with the Bill being forced through the Seanad. Our ability to scrutinise the legislation will be completely cut off. For that reason, I want to again propose an amendment to the Order of Business, that the Arbitration (Amendment) Bill 2025 would adjourn at 9 p.m. and not conclude at 8 p.m. Senator Tully will second this.

I would also like to join with Senator O'Loughlin and send best wishes to the Irish women's soccer team in their game against France in Grenoble. It will be a huge game and I am looking forward to watching it.

Also today in the Dáil there is a motion on stopping the Ireland-Israel game. The Football Association of Ireland, FAI, has decided to play the game in another country. I will not say it is a neutral country because it is not neutral if it is hosting a game that involves Israel. It is clearly facilitating sportswashing. It is a spineless decision by the FAI to move the game to another country. The FAI constantly talks about UEFA rules and the penalties Ireland would face. In fact, the Taoiseach said that the game should go ahead so that the FAI would not have

to pay any penalties. At the same time, the Taoiseach is willing to ignore Ireland's responsibility to comply with international law against a genocide. Ireland playing Israel is facilitating sportswashing. So much for priorities. What about the brutal attacks by the Israelis against flotilla members just a couple of weeks ago? There was lots of outrage about that but two weeks later the Government is willing to overlook that and allow Ireland to play genocidal Israel. Does international law mean nothing to this Government? Are we going to sacrifice Ireland's commitment and obligations under international law to uphold human rights for the sake of six points and a fine? The media are also fixated on the consequences for the team if it gets fined and loses six points but I do not hear the media being so fixated on Ireland's unwillingness to uphold international law. Israel has turned sports facilities in Gaza into graveyards. The Israel occupation forces, IOF, shoot sports people in the legs, yet Ireland is going to play Israel, which includes IOF soldiers among its players and management. It is very unfair on the players and the decision needs to be taken out of their hands. Imagine being a player and being told by Ministers and representatives of the FAI that they will not attend the game and yet they expect the Irish players to play Israel. It is leaving the players isolated and alone. The Minister will not attend on principle but expects the players to play. So much for protecting players. We need the Minister to come here to discuss this issue.

An Cathaoirleach: Before I call the next speaker, I welcome guests of the Minister of State, Deputy Grealish, from Galway Golf Club. Next is Senator Curley.

Senator Shane Curley: Tá rud éigin le rá agam faoi Uisce Éireann. I want to raise the issue of Uisce Éireann's communications, particularly with public representatives.

4 o'clock

Not alone have we had reports in the House about its communication with Oireachtas representatives but I am now getting communications from councillors that what they are getting in feedback is nowhere near sufficient. Councillor Caroline O'Reilly in Dunshaughlin in County Meath raised discolouration in the public water supply last November. Six months later she has received three generic copy-paste emails telling her and her constituents to run the cold water tap for 20 minutes and if the discolouration continues to call a generic 1800 phone number for a call centre nowhere near Dunshaughlin in County Meath with absolutely no on-the-ground knowledge. It is an extremely frustrating situation. I found it frustrating when I was a councillor. In the case of other public bodies, such as the ESB or the public lighting companies that look after the county council, we had a direct line to a direct representative who looked after our county council. If we had an issue as public representatives we had a direct phone line we could use to have a conversation to explain a niche on-the-ground issue. Councillor Caroline O'Reilly and other councillors throughout the country have no ability to do this with Uisce Éireann and I ask why this is. It is about time we brought in the Minister to discuss having a more on-the-ground presence from Uisce Éireann throughout the country so people can represent their constituents properly.

Senator Noel O'Donovan: As the Acting Leader knows, as public representatives we deal with a lot of different issues, projects in our community and a whole multitude of issues but sometimes we meet some really inspiring people who leave a mark on us and who display immense courage. I met such an individual yesterday evening. Emma O'Shea, from

Ballylickey near Bantry, is 26 years of age and suffers from Friedreich's ataxia. To be honest, in my years in public service one of the most difficult encounters I have had was to talk to someone suffering with such a disease, to try to talk about a solution and to offer help to Emma and her mother and father, Ted and Kathleen, who were also in the living room. To be honest, I did not know much about Friedreich's ataxia until recent weeks. As Members know, or may well not know at this stage, more than 200 people in Ireland suffer from the disease. It is deeply debilitating. It is a neurological disease and the end fate is death. Emma lost her brother Timmy nine years ago from the same disease, when he was three years older than the age Emma is now.

Emma has had the courage to speak out and ask for help of the HSE, the Department and the Government. There is drug coming on the system. It would not cure the disease but it would slow its progression. It is offered and available in many countries in the EU and in the US but at the moment the HSE is deciding on its availability and reimbursement for the drug. I appeal to the HSE. Yes there is a cost to the drug but cost should not come into it when we are looking to extend someone's life. It really should not. I appeal to the HSE to replicate what other EU countries have done and to give life to Emma.

Yesterday evening I asked Emma what she would like me to say today because I have her permission to talk. I asked her what words she would like me to use on the floor of the Seanad. She said she watched her brother die and now she is at home in the same place. She sees what is coming and she needs help. As a State we owe it to Emma, and to the many families in this country who live with this horrible disease, to make this drug available. It is not a cure but it is groundbreaking, and this is what scientists have said, in terms of offering more support. Her family, Ted, Kathleen and her younger brother Kevin, would travel the world to keep Emma for longer and we need to do this also as a State.

Senators: Hear, hear.

Senator Sharon Keogan: I rise to address the harrowing news we have received from Belfast today, where a local man is in a critical condition after surviving what appears to be an attempted beheading by a man believed to be a Sudanese national, confirmed by the Police Service of Northern Ireland. I express my praise to those community members who bravely intervened to save his life at great risk to their own. I hope the House will join me in offering our prayers for his safety and survival. The investigation is ongoing and the motives are unclear. Those involved are unnamed and the attacker's status has yet to be confirmed but two things remain clear. The first is that reckless migration policy is putting lives in danger. We have seen this here with the murder of a young Ukrainian refugee, the stabbing of young children near Parnell Street, the beheading of two gay men in Sligo and the terrorist assault on our own An Garda Síochána last year. Most recently we have seen the brutal murder in Galway of the Iranian mother of two, Masuma Sohrabi. Let us remember her name today, her partner standing accused.

It is true enough that we already have problems with violent crime in this country. If anyone is still questioning the dangers of uncontrolled migration to the safety of our citizens, I must ask what more proof they need. Will there ever be evidence that will satisfy them or will they continue to stick their head in the sand while blood is spilled on our streets? The second thing that is clear is that we cannot neglect the risk Northern Ireland poses in terms of migration. We

have an open border with that jurisdiction and it, in turn, has, in effect, an open border with Britain, which is struggling with the impact of years of unprecedented levels of irregular arrivals. The Government, with imminent urgency, must, first, commit to a serious programme of vetting arrivals and, second, it must do so on all-island basis. We need to reach out to Stormont and London immediately to begin forming a system to ensure we can know and control who is coming into our island.

I second the amendment to the Order of Business proposed by Senator Andrews.

Senator Aidan Davitt: I refer to the local democracy task force established by the Minister, Deputy Browne, which is looking at recommendations on supports and boundaries. The biggest issue is to do with the role of councillors. Most Members of this Houses were councillors for quite a while. The roles and powers of councillors certainly have diminished in recent years. They could achieve a lot more as elected representatives instead of having some faceless civil servant or whoever else making particular decisions. Councillors put their name forward, as we all know, and put themselves before the people at the hustings. The least they deserve is to have the proper powers to implement particular laws that represent the rule of the country. We need to see an empowerment of councillors and a reversal of the stripping back of powers that happened over the past 20-odd years.

I have talked briefly to the Minister about the task force. I am aware that a lot of work is under way and its report may be near enough ready. Alongside the Minister we have the hard-working Minister of State, Deputy Cummins. I talked to him about this earlier today. The review is near completion and I would like to see it implemented in full. Perhaps the Minister will come to the House to discuss the report with us. This issue is close to the heart of the Cathaoirleach. I ask him and the Acting Leader to invite the Minister to the Chamber for a debate on it.

Senator Linda Nelson Murray: In recent weeks, I have raised the subject of bringing back the holiday hunger pilot programme, which was run in 2025, this year. This follows on from the large amount of debate and discussion we have all had on the hot school meals programme. We learned at the joint committee on education, as I mentioned here the week before last, that the Society of St. Vincent de Paul had 112,000 requests for food assistance last year. Food poverty is still a massive issue among our children.

Therefore, I was absolutely delighted to hear that the Minister, Deputy Calleary, who is working very hard on everything to do with the hot school meals programme, alongside the Minister, Deputy Naughton, is extending the holiday hunger pilot programme into this year. This will mean that 42,000 children receive a hot school meal. Today is 9 June and we are very close to the summer holidays. I very much welcome that we know this is happening as we go forward and that it is not left waiting until the last few weeks. It is very important that the scheme be provided at Christmastime and Easter time.

The children hungry during the school year are the same children who are hungry at Christmas, at Easter and during the summer. It is great that 42,000 children will get this but there are plenty more who need it. We are serving 300,000 children through the hot school meals programme as it is.

I welcome it but we need to look at it further. I would welcome a debate with the Minister on it and on many other things to do with child food poverty and hot school meals. I would like us not to be sitting here next year waiting to know if it is going to be announced. I ask that in this budget we roll it out for the next few years and continue from there.

An Cathaoirleach: I welcome guests of Deputy Clendennen from the Dunkerrin history society. They are welcome to Seanad Éireann and I thank them for being here today.

Senator Nessa Cosgrove: I want to talk about the triple lock. I give huge credit to Senator Clonan, who has been a sound and constructive analyst of the danger of removing the triple lock.

I know it was to come before Cabinet today. I do not know the result of that but I am guessing it got full approval. I urge all in Fianna Fáil and Fine Gael, and all supporting this, to rethink it. We are making a really big mistake here. The UN is not perfect and the Security Council is 100% not perfect and needs massive reform, but it is the best thing we have. If we get rid of the triple lock, it will be like a single lock because the Government always has a Dáil majority to go along with Cabinet approval.

There is a move towards militarisation in Europe, which I certainly am not comfortable with. Defence spending has increased in all European countries. Of course, we need to increase our spending in Ireland. The underinvestment in our Defence Forces has been really worrying. No one is doubting that but getting rid of this essential mechanism will compromise our neutrality and put it seriously at risk.

Senator Tom Clonan: Hear, hear.

Senator Nessa Cosgrove: We need a full debate about this here. I would nearly go so far as to say we should have a citizens' assembly on neutrality. Four out of five Irish people have said they want to keep our neutrality. Let us have a serious conversation about the triple lock. It is unfair to pounce it in. We know there will be a Dáil majority - if it is passed by Cabinet, it will be like a single lock.

I call for a debate as soon as possible and I urge the Acting Leader of the House to consider putting forward a citizens' assembly for a general conversation about our neutrality.

Senator Sharon Keogan: Hear, hear.

Senator Chris Andrews: Hear, hear.

Senator Teresa Costello: I want to speak once again about givinostat and the urgent need for Irish boys living with Duchenne muscular dystrophy to finally gain access to that drug. Tomorrow marks an important point in the reimbursement process and on Thursday, 11 June, it will be exactly one year since the day we gathered outside and inside Leinster House to explain and show the reality for people living with Duchenne muscular dystrophy.

Those families are still waiting for access to givinostat. Duchenne is the most common and one of the most severe genetic conditions diagnosed in childhood. It almost exclusively affect boys and causes progressive muscle-wasting, loss of mobility, heart disease and respiratory failure, and it ultimately shortens lives. Time is something these boys do not have.

I will go through the timeline quickly. On 6 June 2025, givinostat received European Medicines Agency, EMA, approval. In July 2025, the manufacturer submitted it for reimbursement in Ireland. In August, the National Centre for Pharmacoeconomics, NCPE, initiated a full health technology assessment, HTA. In September, pre-submission consultation took place. In November, patient submissions were gathered by advocacy groups. In January, the full HTA dossier was submitted. In March, the NCPE completed its assessment and stated reimbursement could not be recommended unless cost-effectiveness improved. That sounds harsh but it was not the final decision. In March, commercial negotiations began. On 10 June, tomorrow, this medicine comes before the drugs group. The drugs group could make a recommendation to the senior leadership team in the HSE, which is the final decision-making authority, or can refer it for further review to the technical review committee for rare diseases.

I am running out of time. These people with Duchenne muscular dystrophy are running out of time, as are the people with Friedreich's ataxia. These are muscle wasting diseases. Two drugs are available that can halt the damage being done and preserve these people's dignity. I am passionate about this and desperately want these drugs to be available to these people.

Senator Sarah O'Reilly: In 2024, before I was a Member of this House, many TDs and Senators raised concerns about the EU migration pact. It was passed by a slim majority of seven votes in the Dáil Chamber. The Minister, Deputy Jim O'Callaghan, has repeatedly stated that a large number of asylum seekers enter the State via the North of Ireland. When challenged on how this issue could be addressed, the Minister stated the only way to stop it completely would be to impose a hard border. If that is the Minister's assessment of the challenge we face, I wonder why we have signed up to a pact that will do practically nothing to address our issues with migration.

The solidarity mechanism in the pact is presented as burden sharing but it is backed by financial penalties and obligations that could require Ireland to accept applications for which we would not ordinarily have responsibility under international law. Poland has secured a reduction in its solidarity obligations because of the migratory pressures it faces. In fact, 16 of the 27 EU states are under, or at risk of, similar pressures. If more and more member states qualify for exemptions or reductions, who will carry the burden?

Our GDP creates a false image of the State as a wealthy European country but the reality is that our infrastructure is weak and our services, from health to education, are on their knees. Has the Government sought a reduction in quota allocations given the pressure Ireland is under? Only six months ago, the justice committee made a cross-party recommendation to the Government asking it to reconsider the decision to opt into the EU migration pact. Members clearly believed opting out was still a viable option and yet that recommendation was ignored. Why?

Back in 2024, then Minister for Justice, Deputy McEntee, assured people the pact would not prevent a future Government exercising sovereign flexibility. If Ireland is not forced into

these arrangements, the Government currently should employ all mechanisms available to opt out of the pact.

Senator Robbie Gallagher: I was struck by a report published by Michael McKeon of Teagasc recently. Mr. McKeon cited research carried out by Dr. Breda Smyth into farmer mortality rates to highlight the poor state of farmers' health in this country. Some of the findings of the report were stark and alarming. It found that farmers experience a five times higher incidence of cardiovascular issues, five times higher incidence of cancer and seven times higher mortality rates in the working age range compared with white collar workers. Mr. McKeon used the analogy of the car, tractor or loader to explain what is going on. He made the point that we all take great care to ensure our car, tractor or loader is properly serviced because not to do so would result in damage to the vehicle. He says we need to use the same thought process when it comes to our health. Unfortunately, farmers do not go to the doctor often and when they do, it is normally as a result of a problem they are having. Mr. McKeon says that mentality needs to change.

The research also noted that many farmers wear wellingtons and footwear that does not have great support. He said that results in issues like sore ankles, knees and hips down the road.

He also talked about the silent killer that we all know stress is, particularly when the weather is poor and the farmer cannot get out to the fields to work or when productivity is not what it should be. That places a strain on both the farm and the farm family with regard to income coming into the house. That can cause stress. He talked about the importance of being able to speak to people.

I would be grateful if we could have the Minister for agriculture, Deputy Heydon, in here to have a debate about farmers and their health. It is a hugely important issue.

Senator Tom Clonan: I was outside at 3 p.m. in the rain with five beautiful young Irish citizens who suffer from Friedreich's ataxia. This is a degenerative condition that causes consecutive and cumulative failure of the nervous and muscular systems. It is not a good way to die. I have had a sibling die a slow and painful death. I have a son who I now hear struggling for breath. Why are we allowing this to take place in our Republic? Why are they out there with their parents in the rain? One of the mums, who is from Clonmel, asked me why the Government has taken Skyclarys off the programme today in the Houses of the Oireachtas, and I do not know the answer to that. I suspect it is because we, as a society - you and I - do not assign the same human value to disabled citizens as we do to so-called able-bodied citizens. As Senator Costello said, there are some 200 people with Duchenne muscular dystrophy whose lives are slipping away from them.

Do Members remember the kids who were caught in the cave in Thailand in 2018? The whole world came to a halt to rescue those children. We have children and young adults, beautiful Irish people, who are suffering in this way, and there is nothing. For shame. I am so angry. When I go home and look at my son and I see him struggle, I think that, for these parents, there is an intervention that can help them and prolong their children’s lives but the Government will just not do it. Action it. Do something for the time your are in this House.

The other issue I wish to raise is the announcement that the triple lock is to be abolished. That is a major mistake. It is a fundamental error of judgment. The Government is setting its face against the will of the Irish people. If the former Minister for Defence, Deputy O'Dea, writes an article in the *Sunday Independent* saying this is the wrong thing to do, and if former Army officers, like me and those writing in the *Irish Examiner* in recent days, say it is the wrong thing to do, why is the Government doing it? Every time I hear the Minister go out on this, it is misinformation, incorrect information and disinformation. The Government is making a fundamental error. There will be a huge negative public reaction to this. We need to have the Taoiseach in here. We need to have a referendum on neutrality. This community of decision-makers have left our country defenceless. They have allowed the transit of cluster munitions to be used on young people in Lebanon and in proximity around Irish positions. They then want to play a game of football with them. The situational awareness is completely and utterly absent. I have never seen anything like it.

Senator Victor Boyhan: I welcome the Government's announcement that the draft national planning statement on design standards for apartments will now open to the public again. This is a new draft set of guidelines. I cautioned this many times. Members of the House should be aware that the current guidelines were the subject of a High Court action, which is not appropriate for me to go into other than to say they were referred by Mr. Justice Humphreys and are now before the European courts. Many developers and planners have raised concerns about this. Indeed, I have raised concerns and submitted a Commencement matter for later this week.

I wrote to An Coimisiún Pleanála on 5 June and received correspondence today. It said that An Coimisiún Pleanála has been applying the 2025 design standard guidance for apartments for planning authorities to the planning appeals since July 2025. We have somewhat of a confused state in relation to these guidelines. We know that a number of councillors from other parties and none initiated these legal proceedings. We know they were heard in the High Court and the decision under Mr. Justice Humphreys was to refer them to the European courts. We are applying guidelines that are in legal limbo. Anyway, the State has clearly recognised there is a concern in this regard. There is an issue with the strategic environmental assessment, SEA, directive.

It today announced a new public consultation, which I welcome because it gives a sense of certainty. Parallel to the disputed guidelines that have been in operation, we will have other guidelines. The submissions and observations regarding the draft national planning statement, which will now be a planning statement, and an SEA environmental report have been published for consultation. The Government is happy to announce today that the consultation process starts and will be completed at 5.30 p.m. on 7 July 2026. I thank the Leader and the Government for bringing a bit of common sense to the matter. We will not be able to discuss it tomorrow because it does not come within the broader context of planning, but it will come up later in the week. It is a good decision. I want to be practical and to acknowledge that late in the day, the Government has taken the pragmatic decision, regardless of the outcome in the courts, to proceed in the interests of certainty so we can have a planning statement that will cover this issue.

Senator Evanne Ní Chuilinn: I want to speak today about football. We have an Irish team preparing for possibly one of the biggest nights in Irish football and possibly one of the biggest nights in global football. We have a potential shock on the cards - perhaps "shock" should be in inverted commas - for the Irish women's team in France tonight. It is an enormous game. It is at 7.30 p.m. I want everyone to watch the football at 7.30 p.m. Those women have put their lives into this campaign, this game and this sport. We are not talking about or watching them enough. We are not putting them up on a pedestal. It is important that we do so this week.

I was disappointed that the FAI released a statement yesterday, stating that it will not talk any more about this other football matter until the match tonight is over. All it has done is to increase the number of conversations that are happening outside the sport and the women's match taking place tonight. No Irish team, men's or women's, has ever qualified for a World Cup through the direct route. That is what is at stake tonight for Carla Ward's team. I send my best wishes and good luck. I have pride in the Irish women's national team. I hope, and know they will, continue to do us proud. I hope they know that we will all be behind them at 7.30 p.m.

Senator Sharon Keogan: Hear, hear.

Senator Martin Conway: I join everyone in offering my sincere condolences to the family of former Senator Ernie Caffrey. I know him when I was a member of Young Fine Gael in University College Dublin, UCD. We were coming in and out of the House at various times, and he was always an absolute gentleman. I had not seen him for a long time. I send my condolences to the Caffrey family on their sad loss.

At the convenience of the Leader, I request a debate on active tourism. This country has so much to offer in walking tourism, cycling tourism, walkways, cycleways, hill climbing and mountain climbing. In my country of Clare, we have the Burren, the Cliffs of Moher walkway, the proposed cycleway along the former line of the west Clare railway and many other activities. I sometimes think they are not marketed as one product in the effective, efficient and productive way they could be. The Cliffs of Moher walkway had thousands of people walking it but it has now been closed for some time for health and safety reasons. It needs to be reopened as a matter of urgency. I am sure there are other walkways and potential walkways around the country that are not achieving their potential for one reason or another. I would like to hear what the Minister for tourism has to say about these projects and how an effective and efficient international marketing campaign could be put together to promote active tourism. Many examples of active tourism are not weather related. Given that the weather in this country is precarious at the best of times, I believe we need to be looking at year-round activities to build a year-round tourism business, on top of the successful tourism business that we already have.

Senator Mark Duffy: I would like to take this opportunity to join colleagues in mourning the loss of a friend and former Member of this House, Ernie Caffrey, and offer my sincere condolences to his family. Ernie was a representative of both Mayo and Sligo county councils at different times in his life. He has a unique legacy and served here in the Upper House from 1997 to 2002. He lived an incredible life dedicated to family life, community life, volunteerism and the common good. He was a volunteer on the Moy Valley Resources board of directors

for a vast number of years, served on a number of different boards, was an entrepreneur and was a founding member of the newspaper *The Western Journal*. In later life, he was at the World Masters Athletics Championships in Perth, where he won a silver medal at the age of, I think, 76. I have just come from his funeral Mass and it was brilliant to see him so fondly remembered. It was just this day last week that I was chatting to him, and to see his passing so soon is heartbreaking. It is lovely to see how fondly he has been remembered at home in Ballina, County Mayo, and in this House.

I offer my sincere condolences to Ernie's sons, Liam and Declan, and his daughters, Elizabeth and Miriam. He leaves such a void for the family, but also the community. He was a great friend to me when President Biden was due to visit Ballina. He was one of the main people to research the connection between Ballina and the US President. He discovered that President Biden's ancestor had supplied the bricks that built the cathedral. Ernie had some of those bricks, one of which he presented to President Biden, which was an incredible moment in time and a memory for us all to share in.

More recently, in my political career, Ernie was very supportive of me when I joined Fine Gael and in the general election campaign, when he gave up his upstairs office space for our campaign headquarters. I thank him and offer condolences to his family. Ar dheis Dé go raibh a anam.

An Cathaoirleach: I thank Senator Duffy for his tribute to a former Member of this House. The Senator outlined a life well lived in a fitting tribute to Ernie's service not only to Seanad Éireann and the country but also to his hometown and, as the Senator said, Mayo and Sligo at different times. Ar dheis Dé go raibh a anam dílis.

Before I call on the Leader to respond to the Order of Business, I welcome the father of the Minister of State, Deputy Niamh Smyth, and family and friends who are here in the Gallery, along with guests of Deputy Aisling Dempsey, who are associated with the Ballivor St. Patrick's Day parade. The guests of Deputy Eoghan Kenny from Mallow, County Cork, are all welcome to Seanad Éireann too.

I call on the Acting Leader to respond on the Order of Business.

Senator Garret Ahearn: I thank the 21 Senators who made contributions.

Senator Fiona O'Loughlin spoke first, on the green light for palliative care for the midlands hospice, which is very welcome news. She outlined the process and how difficult it was. That people came together, including her, to make it happen is very positive for the midlands area.

The Senator also spoke about Jennie's law and the announcement this morning of Cabinet approval. The Bill was drafted by the Senator and others. As she said, there was a void in legislation pointed out by Jason Poole, but it is welcome that Cabinet approval has been announced today.

Senator Boyle spoke about the distressing news of the liquidation of Tickets.ie, the effect that has on the thousands of people who were going to go to the Rory Gallagher International Festival and the €283,000 shortfall because of it. This has affected the organisers and has had a massive impact on the community that can benefit from such big events that happen within

the region. I will talk to the Minister's office to see what can be done in terms of getting involved and the supports that are available for the organisers of this event because it is not their fault that this has happened. It is Tickets.ie that has gone into liquidation. The organisers should not have to suffer the consequences of it.

Senator McCarthy mentioned the alumina factory in County Limerick, which has been spoken about quite a bit recently. As the Senator said, and it is something that I am aware of, he is the chair of the Ireland-Ukraine Parliamentary Friendship Group. The Senator and I have visited Kyiv on behalf of this Parliament to show our unwavering support for Ukraine. There is an investigation happening within the Department of enterprise and let us see what happens. The Senator outlined that information was given out that was not correct, so let us see where the investigation goes and what decisions are made. I have been in contact with a number of MPs from Ukraine who are concerned about it. I have highlighted, as much as I can, what we know. Once the Minister, Deputy Burke, finalises the investigation, decisions can hopefully be made based on that.

Senator Tully spoke about Cavan hospital and gave us another good example of issues with decisions, or lack of decisions, and lack of care for people in need. This seems like a very simple thing where kidney stones need to be removed. At no point should this end up with someone having sepsis and being brought to Beaumont Hospital while clinging to life and still waiting for the kidney stones to be removed. It seems totally unacceptable - "frustrating" is too light a word - that a simple procedure has not been followed through on. All of the complications that come with that can be so distressing for people. I note that she said that none of the Ministers from the Department of Health came to one of her Commencement matters. I will raise that with the senior Minister. I also know that the Senator has called for a debate on the issue of procedures, in particular, and I will ask the Minister's office if that is possible.

Senator Flaherty raised Horse Sport Ireland, the resignations of senior figures and the problems within that sector. It is probably important that I do not speak on that, but I understand where he is coming from on it. In terms of applying for contracts and Horse Sport Ireland being omitted from the process, that is something for the Department of agriculture to decide on. The Senator could put down a Commencement matter on it. It is a delicate issue to deal with on this floor, but the Senator has been vocal on this a number of times, and I understand that his concerns are genuine.

Senator Scahill spoke about wastewater treatment systems. A lot of inspections are happening right across the country. A lot of inspections in rural areas are recording fails. The numbers in County Roscommon are very high with 85% last year and 50% this year. It is hard for families at a time of significant costs of living to be able to fork out for a new septic tank. Although the previous Government significantly increased the supports available, it is time to review that again. I will ask the Minister for a debate on this issue for Senator Scahill.

Senator Andrews mentioned that the Arbitration (Amendment) Bill is being taken tonight. The four hours that were put down initially are just an indicative timeframe. It is not scheduled for exactly four hours. It depends on a number of factors, including how many amendments come in. Fewer amendments came in than we expected.

Senator Chris Andrews: It depends on when the Ireland-----

An Cathaoirleach: The Acting Leader is talking with no interruptions.

Senator Garret Ahearn: There was a 5.5-hour debate on the Bill on Committee Stage. We will have another three-hour debate on it tonight. There are only 34 amendments and about a third of them have been ruled out of order. Some of them might be paired.

Three hours is a significant amount of time to talk about it, in our view. That will be happening tonight so I will not be accepting the amendment.

Senator Chris Andrews: The point is that the Ireland match starts at 8 p.m.

An Cathaoirleach: The Acting Leader without interruption.

Senator Garret Ahearn: The Ireland match starts at 7.30 p.m.

Senator Chris Andrews: I thought it was 8 p.m.

Senator Garret Ahearn: No, 7.30 p.m.

A Senator: The coverage starts at 7.30 p.m.

Senator Garret Ahearn: Coverage is at 7.30 p.m.

Senator Chris Andrews: So it starts at 8 p.m.

An Cathaoirleach: The Acting Leader without interruption.

Senator Garret Ahearn: In the greater scheme of things, this has been debated quite a lot. There has been a lot of debate, in this House and the other House, on it. It is important that we make decisions at the end of that debate.

We do have an important match tonight. In relation to the FAI, I said it the week previously and I will say it again. This is a decision for the FAI in conjunction with FIFA and UEFA. It is not for Government to get involved. In fact, if Government gets involved, there are rules in place within FIFA and UEFA. It is not just a simple fine or a points deduction. It has happened for other countries where countries have got involved and there have been further repercussions on them in terms of-----

Senator Chris Andrews: There were no sanctions against Poland.

An Cathaoirleach: The Acting Leader without interruption.

Senator Garret Ahearn: -----not being involved in competitions, whether men's competitions, women's competitions, underage competitions, club, country. It has an impact in terms of hosting events, whether that is-----

(Interruptions)

An Cathaoirleach: Please.

Senator Garret Ahearn: -----hosting the Euro 2028 or the women's champions league final. It is not as simplistic as just having a boycott on this and there being no repercussions other than the six points and maybe a small fine to deal with. That is not the way to look at it and it is not a true reflection of what could happen. All that being said, I hope decisions will be made by the end of the week on this. It might not be to Senator Andrews's satisfaction, but certainly it will be done in terms of the safety of people more than anything else.

Senator Curley spoke on communication with Irish Water. I have had a problem with this all week in my own area in terms of communication regarding water supply and the difficulty it poses for us, as public representatives, and for councillors in particular. I totally agree with the Senator that it is time we have a debate with the Minister on that because it is incredibly frustrating when your water is out, you do not know why it is out, you do not know how long it will be out for and you are not even aware there is a boil-water notice. Back in the day, with local authorities, there used be a letter sent out and it used be on the radio but that does not seem to happen any more.

Senators O'Donovan, Costello and Clonan spoke in relation to Friedreich's ataxia and a drug that is being called upon to help young boys with a very debilitating disease. You could not help but be emotionally affected by some of the contributions from people talking about their own life. Senator O'Donovan spoke of Emma O'Shea and what she has had to deal with in terms of seeing her brother, and her parents, Ted and Kathleen, and what they have to deal with. This is incredibly frustrating. As a parent myself, I can only imagine the pain they are going through. Cost should not be a barrier with this and decisions should be made quicker. I will certainly contact the office of the Minister for Health to try to push as much as possible the concerns and requests from Senators here.

Senator Keogan spoke about the attack in Belfast. As the Senator said, we are not clear what happened. I do not know who the victim is. I know what has been said on social media and I know what is happening but certainly this is not the place to talk about it. It is not the place to make decisions in relation to the findings of it. There will be an investigation. There is a protest happening tonight. I hope that will be done peacefully. We have seen protests go out of hand here and I hope that will not happen in Belfast. As I said previously when the Senator mentioned another case, an investigation will happen. We should let the PSNI do its work. It was an awful atrocity. That video is going viral. An awful lot of people are seeing it, and it is awful. The people who came in and risked their own lives to defend that person need to be commended, but it is certainly not our place - I am not saying the Senator is doing this - for us here to have a judgment yet on what happened. The Senator spoke about other examples. The examples she used are of people who were murdered or injured by people who came into this country and are not Irish citizens. These things are done by Irish citizens as well, not just foreigners. We need to recognise too that there are a lot of good people, as the Senator herself

would recognise, who come into and contribute to this country. An attack is an attack from a person who is evil and wrong; it is not because of their nationality.

I always think we need to bear that in mind.

Senator Davitt spoke about the councillors task force. I do not think we have had a debate in this House since this term started in relation to councillors, their powers, the work they do and the feeling that their powers are being diminished. I will speak with the Minister about having a debate when that task force has completed its work. The Senator is right that the Minister, Deputy James Browne, and the Minister of State, Deputy John Cummins, have done a lot of work on it, so it is a good opportunity for them to come in here and speak about it.

Senator Linda Nelson Murray spoke about the summer holiday hunger pilot scheme, which has been a very positive scheme. The Senator did a lot of work herself not only on the hot school meals initiative but on this issue as well to prioritise it. She makes a very good point. If we are seeing that 42,000 children across Ireland need to be fed during the summer, then they obviously need to be fed during the Easter and Christmas as well. If this pilot programme is being continued, then that means it has been a success this year and there is no reason we cannot expand and continue it. When you are in government, one of the frustrations is that decisions are sometimes made quite late. You cannot understand, for the life of you, why the decision cannot be made a month or two earlier so that the children and their parents have the comfort of knowing they will get a good meal. We all know the benefit of young children having a good meal.

Senator Nessa Cosgrove spoke about the triple lock mechanism, as did Senator Tom Clonan. The triple lock legislation was before the Cabinet today and will be in the Dáil and Seanad over the next number of weeks and months. We will have ample opportunity to discuss it. I am sure that, when those discussions happen, we will have the same sort of talk about a change to neutrality, which it is not, but people have the freedom to say what they want in both Houses. Senator Cosgrove has asked for a debate and that debate will happen. The schedule up to the recess is not done up yet, but the debate will occur either before the recess or when we come back in September.

Senator Sarah O'Reilly spoke about the EU migration pact, Northern Ireland and the impact of the pact. The pact went through the Dáil and Seanad. It went to the President, who convened the Council of State on it. They had hours of discussion on the legislation and the President signed it. The pact has been debated heavily in both Houses and then signed into law by the President, but we can have a debate with the Minister for justice at any point. If the Senator wants to do that, then I am more than happy to ask for that to happen.

Senator Robbie Gallagher spoke of farmers' health, which is something I know well in terms of my own family. I grew up on a farm. Farming has a mortality rate that is seven times higher than in other professions. Mental health is also a big thing for older farmers. Health issues are very obvious when you have people who are either living alone or working into their 70s or 80s. They have stress. One of the really good things the Government introduced a number of years ago was the discussion groups farmers have now. The initiative was concerned with improving work on farms, but it also had a real impact in terms of loneliness among farmers because they had these discussion groups to meet and talk and help one another in relation to

the work they were doing. From the discussion groups my own family members are in, I know it is a very useful initiative set up by the Department of agriculture.

Senator Tom Clonan also spoke about the triple lock mechanism. He mentioned how he was a former Army officer. We respect that, but it does not mean that we have to agree with his every view just because he is a former Army officer. We have other people in this building who were in the Army and who have the totally opposite view, so how do we agree with two people who previously worked in the Army who have opposite views? When Senator Clonan talks about people who have differing views, there are loads of people who are either in the Army or are former Army members who have the opposite view to him. I respect his view, and we will have ample opportunity to discuss it going forward, but there are differing views on this issue. We also have people in the Dáil who are former Army members, and, again, they have very different views to Senator Clonan.

Senator Victor Boyhan spoke on the draft set of guidelines for apartments that have been published and are open for consultation until 7 July. The Senator welcomed that. It is very good news, and we thank Senator Boyhan for the work he did on this issue.

Senator Evanne Ní Chuilinn spoke about the women's soccer team, who have been an incredible inspiration during this campaign.

They have an opportunity tonight against France to go to the World Cup. As the Senator said, it is the first time a team has had the opportunity to go to the World Cup and fully qualify through the first process without having to go to a play-off. Going to a play-off is something the men would be lucky to do. It is a huge game tonight, and it was a massive game at Páirc Uí Chaoimh. It was a great atmosphere from what I could see on TV, made all the better with a last-minute goal by Amber Barrett to put us into this position. We have a wonderful opportunity here. If the girls can win in France, it will be a fantastic achievement, or if Poland can do us a favour against Holland tonight. Carla Ward's team have been a huge inspiration and we wish them all the best; we are all behind them. It will be such a success if they get to the World Cup again. I was actually in hospital for three weeks when they were in the World Cup in 2022. I watched the games there; it kept me going. I have very fond memories of the 2022 World Cup.

Senator Martin Conway spoke about active tourism and its lack of promotion across the country. As he knows, there are many beautiful spots in Clare in terms of walkways, cycleways and mountains that have not been properly promoted. In Tipperary, St. Declan's Way has been promoted but more can be done. We will ask the Minister to come in and have a debate, not just on tourism, but on active tourism and how we can promote it further.

That concludes all contributions.

An Cathaoirleach: Senator Andrews has proposed an amendment to the Order of Business, seconded by Senator Keogan: "That No. 2 be taken at 5 p.m. and shall, if not previously concluded, adjourn at 9 p.m." Is the amendment being pressed?

Senator Chris Andrews: Yes.

Amendment put:

The Seanad divided: Tá, 16; Níl, 25.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Boyhan, Victor.	Blaney, Niall.
Clonan, Tom.	Brady, Paraic.
Collins, Joanne.	Byrne, Cathal.
Conway, Joe.	Casey, Pat.
Cosgrove, Nessa.	Clifford-Lee, Lorraine.
Higgins, Alice-Mary.	Comyn, Alison.
Keogan, Sharon.	Conway, Martin.
McCarthy, Aubrey.	Costello, Teresa.
McCormack, Maria.	Crowe, Ollie.
McDowell, Michael.	Curley, Shane.
Murphy, Conor.	Daly, Paul.
O'Reilly, Sarah.	Davitt, Aidan.
Ruane, Lynn.	Duffy, Mark.
Stephenson, Patricia.	Flaherty, Joe.
Tully, Pauline.	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	Murphy, P. J.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	Rabbitte, Anne.
	Scahill, Gareth.

Tellers: Tá, Senators Chris Andrews and Sharon Keogan; Níl, Senators Cathal Byrne and Paul Daly.

Amendment declared lost.

Order of Business agreed to.

5 o'clock

Death of Former Member: Motion

Senator Garret Ahearn: I move:

That Seanad Éireann –

- expresses its deep sadness on the death of Ernie Caffrey;

- conveys its sincere condolences to his family; and

- expresses its gratitude for his notable contribution, as a member of Seanad Éireann, to Irish public life and for his dedicated service to the people of Ireland.

Question put and agreed to.

Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks: Motion

Senator Garret Ahearn: I move:

That Seanad Éireann approves the following Order in draft:

Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 (Designation of Carlow County Council) (Parts of Administrative Areas) Order 2026,

a copy of which has been laid in draft form before Seanad Éireann on 12th March, 2026.

Question put and agreed to.

Arbitration (Amendment) Bill 2025: Report and Final Stages

An Cathaoirleach: I remind Senators that a Senator may speak only once on Report Stage, except the proposer of an amendment, who may reply to the discussion on the amendment. On Report Stage, each non-Government amendment must be seconded.

Amendment No. 1 has been ruled out of order.

Amendment No. 1 not moved.

An Cathaoirleach: Amendment No. 2 has been ruled out of order as it is in conflict with the principle of the Bill as read a Second Time.

Amendment No. 2 not moved.

An Cathaoirleach: Amendment No. 3 has been ruled out of order. It, too, is in conflict with the principle of the Bill as read a Second Time.

Amendment No. 3 not moved.

An Cathaoirleach: Amendments Nos. 4 to 6, inclusive, are related. Amendment No. 5 is a physical alternative to amendment No. 4. Amendments Nos. 4 to 6, inclusive, may be discussed together by agreement. Is that agreed? Agreed.

Senator Sarah O'Reilly: I move amendment No. 4:

In page 4, to delete lines 14 to 19 and substitute the following:

"(3) For the avoidance of doubt, it is hereby declared that an award made by a body empowered to make awards pursuant to an international agreement to which this section applies is not, and never was, enforceable in the State if enforcing the award would—

(a) conflict with the constitutional order of the State,

(b) conflict with the autonomy of the legal order of the European Union, or

(c) materially impair the capacity of the State to legislate or regulate in the public interest.".

Senator Patricia Stephenson: I second the amendment.

Senator Sarah O'Reilly: I am speaking to amendment No. 4. I will start by saying that I was disappointed by the response of the Minister of State, Deputy Byrne, during the previous debate. Rather than engaging with the substance of the amendment, he sought to portray those in opposition as somehow being anti-trade. No one is arguing against trade with Canada. No one is arguing against Irish business exporting, creating jobs or accessing new markets. The issue is the investor courts and the lack of protection for the State should this legislation be passed. We want to see where that protection lies within the legislation.

This amendment mirrors the Government's drafting, with the only significant change being the addition of paragraph (c). This simply states that an award should not be enforceable where it "materially impairs the capacity of the State to legislate or regulate in the public interest.". The Minister of State never really explained why he would not accept that amendment. We heard repeated references to the right to regulate. We heard references to legal advice and the Attorney General, but we never heard a clear explanation as to why this specific wording would be objectionable. If the Government is genuinely confident that Ireland's right to regulate is fully protected, then surely there should be no difficulty in explicitly reflecting that principle within the legislation.

The Minister of State, on the one hand, criticised Senators for referring to CETA in the debate but then used the framework of the CETA agreement to justify why this amendment is unnecessary for the Arbitration (Amendment) Bill. It is incredibly strange and disingenuous. Many of the concerns expressed, both here today and before, relate to how these arrangements may operate in practice over time. We are being asked to accept assurances that everything will be fine and the right to regulate will be protected, but why can this not be reflected in the legislation? It would provide greater peace of mind and assurances that all will be fine.

The discussion reminds me of the debates that took place on the EU migration pact. At the time, many of the legitimate concerns raised were dismissed. People were told that they had little to worry about. Yet, as implementation approaches, questions continue to emerge around costs, obligations, burden, sharing arrangements and the practical realities of how the system will operate. These are issues that were brushed aside during the legislative process, as is happening here. I fear that in one or two years' time people will view this legislation through the same lens and will be questioning why the Government passed legislation that does not protect the State or the interests of the country. While I welcome any opportunity to improve or enhance trade with other countries, this can be achieved without investor courts. If the Government truly believes in protecting the State's ability to legislate now and into the future, it should have no issue supporting this amendment.

Senator Patricia Stephenson: Are these amendments grouped?

Acting Chairperson (Senator Shane Curley): Yes.

Senator Patricia Stephenson: I will speak to amendment No. 5 around international agreements, conventions and treaties, the Paris Agreement, the 2030 Agenda for Sustainable Development, the Aarhus Convention, etc. This amendment is born out of the regulatory concerns we spoke about before, particularly in the context of regulatory chill and the impact this could have on environmental legislation. Under the Energy Charter Treaty, ECT, we saw companies sue EU member states for millions of euro when they tried to move away from fossil fuels. For example, the German energy company, Uniper, used the ECT to challenge the Netherlands' 2030 coal phase-out. There is a massive range of different concerns about the impact this might have on environmental legislation in particular, and that is why I support this amendment.

We do not have explicit legal protections in the Bill, as it is written, for climate legislation. Instead, we are relying on general provisions within CETA. This is a concession. Rather than enabling clear safeguards in Irish law, we are relying on interpretive assurances and broad principles that leave environmental protections exposed to legal uncertainty. Given that the scale of potential liability has been highlighted, the refusal to explicitly protect climate measures is a significant gap in the legislation. I know the Minister of State does not agree that those risks are perhaps as strong as I am putting forward. Maybe he considers them scare stories. I think that is a term he used on Committee Stage in the Dáil. We have real examples of companies in this regard.

I gave the example of Uniper, the German energy company, taking out a case in the Netherlands over particularly challenging environmental concerns. Another German company, RWE, used the investment court system, ICS, mechanism to claim €1.4 billion. These cases exist. Another case is Bilcon versus Canada. In 2008, a US company challenged a Canadian environmental requirement affecting its plans to open a basalt quarry in a marine terminal in Nova Scotia. The investors planned to blast, extract and ship out large quantities of basalt. The investor-state dispute settlement, ISDS, tribunal decided that the Canadian Government's decision hindered the investor's expectations around that. These are very real legitimate cases that we are seeing. That is why I support this amendment.

Amendment No. 6 seeks to insert:

> "(4) For the avoidance of doubt, awards under an international agreement referred to in subsection (1) shall not be enforceable or recognised in the State if such awards were sought in a foreign jurisdiction or an international body.".

I understand this amendment comes from the very real concerns that awards will be enforceable. Companies can choose to take a case in any jurisdiction, and why would they not? If they think that they are more likely to get a favourable award in another jurisdiction, why would they not take that measure? I think that this is a strong provision, protecting public policy concerns and not allowing those awards just to be enforceable. We talked a lot before about the concerns that assets could be seized in a secondary jurisdiction. If the case is taken in another jurisdiction, it might find favourably towards the company and assets could be seized in order to fulfil whatever award is given there. I have serious concerns about that.

I very strongly support both of these amendments.

Senator Chris Andrews: I wish to speak to amendment No. 6, which seeks to address the fundamental issue with the Bill. The Government has imagined a fantastical situation where investors who believe that they may not be successful in obtaining an award through the process outlined in this Bill would simply accept that. There is nothing in this Bill that prevents investors from seeking enforcement in foreign courts or at international bodies such as the International Centre for Settlement of Investment Disputes.

There are numerous examples of enforcement being sought in foreign jurisdictions. One particularly egregious example is a recent case taken against Spain as part of the enforcement saga of investment treaty arbitration awards issued in renewable energy disputes. A Luxembourg investor secured a seizing order from the British courts directed at property owned by the Government of Spain in London. In March of last year, the European Commission ruled that paying this award constituted illegal state aid and directed the Spanish Government not to pay it. By virtue of its exposure to investor courts, Spain had assets seized in Britain and then we were told by the Commission that this was illegal state aid.

Has the Government carried out any risk assessment of this happening in Ireland if we expose ourselves to investor courts? Is it the Minister of State's understanding that investors may seek enforcement outside Ireland? If that is the case, why would investors, who think they may not be successful in an Irish court, not seek enforcement elsewhere?

Senator Tom Clonan: I welcome the Minister of State and his officials. I will deal with amendments Nos. 4, 5 and 6 in reverse order. Amendment No. 6 seeks to insert:

> "(4) For the avoidance of doubt, awards under an international agreement referred to in subsection (1) shall not be enforceable or recognised in the State if such awards were sought in a foreign jurisdiction or an international body.".

We have had some very interesting debates in this House over the last number of weeks about the Omagh bombing inquiry Bill. The Minister for justice is a very eminent senior counsel and a person whose legal opinion I would attach great weight to, notwithstanding that one's professional or industrial experience is not always recognised in this House, it would seem. The Minister made the point that we could not require or compel Irish citizens to give evidence or participate in a judicial process or inquiry that was based in another jurisdiction, albeit on this island. He was really clear about that. I pointed out to him that there were very pressing matters in relation to the Omagh bombing and subsequent attempts to carry out car bombings in Dublin and the UK but he said that, notwithstanding all of that, there could be no crossover between the two jurisdictions. I say this as a layperson who has no legal training whatsoever: I think he is talking about sovereignty there.

This amendment simply asks that we endorse our own sovereignty and say that this "shall not be enforceable or recognised in the State if such awards were sought in a foreign jurisdiction or an international body." I hope the Minister of State will accept this amendment. It is in our collective self-interest to support it. If the Government is to oppose it, it begs the question as to why we would dilute our sovereign status. Why would we expose Irish citizens to the threat or potential risk of financial exposure?

The State has a record in this regard. During the financial crash and crisis, we adhered to the austerity requirements set out by the members of the troika, who stayed across the road in

the Merrion Hotel even though the rest of us were struggling to cope with the severe financial restrictions that were placed on us. The Government agreed that the debt should be socialised - the debt imposed by bankers, property speculators and developers. The narrative was that we had been bailed out by Europe, but that is not what happened. The Irish taxpayer and all our children are still paying that debt. The debt was socialised.

I see a number of contradictions in this regard. On the one hand, the Minister for justice, a senior counsel and very eminent lawyer, says that we cannot compel witnesses to participate in a judicial process that is set up in another jurisdiction, yet if the Minister of State rejects this amendment, he is saying that when it comes to exposing the Irish citizens to financial risk, we are quite happy to allow third parties and other interests to come in and speculatively take claims. As Senator Stephenson said, why would they not?

Amendment No. 4 states:

In page 4, to delete lines 14 to 19 and substitute the following:

> "(3) For the avoidance of doubt, it is hereby declared that an award made by a body empowered to make awards pursuant to an international agreement to which this section applies is not, and never was, enforceable in the State if enforcing the award would ...

As I know everybody in the House can read, I will not continue to go through it. Again, it speaks to our Constitution. I will be 60 in August. I grew up in the Republic before we joined the European Union. It was the time of what was called the pitchfork and the candlestick when we were building social housing for our citizens. I remember in Finglas seeing the prefabricated houses being transported along Ballygall Road East to Ballygall and Finglas village and out into Finglas west and Finglas south. In a State that was not a member of the European Union and had no access to European funding or foreign direct investment as we have now, and as one of the poorest countries in Europe, our grandparents felt that social housing was a social good and not a commodity or something to speculate on. We joined the European Union. We had the Jack Charlton years. I remember the mass emigration of the eighties. I did my leaving cert in 1984. My youngest fellow is doing his today. He just completed his biology exam. By Christmas of 1984, only three of my class were left in Ireland. The rest of them went to Australia, Canada and New Zealand, where our kids are going now, because they offered them a life.

My point about this is that the neoliberal economic agenda is writ large ideologically and philosophically within this document.

That position has been endorsed, reinforced, carried out and executed by the Government since 2011, when a Taoiseach was appointed who promised us new politics and a fair deal. What has been the cumulative effect of that? In my lived experience, it means that my 25-year-old, my 24-year-old, my 22-year-old and my 18-year-old have no prospect of owning a home of their own. If you want to buy a one-bedroom apartment in Dublin, you have to be in the top 10% of earners in the European Union. If you want to buy a two-bedroom apartment, you have to be in the top 1% of earners in the European Union. Here are amendments that ask the State to indemnify our citizens at this point against the risk of exposure to interventions from outside our jurisdiction because we have learned that international debt can be socialised and levied on the Irish taxpayer by a Government that imposed austerity as though it were a virtue. I will say that I do not think that anybody in Fianna Fáil intended for the crash to happen. It was

misadventure. However, the policies of austerity were premeditated and carefully calculated to inflict pain on the most vulnerable people in our society. In my family, our disabled son lost all of his services. He has never had physiotherapy in a meaningful sense. He has never had speech therapy or occupational therapy or any of those things in a meaningful sense. As a consequence, his life is significantly limited. As a parent watching that, it causes moral distress and injury. When the then Minister, Paschal Donohoe, was in the House for statements on the financial forecast for Ireland, it was interesting that when I made those points to him, he got visibly angry. He said that I had no idea how difficult it was to make those types of decisions around austerity. What he said to me was, "It hurts us more than it hurts you."

I ask the Minister of State to understand that the spirit and motivation of the people in this House putting down these amendments is to protect our collective interests. We remember how the Government has behaved in the past. On the one hand, it declared our sovereignty to be inviolable and stated that we cannot compel people to give evidence that would contribute to the public good in terms of contributing to knowledge over the Omagh bombing, the largest massacre in the history of the Troubles. It cannot do that but, you know what, like it did with the troika and austerity, the Government is quite happy to reject these amendments so that international capital and international liberal economic market forces can further strip money from what should be a wealthy republic but in actual fact is one where if you are trying to start a family, trying to build, get or buy a house or trying to make all of those decisions to self-actualise as a citizen, or if you are sick or elderly, you are in big trouble. That is not the Republic I remember from the 1970s and 1980s, notwithstanding all the challenges we had.

My grandmother fought in the War of Independence. If she were to read this, she would have a lot to say. There might be a citizens' assembly, like there was in 1916 on O'Connell Street. Our children have been sold out by this generation. We are supposed to be generation X but I would call us generation F, for "fail". Think of everything that our grandparents built up. My father, as a garda, was able to live in the community that he policed and was able to send five of his children to university. He did all of that on a garda's wage. Could a garda do that now?

Minister of State at the Department of Foreign Affairs and Trade (Deputy Thomas Byrne): Did the Senator call for an assembly on O'Connell Street, like 1916? Did we catch that right?

Senator Tom Clonan: I am speaking, if the Minister of State could contain himself.

Senator Garret Ahearn: The Senator should speak on the amendment.

Deputy Thomas Byrne: I will tell the Senator something-----

Senator Tom Clonan: Cathaoirleach, if I-----

Acting Chairperson (Senator Shane Curley): Tá brón orm. Gabh mo leithscéal. I want to maintain one voice at a time in the Chamber. I ask that we stick as relevantly as possible to the amendment.

Senator Tom Clonan: I am sticking to it-----

Senator Garret Ahearn: The Senator is nowhere near the amendment.

Senator Tom Clonan: -----and whether or not-----

Acting Chairperson (Senator Shane Curley): I think the Senator has veered off it a bit.

Deputy Thomas Byrne: The Senator called for another Easter Rising.

Senator Garret Ahearn: The Senator is so far off the amendment that he does not know where it is.

Acting Chairperson (Senator Shane Curley): I ask the Senator to keep his contribution as concise and relevant to the amendment as possible.

Senator Tom Clonan: We must be careful to keep the record of this House correct. I certainly never called for another 1916 Rising. What I am saying is that we must have a republic that serves the interests of its citizens. Amendments Nos. 4, 5 and 6, as set out, seek to do that. I cannot understand why any Government of this Republic would oppose or not support those amendments for all of the reasons I have set out. We have to draw a distinction between what the Government does not like to hear and what it thinks is relevant or irrelevant. Disagreement is a good thing. We must remember that this Government is here to serve the people. It is not in charge. It does not govern. This is a republic. The Government is here to serve all of us. These amendments reinforce that concept of service to the people and the need to protect the people. I would query why anyone would not support or would reject these amendments. I thank the Acting Chairperson for his patience.

Senator Joe Conway: I welcome the Minister of State to the Chamber again. At what we might call the *dénouement* of the Bill in the later stages of the evening, I will have a few more things to say. Right now, I will confine myself to a short comment on amendment No. 4 and the proposed new section 25A(3)(c), which refers to something that would "materially impair the capacity of the State to legislate or regulate in the public interest". That is a critical part of the amendment. Even though the EU investment court system, ICS, is designed to avoid the worst abuses of the investor-state dispute settlement, ISDS, the critics in this House and the Lower House have warned that the mere possibility of investor claims could discourage ambitious regulation, especially and critically in areas such as climate policy, public health, labour protections and digital regulation. Those concerns were explicitly raised by Opposition Deputies, who argued that the investor courts "have a massive potential to undermine social and environmental regulations". That matters because Government Departments may become far more cautious down the road when drafting laws if they fear triggering multimillion-euro claims. Even if the State ultimately wins, it is the fear factor that impels all of us. Those of us who have a titter of wit at all look at the court system in Ireland as the last-chance saloon. Politicians of all parties and none have gone to the courts to their great detriment and financial loss. If that is writ large in the context of the State, the whole fact of those multimillion-euro,

and possibly multibillion-euro, awards that could be made against the State in relation to fundamental legislation and progressive legislation, there is a chilling effect. It is a sort of Big Brother-like prospect. That is why I strongly support amendment No. 4.

Senator Alice-Mary Higgins: I am happy to speak in support of amendments Nos. 4, 5 and 6. Am I correct that they are grouped? Yes. I will speak to each of them.

Amendment No. 4 reflects the concern that people have. This is the reason people and councils across the country voted in the past to express their concerns about CETA. It is the reason there has been such strong and consistent concern and opposition from civil society across the world about these arbitration tribunals. It is what is evidenced by how they have operated in the past. The Minister of State will say that the ICS is not sitting yet and we do not know what it will do. We know what every other arbitration body does and how it operates. We know there is nothing very distinctive to ensure we will not see the same effect. What Senator Clonan said was true. These were originally inserted as a grab by corporations.

I worked on these in the early 2000s when they were the European partnership agreements. This speaks to amendment No. 6 and to the international system, which is very exploitative and grants inequitable power to corporations and which the Government is choosing to tie us into. They were originally agreements imposed on African countries because European companies said they could not trust those countries' courts. Then corporations liked it. They thought it was wonderful to have their own court system that does not get tied up in any of the messy balancing-out of things like the public interest, environmental law and precedent. It does not have to weight all of that in. It simply looks to what corporations want discussed, which is how much compensation they should be awarded. They liked those in the European partnership agreement and started attaching them to other agreements.

Then the message came that countries with much longer experience of arbitration tribunals than ourselves saw that the damage they did to public interest was immense. That is why there was a push-back and why NAFTA, which contained arbitration, was replaced by a deal between the United States and Canada which does not include investor courts between those countries and requires in the case of Mexico that domestic courts be fully exhausted before, in very limited circumstances, a case can be taken. It is why South Africa has led the rejection of these kinds of tribunals, particularly after Italian companies sought to sue it for the impact of the end of apartheid. It is why there has been a rejection from Australia. There has been a huge rejection because those in civil society and others who warned about the potential dangers were correct.

Some reforms were then proposed. Those reforms were not spontaneously proposed by companies; they were proposed under duress by governments which had previously claimed the system was fine but were forced by pressure from civil society and others to institute reforms. They produced reforms that people are telling us about, including German court judges, the experts in civil society who identified the original problems and the IPCC - the highest climate body in the world - which has specifically named investor courts and arbitration tribunals as one of the significant blocks to achieving a liveable planet. The warning bells that were ringing are still ringing and the people ringing them are still correct. Many of the new generation of trade deals do not include these at all. Even Mercosur did not have them. The deal between the UK and the EU did not have them because they are toxic overreach by

corporations who added these extra rights for themselves on top of a good thing we all want to see happening, namely, trade deals between parties.

Interpretive documents have been quoted at length - the parties agreed to this, the parties agreed to that - in relation to CETA, but we are discussing here any number of unknown future trade deals. The states engage. They are the ones who commit to working together on regulation, raising standards and so on. That is between the parties who sign up to the positive obligations in these. Corporations do not have to sign up to anything but they get a tool they can use to exert pressure. Corporations do not have to sign up to climate targets in order to use the investor courts to seek compensation for an environmental law that impacts them. It is a tool that gives corporation a stick with which to intimidate or press states in relation to their laws and it continues to be the same in CETA, which is just one of the agreements we are discussing and only one of the situations to which the Government is seeking to open the door.

The text in CETA is clear. We do not get to come back in multiple times so let us not circle around the mere fact of profit loss. It is not the mere fact of profit loss; it is profit lost due to your expectations being frustrated because you were unfairly or inequitably treated, which is exactly the language used in previous cases. The fact we provide a non-closed list of examples of unfair or inequitable treatment does not mean the same logics will not be used by other arbitrators. The evidence points to them being used. They are the precedents, even if they are in other courts, of unfair and inequitable treatment.

Here is what is in the text of CETA. This is something the Minister of State has never answered. This is why public interest is key. The Minister of State will say the State can legislate and has the right to regulate but the language in amendment No. 4 is "materially impair the capacity of the State to legislate or regulate in the public interest." Impairing the capacity of the State materially is adding an unknown future cost to regulation in the public interest and to the better choices we might hope future generations will make to address under-regulated areas such as housing and rental rights, care, many emerging areas of public health, the climate action that is needed, protection of biodiversity and digital regulation. When future governments representing future generations wish to legislate, this Government is choosing to add a new risk level to that law-making: it is the risk it might come with an unknown price tag attached and the risk that you might get sued.

The language of CETA - which, again, is not all that is being opened up here - is this: "When applying the ... fair and equitable treatment obligation, the Tribunal may take into account whether a Party made specific representation to an investor to induce a covered investment, that created a legitimate expectation, and upon which the investor relied in deciding to make or maintain the ... investment, but that the Party subsequently frustrated." This says that when the new tribunals - namely, the ICS - or the old tribunals under the old rules are weighing up and considering whether a company is entitled to compensation because of unfair and inequitable treatment, they will look to say, "Did you ask them to invest? Did you encourage them to invest?" These are things we should be doing but we are adding a risk that encouraging or asking them to invest, seeking to induce investments, creating expectations and then changing the law in a way that frustrates the expectation of profit the company had at the time it was invited to invest creates a vulnerability to that company taking and potentially winning cases for unfair and inequitable treatment. Parliamentary questions were put as to whether that vulnerability had been identified, properly considered and weighed up by Departments and I

have received nothing about that. What we were told was a regulatory impact assessment had been done - full stop.

Going back to the core question of the material impact on the capacity of states to legislate or regulate in the public interest, it is not just that we have a vulnerability to cases being taken. There is the chilling effect we have heard about. There are multiple examples. We have given them again and again, including Vermilion, a Canadian company with strong interests in Ireland which took a case and diluted French climate law. These arbitration bodies are designed to chill laws. It is not an unfortunate side effect. CETA Article 8.39(3) states: "For the calculation of monetary damages, the Tribunal shall also reduce the damages to take into account any ... repeal or modification of the measure." If you repeal or modify the law, then we reduce the amount you have to pay. There could not be a clearer application of pressure against states. A state that is taken to court and has, as was said by Senator Conway, an award of hundreds of millions or possibly billions made against it, can get that bill reduced if it repeals the law, modifies the law or does what the corporations would like it to do.

That is a direct invitation to the compromising of the material capacity of the State to legislate and regulate, driven by the public interest, because it will come into a frame where there is the public interest on the one hand but then, on the other, there is the cost, the fact of that bill and whether we can get our bill from the corporation reduced. This is why it is a fundamental piece that we would, in terms of the enforcement of these awards, put in a break, so that where we see that it will materially impair the capacity of the State to legislate or regulate in the public interest, where we see that impact happening, and where the Irish courts, which, unlike these arbitration tribunals, can and do take into account international law, European law, environmental law, case precedence, constitutional precedent, the public interest and the full balance, see a public interest concern in the enforcement of an award, we would ask why we should have to support it. If the Minister of State does not believe there will be cases that impact on the State's capacity to legislate or regulate in the public interest, there is no reason not to put this in. If the Minister of State chooses to reject this amendment, he is choosing to reject a safeguard that literally says we do not want to see these awards being enforced when it compromises the State's capacities in terms of legislating in the public interest where it has a negative effect, where it has a chilling effect or where, even in the cost of an enforcement, for example, it maybe diminishes our Exchequer and affects our capacity to do other important things that we may wish to do.

Amendment No. 5 is clear in that these are the other really important things we sign up to. When the Minister of State talked about pooling our sovereignties and all of that, these are the things we have signed up to but they are not things that these arbitration bodies consider binding upon them. They are not under an obligation to say that you want compensation but the Convention on Biological Diversity says this and the Paris Agreement says that. They are not obligations in terms of the determining of awards. Certainly, arbitration bodies have been clear that they do not regard them as limiting on them. The 2030 Agenda for Sustainable Development, for example, the Aarhus Convention, the International Covenant on Economic, Social and Cultural Rights, the conventions on the International Labour Organization and the Convention on Biological Diversity are really important because these are examples of the high points of our collective pooling of what we want for humanity and for how we live together in our countries and on this planet, but the teeth are not being given to these conventions or to their applications. The real teeth are being applied in relation to corporations and their

entitlement to compensation. How many times have we raised concerns about the Aarhus Convention and concerns in terms of our Paris targets, which the Government seemed to be just accepting the fact that the 2030 agenda for sustainable development, which Ireland at a better moment in our history helped to negotiate, are not being met? At the same time, it can fail on those standards but the stick is being given to the corporations. The power is being given to the corporations and those who have the power to inflict monetary injury on the State take precedence over these international agreements which are actually the key to our collective future here on this planet.

On amendment No. 6, it is important to reaffirm, and the Minister of State has had it reaffirmed, that by tying us into this system, even with this pretend non-enforcement clause, this fig leaf, which Senator McDowell and others have said will not effectively work and which is almost designed not to work, we are tying ourselves in to the idea whereby we are choosing to give away the power to issue awards against us to a new quasi-legal body, a new arbitration tribunal. We are choosing to surrender the sovereignty of our own courts and saying that we give it the power to issue fines on us, to penalise us and to create awards which we may or may not then enforce, but we know that they will be enforced. In any case, we are also tying ourselves into a system which Ireland had largely managed to avoid, with the exception of the Energy Charter Treaty, which has had a chilling effect on legislation, which Ireland has been sued under and which countries all left because of the damage that it caused. We are tying ourselves into a system and not learning from all those examples I have listed: of South Africa, of Australia, of Canada and America, of Mexico, and of all of those countries right across the global south who have said "Never again" on investor courts or arbitration tribunals. We are choosing not to learn from that past but instead to tie ourselves into a system, which, by the way, is not limited to the investment court system, ICS, and this is in the Bill, which is explicitly clear. It is any arbitration. It says any trade deal that contains an arbitration mechanism. We are choosing to tie ourselves into that, and it can be enforced elsewhere, and we have seen that happen. That is not a hypothetical. I mentioned the Villa Spada. The Minister of State rolled his eyes. No, that is what has actually happened. That is what happened to Spain.

Deputy Thomas Byrne: The Vienna Convention.

Senator Alice-Mary Higgins: Spain has had the Instituto Cervantes, in respect of which a case was taken in London to take possession of it. It has had its air traffic control business and cases taken to seek possession of that in Brussels. There are multiple examples of the enforcement of awards in foreign jurisdictions against national assets. Ireland is a country which has national assets spread right across the world. They are also being jeopardised in relation to choosing to make ourselves vulnerable in this way, taking the bird in the hand which we have in relation to trade, which is progressing, and the fact that, increasingly, there is huge pressure for future deals not to include these investor clauses and adding our weight to the movement against the inclusion of investor clauses, and instead, sacrificing here and making vulnerable or risking that bird in the hand for something which builds on the legacy of vultures in terms of how corporations have used these clauses and mechanisms.

Deputy Thomas Byrne: At the outset, I will briefly return to first principles, because they are not as obvious as some make out, and the reasons behind this legislation. The Arbitration

(Amendment) Bill seeks to put Ireland, a country which so greatly benefits from international trade, into a position where we can ratify the range of EU trade and investment agreements that we massively benefit from as an EU member state. It is not the case of international capital taking money from Ireland. If you look at our tax returns, it is the case of international capital investing money in Ireland, which can be seen in our tax returns and in some of the stories that were published this week. Ireland massively benefits from this and it is very much in our national interest to support trade agreements.

The EU-Canada trade agreement has been scrutinised rigorously, including as part of this legislation, but at length in other forums too, including in the Oireachtas, over the past ten years. Free trade benefits the Irish economy, and while it has been said, flippantly in some ways, that we all agree with free trade, that is actually not the case at the global international level at present. Free trade is under significant pressure. The economic system that has delivered massive investment and massive tax receipts into this country is under severe pressure because there are people out there who do not want free trade. There is quite a train of thought in the US, not only at the presidential level, that does not agree with free trade. In Ireland, we can demonstrate unequivocally that free trade has benefited this country and we should be always sending a signal that we are open to investment from business, because that has what has generated wealth in this country. It is a time of global turbulence. It is an important signal for Ireland to seek to ratify trade agreements with Canada, Chile and Mexico, which provide Irish companies and exporters with new opportunities to expand and grow trade overseas. It is not only about investment here. It is about those Irish companies going abroad as well. Our trade and investment relationship with Canada is deep and growing, with over €12 billion in trade.

6 o'clock

I am convinced this will continue fantastically well.

I am conscious of claims made that we should not be concerned with ratifying CETA, as the parts that provide for trading are provisionally applied. Provisional application is an important mechanism that allows companies and consumers to benefit from a trade agreement at an early stage, but if the agreement is not ratified or if anyone rejects it, it falls, as do the trade parts; those benefits to the Irish economy fall. We saw the global reaction - I will not say "panic" - when President Trump imposed tariffs. We all knew of the impact that could have on our economy, our jobs and our tax receipts. When we are opening for trade, we should also be conscious of that.

I am also conscious there are political differences, and that some people do not believe in the free market economy. However, the fact of the matter is the free market economy, with all its flaws, is what has provided wealth to unprecedented numbers of people. If we look back to the 1970s when we really did not have any trade agreements, and when we look at the type of accommodation my parents lived in when they were young, we are a world away from that and from our pre-trade days.

When I look at the Acting Chairperson's area in Galway East and the impact of some international trade there, I often cite the Valeo factory in Tuam, which has approximately 1,000 people working there. It is part of the global motor industry, serving every market except, I

think, China. Every single market in the world is done from Tuam, and it can only do that because we are part of the European Union, which negotiates trade agreements-----

Senator Garret Ahearn: Dexcom.

Deputy Thomas Byrne: Dexcom. There are many examples in Galway, but also in all our of constituencies. These did not land on us too frequently before we joined the European Union. Yes, there were examples - there were pioneers who invested in this country and Irish pioneers who invested abroad - but with trade agreements, that is always easier to do now.

On the subject of the investment dispute resolution, I have said it time and again that this is a brand new system. This is the investor court system, where many of the concerns raised here today about the ISDS system have been addressed because people recognised them and changed the system, but I do not hear that acknowledgement from the Opposition.

Senator Higgins spoke about civil society. I am one who stands up for civil society; I was on "The Tonight Show" one night against one of our right-wing politicians who was telling me about all these NGOs. I know all the work they do - good work around the world - and I am not one to throw at NGOs, but I have to say that I do not understand where Trócaire is coming from intervening in this debate on Ireland and Canada. It is entitled to. This is a democracy and I value its input, but I cannot understand it. It keeps referring to the ISDS system, which is the old system, and does not refer to the changes. I do not understand Trócaire's role in this debate. It has a role and is entitled to have one, and civil society is something I value, but I am also entitled to push back and say I do not think it is correct. Certainly, that should be said on the record.

Irish companies benefit from these provisions abroad and that is important to recognise. The Government is working to make the Irish economy more competitive and more resilient to economic shocks. We are working to protect, preserve and sustain our hard-won economic progress in the years ahead, and I reject any suggestions that because of this Bill, we will have another "citizens' assembly" on O'Connell Street like in 1916, which I think is an exact quote from the Senator. That is just the height of exaggeration.

Senator Tom Clonan: On a point of order, that is not what I said and I ask the Minister of State to withdraw that remark. Apologies, I should be standing. It is not what I said. I am not calling for a 1916 rising. As a former member of Óglaigh na hÉireann, that is the last thing I would do. I ask the Minister of State to retract-----

Deputy Thomas Byrne: I do not know what the reference to 1916 and a citizens' assembly on O'Connell Street was-----

Senator Tom Clonan: I am sorry, I am speaking. I did not say what the Minister of State has just asserted and I ask him to retract what he said.

Deputy Thomas Byrne: I am happy to accept the record of the debate here today.

Senator Tom Clonan: I thank the Minister of State.

Deputy Thomas Byrne: The decision handed down by the Supreme Court in the Costello case identified constitutional concerns that prevented the ratification of CETA, and that is Irish law. We accept what the Supreme Court has said; everybody in this House accepts that. However, we have heard in some of the debate people picking and choosing between the bits they like and do not like. The Government has no option but to take the decision of the court very seriously and to work, as we wanted to and as we committed to in the programme for Government, to implement and ratify the CETA trade agreement. We can only do that if we follow the suggested advice in the Costello case in the Supreme Court. That is the place where the Government is coming from, which is a reasonable one. We want to implement this, and the Supreme Court offers us a pathway. I cannot go around picking out paragraphs, clauses of judgments or dissenting judgments. We have to take the decision as a whole and that is what we have done with this legislation, as any reasonable person would see.

We have heard much about the right to regulate and I have addressed it many times. It is not that the issue of the right to regulate comes in at the enforcement of the award stage, which is what we are talking about here. With the detailed provisions in CETA, the interpretive instrument and even the European Court decision, there is so much law on the right to regulate. It is incredible. There is so much law on the side of what I am saying. It is very strong.

However, those provisions are not taking into account at the enforcement stage. Rather, they are taking into account in the ICS, which is even a step before. The system is already set up in such a way that this is a block at the very start of the process. The legislation we are dealing with here is the enforcement of an award. My contention is that such an award would not come if it interfered with the State's right to regulate.

The reality is the right to regulate would have to be considered by the investor court before an award is made. The right to regulate in the public interest is protected in these agreements. These provisions mean that the mere fact that the interests of an investor are adversely affected by measures taken to regulate in the public interest does not amount to a breach in the agreement. However, if there is an added element - and we would want this for Irish companies - for example, abusive treatment, manifest arbitrariness, targeted discrimination or some equivalent behaviour, then it is that added element that could bring a claim within the scope of the agreement's protections and, thus, potentially result in liability. In such cases where a violation has been found and an award has been granted, the tribunal order cannot order a change to a measure giving rise to the award, but the respondent party could choose to do so. That is in the interest of protecting the parties and their rights.

A lot has been said about inward investment to this country and attracting companies. There has been some suggestion that the IDA would put us in a position of liability if it said too much to a company coming into the country, but nothing could be further from the truth. IDA Ireland is Ireland's inward investment promotion agency and it does a fantastic job to attract and retain foreign direct investment, which means jobs in every constituency and county in this country. Our attractiveness to investment is based on a value proposition that includes access to the EU and those global markets that the EU adds to by negotiating trade agreements, a strong talent base - our people are brilliant, hopeful for their future and working hard - and a decades-long track record as a location to successfully implement complex investments.

In pursuit of its mandate, the IDA promotes Ireland's value proposition and provides client companies with financial supports through its grant programme as well as non-financial supports, which are very important. This is in addition to property solutions and the advance factories we all used to call for all the time and that still exist. The IDA does not commit to grant funding until all necessary approvals have been obtained and a grant agreement is in place.

The reference in Article 8.10.4 to legitimate expectations only protects expectations that are frustrated by a breach to the obligation of fair and equitable treatment, leading to the results set out in Article 8.10.2. However, the Government is clear that a mere exercise of the right to regulation in a given sector affecting all investments, regardless of origin, is not the frustration of a legitimate expectation by unfair or inequitable treatment. Indeed, in March of this year, the CETA joint committee specified that under Article 8.10.4, representations made to an investor may only be taken into account to the extent that they are relevant as a factor in determining a breach of fair and equitable treatment set out in Article 8.10.2.

Furthermore, Article 8.9.2 of CETA specifies that the mere fact that a party regulates, including through a modification to its laws, in a manner that negatively affects an investment or interferes with an investor's expectations, including its expectations of profits, does not amount to a breach of an obligation under this section. There was an added emphasis to this. If such regulation does not amount to a breach of an obligation, there is no compensation that goes with it.

The Supreme Court justices, in the Costello judgment, referenced the similarities between CETA and Irish law in this context. The Chief Justice said the standard of fair and equitable treatment is recognisable and normally amounts to matters which would undermine the validity and lawfulness of a measure as a matter of Irish law. Ms Justice Baker said that CETA also makes provisions for a claim by a disappointed investor under a general rubric of legitimate expectation. The parameters and limitations of the claim are broadly similar to those in Irish law. The Government is not anticipating taking steps and we are not feeling chilled in our wish to legislate. The Seanad should not feel chilled in its desire to legislate either. Many of these things are certainly not worrisome to the people.

I have already spoke about the Costello case; that is why we are here. The Bill sets out the response. The drafting, which amendments Nos. 4 and 5 seek to change here, has been very carefully considered. We have looked at the Supreme Court case. We have gone with what Mr. Justice Hogan is saying. We do not want to be overly prescriptive. In fact, he said he did not want to be overly prescriptive because the courts have powers too. Amendment No. 4 will introduce a new provision regarding the right to regulate in the public interest but I have outlined this is already contained within the agreement. It would not arise at the enforcement stage because it is already there before you get to an award. That is already there and it is not necessary to do this.

The agreements affirm that the parties preserve their right to regulate for public policy purposes. They clarify that measures that negatively affect an investor's expectations of profits are not sufficient. In any future case under an ICS - all of these ISDS cases are not relevant because this is a new system with new procedures and new ways of doing things - relevant arguments will be raised at consultation, mediation, tribunal and appeal stages in relation to the right to regulate, if it were to arise, which is way before we come to the provisions of this

legislation, which is about the enforcement stage of an award. It is hard to see how these cases arise but let us pick a hypothetical case. It has already gone through all of that and all that is happening here in the legislation is the enforcement of the award. We are saying that the provisions of CETA are such that an award could not be made in any event that would affect our right to regulate.

On amendment No. 5, I recall that, as set out in the joint interpretive instrument, CETA includes commitment to co-operate on trade-related environmental issues of concern, such as climate change. In CETA, the EU, its member states and Canada have further agreed not to lower levels of environmental protection in order to encourage trader investment. We have agreed to work hard on the environment together and it is no surprise because we are like-minded countries. In the event, there is no question of the State not meeting its obligations under the agreements referenced in this amendment and the amendment is completely unnecessary. Therefore, I cannot accept amendments Nos. 4 and 5.

On amendment No. 6, I note that although the proposed amendment states "For the avoidance of doubt", it does not appear to reflect the current legal position in the Bill or the current law. As drafted, the amendment is unclear and refers to awards that were sought in a foreign jurisdiction or from an international body. The amendment may be designed to address forum shopping and this was identified as an issue in the previous system but the newer investor court system agreements have been designed to prevent forum shopping, subject to specific exceptions. If the investor decides to initiate proceedings under the ICS of the applicable agreement, they must withdraw or continue any existing proceedings before a tribunal or court under domestic or international law with respect to a measure alleged to constitute a breach referred to in the claim. They must also waive their rights to initiate any claim or proceeding before a tribunal or court under domestic or international law with respect to a measure alleged to constitute a breach referred to in the claim. This is one of the many improvements of the new ICS compared with the old system.

At the separate stage of enforcement, it may be the case that enforcement of the award is pursued in different jurisdictions - that can happen in all sorts of cases and not just under trade agreements - if the state against which the award has been made has assets in those jurisdictions. The Villa Spada, which has been referenced a number of times, would be protected under the Vienna Convention. Diplomatic property is immune from any court proceeding anywhere in the world so there is no question of any of our lovely embassies or residences being seized in any circumstances, unless the country was to breach the Vienna Convention. That will not arise. Enforcement could only be pursued in different jurisdictions to obtain full satisfaction of an award and not double-payment of an award. We cannot agree to amendment No. 6.

Senator Sarah O'Reilly: I have only been here for the very short time of a year but I am trying to get to grips with things. Sometimes, when people are talking, I ask myself what did they actually say. There were an awful lot of words there but I do not think the Minister of State addressed what we are looking for here today. On the capacity of the State being materially impaired to legislate or regulate in the public interest, we have really been trying to stress our point on that over and over and in different ways to get the Minister of State to answer it and he consistently does not answer it.

All I could pick up from what the Minister of State said in his response there on amendment No. 4 - about which we have been stressing about over and over and which is really what this comes down to - I have just written a note that the Minister of State said the judge asked us or warned us not to be overly prescriptive. I do not feel that is overly prescriptive at all. It is merely a mirror image of what the Government has written itself. The amendment mirrors what the Government drafted and the only significant change was in the proposed subsection(3)(c), which simply states that an award should not be enforceable where it would "materially impair the capacity of the State to legislate or regulate in the public interest". The Government is effectively exposing the country to arbitration courts. The Minister of State spoke in his response about trade. We are talking about arbitration courts here, not trade and jobs. Yes, the Minister of State says in his response there is €12 billion of trade with Canada. That €12 billion of trade is happening without this agreement. He still has not explained the need for this agreement as it is or the reason he is refusing to accept amendment No. 4.

On amendment No. 6, Senator Clonan brought up the socialisation of the debt and exposing Irish citizens and future generations to the financial risk. If there is one thing I have learned from just being a layperson, it is that we are constantly listening to how mistakes have been made. We are constantly being told about previous errors that governments were warned about but refused to listen to and there is a pattern and history of this. I know exactly what the Minister of State will say in a few years' time. He will say we were dealing with the best advice available to us. That will be too late. All we are asking the Minister of State to do is listen to proposed amendments that we see as protecting our sovereignty and our taxpayers against possible exposure to huge fines or penalties.

On the Trócaire point, Trócaire is speaking because it has seen the damage from arbitration tribunals up close. That is why it is speaking. I do not think the Minister of State has covered the chilling effect.

On this side of the House, we are all in agreement about the chilling effect caused. Whereas we can see it happening, the Minister of State has not pointed out that it is not. I ask him to accept amendment No. 4. It is not overly prescriptive, as he has said. It is fair and would endorse our sovereignty. The Government is focused on giving additional rights to corporations and not protecting the Irish taxpayers, who will eventually end up paying the bill because of the "best advice" that was available to us at the time. I sometimes go back up to my office and say I do not know what has been said in the Chamber. This is because an awful lot of it is bluster. I deal only in direct, clear language, and we have been very clear on this side about what is wanted. There has been a disingenuous approach to what we are asking for. Many times before, issues with legislation have cropped up that have been warned about. I ask the Minister of State to consider amendments Nos. 4 and 6.

Acting Chairperson (Senator Shane Curley): An bhfuil an tAire Stáit ag teacht isteach arís? I think he has covered a lot of that.

Deputy Thomas Byrne: I am more than happy to. If there were a problem with the right to regulate in the way the Senator has described, although I am saying there is not, I would not be dealing with it here because it would be way too late. You need to deal with it in CETA. The argument I am making is that, on the basis of the very text of CETA, the interpretive statement made and the decisions of the European Court of Justice and, indeed, the Supreme Court,

nobody saw an issue with the right to regulate. This is because of the language used. If I agreed with the Senator that there were a chilling effect on regulation, I absolutely would not be addressing it here. I would have addressed it a few years ago when CETA was being negotiated, or I would not have proposed the ratification of CETA to the Oireachtas. I would not be waiting until we had a trade agreement. There are rules for investors, which are to protect Irish companies also, and there are lengthy procedures for dealing with them. In those procedures, we did not forget to refer to the right to regulate. Every t is crossed and every i is dotted as best we can. I would not be doing it-----

Senator Sarah O'Reilly: That is-----

Deputy Thomas Byrne: Let us be honest: every time we sign up to an international agreement – the EU is the most famous example of them all – we share a little bit of our sovereignty. That was the issue in our Supreme Court. Why do we share sovereignty? We do so because we all get huge benefits from it. We become part of something bigger and our people benefit. If I agreed with the Senator – I do not, although I respect her arguments – I would absolutely not be doing now what she proposes because it would be too late. We have gone through the procedures. Luckily, we have dealt with the procedures in the negotiation of CETA. In the various documents that have arisen from that, we have dealt very comprehensively with the rights to legislate and regulate. I am representing the Government and we do not feel chilled about this in any way whatsoever, because the text is in black and white. I cannot put it any clearer. We keep hearing about cases from a different system, a different era. Mexico was referred to. Such an agreement would probably be ratified using this procedure here.

I cannot put my case any further. We do not envisage any impact on the right to regulate. I have quoted at length from the agreement on that.

Amendment put:

The Seanad divided: Tá, 16; Níl, 24.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Blaney, Niall.
Boyhan, Victor.	Brady, Paraic.
Clonan, Tom.	Byrne, Cathal.
Collins, Joanne.	Casey, Pat.
Conway, Joe.	Clifford-Lee, Lorraine.
Cosgrove, Nessa.	Comyn, Alison.
Higgins, Alice-Mary.	Conway, Martin.
McCarthy, Aubrey.	Costello, Teresa.
McCormack, Maria.	Curley, Shane.
McDowell, Michael.	Daly, Paul.
Murphy, Conor.	Davitt, Aidan.
O'Reilly, Sarah.	Duffy, Mark.
Ruane, Lynn.	Flaherty, Joe.
Stephenson, Patricia.	Gallagher, Robbie.
Tully, Pauline.	Kelleher, Garret.

	Kennelly, Mike.
	Lynch, Eileen.
	Murphy, P. J.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	Rabbitte, Anne.
	Scahill, Gareth.

Tellers: Tá, Senators Sarah O'Reilly and Alice-Mary Higgins; Níl, Senators Cathal Byrne and Paul Daly..

Amendment declared lost.

Amendment No. 5 not moved.

Senator Chris Andrews: I move amendment No. 6:

In page 4, between lines 19 and 20, to insert the following:

"(4) For the avoidance of doubt, awards under an international agreement referred to in subsection (1) shall not be enforceable or recognised in the State if such awards were sought in a foreign jurisdiction or an international body.".

Senator Maria McCormack: I second the amendment.

Amendment put:

The Seanad divided: Tá, 16; Níl, 24.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Blaney, Niall.
Boyhan, Victor.	Brady, Paraic.
Clonan, Tom.	Byrne, Cathal.
Collins, Joanne.	Casey, Pat.
Conway, Joe.	Clifford-Lee, Lorraine.
Cosgrove, Nessa.	Comyn, Alison.
Higgins, Alice-Mary.	Conway, Martin.
McCarthy, Aubrey.	Costello, Teresa.
McCormack, Maria.	Curley, Shane.
McDowell, Michael.	Daly, Paul.
Murphy, Conor.	Davitt, Aidan.
O'Reilly, Sarah.	Duffy, Mark.
Ruane, Lynn.	Flaherty, Joe.
Stephenson, Patricia.	Gallagher, Robbie.
Tully, Pauline.	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	Murphy, P. J.

	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	Rabbitte, Anne.
	Scahill, Gareth.

Tellers: Tá, Senators Chris Andrews and Pauline Tully; Níl, Senators Cathal Byrne and Paul Daly.

Amendment declared lost.

An Cathaoirleach: Amendment No. 7 has been ruled out of order.

Amendment No. 7 not moved.

Senator Alice-Mary Higgins: I move amendment No. 8:

In page 4, between lines 19 and 20, to insert the following:

"(4) Where an applicant is seeking leave from the High Court for enforcement of an award pursuant to an international agreement, the applicant shall demonstrate to the satisfaction of the High Court that the enforcement of that award shall not compromise—

(a) the constitutional order of the State,

(b) the fundamental principles of the constitutional order of the State,

or,

(c) the State's obligation (reflected in Article 29.4.4 of the Constitution) to give effect to European Union law (including the Charter of Fundamental Rights and Freedoms) and to preserve its coherence and integrity.".

Senator Patricia Stephenson: I second the amendment.

Senator Alice-Mary Higgins: Amendment No. 8 seeks to reverse the burden of proof, so that where an applicant is seeking leave from the High Court for enforcement of an award, the applicant would demonstrate that the enforcement of the award would not compromise the constitutional order of the State, the fundamental principles of the constitutional order of the State, or the State's obligation to give effect to European laws, including the Charter of Fundamental Rights and Freedoms. Rather than it being the case that the State would go to the High Court to say it does not wish to allow enforcement on an award, because it feels it is in breach of the constitutional order of the State or EU law, the obligation would be on the applicant, that is, the company seeking enforcement of an award. It would have to demonstrate that the enforcement of the award would not breach these factors and is not in breach of them. It is a shifting of the burden of proof. It would ensure that any enforcement in the State would at least have gone through some process of consideration by the High Court in which the question of the constitutional order and that of the EU would be weighed up.

Deputy Thomas Byrne: As previously stated, the Government, with the help of the Attorney General, the legal advisers of the Department and my officials, whom I thank for their work, has carefully considered the Supreme Court's findings in the Costello case. I have said this repeatedly. Those findings encompass specific references to the constitutional order of the State. The Bill sets out the response to the Supreme Court judgment, including the specification of the grounds on which an award is not enforceable. We believe amendment No. 8 is unclear, unnecessary and somewhat duplicative as well. Our provision in the Bill closely follows the guidance of the Supreme Court. The procedure in relation to the new section 25A will follow the original, parent Act and the relevant rules of court. For these reasons, I am unable to agree to amendment No. 8.

An Leas-Chathaoirleach: How stands the amendment?

Senator Alice-Mary Higgins: I am pressing it.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 9:

In page 4, between lines 19 and 20, to insert the following:

> "(4) The High Court shall have full discretion to refuse leave for enforcement of an award made pursuant to an international agreement to which this section applies where that award was in relation to a public procurement decision made to ensure compliance with section 42 of Irish Human Rights and Equality Commission Act 2014.".

Senator Sarah O'Reilly: I second the amendment.

Senator Alice-Mary Higgins: Amendment No. 9 is the same point in respect of measures that are taken in relation to equality. In their public procurement decisions, the State and various bodies of the State, as public procurement falls within the remit of the CETA deal, have an obligation to ensure compliance with section 42 of the Human Rights and Equality Commission Act, in terms of a positive duty in respect of equality and human rights.

7 o'clock

Where a policy or procurement decision is made, to ensure compliance with that duty on equality, such a decision should not be eligible for the enforcement of cases. It is just one specific example of the public interest. The Minister of State has still not really addressed the chilling effect and awards getting reduced if you change or modify the law - that text in CETA - and the question of where fair and equitable comes in. There is a concern not just in terms of the effect on laws but on other policy decisions of the State that may be seen not just as frustrating a reasonable expectation of profit but that they feel they have been unfairly or inequitably treated. They should never be able to make that claim in an instance where the decision was in terms of compliance with equality and they certainly should not be able to enforce such a claim. Equality measures have been the target of arbitration cases in the past. I mentioned those who sought compensation for the end of apartheid - companies saying that the end of apartheid messed up their expectations and they believed it unfair and inequitable to

be treated in that way. It is a reasonable measure. I am not going to go into it at length because we do not have time but it is one example of a public interest matter.

Deputy Thomas Byrne: We have debated these things at length. I am in the Seanad's hands on that. I keep looking back to documents, comments and statements. I looked at a statement issued by the EU and Canada following the fifth meeting of the CETA joint committee. A joint committee was established. To be honest, the Opposition could have written this themselves:

> ...the Joint Committee adopted the CETA 'Interpretation on Investment', to clarify elements of investment provisions under CETA, notably "fair and equitable treatment", "indirect expropriation", and "investment and climate change," and ensuring the Parties can regulate to achieve legitimate policy objectives such as in the framework of climate, energy, and health policies.

I keep saying it. Honestly, you could have written it yourselves. I do not know how much more I can say to counteract the worries, fears and, I would say, the scaremongering from some - not all - that keep being put forward in this debate. We can debate this as long as the Seanad wants - it has 90 days under the Constitution to make its mind up, I suppose. This could not be clearer. What we are concerned about is the enforcement of awards. Nobody in the public policy space, on this side, wants our right to regulate to be chilled. We are not here on behalf of companies that are going to sue the State for billions of quid. We have specifically provided that cannot be allowed to happen. We are here for our voters, our citizens and our people. Whether one likes international investment and trade or not - I am a big supporter but I know not everybody is - undoubtedly they have provided prosperity to people in a way they did not enjoy in the seventies. This land of milk and honey - it was a different country then. We are far more prosperous by any measure now. In fact, we are building more houses than at any time since then. We keep saying it. The Opposition keeps saying that is not correct and contradicting the written evidence in so many documents, including the very foundational treaty itself. I cannot put the matter any further.

Senator Alice-Mary Higgins: The text has not been addressed - the Minister of State read the interpretative agreement, which does not have a binding piece. Article 8.39(3) states, "For the calculation of monetary damages, the Tribunal shall ... reduce the damages to take into account ... repeal or modification of the measure." If you change or repeal the law, you will have less of a bill. If that is not a clear chilling effect, I do not know what is. The Minister of State also did not address "fair and equitable". I will press this amendment. We will have a chance to come back on other issues.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 10:

In page 4, between lines 19 and 20, to insert the following:

> "(4) The High Court shall have full discretion to refuse leave for enforcement of an award made pursuant to an international agreement to which this section applies where such enforcement would not be in the public interest.".

Senator Lynn Ruane: I second the amendment.

Senator Alice-Mary Higgins: I do not need to speak about the amendment at great length because it is a point that has been made. These are issues of the public interest. They are the concerns which have been expressed very strongly by all across the Opposition. They are very legitimate concerns. They are based on the evidence of every arbitration body that has ever existed, though the Minister of State reminds us that one of the arbitration bodies attached to the CETA is a new one even though of course there is potential for old rules to come in and for other forms of arbitration to be attached to other trade deals with this new mechanism. All the evidence of how this has panned out every time it has been done is that cases are taken against the public interest and the public interest is compromised. That is what we pointed to in the evidence. The risk the Government is taking - it is saying it is a new thing, we do not know how it is going to go but it thinks it is going to go great yet we are telling the Government this is how it has always gone. In every instance, this is how corporations have continuously used these tools again and again. There is text built into the supposed new regime that talks about diluting laws and repealing or modifying them to avoid the bill. The companies that take cases advertise the fact that you can get a country to change its laws without even having to win the case, by just the threat. That is how it is designed to work, and the fact that there has never been a case made that it is really needed because our courts work fine. It is a thing that is wanted by corporations which they added on because CETA started negotiations years ago when these were still in play. They are not adding very much but the Government is asking us to take a risk, just trust and not worry because it thinks it is going to be fine. This reminds me of when I brought my very first Private Members' Bill in 2016 on CETA and the Singapore agreement. The Government argued I was wrong but I was right. The European Court of Justice proved my analysis was correct. I said they were going to treat the trade bit and investor courts separately, that is what was going to happen and that is what did happen. Investor courts are treated separately. That is part of why we have this whole set of decisions. The Singapore ruling-----

Deputy Thomas Byrne: It is standard practice in treaty implementation. It has happened with Mercosur as well.

Senator Alice-Mary Higgins: The Singapore ruling stated - that is why all this talk about trade-----

Deputy Thomas Byrne: That is not a scandal. That is not giving extra rights to people that are not in the treaties.

Senator Alice-Mary Higgins: I literally do not know what the Minister of State is saying in that regard. The European Court of Justice Singapore ruling made it clear trade is the EU competency, that is what the Commission does, and the investment court component is a sovereign and separate decision. That is what was anticipated, that it would be treated separately in 2016. At that time, the Government was really confident that was not going to happen and it was wrong. The Government is very confident that somehow for the first time in history there will be an arbitration tribunal body that will never have an impact on the public interest despite decades of experience.

That is why Trócaire cares about it. That is why I care about it. I come from working with Comhlámh, which led on this when it saw the impact these kinds of agreements had on developing countries. I have worked on it for 15 years.

We had a discussion on this in 2016, during which I spoke to a Government Member who said if it was as bad as it seems we would not be doing it, but we are doing it so it must not be as bad as it seems. That was the end of the argument. It was a circle of an argument. That is kind of where we are now when it comes to the public interest. We are all saying that there is a risk to the public interest, and the evidence of decades shows that. The Minister of State said it is too late. It is not too late. He has provisional trading applying. He has acknowledged that there is no deadline or timeline that requires Ireland to move to full ratification. There is no pressure if there is no date in Europe.

Some countries provisionally ratified the Energy Charter Treaty for 20 years and were then able to exit it immediately, whereas the countries that fully ratified it had a 20-year zombie closed attached when they all tried to leave, having all thought it was going to be fine. The public interest concerns are very real. Simply saying it is new and we think the text will work better does not justify the taking of a risk. It is the choice of the Government to push this matter through at a time when there is no obligation and there are no trade benefits or issues with our national courts. That is risk-taking behaviour in the extreme. As I said, on the public interest point the Minister of State has not addressed the question of the repeal or modification of laws in order to reduce the bills. I would like if that could be addressed.

Deputy Thomas Byrne: I respect Trócaire and Comhlámh. I still cannot understand why they would seek to insert themselves into this particular debate, which is between the EU and Canada, two of the most prosperous entities in the world. We have acknowledged that there were problems with the old system of ISDS and there problems in the Third World, which those organisations are right to highlight. To parlay that experience into an agreement between two capable actors on the world stage is not correct.

Senator Alice-Mary Higgins: The investor court is a corporation; it is not actually an agreement.

Deputy Thomas Byrne: The Senator said it is a new thing, there is too much risk and we do not know how it will work. The same could be said for every new thing. What do we do when we are introducing anything? We draft legislation. We cross the t's and dot the i's. We draft, create and craft the legislation to ensure it suits the needs that the Parliament wants to address. That is exactly what has been done with CETA. I have repeatedly stated here that the right to regulate is not impacted.

The Senator quoted from Article 8.39(3), but the provision is in keeping with the trend of limiting available remedies for investors. It is in line with the goal to preserve the regulatory space of states. What is envisaged is that where something that happens, which is in breach of CETA, such as deciding to seize the property only of Canadian companies, that would be modified. That is the modification we are talking about. We are not talking about what the Senator referred to, namely, that we would not be able to modify our laws under our right to regulate, which is part of who we are as a sovereign nation.

The Senator is conflating one thing with another. That is causing some confusion. There is no risk to the right to regulate. This is something that we can do. In fact, a huge amount of the right to regulate has been allocated to the European Union institutions and the European Union treaties and I do not hear a complaint about that because it works really well. We are not giving any right to regulate away in this particular operation. When we have done it in European Union treaties, it has been a massive benefit to Ireland to have common rules around the Single Market so that our companies can trade around Europe.

Due to the protections in this trade agreement, our companies can trade with Canada and create jobs. Our companies can go to Canada with assurance, protection and the knowledge that they will not be treated arbitrarily. That is needed. It does not affect the right of any province, government or municipality of Canada to bring in its own rules and regulations. Irish companies going to Canada know that.

The amendment proposes to assign an extremely broad discretion to the High Court regarding the enforcement of relevant awards. The Government has carefully considered the Supreme Court's findings in the Costello case. The Bill sets out the response, including the specification of the grounds on which awards may not be enforced in subsection (3). We looked to the Supreme Court, which is what one would expect a competent Government and Attorney General to do. We took the advice of the Attorney General and officials. We considered previous references to constitutional order in Irish case law, as well as addressing the enforcement of judgments of Irish courts.

Amendment No. 10 seeks to extend and expand on what has been carefully considered in order to produce a proper Bill. The Bill has been drafted to ensure compliance not just with the Constitution, but also the international obligations which Ireland will assume on ratification of the relevant agreements. Therefore, I cannot agree to this amendment.

Amendment put and declared lost.

Senator Nessa Cosgrove: I move amendment No. 11:

In page 4, to delete lines 20 to 23.

Senator Alice-Mary Higgins: I second the amendment.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendment No. 12 has been ruled out of order. It was previously rejected in a Committee of the whole Seanad.

Amendment No. 12 not moved.

An Leas-Chathaoirleach: Amendment No. 13 arises out of committee proceedings. Amendments Nos. 13 and 14 are related. Amendment No. 14 is a physical amendment to amendment No. 13. Amendments Nos. 13 and 14 may be discussed together. Is that agreed? Agreed.

Senator Nessa Cosgrove: I move amendment No. 13:

In page 4, to delete lines 24 to 38 and substitute the following:

"(5) Subject to subsection (6) and (8), the Minister for Foreign Affairs and Trade may, after consultation with the Minister for Finance and the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, prepare an order to prescribe an international agreement as an agreement to which this section applies where—

(a) the State is,or intends to become, a party to the agreement,

(b) the agreement is wholly or partly concerned with the protection of investment, and

(c) the agreement provides for the making of awards pursuant to its investment dispute resolution provisions.

(6) Before making any order under subsection (5) the Minister for Foreign Affairs and Trade shall—

(a) after consultation with the Minister, The Minister for Finance and the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, prepare a detailed estimate of potential claims against the State arising from the agreement proposed to be prescribed, including based on the extent to which the State or public bodies have encouraged investors to invest in the State, and an associated statement,

(b) provide a copy of the estimate and the statement prepared under paragraph (a) to each of the Oireachtas Committees for each of the Ministers referred to in paragraph (a), and the Committees shall undertake such scrutiny of the proposed order as they shall determine, including hearing evidence directly from each of the Ministers referred to in paragraph (a), and the Committees shall make recommendations on the order and estimates accordingly for each of the Ministers to consider,

(c) each of the Ministers shall consider any of the recommendations from Committees arising from the scrutiny performed under paragraph (b), and the Minister for Foreign Affairs and Trade shall again consult the Minister, the Minister for Finance and the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation in light of the recommendations of the Committees, and

(d) following the further consultation in paragraph (c), maintain the order and associated estimates as prepared under paragraph (a) or amend them accordingly on foot of the recommendations arising from paragraph (b) and the consultations under paragraph (b).

(7) If the Minister still wishes to proceed with the making of the order, he or she shall lay the order before both Houses of the Oireachtas, as prepared or as amended consequent on subsection (6)(c), together with his or her reasons for accepting or rejecting any recommendations of the Committee under paragraph (b) of that subsection.

(8) No order shall be made under this subsection, unless a resolution approving the order and the associated estimates has been passed by both Houses of the Oireachtas, further to a debate in each such house of a duration no less than 3 hours.".

Senator Alice-Mary Higgins: I second the amendment.

Senator Nessa Cosgrove: This again comes back to the public interest and the responsibility that we have to the public. The amendment is an attempt to at least put some democratic guardrails on the process. It would modify the procedure by which the provisions of the Bill could apply to additional agreements. It would require that the Minister prepare a detailed estimate and statement on the potential cost exposure of the State arising from the prescription of any agreement under the Bill and would specify that such prescription must be agreed to by the passage of a resolution by both Houses of the Oireachtas. It seeks a minimum time of at least three hours for debates on the resolution of both Houses. It would also require inter-ministerial consultations and consultations with an Oireachtas committee in the process.

The powers being given to the Minister under this subsection are unjustifiable and we completely oppose it. We hope this amendment will put some democratic guardrails on the process and at least ensure that the elected Houses of the Oireachtas have a chance to discuss and debate this before we are signed up to the new investor court. That is the least we can do as politicians. I do not think it is a big ask. This would ensure that the Minister needs to examine closely the impacts of such a change. The Minister of State said earlier that it is too late but I do not think it is. This amendment would be the bare minimum and I hope he can accept it.

Deputy Thomas Byrne: I do not think I need to clarify this but when I spoke about it being too late I meant that if I agreed with the Opposition it would be too late to do what it wants to do. We would have done that earlier. I did not mean it was too late in the context of this legislation. Amendment No. 13 proposes to delete the order-making powers, as drafted, and introducing a new onerous system for making orders, including replacing the negative resolution requirements with a positive resolution requirement.

Senators have raised questions about the order-making power. It might be of help to clarify the process that would be in place in relation to the ratification of international agreements, which this Bill does not do by the way, after the legislation enters into force. When Ireland intends to enter into a new international agreement, including agreements pertaining to investor dispute resolution provisions, an assessment is made as to whether any steps, including legislative steps, are required in order for Ireland to be in a position to give effect to the international obligations contained in that agreement. Where such steps are identified, they are taken before the ratification proceeds. This process is separate from the constitutional requirement for Dáil approval of international agreements that give rise to a charge on public funds. Ultimately, CETA will not come into force unless and until the Dáil approves it.

In the context of any further international agreements, which include investment dispute resolution provisions, orders pursuant to the new section 25A will be made as part of the standard steps required prior to ratification of such agreements. Pursuant to the new section 25A(6), any order made under the new legislation must be laid before both Houses of the Oireachtas and each House will have an opportunity to pass a resolution annulling the order. The Seanad has a role there. If such a resolution annulling the order was passed by either by either the Dáil or the Seanad within 21 days, the order would be annulled. If the relevant agreement involves the charge on public funds, a Dáil motion would separately be required before ratification. It has already been determined that this would be the case in relation to CETA and the EU agreement with Chile, which are two agreements that are listed in the Bill.

We expect that other similar agreements are also likely to require Dáil motions and thus provide further opportunity for scrutiny, including at the relevant committee.

With the help of the Attorney General, the Government has carefully considered the Supreme Court's findings and this legislation sets out our response, including what are standard negative resolution provisions. The Government is of the view that this approach achieves the correct balance of legislative efficiency and parliamentary scrutiny. Secondary legislation must be consistent with and based on legislation adopted by the Oireachtas. If not, it can be overturned by the courts. The detailed and prescriptive approach specified in amendment No. 13 would make the process for making orders pursuant to this legislation closer to and in some cases more onerous even than new primary legislation. Therefore, I cannot agree to the amendment.

Regarding amendment No. 14, as explained previously, the provisions of the order-making power have been drafted in close consultation with the Office of the Attorney General. Sustainable development policies and objectives have been mainstreamed into all EU policies in accordance with the UN 2030 agenda and its 17 sustainable development goals, the Paris Agreement on climate change and other multilateral agreements for the protection of the environment and labour standards. These multilateral agreements and conventions have become the global framework for international co-operation and action on sustainable development and serve as a compass for sustainable development commitments in EU trade agreements as well. All modern EU trade agreements already include trade and sustainable development chapters. These require parties to make continuous and sustained efforts towards the effective implementation of multilateral environmental agreements that they have ratified, including the Paris Agreement and the Convention on Biological Diversity. In 2022, the Commission identified policy priorities and key action points which further enhance the effectiveness of the engagement-based approach to trade and sustainable development, grounded in the international framework and standards with stronger implementation and enforcement. In particular, this enhanced approach includes the use of trade sanctions for breaches of core trade and sustainable development provisions.

In addition to these environmental protections already contained in modern EU trade agreements, including CETA, in March of this year the CETA joint committee adopted the CETA interpretation on investment to clarify elements of investment provisions under CETA, notably investment and climate change. The parties reaffirmed their right to regulate within their territories to achieve legitimate policy objectives to protect the environment as set out in Article 8.9(1) of the agreement, including by taking measures to mitigate or combat climate change or to address its present or future consequences. When interpreting the provisions of chapter 8 investment of the agreement, the tribunal shall give due consideration to the commitments of the parties under multilateral environment agreements, including the Paris Agreement. In particular, the parties' rights and obligations under chapter 8 investment of the agreement should be interpreted in a manner that supports the ability of the parties to give effect to their respective commitments to reduce greenhouse gas emissions by adopting and maintaining measures designed and applied to mitigate or combat climate change or address its present or future consequences.

The matter has been covered in an extremely detailed fashion in the agreements already but, again, the more I read out, the less some Members believe what is actually written down in

front of us. That is the unfortunate reality. I respect what everybody saying but I cannot agree to accept amendment No. 14.

Senator Nessa Cosgrove: The Minister of State speaks about climate measures when we are not adhering to the Paris Agreement and are very happy to actually be charged fines for not reducing climate emissions so I do not think his comment holds up at all. That is what this is looking for. It is just looking for extra scrutiny - inter-ministerial scrutiny - and I do not think it is unreasonable to put those safeguards on it. Using our climate is definitely not the best argument because this Government in particular is doing nothing for it and is actually happy to have fines rather than meet our climate targets.

Senator Alice-Mary Higgins: The Minister of State is reading at length again from text that is around how the parties might behave within CETA but the key-----

Deputy Thomas Byrne: That is what I have to do. I cannot make things up. I have to read what is written down and what we are voting on.

Senator Alice-Mary Higgins: The key thing is that the corporations do not have to necessarily have this. We have seen a huge dilution of climate laws. The Minister of State quoted from CETA, which my amendment did not even relate to. My amendment related to new and other agreements. For example, the US has left the Paris Agreement. Will Europe negotiate a new trade deal with the US and will Ireland become party to arbitration measures under that if the US remains outside the Paris Agreement - "Yes" or "No"? Is that going to be part of it? Is it going to be there? We do not know.

This is the key point. We do not know the countries with which agreements may be made and we do not know what conditions may be attached to them but we do know that we will not even have the opportunity to waive pre-legislative scrutiny the next time this comes around. It will simply be a vote of the Dáil and that is going to be the decision - a Minister's proposal and a whipped vote of the Dáil - in relation to any future potential trade agreement with any kind of future arbitration agreement measures attached to it. There is absolutely no guarantee as to what they will be besides the Minister of State's hope for what it might be. Sadly, we have already seen a huge dilution of climate action over the past couple of years, which is a very worrying signal. We have not seen a strong and robust push back against the US in terms of it leaving of the Paris Agreement. In fact, we have said we will buy its LNG. We will buy its LNG, which is one of the most damaging fuels to the environment, produced in a country that has said it will not abide by the Paris Agreement. I would not be so confident and that is why I was looking to put in that safeguard so that, at a minimum, we would ensure that unknown future trade deals with unknown arbitration measures attached that the Minister may look to tie up by a single Dáil vote will only be with countries that are part of the Paris Agreement.

Deputy Thomas Byrne: I have been criticised for reading from text but our laws are text. I have to read from text to make my points. I cannot make things up. I have to read what is written down in black and white. I am speaking on behalf of the Government.

Senator Alice-Mary Higgins: It is irrelevant.

Deputy Thomas Byrne: The text is highly relevant because I am quoting from documentation and from what we are voting on. I cannot just come in here and not read from text. We have to be very precise about what we are voting on. I am sorry that the Seanad does not have a vote on agreements that involve a charge on the State. That is the way the Constitution is written - for good reason actually because the Dáil holds the purse strings. That is just the way it is but the Seanad has a role because it has the power of annulment. There is a power of annulment in our Bill if we were to designate other agreements. That is there and it does give the Seanad a role and the Seanad can speak about trade agreements. I will happily come in and defend trade agreements at any point if the leaders ask me to do so.

However, we cannot change the Constitution. I have been a Member of this House and have huge respect for it, but that is just the way it is. The Dáil has this say because it is a directly elected House. That is why it has the power of the purse string in this particular context. However, the Seanad still has the right to annul if it does not like the fact that we designate an agreement. If we are talking about climate change, the question here is on the impact of this legislation on our climate obligations. It is a separate debate from what has been coming from much of the Opposition.

Senator Alice-Mary Higgins: It includes potential future other agreements and arbitration measures. The legislation is not a bounded set. It opens it up to a new set. We are simply trying to put in a provision in relation to other future agreements.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 14:

In page 4, between lines 27 and 28, to insert the following:

"(b) all States that are party to the agreement are also party to the Paris Agreement,".

Senator Lynn Ruane: I second the amendment.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendment No. 15 has been ruled out of order.

Amendment No. 15 not moved.

Senator Alice-Mary Higgins: I move amendment No. 16:

In page 4, between lines 31 and 32, to insert the following:

"(6) For the avoidance of doubt, the provisions of this section shall not apply in respect of any international agreement referenced in subsection (1) if the State is no longer party to that agreement, regardless of any provisions within the aforementioned agreement.".

Senator Lynn Ruane: I second the amendment.

Senator Alice-Mary Higgins: With this amendment, we are effectively looking to ensure that the provisions of the section would not apply to an international agreement if the State is no longer party to that agreement regardless of any provisions in the aforementioned agreement. This is with regard to what we learned from the Energy Charter Treaty. Some countries were able to exit it immediately because they provisionally applied it for decades. That is an option. When others exited, they were faced with a 20-year exit clause. Ireland was one of the last countries to exit the Energy Charter Treaty, up to four to five years after there had been calls for that exit. Ireland delayed and delayed and said we wanted to wait until the European Union as a whole left, which it did, and then Ireland waited another two years. This is relevant because when we look to what we want to achieve on climate by 2030 and 2040, we would be a lot further down the way of being out of the influence of the Energy Charter Treaty if we had acted earlier when the first warnings about an exit were given. Those warnings were given by the Opposition and were disregarded by the Government. Will the Minister of State confirm that the Energy Charter Treaty can be enforced? Does it fall in here? It is one that we have exited. If we sign up to another agreement and we exit it, and during the period of a zombie clause attempts are made to enforce it, will our High Court still allow the enforcement of an agreement we have left? How long does the finger of this last?

In the case of CETA, we know it will be extremely difficult for us to leave. We can choose to give power to the investor courts but once we have done so, we cannot exit on our own from the investor court component or other components. This is the high-stakes game the Government is entering us into. We would require all EU countries to agree simultaneously to exit and there would be a zombie clause. That is just for CETA, which is one of the agreements we are talking about. There are other arbitration tribunal systems and the other trade agreements that may come in under this legislation.

If the Bill is about enforcement, will the Minister of State, by accepting our amendment, ensure that the High Court is empowered to deny enforcement and state that there will not be enforcement of any order that is made in relation to an agreement which we have left? Will we be tied to the zombie clauses? What is the Government's position and perspective in relation to this? Will the Minister of State comment explicitly on the Energy Charter Treaty in relation to enforcement of it, as well as on the question of future enforcement?

Deputy Thomas Byrne: I can only comment on the amendment at hand. The amendment speaks about the avoidance of doubt but does not appear to reflect the current legal position in the Bill or in current law. The proposed amendment appears to be an attempt to circumvent the withdrawal provisions and any applicable sunset clauses included in a relevant international agreement through domestic law. The Bill has been drafted to ensure compliance with the Constitution and the international obligations Ireland would assume upon ratification of the relevant agreements. The inclusion of this amendment would not be inclined to those obligations and, therefore, we cannot agree to it.

Senator Higgins has argued that Ireland should not ratify CETA and other similar agreements because in her view the route for potential withdrawal from such agreements in future is not acceptable. In the first instance, I must stress that we have no intention of withdrawing from CETA. There have been ten great years for ordinary working people in this country whose incomes have increased and for businesses. We are working with the legislation to meet all of the domestic requirements in order to be in a position to allow us to go with a

proposal to the Government and then to the Dáil to ratify the CETA agreement. In spite of this, it is the case that if the EU and EU member states, including Ireland, come to the conclusion that circumstances arise in the case of CETA or a similar agreement whereby they should withdraw for whatever reason, and it would be really bad news for Ireland if that happened, the agreements include provision for termination.

We have collectively agreed it through the democratic process at EU level. I see the Labour Party criticising this but it was in government when this was negotiated. I do not put any bad faith on them at that time.

Senator Nessa Cosgrove: We never supported the investor courts.

Deputy Thomas Byrne: I know the way these things work. The Labour Party had a trade Ministry for a period of that Government, and trade Ministers would have been regularly informed by the Commission negotiators as to how the negotiations were going. This happens all the time in relation to trade agreements.

Senator Nessa Cosgrove: We never supported the investor courts.

Deputy Thomas Byrne: I can say this for a fact. We are constantly updated. The Minister, Deputy McEntee, was on the phone yesterday with the Commissioner, Mr. Šefčovič, about the various trade agreements he was negotiating on our behalf, and this would absolutely have been the case when the Labour Party was in government when this was being negotiated.

Senator Nessa Cosgrove: We never supported investor courts.

An Leas-Chathaoirleach: The Minister of State without interruption.

Deputy Thomas Byrne: We have agreed together at EU level to have a trade and investment agreement with Canada. Therefore, it makes absolute sense that it would be a collective decision to terminate it. I cannot envisage circumstances in which we would want to end the agreement. In the case of Ireland alone, we have seen bilateral trade in goods and services increase from €3.2 billion in 2016 to more than €12 billion in 2024. This supports thousands of jobs. I hear all of these allegations that there is going to be billions of euro worth of liability. Nobody talks about the billions, specifically €12 billion in 2024, in trade in goods and services; it is a case of that being grand and it just happens. It does not just happen, actually. It happens because of the entrepreneurial skills of Irish people and Canadians, and because politicians have negotiated trade agreements. All trade agreements and all international agreements involve some level of compromise. There is give and take but the point of that give and take is that everyone benefits in the end. I really believe this is the case with CETA and the other trade agreements the European Union has entered into and from which we get huge benefit.

Senator Alice-Mary Higgins: The Minister of State did not answer my question on the Energy Charter Treaty.

Deputy Thomas Byrne: I am not here to discuss that.

Senator Alice-Mary Higgins: The Minister of State is, given the language in the Bill.

The Minister of State talks about ten great years. Those are the ten great years of provisional application, which we have already had, which we are already applying and which are currently being gambled by the addition of an investor court component. I say that just to be clear. The Minister of State talked a lot about all of those issues but in his Bill he is not talking about that. It is stated that the Minister may, after consultation, prescribe an international agreement as an agreement to which the section applies. This is the section which states:

> For the avoidance of doubt, it is hereby declared that an award made by a body empowered to make awards pursuant to an international agreement to which this section applies is not, and never was, enforceable in the State if enforcing the award would compromise—
>
> (a) the constitutional order of the State, or
>
> (b) the autonomy of the legal order of the European Union.

The Minister of State was saying that awards are not and never were enforceable in the State if enforcing them would compromise the constitutional order of the State or the autonomy of the legal order of the European Union. He also allows for the widening of this to future agreements. I am just asking does that apply to the Energy Charter Treaty? Is it the case that awards in the Energy Charter Treaty were never enforceable if they compromised the Constitution or EU law? The experience we have of arbitration bodies is solely through the energy treaty. It is a very relevant example. Is it the case that there never was, or not? We know cases are being taken against Ireland on the Energy Charter Treaty. We know the Minister failed to deny the fact that the Energy Charter Treaty had influence and had been a factor when making and considering laws. I refer to that chilling effect we have talked about in the past. That is our experience. That is the relevant, happening-right-now experience Ireland has and I wish to know where that fits within this High Court piece. Does the High Court enforce or not enforce orders made under the Energy Charter Treaty, which Ireland has exited?

Deputy Thomas Byrne: All I will say is that the experience with investment dispute resolutions to date has been raised. Our experience of the entirety of what the Opposition is talking about is extremely limited. We were previously party to one bilateral investment treaty, which was with Czechia. That lapsed when it joined the European Union. The Senator mentioned the Energy Charter Treaty. We deposited notice of withdrawal from the Energy Charter Treaty with the Energy Charter Secretariat. That is well known. Regarding this legislation, as required by CETA and the other new EU agreements, execution of awards will be governed by the laws concerning the execution of judgments or awards enforcing Ireland. The provisions of section 25A codify Irish law in that regard.

Senator Alice-Mary Higgins: What the Minister of State said was "never". If he was saying it was never the case that an international agreement that was out of line with the Constitution or EU law could be enforceable, does that "was never" period apply to the Energy Charter Treaty or not?

An Leas-Chathaoirleach: I have let Senator Higgins in twice already-----

Senator Alice-Mary Higgins: I just wanted that answer in relation to that specific issue.

Deputy Thomas Byrne: We are codifying the law. In the Supreme Court it was said that if an enforcement was in breach of the constitutional order of the State then it would not be enforceable and therefore, with this legislation we are simply codifying that. That is what we want to achieve here.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendment No. 17 arises out of committee proceedings. Amendments Nos. 18 and 19 are physical alternatives to amendment No. 17. Amendment No. 19 a physical alternative to amendment No. 18. Amendments Nos. 17 to 19, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Chris Andrews: I move amendment No. 17:

In page 4, to delete lines 32 to 38 and substitute the following:

> "(6) An order made by the Minister for Foreign Affairs and Trade under subsection (5) shall only have legal effect once approved by resolutions of both Houses of the Oireachtas and either House of the Oireachtas may move a resolution to revoke such an order and such revocation shall take a place upon agreement of the other House of the Oireachtas by resolution.".".

Senator Nessa Cosgrove: I second it.

Senator Chris Andrews: Amendment No. 17 seeks to delete section 25A(6) and replace it with a provision that every order made by the Minister for Foreign Affairs and Trade under subsection (5) shall only have legal effect following approval of both Houses of the Oireachtas. This provision would replace the option for the Oireachtas to scrutinise orders made with an active requirement that such scrutiny would take place. It is unacceptable that there would not be a proper debate and the provisions as currently worded give extraordinary power to any future Minister or any future Government to prescribe agreements. When this was raised in the other House, TDs were told that the Government provision is standard legislation. There is nothing standard about the power that Government is seeking to give itself here, and this is about whether the State will enforce potentially huge lawsuits against itself for seeking to regulate in the public interest.

I will speak to amendment No. 19 as well. Amendment No. 19 seeks to amend section 25A(6) to remove the time limit on the ability of the Oireachtas to annul an order made by the Minister for Foreign Affairs and Trade under subsection (5) to include a new international agreement within the scope of this Bill. Again, I fully expect the Minister of State to stand up here and say that this is standard practice but I reiterate that there is nothing standard about this legislation and the Oireachtas, in the absence of a positive requirement to scrutinise, should not be timebound in such scrutiny.

An Leas-Chathaoirleach: Does any other Member wish to comment? No.

Deputy Thomas Byrne: Senator Andrews is ascribing this dramatic power to the Government that we can just sign up to an international agreement, it will destroy the country and mean we will be sued until we have no money left in this country, and that we can do this without going back to the Seanad. We cannot do that. I think the Senator knows that. Coming forward with these fantastical ideas that somehow, what we are trying to do is some secret way to bankrupt the country because of some agreement that we reach-----

Senator Chris Andrews: That is what will happen, or could happen.

Deputy Thomas Byrne: This legislation is very straightforward. There was a Supreme Court decision, which said ratification of CETA was unconstitutional. However, the Supreme Court said there was something that could be done if the Government wished to and that would make it constitutional. That is all we are doing here. That is exactly what we are doing. The legislation has been very carefully drafted with the assistance of the Attorney General based on the Supreme Court decision. The Opposition completely ignores the fact that totally separate to this legislation, which essentially classifies certain international agreements as being under the Arbitration Act, we cannot enter into any international agreement that causes a charge on public funds without going to the Dáil; the elected representatives of the people. We cannot do anything unless the Dáil agrees. There is this idea that somehow this can be all done and dusted and the Seanad does not have a role. That is the Constitution's fault and the fault of nobody else. The Constitution says the Dáil must decide whether the Government can enter into agreements or not. First of all, the EU will negotiate the agreement. We have to vote then at EU level, as does the European Parliament, to see this agreement come into operation. That is a democratic process. We saw that play out in the Mercosur agreement where we voted against the agreement. We can vote for or against these things. Then we have to put an order in here. The Dáil has the power to annul the order. The Seanad has the power to annul the order. We then have to go in to the Dáil and ask it to ratify this and agree to support this, if it requires national ratification, which this particular one does. They will not all need national ratification if they are done at EU level. There are so many steps along the way in the democratic process. The description Sinn Féin is giving it simply does not stand up to the facts. There are so many democratic steps on this way. All we are trying to do is add another one, which gives the Seanad the power to annul an order that we, the Government, would choose to make under this, in the same way it has powers to annul orders on all pieces of legislation.

Again, the Opposition seems to be making the point that this is somehow unique or dastardly on the Government's part but they are the exact same annulment provisions which, by the way, the Seanad never uses. I never see the Opposition putting forward a motion for annulment. Senator Mark Daly did so once and we almost were successful in that, but it never happens so it is hugely theoretical. We believe the approach we have adopted here achieves the correct balance of legislative efficiency and parliamentary scrutiny and therefore we cannot agree.

I have already set out the position on amendment No. 19. Introducing this amendment would mean any such order could be annulled at any time without thinking of the consequences that would affect the people and the consequences for our ratification of the agreement. There must be certainty regarding the commitments we enter into internationally, hence the need for

a timebound annulment procedure, which is pretty standard. We therefore believe the standard negative resolution in the Bill achieves the correct balance.

Of course we want certainty with all of this. Of course we want certainty with CETA. Of course we want to ratify it and see the EU ratify it. Why? Because there are people the length and breadth of this country who are employed by companies that are trading with Canada or by Canadian companies operating here and they contribute to the €12 billion generated here by that trade. People get jobs and they get prosperity but the Opposition simply want to, I suggest, remove this because of unfounded fears about legislation and unfounded fears about international negotiations which go against the very text of the agreements. I have been criticised for quoting the text because it is uncomfortable for people to hear what is actually written in these agreements and in the interpretative statements because the text goes completely against the Opposition's arguments, which are simply fantastical.

We have benefited hugely from the trade agreement with Canada and we must continue to make the case for trade. Why are there 2.7 million people working in the country when there were 1 million people working in the economy in 1973 when we joined the EU? It is mostly down to trade. It is mostly down to the fact that we can sell to the world. We make way more products and services than we can possibly consume as a country. How then do we generate money to come into the country? We have to sell products, manufacture products, provide services and sell them to the world. You cannot do that unless you have trade agreements. It is really tricky because there are tariffs and there is uncertainty in some countries, which companies will not like to deal with because they do not know what will happen with their investments. That is what this is about. It is very simple. It is not the end of the world.

As I said, with CETA it has been ten excellent years. We have Prime Minister Carney coming this week and I am sure he will get a really good welcome. We need to tell people that this is a trade agreement between the democratic member states of the European Union, which have agreed this democratically, and Canada. These are two of the best allies and friends in the world. We have cousins, friendships and business connections. Why does the Opposition only see the bad in this? If we take the steps-----

Senator Alice-Mary Higgins: We are discussing the relevant part, which is the investor courts, not the trade component.

Deputy Thomas Byrne: If we take the steps-----

An Leas-Chathaoirleach: I am sorry, Senators. The Minister of State-----

Senator Alice-Mary Higgins: I am just-----

Deputy Thomas Byrne: But the point is-----

Senator Alice-Mary Higgins: We are hearing a lecture about trade-----

Deputy Thomas Byrne: But it all comes back to this.

Senator Alice-Mary Higgins: -----when we are discussing arbitration.

Deputy Thomas Byrne: It is about a trade agreement. That is why I am talking about trade.

Senator Nessa Cosgrove: But 90% of the trade agreement is happening already.

An Leas-Chathaoirleach: Senators, the Minister of State, please.

Senator Alice-Mary Higgins: I know but it is just-----

Deputy Thomas Byrne: If we do not ratify this trade agreement - this legislation is needed for us to ratify it - the thing collapses. That is in the regulatory impact assessment.

Senator Nessa Cosgrove: What about the nine other countries?

Deputy Thomas Byrne: If the thing collapses, all those jobs - not just in Ireland but across the EU - that depend on trade with Canada could be lost. I am sorry it is not fashionable to talk about the fact that we need international agreements that have some elements of compromise and an element of sharing of sovereignty, but they bring huge benefits to us all. The EU itself is the classic example of all that.

The Supreme Court has given us guidance as to how to do this in a constitutional way. The Government is obliged to examine and take very seriously what the Supreme Court says and we have done that and done it really carefully. Anybody who reads the Supreme Court decision of Mr. Justice Hogan and then reads this legislation will see that the Government is trying to implement this constitutionally. That is all we are trying to do, because we have seen the benefits. I hope we will succeed. I hope the Seanad will support this and I hope the Dáil will support further trade agreements that require us to ratify them because we know that when we have trade agreements we benefit hugely from them. It is about time we started talking about the benefits of these trade agreements. That is how our employment is in this country. We have taxation coming in that is entirely dependent on international trade. There are not enough people on this island just to sell to ourselves and so we decided to branch out, first into the European Union and then around the world. Look at our factories. Eli Lilly in Kinsale produces the whole world's supply of Mounjaro. The botox factory in Westport produces the whole world's supply. We would not have enough people to use these products in Ireland so we are selling to the world. We cannot do that without trade agreements and this trade agreement does it with Canada. It has investor protection clauses in it and items the Opposition questions but the overall benefit is to the greater good of all the people of the country.

Trade is complicated. Negotiations are tricky. Legal texts have to be read and studied very carefully. I will not take criticism for quoting the text of the agreements we are signing up to, because that is what anyone would expect all of us to do. I was criticised for that because it did not conform to the established views of the Opposition, but the benefits-----

Senator Alice-Mary Higgins: I think the established view is that that is hilarious.

Deputy Thomas Byrne: No, the benefits are huge. I was criticised for reading the text.

An Leas-Chathaoirleach: I thank the Minister of State.

I welcome the guests of Deputy Callaghan. You very welcome and I hope you enjoy your visit to the Seanad. Also, from Herbert Road we have TCD law students who are guests of Senator McCarthy. You are also welcome. Enjoy your visit to the Seanad and Leinster House.

Deputy Thomas Byrne: They could be like me. I am a graduate of the law school.

Senator Fiona O'Loughlin: Yes. That is very exciting.

Deputy Thomas Byrne: They probably would not want to be.

Senator Fiona O'Loughlin: They would have to read texts too.

Amendment put and declared lost.

Senator Nessa Cosgrove: I move amendment No. 18:

In page 4, to delete lines 32 to 38.

Senator Lynn Ruane: I second the amendment.

Amendment put and declared lost.

Senator Chris Andrews: I move amendment No. 19:

In page 4, lines 35 and 36, to delete "within the next 21 days on which that House sits after the order is laid before it".

Senator Alice-Mary Higgins: I second the amendment.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendments Nos. 20 and 21, in the names of Senators Andrews, Collins, McCormack, Murphy, Ryan and Tully, have been ruled out of order.

Amendments Nos. 20 and 21 not moved.

Senator Chris Andrews: I move amendment No. 22:

In page 4, after line 38, to insert the following:

"Report on compliance with EU law and CETA

5. The Minister shall, within 12 months of the passing of this Act and in consultation with the Minister for Foreign Affairs and Trade, lay a report before both Houses of the Oireachtas

evaluating this Act's compliance with the Treaties of the European Union and CETA itself, and in particular shall examine—

(a) whether the provisions of section 25A of the Principal Act conflict with the duty of sincere cooperation in Article 4(3) of the Treaty on European Union; and

(b) whether the provisions of section 25A of the Principal Act conflict with CETA itself.".

Senator Nessa Cosgrove: I second the amendment.

Senator Chris Andrews: This amendment seeks to address the issues raised in a previous amendment regarding the legal compatibility of the Bill with the EU treaties, especially Article 4(3) of the Treaty on European Union, and with CETA itself. Has the Minister of State spoken to the Commission about this legislation? Has he spoken to Council colleagues from member states that have ratified CETA and would therefore be subject to an entirely different process than is envisaged in the agreement?

Deputy Thomas Byrne: Every time we have had a referendum, Sinn Féin has campaigned against the very principle outlined in the treaties of the European Union so I do not understand why this has suddenly become a big issue. I have to question the good faith of this amendment. Everything we do is in accordance with the legal advice of the Attorney General, who is more conscious than most of our obligations under EU law. Again, those obligations are massively to our benefit, contrary to the line Sinn Féin has peddled over 50 years of opposition to the European Union.

Senator Chris Andrews: The Minister of State did not answer the question I asked about whether he has spoken to the Commission about this legislation or to Council colleagues from member states that have already ratified CETA and would therefore be subject to an entirely different process. I ask him to answer that question now.

8 o'clock

Deputy Thomas Byrne: Enforcement is a matter for each member state and we are doing that here in our legislation.

Senator Chris Andrews: So, the Minister of State has not spoken to them.

An Leas-Chathaoirleach: As it is now 8 p.m., I am required to put the following question in accordance with the Order of the Seanad of this day: "That amendment No. 22 is hereby negatived; Fourth Stage is hereby completed and the Bill is hereby received for final consideration and the Bill is hereby passed."

Question put:

The Seanad divided: Tá, 27; Níl, 15.	
Tá	Níl
Ahearn, Garret.	Andrews, Chris.
Blaney, Niall.	Black, Frances.

Boyle, Manus.	Boyhan, Victor.
Brady, Paraic.	Collins, Joanne.
Byrne, Cathal.	Cosgrove, Nessa.
Casey, Pat.	Higgins, Alice-Mary.
Clifford-Lee, Lorraine.	McCarthy, Aubrey.
Comyn, Alison.	McCormack, Maria.
Conway, Martin.	McDowell, Michael.
Costello, Teresa.	Mullen, Rónán.
Crowe, Ollie.	Murphy, Conor.
Curley, Shane.	O'Reilly, Sarah.
Daly, Paul.	Ruane, Lynn.
Davitt, Aidan.	Stephenson, Patricia.
Duffy, Mark.	Tully, Pauline.
Flaherty, Joe.	
Gallagher, Robbie.	
Kelleher, Garret.	
Kennelly, Mike.	
Lynch, Eileen.	
Murphy, P. J.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
Rabbitte, Anne.	
Scahill, Gareth.	

Tellers: Tá, Senators Cathal Byrne and Paul Daly; Níl, Senators Chris Andrews and Nessa Cosgrove.

Question declared carried.

An Leas-Chathaoirleach: May I ask the Acting Leader when is it proposed to sit again?

Senator Garret Ahearn: Tomorrow at 10.30 a.m.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 8.13 p.m. go dtí 10.30 a.m., Dé Céadaoin, an 10 Meitheamh 2026.

The Seanad adjourned at 8.13 p.m. until 10.30 a.m. on Wednesday, 10 June 2026.