



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Dé Céadaoin, 10 Meitheamh 2026

Wednesday, 10 June 2026

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.

Prayer and Reflection.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: Before I read the message from Dáil Éireann, I welcome guests of Senator Evanne Ní Chuilinn from Loreto in Crumlin. I believe they are here for the day. They are most welcome to Seanad Éireann. The Senator was in touch with me earlier about making sure that they had no homework for the rest of the week. If that does not bring her a few votes in a few years' time I do not know what will. If the teachers have any issue with that, they need to give us a call.

Teachtaireacht ón Dáil - Message from Dáil

An Cathaoirleach: Dáil Éireann has passed the Gas Safety and Miscellaneous Amendments Bill 2026, changed from the Gas Safety (Amendment) Bill 2026, on 27 May 2026, to which the agreement of Seanad Éireann is desired. Please note this message supersedes the message read yesterday on 9 June.

Gnó an tSeanaid - Business of Seanad

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

Senators Manus Boyle and Maria Byrne - The need for the Minister for Health to make a statement on the status and timeline on making givinostat available to Irish patients.

Senator Lorraine Clifford-Lee - The need for the Minister for Health to make a statement on opening a minor injuries unit in Balbriggan, County Dublin.

Senator Teresa Costello - The need for the Minister for Enterprise, Tourism and Employment to make a statement on the specification and standards applicable when sourcing tactile paving slabs.

Senator Joe Conway - The need for the Minister for Education and Youth to make a statement on the timeframe for approval to proceed to tender and construction at Newtown School, Waterford.

Senator Nessa Cosgrove - The need for the Minister for Health to make a statement on the inclusion of osteoarthritis in the chronic disease management programme.

Senator Victor Boyhan - The need for the Minister for Housing, Local Government and Heritage to make a statement on a draft national planning statement.

Senator Sharon Keogan - The need for the Tánaiste and Minister for Finance to make a statement on a universal system where all taxable Department of Social Protection payments are automatically reported to the Revenue Commissioners.

Senator Gareth Scahill - The need for the Minister for Housing, Local Government and Heritage to make a statement on domestic waste water treatment system grant schemes.

Senator Eileen Lynch - The need for the Minister for Education and Youth to make a statement on the promotion of the Key to the EU programme for teachers.

Senator Martin Conway - The need for the Minister for Health to provide an update on the timeline for a dialysis service to be operational in Ennis, County Clare.

The matters raised by the Senators are suitable for discussion and I have selected Senators Manus Boyle and Maria Byrne, who are sharing their time, Senators Lorraine Clifford-Lee, Teresa Costello and Joe Conway and they will be taken now. The other Senators may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Healthcare Policy

An Cathaoirleach: I welcome the Minister of State, Deputy Murnane O'Connor, to the House. She is most welcome to Seanad Éireann.

Senator Manus Boyle: I thank the Minister of State for coming in. Since I became a Senator 16 months ago, I have raised the issue of givinostat for children living with Duchenne muscular dystrophy, DMD, so many times, together with other colleagues in the Seanad. Last month, a large crowd of up to 2,000 people turned out in the Diamond in Donegal to support the children with DMD. In the health committee last year, we were told it would be sorted by Christmas. It was then pushed out to the early new year. Now, we are into June. Time is muscle for children with DMD. Every day, week and month that passes without access to this treatment can result in further decreased progression and permanent loss of physical ability. We are letting our children down. Families have watched as their children lose strength, mobility and independence. Children who were eligible for the treatment when givinostat was established

over ten years ago in other countries are now maybe not eligible for givinostat because it has taken so long in this country. While families recognise the appropriate assessment procedures have to be followed, families are waiting and watching their children decline rapidly.

I am asking the Minister of State to outline the current status of givinostat, the timeline and when the final decision on this medicine will be made. These children have waited long enough. Time is muscle. It is important. I know of three children in Donegal with this. It is so sad to see them. I thought we would have this sorted long ago. It seems to have dragged on and on. As I said earlier, time is muscle. It is very important for these children all over Ireland. Of the three children in Donegal. One of them, Nathan, got a trial from England ten years ago. He is holding his own and is in good health. His brother, Dermot, however, does not have access to givinostat. This is something we need. Aaron Langan is the same. We need to get this sorted. We need to get it sorted soon.

Senator Maria Byrne: The Minister of State is very welcome. I will follow on from where Senator Boyle left off. I have raised this too. I am on the health committee as well. On 15 October 2025, the governing body that decides what medicines are included in the long-term illness book stated it was at a very advanced stage and that it has been sorted. As Senator Boyle said, it was meant to be Christmas and then it was pushed out. Now we are in June and there has been no decision. I understand a meeting will be held today where they will look at it but I too know of families that have been affected by this. One of my neighbour's grandson is one of the children affected. It is a very trying time for families. As Senator Boyle said, time is muscle. The longer it goes on, the more debilitating that it is for these children. That causes stress and strain within families as well. This needs to be sorted out. I want a timeline. I want to know when families will be reimbursed for the drugs for this serious illness. I know a huge number of people are not affected by this but nobody should have to wait for the timeframe that they have had to thus far for this decision to be made.

Minister of State at the Department of Health (Deputy Jennifer Murnane O'Connor): I thank the two Senators for raising this serious issue today. As Senators know, I will be taking this behalf of the Minister for Health, Deputy Jennifer Carroll MacNeill.

Duchenne muscular dystrophy is a rare disease affecting fewer than 200 people in Ireland. The Minister spoke at Muscular Dystrophy Ireland's national conference in December 2025 and met the families of children with DMD two weeks ago. The State acknowledges the importance of access to medicines. This Government is committed to providing timely access to new and innovative medicines and has made considerable investments in recent years, with annual expenditure on medicines now almost €4 billion.

This represents nearly €1 in every €8 of public funding being spent on health. This level of investment is unprecedented in supporting patients through the availability of new innovative medicines. Budgets 2021 to 2025 have included dedicated funding for new medicines of €158 million. Budget 2026 allocated an additional €30 million of funding for new drugs out of €217 million in additional funding for these drugs. This has enabled the HSE to approve reimbursement for 270 new medicines or new uses for existing medicines, including over 100 for treating cancer and 74 for treating rare diseases. Givinostat was evaluated by the European Medicines Agency with a recommendation that it be granted conditional marketing authorisation for the treatment of Duchenne muscular dystrophy in ambulant patients aged six

years or older. The European Commission granted conditional marketing authorisation in this indication on 6 June 2025. This has been worked on.

The HSE has statutory responsibility for decisions on pricing and reimbursement of medicines and medical items in accordance with the Health (Pricing and Supply of Medical Goods) Act 2013. In line with the Act, a company must submit an application to the HSE to have a new medicine added to the formal reimbursement list. The Minister met her Italian counterpart at the EPSCO Council meeting in June 2025 in Luxembourg to ask him to encourage the company to submit a timely pricing and reimbursement application to Ireland. On 6 August 2025, an application for reimbursement was received by the HSE and underwent a rapid review by the National Centre for Pharmacoeconomics, NCPE. Following the conclusion of a rapid review on 14 August 2025, a full health technology assessment, HTA, was commissioned by the HSE on 26 August 2025.

On 30 September 2025, the NCPE met Italfarmaco to assist the HTA process. The assessment of the pricing and reimbursement application for givinostat could not proceed until the full health technology assessment was received from the company on 15 January 2026. The NCPE assessment concluded on 3 March 2026. The HSE's corporate pharmaceutical unit, the interface between the HSE and the pharmaceutical industry, held a meeting with the manufacturer on 27 March 2026. A commercial offer from Italfarmaco was then submitted to the HSE on 8 May 2026. The drugs group has met to consider the application. The HSE's drugs group will now issue a recommendation to the HSE senior leadership team, which holds full decision-making authority on the reimbursement of a medicine. There is a lot of work ongoing. It is important, as the Senator said, that this is worked on as soon as possible. There has been a lot of engagement on this matter.

Senator Manus Boyle: I thank the Minister of State and the Minister for Health. I know she put a lot of work into this because the Italian company really did not want to talk to us at the start and she reached out to it. We all know the assessment has to be done. I am glad that the drugs group met yesterday but it is crucial we get this medicine over the line for these children. There is one child in Donegal, Nathan, getting it across the Border, where Dermot cannot get it. This is totally wrong. We need to get this sorted as soon as possible.

Senator Maria Byrne: I thank the Minister of State for her reply and I understand all the work that has in. It is over a year since the European drugs agency approved givinostat. I know the Minister has been negotiating with the Italian company but this has to happen sooner rather than later. There are over 200 families awaiting this news. It is a crucial time. I hope there will be a good result in the next couple of days.

Deputy Jennifer Murnane O'Connor: I thank the Senators for highlighting this. As I said, the Minister for Health has been working and engaging with the HSE and the Departments on this. I assure them of the importance of this for patients with DMD in Ireland. It is important for families. It affects everyone. The HSE has sole statutory responsibility for making decisions on which medicines are reimbursed. The HSE continues to process and assess pricing reimbursements in applications received from a company as efficiently as possible within the resources available to it. The application remains under consideration and the HSE cannot make any commitment or possible outcomes from the outgoing process. Meetings are going

on. The latest update on the process can be found on the HSE medicines tracker and on the NCPE website.

As I outlined earlier, this Government is committed to investing in medicines. Since 2021, the HSE has approved 270 new medicines or new use of existing medicines for reimbursement. The two new framework agreements have been reached with the Irish Pharmaceutical Healthcare Association and Medicines for Ireland on the price and supply of medicines. It will make a difference. As part of these agreements, the State, MFI and IPHA have agreed to develop a future strategic partnership which will support the Department of Health in its development of a pilot early access programme focused on rare diseases in line with commitments in the programme for Government.

I was recently in Brussels and we spoke about rare diseases. As the Minister and other Ministers have said, Ireland is always open for business. Once a drug is granted marketing authorisation, we strongly encourage all pharmaceutical companies to apply for reimbursement here in Ireland and to submit fully prepared HTA dossiers in a timely fashion. That is what we need to get out there. We are always open and we want that to happen.

Health Services

Senator Lorraine Clifford-Lee: The Minister of State is very welcome to the Seanad, as always. Balbriggan is the youngest and fastest-growing town in Ireland. It has a population of over 26,000 and is expanding. A lot of housing is going into Balbriggan at the moment. The wider catchment area has a population of over 63,000, including the towns of Skerries, Lusk and Rush. It is the furthest town in Dublin from a hospital, sitting at 32 km from Beaumont Hospital. A minor injuries unit is badly needed in the town of Balbriggan. I attended a very well attended public meeting on Monday night in Balbriggan organised by Balbriggan Community Council. The strong message from the people of Balbriggan is that a minor injuries unit is needed without further delay.

A primary care centre was opened in 2018. The minor injuries unit would be ideally located there to look after sprains, broken bones, minor burns, sports injuries, cuts and wounds. That was promised for the primary care centre in 2018. Other services are located in the primary care centre but there is spare capacity. GP services, a public health nurse, physiotherapy, community mental health services, speech and language therapies and a number of other services are currently provided in the building but there is capacity. I believe the children's disability service is moving from this location to a separate location because it is expanding, which is very welcome. That will free up extra capacity within the primary care centre building.

We know healthcare delivered closest to the community is best for people. It is the most cost-effective way to deliver healthcare. It is one of the core principles of Sláintecare, as the Minister of State would know. The reduction of unnecessary hospital trips is a core aim, with as much healthcare delivered close to home in the community and patient-focused, which will also reduce costs. We know fractures are increasing as the population gets older. If an older person suffers a fracture, it could be very distressing for them to have to travel 32 km to the emergency department in Beaumont Hospital to get it taken care of when they could attend a

primary care centre with a minor injuries unit in their own town. That is what we want delivered for the people of Balbriggan. As I said, Balbriggan is the youngest town in Ireland.

We know young people get all sorts of bangs and fractures through sport and playing. For the convenient provision of healthcare in the community, a minor injury unit would work well in the town of Balbriggan and to serve the population of 63,000 people in the other towns in its hinterland. This unit needs to be delivered. We need to take people out of the likes of Beaumont Hospital and out of emergency departments; cut down on costs, ultimately; and deliver healthcare in the community.

Deputy Jennifer Murnane O'Connor: I thank Senator Clifford-Lee for raising this important issue. I am taking this matter on behalf of the Minister, Deputy Jennifer Carroll MacNeill.

This Government remains fully committed to delivering healthcare reform under the Sláintecare framework, ensuring that people receive the right care, in the right place, at the right time. A key part of our hospital-avoidance strategy is the continued development of injury units. Injury units provide safe, convenient care for non-life-threatening injuries such as broken bones, sprains and burns, as the Senator spoke about. They deliver the same level of care for these conditions as an emergency department, but closer to home and with significantly shorter waiting times. Last year, there were 222,697 attendances at injury units, a 5% increase on 2024. The median patient experience time, PET, remains exceptionally low, at just 1.3 hours. To the end of May this year, there have been 95,803 attendances nationally, a 1% increase on the same period in 2025, and the PET has improved further to 1.2 hours.

The Balbriggan primary care centre already provides a wide range of integrated services, including primary care therapies, specialist teams for older people, chronic disease management and mental health and disability services. It also hosts two GP practices and a pharmacy. The Minister is committed to expanding capacity in primary care by recruiting additional staff and supporting advanced practice roles in the community. The HSE completed a national injury unit review in 2023 to assess service levels and geographical coverage. This review informed the 2026 national service plan, which includes new units in Tallaght, Athlone, Carlow and Ballina.

In relation to the Senator's request for a minor injury hub in Balbriggan, I must advise that there are currently no plans to open an injury unit there. The focus of the 2026 service plan is on the four new units previously identified. However, the HSE continues to review expansion needs and is working to future-proof the system by standardising opening hours to 8 a.m. to 8 p.m., seven days a week across existing sites. Residents in Balbriggan currently have access to several options for non-life-threatening injuries, including the Mater Smithfield rapid injury clinic in Dublin 7 and Connolly Hospital emergency department, which includes a dedicated nurse-led minor injury unit. The Department and the HSE will continue to monitor population growth and geospatial needs to ensure that our urgent care footprint evolves in line with the needs of communities like Balbriggan.

The Government and the Minister remain committed to the implementation of the national cancer strategy and to building on significant investment and progress already made in improving outcomes for patients in Ireland.

Senator Lorraine Clifford-Lee: I am very disappointed to hear the response from the Minister of State. I know there are no current plans to open a minor injury hub in Balbriggan. The Minister of State referred to Tallaght, Athlone, Carlow and Ballina, but we need to look to the future and the population demands. For the people of Balbriggan, the Smithfield rapid injury clinic and Connolly Hospital are even further away than Beaumont Hospital. It is completely unacceptable that a large population in north County Dublin is left without a basic service promised back in 2018. It is no good to the people in Balbriggan, Lusk, Rush or Skerries to hear that Tallaght, Athlone, Carlow and Ballina are getting minor injury units. We need one.

I am going to engage with the Minister of State and the Minister to make sure Balbriggan is put on the agenda for the next review. I suppose the tiny light at the end of the tunnel is that the HSE continues to review expansion needs. I am going to be advocating and making a very strong case until we deliver a minor injury unit for Balbriggan.

Deputy Jennifer Murnane O'Connor: I thank the Senator. I understand the importance of minor injury units. They are critical. This Government remains committed to ensuring patient services and safe, timely and convenient care are provided in the right place at the right time. That is so important.

Last year, as I said, the injury units saw over 220,000 attendees, a 5% increase on 2024. This reflects growing public confidence in this model. Injury units continue to provide a fast and efficient pathway for non-life-threatening injuries. While, as we said, there is no plan now for a stand-alone minor injury unit for Balbriggan, the opening hours are being looked at. That is important. It is proposed that they would be 8 a.m. to 8 p.m. seven days a week.

I know what the Senator said in relation to opening new units in Tallaght, Athlone, Carlow and Ballina.

Senator Lorraine Clifford-Lee: People are not going to be going up to County Mayo for a fracture.

Deputy Jennifer Murnane O'Connor: I understand. I do. In the meantime, Balbriggan primary care unit continues to play a vital role. I compliment everybody involved in that unit. We understand that these units and injury clinics are so important. They deliver integrated services from chronic disease management to older persons specialist teams to mental health and disability supports. As we all know, people are living longer, so it is important they can access services nearer to home and their communities.

The Department and the HSE will continue to monitor the population trends and service requirements to ensure that urgent and emergency care services evolve to meet the needs of the people in Balbriggan. The Senator can be sure that I will be speaking to the Minister, Deputy Carroll MacNeill, on this issue. It is important that we have injury units and clinics. While Balbriggan has a very good service, it is important that the situation is monitored.

Building Regulations

Acting Chairperson (Senator Alison Comyn): Cuirim fáilte roimh an Aire Stáit, an Teachta Dooley. I call Senator Costello.

Senator Teresa Costello: I thank the Minister of State for being here. I welcome the opportunity to raise this important issue concerning tactile paving, dished crossings and the safety of blind and visually impaired people when navigating our streets and communities.

I am raising this matter on behalf of one of my constituents from Tallaght, Mr. Vincent Stack, who is part of an organisation called Voice of Vision Impairment. Mr. Stack is blind, and to better understand his concerns, I walked a number of routes with him in Tallaght so I could experience first-hand the challenges blind people face every day. I can tell the House now that it was a nerve-wracking experience for me.

To be honest, I had never heard of tactile paving and I had never really given much consideration to the obstacles faced by people with visual impairments. What stuck out for me was inconsistency. Within a short walking distance, different types of tactile paving were in use. As Vincent explained, some were easy to detect and provided clear information, while others were not as noticeable. For a sighted person, this may seem like a minor issue, but for a blind person, it can mean the difference between feeling safe and confident or feeling uncertain and vulnerable.

This is why I am asking the Minister of State whether there is an agreed national specification or standard for the sourcing and installation of tactile paving slabs and dished crossings across Ireland. Tactile paving is not simply a different type of surface. For blind and visually impaired people, it provides essential information. It tells them they are approaching a crossing point, identifies potential hazards and helps them to navigate independently. When tactile paving varies from one location to another, that information becomes less reliable.

One issue Vincent highlighted repeatedly was that many blind people feel they are constantly forced to second-guess themselves. When standing at a crossing, they should know immediately that they have arrived at a crossing point. They should not have to stop and question whether the paving beneath their feet is intended to indicate a crossing or whether it is simply another type of paving finish. Vincent pointed to the tactile paving outside the Maldron Hotel on the N81 in Tallaght as the best example he has encountered anywhere in this country. In his view, the height of the raised bumps and the spacing between them makes the surface much easier to identify underfoot. The tactile information is clear, distinct and immediately recognisable. He believes that this is exactly how tactile paving should function. When he stands on those slabs, he knows where he is and does not have to second-guess himself. By way of contrast, he showed me other locations where the tactile paving is so shallow or inconsistent that it provides little meaningful information.

For people with conditions such as diabetic neuropathy, which can reduce sensation in the feet, this issue is even more significant and can go hand in hand with blindness. If tactile indicators are not sufficiently pronounced, they may fail to provide the information they were designed to communicate.

The difference between knowing and guessing is significant. It is the difference between confidence and anxiety. It is the difference between independence and having to rely on assistance. It is ultimately a matter of safety. I understand technical considerations are

involved and that achieving consistency nationwide cannot happen overnight. However, Ireland has standards for electrical installations, building regulations, road markings and countless other aspects of public infrastructure. It is very reasonable of me to ask whether the same approach should apply to tactile paving and dished crossings.

If a national standard does not currently exist, I believe one should be developed in consultation with blind and visually impaired people. I can bring a lot of them to the table. Vincent himself has suggested that blind people should be involved in assessing and testing the different tactile paving designs before standards are adopted, ensuring that decisions are informed by those who rely on them every day. From speaking to Vincent, I know that among the blind and visually impaired community these concerns are widely shared. It is not an isolated issue affecting one individual; it is affecting thousands of them. A clear national standard should be incorporated into all new public realm projects, road upgrades and pedestrian infrastructure works. Over time, that would lead to greater consistency across the country and would ensure future generations of blind and visually impaired people encounter the same clear and reliable information when they travel. It is ultimately about safety, dignity and independence.

Minister of State at the Department of Climate, Energy and the Environment (Deputy Timmy Dooley): I welcome our dear friend, former Deputy Humphreys. I think he was a Member of this House as well. He is coming back to check up on us today. It is good to see him here with his colleagues. It is good to have him in the House.

I thank the Senator for raising this important matter. The National Standards Authority of Ireland, NSAI, is Ireland's national standards body operating under the National Standards Authority of Ireland Act 1996. The NSAI is under the remit of the Minister for Enterprise, Tourism and Employment. The NSAI develops standards for products and services upon request of industry, regulators or policymakers. Indigenous standards may be promulgated, produced or developed where no existing international or European standards have been adopted or proposed.

The National Standards Authority of Ireland has confirmed to the Department that there is an Irish standard recommendation, reference No. SR CEN/TS 15209:2021, which relates to tactile paving surface indicators produced from concrete, clay and stone. This standard specifies the method of measurement and the acceptance criteria for the dimensions for surface profile features and patterns for the surface of pedestrian paving units, used to convey information for visually impaired people. It applies to paving units made of concrete, clay and stone where the tactile profiles are monolithic with the unit. The surface profiles are intended to be applied to units manufactured to IS EN 1338:2003 and IS EN 1339:2003. There are other standards from 2012 and 2013, which I will provide to the Senator, which can be square or rectangular as specified by the designer. It does not specify dimensions of a single tactile paving layout or profile but proposes ranges within which these dimensions should fall, which I think, if I heard the Senator correctly, would indicate that, notwithstanding the fact that a standard is in place, there is a variance in it and that is what is causing the most difficulty for the constituent. It proposes methods of measurement of profiles, light reflectance and colour but does not specify requirements for these characteristics. These properties will be decided by the designer, taking into account the regulations, codes of practice and guidance in the place of use of the units. It does not specify material characteristics.

This Irish standard recommendation - SR CEN/TS 15209:2021 - is the national adoption of the European technical specification developed and published by CEN, the European Committee for Standardisation. All European standards are adopted as national standards. CEN is a European standardisation organisation designated under EU regulation 1025/2012 that brings together the national standards bodies of 34 European countries, of which the NSAI is the Irish national standards body.

It should be noted that the paving slabs are required to be CE marked in accordance with the construction products regulation citations of 2003, 2012 and 2013, depending on the base material of paving element. It is the understanding of the Department that guidance in the use of tactile paving surface indicators is provided in the design manual for urban roads and streets, DMURS. This DMURS document dates from 2013 and was prepared collaboratively by the Department of Transport and the then Department of Environment, Community and Local Government.

Senator Teresa Costello: I thank the Minister of State. I now see where the problem lies. I want to put on the record that I have huge issues with the DMURS. They would be better placed, instead of narrowing roads and junctions and making them totally uncomfortable for people to drive on, to focus on tactile paving and to have a standardised approach in order that blind people can navigate their communities safely. DMURS needs to be revisited. I appreciate the Minister of State coming in and providing all the information but, at the end of the day, I walked around with a man who was blind and it was just unfair. There were all different styles. There should be one type of tactile paving. There should be an agreed style. DMURS needs to be revisited because it is not up to scratch if blind people are being let down. They are spending thousands in Tallaght narrowing our roads and junctions in housing estates unnecessarily. I walked around with a blind man in Tallaght. I asked Vincent not to be knocked down while he was with me. The audio at traffic lights was turned off. How are the man and his dog meant to know when to cross? DMURS drives me mad. I had to get that off my chest.

Deputy Timmy Dooley: I thank the Senator. I get it. I can tell by her that she is passionate about this because she has seen what she perceives to be a failure by all concerned to provide safe passage insofar as we can for somebody who is visually challenged. It is about having a joined-up system. I am happy to work with the Senator to get her introductions in the Department of housing, which has a responsibility to the local authority, the Department of Transport, etc., to try to get some coherence to this. The standards are a good idea. Sometimes people deviate from that because there is a broad range. At a minimum, what we would like to see is that if somebody in Tallaght goes for a purposed walk somewhere and take a bus somewhere else, when they get off the bus or even on their walk from one end of Tallaght to the other, that there is a uniformity there. It is challenging enough for people. The Senator's colleague, Senator Conway, has done a lot. He is part of the NCBI. I know it advocates regularly. There may be an opportunity there because Members work well in this House on a cross-party basis. There may be an opportunity for a number of Members to work together and take this on as a project that could hopefully have a positive outcome on the other end. I thank the Senator for her advocacy in this area. It is noted and welcomed.

Acting Chairperson (Senator Alison Comyn): Before we move to our next Commencement matter, I welcome two guests in the Visitors' Gallery - Diarmuid Cronin and Elizabeth Barron from Rylane, County Cork. Tá fáilte rompu. I see they are in the safe hands of my colleague, Deputy Aindrias Moynihan. I hope they enjoy their day.

Schools Building Projects

Senator Joe Conway: Cuirim fáilte roimh an Aire Stáit. Newtown School, over two and a quarter centuries old, has served Waterford and the wider region for nearly 228 years, rooted in a strong Quaker tradition of inclusive, rounded and child-centred education. The school entered the free education scheme in 2014, and, at the request of the Department of Education at the time, agreed to expand to accommodate 600 students with the necessary accommodation and infrastructure to be delivered through the Department of Education's ADAPT 2018 capital programme. This project has been in progress for over a decade, as I have said, and now reaches stage 2b detailed design. It has secured the key statutory approval required to move forward.

Significant public money has already been invested. Professional fees on the main building project alone are approximately €1.315 million including VAT. It is, therefore, not at an early stage. It is a long-developed and approved project that now requires immediate Department of education authorisation to progress to tender and construction. The school is now under increasing pressure due to the deteriorating condition of its existing buildings, urgent health and safety concerns and the serious risk that any further delay by the Department of Education and Youth could undermine the viability of the overall development project. In particular, the Penn, Webster and Glynn classroom buildings, which are scheduled for demolition as part of the proposed new extension, may require substantial external and internal upgrade works if the project is delayed further. This would result in avoidable expenditure on buildings that are ultimately intended to be replaced, placing additional financial and operational pressure on the school and indeed on the taxpayer. I am asking for movement on the Newtown School. I ask that the Department of Education and Youth prioritises the Newtown School development project, that it approves progression to tender and construction without undue further delay and authorises urgent emergency works to address immediate health and safety concerns that are manifest. I look forward to the Minister of State's reply and of course, in due course, his support.

Deputy Timmy Dooley: I thank the Senator for raising this matter as it provides me with an opportunity on behalf of the Minister for Education and Youth to outline to the Seanad the current position in relation to the major funding project for Newtown School. The project involves the redevelopment of Newtown School to provide accommodation for a long term enrolment of 600 students. The existing shared campus will be reorganised and extended to complement the historic architecture that the Senator identified. The project involves a significant expansion to the existing school building to include a new PE hall facility and the special education needs suite. An enabling work contract to provide additional accommodation was completed in February 2025. The major building project for the school referred to by the Senator is currently at an advanced stage of architectural planning, namely, stage 2B detailed design, where the design team has secured all statutory approvals and is preparing the suite of tender documents. It is an important phase of the process.

This building is of significant conservation importance as highlighted by the planning authority. The design team outlined the proposal of works that need to be completed to improve the condition of the deteriorating buildings, thereby allowing the council to grant an extension to the planning of five years. A planning extension was secured and enabling works were approved for the link building roof in September 2025. The design team prepared and submitted to the Department for review the tender documents to appoint a contractor to carry out these works. These tender documents were recently approved by the Department and the design team was instructed to proceed in issuing the letter of intent to the successful contractor. This letter of intent issued in April this year. Once works commence on the site it is envisaged it will take four to five months to complete. A total capital allocation of €7.55 billion for the Department of Education and Youth has been confirmed for the period from 2026 to 2030 under the national development plan. As part of this NDP allocation the Department will place a strong emphasis on provision for children with special educational needs, with a particular focus on meeting annual school place needs.

In relation to project roll-out for large-scale projects and additional school accommodation scheme projects, the approach will be to continue to maximise the capacity of the existing school estate as much as possible in the first instance and provide necessary additional capacity through targeted and prioritised project roll-out over the course of the 2026 to 2030 period to meet the most urgent and prioritised needs. Prioritisation will continue to identify further tranches of projects to proceed to tender and construction over the NDP period with stakeholder consultation to commence in June 2026.

Since 2020, the Department of education has provided €149.65 million in capital funding for Waterford schools. Over this period, a total of 33 schools have been upgraded either through provision of a new school building, a large-scale extension or provision of modular accommodation. Two school projects were included in the NDP implementation plan to go to tender or construction in 2026 and 2027. There are currently six school projects in Waterford under construction. This summer, seven schools are approved to undergo works as part of the climate action summer works scheme. In addition, since 2020 a total of 68 special classes have been sanctioned in Waterford, of which 17 were sanctioned for September 2026.

Senator Joe Conway: I thank the Minister of State. As I mentioned, the school was opened in 1798, the year of the 1798 Rising. Over the two and a quarter centuries it has seen significant historical events in Waterford and Ireland, most noticeably the transition with Independence from a Quaker school to being a supplier of education to the south east, while also keeping very close to the Quaker tradition of industry, hard work and respect for human dignity and human rights. As well as that, it is an architectural gem in the south east. Whereas the Newtown School board of management members look with great pride on their history, they would love to look with confidence to the future. That cannot be attained without the support of the Minister of State and his colleagues. What he said here this morning gives a ray of hope. I thank him for that. I ask him to do everything possible to progress the ambitions of this famous and noteworthy school.

Deputy Timmy Dooley: I can see the Senator is passionate about this project, as he is about many issues. It is clear that because of the historical context, all concerned are anxious that it is done correctly. That is why the contract is under way for the enabling works and all of that.

Like many projects it is on a journey now that will be irrevocable in terms of the staging. It has reached significant milestones and from my experience both in here and in the other House over 23 or 24 years, when projects get on that pathway, sometimes it takes a bit longer because of funding that has to be assigned based on various prioritisations, but once it gets through that first significant gate it is a significant step. It is now on a journey that we all hope will progress as judiciously and as expeditiously as possible. It will give the Senator and the community there these facilities. From my experience in my own area I know that the fact that part of the focus is on special needs adds considerably to the prioritisation because the Government has been very clear in terms of what our focus is on education generally but more specifically on children with special needs and ensuring that they get every resource possible to assist them on their journey. Together with everything else the Senator identified, that gives a significant boost to what will be a protracted journey. It is moving in the right direction.

Cuireadh an Seanad ar fionraí ar 11.19 a.m. agus cuireadh tús leis arís ar 11.32 a.m.

Sitting suspended at 11.19 a.m. and resumed at 11.32 a.m.

An tOrd Gnó - Order of Business

Senator Garret Ahearn: The Order of Business is No. 1, Garda Síochána (Recording Devices) (Amendment) Bill 2025 - Committee Stage, to be taken at 1 p.m. and to adjourn at 3 p.m. if not previously concluded; No. 2, statements on rural planning, to be taken at 3 p.m. and to conclude at 4.30 p.m. if not previously concluded, with the time allocated to the opening remarks of the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes, all other Senators not to exceed five minutes and the Minister to be given no less than ten minutes to reply to the debate; No. 3, Air Navigation and Transport (Amendment) Bill 2026 – Second Stage, to be taken at 5 p.m. with the time allocated to the debate not to exceed two hours; and No. 4, Garda Síochána (Powers) Bill 2026 – Committee Stage (Resumed), to be taken at 7 p.m. and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 10 p.m. by putting one question from the Chair which shall, in relation to the amendments, include only those set down or accepted by the Government.

An Cathaoirleach: I welcome to our Distinguished Visitors Gallery the ambassador from Portugal on Portugal Day, which celebrates its great poet, Camões, whose death occurred on this day in 1580. He famously wrote the epic poem, *The Lusiads*, which celebrates Portuguese history, culture and identity, and is a symbol of Portugal's great nation. This day not only celebrates Portugal's culture, but also unites Portuguese people around the world. Nearly one third of Portuguese people live outside of Portugal. That is why Ireland and Portugal share such a unique history, having so many people scattered to the four corners of the world. We also established diplomatic relations at a challenging time in the world, 1942, when we had a *chargé d'affaires* in Lisbon and then a full embassy in 1975 after we joined the European Union.

Our relationships, however, go a lot further back. We believed in a zero-tariff area in the 15th century. There were close trade connections between my home county of Kerry and Portugal. I do not think anyone believed in paying tariffs back then. It took a few centuries to formalise that under the European Union. The connection included selling of silverware, wine,

textiles, port, ceramics and leather goods from Portugal to Ireland, and of fish, beef, wool and timber to Portugal from the west coast of Ireland.

We wish the ambassador and all the Portuguese community in Ireland, about 15,000, a happy national day. I will do my very best Portuguese: *Feliz dia nacional*, which is, I think, something around "Happy Portuguese national day". I wish Ambassador João Pedro de Vasconcelos Fins do Lago, his embassy and all the people from Portugal in Ireland a happy national day. I thank the ambassador for being here.

Senator Fiona O'Loughlin: I extend a welcome on behalf of Fianna Fáil to the ambassador. I look forward to working with him.

I extend a warm congratulations to all involved in Bloom this year. It was incredibly successful and I want to recognise the outstanding achievement of Newbridge native Joe Eustace, who won the gold medal at Bord Bia Bloom for his "Future In Mind" garden. The garden was also named best in the medium garden and planting categories. Joe is only 24 years of age. His dad Ken is very well known for his work in the business. Joe has demonstrated exceptional creative talent in the horticultural area and it is credit to him and all who support him. Kieran Dunne and Kildare Growers also had very successful exhibits at Bloom. The horticulture industry is incredibly important and I would like to see a debate in the House with the Minister on supporting Irish horticulture.

The Special Olympics Ireland games start on Thursday, 18 June, with the opening ceremony in Tallaght. We will have 1,200 athletes from around the island of Ireland competing in 12 sports. There are 600 coaches and 2,500 volunteers involved in making these games an incredible experience for the athletes and all involved. They are just a fraction of the athletes involved day in, day out in local clubs, communities and centres. This is an important milestone because it is the qualifier for representing Ireland in Santiago, Chile, next year. I wish all the athletes the best of luck and thank everybody involved, including the 2,500 volunteers, in ensuring the games are a great success.

I want to mention a visa application from a group of 20 dancers, musicians and youth leaders from the Lajee Center in Palestine who have applied for visas to do a cultural tour of Ireland. This has happened on a number of occasions. It is an important cultural exchange. Their visa applications were lodged last week to do a tour in July. I would appreciate the Acting Leader's support in terms of asking that these visas be dealt with in a timely fashion. We must do everything we can to make sure this can happen and to give a glimmer of light, life and hope to those 20 individuals.

Senator Mike Kennelly: I welcome our distinguished guest, the Portuguese ambassador, to the House this morning. I also welcome Councillor Peter Feeney and his special guests and all of the guests in the Public Gallery this morning.

Today I want to raise the issue of limited access to driving test centres in north Kerry and seek a debate with the Minister for Transport on the provision of additional driving test capacity in rural north Kerry and throughout the country. At present residents of north Kerry must travel to Tralee or Killarney to sit their driving test. This includes people living in towns and villages such as Listowel, Ballybunion, Tarbert, Moyvane, Duagh, Causeway, Abbeydorney,

Ballyheigue, Ballydonoghue, Lixnaw and Kilflynn in rural north Kerry. When young people are completing their essential driving training families already face the cost of lessons, insurance and testing fees. Long travel distances for lessons and test appointments place an additional burden on households, particularly in rural areas where public transport is limited and a driving licence is often essential for accessing education, employment and training opportunities.

There is also a strong case that demand exists. Figures from last year show that more than 850 people were actively waiting for a driving test in Tralee. There were 3,736 driving tests in total. There were 500 waiting in Killarney, where there were 3,933 driving tests completed in total. When scheduled applicants and those progressing through the system are included, there were more than 4,300 applications across the two Kerry centres.

In general the long delays for driving tests in Kerry over the past three years were caused by a combination of very high demand and insufficient testing capacity. The Listowel municipal district area alone has a population approaching 32,000 and this does not cover the whole district of north Kerry. Listowel serves as the main hub for the area. The town has a suitable road network including urban routes, roundabouts, residential areas, national and regional roads, and the recently opened Listowel bypass further enhances connectivity and provides access to a wider range of road conditions suitable for driver testing capability. There is a very strong argument for the RSA, in a time of real need for road safety, to examine the feasibility of establishing a driving test centre in Listowel or, at the very least, to assess the demand and services needed for the wider north Kerry region. I call on the Minister for Transport to come to the House to debate this issue for north Kerry.

I was across the road this morning at the INTO's presentation for Oireachtas Members on its pre-budget submission, with regard to the 1,000 teaching jobs needed to secure the national schools in this country. I want to show my support for its submission.

Senator Tom Clonan: I condemn the violence perpetrated on Stephen Ogilvie in Belfast in recent days, when he was almost decapitated by an alleged perpetrator who is now before the courts. I also condemn the murders of 23 Catholics and Protestants who similarly had their throats cut, were attacked by axes, mutilated, tortured and in some cases subsequently shot by people such as Lenny Murphy and John Murphy. Do I suspect every loyalist or member of the unionist community of being so violent? No, I do not. Most of them are fine, decent and upstanding people. I also condemn the murder of Keane Mulready-Woods, a child who was dismembered, decapitated and mutilated, and parts of his body were disposed around the city. The alleged perpetrator in that case, who has been shot dead, was from Dublin like myself. Do I suspect every Dublin person of being likely to carry out savage and brutal acts of violence? No, I do not. In relation to the alleged perpetrator in the attack on Stephen Ogilvie, do I suspect every Sudanese person or every Somali citizen of such violence? No, I do not. In fact, they come to my home daily and weekly to attend to the intimate care needs of my adult son, and I welcome them into my home as my brothers and sisters.

We have to be very careful about what is unfolding at the moment on this island North and South and across the water in the UK. When Natalie McNally was murdered by Stephen McCullagh in the most brutal fashion and her head left at a dog bowl in Northern Ireland, which has the highest level of violence against women in Europe, did people come out on the streets

and burn cars? Did they set fire to buses? No, they did not. What difference does the Stephen Ogilvie attack have? I will tell you what the difference is. It is sectarian, racist, identity-based politics, that narrative, that rhetoric of hatred mobilised by various privileged people to get their foot soldiers to go out and attack the vulnerable on our streets. It is Kristallnacht, wash, rinse, repeat. Destroying a Turkish barber? We have to confront this as politicians and we must take a stand against this type of appalling rhetoric. The only common denominator in most of these assaults is that they are perpetrated by men. Should we ban all men from the streets? Certainly we should not discriminate on the basis of ethnicity or skin colour. We are all capable of the same potential violence.

Yesterday I spoke about security and defence issues and I watched the response to my contribution. I have never queried the professional or service record of any Member of the House. I have never brought into question their credibility, standing or validity. This is a vocational House and I bring my expertise here in good faith and everything I say is evidence-based. I would hope that going forward in future contributions the subject and the ball is dealt with and not the man.

Senator Joanne Collins: I propose an amendment to the Order of Business to take No. 12 before No. 1. No. 12 is the Electoral (Amendment) (Voting Age) Bill 2026, which is straightforward legislation that seeks to reduce the voting age from 18 to 16 for local and European elections. There has been a debate going on for years about those aged 16 and 17 who contribute to our society and pay tax when they are out working, whether they start in transition year, go into apprenticeships or work on family farms. If they are paying taxes and contributing to our society should they not have a choice in who represents them? Should they not have a vote for their representatives on the ground whom they can contact? Should they not have a say on who represents them?

By extending the voting age to those aged 16 and 17, we would not simply be giving young people a vote but we would also be encouraging candidates for political parties to engage with them, listen to their concerns and address the issues they face, whether on education, access to apprenticeships, youth services or public transport. There are so many issues. Sometimes those starting college are aged 16 or 17, and they feel they do not have the same rights because they do not have the vote and they do not have a say in who is representing them. In a time when democracy is so important in this country, it would bring in this younger cohort to show them what democracy is all about and bring into our schools education to show them how important it is to be involved in democracy in this country.

We bring up many issues in this House and the other House every day. There is a bit of a disconnect when it comes to our youth as they do not always connect one with the other and they do not engage. My colleague spoke about what is happening in Belfast. If people knew how to engage with their representatives we might not have this level of what sometimes happens on the streets in this country. A lot of the time we see on the streets much younger people who have not been involved and have not had an education on how to understand how the political system works, how it can work and how we can strengthen it and bring about the changes needed for security and safety. It is about engaging with young people. They contribute to our society so why not give them the chance to vote and have a say in who represents them?

Senator Patricia Stephenson: I raise the appalling new figures that have been released by Greyhound Racing Ireland revealing that 63% of the racing greyhounds born in 2021 and 2022 that have been retired from the track are already dead. To break this down, the figures provided to the Minister for agriculture show that, as of April this year, 57% of the greyhounds born in 2021 that remain in this country but are no longer racing are dead. That is a total of 3,300 dogs. The death rate is even higher for 2022. A staggering 74% of the racing greyhounds born in that year that remain here and have been retired from the track are dead. That is a total of another 2,666 animals. None of those dogs would yet have had gone beyond five and a half years of age and the youngest was three and a half years of age.

These figures reaffirm what we already know all too well. This is an incredibly cruel industry in which the widespread killing of dogs remains endemic and raises serious animal welfare concerns. Contrary to what we have been told by the industry, which is that the welfare of racing greyhounds is its main priority and that standards are improving, these figures reveal that the mass killing of unwanted racing greyhounds continues at the same rate exposed in the 2019 "RTÉ Investigates" documentary "Greyhounds Running for their Lives". After that documentary and the fallout that came with it, Greyhound Racing Ireland committed to bringing in a traceability system to ensure greater accountability for the welfare of racing animals. However, the system has only served to further expose and not solve the welfare crisis. It is not credible for the industry to claim that it prioritises greyhound welfare when in addition to thousands of dogs killed each year because they are no longer considered to be profitable, hundreds more suffer life-changing injuries or are killed while racing, with common injuries on the tracks including broken legs, crushed vertebrae and dislocated wrists.

During the recent hot spell, we again heard industry claims that it valued animals' welfare ring hollow. While veterinarians and welfare organisations were urging dog owners not to walk their animals in the heat, greyhound racing went ahead in Tralee despite soaring temperatures that reportedly reached 27°C. This constitutes yet another example of the systemic maltreatment suffered by animals in this industry.

Given the evidence of systematic mistreatment of dogs within the greyhound industry, we must ask ourselves why Irish taxpayers' money to the tune of nearly €20 million a year is being used to prop up a declining and ethically unjustifiable industry that sees thousands of dogs being killed every year. The industry does not enjoy widespread public support. It is reliant on Government funds to survive and I do not believe the State should be complicit in these egregious and systematic breaches of animal welfare. We must see an end to public funding for this deeply cruel practice and I would very much like to have a debate on the issue.

An Cathaoirleach: Before I call the next speaker, I welcome a health delegation from Türkiye, and the deputy minister, to the Distinguished Visitors' Gallery. They are most welcome to Ireland and to the Seanad. As they have probably been told a number of times, during the Famine, the people of Türkiye, the Turkish nation and the Sultan of Türkiye gave a donation to famine relief in Ireland that far exceeded the donation that was given by Queen Victoria. We tell that story many times when we have friends from Türkiye over here to remind us of our long-standing connection. I thank them for being here.

Senator Alison Comyn: I was going to extend a *bem-vindo* to the Portuguese delegation. I must also, and this is rough, say *hoş geldiniz* to our Turkish delegation. As the convener of the Turkish-Irish friendship group, it is very special to see them here.

My childcare concerns are far behind me. That is the case for my own generation and it passes to the next. When my children have their own children, they are going to be in a better place to look after childcare because there have been extensive interventions through Government. Via the Minister, Deputy Foley, we have reduced childcare costs for families through significant increases in the national childcare scheme. We have introduced fee caps and increased State investment to make childcare much more affordable. We have expanded core funding and supports for childcare staff. However, affordability means little if there are no spaces. Looking across the country, and particularly in my own county of Louth, there is much housing being developed in Drogheda and east Meath, right up as far as the north county in Haggardstown. Those planning developments have childcare written into them, yet we are not seeing those crèches opening. They are either opening far too late, are being downsized or are just being forgotten completely. These young families - and they are young families that are moving into these developments - have nowhere to put their children. I will hazard a guess that they are being sold these houses on the basis of the availability of childcare, but there is very little use in their getting their dream homes if there is nowhere for childcare.

This is not just about childcare but also about women being able to move back into the workplace. We really need to have a timely debate in the House on how we can make sure that when planning developments to provide housing, affordable housing and any other kind of housing, including crèche or childcare facilities, those facilities must be built along with the first tranche of housing so that we are not waiting until the very end or seeing those facilities falling off completely.

Senator Mark Duffy: I stand in support of the people of the Lacken-Ballycastle-Killala area and Erris in their opposition to two proposed wind farm developments that are being advanced in both of those areas. These are areas of scenic natural beauty, home to rural areas and people who have faced depopulation and many challenges down through the years. They are resilient communities. Both of these proposals totally contravene county development plans and the wind energy strategy. They contravene "Wild Mayo", which was a Fáilte Ireland document released in Ballinglen earlier this year. What is being proposed will destroy areas with thousands of years of history, including neolithic, ecological and biological history, and precious ecosystems that we celebrate and promote. They will be undermined by both of these developments. We in north Mayo are playing our role in sustainable energy, including wind energy, but these are totally in the wrong location. I object to them and support the opposition of the local community.

St. Muredach's Cathedral in Ballina is one of the tallest buildings in north Mayo. It stands at 46 m. One of these turbines alone would dwarf St. Muredach's Cathedral. At 180 m, these are monstrosities that are being proposed. I ask for the support of the House to support a community that has been very proactive. I compliment both of the action groups, which have been constructive in working with the communities that are constructively objecting to both proposals. Councillors Jarlath Munnelly and Gerry Coyle have been working with me on the rejection of both of these monstrosities, which would undermine the scenic beauty of north

Mayo. These companies cannot ride roughshod over communities that were there long before these proposals ever began.

Senator Sharon Keogan: I rise to address the recent International Monetary Fund, IMF, report warning of the impact that artificial intelligence, AI, could have on employment in this country. I must say that it represents a stark warning to the Government. The IMF has stated that AI could affect more than 40% of the jobs in Ireland and that Ireland is more exposed than most advanced economies to these risks. That should set alarm bells ringing, yet what do we see at the same time? We see major layoffs already happening. Meta is cutting 20% of its Irish workforce, which equates to some 350 jobs, while Oracle is reportedly planning to cut approximately 150 jobs. Government sources are now briefing that further job losses are expected in the months ahead.

At the same time, we continue to rely heavily on multinational tech companies as the backbone of our economy. The IMF has warned clearly that this reliance is itself a vulnerability. Where is the plan to address that? Where is the strategy to diversify employment and protect workers?

There is a contradiction at the heart of our labour market. Youth unemployment still stands at approximately 6%, yet employers say they cannot find workers. This is not a functioning system. It is a failure of policy. We must also be honest about youth emigration. When young people are forced to leave the country to find work, that, too, is unemployment, just exported beyond our borders.

The IMF made it clear that without serious investment in reskilling and upskilling, workers would be left behind, yet we hear vague assurances from the Government that it will have people's backs.

12 o'clock

That is not a plan. Unless the Government takes seriously co-ordinated action to align skills with future jobs to reduce our over-reliance on multinationals and to ensure that people can live and work here, we are heading into a period of disruption for which this country is simply not prepared. A meeting with or a briefing from the Minister of State with responsibility for AI, Deputy Smyth, to discuss that would be very welcome.

Senator Chris Andrews: I acknowledge the Irish ladies football team last night. Even though they ultimately were not successful in directly qualifying for the World Cup, I think they are on the up. They are fantastic. Carla Ward is doing an amazing job. I second Senator Collins's amendment.

I was in touch over the past week with a lady called Serca Darcy, who has breast cancer. She is 35 years of age. She has worked in hairdressing since she was 15. She opened her own salon and has employed a couple of people for the past 12 years. She has worked very hard. She has been working hard since she was 15 years of age. She has paid tax. She was self-employed for part of this time and created employment to pay VAT every two months, rent and rates. She has two young children with a mortgage and childcare at a time when the cost of everything is increasing. Serca has been applying for some financial supports - any financial support. She has applied for four different types of support from the Department of Social

Protection. Her spouse has an income that is over €530, although not much over that. It is not a huge income but they have a mortgage, childcare, utility bills and two young children and the costs are coming at them from everywhere. Serca needs childcare because she is not strong enough to care for the kids when she is undergoing chemotherapy. They are really struggling to stay afloat. They are going from a two-salary household to a one-salary household. They do not have an extravagant lifestyle. Their outgoings are not taken into account. There must be a safety net for people like Serca and her family. They cannot be thrown to the wolves. The Department needs to ensure that when it looks at a situation like that involving Serca, it does not just send the application back saying it has been refused. The Department needs to say "look, you don't qualify for this but this is something you may qualify for". Every time an application goes is made, it is refused and it takes up to a month to process with additional information. Breast cancer is stressful and traumatising enough without having to navigate social welfare obstacles. There needs to be some sort of humanity and common sense in the way that the Department works not just for Serca but for other people like her. We need the Minister to come in here to debate this issue because it is about humanity and treating people right - people who have contributed so much to their community and to society.

Senator Pauline Tully: I was recently contacted by the elected members of Cavan County Council about their concerns about ash dieback in ash trees along the public road. They really feel, and I agree with them, that landowners should not be left with the financial cost of removing these trees. I know there is a scheme for forestry owners who are affected by ash dieback in their plantations, and that is obviously welcome, but there is no compensation for farmers or landowners whose trees have been affected by ash dieback in their hedgerows along the public road. There is a significant health and safety concern there for road users should these trees fall. It also could bring down power lines and cause outages again if there is another storm. It even involves the cost of removing these trees, which has to fall on the landowner. Landowners cannot afford to do this. I am asking that this be raised with the Minister for Agriculture, Food and the Marine and I am calling for him to consider some form of financial support for farmers who have ash trees affected by ash dieback that need to be removed.

Senator Sarah O'Reilly: Tonight in the Dáil, Deputies will be speaking on Report Stage of the Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026. Within that Bill is a really important move to recognise counselling notes as legally privileged material. It is incredibly violating for victims of sexual abuse to have their counselling notes essentially handed over to their abuser and their legal team. I was listening to Paula Doyle on "Liveline" yesterday and I commend her courage in speaking out about the abuse she suffered at the hands of her partner. She spoke about the trauma she faced when her counselling notes were used against her by the defence. In her counselling sessions, she had described how difficult she found hugging her children because of how defiled she felt after years of sexual abuse. In court, they used this to try to frame her as a bad mother withholding affection from her children. It is absolutely disgusting that a moment of vulnerability in a private counselling session could be used as a way to discredit her as a loving mother. On "Liveline", Paula said "he took my body and then the State took my mind and handed it over to him." The very least a victim of abuse should expect is to have their innermost thoughts and feelings safeguarded from their predator. While I welcome the progress made in this Bill, I do not believe it goes far enough. The Minister indicated there would be a statutory presumption against disclosure of counselling

notes but that is not what the legislation actually provides for. It leaves open routes for disclosure that many survivors fear could continue the very practice the Bill seeks to address. I am hoping the Minister will reconsider this when he comes before the Seanad.

Senator Aubrey McCarthy: Over the past number of months, there has been a lot of waste, mismanagement and a lack of accountability when public money is squandered. Last week, we learned of the Irish Rail IT project, which cost in excess of €50 million. This was €50 million in taxpayers' money. Before that, of course, it was about a bicycle shed and a printer room here and a bicycle shed in Kerry. We now have an extraordinary example, which has been released in the past two weeks, about electric buses. A total of €38 million of taxpayers' money was spent on these buses and they cannot be used because there are no chargers for the buses. Yesterday, €7 million was disclosed as being spent on storing the €38 million buses. How does that happen? Who signed off on it? Where is the accountability because the public is entitled to ask questions about what is happening to its money? Every euro that is wasted is a euro that cannot be spent on housing, healthcare, disability, etc. I am involved in the homeless sector. There are 17,517 people in emergency accommodation so people find it impossible to understand how we spent €38 million on buses that we cannot use. As somebody who is in business, I know that if I wasted money repeatedly, I would be held accountable. I am always asked to explain myself to my own staff, learn from the mistakes and put systems in place so they do not happen again. What frustrates people is the feeling that responsibility disappears into a maze of agencies, Departments, etc., and the taxpayer is left on the hook again to foot the bill. I want to acknowledge Deputy Albert Dolan. His system for stronger oversight regarding where public money is going is a good thing. Public money cannot be seen as monopoly money. It belongs to the people of Ireland and they deserve better.

Senator Linda Nelson Murray: I commend my hometown of Navan, which for a good few years never really did very well when it came to the Anti-Litter League. A very progressive new Tidy Towns committee has been set up in Navan. I cannot take any credit for it. I have not even been out with them. I hope to get out with them in the future. We have moved from being No. 30 in the anti-litter league table last year up to No. 18 this year. It is the first round and then they go back and look at it again. I want to commend Navan because we have another lovely sister town in my constituency called Trim that is spotless and wins many awards. I am delighted that the capital town of Navan has come up to No. 18.

That being said, I am going to tell Members about something that once they see it, they will not be able to unsee it. I refer to the little white stickers from disposable vapes that are on every single bin across Ireland. It is absolutely soul-destroying to see them. They are tiny little ones from disposable vapes, they are hugely unsightly and they make the areas that people are trying to keep clean look very dirty.

They are very hard to get off the bins. I raised this issue when I was a county councillor. Instead of a "Bin your gum" campaign, we could launch a "Bin your sticker from the vapes" campaign. Maybe we need to look at holding the manufacturers to account and make them come up with a way to ensure these little stickers are not part of the packaging. It is kind of like the stickers that are on Pink Lady apples. It is the only apple I know that has a sticker on it and you kind of wonder what to do with it. People genuinely put the vape packaging in the bin but it is this one little sticker they stick to pipes, walls and bins. We need to do something

about it because it is dreadful and impossible to get off. We need to hold the producers responsible. Maybe they need to contribute to the cost. We need to run a public campaign to let people know not to do this. When people see the stickers on other things, they tend to put them on themselves. Could we ask the Minister for the environment to have a look at this and how we can hold the producers to account? Can we run a campaign about this? With all of the hard work that Tidy Towns committees are doing around the country, the last thing we need to see is a bin like this covered in white vape stickers.

Senator Eileen Lynch: I rise this morning to speak about education and teaching across the country. I have attended, as I am sure many here today have too, the INTO briefing across the road to get its insight into the way things are at the moment within our primary school education system. The INTO's ask is for 1,000 new teaching posts, which will cost €78 million. I appreciate this is a large sum of money and if we are to do this, it will be on an ongoing basis.

This is an investment we cannot afford not to make. If we look around the country, while we see our class sizes are the lowest they have been in two decades, at 23, we are still four ahead of the EU average. We are comparing very poorly with countries which are not as economically well-off as we are but where the average is 19. An addition 1,000 teaching posts across the country would reduce the pupil-teacher ratio of 20:1. From speaking to teachers, not just this morning but all across my area of north-west Cork, this is the first time in quite a few years there has been no difficulty in fulfilling new teaching posts. There are a lot of people returning from abroad as qualified teachers. We also have a lot of people graduating from our teaching colleges here. There will not be any difficulty in getting these people.

It would make a difference in every single classroom for the teachers. It is not always 23 students but that is the average. A decrease from a ratio of 23:1 to 20:1 would mean teachers would have more time to deal with children who have additional needs and more time to focus on those kids who need a little bit of extra help. There are so many kids stuck in the squeezed middle who need that little bit of additional help but, at the current moment and with the current pupil-teacher ratios we have, they are not getting that. If we look at predicted closures of schools across the country due to them coming under the pupil-teacher ratio, we are looking at 19 potential closures in Munster. Decreasing the pupil-teacher ratio would give a lifeline to these schools.

I am asking to bring the Minister for education in here to discuss this. I know there are a lot of pressures on the budget but we need to discuss this and it is a very important form of long-term investment.

Senator Linda Nelson Murray: Hear, hear.

Senator Rónán Mullen: Many of us, the Cathaoirleach included, will have received a very reasonable letter from Mr. Declan McKenna, not previously known to me, regarding the use of LGBT and transgender pride colours within the branding and public communications of Government Departments. He specifies the education Department. He says the inclusion of these symbols may be perceived as endorsing particular views on gender identity and sexuality that are not shared by all citizens. He stresses he fully supports the dignity and respectful treatment of every person, regardless of background or beliefs, but he does not believe that a

Government Department should be seen to promote any particular ideology concerning gender or society.

Mr. McKenna says the primary remit of the Government is to serve all citizens, children, young people and families impartially. He says State institutions should seek to maintain a position of neutrality on matters that remain the subject of significant moral, philosophical, religious and societal debate. He request that State Departments review their use of such symbols and consider adopting branding that is inclusive of all citizens, regardless of beliefs, and remains focused on the core functions and responsibility of the Departments in question. He says the flying of flags, other than the national or EU flag, outside of Government Buildings is highly inappropriate.

I think he is absolutely right on every point. I ask that we have a debate on the privileging of certain ideas, ideologies and symbols at taxpayers' expense by Government Departments. This is very relevant because when we privilege certain organisations, we see things like what happened last week with the Minister, Deputy Norma Foley. She was challenged and asked about highly inappropriate books being pushed at children by Children's Books Ireland, the same organisation that is looking for €68 million of taxpayer's money to fund modern, inclusive books in libraries. It is highly inappropriate sexual material that is being pushed at children as young as 15. Her glib answer was to say she had not seen the book and it is a problem for parents to deal with. That negligence on the Minister's part is unacceptable.

The former Minister, Charlie Flanagan, gave the lie to even that by saying he approached her about the very same book in 2023 and talked about the inappropriate content and she laughed in his face. I believe that the Minister, Deputy Foley, does not like those particular kinds of books but this is what happens when people get into Government and they are captured. They think if they stray beyond supporting certain ideologies, they will lose their position or place. That is shameful on the part of the Minister and it is shameful on the part of the Government. We need a debate on the very issue Mr. McKenna has raised and we need to ask questions about why an organisation that gets public funding, like Children's Books Ireland, is pushing sexual material at young children at ages that are inappropriate. It is completely wrong and we need a debate on this.

Senator Chris Andrews: I have a point of order.

An Cathaoirleach: No. The Senator can interrupt to ask a Member when he is speaking. That is the Standing Order. The Senator can do it but only when he is speaking and he has to give way.

Senator Chris Andrews: I cannot raise any point of order?

An Cathaoirleach: No.

Senator Chris Andrews: So I cannot ask whether we should get rid of the prayer at the start of each day.

An Cathaoirleach: In a roundabout way, the Senator is asking the question.

Senator Rónán Mullen: That one was voted down. The then Senator Bacik's motion did not succeed.

An Cathaoirleach: Mercy.

Senator Chris Andrews: Will the prayer be got rid of? What is good for the goose is good for the gander.

Senator Rónán Mullen: If Senator Andrews thinks that is a comparison, he needs to reflect on the issues.

An Cathaoirleach: As the Senator is aware, the Standing Order says that when a Senator is in possession, is speaking and another Senator wishes to make a point, they can ask-----

Senator Chris Andrews: I did not want to interrupt him.

Senator Rónán Mullen: If Sinn Féin is becoming anti-religion, I think that will help it at the polls.

An Cathaoirleach: The only time a Senator can be interrupted is when they are actually speaking. Otherwise, they are not actually being interrupted. I point out that it is only an interruption while a Senator is speaking. Under Standing Order 40 Senators can ask to interrupt other Senators. We try to do things politely here. The Senator can ask and if the Senator in possession wants to give way, the Senator in possession can give way. Are we clear on that?

Senator Joe Flaherty: I am glad I know now what Standing Order 41 is. I will use it with wild abandon from now on. I raise a very important issue here today. Dr. Ali, a popular GP in County Longford who serviced Lanesborough and Longford town, retired recently. The HSE contracted for a replacement and we secured a very good successor. They are operating in Longford town and Lanesborough. It is implicit in the contract they are required to do three half days in Lanesborough. It is a source of great concern for us in Lanesborough that the contract has not been fulfilled in Lanesborough.

A local councillor, Sean Mimmagh, is very strong on this and I know he has made direct contact with the Minister for Health about this. In recent days, we have seen the Minister coming down very strongly on the Rotunda Hospital and the issue of contractual obligations there. If we are talking about contracts and the HSE, if it is good enough for the Rotunda Hospital to be implicitly following the letter of the contract, it is the same for a GP.

We have had a great tradition of GPs in Lanesborough. There is Dr. Colm Farrell who runs a very successful and popular GP practice there. Down through the years, there was Dr. Donohoe and many other eminent GPs who kept us alive, despite our best efforts. It is important for the people and they are concerned this an erosion of the service in Lanesborough. If the GP is only contracted for three half days, the concern there is the service is being eroded and ultimately, it will reach the point where they will lose this second GP. I will be calling on

the Leader to reach out to the Minister for Health, as I have done myself and as I know Councillor Mimmagh has done very vociferously. We need the Minister and the HSE to intervene.

If somebody gets a HSE State-funded contract or is being paid by the State, they need to implement that contract to the letter of the law. We need a cast-iron assurance that the GP will operate a three half-day service in Lanesborough. Like the Rotunda, anything else is unacceptable.

Senator Garret Ahearn: I thank the 15 contributors. Senator Fiona O'Loughlin spoke about the success of the Bloom festival, which has been a success ever since it started over a decade ago. It has increased in size and it is a good opportunity to have a debate on horticulture, something we have not had in the Chamber for quite some time. I will contact the Minister's office to see if that is possible. She also spoke about the Palestinian dancers who need visas. It is an obvious thing that we should be able to accommodate. The Minister should be able to facilitate that in some way. Not only is it the right thing to do, it should be done on the grounds of compassion and support. We as a Government have always tried to support the Palestinian people and give them some sort of normal life. There are lot of people from Palestine in Ireland. If people are coming over for an event it is something we should support.

Senator Michael Kennelly spoke about driving tests in north Kerry, the demand for which has increased dramatically. A lot of people are waiting. That has a huge impact on people who need to take a driving test for a job or, more commonly, if they are travelling to college. There is significant demand and people have been left waiting for a long time. I will contact the Minister's office for a debate on that. This is an issue not only in Kerry but in other counties across the country where there is huge demand for tests and people have to travel much further than their home town to get a test in an emergency.

Senator Tom Clonan spoke about the violence in Belfast last night and condemned everything that happened, as I do. He outlined what a lot of people are thinking if they are being honest with themselves, namely, that there is outrage about particular types of violence and people, yet other violence that has happened in this country has not attracted the same sort of emotional reaction and it is very obvious why. I agree with him. He spoke very passionately. He also mentioned the debate on the Order of Business yesterday and my response to it in regard to him being a former Army officer. I would remind him that I did not raise the issue. He raised the issue that he was a former Army officer and because of that expertise he should be listened to. I said simply that there were other former Defence Forces members in this Chamber, such as Senator Craughwell, and in the other Chamber, such as Deputy Callaghan, and they have very different views to him. All I was suggesting was that they have a background and expertise very similar to his but they have opposing views. Perhaps he is sensitive to the criticism, but that is all I said.

Senator Joanne Collins asked for an amendment, which I am happy to accept, regarding voting rights for 16- and 17-year-olds. It is something that should be debated and considered. We also need to encourage people to get out and vote. It is not just about getting more 16- and 17-year-olds involved in politics, which should be done from an educational perspective; we also need to encourage them to see why it is so important to vote. It is to be hoped such a

debate would also encourage 18-, 19- and 20-year-olds to vote. I am more than happy to facilitate that amendment.

Senator Patricia Stephenson asked for a debate on the greyhound industry. I am more than happy to do that. I will talk to the Minister's office to see if that is possible. She outlined her views and research on the greyhound industry. There are obviously differing views on all sides. It is an industry that is a livelihood for an awful lot of people across the country. People love animals, including dogs. There are always issues in every industry and I am more than happy to debate the industry, a debate which has happened in this Chamber and in the Lower House. We will try to see if we can facilitate that as soon as possible.

Senator Alison Comyn spoke about childcare. She outlined the major changes to childcare which are significant in terms of reduced costs and fee caps. That is all well and good, but if services do not have spaces what is the use? A lot of investment has been made in childcare, which is welcome. More needs to be done, in particular for new estates built with a childcare facility in the plans that is sometimes not completed for whatever reason, such as developers or costs. Young families moving into those estates assume there will be a childcare facility, but then find it does not exist. From my perspective, I have two young boys and know the importance of childcare and childcare facilities, in particular, but not always, for the women of the house in terms of going back to work. Childcare is a real worry for some people in terms of being able to go back to work. It is a financial worry for families, but also for individuals because people want to go back to work, have normality and get back to normal life after a number of months or a year.

Senator Mark Duffy spoke about wind two farms proposed for Mayo and outlined his objection to them. He made a very good case about the proposal going against the county development plan. Councillors are there to put forward county development plans. They know areas better than anyone else and are elected to represent the people of an area. Gerry Coyle and Jarlath Munnely are experienced councillors who know what is good for their area. If they, along with Senator Duffy, are raising concerns, those concerns should be taken on board. There is normally a consultation period in place. Senator Duffy is very supportive of renewable energy and wind farms in general, but obviously only in the right place. A Commencement matter with the Minister could be helpful.

Senator Sharon Keogan spoke about the IMF report on AI and the impact that could have on employment. That is why we established a Committee on AI at the start of this term. Many concerns have been expressed about the opportunities AI can create. In truth, we are all in the unknown in respect of what can happen with AI. We can certainly have a debate in the House on it. I will contact the Minister of State, Deputy Niamh Smyth, as soon as possible.

Senator Chris Andrews spoke about the women's game last night, which was a brilliant performance. It was obviously upsetting - what can one do about a goal when there is a bicycle kick into the top corner? It is harsh on the girls. They have done us incredibly proud. I have no doubt they will do us proud again in October and qualify for the World Cup. They are a great team and bunch of individuals and an inspiration to the whole country.

Senator Chris Andrews: And Ringsend.

Senator Garret Ahearn: That is true. The Senator spoke about Serca Darcy. As public representatives, unfortunately we all know of people who get very sick due to breast cancer or other long-term illnesses, look for supports and do not know where to go. All of us advise people in our constituencies on what they are entitled to or could get. There is uncertainty. It is important that someone with a young family who loses a wage can access help. It can be very stressful. The woman the Senator mentioned should be able to qualify for medical cards and so on. She is a hairdresser, therefore the 9% VAT rate will have a big impact on her business later on in the year.

Senator Chris Andrews: She had to close down her business.

Senator Garret Ahearn: The VAT rate was introduced to support hairdressers in particular. I accept people who are out of work for a long time do not know where to go or for what they qualify. That is our job. We should promote that more. I find that is what we do when we are in our constituencies.

Senator Pauline Tully spoke about ash dieback in Cavan. A Commencement matter with the Minister would be worthwhile because there is a financial support package for people who have ash dieback. It does not apply to hedges along roads. It could be worthwhile to bring the Minister in on a Commencement matter.

Senator Sarah O'Reilly spoke about the Bill before the Dáil today regarding counselling notes that can be shared with representatives of alleged perpetrators in courts. The Bill will come to the Seanad and we will have an opportunity to have that debate.

Senator Aubrey McCarthy spoke about the Irish Rail IT project and listed five or six projects that have been overpriced or which were not value for money.

However, there have been a lot of value-for-money projects that have been completed on time for less than the allocated money. The obvious example is broadband. It was delivered on budget and on time. There are a lot of road projects that have been delivered on budget and on time, albeit I accept that he named a number of projects where that has not been the case. All of these matters can always be dealt with at the public accounts committee. Where there is public spend, the committee can bring anyone in to seek accountability.

Senator Linda Nelson Murray spoke about Tidy Towns and how well Navan was doing in comparison to its neighbours in the county. That happens everywhere. In my village in Tipperary, we always compare ourselves to our neighbouring villages and whether we beat them every year. Obviously, that encourages more people to get out to help their community, which is important. Stickers from vapes being put on bins is a simple thing. It seems so small but if it is constantly done, it has a big impact. We will talk to the Minister for the environment, Deputy O'Brien, to see whether we can get something done on it. As the Senator said, it is like chewing gum. People need to be aware of the visual impact it has on the area.

Senator Eileen Lynch spoke about the INTO briefing. A good Tipperary man, Brendan Horan, is now the president of the INTO. Its ask for an increase in teacher numbers to reduce the pupil-teacher ratio is reasonable. Obviously, there has been huge investment at a capital level in education. Over the number of years when the Minister, Deputy Foley, held this portfolio, there were reductions in the number of pupils per class. The more we do and the

better we do, the better kids' education in schools will be. That is what we are all fighting for. It is a good opportunity for the Minister, Deputy Naughton, as the new Minister for education, to come to the Chamber to have a pre-budget debate on this. We will try to make that possible.

Senator Rónán Mullen raised LGBT colours being used in public buildings. He answered it himself at the end when he responded to Senator Andrews. In this building, the committees on Members' interests make decisions on behalf of all of us. There are groups within different public Departments that make decisions. One person alone does not decide to put up a flag. With regard to costs, I cannot imagine it is a great cost to a Department or this building to put up a flag, whether it is the Ukrainian, European or LGBT flag. Everyone has different views on this, and I totally respect that. Certainly, in this building, we have colleagues who are on the committees on Members' interests who make decisions on our behalf.

Senator Joe Flaherty raised the retirement of Dr. Ali and the contract for his replacement. An agreement was put in place that there would be three half days included to service the area of Lanesborough, but that is not being done. Obviously, if it is in the contract, it should be followed through on. The Senator may wish to discuss this with the Minister because it is not something we would have a debate on in this House. He could submit a Commencement matter on it. I am more than happy to write to the Minister on the Senator's behalf to deal with it. As the Senator said, if we can fight the Rotunda to follow through on contracts, it should happen in Longford or anywhere else.

An Cathaoirleach: Senator Collins has proposed an amendment to the Order of Business: "That No. 12 be taken before No.1". It has been seconded by Senator Andrews. The Leader has indicated that he is willing to accept the amendment. Is that agreed? Agreed.

Order of Business, as amended, agreed to.

Electoral (Amendment) (Voting Age) Bill 2026: First Stage

Senator Joanne Collins: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Electoral Act 1992 to reduce the age at which a person may be registered as a European Parliament Elector, and a Local Government Elector, and to provide for related matters.

Question put and agreed to.

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

Senator Joanne Collins: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Tuesday, 16 June 2026.

Cuireadh an Seanad ar fionraí ar 12.34 p.m. agus cuireadh tús leis arís ar 1.01 p.m.

Sitting suspended at 12.34 p.m. and resumed at 1.01 p.m.

1 o'clock

Garda Síochána (Recording Devices) (Amendment) Bill 2025: Committee Stage

Acting Chairperson (Senator Pat Casey): I welcome Niall and Dermot Eigney, guests of Senator Ollie Crowe, to the Chamber this afternoon. I am sure he will look after them for the rest of day and they will be well fed and watered by the time they finish. I hope they enjoy their visit.

Sections 1 and 2 agreed to.

SECTION 3

Acting Chairperson (Senator Pat Casey): Amendments Nos. 1 and 7 are related and may be discussed together by agreement. Is that agreed? Agreed.

Amendment No. 1 not moved.

Question proposed: "That section 3 stand part of the Bill."

Senator Victor Boyhan: I welcome the Minister to the House. The code of practice, as the Minister is familiar with, is peppered right through this Bill, but I saw an opportunity in the amendment that has not been moved, and in section 3 where there are many references to the code of practice, so it is appropriate to bring it up at this point.

As I said the last time the Minister was here in relation to this Bill, I support the Bill, but it is important to get some clarity on a number of issues. What was particularly interesting, and I drew the Minister's attention to it, was that An Garda Síochána made a detailed submission, as did the Irish Council for Civil Liberties, ICCL, the Law Society, Safeguarding Ireland and the Rape Crisis Network of Ireland. I referenced these during my previous contribution on this Bill. There were recurring themes in those submissions that warranted further examination. I know that the Minister subsequently looked at this Bill and that he became the Minister after the pre-legislative scrutiny was done on this and many adjustments were made.

Most of what is encapsulated in my queries relates to the Data Protection Commission's commentary on the Bill. Interestingly, the Data Protection Commission, DPC, had several points in its submission under the code of practice heading. It noted the centrality of the code, the lawfulness of processing personal data and the purpose of biometric identification in this Bill under the general scheme. The DPC made the point that the code of practice was important. We are effectively signing up to a Bill where we do not know what the code of practice is, but to be fair to the DPC, it pointed out that it was significant and that the Minister and the Department needed time to work out the details about the code of practice.

The DPC stated that the code would need to ensure a clear articulation of the legal basis of processing and reflecting on the statutory footing under the principal Act, and that the circumstances under which An Garda Síochána is allowed to deploy facial recognition technology, FRT, are clear to the public and provide sufficient clarity and legal certainty to prevent the arbitrary use of these technologies. The DPC stated that the lawfulness of the data

processing was dependent upon the code contributing to the clarity and foreseeability of the end-to-end effect of the data processing operations, and any room for deviation from standard operating procedures would possibly undermine this. The DPC talked about the effective internal oversight mechanisms governing the deployment of FRT and the identification and definition of the roles and responsibilities of the relevant authorised officers. All of that will be critical in building confidence around the code.

The code is very important and significant. The Minister spoke about it at some length the last time we were here. Clear descriptions relating to the safeguards need to be put in place for the protection of the fundamental rights of individuals, including but not limited to measures to ensure the integrity and confidentiality of the personal data collected and to underline the processing of the staff training and technologies. I know that the Minister is committed to all of this, but I want to put on the record that, having engaged with these four submissions, they raise reasonable, fair and well-articulated concerns.

The DPC went on to say that, given the scale and complexity of the issues in the Bill, it was important that the code of practice would not be regarded as a mere afterthought or formality and that the process of creating the code would not be rushed. To be fair, the DPC is not criticising the Minister. It is just saying that we do not need to rush it. However, we do not want to leave it too long either. I know that the Minister is committed to getting this legislation up, running and enacted, which is important, but in fairness, the DPC says that it is important that it not be rushed.

I ask the Minister to confirm that the code of practice will be laid before both Houses of the Oireachtas when it is prepared. That is an important imperative in terms of oversight by both Houses of the Oireachtas.

I am going to finish by saying that I support the Bill. The code of practice is fundamental. It is a complex thing. No doubt, it will be moved, shaped, amended and improved. When this Bill is reviewed at some time in the future, there will be lessons learned or new thoughts will come about regarding things that we, the legislators, did not envisage.

These submissions are important. I acknowledge the Data Protection Commission, which is committed to keeping an eye on all of this, given its statutory obligation to do so; An Garda Síochána and the then Garda Commissioner, Drew Harris, who made a very detailed submission; the Law Society, the ICCL, Safeguarding Ireland and the Rape Crisis Network of Ireland. They all made very comprehensive and well-thought-out submissions. They came to this legislation with a positive view of strengthening it, not knocking it, and raised their legitimate concerns for the organisations and people they represent.

At the end of the day, this is about a just system that protects everyone proportionately. That is important, too, but there are a lot of sinister and dangerous people in our society and, therefore, all mechanisms of technology and innovation have to be put to the fore as instruments in tackling crime, as well as making our places safer for all. On that point, I wish the Minister well. The issue of the code of practice is really important. Will he give us some feedback in terms of whether the code will come back before the Houses of the Oireachtas?

Acting Chairperson (Senator Pat Casey): I wish to inform Senator Collins that we cannot revisit amendment No. 1, but if she wishes to speak on the section, she can.

Senator Joanne Collins: I will, and I thank the Minister for being here today. Banning the use of technology from states engaged in war crimes and genocide should not even be up for debate. It should just be a given.

We know that An Garda Síochána has, and is probably still using, Israeli surveillance technology. Given Israel's record, this is highly problematic from a national security perspective and because it is supporting a genocidal regime that uses this very technology to target Palestinians. We know that in 2023 An Garda Síochána paid €278,000 to Cognyte, an Israeli surveillance technology company. Cognyte's main product is an investigations analytics platform that uses AI, facial recognition and data aggregation to analyse communications, CCTV, social media and more. The company has a controversial history. Its tools have been used in Indonesia to monitor LGBT and religious minorities, and in Myanmar and South Sudan for mass interception. A Brazilian investigation alleges that a Cognyte system was used under Jair Bolsonaro to track political opponents. Can the Minister guarantee this company will not be used for the provisions in the Bill we are discussing here today?

We also know that An Garda Síochána has paid hundreds of thousands of euro to an Israeli cyberdefence company that has worked with Israeli authorities to target Palestinians during the current genocide in Palestine. That company, Cellebrite, has deep links to Israel's military and intelligence apparatus and has previously been criticised by rights groups for selling its technology to prospective governments. This company has been used by Israel during the current genocide in Gaza to target Palestinians. In 2021 alone, the Garda spent over €200,000 on Cellebrite services. While it is important the Garda has access to technology, including decryption technology required to detect and prosecute serious crimes, alternatives must be found to using companies from states engaged in war crimes, genocide and crimes against humanity.

I do not believe this will be done without enshrining it in law, given the experience to date,. In 2024, the Government banned future purchases of military equipment from Israel due to the actions of the Israeli Government in Gaza. However, this ban did not apply to An Garda Síochána. Acceptance of these amendments would be consistent with the position the Government has taken regarding the purchase of military equipment. It would also be important from a national security perspective, as it makes absolutely no sense to procure this kind of technology from a state that has been hostile to Ireland for standing up against the genocide in Gaza.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senators Boyhan and Collins for their contributions. Before I respond to them, I want to advise the Seanad that it is my intention to bring forward a minor technical amendment to section 8 of the Bill on Report Stage. This is an amendment to section 43B as it relates to international co-operation, and I think I already advised this House on Second Stage of that intention. The amendment is still being considered but I am told that consultation with the Garda and the Office of the Attorney General is coming to a close, which will allow for its consideration on Report Stage.

First, I will deal with the issues raised by Senator Boyhan where he referred to codes of practice. He correctly identified that codes of practice are a very important part of the legislative framework, particularly in terms of how it operates for An Garda Síochána. The

reason he mentioned it in the context of section 3 of the Bill which we are discussing at present is because that is where there is reference to the code of practice, which of course means a code of practice that is declared by me by order, under the existing section 47(4) of the recording devices Act, or indeed, if the Houses enact this legislation, in section 47A. If colleagues have an opportunity to look at section 10 of the Bill, they will see there is a whole new section that will go into the recording devices Act governing a code of practice for Part 6A. As we know, Part 6A is the part that deals with the carrying out of biometric analysis by members of Garda personnel, which is the issue we are looking at.

I agree with Senator Boyhan that it would not be appropriate for me to sit back and wait for the Garda to produce a code of practice. In fact, the legislation is done in such a way that the legislation has to be enacted, and then the code of practice comes after it. It is important that the new section 47A will set out thoroughly what is the procedure for the making and approval of a code of practice in respect of the area of the use of biometric analysis by An Garda Síochána. As colleagues and Senators will see from section 47A, which is at section 10 of this Bill, there is a requirement on the Commissioner to prepare one or more draft codes of practice to provide further detail on the operation of Part 6A, which is the use by the Garda of biometric analysis.

Obviously, once he produces a draft code of practice, it will have to set out the procedures to be followed by members of An Garda Síochána, the parameters for the use of biometric analysis and details about the confidentiality, retention and storage of this important information, and all of this must be done in a manner that ensures it is compliant with obligations under legislation but also under the Constitution and the convention. A draft code of practice may contain different provisions relating to different types of biometric data and analysis, different categories of persons or data, and the circumstances in which biometric data can be used.

Although the Garda Commissioner prepares the code of practice, I am the person who, to use the verb, promulgates it. Before the Commissioner sends it on to me, he is required to assess the impact of the proposed draft code on the human rights of individuals, which I know is of particular concern to Senator Boyhan. The Commissioner has to take into account how any draft code will impact on the human rights of individuals. In doing so, he cannot just discuss it in a room with himself and his senior officers. He has also to engage with me, the Policing Authority, the ombudsman, the Data Protection Commission and the Irish Human Rights and Equality Commission, to which Senator Boyhan referred earlier.

There is a broad procedure put in place as to how the Garda Commissioner must compile the code of practice in respect of biometric analysis, and he has to engage thoroughly with other persons. That is a process that is going to take a bit of time. He then submits the code of practice to me in accordance with subsection (5) of that section and I can, by order, declare that it is a code of practice for the purpose of this Act. Ultimately, it is the elected official - the Minister - who is the person who determines whether it becomes a code of practice. Although I am a member of the Executive, the checks required by this House are also included within subsection (6). There is a requirement there for the draft code of practice to be laid before each House of the Oireachtas, and the order shall not be made until a resolution approving the draft has been passed by each House.

Again, the draft code is prepared by the Commissioner, it then comes to me after he has consulted many others, and I have to approve it. I then have to lay it before the Houses of the Oireachtas, and both the Seanad and the Dáil have ultimate control over whether it comes into effect or not. That is a satisfactory statutory procedure in place which will ensure that all the issues raised by Senator Boyhan will be taken into account.

I will now deal with the issues raised by Senator Collins, whose concern is in respect of issues to do with procurement and the type of products that will be purchased by An Garda Síochána for the purpose of carrying out the biometric analysis. Obviously, it is the case that this is high technology. The Garda will need to purchase the technology used in other jurisdictions, and that is a process it will have to engage in also.

My own view is that procurement is governed by EU rules and national regulations. We have very detailed rules in terms of how public procurement operates, particularly for a contract of this magnitude. We generally do not - and I think it would be inappropriate to do so - put into primary legislation rules that duplicate rules concerning public procurement. It would mean every time we have a piece of legislation - and I am back here later on this evening for the Garda powers Bill - regarding any type of further technology or infrastructure availed by An Garda Síochána, that we would include a public procurement provision in respect of that. I do not think it is appropriate. There are mandatory exclusion grounds where a tenderer has been convicted of a series of offences.

That is set out in the public procurement rules. Those rules and regulations provide for a transparent and non-discriminatory process and there are sufficient rules and regulations in place in respect of existing guidelines. Procurement matters generally are not issues that are detailed in primary legislation and I do not think they should be included in the Bill. In the case of any procurement of biometric technologies there are requirements for providers and deployers of AI systems under the AI Act. The Garda Síochána will look to its European counterparts when engaging in the procurement process for best practice in the area.

That is what I wanted to say on section 3. I thank both Senators for their contributions.

Senator Victor Boyhan: I thank the Minister for the clarity which was exactly what I was looking for. We are clear now that this is a draft code of practice which is important. The Minister has set out his role as distinct from that of the Commissioner in preparing the draft. Ultimately, the Minister takes the hit and signs off on it, which is reassuring. It is important that it will come to both Houses for approval.

I note what the Minister said about section 10, the new section 47A. I decided to take it early because I saw there was an opportunity to take it early and get it out of the way. It is good to have clarity at the early stage of our debate today because the code of practice was a particular issue which took up a lot of time in the pre-legislative scrutiny. I was not a member of the previous committee. I know that Senators Ruane and McDowell were and they put a lot of work into the pre-legislative scrutiny. Not everything that they recommended was ultimately incorporated into this legislation. It is important to have clarity on the code of practice procedures, the role and function in relation to the draft of the Garda Commissioner along with his expert staff and advisers, and ultimately the Minister's role in signing off and accepting if that is an adequate draft of the code as the envisaged in the Bill. I thank him for that clarity on all of those matters.

Deputy Jim O'Callaghan: I thank the Senator for his contribution.

Question put and agreed to.

Sections 4 to 7, inclusive, agreed to.

SECTION 8

Government amendment No. 2:

In page 5, line 31, after “individual”, to insert “including”.

Deputy Jim O'Callaghan: This is a minor technical amendment in section 48A(c) to the definition of biometric analysis to add the word “including”. The definition of biometric analysis is intended to afford gardaí the ability to utilise automated recognition and categorising of physiological or behavioural human features on both known and unknown persons for the purposes listed in the Bill. An added functionality of paragraph (c) is its use in locating a missing person. The addition of the word “including” is intended to make it clear that this is an official purpose rather than the sole purpose of paragraph (c).

Senator Lynn Ruane: I wish to clarify that this is the section in which my amendment was ruled out of order. I just do not want to speak unnecessarily.

Senator Pat Casey: The Senator's amendment No. 5 was ruled out of order. Amendment No. 3 is in order.

Senator Lynn Ruane: Amendment No. 3 is not in this grouping, is it?

Senator Pat Casey: No, we are only discussing amendment No. 2 and will then move to amendment No. 3. The Senator's amendment No. 5 in this section has been ruled out of order.

Senator Lynn Ruane: I will wait until we are speaking on the section so.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 3:

In page 5, to delete line 33.

As we know, this Bill will provide for the use of AI facial recognition systems by An Garda Síochána. I believe the Government has gone about this in a fairly interesting way, using a novel term of "biometric analysis" to define the systems gardaí will be using. However, even though the Government is using that term, the definition provided in the Bill is effectively the same as biometric identification, as described in the EU AI Act. Our amendment deletes line 33 which states that biometric analysis, the novel term which is not used elsewhere within the EU AI Act to describe the technologies that will be employed by the Garda throughout the Bill, does not include biometric identification. Even if the Government might wish for this to be the case, it is hard to see how it will be.

Recital 17 of the EU AI Act is very clear. It states:

The notion of ‘remote biometric identification system’... should be defined functionally, as an AI system intended for the identification of natural persons without their active involvement, typically at a distance, through the comparison of a person’s biometric data with the biometric data contained in a reference database, irrespectively of the particular technology, processes or types of biometric data used.

This is a very wide-ranging definition. It is difficult to understand how biometric analysis does not include biometric identification as defined by the AI Act. Therefore, we propose to delete the lines that assert that they are not the same thing with particular regard to paragraphs (b) and (c) of the definition. The definition of "biometric analysis" in paragraph (c) seems to be clearly biometric identification. It states that biometric analysis means "the automated recognition" in relation to a particular identified individual. For what purpose would gardaí use technology other than to identify the person under this definition?

As much as the Government might want to consider this as biometric analysis, inevitably identification will be happening through the use of these technologies, which puts the use of these technologies in a high-risk category under the AI Act, for which a wide range of safeguards are outlined. What impact will calling these systems by another name have for our compliance with those safeguards? Does this allow us to circumvent the protections outlined in the AI Act?

Interestingly, in Recital 40 Ireland has a carve-out due to the common travel area for the purposes of law enforcement. It is not bound by the rules in Article 5 around the prohibited AI practices in Article 26.10 in relation to seeking approval from a judicial authority for the use of biometric identification in a criminal investigation. Article 26.10 contains many other safeguards regarding the use of biometric technologies. There is an important question that the Minister needs to clarify on this. While we are not bound by these safeguards, are we opting in to those safeguards and if we are not, why not?

As I read it, that carve-out exists because of the common travel area and because of the Good Friday Agreement but I do not understand why and how that decision was made. The procedures described in the Bill are not comprehensive and our subsequent amendments will speak to concerns about how this technology will be implemented.

If we do not opt in to the protections in the AI Act, there is a significant risk that Ireland will become an outlier in Europe where the use of these sorts of surveillance technologies can be trialled. It is a fairly chilling prospect that this country would become a testing ground for the application of biometric systems in criminal investigations and it raises serious questions about the implications of that application on the rights and liberties of citizens and the people who are living here.

Another important point to be made here is that we need to be very careful in describing the use of biometric data inaccurately. We have been here before. The Department of Social Protection was fined by the Data Protection Commission last year over the use of biometric data linked to the public services card. The use of biometric data in that instance was deemed to not meet the requirements of data protection law as required by GDPR. In this Bill, by creating a novel term in "biometric analysis", which I do not understand, we are using a type of biometric analysis but it is clearly biometric identification and it seems to be trying to move

around the acknowledgement of that and diverging from the terminology used in the AI Act. We are concerned that there may be issues regarding this Bill's compliance in the future with GDPR.

The European Data Protection Board has previously issued guidelines on the use of facial recognition technology in the area of law enforcement.

The guidelines outlined the specific scenario examining remote processing of biometric data in public spaces for identification purposes and found that such use would constitute a disproportionate interference with the data subject's rights under Articles 7 and 8 of the Charter of Fundamental Rights of the European Union. Has the Minister considered these legal implications? The crux of it is that this Bill refers to biometric analysis, but what is clearly outlined is biometric identification. That does not align with the EU's AI Act, which clearly names it as biometric identification.

Deputy Jim O'Callaghan: I thank the Senator for her amendment and her contribution. Her amendment seeks to make a minor but significant change to section 43A and, in particular, the definition of "biometric analysis". The section we are discussing here seeks to put section 43A into the Act. That is the first section in the new Part that is entitled "Carrying out of biometric analysis by members of Garda personnel". Obviously, it is appropriate that we define what biometric analysis is. Senator Ruane's amendment recognises that the first part of the biometric analysis sets out in three paragraphs a definition of what it is, but then the part that she wants to delete in this amendment is line 33, which states: "but does not include biometric identification;". In the legislation over the page, we then include a definition of "biometric identification". If this amendment went in, we would still find ourselves left with the issue of the definition of "biometric identification".

Let me try to deal with it in layman's terms, or the only terms I understand in respect of this issue. Facial recognition technology comes under two headings: biometric analysis and biometric identification. In respect of both of them, we can have either retrospective biometric analysis or identification, or live biometric analysis or identification. What we are talking about in this legislation is the introduction of retrospective biometric analysis. I intend in future, and I am sure it will be more contentious than this, to bring forward legislation that will seek to introduce biometric identification and, indeed, live biometric identification and analysis. However, to describe what biometric analysis is, the best thing is to use an example from An Garda Síochána and the work it is doing, because that is the purpose of the legislation here. If the Garda has a video and video images of a person whom it believes committed a criminal offence, and it has the person on the screen, biometric analysis is going to assist the Garda in figuring out whether that person on the screen is the same person who is on a video later on entering a house in some other area or on a street elsewhere. You do not have a database of individuals against whom you are checking to see if that individual is identifiable on the database. Instead, biometric analysis is simply comparing the images of one person on one screen with another person on another screen. The benefit of it is that it will be able to tell gardaí that the person who is on O'Connell Street there is the same person who is getting off a bus in Rathmines half an hour later. They do not know who the person is, but the analysis facilitates them in identifying the movements of that person.

If we look at the definition of "biometric analysis", really it is in paragraph (b) of section 43A that we get the specific definition of what I am stating there:

in relation to a particular, but unidentified, individual, the automated recognition and categorising of physical, physiological or behavioural human features by the use of specific technical processing of documents obtained by An Garda Síochána in the course of an investigation, in respect of instances of the particular unidentified individual ...

To put it in the simplest terms, biometric analysis is trying to identify unidentified individuals and figure out whether that person there is the same as the person on the other screen. That is what analysis is. It is also going to be used, however, for the purpose of a missing person. In that instance, you will have the identity of a missing person, somebody will be able to identify a photograph of the child, and you can do biometric analysis by checking different screens to see if that child comes up.

"Biometric identification" is defined in this legislation as follows:

"'biometric identification' means, in relation to an individual, the automated recognition of physical, physiological or behavioural human features for the purpose of ascertaining, or attempting to ascertain, the identity of an individual by comparing biometric data of the individual to biometric data stored in a database of one or more named individuals ...

The really important distinction between analysis and identification is that when it comes to identification, you are checking somebody against a database. To use the example of the Garda station, if biometric identification is introduced by the Oireachtas in due course, a garda looking at an individual on-screen will be able to check that individual's image - face - against a database of individuals. That is not what this legislation is doing. This legislation is analysis, comparing whether that unidentified person is the same as another unidentified person later on.

The amendment by Senator Ruane proposes to remove the exclusion of biometric identification from the definition of "biometric analysis". Drafting conventions sometimes require that a term be defined relative to another definition. In this instance, biometric analysis is everything listed in subsections (a) to (c) but it is also, for the avoidance of doubt, not biometric identification. It is of benefit to those who are opposed to biometric identification to know that biometric identification is not included in this legislation. There is no doubt about that. As I say, I will be coming back at another date seeking to introduce it.

I note that this proposal to remove reference to biometric identification is not accompanied by an amendment that deletes the definition of "biometric identification". This would confuse the Bill's intention and bring ambiguity to the Garda's powers *vis-à-vis* biometric technologies. The amendment would seem to allow for the possibility for Garda use of biometric identification without any of the accompanying safeguards and oversight. Biometric identification will be provided for in another Bill. I hope to publish its general scheme in the coming months.

With the greatest of respect to Senator Ruane, I do not think the amendment serves any purpose. What would happen is that we would have a definition of "biometric analysis" and we would still have within the legislation a definition of "biometric identification". I would have thought, if it was being interpreted by a court, they would say there was obviously some

purpose for including a definition of "biometric identification". In fact, the only reason is to exclude it from the definition of "biometric analysis".

Senator Ruane also asked why I was not using the definition of "biometric identification" as set out in the AI Act. As I said, biometric identification is defined in this Bill as a type of biometric processing that is not covered by biometric analysis. The definition provides that biometric identification is the comparison of biometric data of an individual against a database of images. The scope of what is being provided for in terms of biometric identification will be clearer in the second Bill. My understanding is that we opted into the AI Act, certainly the policing sections of it. I am fairly satisfied that there is no inconsistency between what is in this legislation and what is in the AI Act. When it comes to our obligations under the GDPR, I believe this legislation is completely compliant with it as well. As I indicated earlier to Senator Boyhan, there is a procedure set out in section 10 of the Bill for the preparation of codes of practice. That code of practice requires the Garda Commissioner, before it is approved by me, to consult with the Irish Human Rights and Equality Commission and the Data Protection Commission. I am very satisfied that when it comes to the code of practice and, indeed, the primary legislation, there would be complete compliance with GDPR data retention requirements and any human rights obligations.

Senator Lynn Ruane: I thank the Minister. After all the time in pre-legislative scrutiny and on the AI committee spent exploring what is and is not identification, facial recognition and so on, it is really difficult to understand how this Bill is about analysis when it carves out that one sentence saying it is not identification.

If two CCTV clips are being compared, where are those clips being stored? The analysis still results in identification. It is hard to see how analysis, which will exist in this legislation, will not ultimately result in identification.

It is not that I am trying to get a carve-out here. Biometric identification is something I have an issue with but I also have an issue with how this Bill is written. I have an issue with how the rest of the definition is written when we compare it with the AI Act. The AI Act calls it identification. The Minister's definition of "biometric analysis" is called "biometric identification" in the AI Act. For me, this is about making sure we call this what it is, regardless of whether we have different views on how it should be used.

I refer to Recital 40, in particular, in relation to the purposes of law enforcement and the special carve-out Ireland seems to have in relation to biometric analysis and its definition in terms of "identification". The Minister has said he will be bringing forward legislation in future. Are we saying, though, that it is not bound by the rules of Article 5 in respect of this legislation around prohibited AI practices? When the Minister tells me about biometric analysis, it sounds exactly like biometric identification. A database and the ability to use a comparison to identify a person exist in both scenarios. In a situation where somebody is missing or in a crime-related context, that analysis still results in biometric identification. I am not certain that I agree with biometric identification and have concerns about it but my concern is that leaving this sentence in this legislation is actually misleading when we look at the rest of the definition in comparison to the EU AI Act.

Senator Alice-Mary Higgins: I agree with the concerns raised in this regard. With respect to the Minister, the recital of the AI Act talks about the "identification of natural persons, without their ... involvement ... through the comparison of a person's biometric data with the biometric data contained in a reference database". The Minister pointed out the language that has been added into the legislation, which probably does need to be amended on Report Stage, is relation to biometric identification. The Minister seems to be adding in the fact of a person being named in the context of the definition. If individuals are not named, then it is not identification. The Minister himself, though, used the words "to identify unidentified individuals" and assist in "identifying" multiple times during his own speech. What is being done is identifying. If there is an image of somebody and a video of somebody and it is said that is the same person in both instances, then they are being identified. That is biometric identification. The fact that it is not known whether the person's name is Stephen, John, Tony or whatever else might be is a little bit by the by, because this aspect is concerned with biometric identification and not named identification. The attempt to narrow down the definition of "biometric identification", to say it is only applicable in the cases of named individuals and thereby leave this whole world open for a completely newly invented concept of biometric analysis does not fly. It is not consistent with what is happening in the AI Act and in the law.

It reminds me, very vividly, of an attempt previously by a Department to try to literally redefine its way out of a breach of European law. That was the Department of Social Protection. I remember having a discussion with the then Minister, Regina Doherty, where it was said that we simply had different understandings of what biometric meant. The problem, though, was that her definition and understanding was wrong and was found to be wrong by the Data Protection Commissioner. The Department of Social Protection at that time was keen to claim that the thing it was doing, which was clearly biometric, was not biometric. We pointed out that the proposed public service card contained biometric information and the Data Protection Commissioner confirmed it was biometric information later. The company employed to fulfil the contract to make these public service cards was originally named Biometric Card Services. The company renamed itself when it got the State contract to Security Card Concepts. The idea was to literally rename the company, whose title accidentally mentioned that what it was doing was biometric, as Security Card Concepts.

When I look at biometric analysis, a little bit of the Security Card Concepts situation comes to mind. It sounds a little bit like the same thing. We know what biometric identification is. It comes with the proper weight and precedent of the law and has been identified as an area with regulations attached internationally. The Government, therefore, has decided to put a new thing in the mix called "biometric analysis", which means something slightly different and where it can wing it and do things its own way. It is a weak ploy to literally rename something. It does not stand up in this case and did not stand up for the Department of social protection when it tried to do this. It is a distraction from the proper discussion we should be able to have around biometric identification. All the activities the Minister has described are biometric identification. This is a distraction as well from having a discussion of how we can put safeguards in place in relation to this concept, how to do it responsibly, how we can address it in the best and most appropriate way and how we can bring ourselves into the closest alignment with best international practice.

The Minister is now saying we will talk about biometric identification at another time but that this legislation is about biometric analysis. An attempt is being made to almost try to

exclude all the relevant information from the debate and discussion on biometric identification. I plead with the Minister for honesty here and a reflection of the fact that biometric analysis is effectively biometric identification. Let us not try to create an easy opt-out. Let us, instead, have a meaningful discussion on biometric identification and everything that comes with it.

Deputy Jim O'Callaghan: I thank both Senators for their contributions. When it comes to the application of this legislation, if it is enacted, or its interpretation by a court, both circumstances will require a court or a garda applying it to consider the definitions contained within this legislation. The court and the garda will not be going to a definition of "biometric analysis" or "biometric identification" in the AI Act. For the purpose of this legislation, it is the definition of "biometric analysis" set out here.

The part of the legislation we are discussing here is called the carrying out of biometric analysis by members of the Garda Síochána. What is clear from a plain reading of this legislation, if enacted, is that it establishes a distinction between "biometric analysis" and "biometric identification". Irrespective of what the AI Act says, here we are establishing a distinction between the two and only biometric analysis is permitted in this legislation.

The real difference between biometric analysis and biometric identification is that biometric identification requires the assistance of a database of images. That is not needed for biometric analysis. To go back to the example I gave earlier, biometric analysis arises when a garda is looking, for example, at an incident in the city centre and he sees an image of a person who he does not know and who was involved in the commission of a serious assault or other offence. The garda will then be able to use biometric analysis to determine whether that person is the same as the person who got off a bus in Rathmines 45 minutes later. The Garda will still not know the identity of the person. This is what biometric analysis is. It is about seeing whether one image of a person is the same as another image of a person elsewhere.

It is no doubt the case that if a garda sees the person, it is the case that they are the same person and it is possible to identify that the person getting off the bus goes into a house, that will lead the Garda and the investigations to the house. Ultimately, it will be possible to identify the individual. This is, however, completely different to the process of biometric identification, where, to use the example I gave, a garda is looking at an image, sees a face, checks that face against a database and the database comes up with the name of whoever the individual is. That is what biometric identification is in this legislation. It is not covered by this legislation, but the former example I gave of biometric analysis is covered by the legislation.

Senator Lynn Ruane: We also seem to have some sort of different understanding of what identification is. Identification is identification. Whether you are comparing one video camera to another CCTV feed or picking out someone getting off a bus and going into a house, it is used for identification. Biometric identification is not understood to be that you just compare something with a name in a database. Identification also follows people around through facial recognition and that is a database, even if it is on a slightly behind clock. Biometric identification is not just a list of names you have on your system and you compare them to see if a person happens to be a particular named person. Biometric identification is the result of identification. It is probably later in the Bill in another section, but the required rank of garda is not stated in the context of going back to Article 26.10, which Ireland seems to have a carve-out from, in relation to seeking approval from a judicial authority for the use of biometric

identification. There is also another part of the Bill that says a garda can just ask a fellow garda - another human - to look at this and ask whether they think someone is a particular person. That seems to be standard enough, which is not appropriate. I do not mean to be insulting in any shape or form but I do not know if the Minister, when he is speaking about and explaining biometric analysis, truly, when he breaks it down, does not see how that this is biometric identification, given that the end result is identification.

Deputy Jim O'Callaghan: It is biometric.

Senator Lynn Ruane: Yes, but it is biometric identification. It is not biometric analysis. It is just biometric identification. What if you remove the identification piece, whether it is against a database or a live CCTV system where you are comparing one street with the next one to see where someone is moving and tracking that person to identify them? If you remove the end result of identification, then what is analysis and what is its purpose? It does not have any. It does not exist as its own thing. It only exists with the weight of the end result of identification, which makes a biometric identification.

All we are really asking is not to shut down the conversation on biometric but to have it in the right place and to not leave us open. We are also asking that the Government be transparent about the fears around it and the fact Ireland has this carve-out based on the common travel area and on stuff from the Good Friday Agreement. Ireland is the hub of big tech in Europe, and now we have this carve-out. That is really concerning in terms of what vested interests there are in Ireland being the place where there is a carve-out in how we protect people from the use of biometric analysis and keep that in check. The worst-case scenario is that we have that carve-out in an Ireland that is completely swamped with big tech. Why is that? What if I was to be really paranoid about it? Why do we have that carve-out? In relation to Recital 40, I still do not understand why, due to the common travel area, we have carve-outs in how we define "biometric identification". I plead with the Minister to see the logic that, when you break it down, analysis is identification. We are just asking him to name it for what it is so that we can have the conversation and make sure that the protections are in place for people.

Senator Joe Conway: I might be the only person in this House who suffers from a condition called parliamentary masochism. I dragged myself away from committee room 4 where we had harpists performing reels and came up here to be entertained by the Garda Síochána (Recording Devices) (Amendment) Bill 2025. I came in at a very good time because I am addled by the biometric identification and biometric analysis and I am finding it curiously entertaining and informative. I ask the Minister if he could throw some light on an aspect of it. He was talking about biometric identification. This is a process, I gather, whereby gardaí will be able to look at a database of images, presumably facial images, from wherever. I was wondering where these images will come from. Will they be Europol images or from Interpol? Will we have access to the databases of so-called bad actors on the other side of Europe? Will the Minister enlighten us as to where the bank of image data that will be used will come from?

I thank the Minister for enduring my really profound ignorance on this subject, but it is becoming more and more entertaining by the minute.

Senator Alice-Mary Higgins: Again, this is just an appeal for honesty in this. When the Minister spoke, he used the word "identify" multiple times. He spoke of identifying "unidentified individuals" and assisting in "identifying". What is happening is identification.

Deputy Jim O'Callaghan: Ultimately.

Senator Alice-Mary Higgins: What is happening is we are saying we believe this person in one image and this person in a second image are the same. Where are these two images stored? They are stored in forms of public databases. It does not matter that it is traffic footage. It does not matter what form of database. I go back to the Recital 17 of the Act, which refers to "the comparison of a person's biometric data with the biometric data contained in a reference database, irrespectively of the ... technology, processes or types of biometric data used." Thus, it is not a matter of saying this is the database we compare them with that has the names in it and if we compare it with other databases, it does not count. That is effectively what the Minister is saying. Consider the data we store in relation to our transport system or the data stored from public CCTV cameras. Those are databases. Once you are comparing images with other images that are stored, you are comparing with databases.

Then there is this suggestion we will have one form of database that is the designated database with names in it and if we compare it with that, it is going to be biometric identification. Names are not necessarily part of biometric data. They are an extra bit. That is like saying we have a database of people with red hats. It is literally picking one factor, which is not a biometric factor, and saying that is what will determine that it is biometric identification. The Government is picking a non-biometric factor and saying that is biometric identification and otherwise it is just biometric analysis. Biometric identification is literally the biometrics, including the face, the body and the movement. These are the things you are looking at when you are looking to identify someone and that is what is happening when you compare an image from one form of data storage place with another data storage place.

With respect, if there really was a need for this separate category of biometric analysis that had to go so far as to say it was not biometric analysis and had to be tagged on at the end in an attempt to narrow that down, why on earth would the AI Act not say biometric analysis was only against a particular database that had named individuals? Why is that not in the AI Act? Why is there not a separate "biometric analysis" definition in the EU Act?

It has been a long process. There was a lot of discussion. Why is it unique to Ireland that we have to invent a brand new security concept called "biometric analysis" that is going to be just us doing our own thing? We also seek to lower the bar for what biometric identification is. It will not just be bad for us, but for Europe, if we try to create a lower, worse, narrower and inaccurate definition of "biometric identification" and stick it in a Bill literally so that we can point at it and say we are not doing that thing. It would be absurd if it was not so damaging, not just to ourselves, but to others across Europe.

I have another point. The Minister mentioned the data protection piece and in response to that I note the guidelines of the European Data Protection Board.

2 o'clock

There may be carve-outs. There is extreme concern in relation to how those carve-outs seem to be applied and employed in relation to this Act and the AI Act. It still applies under GDPR. The European Data Protection Board previously issued guidelines on the use of facial recognition technology in the area of law enforcement. In those guidelines, it explicitly outlined a scenario very similar to those scenarios the Minister has been playing out, of people jumping on the bus, running away and going through the town and we are finding them. In these specific scenarios that involve remote processing of biometric data in public spaces for identification purposes, it found that such use would constitute a disproportionate interference with the data subject's rights under Article 7 and Article 8 of the Charter of Fundamental Rights of the EU.

The Minister identified and looked at the implications for GDPR in relation to that. Is this weird fudge of pretending it is not biometric identification also designed to get around the GDPR piece and the European Data Protection Board's clear messaging in relation to how facial recognition should and should not be used in public spaces?

Senator Garret Kelleher: I had occasion to visit Anglesea St. Garda station in Cork with the Minister, Deputy O'Callaghan, on a visit to Cork recently. Without wishing to divulge anything I should not divulge, we saw a room in which the surveillance cameras in various locations in the city were being monitored by An Garda Síochána. It was a hugely impressive operation. This is video surveillance at its best to keep our communities safe.

I am open to correction on this, but there may be an inference in what is being said regarding biometric analysis of an effort to hoodwink people by saying that biometric analysis includes biometric identification. In my view, the distinction made between the two is clear in what is being proposed, having a separate reference to the biometric identification as opposed to the biometric analysis, along the lines of what has been explained by the Minister. Specifically in relation to amendment No. 3, this is something that was suggested by the Minister. If what has been suggested, namely the deletion of the line, was to be voted through here today, there would be no point whatsoever in having a reference to a specific reference or definition of biometric identification. If that amendment was being proposed, it should have been the case that the deletion of the subsequent reference on page 6 to biometric identification should also have been suggested, and that has not been done. If we were to vote through what is being proposed today, of which I am not in favour, the whole thing would be incomplete because the reference to biometric identification and the definition would remain on page 6 of the Bill.

Deputy Jim O'Callaghan: I thank all Senators for their contributions. It is important to point out that the purpose of this legislation is to protect people who are victims of crime and to provide An Garda Síochána with tools to investigate serious crimes. One of the crimes that would be most relevant to the biometric analysis when it is enacted is child sexual abuse material which is on video, because it will enable gardaí to use the tools of biometric analysis to see whether or not a child who has been sexually abused in one imagery is the same as a child in another. We need to bring it back to the practical benefits of this legislation in terms of protecting people who are victims. The alternative to it is that gardaí have to go through reams and endless hours of images to see is whether the same child is in that video as is seen subsequently.

I have spoken endlessly about identification and analysis. The important thing is the word "biometric". Biometric analysis can, I agree, ultimately lead to the identification of a person, but it does not lead to the immediate identification. Biometric identification does because it is done against a database. To use Senator Conway's example, an example would be images of people wanted for serious criminal offences of whom there are images on an Interpol or Europol site. When it comes to biometric identification, if they are on a database their names will come up and they can be arrested by the Garda on arrival into Dublin Airport as they are wanted for a serious offence elsewhere. That is biometric identification. However, with biometric analysis there is not a database.

Sometimes the criticism is that we just adopt everything that is happening in Europe. When it comes to domestic Irish legislation we are perfectly entitled to use our own definitions and our own interpretations or interpretation and that is what has been done in this legislation. A clear definition of biometric analysis is being set out. There is also a definition, separately, of biometric identification, saying it will not apply here. That is the one with the database. However, if we go for this amendment we will simply have a definition, as Senator Kelleher said, of biometric analysis and biometric identification, with no reference to the latter in the legislation.

Senator Lynn Ruane: It is important to say that when we talk about safety, serious crime or child sexual abuse, often it can be presented in this way that everybody does not care about that because you want to make sure that a piece of legislation is doing what it says it is doing. Everyone cares about the safety of people, about victims and about reducing victimisation. It is important to say that. When somebody analyses a piece of legislation to ensure it is good legislation, it is not to reduce that concern. We have to remember that people are sometimes misidentified by biometric data analysis. If a person's biometric analysis is being compared, this cannot be analysis unless it is being compared against other biometric analysis because then what are you comparing? A face is not compared against a name; that is not a comparison. As Senator Higgins said, a name is not biometric data. Biometric analysis has to be biometric analysis of biometric data against biometric data. They are like for like, they are a comparison - an analysis of the two that results in identification. It is not to weaken the safety or to create a sense of a lack of safety or that we do not want to ensure there is a reduction in crime or victimisation; it is to make sure that when legislation is created, it is clear and does what it is meant to do and does not disproportionately impact people in other ways. Surveillance creeps in. We can start off with the stuff that can get people emotional, and understandably so, around the protection of children or other people. That can be a response in which we create legislation. I understand the intent of that. I understand the reason people might believe this is for the protection of people.

Fair enough, the other amendment would not make sense but actually the purpose of this amendment was to understand what people's understanding of biometric information was. On Report Stage, all amendments will line up, but we are only on Committee Stage. It is helpful to have that understanding before we start defining things. To remove the item that says this is not biometric identification, does that mean if I am a barrister, which I am not, and this is probably something the Minister has considered, and I go to court with a piece of legislation that says "This is not biometric identification," and a case is being made against me that I have been identified through biometric analysis, does the law not create a scenario for me where my

identification has been obtained in ways that are not actually captured in legislation? Do we end up actually risking the integrity of the cases we are speaking about today where serious crime is happening? What if someone says their biometric analysis was misused to identify them because the legislation said this is not biometric identification? Actually, I would say that making sure we are actually naming it for what it is gives strength to those situations where someone is identified through biometric identification, because we are not creating a get-out clause in the legislation that that is not what it is.

I accept that the removal of that phrase, on its own, would not be sufficient in terms of the layout of the Bill. I leave the discussion probably even more convinced than I was when I came in that "biometric analysis" is biometric identification. I will return to that in more appropriate amendments at another stage.

Senator Alice-Mary Higgins: The analogy of a tool was used. As Senator Ruane has said, we all want the right tools to be in place so that we can do the work of identifying, of bringing justice to place, etc. However, what we have here is a tool which has lots of question marks about biometric identification. There has been a rigorous process of debate to figure out biometric identification and what the safeguards are. When you use a tool, is it a tool you need safety equipment with? Is it a tool that requires preparation? Is it a tool that should be deployed in this way or that way? Every aspect of how you use this tool in an appropriate way has been collectively worked on and thought about at European level. We may not like everything about what has come out of that process, and others may not like it, but the point is that there has been a rigorous and long collective process of developing the tool, and of talking about that tool, what the safeguards are and how you use the tool. As we know, the use of any tool, however useful, can have inadvertent consequences. For example, it can cause injury and can cause damage.

Now we have a Bill that says we are inventing a brand new tool. We have skipped the process, skipped all that EU discussion and skipped the AI Act. We have our own tool that we have invented here. It is not the tool we have surrounded with safeguards and hassle-filled safety equipment to determine how biometric identification will be used. It is not that; it is another tool that we can use how we like. That is dangerous and it has negative consequences for everybody. It has negative consequences in terms of how it might be used. It has negative consequences because it separates us from all of those proper and appropriate safeguards of the law. It has negative consequences even when it comes, as Senator Ruane has outlined, to the courts because it is totally ambiguous.

We absolutely need to check the invented definition of "biometric identification" that has been put into this Bill. It separates itself from identifications because the AI Act provides that biometric identification is "comparison of ... biometric data with the biometric data". That is what biometric identification is. It is not the comparison of biometric data with a list of names; for instance, biometric data compared with where you went to school or biometric data compared with any other factor. It is biometric data compared with biometric data - those two being put together.

As for that bank of impressive cameras that Senator Kelleher saw recording in Cork, were they instantly deleting or were they recording? Can they go an hour back? Can they go two hours back? Can they go three hours back? Of course they can, because they are there for

public safety, and they are databases. Unless that is a glide feed with no recording, it is a database and it is one of the databases that the other images will be compared against. The Minister is comparing biometric information with biometric information in another database and that is biometric identification. That is what it is. Straight up, it is not a different thing. This thing of introducing the names just does not stand up.

The Minister also failed to answer the concerns as stated by the European Data Protection Board in its clear messaging in relation to the guideline on the use of facial recognition technology in exactly those scenarios the Minister outlined in remote processing in public spaces for identification purposes. Has the Minister considered the legal implications in relation to those guidelines from the European Data Protection Board? Does the Minister believe that naming it as "analysis" rather than as "identification" is getting around the ruling they made in relation to the exact scenarios he described? Is that the Minister's understanding? Does the Minister believe that he would be able to say it was analysis, not identification, in relation to the breaches under Article 7 and Article 8 that they identified?

Deputy Jim O'Callaghan: I have answered all the issues previously. I have indicated I am satisfied it complies with the GDPR and with data protection.

Senator Lynn Ruane: I will withdraw my amendment but reserve the right to resubmit on Report Stage.

Amendment, by leave, withdrawn.

Senator Joanne Collins: I move amendment No. 4:

In page 6, after line 40, to insert the following:

"(3A) A member of An Garda Síochána shall not deploy biometric analysis unless authorised in advance by a member of An Garda Síochána not below the rank of Chief Superintendent, who shall record in writing the grounds of necessity and proportionality for such deployment."

This amendment seeks to ensure that there are safeguards in terms of how this technology is used and that there is no overreach by ensuring the deployment of biometric analysis must be authorised in advance by a member of An Garda Síochána not below the rank of superintendent. We know that Gardaí have faced disciplinary procedures for the misuse of the PULSE system in the past, including the horrendous case in which a former garda was jailed in July for inciting strangers to rape a colleague. That individual pleaded guilty to the unauthorised disclosure of Garda PULSE personal data of 14 individuals. While it is important to say that these misuses related to a very small minority within An Garda Síochána, the experience of that misuse of the PULSE system reinforces the need to ensure proper protections are in place to ensure that these technologies are only used where appropriate, properly authorised and necessary for the investigation of serious crimes. I believe it is appropriate to set at least the level of superintendent to be able to authorise this.

Deputy Jim O'Callaghan: I thank the Senator for her amendment and her contribution. I discussed this in the Dáil with Deputy Carthy. I cannot accept it.

When you look at what biometric analysis will be doing, it is a tool that will assist the Garda in sorting and filtering data so that a human reviewer can narrow down avenues of investigation. That is the purpose of it - to speed up the process in order to protect victims who could be in immediate danger. If we take an example of a child sexual abuse investigation where there would be thousands of images over which biometric analysis could be performed, if the approach in the Senator's amendment were to be adopted it would require biometric analysis of each image to be approved by a chief superintendent. It would be untenable for the gardaí, in terms of the work they are doing and the tools they are availing of, to get the permission of a superintendent for each image. They would lose valuable time seeking authorisations. They would lose time identifying vulnerable victims and waste valuable Garda time. It makes no operational sense to proceed in this manner proposed by the amendment.

Identifiable persons will be responsible not only for reviewing the footage or images, but also for any decisions made in the course of an investigation.

As I stated earlier, a code of practice will be set out by the Garda Commissioner after consultation with the Irish Human Rights and Equality Commission and the Data Protection Commission. It will then come to me. I will sign it and make it a code of practice, but it only becomes effective if this House and the Dáil approve it. That is where the protections should be in place.

If this amendment was put in, it would inordinately delay the effectiveness and the operation of the tool.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendment No. 5 has been ruled out of order.

Amendment No. 5 not moved.

Senator Joanne Collins: I move amendment No. 6:

In page 8, between lines 12 and 13, to insert the following:

"Processing and storage of data

43DA.Biometric data processed under this Act shall—

- (a) be retained only for the minimum period strictly necessary,
- (b) be stored and processed exclusively on servers located within the European Union,
- (c) not be accessible to private contractors, and
- (d) be deleted immediately once no longer required for the purpose for which it was collected."

This amendment seeks to ensure greater protection also, in terms of where the data is processed and stored, and to ensure such data is only retained for a necessary period. As we permit the use of this kind of technology to assist the Garda to do its job in terms of detecting crimes and catching criminals, we need to ensure that there are safeguards in terms of where

the data is stored and processed, and also who has access to it and that it is not retained for longer than is absolutely necessary. That is basically the gist of this amendment.

Deputy Jim O'Callaghan: I understand the purpose and objective of the amendment because it is important that rules are in place governing the retention of data, how long it can be retained for and its use. The way we are proposing to deal with that is in the code of practice, which is set out in section 10 of the Bill. The Senator will see that section 10 of the Bill refers to a new section 47A, which refers to codes of practice for Part 6A, which is the biometric analysis. The proposed section 47A(2) states that "a draft code of practice shall include provisions relating to [...] the confidentiality, security, storage, access, retention, erasure and destruction of data obtained as a result of the operation of" biometric analysis. It is an important issue but it will be dealt with. The most appropriate place to deal with it is within the code of practice. This House obviously will have a say in respect of the code of practice as it only comes into effect if this House approves it. The provisions of the recording devices Act are without prejudice to the requirements of the Data Protection Acts. The principles of data protection are set out in those Acts and the processing of data, including access, retention, storage, deletion or destruction, will be supplemented by the codes of practice. It is not just the code of practice; it is the data protection legislation as well. I have referred the Senator already to section 47A. I also emphasise that the power provided for in this Bill is for An Garda Síochána only. Consequently, I do not think the amendment is necessary because of what is within the Data Protection Act and what is required to be in the code of practice.

Senator Lynn Ruane: I will speak briefly to section 8, particularly in relation to the crux of the topic in relation to our amendment that was ruled out of order. We will look to submit a similar amendment. It was deemed that our amendment was against the principle of the Bill. Our amendment provided that the output of biometric recognition systems would not be used as a principal purpose. The only logic that we can think of as to why our amendment was ruled out of order is that the Bill intends for the results of biometric analysis to be used as principal purpose in the course of criminal investigations. That fundamentally undermines the assertion in the definitions of the Bill that biometric analysis does not include biometric identification. If the output from biometric recognition systems deployed by the Garda are used as evidence in the course of a criminal investigation, how has the subject of that investigation not been identified as part of the use of those systems?

The system in the Bill gives powers to two members of An Garda Síochána - any rank - and the output is good for principal purpose. The system outlined in the AI Act requires rights, impact assessments from the deployers of the biometric systems and judicial approval for the use of the technology, with that approval being subject to judicial review and many more safeguards. The Bill, as it stands, provides for two gardaí of any rank. I raise the fact that this was ruled out of order because it is not aligned with the principle of the Bill. It would be good to have further insight and understanding as to why it is against the principle of the Bill. It is important to have it on the record regarding the intent of the amendment with the intention of coming back on Report Stage to rectify where it is deemed as not being aligned with the principle of the Bill.

Senator Alice-Mary Higgins: To add, it might be useful if the Minister were to clarify whether that is the principle of the Bill. Is that the purpose of the Bill? Will this biometric analysis be used for principal purpose? Is that the intention? Is that the goal of the Bill? It would be useful for clarifying because that is not what it would seem to be in the text of how biometric analysis is being-----

An Leas-Chathaoirleach: We have moved on amendment No. 6, but we can discuss the whole section when it comes to the end.

Amendment put and declared lost.

Senator Joanne Collins: I move amendment No. 7:

In page 8, between lines 12 and 13, to insert the following:

“Prohibition on procurement or use of certain technologies

43DA.(1) An Garda Síochána, the Minister, or any public body acting on their behalf shall not procure, license, contract for, deploy, or otherwise make operational use of any biometric analysis technology, surveillance technology, software, hardware, dataset, or related service supplied by—

- (a) a company incorporated, headquartered, or substantially operating in a state engaged in war crimes, crimes against humanity or genocide,
- (b) a subsidiary, affiliate, or parent undertaking of such a company, or
- (c) any entity that develops, trains, sources, or operates biometric or surveillance systems using data, infrastructure, or technology originating in a state engaged in war crimes, crimes against humanity or genocide.

(2) For the purposes of this section, ‘surveillance technology’ includes any system capable of biometric analysis, facial recognition, behavioural categorisation, pattern of life analysis, or the processing of biometric data within the meaning of the Data Protection Act 2018.

(3) Any existing contract, memorandum of understanding, or procurement arrangement that contravenes subsection (1) shall not be renewed, extended, or varied, and shall be terminated at the earliest date permissible under contract law.

(4) Nothing in this section shall prevent the Minister from authorising the temporary retention of data or equipment solely for the purpose of evidential preservation, forensic examination, or legal compliance, provided that no further operational use is made of such technology.

(5) No biometric data collected, processed, or retained under this Act shall be transferred to, processed by, or stored on any server, cloud service, or technological infrastructure—

- (a) located in a state engaged in war crimes, crimes against humanity or genocide,
- (b) controlled by an entity referred to in subsection (1), or

(c) operated using software, firmware, or backend systems originating in a state engaged in war crimes, crimes against humanity or genocide.”.

Amendment put:

The Committee divided: Tá, 16; Níl, 28.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Blaney, Niall.
Boyhan, Victor.	Boyle, Manus.
Clonan, Tom.	Brady, Paraic.
Collins, Joanne.	Byrne, Cathal.
Cosgrove, Nessa.	Byrne, Maria.
Craughwell, Gerard P.	Casey, Pat.
Higgins, Alice-Mary.	Clifford-Lee, Lorraine.
Keogan, Sharon.	Comyn, Alison.
McCormack, Maria.	Conway, Joe.
Mullen, Rónán.	Conway, Martin.
Murphy, Conor.	Costello, Teresa.
O'Reilly, Sarah.	Crowe, Ollie.
Ruane, Lynn.	Curley, Shane.
Stephenson, Patricia.	Daly, Paul.
Tully, Pauline.	Duffy, Mark.
	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	McCarthy, Aubrey.
	Murphy, P. J.
	Nelson Murray, Linda.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	Scahill, Gareth.

Tellers: Tá, Senators Joanne Collins and Conor Murphy; Níl, s: Tá, Senators Joanne Collins and Conor Murphy.

Amendment declared lost.

An Cathaoirleach: I am sure Members will join with me in welcoming former TD and Minister of State, John Moloney, and his guests from Laois. They are most welcome to Seanad Éireann. I thank them for being here.

An Leas-Chathaoirleach: Amendments Nos. 8 and 9 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Nessa Cosgrove: I move amendment No. 8:

In page 8, between lines 18 and 19, to insert the following:

“(ab) contravenes section 43C(1);”.

This amendment would make it an offence without lawful authority or reasonable excuse to knowingly contravene section 43C(1) which states, "A member of Garda personnel shall not carry out biometric analysis other than in accordance with this Part and any applicable code of practice." The Bill already criminalises falsifying, concealing or destroying information obtained by biometric analysis. It does not, however, state that a contravention of the Bill is an offence. The reason this is important is we do not want to see any potential for scope to creep in here. We do not want to see a situation where new technologies, which are emerging all the time, are adopted in a way that is inconsistent with the narrow uses proposed in this Bill. Specifically, this Bill allows for a relatively narrow use of biometric technology in policing by comparing biometric data, for example, faces, across pieces of evidence like photographs or footage that the Garda has already gathered in the course of an investigation. The Minister has made clear that he sees a wider future for biometric technology in policing. Facial recognition technology that compares against a wide database of biometric data is something we in the Labour Party will not accept. This amendment aims to make absolutely clear on the face of this Bill that checking a person's image against a broad database of images is prohibited under this legislation.

An Leas-Chathaoirleach: Do any other Members wish to contribute?

Senator Lynn Ruane: The new Part 6A inserted by this Bill outlines procedures around the use of biometric identification systems by gardaí. The Bill also provides in the newly inserted Part 8A for a code of practice to be established in relation to the application of Part 6A. Section 43C(1) states that, "A member of Garda personnel shall not carry out biometric analysis other than in accordance with this Part and any applicable code of practice." However, there is no consequence for the misuse of biometric technologies. As we have outlined, the safeguards in place for the application of biometric identification systems under the AI Act are not replicated here. We are not bound by those protections due to the carve-out in Recital 40 and in the absence of these safeguards, these systems are simply open to misuse. This amendment seeks to strengthen the protections against the abuse of making the use of these technologies in contravention of section 43C(1) an offence. Research from European Digital Rights in 2021 into the rise of biometric mass surveillance in the EU found examples of misuse that we should be aware of. In Germany, authorities deployed facial recognition systems outside of LGBTQ+ venues, religious venues, doctors' surgeries and lawyers' offices without any legitimate justification, with a disproportionate deployment of such technologies against marginalised groups. In Poland, the Government has been accused of using spyware with the capability to surveil people's biometric data. In the Netherlands, Dutch police have allegedly used financial incentives to encourage people to share private surveillance footage with police for biometric analysis as a way to evade national laws. The AI Act sought to address these abuses, for example by categorising biometric identification systems as high-risk technologies and recognising the potential impact of the Act by utilising a novel term in biometric analysis to describe instances of biometric identification, clearly not aligning with the safeguards in the Act. We introduce this amendment in that context by making the use of biometric systems in

contravention of the provisions of this Bill and the code of practice an offence. We firmly recognise the seriousness of such misuse or abuse. Regardless of whether we call it biometric analysis or biometric identification, identification will happen and court cases will happen. Our point is that because of that, we still need to understand whether the principal use of the Bill is for criminal investigation. Moreover, due to the ability to misuse such technology in such harmful ways as we have seen in other jurisdictions around Europe, it would be wrong of us not to acknowledge the protection needed to ensure that if someone misuses or contravenes the section, he or she would be guilty of an offence. I am not one for creating offences for everything but because other safeguards do not exist in relation to the fact that this will be identification, ultimately, and that identification will be used by the courts, we should ensure there are deterrents in how people may use that analysis and that we also protect the integrity of An Garda Síochána by ensuring technologies are not misused. We see the use of these technologies being abused in all other countries and counterparts. To make the assumption that they are not open to abuse here would be wrong. This amendment simply strengthens the Bill in that regard.

Deputy Jim O'Callaghan: I thank both Senators for their amendments and contributions. Both in effect wish to make it a criminal offence if a member of An Garda Síochána or Garda personnel does not carry out biometric analysis in accordance with Part 6A or with the code of practice. That would be draconian. There could be many examples where a garda inadvertently fails to follow the code of practice or makes a mistake, as we all do in our professional lives, when it comes to the code of practice. If that happened under the amendments put in here, there would be a prosecution of the garda for the commission of a criminal offence. That is excessive. Section 43E at present provides sufficiently for where prosecutions should take place. In the case of falsification, concealment or destruction of information or permitting the falsification, that should be an offence. There is a range of other offences as well that will apply in terms of somebody misusing or deliberately using for other purposes information that was procured from it. That proposal that any breach of the code of practice or if you simply did not follow all the rules in respect of what is set out in Part 6A, that can happen inadvertently. People make mistakes. When people make mistakes, it should not necessarily be the case that they be prosecuted.

An Leas-Chathaoirleach: I welcome Deputy Connolly and his guest to the Chamber. You are very welcome. I hope you enjoy your visit to Leinster House today. I call Senator Cosgrove.

Senator Nessa Cosgrove: It is disappointing; we thought this would be a very reasonable amendment. People do make mistakes in their jobs but this is a guardrail. It is not excessive in any way. There should not be room for error when you are talking about biometric data.

Senator Lynn Ruane: Briefly, I agree about creating offences for things that potentially could be human error but the problem is that the ones where it is not human error can have a very serious consequence on the lives of people considering where we see these types of technologies being used. Going as far as creating an offence here is because of the carve-outs that exist in other places. When we look in particular at the information in Article 26(10) about requiring judicial approval for the use of technology, that creates a safeguard before the

potential for any abuse or anything in contravention with the Act or the legislation. As those preventative measures have not been put into the legislation, that is why my amendment exists here. However, I would much prefer the Minister to be coming back to the Chamber with some of the more preventative measures that protects from abuse, that looks for that judicial approval, that looks at name and what the rank of garda is in terms of when there is two eyes on a piece of biometric identification. It is about starting here at this worst-case scenario where there has been an abuse and asking where we can walk back in the legislation to make sure we protect everybody from such an abuse. I referred earlier to some other countries. When we look at the Dutch police using financial incentives to encourage people, they are all very serious instances where technologies have been abused. I ask the Minister, between this Stage and when we meet again, to look at how we can put in some preventative measures in the legislation to ensure we do not get to the point where we are looking at the worst-case scenario of asking if there should be an offence if someone is in contravention with the legislation.

Senator Joe Conway: I will make a brief intervention here. I have some sympathy with Senator Ruane as regards the collateral damage that can be done to people with the possible misuse of this section 43C(1). I have great sympathy with what the Minister said as well. Sometimes these things are done in error or done through no fault and there is no malice in what has been done. Over countless decades past I have looked at situations where members of the Garda Síochána have been brought through the courts. Their career is effectively destroyed and their families decimated in morale and emotion because vexatious prosecutions were taken against members of the Garda. Taking all of those things into consideration, the reassurances of the Minister in relation to other sections of the Bill do give safeguards against this, so I would not be minded to support the amendment.

Deputy Jim O'Callaghan: There will be a code of practice that will set out disciplinary codes for the Garda Síochána. If a garda misuses this, there will be consequences for the garda but it does not mean there has to be criminal prosecution always.

Amendment put:

The Committee divided: Tá, 15; Níl, 30.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Blaney, Niall.
Boyhan, Victor.	Boyle, Manus.
Clonan, Tom.	Brady, Paraic.
Collins, Joanne.	Byrne, Cathal.
Cosgrove, Nessa.	Byrne, Maria.
Higgins, Alice-Mary.	Casey, Pat.
Keogan, Sharon.	Clifford-Lee, Lorraine.
McCormack, Maria.	Comyn, Alison.
Mullen, Rónán.	Conway, Joe.
Murphy, Conor.	Conway, Martin.
O'Reilly, Sarah.	Costello, Teresa.
Ruane, Lynn.	Crowe, Ollie.
Stephenson, Patricia.	Curley, Shane.
Tully, Pauline.	Daly, Paul.

	Duffy, Mark.
	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	McCarthy, Aubrey.
	Murphy, P. J.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	Rabbitte, Anne.
	Scahill, Gareth.

Tellers: Tá, Senators Nessa Cosgrove and Lynn Ruane; Níl, Senators Cathal Byrne and Paul Daly.

Amendment declared lost.

3 o'clock

An Cathaoirleach: As it past 3 p.m. the debate is adjourned by order of the Seanad and we will move to the next item.

Progress reported; Committee to sit again.

Rural Planning: Statements

An Cathaoirleach: I welcome the Minister of State, Deputy John Cummins, back to Seanad Éireann. The Minister of State will speak for ten minutes, group spokespersons for eight minutes and all other Senators for five minutes. The Minister of State may reply not later than 4.20 p.m. Statements will conclude at 4.30 p.m.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy John Cummins): I thank the Cathaoirleach and Members for giving me the opportunity to update the House on the subject of rural planning. As announced in the Government's housing action plan, Delivering Homes, Building Communities, both the Minister, Deputy Browne, and I will, subject to Government approval, issue a national planning statement, NPS, on rural housing in the second half of this year. However, both the Minister, Deputy Browne and I are working to finalise a draft of the proposed NPS in the coming days in a bid to bring it to Cabinet very shortly. The draft NPS will then undergo a full environmental assessment process, which includes public consultation.

The new statement will refine, update and replace the existing 2005 sustainable rural housing guidelines to reflect the established policy in the national planning framework which

supports new housing in rural areas and rural development more generally. The new statement will provide more clarity and consistency across the various planning authorities by defining where and how rural housing can be developed. The new national planning statement will build on established policy in the revised national planning framework of 2025 which seeks to facilitate and promote new rural housing for those with a local housing need to live or work in a rural area, balanced with protecting the rural character of the countryside, preventing urban-generated sprawl and promoting regeneration of rural settlements. In particular, the statement will expand on national policy objective, NPO, 28 of the national planning framework, which makes a clear policy distinction between rural areas under urban influence, that is, those areas within the commuter catchment of cities, large towns and centres of employment, and structurally weaker rural areas where population levels may be low or declining. NPO 28 is also aligned with the established approach whereby considerations of social or economic need are to be applied by planning authorities in the assessment of development proposals for new one-off housing in rural areas under urban influence.

I believe the development of housing for people who are an intrinsic part of the rural community, based on an economic or social need, should be facilitated subject to regular planning considerations around site suitability, house design and other appropriate factors. Since the publication of the current sustainable rural housing guidelines in 2005, which continue to have effect, there have been important changes to our planning system and our obligations under European directives and international agreements. That is why we are seeking to urgently bring forward an update of these guidelines. Importantly, it is clear to me that since the guidelines were issued 21 years ago, inconsistencies in the implementation of rural housing policy have arisen in the approaches of local authorities. That can be incredibly frustrating for the public, where someone in one county might be facilitated to build a rural one-off house whereas someone in the same circumstances in a neighbouring county might not. The new national planning statement is being devised with this in mind and will seek to bring clarity and consistency of approach nationally, so that if you are in Donegal, Clare, Waterford or Louth, applications for rural housing will be adjudicated on a level playing field.

It is also our intention to address planning policy regarding rural and Gaeltacht housing together given the key interactions between rural housing generally and housing in Gaeltacht areas. Officials in my Department are engaging with officials in the Department of Rural and Community Development and the Gaeltacht to consider how that is achieved in an appropriate manner. It is fair to say that a significant overhaul of the existing rural planning guidelines will be implemented through this new national planning statement that will make it easier for people who are from or who have a need to live in a rural area to attain planning permission, with the grounds for refusal narrowed, particularly around the likes of ribbon or backland development.

In addition to rural one-off housing, the Government is also progressing a range of actions contained within the Government's housing action plan that will support the delivery of increased housing supply and housing choice throughout the country, including in rural and Gaeltacht areas. The town centre first policy, which is a joint initiative between my Department and the Department of Rural and Community Development and the Gaeltacht, has put in place a suite of measures, including the alignment of various funding schemes to support the regeneration, repopulation and development of rural towns and villages. A number of major Government funding streams are now aligned closely with the town centre first policy approach, with a focus on tackling vacancy and dereliction, increasing housing supply and

providing the necessary facilities and public infrastructure to attract more people into rural settlements.

The rural regeneration and development fund, which is managed by the Department of Rural and Community Development and the Gaeltacht, is a key capital investment scheme which directly supports the objectives of Our Rural Future and the town centre first policy. The town and village renewal scheme was introduced in 2016 and is one of a number of measures designed to rejuvenate rural towns and villages throughout Ireland. In line with our commitment in Our Rural Future, the town and village renewal scheme priorities are reviewed at the end of each scheme year to ensure that funding is targeted effectively to support vibrant and attractive communities to respond to changing needs and opportunities.

The ready to build scheme, which was launched in September 2022 under the croí cónaithe towns fund, local authorities make serviced sites in towns and villages available to individual purchasers. These sites are available at a discount on the market value for the building of a property for occupation as the principal private residence of the purchaser. The level of discount depends on the level of servicing cost incurred by the local authority, with discounts up to a maximum of €30,000. The vacant homes unit in my Department is currently engaging with local authorities and the CCMA on a review of this scheme. This, coupled with the CPO activation programme, the croí cónaithe vacant property refurbishment grant and call 3 of the urban regeneration and development fund, are supporting those in rural towns and villages across Ireland to deliver new homes that respond to the varying needs and aspirations of their communities and to tackle issues relating to vacancy and dereliction.

Ultimately, the issue of rural housing planning policy has been a priority of mine since coming into this position last year. I assure the House that both the Minister, Deputy Browne, and I are working together to finalise these changes very shortly. Every year, up to 5,000 one-off rural homes are delivered throughout the country. We believe the changes we intend to introduce will see that number increase, not at the expense of rural towns and villages but in support of them. I thank Members in this House for their support for the impending changes we are due to bring in.

An Cathaoirleach: I welcome guests of the Minister, Deputy Dara Calleary, from Ballina, County Mayo, to the Public Gallery. Senators P. J. Murphy and Cathal Byrne are sharing time. Is that agreed? Agreed.

Senator P. J. Murphy: I thank the Minister of State for coming into the Seanad today to discuss the very important subject that is rural planning. Coming from County Galway, a strongly agricultural region within convenient commuting distance of Galway city, I can safely say that, throughout my time in politics to date, the subject of rural planning has been the single most contentious and divisive subject that I have dealt with. I welcome the Minister of State's willingness to discuss this topic here today and the Government's ambition to put in place consistent and nationally applicable guidelines on rural planning.

When considering the subject of rural planning, there are a number of important factors that must be taken into consideration. First and foremost among them must be the need and right of rural people to live their lives within the communities they were reared in, where they feel at home and where they belong. Second, we must consider the need for rural communities to

survive. We have learned throughout the past century in rural Ireland that rural communities rarely stand still.

They grow and develop or they slowly die. We have seen shops, pubs, post offices, etc. in villages throughout rural Ireland close over the past decade, all while the local authorities imposed stringent planning regulations preventing young couples from building homes in those communities.

Serious consideration must be given to how we picture the Irish countryside in the future. We must ask whether we are willing to reopen Irish rural roads to the prospect of ribbon development. Have we learned lessons from what happened in many areas during the relaxed planning rules of the early Celtic tiger years? In my county, there are many miles of rural roads lined with ribbon development from the Celtic tiger years, with farmers farming land directly behind the homes of people with whom they have no connection. Needless to say, this very often leads to tension and aggravation. This is something that we need to consider.

That being said, with all of this taken into consideration no rural community can be closed to development. As the Minister of State knows, over 540 of our rural villages are without municipal wastewater infrastructure. As such, they have remained closed to development for the past 15 years. While there is light at the end of the tunnel for some of these villages through the new developer-led wastewater infrastructure guidelines, many villages will not qualify under the guidelines as they currently stand due to the lack of river or above-ground drainage in those villages. That, unfortunately, will be the case for virtually every village in the limestone region of south and mid County Galway. If, as a State, we are unable to service our rural villages to a degree that allows them to develop and meet the housing needs of the local population and, at the same time, are unable as a State to generate guidelines or specifications to allow private contractors to do so, then we certainly have an obligation to facilitate the building of homes by rural people in the hinterlands of these villages. I suggest that while the best and most sustainable place to meet the housing needs of our rural people is in local rural villages, but if we are not in a position to facilitate that, which, in many cases, we are not, we must facilitate the building of homes in the rural hinterlands of these villages.

Senator Cathal Byrne: I welcome the opportunity to engage with the Minister of State on what is a vital and crucial issue for rural Ireland. My county of Wexford is a predominantly rural county. For the five and a half years I served on Wexford County Council, not a week went by without engagement from somebody making an application for rural planning permission. My view on this is very simple. We have to allow local people from the local area to be able to build on local land. With that in mind, I very much welcome the commitment of the Minister of State to ensuring we will have houses built in the countryside and allow people to build on their own land. That, in turn, will support our local schools, shops and GAA and soccer clubs. To me, that is what keeps a healthy and vibrant rural Ireland.

I very much welcome the changes the Minister of State has made to allow modular houses to be built in people's backyards and to remove planners from people's backyards. That is very much to be welcomed. It also recognises the real world realities, namely that people choose to buy and live in modern, well-constructed and professionally built backyard units.

If we support changes in rural planning guidelines, we have to be serious and consider changing the five-in-a-row rule and ribbon development. Why is it the case that anywhere else

in the country five houses in a row are allowed, but a family member who wants to build a fifth house is not currently permitted to do so? That is my experience in Wexford. It is wrong and should be changed. I would very much encourage the Minister of State to change that.

The reality is that we have an ageing population in this country. Many people seek to downsize. At the moment, in my area in Wexford if people want to downsize they have to build a unit that can be connected to a main house. I do not think that makes sense. People want independence and to be able to live separately from the family member to whom they might gift the main family house. At the same time, they want to stay close to them. If we are to support and encourage people in making their own choice to downsize, we have to allow for houses to be built at the back of existing houses which are not required to be connected. That acts as an artificial barrier to a lot of people choosing to downsize.

I support local need rules and the idea that we cannot have a situation whereby people who do not have a genuine connection to a local area secure planning permission. I encourage the Minister of State to base decisions on social and socioeconomic factors. For example, a teacher who has moved to teach in a small rural school should be encouraged and supported in securing planning permission in that local community setting. I think in particular of difficulties I have had with constituents who are farm labourers, milking herds of daily dairy cows in several local parishes around the one area. For whatever reason, they have not been recognised as having made a contribution to the local economy worthy and meritorious of them securing local planning permission. Those are some practical things I ask the Minister of State and his officials to take back. I support the work he is doing. I welcome the publication of the new rural guidelines.

Senator Victor Boyhan: I welcome the Minister of State to the Seanad. The proposal is a welcome move. I have considered all of his points, a few of which I will reference. He spoke about a public consultation, which is important. I wrote to his Department regarding modular units at the back of houses, a matter which went to a period of public consultation. That consultation has not been published on the Department's website. I had no support from the Department when I made inquiries on behalf of people who made submissions to the public consultation process. I have not spoken to the Minister of State directly, to be fair, but I have sent correspondence to the Minister and Department. If we are going to have a consultation, it has to be meaningful and transparent. If I make a submission to my county development plan, I am listed as having made a submission. Such information is listed in the appendices of the report on the consultation. If we are having a consultation, it must be genuine, open and transparent. I could submit a freedom of information request, and I have been advised that I would get that information. That is not the way we should be doing our business. If people make submissions to a statutory or non-statutory public consultation initiated by the Minister of State's Department, or any other Department, we need to see greater transparency.

I am no stranger to making requests since the Flemish decree. I have a letter from the Minister, Deputy Browne, dated 24 July 2025. I have a letter from the Minister, Deputy Darragh O'Brien, and one from the Minister, Deputy Browne, from October 2025. I have a letter from the Minister, Deputy Darragh O'Brien, dated 30 October 2024. I had a Commencement matter with the then Minister of State, Deputy Kieran O'Donnell, on 22 March 2023. The Minister, Deputy Burke, was one of the greatest supporters of rural housing. He had responsibility for planning, development and housing in the Minister of State's Department

and was effectively doing the same job he is doing now. In correspondence he said people should have the right to live where they come from. I very much welcome that approach. He was very supportive of the planning guidelines and expected progress.

We have been told for many years that planning guidelines were imminent and had been drafted. There have been some changes. Let us have less of the history lesson. We are where we are today and I want to welcome that.

I want to reference a press release I issued to Agriland on 13 November 2025 in which I said that it was with some disappointment that I discovered that there was no clarity on the rural housing guidelines, which it was expected would be addressed as part of the national housing policy.

When the national housing policy was published, there was great expectation. A number of farm organisations said they expected one-off rural housing objectives to be included in the national housing plan. That did not happen. We were told that there would be these national planning statements and they would address the issues into the future. We are now hearing we will have them in the second half of this year. That is to be welcomed although things are a bit slow. Clearly, one-off housing on family-owned land and farm homesteads is something people feel they have a right to. The Minister of State represents an urban and a rural constituency and is very versed and capable in planning. I served on the Oireachtas Joint Committee on Housing, Local Government and Heritage with him and know his in-depth knowledge and commitment in this area. That is not in question and I want to say that to him. I acknowledge the enormous work and expertise he has in this area. However, farmers in rural communities want to be able to have their children live on their land. They work the soil and have sweat on their brow. They are very proud of their achievement, to initially have a modest holding and expand it over generations into a more substantial holding. They want to celebrate the fruits of their labour. The homestead, the family farm is at the very heart of that. Many of them are indigenous people.

The Minister of State touched on the Gaeltacht and I welcome that, it is important. We need housing guidance for the islands as well. They are unique. The Gaeltacht is unique, the indigenous Irish speakers; indeed the Minister of State has a Gaeltacht in his own county of Waterford, and that is an important recognition. I also wish to acknowledge that Deputy Albert Dolan, who was then a councillor, did an awful lot of work and has been a great advocate in Galway, as indeed was Councillor Geraldine Donohue. These were two councillors on Galway County Council who kept the pressure on, kept asking the questions and indeed Deputy Dolan is now a TD for the constituency. I see from parliamentary questions that he has been knocking at the door. We all know the case but at the end of the day it is important.

There was an article quite recently on how depopulation was reaching crisis levels for the GAA in south Kerry. We have GAA clubs that are closing down. I have been speaking to bishops in the Catholic Church and indeed every other congregation. Churches are closing down. There are many reasons for that, but at the very heart of our rural communities there are national schools closing down. The knock-on effect of depopulation in some places is impacting on trade, shops and agriculture. We see marts closing down. There are many other reasons and I cannot attribute it all to housing but it is a very substantial part of it. I welcome the decision to honour, at long last, a commitment as it had been at the Attorney General's and everyone else's office.

Our Rural Future: Rural Development Policy 2021-2025 is now out of date but cross-departmental work is taking place on a new iteration of that plan. I pay tribute to Deputy Dara Calleary and indeed Heather Humphreys, the former Minister. It is a wonderful Department and a lovely space to work in. They have really advocated on housing. For the few months since this has lapsed, there were some key objectives set down by our current Minister. One was measure 90, that is, to update the rural housing guidelines for planning authorities to address rural housing in the broader rural development context. I genuinely welcome what is happening. It took a hell of a long time. It is happening on the Minister of State's watch and I acknowledge that. Whatever we do, let us have a draft of the guidelines and let us put them out to meaningful consultation. I do not think it would be right to put out any sense of guidelines. We need to take an extra few weeks, or a month or two, to get real input for the public consultation and feedback. If the Minister of State can do so, I urge him to commit to publishing the feedback from that consultation because it is important also.

Senator Joe Flaherty: The Minister of State is very welcome. It is always good to have an opportunity to talk about housing and to remind the Opposition about the great progress we have made in housing, particularly in the lifetime of these last two Governments. Last year we delivered 36,000 homes, up 20% on the prior year and record development. In the first quarter of this year just under 8,000 new homes have been delivered with a further 8,400 homes started and construction beginning. It is arguably the strongest quarter in the history of construction in this country since the boom. It is very important to state those facts. We have immense challenges in housing but we are making particular progress in the face of almost incessant opposition and criticism from some of the people on the other side of the room and people who probably have an opportunity to feed into a housing policy in Northern Ireland as well, where they struggle to build houses. That is for another day.

It is important to set out what the Government and its predecessor have done in terms of housing. We revised the local authority loan, we implemented a fresh start component to allow people in second unions a fresh start opportunity and an opportunity to get a loan. That was particularly helpful. We have the local authority affordable purchase scheme, the first home scheme and the help to buy scheme. We also looked at the income bands in social housing and the Minister of State will appreciate that we need to look at them again. We have also introduced cost rental, as well as the vacant home, croí cónaithe and build over the shop schemes. Incidentally, croí cónaithe and the vacant home scheme were vehemently opposed by Sinn Féin and are arguably among the most successful housing projects we have ever implemented, not only in this country. It has been replicated across Europe now. I am waiting to see what criticism they are going to have of these proposals. Sinn Féin will probably not want anyone to build in rural Ireland.

We have also had the ready to build scheme, which the Minister of State outlined in great detail. It is a very good scheme. There is town centre first, town and village renewal and the backyard exemptions. There is no Government across Europe that has done as much on housing as this Government has done.

Senator Maria McCormack: Whisht up and talk about the Bill.

Senator Joe Flaherty: Do not interrupt. I will not interrupt the Senator.

Senator Maria McCormack: The Senator is able to interrupt when he wants. Do not be shouting back and forth about Sinn Féin. This has nothing to do with Sinn Féin. You are in government. The Senator is talking about records. Talk about record homelessness, please. That is on your watch. Whisht up.

An Cathaoirleach: Ciúnas.

Senator Joe Flaherty: She cannot interrupt like that, a Cathaoirligh. She cannot be talking like that.

An Cathaoirleach: Senator Flaherty without interruption.

Senator Maria McCormack: Senator Flaherty is able to do it all the time when he wants.

Senator Joe Flaherty: I know the truth hurts. Sinn Féin has no track record at all in Northern Ireland in building houses. None at all. I am sure if they want to come down from Northern Ireland and talk to the Ministers and officials, we will give them all the help and assistance we can and try to kick-start house-building in Northern Ireland. It is non-existent up there, where Sinn Féin has control of the levers of power and is not able to build anything.

Senator Pauline Tully: We are not going to be taking lessons from you.

Senator Joe Flaherty: I will go on and talk about the 2005 sustainable housing guidelines. As many speakers have said, they are well overdue a revision. I do not think rural planning needs the big shake-up that some people say. The problem with rural planning is subjectivity. There is a planner in County Longford and a planner in Galway. If they are given the exact same planning application, they will not give the same answer. The problem with rural planning is subjectivity. Everyone has a different view. I do not envy anyone who is going to bring out the new guidelines to tackle that. It is very difficult to tackle subjectivity. If I have a concern about what has been set out in the proposal, it is the timeline. My colleague, Senator Boyhan is looking for a detailed and extensive public consultation, which is very welcome, but it is going to take time. The problem for us is that across the country at the minute, we have a problem with our planners in terms of subjectivity. There is absolutely no consistency in how planners will treat a planning application, notwithstanding the guidelines that are already in place. Every one of them has a completely different interpretation.

I will give some examples. I have seen planning applications in recent months where a lady had a six-bedroom house. She is separated. Her son was coming back from the UK with his young family. She wanted to build a small house on the farm and she wanted the son and his family to move into the large house. That made eminent sense to me but it did not make any sense to a planner, who said that because she had got planning for this house 25 years ago, she was not entitled to look for planning for another house. Fortunately she reapplied and she got the planning. I had another instance where the planner came back to somebody and, because they were looking for a new house on their father's land, they were told there was no identifiable housing need in that area. We and the Opposition all agree that there is a housing crisis in the

country and a housing need in every part of Ireland. For a planner to come back and say something like that is quite incredible. The guidelines are great but we need a quick fix for this.

Some directive needs to be sent to all our local authorities on rural planning to say we are going to have these new guidelines. They are fantastic, but with the best will in the world, it is hard to see them coming into place in the lifetime of this Government. We need meaningful action and engagement with our planners right across the country. Planners do not like to be told what to do. They certainly do not like to be told what to do by councillors, Senators or TDs. The Department does need to bring in our rural planners and set out to them exactly the challenges that people are facing in Ireland. I always say that the people who are the most immune and do not understand that there is a housing crisis are often the officials, civil servants and, in many cases, the planners. They do not understand the scale of the crisis people are facing, particularly young people starting out with their first home. I would welcome if the Minister of State could take this message back to the Department and if consideration could be given to bringing all the planners together, having a think tank session to see the blockages that are there and perhaps get consensus among planners and agreement on what we should be doing. In their defence, I will say some fantastic houses are being built right across rural Ireland. There is an element of consistency in the quality of some of them, and the planners are to be commended on that.

While I have the Minister of State here, I will mention a few other points. There is the question of downsizing, especially in large and provincial towns. We have a lot of elderly people. In many cases, one person who would like to downsize is living alone in what could be a four-bedroom or five-bedroom house, but there are no small bungalows for them to move to. We need to look at the situation. Some local authorities in Dublin did offer a scheme where it was possible for people to sell their home and get a local authority property. In many cases, these are small developments of two-bedroom units. They are ideal for people looking for companionship and having people living next door. It is almost a retirement village setting. I think there is a huge opportunity there. It would free up these larger houses and get them back on the market. It makes eminent sense to me and I would like to see the Department giving this idea some consideration.

The other point I ask the Minister of State to take back is that our current social housing model is challenged insofar as the income thresholds are concerned. We need to look at this aspect. I fear a section of our community has also fallen between two stools. These are people ineligible for social housing and unable to afford a mortgage. We need to look at bringing back a variation of the rent-to-buy scheme, where people would not qualify for social housing but could qualify for a social house based on it being rented to buy. People would be given ten years to buy the house, paying a rent much higher than what would be paid in social housing. People would then have an option to buy out the balance after the ten years. I think there is merit in looking at this idea as well. It would work well for the holistic effect of these communities. We would get in the aforementioned and much lauded gardaí, teachers and all those people into these communities. It would be very much about building our communities and empowering people. I would like if the Minister of State could take back these two suggestions with him. I commend him on his work on these guidelines and I do earnestly hope they can come into effect before the end of the lifetime of this Government.

Deputy John Cummins: It will be before the end of the year.

Senator Maria McCormack: I thank the Minister of State for coming into the House.

An Cathaoirleach: Is the Senator sharing time with Senator Collins and Senator Tully?

Senator Maria McCormack: Yes.

An Cathaoirleach: Is that agreed? Agreed.

Senator Maria McCormack: Lovely. I am choosing not to engage with the class clown who just wants to run down Sinn Féin on housing rather than look closely at the current policies. All the records the Government has were spoken about. I am talking about the record homelessness and the people I meet every day. I think it is time for the Senator to go back to school when he looks at the power-sharing arrangement.

Senator Joe Flaherty: We meet the same people.

Senator Maria McCormack: No. I am sorry. The Senator is not allowed to talk down to me. This is my time, so Senator Flaherty needs to sit there and be quiet and listen to me. Okay?

Senator Joe Flaherty: There is no need to be so condescending.

Senator Maria McCormack: We have power-sharing in the North, but we are not in bed with the Opposition like the Government is. The Senator should go back to school and learn how things work. I am glad to have the opportunity-----

Senator Joe Flaherty: That is very condescending.

Senator Maria McCormack: Sorry, this is my time, so shut your mouth or get out.

Senator Joe Flaherty: What if I said that to you? What if I spoke like that to you?

Senator Maria McCormack: No, I am sorry-----

An Cathaoirleach: Senator McCormack, without interruption.

Senator Joe Flaherty: Sure I could not speak like that to Senator McCormack.

Senator Maria McCormack: No, I am sorry. On a point of order, I am trying to have a chance to speak. Can he shut his mouth?

Senator Joe Flaherty: That is terrible language.

An Cathaoirleach: I ask Senator McCormack to continue, without interruption. I thank the Senators.

Senator Maria McCormack: Now, for people who do not believe Sinn Féin wants anything to do with rural planning and does not understand rural life, some of us do live in a rural constituency. I live in a rural constituency called County Laois. I deal with the issues we have and I do not see records being broken with all the progress being made. I do welcome the opportunity-----

Senator Joe Flaherty: There is record house building in County Laois.

Senator Maria McCormack: Please, Senator.

An Cathaoirleach: Senators, please. Everybody knows the rules of the House. One voice at a time, and that is the Senator who is standing.

Senator Maria McCormack: I welcome the opportunity to talk about rural planning and how important it is for rural communities. I have come from the social protection committee, where we have had the GAA in. Those witnesses have been telling us about declining demographics. I see this happening. I see it in the village I come from, Ballyroan. We can see the impact this has, so I really welcome the opportunity for us to try to make a difference here. Every week since I started in this job, someone has contacted me who has not been able to get planning permission on their own land. I grew up on a farm and I know the problems that come with that. I want to talk about the progress we can make and positive steps forward. The Minister of State will have to agree that, over the years, there have been many plans and promised actions but these have not materialised into work on the ground.

Good rural planning means investing in the delivery of social and affordable homes in rural towns and villages by making it easier and cheaper for people to reuse vacant and derelict homes and by ensuring that rules on one-off homes are clear, fair and consistently applied across all local authorities. In my county of Laois, the affordable housing targets have been set incredibly low - I would say stupidly low. Does the Minister of State know that the target for affordable housing in Laois was set at eight houses for 2026? Thankfully, the county council has managed to provide a few more houses than that figure, but I would love to know why the affordable home target for Laois is so low in the first place.

I will say this again because it is a clear signal of how rural constituencies like County Laois are forgotten. The county has a population of 92,000 people and the affordable housing target set for the county was eight affordable homes in 2026. I would like to hear back from the Minister of State on this. I speak to ordinary workers and families from Laois every week who tell me they are a few hundred euro over the income threshold for social housing but are in no way close to ever being able to buy. We will not even talk about the rental market, because the Government has clearly made a shambles of that. The Minister of State knows the story. People have been telling us every day for years how their dignity and independence have been torn from them by the housing crisis, especially by the lack of properly affordable homes. I thank the Minister of State for coming in to discuss this issue.

Senator Joanne Collins: I grew up in Limerick city and then moved out to the county when I was 17. I thought my life was over. How could I live somewhere where there was not a shop two minutes' walk away from me? I ended up loving it so much, however, that I actually moved further into the county. I am in a place now where the bin service will not drive down to us because we are so rural. We have to bring the bins three miles up the road for the bin service to collect them. That is the choice I made because I absolutely love living in the county. I love being surrounded by wilderness and having a little bit of solitude every now and again, where I know that if somebody is going to be calling to me, I am going to get a phone call first. I do not get the knocks on the door. I have never had a politician call to my house, which is one of the upsides. I do not have to go through the rigmarole of telling them who I am.

Where I am living, however, it is becoming necessary to merge two GAA clubs just to have enough kids to make a team. It is actually quite sad when they cannot play in their own parish and have to join another parish. There was a time when there was a rule that you had to get permission to go to another parish. Now, they are all being amalgamated. Our schools are losing teachers because we cannot keep enough children in our country schools. The schools are losing a teacher and that teacher is losing their job. Schools are also losing out on SNA supports because there are not enough kids from the previous year to make up the required number.

We also have the case where a lot of our young people are not seeing that they could possibly build a house on their own land because the bureaucracy is very difficult to navigate. I had to drill my own well because we do not get water services down that far. A lot of people are not willing to do that, so they are moving abroad. This is stopping the next generation from having kids who will join the sports clubs, and so on and so forth. I do not necessarily think there needs to be a reset, but we do need to start taking away some of that red tape when it comes to rural housing.

Senator Pauline Tully: I welcome that the publication of the new planning guidelines will be later this year because this is well overdue. We have been waiting for about a decade for these guidelines. I welcome that they are going to be published and that they are subject to proper consultation and scrutiny. There is a lack of consistency across rural areas in the planning sections, and the Minister of State acknowledged this himself. In fact, there is a lack of consistency within county councils between the different planners.

Many people brought up in rural areas do not want to live in the larger towns or in the cities. In many cases, they cannot afford to. They do not want to settle down in the towns and cities, especially after a few years.

They want to move back to be close to relations for child minding and so forth. The policy of providing serviced land on the outskirts of villages is a good one. It gives an option to people to live in their local community but still have serviced land and a village beside them and so on. There are cases where the council does not have any land banks next to villages or towns, so that needs to be addressed. We do not want to see the mistakes of the past repeated, where, under Fianna Fáil Governments, house building was allowed on flood plains. We now see the consequences of that when there is actual flooding within developments.

In relation to once-off planning, I have come across cases - somebody mentioned it in the Chamber already - in which people who bought or built houses in rural areas with no connection

to the locality end up making complaints about agricultural activity. They are coming out of cities and so forth. People from a locality, especially family members of the land owner, should be allowed to build a lot easier. I have come across situations where they have had to jump through hoops to prove a connection to a local area. That should not be happening if they have grown up in that local area. They want to be close to their family and so on.

The timing of utility connections is having a huge impact on the building of houses, as well as the lack of supports for small- or medium-sized developers in this country. Many of them find they cannot afford to build houses in the locality.

In relation to Senator Flaherty, we are devising a drinking game that every time he mentions Sinn Féin in one of his speeches, we will have a drink. He will have to stop or we will end up as alcoholics.

Deputy John Cummins: Have a drink.

Senator Joe Flaherty: The Senator will probably tell us she cannot afford drink.

Senator Frances Black: The Minister of State is very welcome to the House. This is something he is very knowledgeable and passionate about. I welcome the publication of the new planning guidelines. If we are serious about planning reform, we must also be serious about the democratic structures through which planning decisions are made. On that front, the direction of travel gives cause for real concern. I say this not as a critic from the sidelines but as someone who served on the Seanad Public Consultation Committee on the future of local democracy that was chaired by our own Cathaoirleach, Senator Mark Daly. On that committee, we heard from councillors, communities, planning experts and citizens about what is actually happening on the ground. What we heard was consistent and damning. Local democracy in Ireland is being hollowed out, decision by decision, through secondary legislation that bypasses proper scrutiny. The Planning and Development Act 2024 is the latest chapter in that story.

Since 2014, we have lost 678 elected local representatives. We went from 1,600 in 2007 to 949 people with a democratic mandate to speak for their communities. As the number of elected voices has shrunk, the power of unelected officials and central government agencies has grown. Our committee's research on local government functions from 1993 to 2024 documented this drift in meticulous detail. The replacement of section 28 ministerial guidelines with national planning statements, which all regional and local authorities must now follow, is the latest expression of this centralising logic. The Minister issues the statement. The council follows it. The councillors are watching.

I welcome the Minister of State's commitment to reform and I share his concern about inconsistency across local authorities, but good planning policy and strong local democracy must go hand in hand. I urge him to ensure, in seeking greater consistency, that we do not inadvertently remove decision-making further from the communities it affects most. Development plans are an example. Under the new Act, development plans will have a ten-year lifespan instead of a six-year lifespan. The Minister will be able to issue urgent directions requiring change. That sounds like modernisation. What it actually means is that a community's vision for its own area, painstakingly negotiated through a democratic process,

can be overridden by a Minister's direction from a desk in the Customs House. That is not planning reform; that is decision-making removed from the communities it affects most.

Then there is the question of the reserved functions being stripped from elected councils. I refer, for example, to the section 183 function for disposal of council land to the Land Development Agency and the Part 8 function for councils' own housing developments. They were taken away quietly, without any fanfare or serious public debate. Our committee called for their immediate reinstatement. That call has not been answered. Why has it not happened? What is the argument for keeping elected councillors out of decisions about their own communities' land?

Our report recommended also that councillors be given access to independent legal, financial and planning advice. At the moment, when a major planning application comes before a council, the developer arrives with a full legal team and experts in planning. The councillors who will vote on it have nothing equivalent. That is not a level playing field. It is a structural advantage built into the system for those with resources and it needs to change.

I want to ask a straightforward question about the local democracy task force, which was the central recommendation of our report. The Government was supposed to convene it within three months of taking office. Has it been established? If not, the Minister of State should tell us today when it will be established. The public who engaged in that consultation and gave their time, expertise and experience deserve an answer. Planning affects everything. We know that. It affects where people live, what their towns look like, and whether their communities have green space or services or a future. These decisions should be made as close as possible to the people they affect by representatives those people can hold accountable. What we are building instead is a system where the big decisions are made centrally, the difficult ones are deferred to agencies and the councillor's role is increasingly ceremonial. That is not what I would consider planning reform; that is managed decline of local democracy and it has to stop.

Senator Pat Casey: I welcome the Minister of State to the Seanad this afternoon. I thank him for the work he is doing on this, as well as my colleague, the Minister, Deputy Browne. I have spoken to the Minister at length about this. It is interesting that we are going back to what my constituency colleague - the former Minister, Dick Roche - did in 2005 when the last planning guidelines were published. We should be careful what we wish for. Sometimes guidelines do not bring us everything we want. I had some sight over a previous draft version in the last Government. Thankfully it did not see the light of day because it was an absolute disaster. I share the opinions of my colleague, Senator Flaherty, in relation to the qualification. I think the qualification is there in the national planning framework for social and economic need in areas under population pressure - they all qualify. Getting from qualification to planning permission is the problem. The word that has been used all the time is "inconsistency" and the lack of consistency. It is not just across different counties; it is actually within counties themselves. There will be inconsistencies in planning decisions. When you look at the qualification, then you look at landscape and at landscape characterisation. Then you look at whether it is family-owned land or land bought to buy a house. They all have impacts on a decision. The next one is traffic and then environment.

I want to focus on the lack of consistency within the pre-planning process. I could walk into Wexford tomorrow morning and sit down with a planner and discuss my planning

application. In Wicklow, I will submit an email and get sent a link to a document. I think we need consistency so rural people can sit down with a planner and go through everything they need to go through, namely, qualification, landscape, transport and environment, so that they know what they are getting into.

I would like to speak about ribbon development and backland development. I do not understand ribbon development in a rural setting because you are creating an urban form of development in a rural setting. When you have five houses in a row, all equally backed 20 m from the roadside, it is like an urban landscape. Backland development is one of the greatest opportunities we have to locate rural houses which are not visible from the roadside. In my first six years in Wicklow County Council as a councillor, I never heard of an issue with backland development. All of a sudden, out of fecking nowhere - excuse the language - backland development became an issue, and any house that was in the backland was not permitted. I do not know where it came from. There are great opportunities for planned proper backland development that will actually hide our rural housing and not have any impact on the landscape.

I am trying to hit on a few things because this is a broad issue.

4 o'clock

On that understanding of the complexities and inconsistencies, I can give several examples in Wicklow of planning permission decisions on the same day. One was a traditional house and the one beside it was elevated and a dormer. The traditional house was refused and the dormer was granted. It just did not make sense to the two people I had to ring. How did the others get it and they did not? There has to be some consistency. Not all of it should come from the national level. Our councillors have a role to play. Economic need in each county could be completely different. What economic need is should not be from a high level or national level. Flexibility is needed.

I will mention what nobody has mentioned yet, namely, the power of section 140 that was taken away from our councillors. I mention that, not because I want to be nasty but because it was the only implement councillors had, when trying to negotiate with planners, which they could use as leverage to say a specific house should get planning permission. That power has been taken away from our councillors. I have used it on a few occasions for what I felt was genuine rural people building houses on their own land who were being refused because of some little technicality. The councillors have lost the use of that power, even as leverage. Something needs to come back to give councillors recognition of the work they do and give them some leverage so they can insist that a planner listens to them, because there are genuine rural people not getting planning while there are people using the system who do not qualify and are getting it.

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

Senator Gareth Scahill: The Minister of State is welcome once again to the Chamber. I reiterate the welcome so many of the previous speakers have given, including Senators Flaherty and McCormack, for these guidelines. We are happy to see them. We see the Minister of State

addressing what we have all looked for. Well done on that. This is building on the success of the croí cónaithe and vacant property refurbishment schemes. In my county of Roscommon, at the end of 2025 there were 459 applications, 325 approvals and 119 homes brought back into use, with an investment of, I think, €6.8 million, bringing those old buildings back to life. Many of the previous speakers referred to consistency. The Minister of State also mentioned it. If we can get consistency and transparency in decisions and know we have a good chance of achieving it before we put it in, that is effectively all a public representative wants - to be able to support the applicant to deliver on this.

The GAA demographics strategy was mentioned earlier. Many rural clubs are seeing depopulation which means they are struggling to field teams, get volunteers and remain viable. In Roscommon this week, we had news of two rural national schools closing, Drumboylan National School and Slatta National School. The INTO told us this morning that there are 11 other rural national schools in the west in the same position. Predominantly, this is because people are not given the opportunities to build houses where they want. As a previous speaker said, we want local people to be able to build their own houses close to their family in their local areas. That is what the guidelines do.

To go back to simplicity, one of my colleagues in Roscommon County Council, Councillor Ruth Conboy, has repeatedly asked for transparency and far more information in relation to planning decisions, such as details on planning applications, approvals and refusals, but also, whenever a local authority requests further information, where that goes. She does not want this information buried in management reports. Every local authority should have this on their site and should be held accountable by this information. I would love to go into wastewater treatment, EPA codes, section 1.3 and the domestic wastewater treatment grants system. I believe new guidelines are coming out for some of the local authorities on that. That is holding up a lot of decisions in my area. If that could be speeded up, it would be brilliant.

Senator Mike Kennelly: I welcome the Minister of State and I acknowledge the work that has been done. This is reform. It is the best thing that has happened. We have had a housing issue in this country for the past number of years. I congratulate the Minister of State on the work he has been doing in this Government. With all the toing and froing, this is welcome news. Most importantly, Kerry, which I proudly represent, was said to be, even today, and I circulated this recently, the third best county to live in. It reflects the very strong communities we are building at the moment. Last year, construction was begun on only 297 homes in Kerry, but between January and April 2026, over 400 commencement notices were issued. That is something that is working and that has to be acknowledged.

However we have serious other constraints in sustaining rural communities. I spent over 16 years as a councillor in Kerry and planning was always a very serious issue when the son or daughter could not built next to mom and dad. There was a big difference between some councils. In Kerry, it was no bother if we had the son or daughter or the nephew or niece, but if you owned a farm along the national routes into Kerry, and your son or daughter wanted to inherit and work that farm, they could not build a house on it due to constraints from TII. That has to be in the guidelines. I hope it will be reviewed again before the guidelines come out and there is an agreement with TII.

On the GAA, I am from Kerry and depopulation is killing it, especially in villages. If we do not bring Uisce Éireann to every county council and local authority, then this will continue. It did not invest for years. I could go on.

An Leas-Chathaoirleach: There are five speakers left and we are almost out of time.

Senator Mike Kennelly: If I could be allowed to come back in again.

An Leas-Chathaoirleach: The Minister of State has to go. I will give each of the remaining speakers a minute and half if that is okay. It is eating into the Minister of State's time. We were late starting, so perhaps the Minister of State could stay for an extra few minutes by agreement of the House. Is it in agreement with the Minister of State that we take an extra ten minutes? Agreed. I will give the five remaining speakers two minutes each, with the agreement of the House. Is that agreed? Agreed.

Senator Joe Conway: The Minister of State, Deputy Cummins, my Déise colleague, is just gone out the door. Knowing him for many years, he has always been a very proactive public representative. I am not a bit surprised that he engineered and drove these changes. I welcome them. Well done to him and his team in the Custom House.

This morning, as Senator Scahill mentioned, we were over with the INTO. It signalled to us a great demise of local schools. The numbers are quite frightening. Only this week one was flagged in Waterford, Knockmahon, in the vicinity of Bunmahon. A lot of that is concomitant with the rigours of the planning system. Everybody here who has been a councillor, and maybe indeed many who have not, will have found that there are difficulties in this business of building on the land, on the holding. It is great to see there is some leniency coming into that because we will lose our schools. As Senator Kennelly said, there will be the decimation of the GAA and other things that are very much part of the rich rural landscape and environment we have.

These changes are very welcomed by me and, I sense, by the rest of the House.

It is a serious wedge made in that difficulty that we have had over the years with the Planning Regulator, the lack of consistency and all of those daft things that impacted on our lives as councillors trying to get something that was reasonable. Back in the day, we used to talk in the ranganna Gaeilge about banú na tuaithe. We had the same thing in Scotland between 1750 and 1850 where the clearances took place. Effectively, we were engineering our own clearances. We were not using the landlords to do it at all. We should be delighted that we have an antidote to it now.

I did take my two minutes, go raibh maith agaibh.

Senator Niall Blaney: I welcome the Minister of State and I will get straight to it. I have two points to make. As someone with a civil engineering background who used to draw up plans, the first issue I wish to raise is in relation to national secondary routes. I believe they should not be dealt with in the same manner as national primaries, particularly those that have a low annual daily traffic volume. Regional roads that have high traffic volumes need to be

looked at in relation to this set of guidelines. We should take a rough average of perhaps the top 20 and get a figure for the annualised average daily traffic from those. Then, whenever we go below that volume on a national secondary, we should start allowing some opening of the planning system to areas of low traffic volume and with fewer road safety difficulties, such as large portions of the N56 in Donegal, the N59 across Sligo, Mayo and into Galway, and many more examples across the country. It is a simple thing to do but it would be massively helpful to many rural parts of Ireland that are suffering decline and where people cannot get planning for themselves and their families, and businesses alike.

The second issue is a simple matter in relation to planning when it comes to dealing with effluent from the average house. Currently, planners make a decision based on a design that is given by an architect. That architect is trusted with the build of that house but the planning decider can turn around and say they do not accept that design for the effluent system. That is wrong. The architects are trusted to build the house; they should be trusted to put in the system that is designed. If they do not, it is on them. The architect is responsible for that house build. They also should be responsible for the septic tank. It is a simple measure. If we could trust the architects for that, we should be able to trust them to put in the proper system as well.

Senator Sarah O'Reilly: I would love to have about 20 minutes on this. I welcome this debate very much. I hope Minister of State is listening to the suggestions because this is a big bugbear of mine. Good suggestions have been made here today, but I do not see anybody taking notes and that bugs me too. We have harsh planning restrictions that have been a plague on rural communities, so I am delighted to see that the Government is finally listening to what we have been saying for years.

We need to be careful about the rules, particularly local needs rules, being relaxed so much that rural house prices are pushed up. That is what happened in the Celtic tiger era. I know it is houses but I would be afraid that if we relaxed the local needs rules in respect of planning, the same would happen again. I live in the town of Bailieborough. It is within the commuter belt of Dublin and lots of Dublin people sold their houses, came down and priced young couples out of the market in my town. I would be afraid of that happening again and would want to mitigate against that.

I truly believe that local authorities and councillors are best placed to understand the needs of their own areas but that they are operating within very strict guidelines and their hands are tied. There is a top-down approach from the Government and the Planning Regulator. Ireland has one of the most centralised governments in Europe and we all know that. We should trust our local authorities more and devolve more power to them. Everywhere is different and a one-size policy cannot fit everywhere. In west Cavan, we have very bad depopulation. In east Cavan, we have a very high population. Councils are best equipped to deal with these differences in population and spread.

I am a big believer that strategies should place an emphasis on serviced sites. I see it happening in Canada. My sons live in Canada and the local authority buys or has a plot of land and develops it into lots. The services are there, such as electricity and water. It is so easy then for people to go in and build on these serviced sites. They are-----

An Leas-Chathaoirleach: Go raibh maith agat. I am sorry, we are out of time.

Senator Sarah O'Reilly: -----a brilliant idea on the edge of towns. I have loads more-----

An Leas-Chathaoirleach: I thank Senator O'Reilly.

Senator Fiona O'Loughlin: I thank the Minister of State, Deputy O'Sullivan, for being here. I also thank him and the Minister, Deputy Browne, for listening to those of us at many different parliamentary party meetings who have brought up this issue and feel very passionately that change is needed. It is not just about change, but also balance and consistency. While we believe that rural housing should be a part of addressing the housing crisis, unfortunately, there are many local authorities that feel differently about it, so there is no consistency across the country. We need change.

We understand that there have to be concerns about the environment. That needs to be taken on board, and nobody thinks any differently. However, there are consequences to the over-regulation of planning, which we are seeing happen at the moment. Families are unable to build on their own land. Young people are forced to leave their communities. There are schools losing students and GAA teams not being able to field players. There are all of these reasons. Farm succession is becoming harder and, of course, there is the intergenerational aspect where we need to have different generations living close together to support one another. Grandparents can be supported as they grow older and grandparents can help with children as they are born to the next generation.

We need more flexibility. We need to encourage more sustainable building networks. We need to reduce the pressure on the urban housing markets. That pressure is happening because the rural areas are being ignored. The greatest threat to rural Ireland is depopulation, not development. People who grow up in rural Ireland, who volunteer in their community and send their children to school should have the right to live in their own area of choice beside their friends and families. I know that the Ministers of State, Deputies O'Sullivan and Cummins, and the Minister, Deputy Browne, are working on a new statement. It would be good to get an update on where we are at now. Timing is everything and there is a level of impatience about when we can see that.

An Leas-Chathaoirleach: I welcome to the Gallery guests of Deputy Cathal Crowe from Clare. He has guests from Scariff Bay Community Radio with him. Before I call the next speaker, Senator O'Donovan, I welcome members of Carbery Macra from west Cork, who are his guests. It is an opportune time, as we are having a debate on rural planning.

Senator Noel O'Donovan: It certainly is an opportune time for Carbery Macra to be in the Chamber. It is opportune that the Minister of State, Deputy O'Sullivan, is also in attendance. After 18 months in his position, I think it is first time that I have addressed him in the Chamber, so I would like to congratulate him on his appointment last year to the position of Minister of State. What an honour it is for him personally and for his family across west Cork. It is very fitting that Carbery Macra would be here.

We are discussing rural planning, which is probably one of the most important subjects - the Minister of State would agree on this - that we deal with on a daily basis for the next generation so that they can live rurally in west Cork and many other rural parts of our country. I speak on

planning from a unique perspective as someone who has been in politics, stepped away from politics and then moved back. I have seen the planning process and system becoming more difficult. It genuinely has got more difficult in the last number of years. We came out of a crash in the late noughties into 2011 and 2012 and our planning system became more difficult. Whether it was ribbon development, local assessments, local needs and local applicants having difficulty applying and going through the process or the removal of planning liaison officers such as people like James Keane on Cork County Council, the barometer moved to a place where it has become difficult.

When I explain the importance of politics to people, it is about the grey areas where policy does not work. Planning policy at the moment does not work. I welcome the work of the Minister of State and that of the Minister of State, Deputy Cummins, and their engagement with the local authorities, going around and seeing how we can make things better.

We had the GAA before the committee this morning. It is quite stark when we look at the figures for depopulation. Our schools, our churches, our pubs and our community centres need people living in local areas. We need to see consistencies brought into the planning process. To make a constructive suggestion, we see local authorities engaging with community groups, going out with roadshows and rolling out information evenings across our communities.

That needs to be done with agents and planners and those professionals who help people applying for planning, because there needs to be consistency. The new planning guidelines that are going to be announced need to be communicated clearly to agents. That is something constructive that could be rolled out across the country. Well done to the Minister of State for his work on this.

An Leas-Chathaoirleach: I welcome two guests of the Minister of State, Deputy Smyth, who are in the Gallery. I understand people from Scariff Bay Community Radio are also here, with Deputy Cooney. You are very welcome too.

Senator Aubrey McCarthy: I thank the Minister of State for being here. As many of my colleagues have said, it is not necessarily about housing but about whether rural communities can survive and whether rural towns, villages, etc., can have a future. I am on the housing committee and over the last number of weeks we have had the GAA in. Its representatives were saying it is impossible to get players for towns throughout Ireland. We are all agreed we need more homes but we need balanced regional development and then rural Ireland will benefit from that growth. There are too many young people who want to stay in their communities but cannot rent, cannot buy and in some cases cannot build. I live in rural Kildare and trying to get planning permission, even on the farm I have, is difficult. Recently we had residents of the Gaeltacht in and we heard from them how, while the Government is committed to protecting the Irish language, many of them cannot get planning permission to live in their own community, so it seems the Government's policy on protecting the Irish language and its policy on housing and planning are contradicting each other. People who own heritage properties were saying the Government has a wonderful plan on maintaining and restoring properties, which is fantastic, but a lot of them feel their experience shows it is impossible to maintain those properties. Good policies, it seems, can sometimes end up working against each other on the ground.

Rural communities have the capacity to grow. There are serviced lands, vacant buildings and underutilised sites all around Ireland, and vacancy and dereliction grants have been wonderful. They have kicked the ball out of the park regarding success, but grants alone are not enough. The biggest barriers remain infrastructure and planning, and villages cannot grow unless we get infrastructure sorted out. The heart of this is giving people an opportunity to live, work and raise a family in their own communities.

Senator Martin Conway: The Minister of State is very welcome to the House, as the Minister of State, Deputy Cummins, was as well. The message has been received loud and clear by Government that there are too many inconsistencies between counties. Having been in public life for over 20 years, I have dealt with many tricky and difficult planning decisions and, by and large, planners do the right thing and do the best they possibly can by clients, but sometimes regulations and requirements do not make sense. I welcome that the guidelines are going out to public consultation. I agree with Senator Boyhan that they need to go out for detailed consideration and public consultation. I sincerely hope that what comes back is taken on board by Government. The present Minister of State, who, like the Minister of State, Deputy Cummins, comes from rural Ireland, will understand exactly the challenges there are and the various inconsistencies we have all experienced. We need to remove those inconsistencies because there is nothing as frustrating for members of the public as seeing a decision made, even in a different electoral area in a county, that differs from a decision they have been given, whatever about differences between counties. We need to see consistency across counties and consistency across planners and similar interpretations by planners. The only way that can happen is by proper regulation at Government level. I wish the Minister of State well and look forward to this process escalating.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Christopher O'Sullivan): I thank everybody for their contributions. I was not taking notes but I was taking mental notes and listening to it all. Fortunately, it is all recorded so we can watch it back.

I thank Senators for giving me the opportunity to discuss rural planning, further to the important discussions on this topic in the House today. The draft national planning statement is being prepared and will provide more clarity and certainty to those engaging with the planning system and seeking to build a new rural dwelling. The importance of delivering on the needs of rural communities is acknowledged, especially through the supply of housing that meets the need of people who can demonstrate they have a local housing need to live or work in that rural area, based on economic or social considerations. Nationally, rural housing continues to be an important component of overall new housing delivery, with about 4,000 or 5,000 new rural dwellings being built annually. The Government is progressing a range of planning and housing actions contained within its housing action plan that will support the delivery of housing across the country. An example of this is the launch of the housing infrastructure investment fund by the housing activation office. This provides significant investment in social and affordable housing along with funding schemes to support the reuse of vacant and derelict properties.

My Department is also working with Uisce Éireann and local authorities to address water and wastewater infrastructure needs in rural areas, including Gaeltacht communities.

Investment through the rural water programme helps support safe drinking water, improved wastewater services and the delivery of housing in these areas. These measures help ensure essential infrastructure keeps pace with housing needs and supports long-term community resilience. The national planning framework complements and builds on existing Government policy set out in *Our Rural Future: Rural Development Policy 2021-2025* and *Our Living Islands: National Islands Policy 2023-2033*. In recognising the unique characteristics of our island communities, which include Gaeltacht islands, a number of measures have been implemented through the our living islands policy. These include subsidised cargo ferry services to offshore islands to support the carriage of construction machinery and materials, and funding for community development companies and capital investment in community infrastructure on islands. In addition, enhanced support under the vacant property refurbishment grant is available to assist the refurbishment of vacant and derelict properties on qualifying islands to help bring them back into use as homes. The maximum grant amount is 20% higher in recognition of the additional costs involved in construction on offshore islands. Up to €60,000, compared with €50,000 on the mainland, is available for refurbishing vacant properties, with up to €84,000, compared with €70,000 on the mainland, where the property is derelict. Officials within my Department also continue to work closely with officials in the Department of Rural and Community Development and the Gaeltacht, local authorities and *Údarás na Gaeltachta* in supporting the provision of housing and infrastructure in Gaeltacht communities.

That is the gist of it. Obviously in today's statements we could not go into in-depth detail about what may be in the draft national planning statement, but that draft will emerge very shortly. The Minister, the Minister of State, Deputy Cummins, and I have been working on this to ensure the input is appropriate. There is a stated aim. The Minister of State, Deputy Cummins, mentioned that, in a rural area suffering persistent and substantial population decline, the policy is to accommodate anyone who is looking to build a house. I want to focus on the word "accommodate". That is exactly what we need to do when it comes to planning in rural areas. We need to accommodate people rather than blocking them and putting obstacles in their way. It is essential. Take a newly married couple who, perhaps, have just had a child and are applying for planning permission. We cannot have a situation where that couple are contacting Senators' offices and crying down the phone because they have been refused for the third or fourth time. We have all seen at first hand the cost, the distress and the emotional impact of something like that. If we are successful with this planning statement, that success will look like not having those types of situations. It will mean connection to an area does not mean you have to have been born in the field where the site is, or maybe the field next to it, or in that postcode but rather the community you are part of, that you grew up in, played sports in, went to school in and worked in. We need clarity and flexibility when it comes to interpreting that. It means if you have a bit of a landholding and there are a number of sites, you are not expecting to get permission to build on the top of the tallest hill there but we cannot be sending people down to the lowest, darkest, deepest hole either.

That is what success looks like if we get this national planning statement right. It means that there is flexibility. At the end of the day, the applicants are going to be living in this house for the rest of their lives. Acknowledging the fact that it is the applicants who are going to be living in these homes, they should have more of an input into design. All too often we see situations where people had their dream home but perhaps it is out of character with the

landscape. There has to be reason there as well because at the end of the day, it is the applicants who are going to be living there and they have to be happy with the house that has been designed.

Another issues is where the applicant is already living on a road, perhaps with their parents, and using that road but they are being turned down because of road traffic safety concerns. These are the issues that this national planning statement provides us with an opportunity to provide clarity on. Working with the Minister, Deputy Browne, and the Minister of State, Deputy Cummins, that is the direction of travel. We want to ensure clarity and consistency and that we accommodate. Let that be the key word, that we accommodate applicants rather than put up barriers.

I will touch now on the islands, which I referenced in my speech. The islands are different. We talk about school depopulation and the fear of the closure of schools. On islands in particular, that is a real and acute concern. Cape Clear is a Gaeltacht island in west Cork. It is one of the most beautiful places one will ever visit and I urge Senators to go there but the school is just barely hanging on. They had a very innovative idea known as gateway housing, which was trialled in the Hebrides in Scotland, whereby the islanders, the comharchumann, or the community, were allowed to build four to six houses to allow people to try out island life for a while and if they liked it, they stayed. Future populations would then keep the businesses and the schools going. That is something I would love to see reflected in this as well.

The details will emerge shortly but this is one of the greatest hopes and chances we have ever had to ease the burden, stress and strain, not just on young people but on people of all ages and backgrounds and allow them to live in their area or an area to which they have a connection, whether that is where they work or live or where they were born. I thank all Senators for their comments which were very helpful. What is clear is that we have all had very similar experiences and this is a chance to fix that.

An Leas-Chathaoirleach: I would like to welcome guests of Deputy Albert Dolan from Mountbellew National School. You are very welcome here this afternoon. Just to say, you will have no homework for the rest of the week. It is customary here in the Seanad to relieve students of homework. Enjoy your visit.

Cuireadh an Seanad ar fionraí ar 4.33 p.m. agus cuireadh tús leis arís ar 5.09 p.m.

Sitting suspended at 4.33 p.m. and resumed at 5.09 p.m.

5 o'clock

Air Navigation and Transport (Amendment) Bill 2026: Second Stage

An Cathaoirleach: Before I go to the proposer and seconder, I welcome the Social Democrats leader, Deputy Cairns, and members of the Social Democrats Party: Deputies Gannon, Rice, Whitmore, Cummins and Farrelly and Councillor Caroline Winstanley. They are all welcome to the Distinguished Visitors Gallery.

We would have brought everyone from the Canadian side over there, but they would not all fit. I thank them all for being here for this Private Members' Bill from their party's Senator and the Cross-Party Group.

Over in our Public Gallery, we have guests from the Ireland Canada Business Association. I welcome them to the Seanad Éireann. Their Prime Minister will be joining us in Dublin. I am looking forward to that visit and his visit to County Mayo. We had another Head of State visiting Mayo not so long ago. As the guests will hear quite often, Mayo is quite good at world leaders, but they just cannot win the all-Ireland football final.

Senator Mark Duffy: Do not start it.

An Cathaoirleach: I know, I am just saying. One of our Senators here is from Mayo. They are like a crowd that could not win a one-ticket raffle.

Senator Mark Duffy: Out of order.

An Cathaoirleach: It might be out of order, but they are excellent at world leaders. We will give them that.

I call Senator Stephenson to propose the motion.

Senator Patricia Stephenson: I move: "That the Bill be now read a Second Time".

I am sharing time with Senator Black.

An Cathaoirleach: Is that agreed? Agreed.

Senator Patricia Stephenson: I thank the Minister of State for coming in. Of course, I am disappointed that it is not the direct line Minister, given the importance of this legislation.

The Bill is a response to the ongoing evidence that weapons are routinely transiting through Ireland. I understand that the Government is opposing this Bill on the basis of some very minor arguments. We have a ten-Stage legislative process in Ireland for the purpose of amending legislation. This Bill was drafted by the Office of Parliamentary Legal Advisers, OPLA, who have advised me that it is legally sound. If the Government is not happy with elements of this Bill, I wish it would make amendments with me. I would be very happy to work with it. I have a proven track record of working collaboratively across the House. The Government's stated justification for opposing the Bill does not engage in any meaningful way with the policy intent behind it.

The Bill identifies a serious legislative gap in the inspection of flights. It is designed to address the gaps expressed by the former Minister, Eamon Ryan. He committed under the previous Government to address this matter. Did this policy issue fall under the new coalition? Does the Government not care about these overhead flights any more? Has the issue just completely changed for it? It is bitterly disappointing that the Government is opposing the Bill instead of meaningfully engaging with it.

Shannon Airport has been used as a transatlantic gateway for US military operations for the past 30 years. Weapons have been carried by military planes, which are required to apply for diplomatic clearance. However, commercial airlines are also being used to ferry weapons through Ireland without any oversight by the Government. Our laws unequivocally forbid the passage of weapons through our airspace. Banning the transportation of weapons through Ireland is not new. It has been a long-standing principle borne out in Ireland's neutrality. The Chicago Convention on International Civil Aviation states that no munitions of war may be carried in or above the territory of another state except by permission. The Taoiseach has previously noted that it is expressly prohibited for civil aircraft to carry munitions of war in Irish sovereign airspace without being granted an exemption to do so by the Minister for Transport, so the Government knows the rules.

Why do we see reports again and again on the passage of weapons through Ireland, which the Government chooses to ignore? What is the point of these rules if we do not enforce them? There has not been a single Government inspection of an aircraft in recent years. Under the Hague Convention on neutrality, Ireland as a neutral state has a responsibility to ensure that belligerents do not move troops or munitions of war through our territory. The High Court found us to be in breach of our own regulations and obligations under the convention in 2003.

We have heard consistently from the Government that it simply does not have the power to carry out on-the-spot inspections of planes and that it lacks any legislative basis to do so. As such, I have brought that legislative basis. My Bill addresses these gaps, which were first identified by Eamon Ryan in 2024. It would confer powers on An Garda Síochána to carry out inspections of planes to deter the misuse of civil aircraft in the transportation of weapons. It expands the definition of "state aircraft" to include military, customs or police, which will need to request permission to fly over or land in Ireland, broadening the scope of who needs to inform the Government. Under this Bill, it would be a criminal offence, punishable by fine or imprisonment, to obstruct the investigation of an aircraft.

These enforcement powers and the accompanying penalties laid out in my Bill would be a deterrent to any airlines that consider breaching our rules. Up until this point, it seems that no airlines have been deterred by any of our existing legislation. Lufthansa, Delta and Israel's El Al have all transported Lockheed Martin combat jet munitions to Israel via Ireland - parts used to weaponise the F-35 jets that have bombed Gaza and Lebanon. FedEx, also carrying F-35 components, was aided through our airspace by AirNav Ireland. Challenge Airlines, the Belgian-Israeli airline, was under investigation by the Department of Transport in 2024, but was allowed to continue the illegal transport of F-35 jet parts through Irish airspace.

The first section of this Bill responds to the growing concerns regarding the use of Irish territory to facilitate human rights abuses. I am referring to the repeated use of Shannon Airport as a refuelling stop for a number of inhumane Immigrations and Customs Enforcement, ICE, deportation flights from the US, which reportedly took place between May 2025 and February this year. Some of these flights were part of forced third-country removals, with the individuals being deported to countries, such as Rwanda and Djibouti, where they had zero prior connection and where there have been subsequent reports of individuals being subject to arbitrary detention. Amnesty International has expressed serious concerns regarding Ireland's facilitation of these third-country removals and our potential complicity in enabling human rights violations. Media reports regarding one of these flights detailed how, in January, a group

of Palestinian men being deported to the West Bank through Shannon Airport were shackled by their hands and ankles, a horrifying image.

Why are our airports being used to facilitate the Trump Administration's cruel and inhumane mass deportation system? How can this Government accept a situation where we have not been notified, let alone where we can prevent this kind of thing happening on Irish soil? We cannot afford to treat this kind of activity as business as usual when dealing with a rogue US Government that has shown utter contempt for human rights.

My Bill extends what qualifies as a state aircraft by including custom flights, requiring ICE flights to abide by human rights standards and seek exemptions before landing in Shannon. It is my expectation that no Government would ever provide an exemption for ICE-style deportations and would therefore stop these flights landing in Shannon. However, if the deportations are conducted using commercial airlines, the provisions for random inspections in this legislation would provide safeguards.

I wish to move on to the issue of weapons flying through Ireland, which is the so-called do not ask, do not tell rule. We know that the Minister of State's Department regularly provides exemptions for military planes to land in Shannon. I do not agree with it at all. The practice fundamentally undermines our neutrality and credibility as a country that upholds international law when those weapons are being used, for example, in the US Government's illegal war in Iran. *The Irish Times* reported this year that there was a significant uptake in these flights coming through Ireland before and during that war. Of course, correlation does not always mean causation, but that an increase of 248 flights went unchecked in Irish airspace due to an administrative error is alarming. How can we be confident that the Government knows that there is nothing of concern in these planes that pass overhead when it cannot even accurately count the known flights, never mind the others?

Beyond the known exemptions, the Government has routinely held that there are no weapons landing in Shannon or being transported through Irish airspace. Just this year, the Taoiseach said during his St. Patrick's Day trip that there were no weapons landing in Shannon, but we know that there are weapons routinely transiting through Irish airspace on civilian planes. Eamon Ryan said in the Dáil in 2024 that "unless an air operator has sought an exemption to carry munitions of war, there is no mechanism by which my Department will have knowledge of the type of cargo that is being carried on such overflights." In 2024, the Taoiseach claimed that the Government had no prior knowledge of civilian aircraft that had illegally been transporting weapons through Irish airspace with overflight permission. The Taoiseach said that all the Government could do was simply tell airlines that they were not allowed to do it. The Taoiseach said, "We're not going to be flying planes, shadowing planes, that's not going to be a reality, let's be honest." I agree that shadowing planes would be utterly ridiculous. However, our current enforcement mechanism amounts to relying on the word of private companies that they are simply not doing it. It is a system of blind trust.

Just last week, Amnesty joined legal action against the Belgian subsidiary of FedEx for the alleged illegal transit of arms through Belgium, including parts once again for F-35 fighter jets. That is another example of multinational companies showing their utter disregard for domestic law. That is the very reason we need to have a random on-the-spot inspection regime.

The Government previously claimed that we were powerless. Is this Government willing to acknowledge what the dogs on the street know? Weapons are routinely transiting through Ireland without approval. It is a direct breach of our rules and national sovereignty. Is the Government turning a blind eye? Is it wilful ignorance or does it really believe that it has no power to have any oversight over this?

Given the number of military exemptions routinely made, I assume that the Government is not particularly interested in knowing what goes on in our skies and in policing the consistent breaches of our rules. However, I appeal to the Government's own self-expressed commitment to neutrality and ask that it seriously consider the proposal before it.

This Bill only seeks to codify into law powers that will enable the Government to enforce its own existing rules.

In the face of Government inaction and hand-wringing about the inability to inspect flights, this Bill provides an inspection regime to put a stop to this illegal practice. I refer to explosives, detonators for use in missiles, missile launchers, sniper ammunition, grenades, handguns, tear gas, parts for F-35 jets - all items used to murder and maim Palestinian civilians and journalists, bomb hospitals and target ambulances in Gaza. These inventories are listed on the airway bills of flights passing through Irish airspace and that is simply a fact. Far from doing everything we can to aid the people of Gaza, the Government is repeatedly facilitating the US and Israeli war machines to commit violence in the Middle East. I am sure that will be a very uncomfortable thought for many of us but it is simply what is going on and this is why my Bill matters.

The issue is not going to go away. We should not really be having our hands in any violence. I do not believe any of the Irish people want any part in indirectly facilitating the death and destruction of Palestinians or anyone else across the globe. Why would we facilitate any elements of war by allowing weapons to transit, and why would we undermine our own standing internationally? The vast majority of Irish people - 77% - supports Irish neutrality. They do not want to see weapons flying through this country. We are obviously facing a world that is more complex than it ever was before. Civilian suffering has been normalised. The number of dead people in places like Palestine has lost all meaning. They are just faceless, nameless people but they are not faceless, are they? They are humans with loved ones, with people who cry over their deaths and feel their absence like an ache in the hearts. I have no doubt that the Minister of State and his colleagues at Cabinet feel their pain as much as I do. I am not claiming to have any monopoly on empathy but the Government has to wake up and see that it facilitates this violence when it allows these weapons over our skies or in our airports.

"Ireland the peacebuilder." We often hear this refrain - that we are peacebuilders. People see us uniquely in the world because of our history, what we have done, and the great things we have done for peace across the globe. However, if we are serious about conflict prevention, peacemaking, peacebuilding and our peacekeeping work, we simply cannot allow this practice to continue. We often hear from the Government that Ireland is perceived as an honest broker internationally at the UN and different forums. Does the Minister of State think we can actually claim to be an honest broker while allowing these weapons, which are tools of war, killing, maiming, murder and destruction, to fly through Ireland? This is a direct question. Can the Minister of State not see how wrong that is?

On the one hand, the Government says it wants global peace and an end to the killing of children in Gaza, and it is a sentiment I strongly agree with but, on the other hand, we facilitate the transportation of killing machines. Is the Government happy that weapons that may have been used in Gaza, Lebanon or Iran have flown through Ireland? Does that make us proud? I think that is a stain on us as a country. It seriously calls into question all of Ireland's credibility on issues of peace. We are seeking to earn a seat on the UN Human Rights Council this year, while at the same time, people have flown through Shannon, shackled together to be deported to what is effectively a warzone. We allowed that this year and this year we seek to be on the UN Human Rights Council. The dichotomy is stark and I have got to say it feels like pure hypocrisy. We should be following the likes of Spain, Switzerland and Austria, which have all restricted airspace to US military planes en route to Israel.

I would like to finish by emphasising that this is a good and strong Bill. I thank the legal drafters at the Office of Parliamentary Legal Advisers, OPLA, for ensuring it is sound and robust. I would particularly like to thank Ms Maeve Gleeson. I thank the tireless staff of The Ditch and the volunteers of Shannonwatch, who provided so much of the factual evidence in my statement today. In light of all of this, I ask the Minister of State to take this Bill seriously and understand that it actually fulfils our own obligations and sovereign roles under the Constitution. I did not make us a neutral country. I am glad that we are one. I did not write the Constitution. I am glad the safeguards are in there to emphasise our neutrality. I did not write the Chicago Convention or the Hague Convention. These are things that just exist - that we have signed up to, ratified and written ourselves and, yet, under the current practice we are just turning a blind eye to all of those things. Do not ask, do not tell; it is not happening; we do not know it is happening; we cannot inspect it; we are powerless. I do not believe that is true. If there is a will, there is a way, and this legislation is a pathway. I urge the Minister of State to seriously consider working with me on Committee Stage to strengthen it.

An Cathaoirleach: I call on the next speaker and the seconder of the motion. I welcome the members of the Limerick Rotary Club, who are guests of the Leas-Chathaoirleach, Senator Maria Byrne, to Seanad Éireann. They are most welcome. Anois, an Seanadóir Frances Black.

Senator Frances Black: I second the motion. I warmly welcome this Bill and I thank Senator Stephenson and her colleagues for introducing it. I want to start off by asking a simple question. What does it mean to be a neutral country? At a minimum, it means that you do not allow your territory to be used for actions that violate international law. It means that when people are being deported to zones of armed conflict in breach of non-*refoulement* obligations, they are not refuelled and sent on their way through an Irish airport. That is the bare minimum, and yet, that is precisely what has been happening at Shannon.

According to Amnesty International, as Senator Stephenson has said, US flights using leased civilian aircraft passed through Shannon for five separate ICE removal operations between May 2025 and February 2026. People were removed to the West Bank, an active conflict zone. People were deported to Rwanda and Djibouti, a violation of international human rights law, through an Irish airport with the State effectively powerless to stop it. The reason is a gap that should have been closed years ago, in that only military aircraft required ministerial permission. Customs, police and ICE deportation flights did not. This Bill ends that, extending prior approval to all state aircraft and grounding it in the 1944 Chicago Convention.

Legislation without enforcement is just words on paper. This Bill gives authorised persons, including An Garda Síochána, the power to inspect and detain aircraft and to carry out random searches, and it requires an annual report to both Houses. Ireland, at this moment, cannot speak about international law at the UN while all our airports are used to breach it. We are complicit in it all. This Bill closes that loophole. It says that our neutrality is not a technicality. It is a commitment and it is now time to enforce it.

An Cathaoirleach: The Minister of State has indicated that he wishes to speak now.

Minister of State at the Department of Transport (Deputy Seán Canney): I thank the Cathaoirleach. First of all, I thank Senators Stephenson, Cosgrove, Higgins, Black, Harmon, Ruane and Noonan for initiating this Private Members' Bill. While I am pleased to attend the debate here today, the Government will be opposing this Bill on Second Stage. I understand the rationale and motivation behind the introduction of the Bill but there would be significant challenges associated with its implementation and enforcement. The Ministers, Deputies O'Brien and McEntee, agree that these challenges would make the Bill unworkable.

The Bill proposes amendments to the Air Navigation and Transport Act 1946 to require that all state aircraft seeking to overfly or land in the State obtain the express permission of the Minister for Transport. The Bill relies on the existing definition of "state aircraft", meaning the aircraft of any country used in military, customs or police services, consistent with the Convention on International Civil Aviation, otherwise known as the Chicago Convention. The requirement for foreign military aircraft to obtain permission from the Minister for foreign affairs is set out in the Air Navigation (Foreign Military Aircraft) Order 1952. As currently drafted, this Bill would transfer responsibility for the provision of diplomatic clearance for foreign military and state aircraft to overfly or land in the State from the Minister for foreign affairs to the Minister for Transport.

Section 2 of the Bill also revokes the Air Navigation (Foreign Military Aircraft) Order 1952. There is no rationale presented for this proposal. Transferring this function from the Minister for foreign affairs to the Minister for Transport would represent a major policy change from the current process, which has been in place for more than 70 years.

Section 1 of the Bill would further amend the 1946 Act to provide that all state aircraft seeking to overfly or land in the State with the express permission of the Minister for Transport "shall comply with such stipulations as the Minister may make in relation to such aircraft." A provision of this nature is already provided for in Article 4 of the Air Navigation (Foreign Military Aircraft) Order 1952, which provides that all state aircraft will comply with such stipulations as the Minister for foreign affairs may make in relation to the aircraft.

As the Government has made clear on many previous occasions, diplomatic clearance granted to foreign military or state aircraft to overfly or land in the State is subject to strict conditions. This includes that the aircraft is unarmed; it carries no arms, ammunition or explosives; it does not engage in intelligence gathering; and the flight in question does not form part of a military exercise or operation. This policy of diplomatic clearance is well known and is fully understood by the United States and other international partners. It is done in full compliance with Ireland's traditional policy of military neutrality.

Section 1 of the Bill provides that "it shall be an express stipulation of any ... permission" for overflight or landing of state aircraft that "human rights and equality would be upheld aboard that aircraft" and that "all persons aboard that aircraft will be treated with fairness, dignity and respect". It is not clear how these proposals could be monitored, implemented or enforced, particularly in relation to aircraft which are overflying the State. In relation to state aircraft landing in the State, the rule of sovereign immunity would preclude the possibility of inspection or other enforcement action.

Section 1(6)(a) of the Bill proposes to define "human rights" as "the rights, liberties and freedoms conferred on, or guaranteed to, persons by the Constitution". It is not clear how constitutional protections could be applied to non-citizens, particularly on aircraft either overflying or landing in the State. Section 1(6)(b) further defines "human rights" as "the rights liberties or freedoms conferred on, or guaranteed to, persons by any agreement, treaty or convention to which the State is a party and which has been given the force of law in the State". This provision invites further uncertainty as it is not clear how this would apply or how it would be enforced in respect of an aircraft registered in a state that is not party to these international agreements, treaties or conventions.

The Government's position on the inspection of military aircraft has been very clear: foreign state or military aircraft which are given permission to land in Ireland are not subject to inspection or other enforcement measures. Sovereign immunity, a long-standing principle of customary international law, means a state may not exercise its jurisdiction in respect of another state or its property, including state or military aircraft. This principle applies automatically to foreign state or military aircraft in the same way as it applies to Irish state or military aircraft abroad. It should be noted that civil aircraft chartered by governments remain civil aircraft and will therefore fall outside the definition of "state aircraft" under the Air Navigation and Transport Acts. This means that the specific provisions contained in the Bill related to human rights would not apply to these aircraft operations.

The Convention on International Civil Aviation provides for the rights of air operators of contracting parties to operate non-scheduled flights and stop for non-traffic purposes, such as refuelling, in the territory of another contracting party without prior authorisation. Private and commercial charter flights making technical stops for non-traffic purposes and not picking up or setting down passengers fall into this non-scheduled category.

Additional implementation challenges relate to the introduction of inspections of any aircraft in or over the State to ensure compliance with the entire suite of the Air Navigation and Transport Acts and any orders that are made under those Acts. Orders captured under the proposed Bill would include those in relation to the carriage of munitions of war, currently implemented by the Department of Transport. Under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders 1973 and 1989, the carriage of munitions of war is prohibited on any civil aircraft in Irish sovereign territory and onboard any Irish-registered civil aircraft, wherever they may be operating, unless an exemption is granted by the Minister for Transport. Each year, the Department of Transport issues exemptions to air operators to permit the carriage of munitions of war in Irish sovereign territory. The operators that receive these broadly fall within one of two categories. The first relates to Irish-registered civil aircraft operating outside of Ireland and typically carrying small numbers of armed police or military personnel between locations in the EU, mainly on regularly scheduled flights

between locations in Scandinavia. The second category relates to US registered civil aircraft specifically chartered by the US military for the purpose of moving its personnel between the US and locations overseas. These flights do not carry ammunition but may carry the personally issued weapons of the military personnel.

Article 8 of the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders 1973 and 1989 already empower the Minister for Transport to enter and inspect a civil aircraft seeking to depart from a location in the State where there is an appearance of intention or likelihood of contravention. The Bill before the House does not explain how an inspection of an aircraft flying over the State could be facilitated. We know that directing an aircraft in transit to land for inspection raises complex issues relating to flight safety and international aviation law. In providing for a new and distinct inspection regime, the Bill does not appear to have taken account of existing legislation provisions in relation to the functions or powers of authorised officers. It risks duplicating measures that are already in place. Consideration has not been given to the fact that some responsibility for the implementation of the Chicago Convention and its associated annexes has been conferred on the Irish Aviation Authority through the Air Navigation and Transport Acts. The broad approach adopted in this Bill would inadvertently extend ministerial functions into areas which are no longer within the Minister's statutory remit.

While the Bill seeks to impose explicit penalties for those who do not comply with its provision on the inspection of aircraft, it has not assessed the potential legal and financial ramifications for the State of operating the inspection regime. It is not clear if the proposed inspection regime would apply to state aircraft, including military aircraft. However, as already mentioned, the rule of sovereign immunity would preclude the possibility of inspection or other enforcement actions in relation to state aircraft.

In conclusion, there are fundamental issues with the scope, implementation and enforcement of the Bill. The measures proposed would create onerous obligations on the State and on the air operators concerned. It is not clear how the proposed stipulations requiring the maintenance of human rights standards aboard state aircraft could be verified or enforced in practice. The provisions relating to the proposed inspection regime are incomplete. The potential application of the Bill to state aircraft, including military aircraft, is contrary to the principles of sovereign immunity. For these reasons, the Government is not in a position to support this Bill.

Senator Lorraine Clifford-Lee: Fianna Fáil opposes this Bill at Second Stage. Ireland has a well-established procedure in place for the diplomatic clearance of the overflight and landing of state aircraft. This diplomatic clearance is subject to strict conditions with full respect to Ireland's policy of military neutrality. These conditions include that the aircraft must be unarmed and carry no arms, ammunition or explosives. The aircraft must not engage in intelligence gathering and the flight in question must not form part of military exercises or operations. These requirements are well understood by all parties and our partners, including the United States.

The Bill is very far reaching. There is an extensive suite of aviation law which could potentially be impacted, but it has not been appropriately considered. The Minister of State outlined the Government position very carefully. I listened to all speakers so far very carefully. I understand the sentiment and place this is coming from. I sympathise with the position but I

heard a lot of hyperbole from the proposer and seconder. The allegations of the contravention of law and the carriage of munitions of war on civil aircraft began in August 2024 following some media reports. The Department of Transport has begun examining these allegations in detail. I believe a report to the Minister for Transport will be prepared and presented once these allegations have been examined. We should wait to see that. I know the Minister will very much protect our neutral status as a country. This position that the Government is taking is right and appropriate.

Senator Mark Duffy: I acknowledge Members across the floor for putting forward this Bill. I know it is very well intentioned. I do not want to sound patronising but obviously, I support the Minister of State and the Government in terms of the practical reality of its implementation. From the Fine Gael side of the House, we will not be supporting the Bill. We see what is happening before our eyes and especially over the past number of years, it has been absolutely devastating. However, in the practical reality of implementing this legislation, it is not possible.

Senator Tom Clonan: The Minister of State is welcome to the House. Fáilte isteach. I commend Senator Stephenson and the Cross-Party Group on bringing forward this Bill. I am disappointed with the position that the Government has taken. I know that the Minister of State is not the line Minister, and that he is here to read out the Government's position, so I do not mean any personal slight to him whatsoever. I know him to be a person of the highest integrity. Like me, as a family man, I know the Minister of State is as horrified as we are by what is transiting through our airspace.

I want to give a little bit of context. Are weapons of war being brought through Shannon Airport for use in the Middle East and elsewhere? They are. In 2005, as *The Irish Times'* security analyst, I got the opportunity to interview US troops in Shannon and, as I have said here previously, journalists do not get permission to do that from Shannon Airport. They get it from the US State Department. It has a permanent military liaison officer in Shannon. At the time I was there, he was at the rank of lieutenant colonel. I have his mobile phone number if the Minister of State wants to call him or her and ask them what they are doing here.

One of the civilian aircraft that is chartered by the United States Government from airlines like Omni Air International and others landed while I was there, and I asked if could go on board and see the troops arriving in Shannon. When the door opened, I went up the steps with a photographer from *The Irish Times* and went in. The aircraft was full of weapons. In fact, the cabin crew said welcome to Shannon and asked people to please leave smaller weapons in the overhead bin and larger weapons under the seat in front of them and to please not carry weapons or ammunition into Shannon Airport duty free. That was in the newspaper. It was published in *The Irish Times*. It is free to download. People do not need to have a subscription to *The Irish Times*. If people put in "Tom Clonan", "Shannon", "weapons" and "Irish Times", they will get the full article. Let me be clear, weapons do transit through Shannon on aircraft that do not have sovereign immunity, and which can be searched, but for the fact there is an unwillingness to do so on the part of the Government and its agencies.

Further to that, I was subpoenaed to the trial of Mick Wallace and Clare Daly in Ennis District Court after they breached the airport boundary, and I gave evidence to the effect that there are weapons on board and that evidence was accepted by the judge. For anybody here who suggests that this is an overstatement or hearsay, I can tell them that I have seen it.

The other issue I have is not just what is on the ground but what is passing through our airspace. There has been a huge increase in the volume of US military air traffic through our controlled airspace since 7 October 2023 and in the past few years the Irish taxpayer has paid over €10 million to AirNav Ireland to pay for the onward transit of these aircraft to the Middle East which are ferrying munitions to Israel. Imagine, the Irish taxpayer is making a material contribution of over €10 million to send cluster munitions and other weapons to be used in Lebanon as part of the ethnic cleansing south of the Litani river. Those weapons are being used in proximity to Irish troops. *The Guardian* reported that cluster munitions have been found in the little villages and wadis around the Irish positions. What other country would ask its taxpayer to make a financial contribution to weapons fired at its own troops, that is, our young men and women out there; the best of us?

At the moment, the United States provides 78% of all Israeli weapons and munitions and since 7 October 2023, there has been a spike in that delivery of up to \$12 billion per year. Where does it transit through? It goes by rapid response airlift through our airspace, and we are paying under EUROCONTROL the navigation charges for those things.

If this Bill is progressed and enacted, we could at least purge ourselves of the moral responsibility for the slaughter of innocent Lebanese civilians. Again, people may talk about hearsay, I have witnessed this. I know there are some people in Government who do not like people speaking to their lived experience but, how and ever, I shall continue to do so. High explosives cause limb separation, decapitation, the pulping of internal organs and the shattering of bones of small children and elderly people. That is not hyperbole. That is the reality on the ground. If someone sees it, they will never forget it. When I turn on the Flightradar24 app on my phone and look at the air traffic corridor over us, I am conscious that those weapons are passing through our airspace with our consent and us making a financial contribution to it and that is completely at odds with our neutral status.

At a recent session in this Chamber, the Minister of State had a great argument. He said, "No, they do not", and I had to point out to him that he is completely and utterly out of depth. As for the situational awareness on the part of this Government in relation to the Middle East and the export of alumina to Russia, I am going to say that it is unwilling to acknowledge it, as opposed to unable to, but I ask the Government to think about this, reflect on it and please support this Bill.

Senator Chris Andrews: Sinn Féin fully supports this Bill. I thank Senator Patricia Stephenson for bringing it forward. It is a Bill that is important, timely and something that is long overdue. As Senator Stephenson said, the OPLA has indicated that it is legally sound, so if there were issues, the Government could work through them on Committee Stage. Consequently, it is disappointing that it is not being accepted.

Senators Higgins and Black and the other members of the Civil Engagement Group should also be commended on their important recent legislation in this area, which the Government unfortunately chose to oppose in this House back in April.

This Bill is an opportunity for the Government to correct that mistake and to finally take some action to ensure that our airspace is not being used to enable war, genocide and human rights abuses. It is frankly a complete disgrace that this Government has allowed our airspace to be used to facilitate Israel's genocide in Gaza, as well as America's escalating wars in the

Middle East. That is a well-known fact at this point, although Ministers love to gaslight the Opposition. In many ways, it is like listening to Trump because the Government says one thing but the reality, which everyone knows, is the opposite.

Shannon Airport is a key logistical cog in America's military machine and is clearly central to its support for Israel's genocide and its own illegal attacks on Iran. The Government appears to have a policy of giving the United States a blank cheque when it comes our airspace and Shannon Airport.

The Government also seems to have a policy in giving a blank cheque to Israel because it is failing to hold Israel to account. It is failing to ensure that there are any consequences and is failing to ensure that international law and human rights are upheld. The sanctions that have been put in place on the International Criminal Court's members, judges and prosecutors are not being challenged by the Government. At that same time, the Government is welcoming the game against Israel, which faces no consequences for the genocide, killing and destruction of so many Palestinian families.

This Government lets them do what they like and we do not ask any inconvenient questions. While it is illegal for civil aircraft to transport arms through Ireland or for foreign military to use our airspace without prior permission from the Government, what is the point of these rules when America and the arms industry are automatically allowed to bypass them?

The 2026 statistics available from the Department of Transport's records show that every application for commercial aircraft to transport arms through Ireland was approved by the Minister. Likewise, the Department of foreign affairs' statistics from this year show that not a single application for American military aircraft to transit through Ireland was refused.

What is worse than this automatic American exemption is that the State clearly makes no effort to enforce the prohibition on arms transiting our airspace in civilian aircraft. On paper, foreign military aircraft cannot carry any sort of weaponry through our airspace, while civilian aircraft can only do so under strict criteria. As has been thoroughly documented, although the Government continues to deny it, these basic rules are not being followed. The Government holds up its hands and tells the public and Members of the Oireachtas that it is not aware of these rules being broken. It is not aware for one simple reason: it does not want to know. Astoundingly, it does not carry out any weapons inspection on civilian aircraft and closes its eyes to clear breaches by the US military. The State puts its head in the sand, as it were, lets the US military treat Shannon Airport as its own territory and lets commercial aircraft operate without any substantive obligation to abide by Irish law.

The Government says it cannot inspect foreign military aircraft due to diplomatic protocols and has no power to ensure they abide by the law. In that case, the State should not allow these aircraft into the country if there is a clear likelihood they will not abide by our laws or are supporting military operations that are illegal and immoral. The State should follow the example set by Switzerland and Spain in not allowing the use of airspace and airports by the US military to facilitate or support its illegal war against Iran. It should be refusing any request for the transit of weapons or military aircraft with a destination in Israel.

With regard to commercial flights, the Government claims it does not have the legislative authority to inspect aircraft and ensure they are not carrying armaments without proper approvals. There are many known instances of commercial aircraft transporting weapons or

weaponry components through our airspace without exemptions. Senator Clonan has documented that. This legislation would require the Government to finally take action to prevent these clear breaches.

We have a responsibility to assert our sovereignty and neutrality but we also need to stand up to the Trump and Netanyahu regimes and their attacks on human rights and international law. The Government has failed to do that. It has failed to stand up to Trump, it has failed to stand up to Netanyahu and it has failed to stand up for international law.

An Cathaoirleach: I welcome Jody Blake, former Clerk Assistant of the Seanad. It is good to see her and other members of staff who served in Leinster House over the years. They are most welcome to Seanad Éireann. Jody is rightly in the Distinguished Visitors Gallery. I thank her for all her work for the Seanad down through the years.

Senator Gerard P. Craughwell: The Minister of State is welcome to the House. This Bill purports to offer clarity, control and enhanced protection within our aviation system. Such aims are both necessary and commendable. However, it is incumbent on us as legislators to look beyond the language and intent and to scrutinise the substance of what is proposed. On that basis, I contend that the Bill is, in its current form, populist in concept and unworkable in practice.

At its core, the Bill reduces highly complex international integrated systems into a series of overlaid, simplified measures. Aviation is not a policy domain that operates in isolation; it is governed by rigorous international standards, co-operative regulatory frameworks and technical precision. Any attempt to impose sweeping unilateral changes without full alignment with these structures risks significant operational and legal consequences. The Bill places considerable emphasis on decisive national action. However, decisiveness alone does not equate to effectiveness. By prioritising immediate political appeal over careful policy design, the legislation introduces provisions that may conflict with established international obligations and practices. This creates uncertainty for airlines, regulators and international partners – uncertainty that could disrupt operations, increase costs and undermine confidence in our aviation sector.

Serious concerns arise in relation to feasibility and implementation. The Bill purports to expand oversight and enforcement responsibilities, yet it is notably silent on practical means by which these responsibilities are to be discharged. I will make an analogy. We could introduce a traffic law and provide no gardaí to enforce it. What do you do? It means absolutely nothing. There are no clear provisions for the resources, staffing or institutional capacity required to give effect to these measures. Legislative ambition without corresponding operational support inevitably results in provisions that are ineffective at best and counterproductive at worst. The imbalance places an undue burden on regulatory authorities which are already tasked with maintaining the highest standards of safety in a demanding and complex environment. To extend their obligations without equipping them adequately risks diluting rather than strengthening the effectiveness of oversight.

The potential economic implications cannot be overlooked. Aviation is a vital component of national connectivity, trade and tourism. Any policy framework that introduces regulatory

uncertainty or operational friction has consequences that expand far beyond the sector itself. The cumulative effect may be to weaken rather than reinforce a strategically important industry.

There is also a broader institutional concern. The enactment of legislation that cannot effectively be implemented risks eroding public and stakeholder confidence in the legislative process. That is an important point. If you cannot effectively implement the legislation, what is the purpose behind it? What are we doing? Laws must not only be well intentioned, they must also be credible and enforceable.

The issues this Bill seeks to address are legitimate in every way and I commend those who put it together. Safety, accountability and the protection of national interests are matters of importance. However, these objectives cannot be achieved through measures that prioritise visibility over viability. A more appropriate approach would involve thorough consultation with industry experts, close alignment with international regulatory frameworks and a clearly articulated resource implementation strategy. Effective legislation in this domain must be grounded in technical expertise and operational realism. In its present form, the Bill falls short of those standards. It offers the appearance of decisive action but lacks the structural integrity required to deliver meaningful outcomes.

For these reasons, I cannot support the Bill as currently drafted. I urge that it be reconsidered and substantially revised to ensure any legislative changes are practical and effective and that they serve the long-term interests of our aviation system and the public it supports. There are two clear issues that have to be looked at here. One is the Vienna Convention and the other is our obligations under the United Nations. I humbly suggest my colleagues go back and look at the obligations under both of those. I thank Members for their time and regret not being able to support this. There is talk of genocide, etc., taking place in the world. If we cannot see what is up there or intercept what is travelling through our airspace, then we are merely providing wallpaper to cover a crack. That is not the way to do legislation.

Senator Nessa Cosgrove: Cuirim fáilte roimh an Aire Stáit. I thank Senator Stephenson for raising this and I am proud to be a member of our Cross-Party Group. We are using our Private Members' time for this vital Bill. I also give credit to the Civil Engagement Group and Senators Higgins and Black, who have done a lot of work in this area and have brought forward similar legislation.

The Bill will introduce a random inspection and enforcement regime for state flights through Irish airspace and landing in Irish airports. Contrary to what Senator Craughwell said, the OPLA has deemed it legally sound. It is deeply disappointing that the Government is indicating it will not support the Bill. I wish I could say I was surprised but I am not. For years we have come into this Chamber and debated again and again the systematic undermining of our neutrality by US military flights over our airspace or landing in our airports. The Government response again and again has been a stubborn refusal to even recognise the problem, let alone address it. Week on week, we see new reporting that the scale and scope of these military flights is rising. Again, the Government's response is to close its ears, as it were, and pretend there is no problem.

6 o'clock

No matter the circumstances, the refusal to implement a proper inspection regime or to take action on unsanctioned weapons flights is a betrayal. No matter what way it is dressed up, it is a betrayal of Irish neutrality. That is true at the best of times, but when those flights are in active support of a brutal and genocidal war in the Middle East, it becomes a deep moral failure on the part of our State. According to data collected by the military plane tracker Shannonwatch, at least 1,300 U.S. military and military-contracted civilian aircraft flew within 37 miles of Shannon Airport between January 2024 and March 2026, including at least 45 flights that travelled to or from Israel.

We know that in October the Government granted an exemption for an Omni Air International flight chartered by the US military to carry arms to the Israeli military. It was the first time in almost 20 years that a Government had openly acknowledged authorising the transfer of weapons through Shannon to Israel. This came two years into a genocide. This Government has utterly failed to deliver on the clear call from the Irish people to take real action and to stand with the people of Palestine against the brutal onslaught they have been subjected to. Ministers will point out that ultimately symbolic actions like the recognition of the State of Palestine, which I commend, will show that they are listening to the clear calls from the Irish people. However, time after time, when it comes to taking a really firm stand, the Government shirks that responsibility. Think of all the abject failures we have seen already this week. There was the failure to include services in the occupied territories Bill and a failure to take any action towards a boycott of the Ireland-Israel football match. This is something we can do. The passage of weapons through Ireland to Israel is the clearest illustration of the utter failure of the Government to match rhetoric with any meaningful action. It is a cut-and-dried case of Irish complicity in Israeli crimes. This is shameful and demands action.

I thank Senator Stephenson and the civil society groups she has worked with for bringing this Bill forward. It is not overly complicated. By introducing a proper, enforceable, random inspection regime, it would make it crystal clear that Ireland would no longer stand idly by while military and weapons flights flout our rules and undermine our neutrality. Crucially, it would also take action on the shameful use of Shannon for ICE deportation flights, which have been outlined here by Senators Stephenson and Andrews. We have seen the reports of this recently. These customs flights would be required to abide by human rights law and seek exemptions before landing in Shannon. According to data gathered by ICE flight monitors, five ICE flights using leased US civilian aircraft passed through Shannon conducting removal operations between May 2025 and February 2026. These ICE flights included third-country removals where individuals are forcibly taken to countries to which they have no connection. Imagine any of us being pushed into that situation. We can no longer be complicit in these flights or the military flights that are undermining our neutrality and adding fuel to the fire of the illegal wars in the Middle East. We have lagged behind other European countries on tackling the arms supply to Israel. Slovenia, Spain and France have all brought forward restrictions or embargoes and it is long past time that we played our part. For a long time, Labour has called for a complete ban on the use of Irish airspace and airports for the transport of weapons of war. This is a principled position that we root in our commitment to peace, neutrality and international law. This is why we are very proud to support this Bill and I urge colleagues across the House to do the same. This is a very tangible step that we can and should do. The Minister of State is a Gaeilgeoir. We as a country experienced genocide ourselves. Ar

scáth a chéile a mhaireann na daoine. We know that we are living in each other's shadows in this world. There is only one world and this is something that we can do.

Senator Joe Conway: In the boarding school that I went to as a teenager, the favourite book for last study was an atlas. It was so favoured because underneath it you could hide your war comic. The people who read war comics as teenagers ended up in later life being aircraft geeks. As an aircraft geek living in Tramore, I can now recognise the distinctive drone of a C-130 as it goes across in the early hours of the morning, usually under cover of darkness. I immediately go to my phone and look at the Flightradar24 app, and I find that the C-130 has come from either Bangor in Maine or Halifax in Nova Scotia and is heading for Brise Norton in Oxfordshire, I think, or Germany, or going on to RAF Akrotiri in Cyprus. The stealth of those planes and their frequency since 7 October leads me to surmise that they are carrying probably the most offensive weapons in existence. Like everybody here, I am not happy about the fact that they are going through our airspace.

We hear a lot of mention about how it compromises our neutrality and the rest. For the past 15 or so years, I have been thinking about this long and hard and I came to the conclusion a few years back, mainly since the second invasion of Ukraine, that our concept of neutrality was long redundant. It does not suit the state of affairs in the world because our life in what is generically called the West is under threat from bad actors in the world that we all know too much of. We have to wise up to the fact that our society and values are being eaten away by bad actors in the world. We have to wise up to our responsibilities as members of the European Union. We have to begin to look towards a contribution to defence and towards the idea of not piggybacking on other people's defence statements.

The Government has great challenges from the pragmatic point of view because we are dealing with a time when we have a very tenuous and unpredictable regime in the United States. Whether we like it or not, we are inextricably and economically bound up with the United States and its economy, its goodwill and all of the things that go along with that. This idea that we should be adhering to neutrality was fine 80 or 90 years ago when Mr. de Valera was taking on Mr. Churchill on the airwaves and all that entailed. I have said this here time and again: it does not go down awfully well but the idea of adhering to a policy of neutrality is strategically myopic and is not fit for purpose in this day and age. Whether we like it or not, these flights are going to continue, be they going outside Irish airspace or not. Tramore is on the extreme south coast. It will not take a great reconfiguration of the navigation lanes for those planes to go outside and down off the south coast. It would only be a matter of ten minutes of a divergence.

I can understand how well-intentioned this Bill is and I can understand the awful slaying that is going on in the Middle East at the moment. None of us can countenance that. However, there comes a time when we have to look at the bigger question, which is that we have to maintain in this country and in Europe the values that are dear to us. There will come a time when we have to make difficult choices. We will have to align with people that it would have been foreign for us to do so in times past. I would love to be in a position to support Senator Stephenson's Bill and all that it stands for because it is so humanely intentioned. It is so cogent in its appeal for the defence of the defenceless in the Middle East. However, I am speaking as an Irishman who does not believe in neutrality and who does believe in standing up for

ourselves. As I often remind the House, I am in my eight decade. I have seen a lot going on and I know that the time is fast coming when we are going to have to stand up for ourselves.

That means joining an alliance and playing our cognisant part in that alliance. It is going to cost, and it is going to call for us to make a seismic shift in our strategic thinking over the coming ten years.

Senator Alice-Mary Higgins: We have joined alliances. They have included the United Nations and include the international system of international law, to which we have signed up. There are difficult choices. The brave choice is not about who we get behind and what compromises we make. War is not comics. With great respect for the good intentions of all who speak, war and weapons kill. The tools of war, when transited, are engaged in death. The death being dealt by the weapons that have passed through our airspace has been in breach of international law and of the greatest alignments and commitments we have made to play our part in the world, which is to be part of that structure of international law. Those core points and the idea that you do not use aggression are the four we heard from the ICC judges who were here this week. You do not destroy self-determination or engage in crimes of aggression. There is a morality in war. You do not kill civilians and children. You do not target children. The weapons and military equipment that have been used and have travelled through our airspace to Israel have broken all of those laws. The difficult choice, which I do not think should be difficult if you have a conscience, is to say we are brave enough to stand up for ourselves and to say we do not want to be complicit in war crimes. We do not accept being part of war crimes. The difficult choice is to be willing to ask if we can inspect this plane. There is this idea that we will step up. Again, I say this with absolute respect to those who speak, but when we talk about things we need to be clear.

What is not happening right now and where Ireland is failing in courage, while people have this idea we will be part of these armies and save European values, is that we do not even have the courage to stand up to look at the planes and inspect them. We have an eyes wide shut approach that has been there for decades including through the illegal Iraq war. It has been there and it continues to be there. We do not look at what is in the planes. We have powers. I have been through three iterations. I had my own arms embargo Bill before this. The Bill being brought through now by Senator Stephenson is incredibly important, but the previous Bills were the same principle. We have heard different lines from Ministers. We heard the then Minister, Eamon Ryan, tell us he needed new random inspection powers. That is being offered here. We had the current Minister, Darragh O'Brien, say he is going to use the existing powers. Two years on from that and there have been zero inspections. They have powers they are not using. My Bill was trying to tell them to use the powers they already have. There are powers we are told would be needed to do random inspections. These are being provided by the Bill. I have details of how it works. They are very clear powers to allow a regime of random inspections to take place.

There is an argument put in that asks if we have to fly alongside the planes and stop them in mid-air, as if that is what is being asked for. No, the measure is simply that there is legitimate information like a manifest when they pack the plane in Halifax or wherever. When they pack the plane with weapons there is a manifest that says there are weapons in the plane, and it is on its way to wherever it is on its way to. Those are the grounds. If that plane has not even had the decency in some cases to seek an exemption, because they have such disregard for our laws,

the Minister should be able to say we are concerned about what we have been told is in the flight, and as they did not seek an exemption, we would like them to land for inspection. You do not have to drag them from the sky. However, by making that request for compliance and them breaching that request if they continue on and do not land, then you already have a breach. These are not shadowy vehicles. They are Lufthansa and FedEx. They are real companies. Those real companies that in many cases have headquarters in Ireland can be fined. We then enter a world of consequences. This is the minimum for breaching our laws and refusing to bother even asking for an exemption. That leaves aside the fact that in my legislation I was looking to prohibit exemptions in certain circumstances. Senator Stephenson's Bill does not go that far. She is literally just asking to inspect the planes. She is presenting the tool the Government said is needed to inspect the planes and saying to inspect the planes. There is no justification for turning our eyes away again and refusing to step up to it.

It does matter because our neutrality is our strength in the world because part of it is that we are credible actors. The fact is that lots of countries have brought in arms embargoes. Spain has brought it in. Slovenia has brought it in. This is not some impossible thing. The Government can limit the transit of weapons, but at minimum let us begin by looking honestly and directly. I urge that the Minister of State will not just say why he is or is not supporting this Bill, but that he will tell us what the Government is going to do about the flights and the illegal transit of arms through our airspace. What is the Government's plan? Is it to work with Senator Stephenson or does it have a new plan? We have been waiting years.

Senator Sarah O'Reilly: I welcome the opportunity to speak on this Bill, and I thank Senator Stephenson for bringing it to the House. I support and agree with this Bill. It is sensible legislation that addresses a clear gap in our law. It is not radical or complicated. All it states is that if Ireland has rules governing what can pass through our airspace, then we should have the means to enforce those rules. At the moment, this is not the case. The law requires permissions for weapons of war to be carried through Irish airports or Irish airspace, but we have repeatedly heard that there is no proper inspection regime and limited ability to act when those rules are breached. That leaves us in the absurd position where we have laws without meaningful enforcement. Passing this Bill would give gardaí powers to inspect aircraft, would introduce penalties for breaches and allow for random inspections so that compliance can be verified rather than simply assumed. It also addresses concerns about state-operated flights from the US, including deportation flights. We need to ensure that Ireland is not inadvertently facilitating actions that may run contrary to international humanitarian or human rights law. If our airports or airspace are being used in this way, that raises serious legal or ethical questions. Surely we should have the power to find out.

I think most of us are in agreement that Irish sovereignty should mean something. The laws passed by these Houses have to be enforced by the State. If they cannot be enforced then there is no point to the legislation at all. A recent poll in *The Irish Times* showed that 71% of people believe a guarantee of Ireland's neutrality should be added to the Constitution. People want our neutrality to govern how we interact with global conflicts. They want more than just lip service paid to the concept of neutrality. If we claim to be neutral but turn a blind eye to what passes through our airspace and airports then we allow neutrality to be nothing more than a label. In the past two and a half years, tens of thousands of children in Gaza and the West Bank have been killed. Their lives have been treated as completely disposable. Only last Friday,

seven-month-old Sam Fahd Abu Haikal died in his mother's arms after being shot dead by the IDF. He is not just a casualty of war. That family has lost their little boy. I know the majority of Irish people want no complicity in that kind of violence.

None of us can say with certainty where every bullet or round of ammunition originated but we should ask ourselves whether we are content to operate a system where aircraft pass through or over Ireland carrying military cargo with no prospect of inspection. Is that really the standard we want to set? Is it what the Irish people expect when they talk about neutrality? Investigative reporting has repeatedly raised concerns about commercial flights carrying ammunition and other military-related cargo over Irish territory. If there are no investigative powers and no penalties for these airlines, they will continue to breach Irish and international law.

This debate comes at a time when the Government is proposing major changes to Ireland's approach to neutrality through the removal of the triple lock. This would be a disastrous mistake. Poll after poll has shown that neutrality has enduring support among the Irish public and is, in fact, a key part of how people understand Ireland's place in the world. The majority do not wish to see the triple lock removed. If the Government is so sure of its mandate, it should put it to the people. Moving Ireland away from our long-standing history of neutrality should require a referendum. The only reason the Government will not call a referendum is that it knows, as do we, that the removal of the triple lock would be voted down. It is concerning that the Government would push ahead with this knowing that it does not have the support of the Irish public. Fianna Fáil has abandoned its roots and given in to Fine Gael's desire to be militarily aligned in Europe.

As I see it, this Bill is about consistency. If we value neutrality, we should enforce the laws that protect it. If we value sovereignty, we should ensure our authorities have the powers to uphold it. I once again thank Senator Stephenson for bringing forward this Bill. I hope the Government changes its mind and supports the Bill. I also note that the Minister, Deputy Darragh O'Brien, is once again missing in action. This shows the amount of respect he has for the people and for this House.

Deputy Jerry Buttimer: That is unfair. That is not fair to him. That is cheap.

Senator Lorraine Clifford-Lee: I ask the Senator to withdraw that comment. It is not a fair comment and does not reflect reality.

Deputy Jerry Buttimer: It is not fair.

Acting Chairperson (Senator Chris Andrews): The Minister of State will have 15 minutes to respond.

Senator Lorraine Clifford-Lee: I just requested the Acting Chairperson to ask the Senator to withdraw her comment in relation to the Minister, Deputy O'Brien.

Acting Chairperson (Senator Chris Andrews): A request has been made.

Senator Sarah O'Reilly: I said nothing wrong.

Deputy Jerry Buttimer: Ministers from the Department of Transport are here regularly. I am here regularly as a Minister of State at the Department.

Senator Sarah O'Reilly: This is not about Deputy Buttimer.

Deputy Jerry Buttimer: The Department is represented here.

Senator Sarah O'Reilly: It is about the Minister, who very rarely stands in this House. He has been requested to stand in this House but has not. It is not about Deputy Buttimer. What I have said is factual. It is not insulting to anybody.

Deputy Jerry Buttimer: He has been in the House.

Senator Sarah O'Reilly: It is factual and I will not withdraw anything. It is happening again. This Bill deserves a response from the line Minister.

Senator Lorraine Clifford-Lee: I point out that we have had two Ministers at the Department of Transport here this evening to represent the Government. They deserve respect for their office and for their work. They regularly show up here, as does the Minister, Deputy O'Brien. I think the Senator has some sort of personal vendetta against the Minister. It is unfair. I note that the Senator is not going to withdraw her statement but, to be honest, I think it is really shoddy behaviour. I will leave it there.

Senator Patricia Stephenson: The Minister of State who was here before Deputy Buttimer said that it was too expensive to do this and to enforce our own rules. I believe he also used the term "onerous", which is extraordinary language to use when we are talking about enforcing our own rules. All we are asking for is an inspection regime. There seems to be some sort of vast misunderstanding on the other side of the House as to what the Bill actually does. People kept talking about military flights. This Bill actually does not deal with military flights in any way. This is about the inspection of civilian aircraft that are carrying weapons. It seems to be suggested that weapons are not actually being carried through Ireland. That is absolutely factually incorrect. I noted a comment that the Department's investigation has been ongoing since 2024. That is fantastic. It has been going on for two years. When will this investigation land on our tables? When will we know that the Department actually knows what is going on? Someone else said that we cannot direct planes but, of course, I never said we should. Senator Higgins was very clear on the purpose of this Bill. If a plane does not land, the company can be fined. We know about these planes from the manifests. It is not secret. I have listed them all out before. There was an assertion that this could not be effectively implemented. As I have said, this is a very implementable Bill, unless we do not believe in the Office of Parliamentary Legal Advisers and think it is not up to scratch. I do not believe any of us in this Chamber would agree with that.

On the grounds for opposing the Bill, I personally do not see an issue with the transfer of ministerial responsibilities. It happens all of the time. Frankly, I do not care which Minister provides the exemptions. My primary focus and the sole focus and purpose of this legislation

is to implement tighter controls in respect of the inspection of aircraft. I am not remotely tied to any vehicle or mechanism or to a particular person exempting state aircraft. What I care about is making it more difficult for ICE deportation flights to stop over in Ireland and stopping the illegal transportation of weapons. I therefore feel a bit frustrated. It is a bit pathetic of the Government to oppose the Bill on this ground because it knows that this could have been worked through as part of the legislative process, including on Committee Stage. However, the Government is unwilling to do so.

The Government is not serious when it comes to this issue. It is not seriously willing to engage. I have been told that I am well intentioned. I am, but I also see a serious legislative gap in this area. It is a serious issue. Our own rules are being breached. As I said before, I did not create the rules. They were created by the people who sat in these Houses before us. Instead of offering any solutions to this problem, the ongoing egregious breach of our own sovereign rules, the Government is just saying that this Bill will not work. It is not willing to commit. I have demonstrated an openness to cross-party collaboration but the Government will not work with me on this. It did not do it with the previous Bill, the arms embargo Bill, either.

There were questions around enforcement issues and sovereign immunity. The Bill was drafted with sovereign immunity in mind. It seeks to push the policy objective as far as possible within what is permissible. This is why it is framed as an express stipulation as part of an invitation to fly or land. We have pushed sovereign immunity to its limits. We are requesting that state aircraft respect human rights. It is entirely directional. Should we not want to give that direction? Should we not want to tell aeroplanes that land that we would like them to respect human rights? Should that not be a basic requirement?

There was also an assertion that constitutional protections would not be applied to non-citizens. The legal advice I have received from the OPLA tells me that, if a person was subject to rendition in Ireland, a court would find that he or she had constitutional protections. I do not agree with the three points the Minister of State put forward as to why this Bill is not being allowed to move to the next Stage and amended to strengthen it.

The Bill is legally sound and implementable. There seems to be an absolute misunderstanding. I believe that may be on purpose and that there may be a wilful desire not to really and meaningfully engage with the detail of the Bill and the idea of the inspection regime, something that came out of a previous government. I did not pick this out of nowhere. It is bound in previous debates in the Dáil and in the Seanad. We know that weapons are being flown through Ireland. We know that weapons have been flown through Ireland on the way to Israel. We know that there are weapons being flown through Ireland for which exemptions have not been sought. That is breaking our own rules. I can only assume that the Government is happy with the *status quo*, does not find this egregious breach to be a problem and believes the fact that it undermines our neutrality to be perfectly okay. None of the statements today challenge that. None of the statements actually engage with the policy intent of the Bill. It was all about potential challenges to implementation, points I utterly disagree with. There was no meaningful engagement with the issue. Do we agree that we are breaching our neutrality by allowing these planes to fly through Ireland against our own rules? Do we agree that we are breaching our own sovereign independence by permitting this to happen without any exemptions in place? That is what is happening.

I am frustrated that there cannot be any opportunity for collaboration on this issue. This is something people really care about. It is not just me off doing my well-intentioned stuff. This is something that has meaning to the people of Ireland. I really cannot fathom why we would see Palestinians shackled in Shannon Airport and not try to put mechanisms in place to prevent that. I am deeply disappointed that the Government will not allow the Bill to progress to Committee Stage, where we could work together to amend it. I am serious about working across the floor on good legislation that addresses serious legislative gaps.

Question put:

The Seanad divided: Tá, 15; Níl, 28.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Blaney, Niall.
Clonan, Tom.	Boyle, Manus.
Collins, Joanne.	Brady, Paraic.
Cosgrove, Nessa.	Byrne, Cathal.
Higgins, Alice-Mary.	Byrne, Maria.
Keogan, Sharon.	Casey, Pat.
McCarthy, Aubrey.	Conway, Joe.
McCormack, Maria.	Conway, Martin.
Mullen, Rónán.	Costello, Teresa.
Murphy, Conor.	Crowe, Ollie.
O'Reilly, Sarah.	Curley, Shane.
Ruane, Lynn.	Daly, Paul.
Stephenson, Patricia.	Davitt, Aidan.
Tully, Pauline.	Duffy, Mark.
	Fitzpatrick, Mary.
	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 Patricia Stephenson and Nessa Cosgrove; Níl, Senators Cathal Byrne and Paul Daly.

Question declared lost.

Cuireadh an Seanad ar fionraí ar 6.44 p.m. agus cuireadh tús leis arís ar 7.03 p.m.

Sitting suspended at 6.44 p.m. and resumed at 7.03 p.m.

7 o'clock

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

SECTION 7

Debate resumed on amendment No. 6:

In page 9, to delete line 5.

- (Senator Lynn Ruane)

An Cathaoirleach: I welcome the Minister back to the House. He is our favourite Minister at the moment.

We are resuming on amendment No. 6. Senator Ruane was in possession when we reported progress. Amendments Nos. 6 to 13, inclusive, are related. Amendments Nos. 10 and 11 are physical alternatives to amendment No. 9. The House agreed previously that amendments Nos. 6 to 13, inclusive, would be discussed together. Does anyone else wish to speak on the amendment or the grouping?

Senator Alice-Mary Higgins: I will speak to amendment No. 6. At the end of the last debate, Senator Ruane spoke about the impact of stop and search in relation to section 3 offences under the Misuse of Drugs Act 1977. Section 7(c) of the Garda Síochána (Powers) Bill includes controlled substances as defined by the Misuse of Drugs Act 1977 as a relevant article.

An Cathaoirleach: I am sorry to interrupt, Senator, but I want to remind the House that because the amendments were tabled by Senators Ruane and Black but they are not here, we must get written confirmation from them that somebody else can move their amendments. The Senator can continue speaking on amendment No. 6, which has already been moved, but that is the situation.

Senator Alice-Mary Higgins: I understood that because they were part of a grouping, I could move amendments on their behalf. I will continue speaking on amendment No. 6 for now.

Senator Ruane spoke about the impact of stop and search in relation to section 3 offences under the Misuse of Drugs Act 1977. She highlighted the fact that the Bill included controlled substances defined by the Misuse of Drugs Act 1977 as a relevant article for the purposes of exercising stop and search powers. We are concerned about how this provision may be used to target people in possession of drugs for personal use, knowing the extent to which those powers are currently exercised to criminalise people who use drugs. Therefore, we are seeking to remove it through amendment No. 7. Criminalisation does not necessarily reduce drug use or stop the harmful use of drugs. It criminalises addiction and compounds the trauma and stigma of drug users. The people most likely to be caught in possession are often those who are struggling with addiction, mental illness, homelessness, chronic poverty, social discrimination, stigma and exclusion. Criminal records can have long-lasting impacts on their ability to enter education or employment and can create significant complications in the context of the custody of children, for example, and in relation to visas and immigration.

Criminalisation acts as a barrier to people seeking help with their addiction and can be considered as a violation of their right to health. The interim report from the Oireachtas committee on drug use, on which Senator Ruane sits, and the citizens' assembly, in its findings, pointed to recommendations of decriminalisation in this context. The joint committee on drug uses is due to publish its final report shortly, which we hope will arrive at the same conclusion. It is not really possible to have a health-led approach to drug use without looking at these issues.

While the Government has a stated commitment to a health-led approach, the provisions of this Bill are moving in the opposite direction, expanding the scope for the continued, very large-scale prosecution of individual and minor drug users as a punitive model. Very often, they can be the easier target rather than dealing with more systemic and larger-scale offenders. Recent data released under freedom of information, FOI, requests demonstrates that violations of section 3 for simple possession can be one of the most common drugs-related offences in Ireland, making up 63% of controlled drug crime incidents. Around 4,000 convictions are handed down, with a cumulative figure of 20,000 since 2020. What this points to is a relatively low-level offence, about which there is some debate as to whether it is even appropriate to be treating it as an offence. In fact, there have been recommendations for decriminalisation coming from very significant levels and expert bodies and calls for a health-led approach. These offences are making up a huge bulk of the offences that are actually being investigated and prosecuted. There is a concern that we will see this being an excessively used component of new Garda powers.

Despite what has been asserted previously by An Garda Síochána, there has actually been extensive use of stop and search powers under section 3 to press charges against individuals in relation to simple drug possession. It is one of the easiest targets and evidence suggests that it happens most often. Data published by the Health Research Board, HRB, shows that drugs are consumed at the same rates in the top and bottom 20% of areas by wealth but the reality is that stop and search powers are presently exercised disproportionately in areas that are heavily policed and in socio-economically marginalised areas. This means that the burden of stop and search falls disproportionately on young, working class men because of stigma that surrounds them and their communities, not because there is a greater prevalence of drug use in their communities.

While it is welcome that a range of existing Garda powers will be codified into a single piece of legislation in this Bill, there is concern about the absence of proper guardrails and safeguards around how stop and search will be used, creating the potential for overuse, misuse, unequal use and, potentially, even abuse. The Irish Council for Civil Liberties, ICCL, has stated that the definition of "relevant article" as currently provided in the Bill risks creating a very wide legislative basis that could facilitate discriminatory enforcement by gardaí.

We have sought in this amendment to narrow the scope for these invasive powers through the removal of relevant articles in the amendments. There are a number of categories in that grouping in relation to amendment No. 6 in terms of suspected possession of stolen goods, controlled substances and a number of other aspects such as computer programmes and any other articles. I am apparently not empowered to move these amendments on behalf of Senators Ruane and Black so I am going to pass over to Senator Black to formally move them, but what Senator Ruane is pointing to is the concern that stop and search becomes disproportionately used and targeted towards certain areas for certain lower level offences and becomes a tool of

potential misuse, abuse or offence rather than a thing that is used rarely and carefully in situations of very significant danger or threat.

Senator Michael McDowell: I wish to briefly comment on the background of this. Senator Ruane is very strongly of the mind to decriminalise certain controlled drugs, and I just want to put on the record my views on this. When I occupied the position that the Minister occupies, there was quite a campaign in international magazines and the like to decriminalise, say, cannabis resin. There was a strong campaign that that should be done, and I had at that time misgivings about it. I wish to briefly put on the record what they were.

First, to decriminalise cannabis possession, for instance, when dealing with possession by a person over the age of 18 is all very well in theory, but the real question is, does it work out in practice? I do not believe that, if cannabis is available to persons over the age of 18 as a matter of choice, there is any practical way of keeping it away from kids aged 12 to 18. I do not think there is any practical way of doing that. Maybe people will disagree with me on that, but if you have a 19-year-old and a 16-year-old sitting on a bench in a park smoking a joint, there is no way that the Garda can effectively say it was criminal to allow the 16-year-old to have a pull on the joint but it was okay for a 19-year-old or 18-year-old to do it.

That was then, and what worries me is that, ever since then, there has been an accumulation of evidence to the effect that cannabis consumption is dangerous, particularly for young people. It produces psychosis in a considerable number of cases. It produces mental illness and has profound psychological effects on people who become regular users of it. I noted during my own college days that the chaps in my class in university who were regular, serious consumers did seem to be affected in their general day-to-day demeanour after a while. What has happened in the meantime is that the different types of cannabis have emerged. We cannot just say that cannabis resin is either harmless or non-harmless as a substance. There are very different types of cannabis with very different capacities to produce psychotropic effects and lasting side effects, one compared with another.

Senator Higgins has nobly raised the issue that Senator Ruane is anxious to have debated, but it seems to me that, first, I would like to see the report to which she refers to see whether I agree or disagree with it. I have not seen it. I have not seen how anybody proposes keeping adults, people aged 18 and upwards, free to use cannabis and yet keep it away from kids in their teens. We are now in the process of shifting the age for purchasing alcohol from 18 to 21 in a couple of years' time in certain circumstances. Childhood does mean something and protecting children means something. It is all very well for people who like to smoke the odd joint to say they do not want a nanny state telling them what they should or should not do, but to decriminalise cannabis resin and its consumption is a step which is seriously potentially dangerous to young people. Cannabis can be consumed in various different ways but bearing in mind that a lot of it is done by smoking, it is also creating a circumstance in which kids are being encouraged to smoke at a time when the State's policy is to curtail smoking as a habit. There is the whole question of nicotine addiction added into it.

I wanted to put these views on the record. I do not agree that it would be sensible to remove paragraph (c) from the category of relevant articles, even though I accept the proposition put forward by Senator Higgins that it is quite possible that suspicion of being in possession of cannabis opens the door to searches, and that this is done more frequently to people from

disadvantaged backgrounds. I accept that is not just a possibility but also in some cases a probability, but on the other hand, unless we are to walk away from the Misuse of Drugs Act regime in its entirety, even including the use of cannabis, it would make a nonsense of our State policy as it exists now and until it is changed to exclude controlled drugs from the definition of relevant article.

Senator Lynn Ruane: I was not here at the beginning of the conversation. I apologise for anything that is repeated. Whatever about the other removals, in relation to section 3, in terms of further cementing what is already a bad law in relation to section 3 stop and search powers, in Ireland, the section 3 stop and search power within the drugs Act is used and abused to profile, harass and have a very low bar for policing.

It is not necessary to have any sort of suspicion or evidence that somebody is in possession of a substance. In fact, it has been used, as admitted by An Garda Síochána in numerous committees, to find other crimes that are unrelated to drugs possession. They are effectively using the idea that a person may be in possession of drugs for personal use to stop and search people in the hope they find other crimes. For me, this is a really low expectation in terms of policing in Ireland and especially in relation to the fact that we know policing decisions impact certain communities more than others. I grew up being stopped and searched and it created a very negative precedent for the relationship between young people in our communities and An Garda Síochána.

Stop and search is used extensively. Each year, on average there are over 3,000 people before the District Court in relation to section 3 possession. That is a lot of people being stopped for possession, and they are the ones who have been prosecuted. If they are found to be in possession and receive a conviction, when it comes to Garda vetting and how that is logged, it is in the same category as rape and murder when a person's Garda vetting comes back. Imagine for a moment in the 1980s or 1990s, or whatever decade, when you were younger. If you or your friends or people you know were in possession of drugs even all the way back then, the section 3 conviction for possession is still on their record. It could have been £20 worth of what would have been cannabis at the time, before weed was really a thing in Ireland, in terms of possession. When they go for jobs, promotions, travel or anything else, that comes back under the section 3 category. Section 3 is so dangerous in relation to people's lives and how they can progress. It stays on their record. Having a stop and search power such as that has such a negative impact and consequence on people's lives. To remove section 3 as it relates to stop and search does not remove stop and search powers in the drugs Act. The rest of the drugs Act can remain intact. It is only in relation to possession for personal use, and it is not even the stop and search power; it is the possession piece that is named.

On section 15 and section 23, section 15 makes it an offence in relation to supply, in relation to trafficking and in relation to those bigger offences that the police say is what they are more focused on, so why are they not using section 15? The bar is higher when we take section 15 and section 23 in relation to stop and search. In the evidence that came before the drugs committee over the last while we had several contributions from people from the police forces of the UK, Canada and Portugal and they all said the same, especially the one from Porto. The commander in Porto basically said that he has a much higher level of trust in the ability of his police force to use their skills and training to detect supply and trafficking, which would be the equivalent of what we would use section 15 and section 23 for. Members of that police force

are not using and abusing people who are struggling with addiction in the hope that they might find another crime.

When we think of section 3 we need to be very clear that we are not removing stop and search powers in relation to the supply, trafficking and intent around larger crimes. It is actually just that basic. Comparing our section 3 to the drugs Act in the UK, theirs is a bit more onerous but ours is actually a bit more harmful in terms of how it is laid out. While this may be more related to the drugs Act, I am apprehensive and conscious about bringing in further Bills around stop and search and not for us to have an honest discussion on section 3 and to solidify such stop and search powers in relation to possession. I do not think they do anything for any sort of trust-building or harmonious relationships between communities and the Garda. If anything, it de-skills the Garda skill set in relation to actually looking at that larger crime of supply in relation to communities and the sale and supply of drugs.

While I am under no illusion that the Minister will accept the amendment today, I do hope at least it will increase the understanding and awareness that section 3 is a needless mechanism to actually police. It does not water down stop and search powers, it just makes them more robust and makes it mean that the Garda at least have to have a reasonable level of evidence to stop and search someone for sale and supply instead of having such a low bar to use such damaging stop and search powers.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank all Senators for their contributions. At the outset I wish to clarify that what we are talking about here is grouping C of amendments that are on the list in front of us. That is a group of eight amendments comprising Nos. 6 to 13, inclusive. My amendments are Nos. 8, 10 and 11. The other amendments have been tabled by Senators Ruane and Black.

At the outset I will indicate what all of these amendments relate to. They all concern section 7, as Senator Ruane has indicated. More specifically, however, they all relate to the definitions contained within it of the term "relevant article". As we are aware, section 9 sets out the power to stop and search for possession of a relevant article. What the statutory provision allows for is that a member of An Garda Síochána who is in a public place or in another place authorised by law and has reasonable grounds to suspect that a person is in possession of a relevant article may, without a warrant, stop and search the person, and it goes into the details of that in paragraphs (i) and (ii).

The definition of "relevant article" obviously is central to the functioning of section 9 and the power that is purported to be given to An Garda Síochána. If we look at all of the definitions contained within "relevant article" in section 7 at present we can see it contains eight different definitions of what is included within the term "relevant article". Amendment No. 6 seeks to remove the first definition in section 7, "(a) anything stolen or obtained unlawfully". Amendment No. 7 seeks to remove paragraph (c), which is the "controlled drug" reference the Senator just spoke about. Amendment No. 9 proposes the removal of all of paragraph (f). Amendment No. 13 is a proposal to remove all of paragraph (h). If all of these amendments were given effect, the definition of "relevant article" that we would probably be left with would be explosive material, firearms and, under paragraph (g), a computer programme. We need to recognise that the power of stop and search that gardaí have arises in respect of much broader alleged offences than those covered by explosives and firearms.

I will deal with the amendments individually and, if I can, I will then deal with them in the order in which they have been identified. Perhaps I will deal with my own ministerial amendments first, which are very brief and they are amendments Nos. 8, 10 and 11. Amendments Nos 8 and 10 are technical drafting amendments to remove the reference to "in a public place" in section 7(e) and 7(f). This is to remove the location requirement as this is already contained in the underlying offence. Amendment No. 11 is a minor drafting amendment to section 7(f) to address a grammatical issue after "container".

I will move on to deal with the amendments from Senators Ruane and Black. They are suggesting deletions on amendments to the definition of "relevant article". Amendment No. 6 proposes to delete in section 7(a) "anything stolen or obtained unlawfully". Items that are stolen or obtained unlawfully are inherently associated with criminal activity and therefore it is appropriate that if gardaí reasonably believe that somebody is in possession of something that was stolen or obtained unlawfully, they should be entitled to stop and search a person in respect of that. For this reason I am opposing amendment No. 6. Similarly, amendment No. 7 proposes to delete the reference to controlled drugs in section 7.

Senator Ruane is proposing that we remove paragraph (c) in its entirety. I cannot accept this amendment as this is a restating and reclarification of a power that is already provided for in section 23 of the Misuse of Drugs Act 1977. This enables a member of the Garda to search any person whom he has reasonable cause to suspect is in possession of a controlled drug in breach of the 1977 Act. Controlled drugs remain a central focus of criminal enforcement due to the social health and safety implications. Retaining this subsection allows gardaí to address illegal drug possession, efficiently disrupt distribution networks, and prevent harm to communities.

If Senator Ruane's amendment was passed, it would, in effect, mean that there were very limited powers available to An Garda Síochána for the purpose of stopping and searching individuals in order to check if they are in possession of a controlled drug. I heard the arguments that were made. In effect, Senator Ruane is trying to do something she has consistently advocated, which is the decriminalisation of drugs. That is an argument that may be had. I do not agree with it but it is an argument that can be considered and discussed. I do not think a decision of that magnitude should be made by the back door by trying to remove a power that the gardaí have at present, which I believe they should continue to have. If we want to discuss decriminalisation of certain drugs, that can be discussed and debated, and legislation can be brought forward, but if we are bringing forward legislation, let us do something that is intended for the purpose of the legislation. This is about Garda powers. I want to give the gardaí statutory powers to stop and search somebody if the garda has a reasonable suspicion that the person is in possession of a controlled drug. The reason I do it is not in any way to try to target certain communities or anything suggested. The purpose is to try to protect people from the devastation that is caused to lives through drugs.

I was interested to hear what Senator McDowell had to say in respect of the 16-year-old and the 19-year-old, and how it would be impossible to keep the drug away from the 16-year-old if it was decriminalised for anyone over 18 years of age. It is also important to recognise the extent to which, since Senator McDowell was in college, the strength of cannabis has grown. This is of significance, particularly with regard to young men, since what we are talking about with respect to decriminalisation is, to a large extent, cannabis. I cannot ignore the fact that the scientific evidence available states that cannabis use has a very significant detrimental

impact on the development of young people and their brains. It is damaging to them. We only need to look at what has happened in the United States. In the past decade, 20 states in the United States have made the decision to legalise cannabis for recreational use, not for medicinal use, for people over 21. What we have seen is the incidence of adverse health consequences for users skyrocket-----

Senator Lynn Ruane: That is not true. The evidence does not support that. It is important that the record is set right.

An Cathaoirleach: Senator Ruane knows that she can come back in. Will she let the Minister speak?

Deputy Jim O'Callaghan: If the Senator does not believe me, it is interesting to look at what happened in *The New York Times* recently. It had an editorial, about six weeks ago, where it stated it was reviewing the policy it had in respect of the legalisation of marijuana. The Senator can look at *The New York Times*.

Senator Lynn Ruane: I believe the UN global commission on drugs, not *The New York*-----

Deputy Jim O'Callaghan: *The New York Times* said that you cannot ignore the very significant health damages caused to young people as a result of the use of marijuana.

Senator Lynn Ruane: That has nothing to do with the policy.

Deputy Jim O'Callaghan: That is what *The New York Times* stated and I thought it was quite significant when I read that. It is worth people considering that. It is the case, if you look to see what has happened in the United States, that cannabis has a significant impact. It can generate psychosis in young people. I am not prepared to ignore that. Leaving aside that, and I appreciate and acknowledge the consistency of Senator Ruane on this issue, if we are going to have a debate on decriminalisation or legalisation, let us do that in an open way. I do not think a Garda powers Bill is the correct way to do it.

Amendment No. 9 proposes the deletion of the reference to "a syringe, or any blood in a container intended by the person concerned unlawfully to cause or to threaten to cause injury to or to intimidate another". This is the same wording utilised in section 7 of the Non-Fatal Offences Against the Person Act. It is important to note that in the context of the Bill, a syringe is lawful unless it is linked to an unlawful purpose, such as an intent to commit an offence. Its unlawfulness arises from the intention of the person in possession of it, not merely by the item itself, and on this basis, I cannot support this amendment.

Amendment No. 12 to section 7 proposes to delete the line "or intended by the person for use". "Intended for use" allows gardaí to act based on reasonable suspicion of future criminal use, not just illegal possession. Some tools are neutral in themselves, such as a computer programme, password list, or encryption key, but can be used for crime. By requiring that the item is intended for use in committing an offence, the Bill allows gardaí to intervene when cybercrime is suspected to occur, while ensuring that stop-and-search powers are targeted at

actual or imminent criminal activity. This approach recognises the realities of modern crime and I cannot support this amendment.

Amendment No. 13 deletes section 7(h), which applies to any article, focusing on intent in this context. Some items are legal in general but become criminal only when used in a certain way. For instance, a hammer is legal to own but if someone carries one to assault someone, it obviously becomes a criminal act. These provisions are intended to provide gardaí with clear, modern and operationally effective powers to remove dangerous weapons from public spaces and support the investigation and prevention of serious offences.

Senator Lynn Ruane: I should have said at the outset that I miscommunicated with my office when submitting other amendments. I have no interest in moving those amendments when we get to them. On section 3, I understand and accept the way in which I am going about it, but it is so associated with Garda powers that it is hard to separate them sometimes. It is important that we say that decriminalisation around the world has not increased drug use, nor has it decreased it. That is not its intended purpose. We need to not confuse the differences between policy harms and harms related to the drugs themselves, because they are two different things. Nobody who looks to decriminalise the person, not even the drug, is going to call people a criminal because they have a substance misuse issue or because they were found in possession of a small amount of drugs going into a festival with no intent to supply. What we really intend to talk about is that person.

If a relation that the Minister loved came to him and said that they smoke weed and think they are experiencing psychosis, I guarantee with my whole heart that the Minister will not ring the police on him. He is not doing that. Why would he accept the Garda powers in relation to it? The Minister might say he knows a good health professional or, if the relative is young enough, that he knows a youth worker who works specifically on substance use, and looks at how we reduce that. He is not saying that he knows the best place for his relative is in front of a judge. When we accept that premise, it is not saying that some substance use is not harmful, but asking where the best place is to deal with that. It is not in handcuffs.

That is to be clear about the intention. The global commission and UN treaty are all trying to figure out how they row back on the implications of what they have done for us with regard to the drugs Act and Garda powers. I will finish the conversation because I accept the way in which I am having it is not the space, but I ask the Minister to acknowledge, in his own time, though not now, that he is not ringing the police if someone he loves and cares about is in possession. He is ringing somebody he knows can help them. That is what decriminalisation is. That is about how we meet somebody with compassion and care, and create opportunities for connection, compassion and health intervention, and do not leave them with the drugs. People will not ring the police on someone they love. If we can accept that is how we would approach it, we would realise that putting someone in front of a judge is not the answer, so when we talk about decriminalisation, we are sticking to evidence. Whatever about what *The New York Times* has said, all the evidence from all the experts is that drugs policy often does more harm in the end to the person than the substance itself. I will not press it any further. Obviously the conversation is ongoing in Ireland, and we will continue to have it.

Nobody is denying that, in some instances, substance use can be harmful. It is just acknowledging that the way in which we approach it is not in front of a judge.

An Cathaoirleach: Is the Senator withdrawing the amendment?

Senator Lynn Ruane: I am withdrawing the amendment.

Amendment, by leave, withdrawn.

An Cathaoirleach: I welcome Senator Nessa Cosgrove and a group from Sligo to the Gallery: Neil and Toby Devine and Alo, Peggy, Keith and Fergus Farragher. They are all most welcome to Seanad Éireann.

Senator Lynn Ruane: I move amendment No. 7:

In page 9, to delete lines 8 to 10.

Amendment, by leave, withdrawn.

Government amendment No. 8:

In page 9, line 13, to delete “in a public place,”.

Amendment agreed to.

Amendment No. 9 not moved.

Government amendment No. 10:

In page 9, line 15, to delete “in a public place,”.

Amendment agreed to.

Government amendment No. 11:

In page 9, line 15, to delete “container” and substitute “container,”.

Amendment agreed to.

Amendments Nos. 12 and 13 not moved.

Section 7, as amended, agreed to.

SECTION 8

Question proposed: "That section 8 stand part of the Bill."

Senator Michael McDowell: The Minister might perhaps enlighten me a little bit on this. I note this section is part of Part 2 of the Bill, which is headed "STOP AND SEARCH". Section 8 itself does not actually require that the stop and search power be exercised in a public place as a precondition to a member of An Garda Síochána making the demand for information provided for under section 8. I am slightly worried, I have to say, that it would enable a member of An Garda Síochána on private property to start asking people for their names and addresses, and make it an offence under section 15(a) to either not give a name or address or, alternatively, give a misleading address or whatever. Would the Minister care to comment on whether this power to demand the name and address of someone who is suspected of having committed an

offence should be somehow circumscribed to situations where that person is in a public place, and that it cannot happen in a private home or another place? The definition of "public place" in the Act is fairly generous because it would include most dancehalls, for example, Copper Face Jacks - you name it, it would cover them all. However, I am concerned with people who are not in a public place within the definition of this Act. It seems to give an unlimited power to members of An Garda Síochána to demand a person's name and address and age if a garda believes or suspects on reasonable grounds that he or she has committed an offence. I find that a worrying power. Is the term "offence" limited? Offences can mean a lot of things. Should the fact that a person might have in the past committed an offence make him or her liable, no matter where he or she is or in what circumstance, to a demand that he or she give his or her name, address and age to a member of An Garda Síochána on the hazard that if he or she does not do so or does so in a misleading way, he or she commits an offence under this Act? It seems to me that this power is located in a stop and search part of the Act but it is not located in its terms to being exercised in any particular place at all. I am not asking the Minister because I have not put an amendment down, but would he consider, at the very least, between now and Report Stage that the almost universal application of this section should be controlled to some extent rather than simply giving gardaí the right to demand the name, address and date of birth of anybody they have reasonable grounds to suspect has committed any offence, whatever the offence committed? It seems to me it is too broad.

Deputy Jim O'Callaghan: I thank Senator McDowell for raising the issue. My reading of section 8 is that it applies to, obviously, any place where a garda is in a public place or a place where a member of the force is lawfully present. Nonetheless, I will give consideration to what he said and see whether or not it needs to be tightened up. At present, it states;

A member who has reasonable grounds to suspect that a person—

(a) has committed, or is committing, an offence, or

(b) is in possession of a relevant article,

may require the person to provide his or her name, address and date of birth ...

My reading of that is that it is in a public place or, alternatively, in a place where a garda is lawfully present. The point that Senator McDowell raises is why the alternative locations identified in section 9 and, indeed, section 10 are not included in section 8. I will give it consideration, but my reading of it is that it applies to a public place or any place where a garda is lawfully present.

Senator Michael McDowell: I am glad of that. It looked to me to be too broad.

Question put and agreed to.

SECTION 9

An Cathaoirleach: Amendments Nos. 14 and 15 are related and form a composite proposal. Amendments Nos. 14 and 15 may be discussed together by agreement. Is that agreed? Agreed.

Senator Michael McDowell: I move amendment No. 14:

In page 10, line 2, to delete “do either or both” and substitute “do any or all”.

The purpose of amendment No. 14 is to make textual space for amendment No. 15.

The purpose of amendment No. 15 is to widen the power to search a person to include to "search any container or wheeled carrier or luggage which the member suspects to be or have been in the control or possession of a person suspected under this section or to have been abandoned by any such person;". It seems to me that it should not be narrowing the power of search to the person. A member of An Garda Síochána might say, "You seemed to drop a rucksack" or "Who owns that rucksack? I am going to look at that as well." That seems to me a sensible thing. Likewise, I have to say, unfortunately, prams are used and so are tow trolleys for goods going in and out of shops and the rest of it. If one of those is not actually in the physical possession of a person who is stopped, what I wanted in this amendment was to make it clear that a garda could search those things as well.

Deputy Jim O'Callaghan: We are dealing here with amendment No. 14.

It is an amendment that is unnecessary because the power in section 9 already operates in a comprehensive manner across both persons and vehicles and necessarily extends to items in a person's possession or control at the time of a lawful stop and search. Luggage and similar containers encountered in that context are already capable of being searched under the existing stop and search framework depending on whether they are on the person or in a vehicle being searched. The insertion proposed by Senator McDowell risks introducing unnecessary specificity into the provision by enumerating particular items such as luggage and wheeled carriers. There is a risk of equivalent items that are not listed being interpreted as falling outside the scope of the power. The Bill is deliberately drafted in broad terms to ensure the search power is technology-neutral and adaptable to a wide range of real-world scenarios.

While section 9 governs the powers required to stop and search a person and items in their immediate possession or control, unattended property, luggage or containers found in a public place fall under a separate legal framework regarding the examination of property found in public places. Because of that I cannot accept this amendment.

Amendment No. 15 is a result of an amendment not being accepted. The existing wording already allows the exercise of one or both search powers and provides sufficient operational flexibility. As the proposed expansion of search powers is not necessary no change to the language is required so I cannot and will not accept amendments Nos. 14 and 15.

Senator Michael McDowell: That is a somewhat unnecessarily absolutist approach to this. If a member of An Garda Síochána sees a number of people and comes to the conclusion that one of them may have dumped a rucksack, for example-----

Deputy Jim O'Callaghan: I have to go to the Dáil for a Bill. The Minister of State, Deputy Ardagh, is going to take over. Is that okay?

An Cathaoirleach: I thank the Minister.

Before I ask Senator McDowell to continue I welcome the Minister of State to the State to the House. I think this is her first visit to the House since her appointment. Congratulations

on her appointment. I am sure she is delighted to be back in Seanad Éireann. We are delighted to have her back for this Bill and I am sure all the Members of Seanad Éireann are delighted for her elevation to high office

Senator Robbie Gallagher: Hear, hear.

An Cathaoirleach: Before I call back Senator McDowell, I welcome guests of Deputy Lahart from the Rathfarnham Historical Society. I thank them for coming in. I am sure we will see them in the House later.

Senator Michael McDowell: I want to join the Cathaoirleach in welcoming the Minister of State, congratulating her on her very well-merited appointment and wishing her every success in that appointment.

The Minister indicated, in the Minister of State's absence, that in his view that if somebody has a pram or trolley, for example, or has had it in their possession that that is covered by the power of search of the person. I was saying to him that it was a very absolute view. It does not necessarily follow that a search of the person involves a search of a trolley or pram or knapsack that someone suspects of their having had in their possession but which they no longer have in their possession. If the Minister is very happy with his interpretation of the law I will not press the matter any further but I do think that some day some smart solicitor or barrister will raise this point and say there was no power of search of the pram; the person was standing away from the pram at the time and the power of search was confined to a personal search or a search under this Part of a vehicle and the knapsack, luggage or whatever in question does not come in within the definition. However, if the Department and the Minister are of the view, and if the Minister of State shares that view, then I will not put the matter any further.

Amendment, by leave, withdrawn.

Amendment No. 15 not moved.

Section 9 agreed to.

SECTION 10

An Cathaoirleach: Amendments Nos. 16 to 18, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 16:

In page 10, line 21, to delete "in or" and substitute "in, on or".

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Catherine Ardagh): Amendment No. 16 is a technical amendment to section 10 to delete "in or" and substitute "in, on or" for precision in page 10, line 21.

Amendment No. 17 is an amendment to section 10 to delete lines 23 and 24 and align the language with other provisions of the Bill.

On amendment No. 18 in the name of Senator McDowell, this is not considered necessary as section 10 is not intended to establish a separate regime based on whether a vehicle is attended or unattended but instead operates where a member has reasonable grounds to suspect the commission of a Schedule 1 offence and permits the stopping of a vehicle and the search of that vehicle and any persons in or accompanying it. In practice, where a vehicle is stationary and no person appears to be in charge of it, the relevant search power will depend on the circumstances and on the nature of the suspected offence. Such situations are dealt with under existing offence-based search powers, for example under the Misuse of Drugs Act 1977 where drug-related suspicion arises or under other applicable enactments depending on the circumstances and not by reference to a separate category of abandoned vehicle. Therefore I cannot accept the amendment.

Senator Michael McDowell: Again, this is an example of the Department officials taking a very absolute position. God bless them if they are right but if they are wrong that is a different matter.

If a vehicle is stationary in a public place and locked and a garda suspects there could be, say, stolen property or controlled drugs inside it, has a garda the right to take out a jemmy and open the boot or to break the windows to get in? The Minister of State is saying this is covered by other legislation but I wonder if she is right about that. There is a tendency sometimes to be protective of the drafting that is done by the draftsman but I would ask has a garda the right to break the fly window of a car to take a look inside? Has he or she the right to jemmy open the boot? I do not know; I do not think they do. This is not purely personal; it is giving the gardaí reasonable powers to search not only abandoned vehicles but also stationary vehicles for which there is no explanation for their presence in a place. Is it open to a garda to force his or her way into a car on the grounds that he or she suspects that it may contain cannabis, for example? I wonder.

An Cathaoirleach: Does the Minister of State wish to come back?

Deputy Catherine Ardagh: I have no further comment to make.

8 o'clock

An Cathaoirleach: We will go to amendment No. 16-----

Senator Michael McDowell: Can I put it this way? I will withdraw the amendment if the Department at least opens its mind to the possibility that it is a good idea to extend the powers of search to vehicles that are under the control of somebody. Under this provision, you can search. This is not a sort of specious thing. Section 10 reads:

10. (1) This section applies where a member who is in—

(a) a public place, or

(b) any other place under a power of entry authorised by law

[...]

has reasonable grounds to suspect that an offence specified in *Schedule 1* has been, is being or is about to be committed.

In those circumstances, the member can instruct the person who is driving the car to stop it and they can then search it. What I would say is that if there is nobody in charge of it, it is not in motion and it is just standing on a street, why not give the Garda the right to look in that vehicle rather than in the restricted circumstances described in section 10? I ask the Department to take a look at it and ask if this is an unintended loophole in the law. Is it reasonable to say that, as long it is being driven and stopped, it can be searched, but if it is just stationary and there is no person apparently in charge of the car, it cannot be searched under this provision? Is that a sensible loophole to leave in the law?

Deputy Catherine Ardagh: I thank Senator McDowell. I think the point is well made and we will discuss it further with the Department.

Senator Michael McDowell: I thank the Minister of State. Then I will withdraw it.

Amendment agreed to.

Government amendment No. 17:

In page 10, to delete lines 23 and 24 and substitute the following:

“(b) evidence of or relating to the commission or intended commission of the offence by any person is in or on the vehicle or on any person in, on or accompanying the vehicle.”.

Amendment agreed to.

Amendment No. 18 not moved.

Section 10, as amended, agreed to.

SECTION 11

An Cathaoirleach: Amendments Nos. 19 and 20 are related and may be discussed together. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 19:

In page 10, between lines 32 and 33, to insert the following:

“(1) The following shall not be considered reasonable grounds to conduct a search of a person under *section 9* or *10*—

- (a) the age of the person;
- (b) the race or ethnicity of the person;
- (c) the clothing the person is wearing;
- (d) the type of vehicle the person is driving.”.

I welcome the new Minister of State to the Chamber. Amendments Nos. 19 and 20 are grouped together. Amendment No. 19 includes a new subsection to prevent the targeted misuse of stop and search powers by An Garda Síochána under the Bill. As noted in an earlier contribution on stop and search, we are hugely concerned that the Bill, as drafted, provides a vast legislative basis for the use of these invasive powers that risk facilitating discriminatory enforcement by the Garda.

Amendment No. 19 inserts a new subsection that would set out circumstances that would not provide grounds for a member of An Garda Síochána to undertake stop and search of an individual. This amendment would ensure an individual could not be subject to indiscriminate search by gardaí because of their age, race, ethnicity, the clothes they are wearing or the type of vehicle they are driving. The Garda Inspectorate has previously advised of the concern expressed by all ranks of An Garda Síochána regarding the widespread use of drug-related stop and search powers to search people for other suspected offences. Gardaí have also noted that these stops and searches can be a stain on a person's character, as they are recorded on the PULSE system even in circumstances where no drugs are found on the person. As already noted, it has been demonstrated in Ireland that the courts are usually quite deferential to the legal thresholds for police searches set out by the Oireachtas, meaning that the Garda currently has wide discretion to exercise its stop and search powers. We must ensure that with the expansion of its powers under this Bill, people are adequately safeguarded from invasive, targeted and discriminatory policing by the Garda.

Amendment No. 20 seeks to introduce four new subsections that would safeguard individuals who are subject to invasive searches where the removal of items of clothing is required by An Garda Síochána. The removal of clothing during a search by gardaí is currently primarily governed by a 1987 ministerial regulation under the criminal justice Act. We think it is imperative that these legislative safeguards are included in primary legislation, and this amendment would have this effect.

The Minister of State will recall, I hope, the vigil that took place outside the gates of Leinster House just over a year ago, organised by Mothers Against Genocide. There was a very heavy-handed response at the time to this peaceful protest, which saw a number of participants arrested and subjected to strip searches at Garda stations. We wrote to the Minister at the time expressing significant concern about the heavy-handed response to the vigil but, perhaps more importantly, the extent of the invasiveness of the subsequent searches the activists were subjected to.

Strip searches involve a profound intrusion into a person's right to privacy and dignity. International human rights frameworks generally require that such searches take place only where they are necessary and proportionate and where they are conducted with respect for the individual's bodily integrity. It is imperative that we provide protection in our primary legislation that will govern stop and search by gardaí, in addition to the treatment of persons in Garda custody, to uphold individual rights that are only ever compromised where necessity and proportionality are well established.

Our amendment provides that a search that requires the removal of clothing other than a person's outer garments can only be undertaken with the authorisation of a member of at least the rank of inspector, ensuring an additional layer of oversight in regard to intimate searches. Additionally, such a search could only be authorised where a suspected relevant article could

not be located on the person without the removal of their clothing. Finally, we provide that where a search requiring the removal of clothing is required, a member of the opposite sex shall not be present while the search is being undertaken. The wording of this amendment closely mirrors the provisions of the relevant ministerial regulation governing the removal of clothing during searches by gardaí and, with this in mind, we hope the Minister of State will consider accepting this as we feel it is a sensible and prudent proposal that is in line with other ministerial regulations.

Deputy Catherine Ardagh: I thank the Senator. I do recall the coverage at the time in relation to that incident. I think it was a Muslim lady who was involved.

While I understand the concerns reflected in this amendment, sections 9 and 10 already establish a robust statutory threshold of reasonable grounds for suspicion. This threshold precludes treating personal traits like age, race or clothing style as independently constituting reasonable grounds, as such reliance would be discriminatory and unconstitutional. The amendment also poses operational risks. While a person's age or vehicle type can never be the sole basis for a search, there are scenarios where these factors must form part of an assessment, for example, if a Garda is searching for a specific stolen vehicle or seeking an abducted child matching a precise age profile. This amendment could restrict members from using these specific identifying factors to establish grounds. I cannot support the amendment.

I will also speak to amendment No. 20, unless the Senator would like to come back in.

Senator Lynn Ruane: No, that is okay.

Deputy Catherine Ardagh: I appreciate the sensitivities of the situation the amendment seeks to address in relation to that particular incident. I think it was one lady at the time. Under sections 9 and 10, a Garda member must have reasonable grounds to search a person or vehicle. The Bill already provides that gardaí will require a person to attend a Garda custody facility for the purposes of a search of the nature that the amendment describes. Once a person enters a Garda station, the member in charge is responsible for their welfare and safety.

The Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 provide, under regulation 17, several of the protections sought. A person in custody shall not be searched by a person other than a doctor of the opposite sex. Where a search of a person in custody involves removal of clothing other than headgear or a coat, jacket, glove or similar article of clothing, no person of the opposite sex shall be present unless that person is either a doctor or the member in charge considers that the presence of that person is necessary by reason of the violent conduct of the person to be searched. A search of a person in custody involving removal of underclothing shall, where practical, be carried out by a doctor.

As an operational matter, it is more appropriate to regulations than primary legislation. I cannot accept the amendment.

Senator Lynn Ruane: In relation to amendment No. 20, maybe the Minister of State does not have access at the moment to the data on the number of strip-searches that happen and the number at which doctors are present. Over many years, there have been only rare occasions

on which it has been communicated to me - whether when I am supporting people in court in relation to community work, addiction or whatever it may be, or even from my own experience as a young person encountering the criminal justice system - that a doctor has been present. I am not saying that is the experience across the country or outside certain urban spaces but it is important to hold that data. I do not want to misrepresent anything but I am pretty sure in the case of the strip-searches, one of which was reported to be more invasive, that happened in the wake of the Mothers Against Genocide protest that a doctor was not mentioned. I am open to correction on that.

It is extremely invasive and is used even without suspicion that somebody is holding or concealing a weapon. If you have been arrested off the street because of an altercation that has happened, it is extremely difficult when a strip-search is happening off the cuff for somebody to put something inside their cavity so quickly.

Stop and search has been used a lot during planned intakes when somebody is being moved from court to prison. I did work recently with men in St. Patrick's Institution and they spoke about how strip-searches and cavity searches were used as form of humiliation on them as boys housed in adult prisons. Aside from when there is reasonable suspicion that somebody has something in their cavity, especially at the level of indecency of a strip-search, some people have had a negative experience over the years, with strip-searches being used not because there was suspicion the person had something hidden in their cavity, but by someone with power as an oppressive tool with particular communities. I speak about this not to vilify the Garda, as such. I want to challenge historical cultures and figure out where restoration can happen. It is also because I do not want communities to spend the next ten, 20, 30 or 40 years mistrusting any authority figure because of a negative experience of something as intimate and degrading as a strip-search.

I remember being in a cell in the Garda station as an underage person and being threatened with strip-search. They were never going to strip-search me; they were just threatening it for fun. I do not know why we were taken. It was shoplifting in The Square or something. I speak about these things not only because I know how much they happen, but because that experience still lives inside me where somebody threatened to strip-search me and search my cavities, even though they did not intend to. As a practice, it needs to be minded carefully in terms of how we do that and how that happens.

Whether I push amendment No. 20 or not, we need to look at the culture in some spaces of using such practices in a degrading or invasive way. We also need data on the numbers of strip-searches or cavity searches. There is a difference, so we need to differentiate between the full cavity search and the strip-search. How often is a doctor present for those? What threshold has been met to warrant such a search? Is that recorded? Are we mapping that? Are there some communities where it is used more? Why is it used more? How is it used? Who is making that decision? Who has oversight on that? When is a doctor present? Those are questions I have more generally that probably cannot be answered on the spot. It is a sensitive subject for people and not many people speak publicly about their experience of being cavity searched because it is such a traumatising experience.

I would also love to know how many cavity searches happen where nothing at all has been found versus where something has been found, to see what is the benefit of actually doing cavity searches, especially if somebody has been arrested and brought to a station because of a

situation that has unfolded sporadically on the street. By this I mean that rather than it being a case of gardaí following someone because they knew that person had something within them, there was an altercation, so X, Y and Z happened just because it had become part of normal practice.

Deputy Catherine Ardagh: The threat of a cavity search should never be used to intimidate or cause psychological harm. An Garda Síochána has strict guidelines and rules on how intimate searches are to be conducted. They can never be conducted in a public space; it always has to be done in a private setting. Depending on the particular power the Garda is using, searches should only be carried out where necessary and cannot be used for harassment. If they are ever used for harassment, that should be reported to the ombudsman.

On the figures for strip-searches where a doctor is not present, we will have to investigate that further. The Senator asked for mapping information. We do not have that available today but we will investigate further. We will also follow up on the facts in relation to Mothers Against Genocide in terms of what exactly was the outcome there in relation to that lady.

Amendment, by leave, withdrawn.

Senator Lynn Ruane: I move amendment No. 20:

In page 10, between lines 35 and 36, to insert the following:

“(2) Any search of a person under *section 9* or *10* that involves the removal of clothing, other than headgear or a coat, jacket, glove or similar article of clothing, shall be conducted only with the authorisation of a member of at least the rank of inspector.

(3) A member may not give authorisation under *subsection (2)* unless the member has reasonable grounds for believing that a relevant article cannot be found without the removal of clothing.

(4) A member may give an authorisation under *subsection (2)* orally or in writing but, if such authorisation is given orally, the member shall confirm it in writing as soon as is practicable and such authorisation shall include the reasonable grounds for the removal of clothing.

(5) Where a search of a person under *section 9* or *10* involves removal of clothing, other than headgear or a coat, jacket, glove or similar article of clothing, no person of the opposite sex shall be present.”.

Amendment put and declared lost.

An Leas-Chathaoirleach: Amendments Nos. 21, 23, 29, 48, 50 and 52 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 21:

In page 11, line 13, to delete “*paragraph (a)*” and substitute “*paragraph (b)*”.

Deputy Catherine Ardagh: These are technical amendments. Amendment No. 21 is intended to correct a cross-reference in section 11(3). Amendment No. 23 will refine the

wording in section 13 by deleting “, in accordance with this section,”. Amendment No. 29 makes a technical change to section 14: “Subject to this section, when” will be replaced by “When”. Amendment No. 48 amends section 25. It is a technical change to delete “made” and substitute “given” for consistency with section 25(2). Amendment No. 50 amends section 29 by deleting “to give to him or her” and substituting “to provide him or her with” to address the concept of biometric data, which we are retaining in this provision. Amendment No. 52 amends Schedule 2 by addressing an incorrect cross-reference; this will delete line 2 and substitute “Sections 17(1)(a) and 27(1)(a)”.

Amendment agreed to.

Section 11, as amended, agreed to.

SECTION 12

Senator Lynn Ruane: I move amendment No. 22:

In page 11, between lines 27 and 28, to insert the following:

“(c) the consequences of failing to comply with the search;

(d) the right to an interpreter to understand the reasons for the search, if the person so requires.”.

Section 12 sets out the right of a person to be informed of the reasons for a stop and search by a member of the Garda. It is welcome that the Bill includes provisions on that right but we are of the view that the section could be strengthened by the additions in amendment No. 22. The section as drafted provides that a member shall inform the person subject to a stop and search in simple, accessible language that: first, the person or their vehicle is about to be searched; second, the reason for the search; and, third, the legislation under which the search is being carried out.

Amendment No. 22 proposes two additions: that the member would advise the person subject to the search of the consequence if he or she fails to comply with the search, and that the person would be informed of his or her right to an interpreter if an interpreter is so required. This amendment would help to assert the rights of individuals subject to stop and search by An Garda Síochána. Regarding a person's understanding of the consequences of non-compliance, this provision would help to prevent the potential escalation of stop and search leading to unnecessary arrest for a potential public order offence.

Regarding access to interpretation, we must recognise that An Garda Síochána interacts with a broad spectrum of people who live and spend time in Ireland and that language difficulties could pose significant barriers to a person being informed of and understanding his or her rights under this Bill. We believe that where language barriers exist, An Garda Síochána should take every step to ensure that the person has access to a translator or translation service so that he or she can understand the context of his or her person or vehicle being searched. These are sensible additions that would serve to uphold and vindicate the rights of people who are subject to stop and search and we hope the Minister of State will consider them favourably.

On reducing the potential for an increased number of convictions in one instance, often somebody could be stopped and searched for one particular reason resulting in potentially one

particular prosecution if he or she is found to be in breach of some sort of law. Where there is miscommunication, a lack of information or confusion about what is happening or a lack of understanding of the consequence of refusing the stop and search under whatever law is involved, it can increase the number of charges received in what would have been one single incident. As that number increases, whether that be failing to comply or other public order offences, all of a sudden, in one interaction, the number of potential charges can go up depending on how that interaction goes. We obviously know the consequence of that. If someone receives one conviction, it stays on his or her record for seven years but once he or she receives more than one, it stays on his or her record forever. When gardaí are interacting with the public or somebody they suspect of doing something, this amendment aims to bring about being able to do so in a way that reduces the harm that could be caused through that interaction.

Senator Michael McDowell: I sympathise with the first paragraph concerning the consequences of failing to comply with a search because when one looks at section 15, if somebody obstructs a search, it is important that he or she should know that under section 15, he or she is liable on conviction on indictment to a fine not exceeding €30,000 or imprisonment for a term not exceeding five years or both. These are serious consequences for acting the maggot on a street and resisting a search under whatever misapprehension be it assisted by alcohol or whatever else. What Senator Ruane is suggesting is that the consequences of not complying should be explained to people as they are in many other circumstances, for instance, for drunk driving.

I do not agree with her amendment with regard to the right to an interpreter. Gardaí cannot go up or down Camden Street equipped with interpreters to deal with everybody they might meet and want to search. I would ask the Minister of State to consider between now and Report Stage accepting an amendment along the lines of an explanation of the consequences of failing to comply.

Deputy Catherine Ardagh: Obviously there are serious consequences. Regarding subsection (c), the proposed requirement for a mandatory non-compliance warning is unnecessary because under section 12, the legal requirement for a notice is satisfied. When the Garda states the precise statute power authorising the search, this establishes its compulsory nature. Mandating an additional explicit warning regarding criminal prosecution serves no practical legal purpose. Instead it risks unnecessarily complicating a standard procedure that is already set out.

Regarding subsection (d), a roadside stop and search is intended as a brief, temporary and preventative check. In contrast, the right to a formal interpretation service is a custody safeguard, which we know works. We have translators for that. It is designed for formal detention, police interrogation and court proceedings. That is well funded by An Garda Síochána. Transplanting this into fast-paced street environments is logistically impractical. Waiting for a certified interpreter risks stretching brief stops into prolonged periods of involuntary street detention. The Bill already addresses communication barriers where a severe language barrier frustrates a street search. Section 11 permits a Garda member to transfer the interaction to a custody facility where established interpretation infrastructure ensures search integrity and individual rights.

I understand the point made by Senator Ruane regarding the extra charges and how when somebody has an extra charge, it stays on his or her record forever. In particular with youth offenders, it seems quite unfair and it is something I would like to look at in my role in the youth diversion space where we could get input from the Senator regarding her work with the Irish Penal Reform Trust.

Senator Lynn Ruane: The provision regarding interpreters can seem overly onerous. How long does that extend the interaction? When the Chamber was not meeting during Covid, I volunteered my time with homeless, addiction and health equity services concerning homeless people who needed to be isolated in certain hostels and language was obviously a big issue. Some of those systems had interpreters who were very quickly contacted over the phone and who then interpreted back and forth with that person concerning whether he or she was going to be hospitalised or transferred. Instead of seeing an interpretation service as something physical, there are other ways in which we can work in interpretation. I do not know how it would work. All I know is that I have seen it work in other areas so I saw it at first hand. When I worked in homeless services many years ago, there was nowhere one could go for interpretation so I have seen how far it had progressed in the intervening time since I was there. Even if it is not through this amendment, we should look at ways in which we integrate on-the-spot interpretation in all the different State institutions and arms of the State to ensure positive interactions and relationships and to reduce the impact of stop and search on minority or marginalised communities.

Deputy Catherine Ardagh: Translation technology is not as expensive as it used to be. Many gardaí by their own volition use their phones to reach out to people in that way but it is something we will consider.

An Leas-Chathaoirleach: Is the Senator pressing her amendment?

Senator Lynn Ruane: I will withdraw my amendment.

Amendment, by leave, withdrawn.

Section 12 agreed to.

SECTION 13

Government amendment No. 23:

In page 11, line 31, to delete “, in accordance with this section,”.

Amendment agreed to.

An Leas-Chathaoirleach: Amendment No. 24 in the names of Senators Ruane and Black has been ruled out of order.

Amendment No. 24 not moved.

An Leas-Chathaoirleach: Amendments Nos. 25, 26a, 26b, 27 and 28a are related and may be discussed together by agreement. Is that agreed? Agreed. Amendment No. 28a is consequential on amendment No. 26a.

Government amendment No. 25:

In page 12, to delete lines 2 and 3 and substitute the following:

“thing suspected to be a relevant article or evidence of or relating to the commission or intended commission of an offence, the thing concerned.”.

Senator Michael McDowell: I wish to speak to my amendment No. 26a on the first additional list of amendments, which has been circulated. The purpose of this provision is to insert a new subsection (3) into section 13 to enable the Minister by regulations to provide for any record, which is required by section 13(1), to include such particulars as the Minister may prescribe in such regulation of the race, ethnicity, nationality or other social characteristic of the person searched or of the driver of the vehicle searched.

This proposal is simply to enable the Minister to add to the requirements under section 13(1), which are mandatory recordable matters, a variety of other particulars that I believe are necessary. To answer the point raised by Senator Ruane, section 13(2)(b) requires the time and date of the search to be recorded. It occurred to me when listening to Senator Ruane's argument about people being brought to custody suites for the purpose of searches, that if the time, place and date of searches were required to be recorded, that would meet that point. Recording whether it was a street search or a Garda station search would meet that point. Although I have not put down an amendment to section 13(2)(b), it occurs to me that Senator Ruane's worry about people being the subject of intimate searches and the places where searches take place would be covered if the record that is made includes not merely the time and date of the search but where the search actually took place. I ask the Minister to look at that point because it seems to me that it would be a simple point to deal with between now and Report Stage.

Moving on to amendment No. 26a, which is a substitute additional amendment in my name, I do not know how practical this will be in every particular circumstance. However, it provides that:

The Minister may [require] by regulation ... [that the records] required by *subsection (1)* ... [would] include such particulars as ... [the Minister might choose to prescribe] by such regulation ... [relating to] race, ethnicity, nationality, or other social characteristic of the person searched or of the driver of the vehicle searched.

The reason for this is that it is known that racial profiling does take place by members of police forces right across Europe. My research led me to believe that a person in the United Kingdom was eight times more likely to be stopped and searched under the UK's police and criminal evidence and stop and search procedures if the person's skin was darker than olive or if they were black. They were eight times more likely to be searched. There may be some good reasons sometimes for racial profiling. There may be some good reasons in certain circumstances where particular issues are arising of a policing kind. It may be that those kind of figures are not just the fruit of prejudice. I accept that. I am not going to say that statistics of that kind are conclusive that there is institutional racism or prejudice in the policing process. Sometimes it may be that some racial minorities are engaging socially in activities which are a

cause of worry. They are carrying knives or fighting in the streets or something like that. Alternatively, some social groups may be more likely to engage in certain forms of activity than others. That may be the case. Not much is proved by saying the number of stop and searches in Temple Bar is radically different from that on the main street in Rathgar. It does not prove that policing is necessarily irrational, prejudiced or whatever. It may be explained by other circumstances. I am saying that because I do not want to sound like I am on a moral high horse and say that all policing is inevitably going to have the same consequences for every group in society no matter how it is deployed.

I am making that concession at the beginning to underline my conviction that there is a very serious danger that racial minorities will be subject to inordinate and unjustified deployment of police powers. There is a danger that will happen. They always say that sunlight is the best disinfectant. The best way for us to counter prejudice and unconscious prejudice in the deployment of police powers is, in my view, to collect figures and statistics about it so that the Garda Commissioner can press a button, if this is all done on PULSE, and see that non-nationals are 12 times more likely to be searched than Irish nationals or that members of the Travelling community are eight times more likely to be searched. At least those figures and statistics would be known so that corrective policing policy can be deployed to make it clear to members of the categories of citizen that is referred to here, and even non-citizen, that policing is not just directed at them, if there is any sense that if they look sideways at a garda they will be searched while white people seem to walk past without ever being bothered at all, or that if a group of young people are stopped the black kid gets searched and the white kids do not. People must have some degree of confidence that the figures are there to show society at large, the Minister in particular, Members of this Parliament, and the public generally, how these powers are actually being deployed in practical circumstances on a day-to-day basis. That is why I mentioned "the place". Senator Ruane talked about her experience in Tallaght. If stop and search is far more frequent in Tallaght than it is in Rathgar, we should know that. That is why the term "place" is important to stick in as one of the matters to be recorded. It also covers the question of search in a custody suite as opposed to search in public, so we know how many people were brought to custody suites to be searched rather than simply searched in public. It is in that spirit that this amendment is proposed.

I am not trying to make the work of gardaí more difficult. Under this amendment, the Minister is giving a wide latitude as to how, if it at all, the Minister prescribes recording of these particulars. It may be, for instance, that it is impractical to work out whether Italians or French people are or are not to be noted down separately. The UK authorities can do this and in Northern Ireland, religion comes into it as well. I do not think religion is all that important here. I cannot imagine Protestants being picked on more than Catholics or *vice versa*. If that was the case, maybe Muslim minorities might consider that they were being unfairly picked on. In Northern Ireland and Great Britain, these figures are collected and are available. It acts as a regime which runs counter to unconscious or conscious prejudice as to how police powers are deployed in respect of people from different backgrounds and people who belong to social minorities. It is in that spirit that I intend to move amendment No. 26a.

Senator Lynn Ruane: When we look at capturing ethnicity and, like Senator McDowell said, at how racial bias or unconscious bias comes into how we make decisions around policing, there is also something in relation to ensuring that we look at class. For a long time, class was

at the forefront of how police made their decisions in terms of what community they policed the most. If a community is more policed, a person is more likely to encounter gardaí in their day at regular intervals and have more exposure. If somebody is over-policed and the use of stop and search is used more on them because police are present in that community more, we are going to find that the community is the most represented within the courts or prison system. I would argue that in all instances of types of crimes. All types of communities, for instance, use substance. We have discussed stop and search in relation to the possession of drugs earlier, but it is relevant here. If you go to any District Court, you are not seeing barristers up on stop and search for possession charges. We are not seeing members of An Garda Síochána, teachers, pilots or wherever else there is another concentration. As an addiction practitioner since the age of 17, I know they are carrying substances but they are not represented in the prison system and statistics. If all types of people use drugs but not all types of people end up convictions for them, that has to tell us that there is a use of stop and search on certain communities. We will see more and more of that applied in relation to ethnicity and nationality.

When looking at my amendments alongside Senator McDowell's that names ethnicity, I attempted to mirror some of the information that is already taken on the PULSE system for victims of crime. I am not creating a new category that does exist, which is what initially was said. They just have not been used for stop and search. While nationality does not necessarily capture ethnicity, nationality is currently on the PULSE system for victims of crime. Home circumstances are also included. That can mean whether a person is living with somebody or living on his or her own. There are a few options and there are drop-down categories within that. While it does not get to the heart of ethnicity and class specifically in what I am putting forward, I am saying that currently on the PULSE system there are mechanisms for other ways to record. Why would they not be applied here?

The police in Scotland pushed back quite heavily around the adding of ethnicity as a category. They said that they do not police that way and do not have discriminatory practices within their policing methods. Just because the police are not sitting around and deciding to search a person because he or she is black, from a particular community or for whatever reason does not mean it is not happening simply because it is not acknowledged out loud. When Scotland's police resisted some of the categories, they were adamant that there were not discriminatory practises. When the recording of that data happened, we saw very quickly what communities are policed and stopped and searched. That is why it is very important.

I do not know why I have mentioned Covid twice in this contribution but I recall statistics that came out in relation to Covid and who received fines. I cannot remember exactly if it was the 5 km rule. When I compared the statistics of the people who received fines in relation to Covid regulations, they were not received at the Forty Foot where there were hundreds of people out swimming, on the beaches or in other communities. The likes of Ballymun and other places were hugely represented in the number of fines in the surrounding areas there. The police acknowledged at that time in the justice committee that the statistics were accurate. What is behind that is a decision. Who makes a decision about where gardaí are placed in any particular moment? Where they are placed is where they are going find reasons to stop and search people. It is not always necessarily because they are the community that are breaking the rules alone and that everybody else is not. Covid regulations are an example of that where all different types of people for whatever reasons were breaking particular Covid rules, but the fines were very concentrated in particular communities. That shows that policing decisions are

made. It is good for us to be able to have a full analysis of how those decisions are made, how they are impacting those communities and how we integrate that understanding into policing methods in Ireland.

Senator Sharon Keogan: I support the amendments by Senators McDowell, Ruane and Black. It not an onerous task that we are asking the Minister to accept in these amendments. I will put it very simply. It is giving gardaí the pen. They have the ink in the pen to use when they are recording this data. It is important that this data is collected. We want a fair and just society for everybody living in this country, including people of different colour, race, ethnicity and nationality. Sometimes, they can be targeted because of that. It is important that we record that, get the statistics in relation to that and that the Minister produces those statistics on a yearly basis. I 100% support these amendments today.

Senator Cathal Byrne: I wish to raise a query in relation to subsection (3), which provides that "The person or driver who is the subject of a search referred to in *subsection (1)* may, at any time, make a request in writing to a superintendent of An Garda Síochána in the Garda Síochána district in which the search was carried out for a copy of the record." In circumstances where that person's agent, representative or solicitor acting on their behalf makes that request, I assume that would be permitted. While the section does not refer to agents, representatives or solicitors, I assume that somebody acting on their behalf would be permitted to request that record. I note that when we are discussing searches, some of the searches that take place involve members of An Garda Síochána placing themselves in harm's way. In my own hometown of Enniscorthy this morning, a search was carried out of a vehicle, which involved that vehicle ramming the Garda car. That is going go before the courts. It is important to remember that when are discussing searches that it is the gardaí on the front lines who are carrying these out and they are at risk. When incidents like what we saw this morning in my hometown take place, there is always a risk to the members of An Garda Síochána.

On the amendments, the one question I have about the amendments is what will happen if you ask somebody their religion as part of the search and he or she responds that he or she is not answering that question? Will it just be written down that they did not answer? I am just working through it. It says in amendment No. 26*b* that we want to record their nationality, gender, place of birth, occupation and religion. If somebody says he or she is not telling us what religion he or she is, what would be the answer?

Senator Lynn Ruane: Those questions are already asked in terms of victims, crimes and other systems on the PULSE system.

Senator Cathal Byrne: But this is a search.

Senator Lynn Ruane: Yes but it is in relation to how information about stop and searches is recorded on the PULSE system. If somebody does not give the information, he or she does not give the information but it does not mean you cannot or do not attempt to collect data on it. With the way the PULSE system is set up, you could have a drop-down option that said the person refused to give his or her religion. It would not create an offence. It is more about

creating the conditions under which data can be collected rather than it creating an offence for a person who decided he or she did not want to give his or her religion.

Deputy Catherine Ardagh: There is one Government amendment in this grouping, which is amendment No. 25. It intends to make the language in section 13(2)(e) more precise on the basis that something seized will not be evidence relating to the commission of an offence but suspected of being such evidence. I will speak on all four amendments together. It is fair to say that in every walk of life, whether we are medics, politicians or gardaí, a subconscious bias comes into play. If you do not measure it, we cannot fix it. That is part of the context of what we are looking at. As for the PULSE system alone, when it comes to measuring ethnicity and those targeted, whether it be for their race, where they are living, their communities, their gender or their age, it is not the only way to skin the cat and to collect the data.

The purpose of recording information under section 13 is to permit the person concerned to get a record of the incident. The individual may require that for a number of personal reasons - this is in relation to the point Senator Byrne discussed - but it is intended to provide clear, factual information on which the person may rely. It was never intended to be used as a basis for reporting on the activity of An Garda Síochána. An example might be if you were driving a company car, you were pulled in and you needed to get evidence for work from the Garda that the reason you were late was because you were pulled in. Certain information they have gathered would be made available to you on an individual basis. That is the rationale for that section. I agree with the Senator on the important work members of the Garda do at the coalface. Daily, they are putting themselves in harm's way. When we are having this debate, we have to remember that and I thank the Senator for putting that on the floor of the Seanad today. I appreciate that.

Turning to the race and ethnicity issue, I read the first debate in the Seanad about the amendments being ruled out of order. I went through it and the argument for recording ethnicity in stop and search encounters is recognised by the Department and is often presented to improve transparency, accountability and the identification of discriminatory patterns. There is also a desire to document who is stopped and searched, including age, gender, ethnicity and the justification for the stop. The fundamental issue is not the lack of data but how stop and search powers are used. What matters most is that these powers are intelligence led, proportionate and clearly justified. This Bill focuses on strengthening the requirement for objective justification, improving oversight and accountability and ensuring stop and search is targeted at preventing harm and reducing violence, rather than broad or indiscriminate use.

I note the point made that it is broad and indiscriminate but we need the data to back it up so we can gather that information in a very visible way. There are other ways to understand the broader patterns of offending and victimisation without requiring demographic information to be recorded during every stop and search encounter. In Ireland, the Garda and the Government are exploring the use of an anonymised demographic information system, such as ethnicity or place of birth and linked via a PPS number, for serious crimes. This approach is intended for research and policy planning, not operational stop and search, and demonstrates that demographic data can be used safely to identify trends without increasing profiling risks. The policy is evolving on legal advice from the Attorney General.

On the proposal for a PPSN-based unique identifier for the criminal justice system, it is very much under consideration by the Department. The Department has sought legal advice from the Attorney General on the proposal. Subject to consideration of the legal advice, once received, it is envisaged that the necessary and appropriate enabling basis would be provided for in a suitable legislative vehicle to take into account race, ethnicity and perhaps where you are living.

A programme for Government commitment to introduce a common identification number for individuals engaging with the criminal justice system is a priority. In turn, this will address the lacuna in the implementation of long-standing Government policy, as set out in the national data infrastructure, which seeks to establish the consistent use of unique, trusted identifiers in public service administrative data, focusing on citizens, business and address identification.

Turning to the specifics of the amendments as to what and how the information is to be recorded, section 13 already provides for the recording of key information about a person stopped under sections 9 and 10. The person's gender and geographic location of the stop are also collected and recorded on the PULSE system. The nationality is recorded, where known, but during a search, it may not be a question that is asked - especially if an arrest does not follow from the search. The amendments could be read as requiring a member to prolong a stop and search to further collect information as to the person's ethnicity, social characteristics, place of birth, occupation and religion. A person's place of birth, occupation and religion are already captured on the national census. The term "social characteristic" is not. There is a better way and that is the use of a common identification number for individuals engaging with the criminal justice system. As more data is captured on the national census, more information can be reported more frequently without the need to amend primary legislation.

On a broader note, the 2025 report entitled *An Evidence Review on Ethnic Monitoring in the Criminal Justice System* authored by Brandon, Bracken and Pillay, which was commissioned by the Department of justice, reported in one of its findings that concern was expressed by participants that publishing data on minority ethnic groups involved with the criminal justice system could be interpreted negatively by wider society and result in stigmatisation of these minorities. On that basis, I cannot accept the amendments today.

Senator Lynn Ruane: I have just a couple of points. I do not really understand the census comment. Are we saying we will put some categories on the census that ask whether people have been stopped and searched? The comparison feels irrelevant. We are obviously talking about capturing data as it relates to policing methods but also with the idea it would be framed negatively against some communities, we need to be very careful when we say that because that is not what we are trying to achieve at all. If that was the case, I would not be fighting for all of these years to capture data on how much some communities that have been extremely underserved and under-represented for generations are policed. I would be afraid that I might be stigmatised or the people I care about or work for being stigmatised but I am not. We do it because it is the only way you begin to improve policing practices in order that you have a fair, equal and just criminal justice system.

If we stand over any legislation or any law that is not applied equally to all people, what it does is it undermines and underserves the justice system and democracy as a whole. We are then bringing in legislation that, when it is implemented and becomes active, will only be used

on certain communities. We are not acknowledging that in the legislation because that will never be said out loud unless we actually collect the data so we can better protect and keep people safe. I am confused by what the census has to do with stop and search. We are not looking to see how many people of a certain ethnicity exist in the country. We are looking to see how the police make their decisions in terms of how much they use stop and search, in what clusters do they use it and for what reason.

9 o'clock

Senator Michael McDowell: I know the Minister of State has been recently appointed and that this attitude of the Department probably predates her appointment. Nothing I am going to say now is intended personally but I am shocked by the attitude the Department exhibits in its briefing of the Minister of State, as represented in her contribution. In Britain, it is considered important that racial minorities be protected by the provision of statistics that draw to the attention of the British Parliament, the police force and the public who is at the receiving end of the deployment of policing powers. The Minister of State has just said that the purpose of the information and data collected under section 13 is not for the purpose that the amendments in my and Senator Ruane's names are being sought. I get that and that is the whole reason the amendments are being proposed. I know that the Garda does not want to collect this information. I know it wants to be left alone. I know it does not want anybody to say that black people are being stopped four times more often than white people. It is inconvenient information. It disappoints me that the Department of justice is proposing this Garda powers Bill on the one hand and, at the same time, not balancing it with mechanisms to ensure that it would be socially just in the way it was implemented. That is my point. I know full well that this particular measure is intended solely to make the PULSE system as comprehensive as possible for Garda purposes. It was precisely for that reason that this amendment was tendered. It is precisely because there is no intention whatsoever to balance the increased policing powers being conferred on gardaí with some kind of editorial control at some point of which portions of the community are on the receiving end where these powers are deployed. That is what this amendment and, I presume, Senator Ruane's are all about. It is to make it possible for us to know that if we give additional powers to An Garda Síochána, what the social effect is, who is likely to be stopped, who is likely not to be stopped, how these powers are working out and whether in those circumstances something should be done about the manner in which they are being deployed. How will anybody know that black people are more likely to be stopped and searched if this information is not collected? Are we to rely on the Garda Commissioner? He would say that he does not spend all day every day running through the names and addresses or the skin colour of people. He would say that it is not in PULSE and that he does not have the time or the inclination to waste time on doing research of this kind. That is why in Britain the policing and criminal evidence legislation and the equality legislation were specifically circumscribed by an obligation to accumulate this data so as to act as a check against either unconscious or institutional prejudice in the manner in which policing powers are exercised, as opposed to the entirely neutral manner in which they will appear on the Statute Book of this country.

I do not understand for one minute the Minister of State's reference to the census. Senator Ruane says she is confused by it. I am not confused by it. I think it is a complete smokescreen. What could the census tell us about who is or is not stopped to be frisked on Camden Street on

a Friday evening? How could that data help us in the slightest? That is baloney. It is clever baloney to suggest that the Attorney General is studying this issue and looking at the possible use of census data to assist us in working out whether stop and search is or is not being fairly implemented. With respect, that is rubbish. The Attorney General is a very wise and clever man. I have the greatest admiration for him but God bless him, he is not going to be able to do anything with census data to assist us on that.

As to the statement that personal public service, PPS, numbers are going to be used and that somehow if that is done, we will be able to know all the things that this data might reveal to us, let us take a look at that. Supposing a PPS number does in fact work out whether somebody is or is not a member of the Traveller community. I do not know whether it does but I doubt it very much. I do not know if the McDonaghs and the McDowells get different numbers so that somebody can work out whether it is a McDonagh or a McDowell who is getting stopped and searched. I do not understand that. Even if the PPS number of everybody was put on PULSE and, God almighty, the poor fellow on Camden Street was required to come up with his PPS number, in addition to his name, address and everything else, while he is being searched, how ridiculous a proposition is that? It is suggesting that the records made of the names, addresses and dates of birth of people who are stopped and searched will be cross-referenced with PPS numbers, which will somehow yield up to somebody who has incredible powers under the general data protection regulation, GDPR, to go and find out how many of those people ended up being identified as members of the Traveller community, immigrants or as being of a particular religion.

I say to the Minister of State that I suspected that this would be the reaction of the Department. I suspected that the first day we discussed this here and I see it now laid bare. There is no desire whatsoever to put in place the kind of measures that exist in Great Britain and Northern Ireland. There is an antipathy towards collecting that kind of information because nobody wants to know the outcome. Nobody wants to be able to say that black people are stopped more often. Nobody wants to know. I made the point that there was not even a reference to the place where a search took place. If Tallaght is getting it rather than Rathgar, this data, when the button is pressed, will not tell us that. I thought it was just a minor oversight but it is not. All of the information that is being selected here for recording is comfortable for An Garda Síochána because it protects the force from any accusation of unconscious bias or overt prejudice in some areas where policing powers are deployed unfairly against different categories of the community.

Having said that, I am not surprised. I suspected this three weeks ago and now I am satisfied that what is really happening here is a desire. The amendment I put down after the episode here a couple of weeks ago was designed to just make it possible for the Minister to assemble this information - not to say to him or the Garda that it must be done, but that gardaí may be required to collect this information.

There is no desire even to empower the Minister to set out in a regulation any social data of this kind or ethnic data or minority data. The idea that if we were to prove, for instance, that, as in England, people with dark skin were stopped five times more than people with white skin, that would somehow reflect badly on social attitudes on black people, or that it might play into the hands of racists that the gardaí are stopping people with dark skin more often than those with fair skin, I just cannot accept at all. That is inverse logic.

As for the census data, flying that kite is ridiculous. Census data will not help us in working out next year whether these powers are being deployed fairly. That will not work.

I cannot imagine how PPS numbers could be integrated into collecting data of this kind. Does my PPS number say that I am a middle-class man from Ranelagh or that I do not live on a halting site or that my parents are not Nigerian? Does my PPS number say that about me? I do not think it does. It says nothing about the colour of my skin, I assume, except I am getting red now thinking about this. When I say I am shocked, I am shocked that that is the attitude of official Ireland: "We do not want to know this data and we do not want to be informed of it and we want to give more powers to the Garda, but we do not want to accumulate any data which would inform us as to whether these new powers are being fairly applied across the board."

I started by saying I was not on some moral high horse, and I am not. I believe that powers will be applied unequally in the nature of things. I also believe that a young black man in London going down Oxford Street is eight times more likely, or whatever it is, to be stopped and searched by a policeman than a white kid is. Young black men know that. That is the reality of their existence, and if nobody is going to protect them from that kind of unequal deployment of police powers, it is a sad thing. Are England - and this is the question - or Northern Ireland or Scotland promoting racism by collecting this data, or are they saying to everybody in society, "We are keeping an effective eye on how the powers that we in Parliament, in Westminster and the Assembly in Northern Ireland and the Scottish Parliament, gave to our police forces and which actually affect real people with real characteristics unequally in our society"?

When I said I was shocked at the beginning, I am shocked that that is the attitude. I am not shocked that the fundamental, underlying explanation given by the Minister of State is that this is all about assisting gardaí to police rather than us keeping an eye on whether these new powers are in fact going to be the subject of any accountability in terms of how they are used from day to day on the ground. The references to the Attorney General studying PPSNs and census data and the like are a smokescreen of the most obvious kind for saying, "We will not even allow the Minister, under this statute, to collect this data because we do not want the Minister to be in a position to collect this data." If the amendment I have put down were to say, "You must collect A, B, C, D and E forms of data and it is mandatory to do so", that would be one thing, but if you say to the Minister for justice, "You may, at your discretion, collect this kind of data", and the answer is, "No, we do not want to do that", I see a very different agenda at play, I am sorry to say.

Senator Joe Conway: Senator Ruane said she was becoming confused at this stage. I think it may be down to the lateness of the night. I am fairly confused myself at this stage because I am not too sure whether we are talking about targeting and recording ethnicity or religion. Then the census was raised as a bit of a hare. That was really peculiar because I think relying on the census for information would put the Garda into a very invidious position, down to the fact of how things are recorded on the census. A nephew of mine caused an absolute barney with a census enumerator when he insisted on recording his religion as Jedi. It reminded me of the political scene in the UK about 30 or 40 years ago, when we routinely had a chap called Screaming Lord Sutch contesting every by-election that came up under the guise of his party, which was known then as the Monster Raving Loony Party. I can see that Senator Robbie Gallagher enjoyed that one. The census thing just seems to be a complete hare, as far I am

concerned, because I do not think it is applicable or workable for the Garda. We are talking fundamentally about Garda powers. We are supposed to be making the job of gardaí easier or more effective or more efficient as a policing force. Do I remember correctly that when the PPS cards were coming in about 20 years ago there was a frightful controversy about whether people would be putting social welfare records on them? Does anybody remember that? I seem to remember it anyway. Senator McDowell mentioned the GDPR provisions of that. We are into a bit of a farrago here, and it is certainly not alleviating my confusion. I am more confused. The Minister of State might be able to elucidate.

Senator Lynn Ruane: To add to my earlier points and Senator McDowell's, I think the Minister mentioned that not all stop-and-searches result in arrest. At the point at which you can collect the data, that is the problem: they are being used when nothing has happened. The point is that even if you are not arrested, stop-and-searches are recorded on the PULSE system. You can be stopped and searched 20 times in a year, never have been found in possession of a drug or an article or stolen goods, never have committed a crime, never have done anything, and it is recorded on the PULSE system. It is basically surveillance at that stage because no bar was even met to stop and search the person. That is what happens when certain communities are over-policed. The same people are profiled. As for the idea that the system is set up to assist gardaí to police, who they police is what we are asking. As for the idea that it would encourage racism, maybe the real fear is that it will expose racism within the practices, not encourage racism in terms of how people view those groups.

Senator Joe Conway mentioned religion and ethnicity. There are two separate sets of amendments that capture a few different things, but I did not pick up on the idea of the PPS the first time until Senator McDowell said it. Are we saying that we would ask somebody during a stop-and-search for their PPS and then a determination would be made later? Are we going to say, "We need your PPS", and then that will open us up to all this other data?

What if people say they do not know their PPS number or ask a garda to come to their house with them so they can get it? How does the PPS number relate to actual stop-and-search activities?

I remember a story from when I was younger. When I start to tell these stories, I sometimes realise how different my experiences are from other people's. The PPS scenario reminded me of an absolutely bonkers policing practice in our community when we were kids. People will remember the culture of bringing your radio or CD player out to a field to sit and listen. Police used to stop and search us and tell us they were taking our radio. When someone would say that it was their radio that their mam had bought for them for Christmas or their birthday, the garda would ask to be shown their receipt. Standing in the middle of an estate with their radio, 12-year-olds were being asked for their receipts. Were they expected to take out their wallets and find the receipt for a present their ma had bought them? That is the madness of policing practices in some of our communities. You would say that you could go and ask your ma. Most mas probably did not keep receipts for everything. You could have a radio, Walkman or scooter for years but a garda could just decide to take it off you. They would tell you that if you did not have a receipt to show them, they would take it.

That is the level of craziness with which people were stopped and searched throughout their lives growing up. That was the nineties and the early 2000s. It was not that long ago really.

People had that experience. If we are now saying that PPS numbers are going to be included, it reminds me of that mad scenario where people were asked for receipts and had their goods taken from them. We have to remember the way in which gardaí have used stop-and-search powers. There is sometimes a fear of insulting gardaí, as if they are a protected species. That is not helpful in challenging and changing cultures. It is okay to call out bad practice. It benefits us all. Addressing bad practice benefits society and the police themselves.

I will not go on too much longer but, before I leave today, I really need to understand a bit more the conversation in respect of the census and the PPS and how it relates to stop and search because it sounds a little bit like being told to go home to ask your ma whether she has the receipt for the radio she bought you a few years ago to stop a garda taking it off you. It sounds as bonkers as that scenario.

Senator Garret Kelleher: I have listened with interest to the debate this evening. I have a certain sympathy for the position articulated by Senator Ruane, particularly in relation to a disproportionate number of searches being carried out in certain communities. She cited some numbers in relation to breaches of the Covid regulations and mentioned the communities that were most impacted by those searches and the penalties that followed. That predates my own time on the justice committee but it was very interesting to hear about it as part of the overall debate.

I also listened with interest to Senator McDowell. He articulated statistics from the United Kingdom showing that people from a black community or people with a darker skin colour are eight times more likely to be searched than members of a white community. In one of his more recent contributions, he mentioned that a young black person going down Oxford Street is eight times more likely to be searched than a young white person of an equivalent age. I would be interested to see whether that is true. He made reference to that in one of his earlier contributions, saying that we want to avoid it. Our job as legislators is ultimately to legislate in an effective way to make An Garda Síochána more effective but also to address systemic biases. Policing in this country can be improved as a result of what we do through legislation.

Senator McDowell also said that on certain occasions, it may be justified for certain minority groups to be searched disproportionately. I am concerned about the possible unintended consequences of accepting amendments such as this arising from the manner in which the information collected is disseminated. Amendment No. 28a calls on the Minister to "publish in each calendar year a report". In light of the sensitivity of the information it is suggested to collate, there is a possibility that we would be opening ourselves up to unintended consequences. That information might be used by reporters to create sensational articles because of certain areas being subject to more stop-and-search activities or other searches than other areas, possibly with justification, as Senator McDowell has outlined. If there is justification for that, as the Senator has shown there may be, that should be taken into consideration. It is ultimately about trying to strike a balance. We must give An Garda Síochána discretion to carry out its duties and to protect our communities as effectively as it possibly can while also addressing the possibility of systemic biases being overlooked as a result of the suggested information not being collated and used effectively. My concern is about the availability of that information, whether it would be published in a report and whether it would be made available to newspaper reporters. That is of concern, given the sensitivity of the information. How can we improve policing and Garda powers and ultimately arrive at

better protection and better protection in the communities we represent? I am concerned about the possibility of unintended consequences arising from some of the amendments being proposed.

Senator Michael McDowell: I take that last point, which was that the media can make what they want of information. People like Tommy Robinson and Elon Musk will put two and two together and get 22 if they want. I appreciate that. However, what I am saying is that in light of the ruling from the Chair on the last occasion, the amendment I have tabled has been specifically altered to make it entirely voluntary and discretionary. There is no compulsion on a Minister to do anything with it. If he does not make any regulations, that is the end of the matter. The annual report does not have to mention anything because there is nothing there to be reported on.

There is something here that really does get to me. A decision has been made that we do not want to know. Senator Ruane made a very good point. If people are stopped and searched and found to be in possession of stolen property or whatever, they are arrested and summonsed or whatever. Something happens to them. They are brought to a Garda station and something happens. That is one thing. What is much less known with regard to stop-and-search powers relates to people who are entirely innocent. A group of four may be told to wait and that they will be searched. None of them have a knife or anything else on them. They are just left to stand there when members of Garda Síochána have told them they are to wait because they are going to search them. It is the innocent people who feel the brunt of unfair policing. I am not arguing for the naive view that everybody is entitled to an equal chance not to be detected committing a crime. I am not making that point. I am making a different point, which is that if you give search powers to members of An Garda Síochána and these powers are deployed in a manner that discriminates against minorities, they know it.

They know it because their son is stopped and searched more often because he is a black kid than the neighbour who lives next door whose kids are not stopped and searched that often. That is what we are talking about. We do not have to go further than looking at those burned-out houses in Belfast last night, which had nothing to do with anything, to realise how deep the sense of fear and oppression of racial minorities actually is. If you are in a minority and the system seems to stop you more often on the street than anybody else, you have to ask why this is being done if it is not the colour of your skin. Why is it being done?

I am going to come back to the Minister of State on another issue. Why does the Department not want to know the information that the British and the Northern Irish collect with a view to working out if the powers given to police in the United Kingdom are being fairly used with regard to minorities? Why would a Department not want to know that? This is wilful ignorance. Nobody wants to know this information because it makes policing more accountable and it ensures that if, in fact, stop and search is being unfairly operated in respect of certain social groups and minorities, nobody can prove it. Nobody in this House can prove it now. Nobody here can say for a fact whether black kids are stopped more often than white kids - nobody can do it - but if you are a black kid in London, you can actually prove it. By the way, when I mentioned Oxford Street, perhaps I should not have done so. In reference to Senator Kelleher's point, it may well be that apparently statistically discriminatory figures would arise from the policing of the Notting Hill Carnival. If you want to find some explanations for anomalies, you will find them.

What we are facing here is the Department, in the interests of An Garda Síochána, saying that it does not want this degree of transparency, and that it does not want it to be known that people who have never been in court were stopped more often than was statistically likely because of their membership of an ethnic group or whatever.

There was waffle from the Department about the census. How could the census possibly help? We have just had 100 years of census material. How could it possibly help? Perhaps the Central Statistics Office could ask people every year whether they had been stopped. Maybe we could get some of this information that way because it does have an ongoing collection of census data dealing with issues such as how many people in the community have been criminally victimised. As far as I know, the CSO has never collected information on whether people have been stopped and searched by the gardaí in the past year. I do not believe it will ever happen. If it is not going to come from the CSO by means of some kind of survey of that kind - no matter how clever the CSO is in devising surveys and no matter how reliable its figures might be if it did conduct such a survey - we are going to be in the position of being in a submarine without a periscope. We will just not know. We do not know what is happening. We are being asked to take it on trust that gardaí are immune from the unconscious prejudices which have shown up in the United Kingdom, including Northern Ireland. I do not accept that we should accept that.

Senator Cathal Byrne: Senators Ruane and McDowell spoke about the situation where a car is stopped by a member of An Garda Síochána. Let us say that there are four occupants in the car and it is searched. With the way the Bill is currently drafted, the garda will request the occupants' names, addresses and dates of birth. If they fail to comply with that instruction, it will be an offence, under section 15 in Part 2, to fail "to comply with a requirement of a member acting under the powers conferred by this Part". Senator Ruane spoke about how the individuals in that car will now have their records kept on the PULSE system, and these are people on whom nothing was found in this instance. There were no drugs, knives, guns or anything consequential. In the ordinary course of action, they would be permitted to continue on their way. However, if we insert this amendment as it is currently constituted, we will place an onus on the member of An Garda Síochána to go out and record their nationality, gender, place of birth, occupation and religion. These are people who find themselves in a situation where they are getting searched, but they could now also find themselves being asked about their nationality, gender, place of birth, occupation and religion.

If we insert amendment No. 26*b* into the Bill, it will become a requirement for the garda who carries out the search to ask these questions. A failure to comply with the requirement of a garda will carry the maximum penalty of 12 months' imprisonment on summary conviction, or on conviction on indictment a maximum fine of €30,000 or imprisonment for a term not exceeding five years. I suggest that in such a situation, the garda should not take the people out of the car and start going through these requirements line by line. Instead, the garda should simply say, "Thanks for stopping, now go on your way", and they could move on. I have massive concerns that a member of An Garda Síochána, who carries out a search on people who will not be prosecuted or found guilty of carrying out any offence, will still be obliged to record their gender, nationality, place of birth, occupation and religion. In a Bill that is seeking to streamline, modernise and reform the powers of An Garda Síochána to make the jobs of individual gardaí out on our streets and out on the beat stopping people and vehicles easier, this

will create a disproportionate real-world barrier to the very thing we are trying to achieve. It does not make sense that simply because an individual has been searched, they will be required to give over all this information to the gardaí in circumstances where they have not carried out any offences.

I appreciate and understand the rationale and points that Senators Ruane, McDowell and others are making. I am particularly conscious that people are innocent until proven guilty. It seems a disproportionate barrier to place on people who have not committed any offence that this information could be demanded from them simply because they are a passenger in a car that got stopped. This does not seem proportionate or practical either. The gardaí should not be doing that.

Senator Lynn Ruane: I am going to speak briefly on that point.

Currently, all stops and searches are recorded on the PULSE system. Am I to understand that Senator Byrne is suggesting that people who are stopped and searched do not get added to the PULSE system, because that would be a case of telling them to go on their way, where they do not show up at several different points if they are overpoliced, where it is not just a one-off? Obviously, it matters if it is happening to people more than once. In all the times I was stopped and searched, I would happily say I was female and Catholic and so on, but the stop and search is more invasive in front of one's community. If it is too much to ask for extra data and we are just telling people to go on their way and make it easier, why are they going on to the PULSE system at all? Is there a suggestion that we should not be recording name, date of birth or whatever, so stop and searches just become completely invisible unless people have been arrested or found to be committing a crime?

Senator Michael McDowell: I agree completely with Senator Ruane. Senator Byrne's point would be marvellous if somebody was stopped and searched, found to be clean and walked away. Would it not be great if the whole thing was forgotten in some way and there was no record of that person being stopped and searched? It would be nowhere. It would not exist. Section 13 of what the Government is proposing states:

- (1) A member who carries out a search under *section 9 or 10* of a person or a vehicle shall, in accordance with this section, make a record of the search.
- (2) A record made under subsection (1) shall contain the following information:
 - (a) where known, the name, address and date of birth of the person or, as the case may be, the driver of the vehicle concerned;
 - (b) the time and date of the search;
 - (c) the reason or reasons for the search;
 - (d) the provision of this Part under which the search was conducted;
 - (e) the outcome of the search including, where a search results in the seizure of a relevant article or evidence relating to the commission of an offence, the article or evidence concerned.

(3) The person or driver who is the subject of a search referred to in *subsection (1)* may, at any time, make a request in writing to a superintendent of An Garda Síochána in the Garda Síochána district in which the search was carried out for a copy of the record.

This is mandatory. There will be a permanent record. The fact that anybody was stopped will be there and there is no escaping it. It will be known for all time that Michael McDowell was stopped. He is on PULSE, he was stopped and searched, and nothing was found. That is fine. He was suspected of something but it turned out there was no evidence. That is on the Garda record, but my ethnicity is a secret. The gardaí are blind and do not want to know that. That is the one thing they do not want to know. I would have hoped that the Department would say that if the Minister could bring in regulations to collect ethnic minority information or whatever, he would do it in a sensible way that the Garda could manage and there would be no major problem, but I am now hearing that the Garda does not want that information. Why does it not want that information? It is because the Garda does not want to be accountable by reference to that information. That is the worry here.

I go back to the point of how a person's PPS number could possibly assist. What kid going down Camden Street at 10 o'clock tonight, tomorrow night or the night after that will be in a position to hand over a PPS number? That will not happen. Unless we introduce mandatory ID cards - we have been promised that will never happen and that PPS numbers will never be used for this all over big brother approach - then PPS numbers are utterly irrelevant to all of this. Unless the Government is secretly cooking up the notion that it will put PPS numbers onto PULSE, too, and make them a requirement in future legislation, I do not see that happening. Likewise, census data is of no use. The Central Statistics Office collects that data. Unless it is subject to the 100-year rule, which is very helpful for accountability, and is a CSO survey of a non-census kind, such as criminal victimisation studies, there will be no trace whatsoever of which communities and subsections of the community bear the brunt of policing. That seems to be the deliberate policy of the Government. It does not want to know. It will not even accept an amendment allowing a Minister of the day to say they would like to know this.

Senator Ruane's amendment is more prescriptive and mandatory. For the very purpose of getting this amendment accepted, it was made extremely non-mandatory and discretionary. We now hear that the Garda does not want the discretion to enable itself to know these things. I think there is a lot of explanation due about why it is right for police forces in England and Wales to be subject to this regime, why it is right that the PSNI or the Scottish police should be subject to this, but in the good old Republic of Ireland, where we have a written Constitution that says that everyone is equal before the law, we do not want to know if the law is being applied unequally to individuals. I think that is shameful.

Senator Garret Kelleher: I am not doubting that there is a lot of merit in what is being said by Senators Ruane and McDowell. I did not take the opportunity to congratulate the Minister of State on her appointment and to welcome her. Tá súil agam go n-éireoidh go geal léi sa ról nua atá aici. Guím gach rath uirthi mar Aire Stáit. In the spirit of what happened previously, the Minister of State might take on board the debate and see if some consideration can be given to the views that have been expressed here this evening, because ultimately what we are looking to do is to improve legislation to make our communities safer. On the point made by Senator McDowell in relation to unconscious prejudices and possible biases that might exist, if a way

could be found to iron those out and meet Senators Ruane and McDowell somewhere along the road, that would be a helpful approach.

Senator Cathal Byrne: It was remiss of me. I did not congratulate the Minister of State. I wish her the best of luck in her new role.

Deputy Catherine Ardagh: Gabhaim buíochas leis an Seanadóir as ucht a chomhghairdeas. On the proposal of a unique identifier, we know from section 13 that those who are stopped and searched will have their dates of birth, names and addresses gathered. The proposal as it is at the moment is that that information would be matched not by An Garda Síochána, but via PPSNs by the CSO, to get anonymised data on ethnicity, race and nationality. We know that the CSO is a trusted research provider of criminal justice statistics and informs policy. In Ireland and Sweden, we are examining the use of anonymised data for research and policy purposes rather than just for operational stop and searches. Similarly, Sweden collects place of birth information for research, not operational policing, so it is not directly comparable to stop and search. Anonymised demographic data can help to identify trends in serious crime safely, but operational recording risks profiling and creating tensions during encounters. As such, the approach in this Bill prioritises effectiveness and fairness over additional demographic recording, which has not been shown to deliver meaningful change in operational policing and could contribute to inaccurate data and racial profiling.

The fundamental issue in this Bill is not the lack of data, but how stop and search powers are used. What matters most is that these powers are intelligence-led, proportionate and clearly justified. This Bill focuses on strengthening the requirement for objective justification, improving oversight and accountability, and ensuring that stop and search is targeted at preventing harm and reducing violence, rather than broad or indiscriminate use.

Evidence from the UK shows that simply collecting additional democratic data has not on its own reduced violence or improved trust between police and the communities they serve. Mandatory recording of ethnicity has not consistently delivered better outcomes and can produce unintended consequences. These include increasing the administrative burden on officers, reducing time available for effective policing and heightening tension during encounters where individuals feel categorised or profiled. I am not in a position to accept the amendments.

Senator Michael McDowell: The Minister of State had suggested that the PPS identifiers could be of relevance in that the CSO would have access to PULSE data, try to match that to name, address and date of birth, and then produce some survey. I do not believe the CSO has the right to do that. I very much doubt that it would go through all of PULSE working out which people had been stopped and searched and then try to draw this data itself. The more obvious thing to do is for the Minister to say to the Garda that it would keep this data. The Garda has a computer and a system with a drop-down box, so it should do it and then we would find out the result. Instead, the suggestion has been made that somehow the CSO would be given access to PULSE records of every individual in the country who was stopped, searched and found to be clean and totally innocent, and from that some CSO report would come.

Deputy Catherine Ardagh: Just to be clear, the CSO will not be trawling through PULSE. The Garda will be sending this information to the CSO. That is just what is included in section 13 - date of birth, name and address-----

Senator Michael McDowell: That is-----

An Cathaoirleach: Sorry, the Minister of State without interruption. Is the Minister of State finished?

Senator Michael McDowell: That makes it worse. The Garda will not give the Minister this information but it will give it to the CSO. That is barmy.

Senator Sharon Keogan: For clarity, will the Minister of State outline what data at this moment in time is actually collected on the PULSE system when a garda stops and searches a person? On a stop and search, what data is currently collected on the PULSE system by An Garda Síochána at this moment in time?

Deputy Catherine Ardagh: The person's gender and the geographic location of the stop are collected on the PULSE system. The name, address, date of birth, geographic location and gender are noted on the PULSE system at this point.

Senator Sharon Keogan: Is colour at this moment in time on the PULSE system?

Deputy Catherine Ardagh: No.

Senator Sharon Keogan: I believe it is. Can the Minister of State please check that? Ethnicity is at this moment in time on the PULSE system. Some gardaí do fill it in and others do not, but it is actually on the PULSE system.

Senator Michael McDowell: Ethnicity-----

Senator Sharon Keogan: Can the Minister of State please check with her officials there if ethnicity or colour is currently on the PULSE system at this moment in time.

Senator Michael McDowell: Or nationality.

Senator Sharon Keogan: Yes, nationality.

Deputy Catherine Ardagh: I will come back to the Senator.

Senator Lynn Ruane: I need to pick up on the end point there. First of all, the idea was spouted earlier that the census would help us capture data. This was responded to in terms of our amendments, but what will be shared has nothing to do with our amendments. It was said that some work was ongoing with the census, but all that is shared with the census is exactly

what the Minister of State has read, and it does not actually solve anything in relation to ethnicity or any of those things because they are not part of the information that is suggested to be shared with the CSO.

There is another point I just cannot let the debate finish on. I do not know if the Minister of State is hearing it or if other people can hear it. It was said earlier - and I am paraphrasing - that if we collect this data it could be seen as supporting racism; rather than hiding it, exposing it. It was said earlier. We support it by not acknowledging it because the people who already feel racially profiled feel racially profiled. We are looking to expose where that racial profiling is potentially happening. To say that this is supporting racism means that we are allowing this idea that legitimate racism is okay or institutional racism is okay, but God forbid it might stir up some commentators. What we are actually saying there is that we stand over and will hide systemic oppression and racism, but if we name it, God forbid then it would be in public and other people may be enticed to speak about racism or to target a particular group. We are supporting institutional racism by saying that statement.

It was further backed up in the last couple of sentences in the Minister of State's contribution when she said that in collecting this data people may feel profiled. If we expose that a certain ethnicity or a certain type of person is profiled, they may feel profiled. They already feel profiled by the fact that they are being profiled. It is putting something out into the general world and society where everybody else now understands it when people say "I feel like I am stopped and search more than other people", "Do you think I was stopped and searched there because I am black?" or "Do you think I was stopped and searched there because I am wearing a tracksuit or a North Face jacket?" They carry that all day long. They already feel profiled because they are being profiled. To say that and to actually bring that out in the open that those people may feel profiled, make that make sense. Again, that is like the racism - we might support racism instead of actually exposing it - it is saying that we are okay to keep it hidden, that we are okay to not name it, and people can just go around feeling profiled, but God forbid that you may actually give them real recognition for why they feel like that.

The Department, or wherever that narrative is coming from, really needs to look at the philosophical underpinning of what that says: the semantics, the language, and the meaning in making those sentences. People may feel profiled if we finally acknowledge that they are profiled. We would rather they go around questioning in a hyper-vigilant way all day if they are being profiled or not. That argument is so problematic and it definitely should not go out there as something that is creating some sort of fear around us acknowledging the reality of people's experiences and lives, or stop and search, or police practices.

Deputy Catherine Ardagh: In the very beginning of my contribution I did lay out that the argument for recording ethnicity in stop and search encounters is very much recognised by the Department. The proposal that I outlined is at this point a proposal. It is something the Department would like to consider. I have listened and I have read back on the debates. It is something that will be thought out, with the advices of the Attorney General and with the input of the CSO. At this stage I have nothing further to add.

Amendment agreed to.

An Cathaoirleach: Amendment No. 26 has been ruled out of order.

Amendment No. 26 not moved.

Senator Michael McDowell: I move amendment No. 26a:

In page 12, between lines 3 and 4, to insert the following:

“(3) The Minister may by regulation provide for any record required by subsection (1) to include such particulars as may be prescribed by such regulation of the race, ethnicity, nationality, or other social characteristic of the person searched or of the driver of the vehicle searched.”.

Amendment put:

The Committee divided: Tá, 12; Níl, 29.	
Tá	Níl
Andrews, Chris.	Blaney, Niall.
Boyhan, Victor.	Boyle, Manus.
Collins, Joanne.	Brady, Paraic.
Conway, Joe.	Byrne, Cathal.
Keogan, Sharon.	Byrne, Maria.
McCormack, Maria.	Casey, Pat.
McDowell, Michael.	Clifford-Lee, Lorraine.
Mullen, Rónán.	Comyn, Alison.
Murphy, Conor.	Conway, Martin.
O'Reilly, Sarah.	Costello, Teresa.
Ruane, Lynn.	Crowe, Ollie.
Tully, Pauline.	Curley, Shane.
	Daly, Paul.
	Davitt, Aidan.
	Duffy, Mark.
	Fitzpatrick, Mary.
	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.
	Ryan, Dee.
	Scahill, Gareth.

Tellers: Tá, Senators Michael McDowell and Joe Conway; Níl, Senators Cathal Byrne and Paul Daly.

Amendment declared lost.

An Cathaoirleach: As it is now past 10 p.m., I am required to put the following question in accordance with the Order of the Seanad of this day: "That the Government amendments undisposed of are hereby made to the Bill; in respect of each of the sections undisposed of, the section or, as appropriate, the section as amended, is hereby agreed to in Committee; Schedule 1 is hereby agreed to in Committee; Schedule 2, as amended, is hereby agreed to in Committee; Schedule 3 is hereby agreed to in Committee; and the Title is agreed to in Committee."

Question put:

The Committee divided: Tá, 29; Níl, 12.	
Tá	Níl
Blaney, Niall.	Andrews, Chris.
Boyle, Manus.	Boyhan, Victor.
Brady, Paraic.	Collins, Joanne.
Byrne, Cathal.	Conway, Joe.
Byrne, Maria.	Keogan, Sharon.
Casey, Pat.	McCormack, Maria.
Clifford-Lee, Lorraine.	McDowell, Michael.
Comyn, Alison.	Mullen, Rónán.
Conway, Martin.	Murphy, Conor.
Costello, Teresa.	O'Reilly, Sarah.
Crowe, Ollie.	Ruane, Lynn.
Curley, Shane.	Tully, Pauline.
Daly, Paul.	
Davitt, Aidan.	
Duffy, Mark.	
Fitzpatrick, Mary.	
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.	
Ryan, Dee.	
Scahill, Gareth.	

Tellers: Tá, Senators Cathal Byrne and Paul Daly; Níl, Senators Michael McDowell and Victor Boyhan.

Question declared carried.

Bill reported with amendments.

An Cathaoirleach: When is it proposed to take the next Stage?

Senator Fiona O'Loughlin: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Report Stage ordered for Tuesday, 16 June 2026.

An Cathaoirleach: When is it proposed to sit again?

Senator Fiona O'Loughlin: Tomorrow at 9.30 a.m.

An Cathaoirleach: Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 10.23 p.m. go dtí 9.30 a.m., Déardaoin, an 11 Meitheamh 2026.

The Seanad adjourned at 10.23 p.m. until 9.30 a.m. on Thursday, 11 June 2026.