



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Dé Céadaoin, 17 Meitheamh 2026

Wednesday, 17 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: I have received notice from the following Senators that they propose to raise the following matters on the commencement of Seanad Éireann today:

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

Senator Mike Kennelly - The need for the Minister for Transport to make a statement on driving test waiting lists in County Kerry and, in particular, the establishment of a driving test centre in Listowel to reduce waiting times.

Senator Gareth Scahill - The need for the Minister for Rural and Community Development and the Gaeltacht to make a statement on the reintroduction of the community support fund.

Senator Tom Clonan - The need for the Minister for Education and Youth to make a statement on the criteria for enrolment in special classes for children with developmental language disorder or speech sound disorder as set out in Circular 24/2025.

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

Senator Maria McCormack - The need for the Minister for Education and Youth to make a statement on funding for science, technology, engineering and mathematics, STEM, engagement officers in Laois and the midlands.

Senator Joanne Collins - The need for the Minister for Children, Disability and Equality to make a statement on core funding for the childcare sector and the recent reduction in childcare rates.

The matters raised by the Senators are suitable for discussion. I have selected Senators Nessa Cosgrove, Gareth Scahill, Mike Kennelly and Tom Clonan 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 Butler, to the House. The first Commencement matter is from Senator Cosgrove. Tá ceithre nóiméad aici.

Senator Nessa Cosgrove: Gabhaim buíochas leis an gCathaoirleach agus cuirim fáilte roimh an Aire Stáit. I will raise this today because it is very personal to myself. I have osteoarthritis in both my knees. It has been gradually getting worse.

I will give some figures about it. More than 577,800 people are living in Ireland with chronic joint pain and restricted movement as a result of osteoarthritis. People living with osteoarthritis experience a much poorer quality of life than those without. I have unfortunately learned this. I was late even coming over here and I was struggling to run. Irish people living with osteoarthritis are four times more likely to have three or more chronic conditions along with their arthritis. Due to the ageing population, we expect to see this number growing by between 20% and 30% by 2050. In my case, it is hereditary. Both my parents had osteoarthritis and I can see, first hand, how it reduces your ability to move. That is the whole point I am making today.

Historically, the medical response to osteoarthritis has been to rely on surgical interventions such as knee and hip replacements. Apart from the trauma that any surgery inflicts on patients, it is an expensive practice, costing the health service around €112 million per year. Recently, it was great to attend a policy briefing in the audiovisual room that outlined an alternative response to osteoarthritis and the benefits of moving to supervised group education and exercise as a first-line treatment for people experiencing knee and hip osteoarthritis. For example, in my case, when I was diagnosed as having it, I had to get an MRI to say I have osteoarthritis and there was no treatment plan besides just waiting for it to get worse. I have a wonderful GP but there was no referral to physio. There was no emphasis on alternative methods. It was basically, "You know what? You are going to have to wait until it gets worse and then you will get a knee replacement", or else look at injections.

It was wonderful to go to this programme, which is called the Good Life with osteoArthritis Denmark, GLA:D, programme. It was brought to Ireland with the help of grant aid from the Health Research Board. It is through the University of Limerick that the programme is administered in the Irish health system. The GLA:D programme has been embraced by professionals, with over 265 GLA:D-certified physiotherapists delivering twice weekly, eight-week programmes across 45 healthcare settings. It is being delivered in 16 counties in Ireland and over 1,000 patients have benefited from the approach, which treats the condition in a similar way to other chronic conditions, using education and lifestyle choices, such as exercise, to alleviate the symptoms and the impact of the condition. As I said, surgery should be the last resort and it should be avoided at all costs. Research, particularly in Denmark, states that

several countries have shown that the implementation of a group education and exercise programme has resulted in a delaying or even total avoidance of surgery among some sufferers.

Osteoarthritis is as much a chronic condition as type 2 diabetes, chronic obstructive pulmonary disease, COPD, asthma and cardiovascular illnesses such as heart disease. Each of these conditions is recognised under the chronic disease management programme, CDMP, and are treated, where possible, in the first instance through education and lifestyle and then with medication. The CDMP - I know the Minister of State knows this - entails six-month medical reviews, including consultation with a practice nurse, blood tests and follow-up GP visits. It would be enormously beneficial to those living with osteoarthritis to benefit from being included as part of the CDMP and that we would have a national strategy where, as soon as you get diagnosed or identify that you have osteoarthritis, a full treatment plan is put in place concentrating on lifestyle, education and physiotherapy, which is done in primary care settings.

Will the Minister of State look at including osteoarthritis in the CDMP with an update on treatment, and look at alternatives for the treatment of osteoarthritis?

Minister of State at the Department of Health (Deputy Mary Butler): I thank Senator Cosgrove for raising this matter, which I am taking on behalf of my colleague, the Minister for Health, Deputy Jennifer Carroll MacNeill.

It is something I am very familiar with because my husband has the exact same diagnosis. It is amazing how lived and living experience can come into a lot of the stuff we deal with every day. To look at the Senator, we would never in a million years think she is dealing with a condition that can be very debilitating at times, when the knees start rubbing off each other.

As provided for under the 2019 GMS GP agreement, the GP-led chronic disease management, CDM, programme was rolled out to adult medical card and GP visit card holders on a phased basis from 2020. The specified chronic conditions included in the programme under the 2019 agreement were type 2 diabetes, asthma, chronic obstructive pulmonary disease and cardiovascular disease. The 2023 GMS GP agreement then expanded the CDM programme to include adult GMS patients with hypertension and all women diagnosed with gestational diabetes or pre-eclampsia.

Under the CDM treatment programme, eligible patients are supported in managing their chronic conditions. Each patient receives two scheduled reviews a year with the GP, each preceded by a practice nurse visit. These reviews include patient education, preventative care, medication review, physical examinations, scheduled investigations and individual care planning. Furthermore, patients with an undiagnosed chronic disease or those who are at high risk of developing a chronic disease are identified on an opportunistic basis, for example, when a patient attends the GP for another issue. This is the issue raised by the Senator. Those who are not diagnosed but are at a high risk of cardiovascular disease or diabetes are entered into a preventive programme. The programme has shown very high uptake, with almost all eligible GPs having signed up to provide the CDM programme and provide improved patient care. An Irish College of General Practitioners audit of CDM patient records showed a notable reduction in emergency department attendance and inpatient admissions, as well as a reduction in use of GP out-of-hours services, while the third HSE report on the treatment programme showed patient improvements in biometric and lifestyle risk factors, including blood pressure, vaccine status, smoking and vaping habits, and weight and BMI.

It is understood that approximately 500,000 people in Ireland live with osteoarthritis. The causation of the condition is complex, and treatment can also be quite complex for patients. Self-management, including maintaining an optimum weight and being physically active, is now viewed as critical in managing the condition. I will take on board what the Senator has said about the GLA:D programme and alternative response group education, and also the national strategy with regard to treatment plans and lifestyle education. Some people are very good at doing that themselves, but others will need support. Self-management support and advice on exercise and muscle strengthening is available through the HSE.

Consideration can be given to future expansions of the CDM programme to include additional conditions. However, this would require rigorous clinical assessment to determine whether the condition concerned is suitable for inclusion in the treatment programme, including whether it would be of added benefit to eligible patients who already receive GP care under the GMS scheme. The inclusion of additional conditions would also require engagement with the relevant stakeholders, including the GPs delivering the service. Any service expansion must also be considered in the context of GP capacity to deliver the service. It should be noted that an expansion of the CDM programme is already planned for this year to include further conditions under the various CDM programmes, including chronic kidney disease at stages 4 and 5 under the treatment programme.

Senator Nessa Cosgrove: I thank the Minister of State. Given her husband's condition, she knows about this issue. It is a condition that gets worse as it goes on. Times have definitely changed with regard to treatment, and it is now done through education. Both my mother and father have had knees and hips replaced. However, my mother would have been told not to do any exercise, whereas we are at least told that much now. What is interesting with the GLA:D programme is that because it is a group exercise and it is done in primary care centres by physiotherapists, all it needs is additional funding for it to be rolled out in counties that are willing to have it. My GP is in a fabulous primary care service. It needs additional money so that physiotherapists are not only trained in this programme, but have the capacity to deliver it on a group basis. It is easier to do work like that in a group setting because it requires an holistic approach.

As I said, knee operations in both public and private care push up the cost of medicine. It has been proven in countries like Denmark that early intervention is preferable, and surgery should be a last resort. Unfortunately, in Ireland, we are still told that it is inevitable that people are going to have to get their knees replaced. I thank the Minister of State for listening.

Deputy Mary Butler: I welcome Deputy Conor D. McGuinness and his guests from Waterford to the Visitors Gallery of the Seanad.

Senator Cosgrove makes a valid point. When we talk about expanding the chronic disease management programme, there are many issues that have to be addressed. We understand why including chronic diseases like kidney disease at stages 4 and 5 would take precedence over some other conditions. I give the Senator a commitment that I will talk to the Minister's officials about the GLA:D programme. The Senator is right that we have learned a lot about how to deal with individual conditions. A lot of walks are now taken in the Portlaw Woods on the softer ground as opposed to the hard ground of the roads. We have learned a lot about that.

I thank the Senator for raising this issue. There are 500,000 people in Ireland with a diagnosis of osteoarthritis, so it merits discussion. I will take that back.

Acting Chairperson (Senator Victor Boyhan): I also welcome Deputy Conor D. McGuinness and his visitors to the Seanad.

Departmental Funding

Senator Gareth Scahill: I welcome the Minister of State, Deputy Butler. I know this is not her brief, but I thank her for attending.

I welcome the opportunity to raise this important issue. I call on the Minister for Rural and Community Development and the Gaeltacht to make a statement on the community support fund and similar issues. My message today is very simple. While capital funding for community projects is welcome and important, many community groups are struggling most with their day-to-day running costs, and they need support now more than ever. As someone who has been involved with numerous groups and is regularly engaging with community groups, committees and volunteers across towns, villages and parishes, I see first-hand the pressures they are facing.

These volunteers are not involved because they are looking for recognition or reward. They do what they do because they believe in their communities. They believe in supporting their neighbours, tackling isolation, creating opportunities for young people and keeping local organisations alive. However, the reality is that volunteer numbers are falling, the demands on community groups are increasing and the costs of operating are continuing to rise.

We have seen the positive impact that schemes such as the community activities fund and the community support fund have had in recent years. Those programmes recognise something very important: community organisations cannot continue to serve their communities if they cannot afford their insurance, electricity, heating and other essential costs. These schemes provide practical supports that help to keep groups with their doors open and continuing to provide valuable services. They show an understanding that operating costs are just as important as capital investment.

While recent funding programmes, including the local enhancement programme, are very welcome, the vast majority of funding available today is focused on capital projects, equipment and facility improvement. Of course, communities welcome these investments, but many groups tell me that accessing capital funding often brings additional challenges. Matched funding requirements can be difficult to achieve, applications can be complex, and projects require a significant voluntary commitment. There was a time when voluntary hours and community effort were recognised as an element of the matched funding contribution. Today, many groups are expected to raise substantial cash contributions or arrange loans while still providing hundreds of hours of unpaid work to deliver projects.

The groups that I meet tell me they need support to pay the bills that arrive every month. Groups such as the ICA guilds, LCDCs, town teams, active retirement associations, community centres, cultural groups and many other local community organisations continue to do outstanding work. They are supporting their members and strengthening community life. Yet

every year, they face increased insurance premiums, rising utility costs and growing financial pressures. We cannot take these groups for granted any longer. Every community organisation that disappears takes with it experience, volunteer capacity and a valuable social outlet that is often impossible to replace.

That is why I am calling on the Minister to consider reintroducing a dedicated operational support fund similar to the community support fund.

It would be a fund specifically designed to assist with insurance costs, utility bills and other day-to-day expenses. It would provide immediate meaningful support to the organisations that form the backbone of community life. If we are serious about supporting volunteers, strengthening communities and promoting rural and social development then we must ensure these groups have the resources they need to grow and survive. Could the Minister of State outline whether consideration has been given to the reintroduction of such a scheme and what measures can be taken to ensure that grassroots community organisations receive the practical support they need to continue serving their communities? The reality is simple: these volunteers have kept the flag flying in our communities for years and now it is our turn to do our part.

Deputy Mary Butler: I thank Senator Scahill for raising this issue, which I am taking on behalf of the Minister of State, Deputy Buttimer. He is not in a position to be here himself but he asked me to take it. We all recognise that volunteers are the backbone of every community. The majority of us who end up in politics have probably come through the community system. If you are on one committee you are on five. There is no doubt that we are involved in so many things locally. That is how I ended up becoming a politician after being involved in the community sector for the majority of my life. That is why community support funds are really important.

The fund was first announced in November 2022 and it provided funding of €10 million to support community groups impacted by rising energy costs. It supported groups, particularly in disadvantaged areas, with their running costs such as utility or insurance bills, as well as with improvements to their facilities. Groups were also able to use the funding to carry out necessary repairs and to purchase equipment such as tables and chairs, tools and signage, laptops and printers, lawn-mowers, canopies and training equipment. They were never more important than when we had Storm Éowyn not so long ago. Community organisations and groups were able to step up and support communities that had no electricity and were not able to heat a bottle for a baby or charge a phone. We recognise how important the groups are.

The community support fund is the latest iteration of the programme, which was formerly known as the community enhancement programme and has been delivered by the Department of Rural and Community Development and the Gaeltacht since 2018. The programme continues to be delivered today under the title of the local enhancement programme, LEP. Since 2018, the Department has provided funding of €72.9 million to support projects in more than 36,000 community groups and organisations the length and breadth of the country. The local enhancement programme is targeted towards supporting communities that are impacted by disadvantage, as identified in the local economic and community plan. It provides small capital grants to community and voluntary groups for the improvement or refurbishment of their facilities and for the purchase of equipment.

The local enhancement programme for 2026, which was announced on 5 December 2025, was welcomed by Senator Scahill. It provides €7 million in capital supports to many small community groups and organisations, particularly those which serve disadvantaged communities in rural and urban areas. The fund is administered locally on behalf of the Department by local community development committees, LCDCs, across the country, with support from the local authorities. Each LCDC received an allocation of funding under the programme, which it will distribute to eligible applicants and projects once the appraisal process has been completed. That is all very welcome. It should be noted that the LEP for 2026 provided only capital supports. That is the issue Senator Scahill raises. The Government is aware of the pressure on community groups regarding current expenditure items such as electricity bills and maintenance. This will be considered in the context of the 2027 budgetary Estimates process.

The funding allocation is calculated using a resource allocation model that takes population levels and deprivation indices into account. Using this methodology, a baseline amount of funding of €100,000 is provided to each local authority to ensure a minimum level of funding intervention in each area, sufficient to deliver tangible improvements. Senator Scahill has welcomed the funding that has been provided over many years. It is equitably distributed across all the local authorities. LCDCs do great work. The point he makes relates to the pressure on community groups due to expenditure on electricity bills and other running costs. As the Minister of State outlined in his response, this will be considered in the context of the 2027 budgetary Estimates process. I will speak to him about this.

Senator Gareth Scahill: I thank the Minister of State very much. She is right that so many people across this House have come through the voluntary sector. Last Thursday the Minister, Deputy Calleary, opened the Castlerea swimming pool. He welcomed the provision of €73,000 from the community recognition fund for the Castlerea Town Team, in conjunction with Roscommon County Council. It is an organisation of which I have been secretary for the past three years. I am a former chairperson of the organisation. I think of the Suck Valley Way. I am a former member of the LCDC in Roscommon so I am familiar with the fund for supporting those groups. I speak with the ICA groups and the community development companies, CDCs, which are keeping buildings going. They are providing support for their communities. In terms of overheads, I was talking to someone who told me the lottos are not paying now. The volunteers to sell the tickets are not there. The costs are continuing to spiral. We are in jeopardy of losing these voluntary organisations and supports within our community if we cannot come up with a fund to support them. The Minister of State spoke of €10 million in 2021 or 2022. That is the sort of money we are talking about. It would go an awfully long way with these community groups. We need to stand up and fight for them. I thank the Minister of State for her contribution today.

Deputy Mary Butler: I thank Senator Scahill very much for raising this topic. I agree that there continues to be a need for LEP funding to support the excellent work our community groups deliver nationwide. It must be acknowledged that €72.9 million has been provided by the Department of Rural and Community Development and the Gaeltacht since 2018. The Minister, Deputy Calleary, was in Waterford last Monday week and he attended 16 events. A lot of money is being delivered but I take on board what the Senator says. The Minister of State, Deputy Buttimer, is fully committed to delivering this funding. They are his words, not

mine. Every day, as Minister of State in the Department, he has the pleasure of meeting the people and groups that benefit from grants under the LEP.

I understand exactly where Senator Scahill is coming from. During Covid things changed in relation to fundraising and volunteers. People are not as keen to get on boards now because there is a lot of governance involved and a lot of forms to be signed. I thank the Senator for raising this really important issue, which affects every single constituency in Ireland.

Acting Chairperson (Senator Victor Boyhan): I thank the Minister of State very much. I really appreciate her coming into the House today to deal with the first two Commencement matters.

Deputy Mary Butler: I thank the Acting Chair.

Driver Test

Acting Chairperson (Senator Victor Boyhan): I welcome the Minister of State, Deputy Feighan. The next Commencement matter is in the name of Senator Kennelly. It relates to the establishment of driving test centres, in particular in Listowel, County Kerry. As there is a list of every test centre in *The Irish Times* today, it is very topical that he should be raising this issue. The floor is his.

Senator Mike Kennelly: I was unaware of that to be honest. I must get a copy of *The Irish Times*. I welcome the Minister of State to the Seanad. I wish to raise with him the urgent need for the provision of an additional Road Safety Authority driving test centre in north Kerry to serve communities such as Listowel, Ballybunnion, Tarbert, Moyvane, Ballyduff and surrounding areas. It is a huge area.

At present, County Kerry is served by just two main test centres for standard driving tests in Tralee and Killarney. This is despite the fact that very significant demand exists across the region. Figures provided by the RSA show that in 2025 alone, 3,736 tests were conducted in Tralee and 3,933 in Killarney, with a further 1,346 tests in Tralee and 1,477 in Killarney in the first four months of 2026. These figures clearly demonstrate the volume of demand already being handled by these limited centres. However, even more concerning are the waiting lists. In Tralee, the number of applicants waiting for a driving test invitation has consistently remained too high altogether, fluctuating between 900 and more than 1,000 people through 2025, reaching 1,009 in April of this year.

Similarly, in Killarney, hundreds remain waiting at any given time, with 714 applicants still awaiting as of April 2026. This means that across Kerry alone, more than 1,500 people are typically waiting for a test invitation at any one time. That does not account for those who must reapply after unsuccessful attempts. The data on passes and failures further underline the pressure on the system. In 2025 there were 1,876 passes and 1,481 failures in Tralee. In Killarney there were 1,899 passes and 1,684 failures.

They are back in the system again, and maybe for the third time.

This shows that a substantial number of applicants do not pass on their first or second attempt, and must re-enter the system, often facing the same long waiting periods again for a second or even third test. The result is a compounding backlog, which is why my Commencement matter is of the highest importance.

For people in north Kerry, the impact is particularly severe. Residents of north Kerry must travel considerable distances - it is wide open territory - most often to Tralee, and in some cases Killarney, for both lessons and tests. This places an added financial and logistical burden on learner drivers and their families, especially in a rural area with limited public transport options.

The Listowel municipal district alone has a population of approximately 32,000 people, representing a substantial demand base that is not being directly served by a local test centre. Given the scale of demand, the consistently high waiting times and the additional pressures created by repeat tests, there is a strong and evidence-based case for the RSA to reassess north Kerry. Has a detailed demand and capacity assessment been undertaken specifically for north Kerry, including the Listowel municipal district area? If not, can we initiate one as soon as possible? Will consideration be given to establishing a driving test centre in Listowel or providing a part-time or outreach service in the area? Can immediate measures be introduced to reduce waiting times, especially acknowledging the cycle of repeat tests, which is further adding to backlogs?

The current situation in Kerry is not sustainable. It is placing an unfair burden on rural communities and delaying access to employment, education and independence for many people. It is time that north Kerry was properly recognised in the planning of driving test services. The biggest issue we have right now is road safety. People learning how to manoeuvre properly and safely on our roads should do so on their local roads. People travelling 50 or 60 minutes in a car to do a test on a side street in another jurisdiction is just not working, and that is why I am calling for a driving test centre to be located in north Kerry.

Minister of State at the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation (Deputy Frankie Feighan): I thank Senator Kennelly for raising this matter. As he may be aware, under the Road Safety Authority Act 2006, the Road Safety Authority, or RSA, has statutory responsibility for the national driver testing service. This includes full responsibility for operational matters, including scheduling of tests and all decisions in relation to the opening of new driver testing centre locations. Neither the Minister of State with responsibility for transport or the Department have any function or powers in deciding on the location of new driver testing centres.

Reducing driver testing wait times has been a priority for my colleague, the Minister of State with responsibility for transport, Deputy Canney, since taking office. In May last year, he directed the RSA to produce and publish a service recovery plan to return the national average waiting time to ten weeks by the beginning of September 2025, and this was achieved. The current national average waiting time on 13 June 2026 was 11.6 weeks, which is above the service level agreement of ten weeks. I am informed that the RSA is continuing to focus on addressing centres with higher demand and wait times. However, it should be noted that the driver test service continues to experience high demand, and the number of applications has increased by 17% to the end of May when compared with the same period in 2025.

In respect of County Kerry, I am informed that as of 31 May 2026, the average waiting time for a driving test is 14 weeks in Tralee and 13 weeks in Killarney test centres. While the average wait time remains above the target ten-week period, this marks an improvement on the 16-week average wait times for both Tralee and Killarney test centres in May 2025. In addition, as the Senator will be aware, people seeking a driving test can apply to any test centre. In that regard, he may wish to note that driver testing wait times at the Newcastle West testing centre, which is relatively close to Listowel, stands at 11 weeks as of 31 May 2026.

In September 2024, the Department of Transport conveyed sanction for 70 additional driver testing posts on a permanent basis, bringing the permanent sanction to 200, which represents a doubling of permanent posts since June 2022. As of 13 June 2026, 194 testers were active, with an additional five in training. This marks a significant increase on the 151 available at the beginning of 2025. I am told that the RSA is working to reach its full complement of 200 testers subject to the next successful training and onboarding of new recruits. It is important to note, however, that while a driver tester may be assigned to one centre, testers routinely and regularly move between centres to meet demand. The RSA has also indicated that overtime testing is continuing in 2026.

The driver testing booking system now makes available cancelled test slots for candidates to take up at short notice. On behalf of the Minister of Transport, I encourage learner drivers awaiting a test to monitor this channel, which may provide an opportunity to book an earlier testing date.

The opening of a new centre in Listowel is a matter for the RSA. The authority has indicated that the processes for opening a new driving test centre are informed primarily by sustained demand within a geographic area, operational requirements, accessibility for customers, driver tester capacity and the availability of suitable accommodation and infrastructure. There are no plans to open a driver testing centre in Listowel, and I am told it has not been highlighted by the RSA as a proposed new location within current planning considerations.

Senator Mike Kennelly: I thank Minister of State for his response. As he can see from my data and his data, it is evidently clear that a driving test centre is needed in the north Kerry area. The Minister of State said that the 14-week wait time in Tralee, which is three and a half months, and the 13 weeks in Killarney are improvements on the 16-week average wait times for both centres. Most of the people who are waiting in those areas are from north Kerry, if the Department wants more data.

I urge the Minister of State to contact the RSA to make north Kerry a priority area when choosing a location for a driving test centre. The data is there and the evidence is clear that we need a driver safety testing centre in north Kerry. The RSA said that north Kerry has not been highlighted to it as a new location for a driver testing centre as of yet. I propose that the RSA be notified through the Department, so that we can come to a very easy solution to the problem in north Kerry for new drivers.

Deputy Frankie Feighan: I can see that the Senator is disappointed with the response. It is not exactly the response he wanted. The RSA has made good progress over the past year, and it does continue to work hard to manage the backlog in the national driving testing service. It

is a priority of my colleague, the Minister of State, Deputy Canney, that the average wait times return to the ten-week target as set out in the service level agreement as soon as possible.

I recognise the challenges that excessive waiting times are imposing on people throughout the county and especially, as the Senator said, in the north of the county. I welcome the Road Safety Authority's commitment to restoring average wait times to the ten-week level, and test centres are still above the national average. However, the Senator has made it clear, and I have heard him loud and clear, that he requires a new test centre in Listowel. I will certainly bring that back to Minister, and again I thank him for raising this important issue.

Acting Chairperson (Senator Victor Boyhan): I thank the Minister of the State for his time. We appreciate him coming to the Seanad.

Special Educational Needs

Acting Chairperson (Senator Victor Boyhan): The Minister of State, Deputy Moynihan, is welcome to the House.

Senator Tom Clonan: I thank the Minister of State for coming here. I appreciate that the line Minister is here.

I express my appreciation for the Minister of State coming to hear me out. I travelled to Loughrea and met the parents of children with Down's syndrome. They are listening in now as we speak and watching this. There is a formula of words in Circular 0024/2025 under "Criteria for Enrolment" in paragraphs (1)(b) and 2(a). As criteria for acceptance in these special classes, they must have a delayed language disorder or a speech sound disorder of "unknown origin". That de facto excludes children with disabilities that are known, for example, Down's syndrome. It is a rather perverse form of words because it excludes children who absolutely need this intensive speech therapy to become verbal. What really struck me in my meeting with the parents in Loughrea was their moral distress at the fact that they had brought this to the attention of the Minister, Deputy Naughton, met her, and the former Minister of State, Senator Rabbitte, and they had agreed a pilot scheme would be run in CDNT 8 in Loughrea. The gold standard internationally for children with Down's syndrome, for example, is that they receive four intensive speech therapy sessions per week over two years based on the principle of motor-based learning. If they get that intervention, they become verbal. There are 20 children affected in this way in CDNT 8. For want of the deployment of one speech therapist, these children are likely to become non-verbal. Human speech is the most powerful instrument we have, the human voice, to mobilise personal power, socialise and be included. To allow children to allow children to become non-verbal, 20 little citizens - the parents tell me in their engagement with other parents' groups, there is a similar number of children in every CDNT in this position. The Minister gave a response to them in August 2025 said that the boards of management of schools are permitted to enrol students who do not meet the prescribed criteria but have an SLD diagnosis to fill any remaining places in these classes, which includes children with Down's syndrome. I find that statement grotesque because it means ah sure look, if there are any places left over we will slot one of your children in, a child with Down's syndrome. That is not a rights-based response and that comes from the Minister. We are here to serve the people. I have a mandate to raise these issues. The Minister of State

has a mandate; I know him personally as the former Chair of the Joint Committee on Disability Matters. I know exactly how he feels about these matters. This formula of words based on an SLD of "unknown origin" has to be taken out of the circular. The needs of these little citizens need to be met. To become non-verbal is a needless, preventable and catastrophic outcome for these children and their families.

Minister of State at the Department of Education and Youth (Deputy Michael Moynihan): I thank the Senator for raising the issue. There is a script that will be sent around. It goes through the various documentation going back to over 30 years ago. SLD, other issues and developmental language disorders are part of it. From the special education point of view, across government we passionately believe that if we invest properly in special education and education for people who need additional educational supports, we will empower children, families and the State into the future. The Senator may have seen over the past number of months the various debates we have had between our Department and across government on further funding. He knows my bona fides on this and the issues we need to meet head on. I look at the education system, CDNTs and the other support mechanisms in place. One of the first decisions we took a year ago was about having therapies in schools rather than with any other body. That is to try to ensure children have the best possible supports within education.

I have met a number of groups representing people with Down's syndrome. I met national groups and parents over the past number of months. They all pinpoint the specific challenges or specific references to the circular. The circular was issued early in 2025. It is being reviewed to make sure the aims when it was issued meet the needs of the children. I know the great enabler for children with speech difficulties or disorders is to provide the support to get them verbal. As the Senator rightly said, that opens up a new chapter for them. I understand that. My role is Minister of State with responsibility for special education and inclusion. If I am serious about it, it has to be inclusive of everybody. We have to have rules and regulations around how we operate but they have to be as inclusive as possible across the system to ensure everybody has access to education. Previous Ministers met them. They are taken by the points made. I am aware of the high level engagement the Senator has as well and condensing that down to the blockages. I can go through the circulars, different stages in the Department and the work that has been done. We constantly review whether, by trying to be inclusive, we are excluding. Reading classes or classes that allow and help speech are valued by families. I take the Senator's point. We constantly review to ensure we provide positive, inclusive education.

Senator Tom Clonan: The parents have provided me with a great deal of extensive and lengthy briefings. They have set out every law from the Equal Status Act to the Equality Act and the UN Convention on the Rights of Persons with Disabilities, which we are in breach of, contrary to the letter and spirit of the convention. At the moment there is no pathway of treatment for these children through the Health Service Executive CDNT model. To get the intensive speech therapy these children need, their only shot is to get it by means of these special classes. I ask the Minister of State explicitly in the 60 seconds he has, whether he undertake to take out those three words, "of unknown origin". They are explicitly discriminatory. Will his office please respond to the parents in Loughrea? They really need an update on the pilot project and for it to be implemented and operationalised.

Deputy Michael Moynihan: There is no point in me coming in here and making wild statements. I will take the Senator's point very seriously on board. I will reflect very carefully on it. I will give him that commitment. On the major point, I understand the challenges on the CDNTs and their operation. That is why a decision was made to put the education therapy service within the education system to provide occupational and speech and language therapies, for example.

We have a body of work to do to make sure we are training therapists. Work has been done last year and this year to expand the number of places.

The kernel of what the Senator is saying is about these parents and these children getting the help and support within the education system. We are putting that into the education therapy system. I will reflect carefully on the specific point he made and report back to him, and we will follow up on any of the issues outstanding.

Acting Chairperson (Senator Victor Boyhan): I thank the Minister of State for his time and for coming to the House. It is greatly appreciated. I thank the Senator for raising this as a Commencement matter.

Cuireadh an Seanad ar fionraí ar 11.21 a.m. agus cuireadh tús leis arís ar 11.32 a.m.

Sitting suspended at 11.21 a.m. and resumed at 11.32 a.m.

An tOrd Gnó - Order of Business

An Cathaoirleach: Anois, a chairde, I call on the Acting Leader to outline the Order of Business.

Senator Garret Ahearn: The Order of Business is No. 1, motion regarding the proposed approval by Seanad Éireann of the Data Protection Act 2018, section 60(6) and section 51(3) regulations 2026, to be taken on conclusion of the Order of Business without debate; No. 2, motion regarding the proposed approval by Seanad Éireann for an amending EU directive to combat firearms trafficking and other firearms' related offences, to be taken at 12.45 p.m. and to conclude no later than 1.45 p.m., with the time allocated to the opening remarks of the Minister not to exceed five minutes, those of all Senators not to exceed five minutes and the Minister to be given no less than five minutes to reply to the debate; No. 3, Garda Síochána (Powers) Bill, 2026 - Report and Final Stages, to be taken on conclusion of No. 2 and the proceedings thereon shall, if not previously concluded, be brought to a conclusion no later than 4.45 p.m. by the putting of one question from the Chair, which shall, in relation to amendments include only those set down or accepted by Government; No. 4, statements to mark Irish Aids Day 2026, to be taken at 5 p.m. and to conclude no later than 6.15 p.m., with the time allocated to the opening remarks of the Minister not to exceed eight minutes, those of all Senators not to exceed five minutes and the Minister to be given no less than five minutes to reply to the debate; and No. 5, Private Members' business, Prohibition of Lethal Autonomous Weapons Systems Bill 2026 - Second Stage, to be taken at 6.15 p.m., with the time allocated to the debate not to exceed two hours.

An Cathaoirleach: Before I call the first Senator I welcome, as guest of an Seanadóir Mary Fitzpatrick, Sonya Lennon of Lennon Courtney and Dublin Chamber of Commerce. She is most welcome to Seanad Éireann. Thanks for visiting here today.

Senator Alison Comyn: The first worrying report I will talk about is one I saw on the RTE website this morning. Forty-one people are due in court on shoplifting offences. That is 41 people in one court alone in Dún Laoghaire. It warrants a wider conversation on retail crime. There are 15 children included in those 41 people. For the first time, it is being highlighted that meat, at a very high cost, is being shoplifted *en masse*. As a journalist, I have sat in many courtrooms over the years. There used to be petty crime and usually it was quite an unfortunate occasion that somebody would have to shoplift. This is now being done *en masse* and it is costing retailers €1.62 billion every year, which is a phenomenal amount of money. This is organised crime. My colleague, Senator Mary Fitzpatrick, has brought the Protection of Retail Workers Bill, which is vital. The fact that we have the highest rate of shoplifting in Europe warrants a wider debate in the House on how we can help our retailers in keeping their businesses afloat.

On another note, I will also mention that two counties, Sligo and my own county of Louth, are representing Ireland in the Entente Florale, which is a fantastic competition held every year. Congratulations to Riverstown in Sligo and Blackrock in County Louth. These are two wonderful areas. The work done by Tidy Towns is phenomenal. It is the first time that Sligo has been entered into that and I wish it luck, although I hope that Louth wins the award. The judging will take place on 9 July. The competition is being hosted in Ireland this year, in Carlow, which is fantastic. Good luck to everybody involved in that.

I have another congratulations from my parish to Tullyallen Men's Shed which is celebrating a decade in existence. It started all those years back. Daithi Cusack is one of the founding members and is still the chair of the shed. We all know what incredible work the men's sheds organisation does for men across the country. It is fantastic that it has got funding from the Department of rural and community development over the years. It keeps them afloat. It is one of those cases where it is not just the work the organisation does but the effect it has on the members. It is fantastic for men's mental health. It gets them to talk and to gather together. I also have to mention that the women's sheds, or hens' sheds as they are sometimes known, are doing incredible work as well but they are not receiving the funding. We are working on that. They need to be in an umbrella organisation for that to happen. All of us should be working towards that and making sure that the women are also getting the funding that the men get. Another hearty congratulations to Tullyallen Men's Shed.

An Cathaoirleach: I welcome guests of Senator Sharon Keogan. I also welcome Councillor Gráinne Maguire, her intern, Noel Monahan, and his mother and grandmother, who are in a supervisory capacity for his time in Leinster House. I also welcome Nessa and Angie Teehan.

Senator Evanne Ní Chuilinn: Last January, we heard an awful lot of fairly shocking evidence at the Oireachtas joint committee on sport in both public and private sessions, in relation to Rowing Ireland and the practices of the high-performance programme over the past five years in Cork and around the country. Off the back of those hearings, both public and private, the Minister, Deputy O'Donovan, announced that an independent inquiry would be

launched into what transpired and how to prevent athletes from going through similar circumstances when they are representing Ireland and training for that.

I welcome the news this week that an independent inquiry will begin. It has been set in motion. Amanda Bennett will chair the inquiry. It will begin immediately and a report will be published at the end of this calendar year. This is really encouraging because these athletes have been waiting for movement on this. There was a bit of momentum at the beginning of the year but this inquiry will begin. Amanda Bennett will not be known to a lot of people in Ireland, which is probably a good thing because it needs to be an independent inquiry. She is a governance expert. She is the former head of governance at UK Sport. She has literally written the book on sport governance. I would be the first person to be giving out if we had not picked the right person but this is a very positive moment for Irish sport, its integrity and the safeguarding of our athletes, which is what I will always go back to. I encourage all of the rowers, former rowers, parents and family members of rowers who have been emailing me in their droves, to now get in touch with the investigation and Amanda Bennett.

This is the avenue to be heard, first, but also to be spoken to. There will be interviews happening all summer and then the chair of the inquiry, Amanda Bennett, will report back to the Minister. I have asked that the terms of reference of the inquiry be wide enough that the findings of the report will be applicable to the wider landscape in sport because we have work to do on the safeguarding of our athletes elsewhere. Rowing, rather than being an isolated problem, is probably the tip of the iceberg, and we need to be aware of that. As I keep saying in the House, we need a sport integrity unit. I hope that will come out of the findings of this report.

I welcome the inquiry and investigation launched this week by the Minister, Deputy O'Donovan, which went to Cabinet yesterday. I look forward to our rowers and former rowers engaging with the process and accepting the findings of the report.

Senator Victor Boyhan: I note the Order of Business proposed by the Leader. In the weeks coming up to the summer recess, we are going to be busy. If there is a lot of additional legislation coming down the tracks, I ask the Leader to consider extending the sitting times, either to start earlier or finish later.

The Seanad is a revising Chamber. We have important legislative work to do. The Ministers and Members on all sides of the House need time. Let us work together constructively to see if we can start an hour or two earlier. I understand rural Senators have families but so do urban Senators. There are Senators falling out of here at 10 o'clock at night, with work to do, under pressure and with commitments. We need to bear all that in mind. Let us together look imaginatively and constructively at getting that business done between now and the summer.

I welcome the housing infrastructure investment fund, HIIF, announced by the Government yesterday. It is exciting, imaginative, bold and courageous. I hope the local authorities and all those providing housing are ready to avail of the funding that has been set aside. I thank the Government and the Minister for that. Well done to them.

I acknowledge and thank the Department of Housing, Local Government and Heritage for its statement of strategy for 2026 to 2028. It is mandatory reading for every Member who is interested in local government because it clearly sets out the strategy of the Government. There

are some repeat objectives in this document. I commend the Minister and Ministers of State in that Department on pulling the strategy together and publishing it. It has been published for some time but has been updated.

The recurring theme is the local government task force. I ask the Leader to ascertain something from the Ministers in the Department. The local government task force was established and submitted a final report to the Government in which it made certain recommendations and suggestions for reform in relation to local authority structures, finance, government and additional matters. I understand the Minister was to bring this report to Cabinet. It is now June 2026. The Minister only received the report in March. It would be timely to publish the report or, possibly, have a briefing for Senators. I would have no difficulty with that. It is a matter for the Minister, ultimately. I acknowledge the work of the Cathaoirleach, Senator Mark Daly, in convening the commission on local democracy in the previous Seanad. Much of that fed into this report. I have raised a number of issues, all of which are positive. I hope we can make progress on all of them.

Senator Maria McCormack: I raise again the issue of STEM funding for the engagement officer in County Laois and concerns for the future of STEM education programmes. The last time I raised this matter in the Chamber, the Leader told me to submit a Commencement matter. I have done so three times and three times a Minister has refused to come into this Chamber to address why this STEM funding is being discontinued and what we are going to do about replacing it. This is really important, not just in rural schools but in urban schools as well.

Education is not just about academics and sport; it is also about other curriculum activities. Some children do not engage with sports and there are all of these other fantastic opportunities out there. This funding has been in place, and the STEM engagement officer has been coming into schools and helping children. I have spoken about the success of Rosenallis National School so many times in this Chamber and its students winning the VEX Robotics competition in Missouri. That is absolutely fantastic. The same goes for the Swan National School, which is a 29-pupil school. The schools are going to be absolutely devastated by this loss. I am furious that I have submitted a Commencement matter on this three times and I have been refused each time. I ask Leader to call on the Minister to give me an answer because I am not giving up on this. It is not acceptable that a Senator would submit a Commencement matter three times and still not have an answer. This funding and role are due to end on 23 June and I need to go back to these principals and local pupils to explain what is happening. I am hoping the Leader can get me an update or I will be in here next week raising it again.

An Cathaoirleach: Before I call on the next speaker, I welcome the guests of Senator Cathal Byrne, Maeve, Marian and Angelina and the Senator's intern Charlie. I welcome them to Seanad Éireann. I call Senator Mary Fitzpatrick.

Senator Mary Fitzpatrick: The word "ICE" is a really negative word with very negative connotations, but when I said the word "ICE" this morning I was saying it in the north inner city. It is a very positive thing because ICE stands for the Inner City Enterprise. For those who do not know, it is a social enterprise referred to as the hub on the hill. Going up Constitution Hill towards Broadstone, it is on the right hand side. It is the old Dublin City Council Coleraine Street housing depot. It used to be an old housing depot and it became a regeneration project.

Critically, it is now a social enterprise hub and a place in the north inner city where individuals with ideas, entrepreneurial spirit and innovation in their hearts can go. They can receive training and mentoring and there are workspaces available. It is a great collaboration between the social enterprise, Inner City Enterprise, with Dublin City Council providing the property. Roughly €500,000 was provided by the Minister, Deputy Dara Calleary, in the most recent tranche of funding to launch phase 2 this morning. Critically, businesses in the city have come on board and are supporting it. Very large enterprises in Dublin like Meta, Accenture and Bank of New York are all supporting individuals and small groups of people to explore, develop and succeed with their entrepreneurial activities.

The hub on the hill is a place of hope, ambition and opportunity. I congratulate everybody at Inner City Enterprise, including Evanne Kilmurray, CEO, Vincent Crowley, chairperson, and the whole team. Most importantly, I congratulate the people who go there daily and are making their dreams come alive. They have written outside "Dream big, start small, act now", and that is what is happening there. It is a great innovation and they all deserve to be congratulated.

Senator Cathal Byrne: I welcome my office staff, Maeve, Marion, Angelina and our intern, Charlie, to Seanad Éireann. I know from experience that I would be lost without the work they do, day in and day out, in my offices in Enniscorthy and Wexford. I am very grateful to have them working for me and it is a great honour to be able to host them and bring them to Seanad Éireann. I know I speak for all Senators, if I might be so bold, in saying that we would all be lost without the staff we have in our offices. We are lucky and fortunate to have them.

Senator Tom Clonan: Hear, hear.

Senator Cathal Byrne: I request that we bring the Minister for higher education before Seanad Éireann to speak about our technological universities and get an update on where things are at. I am speaking specifically about the Wexford campus for the South East Technological University, SETU. Earlier this week, we had a significant announcement of funding which will open up a 1.3 km link road from Ballynagee in Wexford town out to where the new campus will be located. The funding will allow Wexford County Council to construct that road, which will open up land it owns for housing and for the new stadium for Wexford Football Club.

While this is a welcome announcement, we need the Higher Education Authority and the Department of higher education to come forward with an update on where exactly the Wexford campus is. The link road will be built. It will open up access to the land. We need to know whether the money is available to progress to the next phase of planning permission for the Wexford campus. I would like the Minister for higher education to come to the Chamber to give an update on that and many other issues in the technological university space.

Senator Tom Clonan: I raise the issue of the cost-of-living crisis. Earlier, I attended a meeting of the Oireachtas Joint Committee on Disability Matters. Again, we had disabled citizens in tears describing their abject living conditions and the enduring and grinding poverty that they are forced to live in in this country. We are outliers in the European sense in that throughout the European Union, the disability allowance as we know it is disaggregated or not connected to income. It is a non-means-tested universal payment. We means-test. This year, the ESRI released figures for the cost of disability. This is not the cost of buying clothes or

paying for groceries, rent or heating. This is before a person puts their hand in their pocket. The actual extra cost of having a disability of Ireland is between €488 and €550 per week. That is between €25,000 and €28,000 a year in extra costs such as medical costs, equipment, extra heating and transport. In total, the disability allowance is less than half of that. We need to have a non-means-tested universal payment of disability allowance.

While I welcome the discussion at government level on introducing a cost-of-disability payment, these are not hidden costs. They are quantified. What is not quantified is the moral distress, suffering, fear and anxiety that disabled person experience every day unnecessarily. According to one of the contributors this morning - a beautiful young man who is disabled with an honour's degree in history and a first-class master's degree - he experiences structural penalties on a daily basis. That is evidence of an ableist state. I ask for a debate in the House on the cost-of-living crisis, specifically as it applies to disabled citizens.

Senator Robbie Gallagher: In May 2018, the Irish people decided to repeal the eighth amendment to the Constitution. We all fully accept the decision of the people on that date. Forming a huge part of that decision was the three-day mandatory reflection period or cooling-off period from one consultation to the next. I am disappointed that Sinn Féin is the latest party to come forward to propose to remove that three-day mandatory wait. We are moving the goalposts on the people. We asked them to vote for something. We gave them the detail and they voted. We accept that, but now we are moving the goalposts by removing the three-day mandatory wait. I came across statistics from the HSE recently, which were enlightening. It stated that between 17% and 18%, which is roughly about one in every six women, who attend a first consultation with their GP do not attend the second. Surely, our time would be better spent reflecting and interrogating that data to see exactly what is going on here. We all have our opinions on it. I fully accept the decision that was made on that date but I have a problem with us changing what the Irish people were asked to vote for on that occasion.

Senator Sharon Keogan: Hear, hear.

Senator Noel O'Donovan: I wish to discuss the issue of social media. It has been discussed many times in this Chamber and by various committees. It has been an ongoing national conversation for a number of years. I welcome news that the UK is introducing a ban to those under 16. Whether a "ban" is the right word or not, I do not know. I welcome the words of the Tánaiste yesterday where he outlined that it is going to be a priority of his and the Government during our EU Presidency to put the issue on the agenda and that if the EU does not act, Ireland needs to stand alone. It is a real strong conversation. I have been contacted by a number of parents in recent days again seeking that we do the same in this country. It is a public health issue.

Social media has its merits and positives in terms of clear information and explaining matters, but it also has its negatives. It is affecting people. It is affecting our younger generations in particular. As politicians, if we asked ourselves whether we like social media in the work that we do and answered honestly, we would probably say "No". It is a conversation that we need to have. It is changing the world that we live in. I think to a time when we used to do mathematics in primary school and recall the introduction of calculators. I say it all the time. If I was asked to do a long division or long multiplication in my mind or down on paper,

I would struggle to do it. My fear is that phones and social media are taking away our art of conversation. That is the art of who we are as Irish people and what we are good at. If we go into any establishment now, we will see people on their phones, and I worry about that. We need to act. We have a responsibility as public representatives to do something about it. That is why we are here. We need to have the courage to speak out, put policies in place and challenge those within institutions, be it the EU or our Departments, to make sure there is clear policy. I would welcome a discussion on it. We need to act sooner rather than later.

Senator Pauline Tully: On Saturday last in Cavan, the first Pride march was held in the county town. I congratulate those who organised it and took part. It was a very colourful and vibrant celebration of people from the LGBT+ community. I put up an ad online beforehand wishing it well. The commentary on that ad was absolutely vile. Laura, in my office, turned off the comments. It is absolutely outrageous what people feel they can say to others online.

After the parade, I attended Cavan's Africa Day. Nationally, Africa Day was celebrated in May, but in Cavan, they had the celebration last Saturday. It was another celebratory event full of music, song, colour and vibrancy. It celebrated the diverse cultures within Africa and their contribution to our country. It was attended by people from this country and other countries outside of Africa. Again, there were concerns about that event and advertising it too much in case of the backlash they would get on social media and an expectation of a backlash when the reports go into the local paper. I wish to say to both communities, and indeed many other minority communities who suffer this on a regular basis, that it is a minority of people who do this. The majority of people do not think like that. I ask them to remember that some of the people who are putting up comments do not even live in this country. Some of them are not even people; they are bots. It is vile and outrageous that social media companies are not doing more about this spread of hate. It is something that is being pushed by right-wing agendas, both nationally in this country and internationally and it just needs to stop. More people need to stand up and call it out for what it is, which is pure racism and homophobia. That is not representative of the majority of the people of this country.

Senator Linda Nelson Murray: I wish to raise the topic of local radio stations around the country. It has been brought up here previously. I cannot express the importance of having a radio station like LMFM in our community enough. The staff call themselves the voice of the north-east. They reach up to 300,000 people on a daily basis. What has happened with local radio stations over the past month is that we have learnt that there are going to be lots of job losses and directors of different stations, like LMFM, will not be there in the future. I fear for how we will get local news and hear about community events if this is what happening to local radio stations.

LMFM provides amazing GAA coverage, strong local journalism and champions local communities. It gives the north-east its own voice. It supports local businesses. I wish to give a shout-out to the Adrian Kennedy show with Katie and the lunch time show with Gerry and Louise. My own mam and dad, who are not with us anymore, had LMFM on every morning without fail.

12 o'clock

That is where they got a lot of their local news. It is also where they got the death notices, which are really important to people who cannot access them somewhere else. My mam and dad never would have been able to use smartphones and there are still so many people who cannot use them. We are expected now to be an ultra-modern IT country that can access everything online, and we cannot. It is the same as Senator Kennelly talking about sport being online and big GAA matches. People just want to be able to watch it regularly on their TVs. They want to be able to listen to local news regularly on their radios and not always have to tune into something on a smartphone or a smart device. This needs a bigger conversation. The last thing we need to see is local, good radio stations like LMFM being threatened into not being able to survive in the future and cutting jobs because of the pressures they are under due to costs and different people getting news in different ways. Just as we support our local newspapers, we need to support our local radio stations as well, particularly LMFM.

Senator Sharon Keogan: I welcome my intern Noel Monahan and his mother and grandmother, Nessa Teehan and Angie Teehan. Noel has been an intern in my office over the last six to eight months. He has been a valuable asset to my team and I thank him for his contribution.

I want to raise an issue that warrants urgent attention from the House and from the Minister. Last week a young mother named Grace died by suicide after spending more than a year trying to be reunited with her infant son who was removed into care shortly after his birth. Her death is a tragedy and I extend my sympathy to her family. It compels us to look more closely at a broader issue that receives remarkably little scrutiny. International research has found that parents, particularly mothers, whose children are taken into care face significantly elevated risks of self-harm and suicide. A study published in *The Canadian Journal of Psychiatry* found that such mothers are almost three times more likely to attempt suicide and more than four times more likely to die by suicide. Similar findings have also been documented in the UK. This raises a very basic question. What do we know about this in Ireland? Does Tusla have data on the deaths, including deaths by suicide, of parents whose children are in care or subject to care proceedings? If not, how can it meaningfully assess the impact of child removal on parental well-being and mortality? Has any independent research been commissioned in this jurisdiction to examine this issue? If the answer to these questions is "No", then we must accept that Ireland currently has no reliable way of knowing how many parents may have died following the removal of their children from them, and that is not an acceptable position. In light of Grace's heartbreaking death and the clear international evidence, I call on the Minister to commission an independent national report into the mental health and mortality outcomes of parents whose children are removed into State care.

Senator Chris Andrews: I agree with Senator Keogan. It is important that more research is done and that there is more transparency around suicide and the impact of children being taken into State care.

I have previously raised the issue of Rathmines post office being sold off, as well as the closures in recent years of post offices on Baggot Street, Kevin Street and in Donnybrook and Ballsbridge. That has had a hugely negative impact on those communities, particularly among the older members. It was announced recently that Rathmines post office is likely to be on the market in the middle of next year. Yet, there is no plan for what is going to happen to this

historic building. It is really important that it stays in public hands. Rathmines post office could and should be at the heart of the community. It is a vibrant community. It is a unique part of Dublin. The building itself is in the community since 1934. It is an art deco building and a building that cannot be replaced. If it is allowed to be sold off to a private developer, it would be a huge loss. It is beyond me how we could sell off such a beautiful building that has so much potential. It must and should be kept in the ownership of the State and, by extension, in the ownership of the local community. When the post office transfers to a new location, the Government needs to ensure the property remains in public ownership by facilitating the transfer of ownership to Dublin City Council, which has been engaged on the issue. There are some proposals from local community activists and different community groups on what might go in this space. In the future it should be a central hub for Rathmines community. It could be the heart of cultural and community activities as a venue for events, meetings and clinics. There is so much potential for this building and it would be a massive loss to find it turned into a café or a hotel. We need to see ambitious, forward-thinking action taken by the State to ensure this property remains in public and community use, and that the long-term good of Rathmines is not left to chance on the market.

Senator Sarah O'Reilly: I was shocked at the comments of Deputy Richmond last night. After attending the annual conference of the International Planned Parenthood Federation on Monday, he has committed to doubling its funding from the Irish taxpayer. There is something incredibly colonialist about the West's tendency to eagerly fund abortions in developing countries. I remember a time when Ireland would send food, water and clothing, but now we pay for impoverished mothers to abort their children. The constant push for more abortions from the Government and the Opposition is really regressive and I cannot figure out where it is coming from. Yesterday, the Taoiseach and the Tánaiste said they would be supporting Sinn Féin's Bill to remove the three-day wait period safeguard. This could be the first time in the Thirty-fourth Dáil that either the Taoiseach or the Tánaiste has voted for something coming from the Opposition. They are happy to support more abortions but voted against the emergency winter payment for people with disabilities, against paid leave for women going for cancer screening, and against sanctions for Israel. They will not remove the means test for carers, they refuse to introduce a second rate of child benefit and they fail to protect vulnerable children in State care. What is the Government offering young women? It is offering fake pity and weak apologies. It is saying "sorry you cannot afford a home, sorry you cannot afford groceries, sorry you have to live in your childhood bedroom but do not worry about raising a baby in your mam's house because we will just pay for an abortion for you." I was sitting my junior certificate when I was pregnant with my first child. Yes, it was tough at times but my life was not over. Instead of telling women their life is over if they get pregnant, how about we provide options for them to be able to keep their babies and raise them to be proud citizens of this country?

Senator Sharon Keogan: Hear, hear.

Senator Rónán Mullen: That is a hard act to follow. I commend Senator O'Reilly on every word she said. I also commend Senator Gallagher on his words earlier. I ask today for a debate on Ireland's spiralling abortion figures. The Sinn Féin Bill proposing to abolish the three-day waiting period is wrong in every respect. It will deny the very women who might need it the

required guaranteed space to think and reflect about the irrevocable step that is abortion. Many women have benefited from that space and have kept their babies after the first appointment. This measure would also give comfort and assistance to those who would hustle women towards abortion, as we know sometimes happens. I am sorry to say that the leadership of the Taoiseach, the Tánaiste and the Minister for Health on this issue is truly lamentable. I do not know why Micheál Martin, Jennifer Carroll MacNeill and Simon Harris find it so difficult to empathise with the cause of a little human being at the earliest stage of his or her development in the womb. Perhaps it is because the child in the first trimester is so physically small. We know that in the first trimester the embryo develops into a foetus, which itself is Latin for the words "little one", with a functioning heartbeat, brain activity and distinct limbs. In the words of Spike Milligan: "Small, but I WAS!". These same politicians will wring their hands at spiralling violence in our society and rightly lament the destruction going on in Gaza and the Middle East. However, by their indifference to our spiralling abortion rates, and their refusal to ever consider the need to encourage a culture of life, they give momentum to the rising culture of violence in our society where the strongest exert power over the weak.

We all urgently need to rethink this issue together, to acknowledge that every abortion is a tragedy, and to at least commit together to working to reduce the number of abortions. I am reminded of a phrase in a song by Paul Simon "Why deny the obvious child?". Why is there such denial in our Oireachtas about the obvious child?

Senator Sharon Keogan: Hear, hear.

An Cathaoirleach: I welcome the guests of Deputy Michael Fitzmaurice to the Public Gallery. You are most welcome to Seanad Éireann. Anois, we will have Senator McCarthy.

Senator Aubrey McCarthy: I thank the Cathaoirleach and the Acting Leader. I just want to reiterate first of all what Senator Robbie Gallagher said when he mentioned legislation that we decided on, and we all agreed on to be accepted in the referendum that was approved. It seems disingenuous that we are revisiting that legislation in such a short time period.

I want to raise something that is affecting every town and is certainly affecting even my own family, which is the slow squeezing out of the small Irish business owner. I saw a post last week in *The Irish Times* about a café owner whose café is charging €4.25 for a latte. He did the economics on it and it showed that he is making 18 cent on each cup of coffee. The reality is that the margins are very thin and the margins are tight. The cost of insurance has exploded. Commercial rates and wage costs are rising. Everybody deserves a standard of living but small employers are trying to absorb all of this perfect storm of rising costs. They are trying to stay faithful and loyal to staff they have had for many years. I know because I recently closed a business of my own. I had kept it going because it was in the family for many years. Pride kept it going. It was there since 1967 but you realise there is only so much you can subsidise and it is a bit ridiculous doing it out of your own pocket when it is not making money. The worrying thing is that I believe we are losing the backbone of Ireland quietly. It is being done one business at a time. It is the local baker, the hairdresser and the café owner. We are the people who sponsor the local football team, the local field day etc. The people in the small businesses in Ireland feel abandoned. I know it is hugely important to support foreign direct investment such as Pfizer and Intel, etc., but small and medium-sized enterprises employ

hundreds of thousands of people across this country and are the social glue of our towns and villages. We need to seriously examine what we are doing for small businesses because when they disappear, it is not easy to get them back. If they are going, the community will go with them. Ireland cannot become a country where we only support larger corporations.

Senator Sharon Keogan: Hear, hear.

An Cathaoirleach: Anois, the Acting Leader to respond on the Order of Business.

Senator Garret Ahearn: I thank the 16 Senators who contributed this morning. Senator Comyn spoke about the increase in shoplifting and mentioned the 41 court cases at the moment in Dún Laoghaire. That is replicated right across the country. If you speak to owners of shops like Centra and Spar, they will tell you that shoplifting happens on a daily basis and nearly on an hourly basis. The kinds of things that are taken are normally day-to-day items that people just need. It is important that we have a debate in this House on the matter because it has been an ongoing issue for the last two to three years, at least. It has a real impact and it is a real cost to those businesses. It has an impact on the managing of those businesses. We will try to have a debate on it in this House.

Senator Ní Chuilinn raised an issue involving Rowing Ireland that has been in the public domain for many years. It relates to the conditions that some of the best sportspeople in our country have had to deal with. It is hugely welcome that an independent inquiry has been launched by the Minister, and that there is hopefully a completion date by the end of this year. Senator Ní Chuilinn has done a lot of work in the committee on this matter to try to give our athletes an opportunity to have a real, independent assessment of how they are being treated. Like the Senator, I hope that everyone who wants to speak up feels as though they are safe so that they can speak up and give their opinions. The Senator is right, hopefully, that we will accept any recommendations or any findings from the independent inquiry headed up by Amanda Bennett. I think there needs to be a broader scope across all sports and not just rowing. Having something like a sports integrity unit, as the Senator has advocated for a long time, would be a good base to work from.

Senator Boyhan is right that we have a busy schedule over the next number of weeks. It is always the case, as he knows because he has been here for quite some time, that coming up to the summer recess a lot of Bills have to go through the House. I am in an acting role at the moment so I cannot say for certain but I am more than happy to facilitate. As Senators are aware, we will sit early next Tuesday. I am more than happy to sit earlier on Tuesdays and later on Thursdays to make sure we can give people the opportunity to speak on important legislation that comes before the House. I am very flexible and I am sure the Senator knows that as well. I am very flexible in terms of our sitting times, when we start or when we finish.

The Senator also mentioned local government and the statement of strategy. That feeds into the local task force. Senator Davitt raised that last week and, like Senator Boyhan, he asked for a debate on it. Once that is published, this House in particular should have good opportunities to debate that issue with the Minister.

Senator McCormack has brought up STEM research and funding a number of times. It is getting very close to 23 June. I can understand her frustration. She said she has put it down as

a Commencement matter but the Minister has not come in. We will try to sort that out. I am not sure of the full details of it. I know the Senator is very genuine on the matter. The Senator raised the incredible achievements of a school and said that wants to make sure the funding continues.

Senator Fitzpatrick spoke in relation to Inner City Enterprise, or ICE as she called it. I was worried about what she was going to talk about when she mentioned the word "ICE", but it is in a positive sense for once. They do phenomenal work. The social enterprise fund is there, in conjunction with Dublin City Council, to support people who have ambition and want to achieve their dream. It is great that phase 2 was launched this morning by the Minister, Deputy Calleary, and is supported by big tech companies here in Dublin to support that area. The Senator has always been an advocate for that.

Senator Cathal Byrne welcomed his staff. I think we all agree that we would be lost without our staff. That is for sure. He called for a debate in the Seanad with the Minister for higher education. I do not think we have had such a debate for quite some time, so I think there is an opportunity to do that. He outlined a really good example. Due to the housing infrastructure fund that has been put in place, and the fact that the Government is prioritising infrastructure right across the country, there is now approval for a 3 km road from Wexford town to the site where the Wexford campus of the South East Technological University is going to be. Now the responsibility is obviously on the college to deliver that campus. We need to have an update on that. It is not ideal if we are building the infrastructure around it but we still do not know when the actual campus is going to be built. I know this is a key priority for the Senator and for Wexford town.

Senator Clonan referred to the cost-of-living crisis in the context of this morning's meeting of the disability committee. I understand his genuine concern about the disability payment. As the Senator said, as public representatives we all understand the fear and distress that people go through when they are literally trying to make ends meet and have so many payments and costs because of a particular disability. We have done quite a lot but as a State we need to do better. We can do better and we will do better in supporting some of the most vulnerable people in our country. I will make sure that we ask for a debate with the Minister on that for the Senator.

Senator Rory Gallagher - sorry, I was thinking of the musician - Senator Robbie Gallagher spoke about-----

Senator Rónán Mullen: Get him a guitar.

Senator Garret Ahearn: If he could sing like Rory Gallagher-----

Senator Rónán Mullen: That would be an electric contribution, in fairness.

Senator Garret Ahearn: Senator Gallagher, along with Senators Sarah O'Reilly, Mullen and McCarthy, spoke on the eighth amendment. There is a vote on a Bill on this matter in the Dáil tonight. We do not have a vote on it in the Seanad, but it might come at some point. Senator Gallagher and the other Senators raised some very valid personal views they have on tonight's decision. We all know it is a personal decision for everyone and we have to respect everyone's

view on it. It is very hard to disagree with some of the points that were expressed here in this Chamber. Senator Mullen spoke about leadership and lack of leadership. When we are talking about this issue, it is a personal viewpoint.

Whether we agree or disagree we have to respect that it is a personal view. It is difficult for everyone to come to a conclusion on that. I would not disagree with the statements that were made here today. There are a lot of people in the country who voted in that referendum with the assurance that there were things in place. That is something that needs to be-----

Senator Rónán Mullen: And a few who are alive because of the three-day waiting period.

Senator Garret Ahearn: On the referendum, people certainly felt protected by having that three-day cushion in place but that is a wider debate we can have. The vote tonight is one for it to continue to Committee Stage. Perhaps it is at that point where those discussions can be had. However, at all times we need to be respectful of everyone's personal opinions on that. We are always good to do that in this House.

Senator Noel O'Donovan spoke about social media and the UK ban, which was brought in because of what happened in the last number of weeks. As he said, parents are just asking for some sort of comfort because of the fear they have of social media, their lack of understanding of what kids are using and how they can become addicted to it. It is a real worry. The media committee, which I sit on along with Senator Mullen, produced a report on that. It did not include a recommendation that those under 16 years should be banned from social media but it had a lot of recommendations about algorithms, restrictions on use and age verification. That is all very well but there is a very strong case for having under-16s banned from social media. The point is always made that it is very hard to implement but that is not a reason not to do it. Implementing it is a decision afterwards but putting it into law is very important too. Senator Comyn was also very active on that debate at the committee too.

Senator Pauline Tully spoke about the first Pride march in Cavan and gave two really good examples, which lead in to what Senator O'Donovan spoke about in terms of social media. You try to be inclusive and welcoming to different groups and parts of society, and people from different walks of life and different countries. There was also an African event held in Cavan. These are all positive things about welcoming good people into the community. There is a fear of what social media can do. It is very worrying. As Senator Tully said, those of us in politics are all used to having terrible comments made about us but it is being done to people for whom it is very undeserved. As Senator Tully said, it is very distressing when it is prejudiced or racist in nature. As loud as they are it is a very small minority. We see that come election time. When we talk to reasonable people on the doors, from my experience, people are always very welcoming and very supportive of people coming into this country, as well as people from different backgrounds and interests.

Senator Linda Nelson Murray spoke on the importance of local radio stations. I was on LMFM once about three years ago. I got a good grilling but I came through it all right. It has a great listener base just like every local radio station across the country. They are invaluable to our local communities and give trusted news, reports and discussions that are not always had on national radio stations. They are a great platform for small, local businesses or community groups to promote themselves. They obviously do the GAA and death notices but the important

thing is that they are a trusted source for people in the area. The fear over the broadcast levy that is being introduced, which will see an increase of 69% over the next two years, is that it has the potential to have a dramatic impact on local radio stations. As the Senator said, we are seeing it already with people losing their jobs or cuts being made. That was not what was envisaged with this broadcast levy. The Minister has asked his Department to do a report to see what the impact would be on local radio stations. He has asked Coimisiún na Meán to assess what can be done going forward. He is not in a position to do anything on this particular increase but we need certainty for local radio stations into the future because of the really good work they do. I will ask the Minister to come to the House on the subject. It is an issue that affects everyone across the country.

Senator Keogan spoke of the sad passing of Grace who died by suicide. She was a young mother who was going through a traumatic time after losing custody of her child. The Senator has done good work as a foster carer over many years and has a keen understanding of people going through trauma and care and kids being taken from their mother or father. I will ask the Minister about what information Tusla has, not just on this particular case but on how many cases it has like this across the country. It is very distressing. Senator Keogan called for a commission to do an independent report and Senator Andrews agreed. We will see if the Minister is willing to do that.

Senator Andrews spoke about the closure of the post office in Rathmines. There has been closure of a number of post offices across the country. Sometimes, you feel as if it is just rural ones but it is not – it is urban ones as well. It does have a real impact. Post offices are not being used to the same extent as before but some of them are in beautiful buildings and are a key element to a village or town, or a key area of Dublin such as Rathmines. The onus is on Dublin City Council to purchase it, make sure they get value for money, and do with it as it pleases with the agreement of the councillors. It is not something we should lose when it has such historic importance and is so important to the community and groups in the area. I support the Senator's advocacy on that.

Senator Sarah O'Reilly spoke about the comments of the Minister of State, Deputy Richmond, on doubling funding aid for planned abortions abroad. I did not hear the comments but I know the Minister of State has been a real advocate for increasing funding for aid to developing countries in general. We are only one of two European countries at the moment, I think, which has increased international aid support. That is something all countries, particularly in Europe, need to do because of the reduction in aid from America, which has had a real impact on Third World countries.

Senator Rónán Mullen: Planned Parenthood is a very discreditable organisation.

Senator Garret Ahearn: I did not hear the comment on that-----

An Cathaoirleach: The Acting Leader without interruption.

Senator Garret Ahearn: -----but I know the Minister of State is very supportive of international aid.

Senator Rónán Mullen: It has been involved in the trading in body parts and all of that horrible stuff.

An Cathaoirleach: The Acting Leader without interruption.

Senator Garret Ahearn: If the Senator wants detail on that, she can put down a Commencement matter on it.

Senator Mullen spoke on the eighth amendment. I spoke on that at the start. He spoke about empathy for little children. I think most people have empathy in general but people have different viewpoints. Some people have empathy for women going through difficult pregnancies.

Senator Rónán Mullen: Both.

Senator Garret Ahearn: I have both. However, I understand and take the Senator's view and concerns genuinely, and his consistency on the matter.

Senator McCarthy spoke about small businesses and rising costs. That is a real challenge for businesses. A lot of businesses are under huge pressure but want to continue because they do not want their staff to lose their jobs. Often, they are hardly making ends meet and just surviving. We have made a lot of changes for employees in recent years in relation to the minimum wage, sick pay and pensions. All these are the right things to do. They support people on a lower wage and support people to have a pension. We should do this and it is the right thing to do, but we have to remember that it comes at a massive cost to employers. That is why the Minister, Deputy Burke, has made some changes in relation to pausing sick pay in particular and not putting it up to ten days. It is why he is introducing the 9% VAT rate in the hospitality sector, including hairdressers and others. We need to have a balance in that and make sure we support people on low pay, in particular, and make it worthwhile to work. At the same time, we need to recognise these costs have a huge impact on businesses and they need to be supported as well. The Senator asked for a debate on that and I am more than happy to do that.

Order of Business agreed to.

Data Protection Regulations: Motion

Senator Garret Ahearn: I move:

That Seanad Éireann approves the following Regulations in draft:

Data Protection Act 2018 (Section 60(6)) (Scoping Exercise in Response to Requests from Dignity4Patients) (Amendment) Regulations 2026,

Data Protection Act 2018 (Section 51(3)) (Scoping Exercise in Response to Requests from Dignity4Patients) (Amendment) Regulations 2026,

copies of which were laid in draft form before Seanad Éireann on 11th June, 2026."

Question put and agreed to.

An Cathaoirleach: I welcome the guests of usher, León de Barra, and also the guest of Deputy Brendan Smith. They are welcome to Seanad Éireann. I thank them for being here today.

Cuireadh an Seanad ar fionraí ar 12.30 p.m. agus cuireadh tús leis arís ar 12.47 p.m.

Sitting suspended at 12.30 p.m. and resumed at 12.47 p.m.

Combating Firearms Trafficking and other Firearms-Related Offences: Motion

Senator Robbie Gallagher: I move:

That Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Directive of the European Parliament and of the Council on combating firearms trafficking and other firearms-related offences and amending Directive (EU) 2024/1260 of the European Parliament and of the Council,

a copy of which was laid before Seanad Éireann on 18th March, 2026.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank the Seanad for facilitating this motion today. I am here to address the Seanad with respect to Ireland's proposed opt-in to a new EU proposal for a directive on combating firearms trafficking and other firearms-related offences. Ireland has an option to opt in to individual proposals in the area of freedom, security and justice, as provided for in Article 3 of Protocol 21, annexe to the Treaty of the Functioning of the European Union. An Article 3 opt-in must be done within three months of publication. The advantage of Article 3 as opposed to Article 4 is that it gives us an opportunity to be party to and part of the negotiations, whereas Article 4 is an opt-in after it has been adopted, so we cannot have any say in respect of how the legal instrument develops.

Protocol 21 provides that Ireland has three months from the date a proposal is presented to the Council to notify the Presidency of its wish to take part in the negotiation, adoption and application of the measure. The exercise of this opt-in is subject to the approval of both Houses of the Oireachtas, with the three-month period for this proposal ending on 23 June 2026. We have brought this proposal to the Houses for consideration as swiftly as has been possible. Ireland can also accept a proposal at any time after it has been adopted - that is under Article 4 - but in such cases, Ireland will not have been in a position to vote on the final content of the proposal. It must also be noted that Ireland made a declaration appended to the Treaty of Lisbon of its intention to opt in to measures in the area of freedom, security and justice to the maximum extent it deems possible. Opting in to this proposal now represents an important opportunity for Ireland to reiterate our commitment to the importance of tackling illicit firearms, the

trafficking of which poses a serious threat to both our own and our European neighbours' security and beyond.

The aim of this proposal is to create a common EU criminal law framework to combat the illicit trafficking, manufacture, possession and distribution of firearms. It has been proposed as a measure to counter the threat posed by organised crime, terrorism and emerging technologies, such as 3D-printed weapons. The European Commission's proposal will introduce common definitions of firearms offences and penalties, support stronger co-operation and improve the collection and use of data.

As we are all aware, illicit firearms pose a serious threat to the safety of all EU citizens. They enable a wide range of serious and organised crimes, including drug trafficking, robbery and gang violence. The issue has intensified due to geopolitical events in geographical proximity to the Union. There is a high risk that the surplus of weapons from ongoing conflicts, such as the one in Ukraine, will leak into illegal markets. An Garda Síochána has discussed this matter with me. It is an issue we have to be constantly vigilant for.

Key challenges that have been identified and which further the facilitation of illicit firearms trafficking include the technological shifts creating the possibility of online dissemination of 3D printing blueprints and the large gap in data and reliable comprehensive statistics making it more challenging for law enforcement and policymakers to assess the scale of this threat. Despite this, firearms trafficking has been consistently identified as a major internal security threat to the EU. As well as the need for harmonisation of criminal standards being highlighted in the 2025 ProtectEU internal security strategy, there are significant differences in how firearms-related crimes are defined and punished across the member states. This lack of harmonisation hinders cross-border co-operation and complicates investigations.

The proposal I am bringing before the Seanad today seeks to target intentional acts involving illicit firearms and does not propose to change existing EU rules on the legal acquisition, possession and cross-border movement of legal firearms. The directive aims to protect EU citizens from the threat of illicit firearms by reducing the number of illegal weapons and related criminal activities. The proposal will harmonise definitions and penalties in respect of criminal offences, including the trafficking, manufacturing and possession of illicit firearms. Under the proposed directive, each member state will be obliged to establish a national firearms focal point to facilitate co-ordination and co-operation between the competent authorities. Harmonised EU-level action will also support broader security goals as firearms crimes are closely linked to terrorism, money laundering, drug trafficking and other types of organised crimes.

In Ireland, we already have robust legislation safeguarding the use of firearms through the Firearms Act 1925, although that Act could probably do with modernisation. However, this directive represents the first firearms trafficking measure at EU level. This legislation will remove the fragmentation that exists across the EU to provide for harmonisation. The views of the Attorney General have been sought on this directive. The advice has confirmed that there are no legal or constitutional obstacles to Ireland opting in to this directive. In light of this, I urge Members of the Seanad to support this proposed opt-in.

Acting Chairperson (Senator Teresa Costello): Before we proceed, I welcome members of the Roscommon Older People's Council executive, who are guests of Deputy Martin Daly and

Senator Gareth Scahill, their local Senator. I will also pass on commiserations to Paddy Joe Burke on Roscommon's loss.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire. I welcome our good friends from Roscommon to the House this afternoon. I promise that I will not mention the football match against Monaghan last weekend. Beidh lá eile acu.

On behalf of Fianna Fáil, I welcome and support the motion the Minister has put forward. The proposed firearms trafficking directive aims to introduce an EU-wide framework with common definitions for firearm offences and penalties, support stronger co-operation between member states and improve the collection and use of data. The proposal is intended to combat illicit firearms trafficking and other firearms-related offences across the EU.

While existing EU legislation regulates the lawful acquisition, possession, import and export of firearms, there is currently no EU-wide framework establishing common criminal offences and penalties for illegal firearms activity. The Commission noted that illicit firearms continue to pose a significant threat to public security, facilitating organised crime, drug trafficking, robbery and gang violence. Emerging risks include the spread of 3D printing technology, which can be used to manufacture firearms, and the potential diversion of weapons from conflicts near the EU into criminal markets.

As the Minister has outlined, the directive aims to harmonise criminal offences and penalties across member states, improve law enforcement and judicial co-operation, strengthen information sharing and address gaps in data collection relating to firearms crime. Key offences covered include the illicit trafficking and manufacturing of firearms, the possession of illicit firearms and ammunition, tampering with firearms markings, and the illegal creation, possession or dissemination of 3D printing blueprints for firearms. Member states will be required to provide for maximum penalties, ranging from at least two years for certain blueprint-related offences to at least eight years for firearms trafficking and illicit manufacture.

As the Minister has outlined, Ireland must decide by 23 June 2026 whether it will opt in and participate in the adoption and application of this directive. The proposal does not alter the existing EU rules governing lawful firearms ownership. It focuses exclusively on criminal offences involving illicit firearms and strengthening the EU's response to firearms trafficking and related criminal activity. As the Minister outlined, we need co-operation across all EU states in order to tackle the threats that exist today. I look forward to this directive moving forward swiftly.

Senator Michael McDowell: I welcome the Minister. In principle, I have no problem with the directive proposed in the European Parliament. We should do everything necessary to avoid trafficking in firearms, including trafficking in 3D-printed firearms. However, I have one question, which I hope the Minister will be able to answer. By opting in to the negotiation process, do we bind ourselves to opt in to the outcome, no matter what it is? That is an issue about which the House should be informed. Are we effectively opting in to something whose exact nature is not known? Can we legally opt out if we do not like the measures proposed? I fully accept that, in this case, that is an unlikely scenario but it could be the case nonetheless.

It should be put on the record that the directive is a very lengthy document. Directives should be circulated to all Members of the House in advance of motions of this kind. Apart from criminalising certain activities, it is proposed to create liabilities and penalties for legal persons, that is, companies. The proposed directive sets out aggravating circumstances, in respect of which penalties are to be agreed. There is a definition of what amounts to mitigating circumstances. There are provisions in relation to special investigative tools. I would like to know what that actually means. There is provision for limitation periods for the prosecution of offences. These are things that do not really apply in Ireland and yet, for some reason, it is thought that these have to be standardised across the European Union.

I o'clock

Then, it states "that Member States establish jurisdiction for offences covered by the proposal and that they inform the Commission if they ... [wish] to extend this jurisdiction in specific cases where the offence is committed outside their territory." All of those issues are significant and they should be examined carefully by this House when we make a decision to opt in or not to opt in, whether it is on a preliminary basis to enable us to participate in negotiation or it is to opt in after the adoption of the measure.

I want to indicate my feeling that we are being presented with this motion days before the limit for opting in to the negotiation process is concerned and Members of this House have not been circulated with the text of the directive. The Minister has very limited time to describe what is involved but he has done so in fairly brief and concise form. When we look at the document, which I have in my hand now, it is very substantial. We have to reform our processes in these Houses. If this is what we are opting in to, it should be known to every Member of both Houses. They should have an opportunity to study it before being asked to simply rubber-stamp an opt-in or opt-out decision. They should be in a position to express views about the desirability of not merely the outline principle of the directive but every single aspect of the proposed directive, so that the wishes of the elected representatives of the Irish people can be fed into the process as to whether Ireland does or does not opt in to these types of measures on an informed, intelligent basis.

I am not opposing the Minister's motion but I am protesting that this is a substantial piece of work. To tell us, with a couple of days to go to either opt in or opt out without actually showing every Member what is involved and without going to the justice committee of the Houses and saying this is what is in issue and giving the Members of these Houses who sit on committees the opportunity to consider what is happening on a European level, is indicative of a very lax approach to the interaction of national parliaments of EU member states and the legislative process of the European Union itself.

Senator Garret Kelleher: Gabhaim buíochas leis an Aire. Mar atá ráite aige, is riachtanach an rud é a bheith ag obair lenár gcomhghleacaithe san Aontas Eorpach i réimse na coireachta idirnáisiúnta. Tá sé tábhachtach go n-úsáidfí na téarmaí céanna i ndlíthe na hÉireann is atá á húsáid ag baill stáit eile an Aontais Eorpaigh. On behalf of the Fine Gael group, I welcome the proposal to opt in to the directive on combating firearms trafficking and other firearms related offences. This is a progressive and important step that will enable us to achieve the four specific objectives outlined by the Minister, Deputy O'Callaghan, and Senator Gallagher. Having spent time many years ago working on a task force in the European Commission, which

involved liaising closely with all of the then member states to ensure that channels of co-operation were in place to deal with possible external security and public health risks, I am very aware of the importance of co-ordination and co-operation among member states when it comes to security and justice. The concerns and threats that exist in the area of firearms trafficking are far better combated in conjunction with our international partners than on our own. The proposed amendment, COM/2026(102), to the existing Directive 2024/1260 is an important step in this regard and we in the Fine Gael Group fully support the proposal to opt in.

Acting Chairperson (Senator Teresa Costello): Before we move on to the next speaker, I welcome to the House Alan Del Rio and Aoife Larkin, who are guests of my colleague, Deputy Devlin.

Senator Maria McCormack: Sinn Féin will oppose this motion on the basis that the Government has unnecessarily chosen to opt in on an Article 4 basis rather than Article 3. Sinn Féin supports robust measures to combat firearms trafficking - of course we do - but we will not support a broken-down legislative process that surrenders democratic scrutiny and strips future Governments of their legislative scrutiny and legislative sovereignty. Once again, the Government is rushing to opt in to an EU measure under Article 3 of Protocol 21 when a perfectly viable, flexible alternative exists under Article 4.

References to urgency here are completely baseless. Let us be completely clear about the difference. The Minister claims there is an urgent deadline next week. The deadline is entirely self-inflicted. An Article 3 opt-in forces to bind ourselves to this text right now during negotiation, whereas Article 4 allows Ireland to opt in at any point in the future. Why then do we need to do this? This issue is replicated across a plethora of legislative proposals the Minister has brought forward since his appointment. Why does this Government refuse to preserve Ireland's flexibility or facilitate meaningful scrutiny of his proposals? Why do Fianna Fáil and Fine Gael Ministers have such an appetite for tying the hands of future Irish Governments? We saw it with the EU asylum and migration pact and we are seeing it again today with the firearms trafficking directive. I think it is an attempt by Ministers to cede authority to Brussels so that when things go wrong down the line, they can look the Irish public in the eye and say, "Our hands are tied; blame the European Union", whereas what the Minister should be fostering is an open, transparent process where the public can see their political institutions openly considering and debating proposals.

This motion was added to the Seanad schedule on Monday evening. It is common for us to witness entire proposals being rushed through with sometimes virtually no scrutiny, especially in the case where the Minister extends provisions of Bills multiple times at various stages. Let us be very clear: if the Minister had a solid, robust justification setting out why an immediate Article 3 opt-in was necessary, he could have brought the proposal forward months ago. Instead, we are dealing with a manufactured urgency. This really undermines the democratic process. It is part of a wider, deeply concerning pattern of poor legislative practice, rushed Bills, guillotined debates and missed transposition deadlines.

It is the responsibility of this House to scrutinise proposals from the Minister. I put on the record my utter disgust at this repeated poor parliamentary practice. Sinn Féin will not support

this motion. The Irish people have been losing respect for the democratic process in recent times. It is completely unacceptable that there has not been proper scrutiny here.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senators for their contributions. I will point out an important statistic in respect of firearms in Ireland. Last year, 2025, and to date this year, there has not been one gun-related homicide in Ireland. That is a fairly extraordinary statistic. I am slightly reticent about stating it because once you say something like this, inevitably, something happens but for the past 18 months, there has not been one gun-related killing in Ireland. In fact, it could be longer than 18 months. That does not happen by accident. It happens because of the very effective and professional work of An Garda Síochána in seeking to confiscate illegally held weapons in Ireland, but also in seeking to prevent the importation of illicit weaponry into Ireland. I just want to make that point at the outset.

Senator Michael McDowell: It very nearly happened in Rathkeale last week.

Deputy Jim O'Callaghan: It may have nearly happened but it did not happen, which is another thing. It is still a fairly remarkable statistic that we find ourselves in a situation where last year and this year to date, there has not been a gun-related homicide. It is something to be extremely welcomed.

Senator McDowell raised a question about what happens if we opt in under Article 3 and then, let us say, we go into negotiations and they do not work out for us and we do not want to be bound by it. That is provided for in paragraph 2 of Article 3 of Protocol 21, which states: "If after a reasonable period of time a measure ... cannot be adopted with the United Kingdom or Ireland taking part, the Council may [still] adopt such measure" without Ireland taking part.

The Council may still adopt it without Ireland taking part. What happens then is that the provisions of Article 2 of protocol 21 apply, which means we are not covered by it.

That brings me to the issue that was raised by Senator McCormack who complained about the fact that we are opting in under Article 3 as opposed to opting in under Article 4. As I have said previously, there is a difference between the two. If we opt in under Article 4, I come to the House once a directive has been agreed and adopted by the EU. All I can say to the House is we can either accept it or leave it and ask whether we want to opt in or not. The benefit of opting in under Article 3 is that we are opting into a proposal. As Senator McDowell mentioned, the large document he has with him is a proposal to amend Directive 2024/1260. If we opt into that proposal, we can at least try to fashion and direct the final legal instrument which will be the directive. There is, therefore, a clear benefit to being a party to the negotiation of the directive as opposed to just standing at the end asking whether we take it or not. That is the reason we adopted in that way. How long do I have?

Acting Chairperson (Senator Teresa Costello): As long as you want.

Deputy Jim O'Callaghan: There is a significant difference between the two articles.

Senator McDowell also referred to the lengthy document. Obviously, he was able to get it. I have it and I assume other Members are able to read the proposal when it comes to an Article 3 opt-in proposal or an Article 4 directive. If that is not the case, they should be informed that there is a substantive document behind it but that is something the Houses could work on to ensure that, when it comes to an opt-in, Senators and Deputies have the legal instrument it is proposed we opt in to or proposed to adopt in due course. That is information readily available but, notwithstanding that, I hear the point Senator McDowell is making.

We received legal advice on 27 May on the opt-in procedures. Time limits are imposed on us as well. We have a three-month period. The proposal is published and we then need to get legal advice in respect of it. The legal advice was received on 27 May and we then need time to consider the advice and bring the motion. There is always going to be a tight period if we proceed down the route of an Article 3 opt in but there are benefits to opting in. If we opted in under Article 4, Ireland would not have a vote on the final negotiations. It is to our advantage to have a vote on the final negotiations.

Senator McCormack seemed to suggest this was in some respect an undermining of sovereignty. This is Irish sovereignty. This is the House of the Irish Parliament, a House of the Oireachtas. We will be in the Dáil later with this proposal. The elected Members of the Seanad and the Dáil will decide whether we opt into this. There is no diminution or undermining of Irish sovereignty. This is Irish sovereignty and if we do not want to opt into it, we do not have to opt into it.

The Senator also sought to compare this to the migration pact. I must remind her that Sinn Féin voted for two of the directives in the European Parliament in the migration pact. It is now the mantra of Sinn Féin when it comes to the migration pact that we need to opt out and Europe is forcing these rules upon us. The UK tried to do the same. The UK decided it would go it alone on migration and now it needs the assistance of the European Union. The only way to resolve issues in terms of irregular or intermitted migration is through a co-ordinated European approach. It is a European-wide and global issue. It requires a European and global response. That is why the British wish to have more co-operation with the EU in respect of it. The migration pact went through the Houses of the Oireachtas and the elected representatives of the people of Ireland decided to vote for it and the elected representatives of both Houses voted for the International Protection Act 2026 on which I spent many days here, and that is democracy in operation.

Acting Chairperson (Senator Teresa Costello): Is the motion agreed?

Senator Maria McCormack: Not agreed.

Question put:

The Seanad divided: Tá, 30; Níl, 6.	
Tá	Níl
Ahearn, Garret.	Andrews, Chris.
Brady, Paraic.	Black, Frances.
Byrne, Cathal.	Collins, Joanne.
Byrne, Maria.	McCormack, Maria.
Casey, Pat.	Murphy, Conor.

Comyn, Alison.	Tully, Pauline.
Conway, Martin.	
Cosgrove, Nessa.	
Costello, Teresa.	
Crowe, Ollie.	
Curley, Shane.	
Daly, Paul.	
Davitt, Aidan.	
Duffy, Mark.	
Fitzpatrick, Mary.	
Gallagher, Robbie.	
Kelleher, Garret.	
Keogan, Sharon.	
Lynch, Eileen.	
McCarthy, Aubrey.	
McDowell, Michael.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Reilly, Joe.	
O'Reilly, Sarah.	
Rabbitte, Anne.	
Stephenson, Patricia.	

Tellers: Tá, Senators Cathal Byrne and Paul Daly; Níl, Senators Maria McCormack and Conor Murphy.

Question declared carried.

Garda Síochána (Powers) Bill 2026: Report and Final Stages

An Cathaoirleach: Before we commence, I remind Senators that they may only speak once on Report Stage except the proposer of an amendment who may reply to the discussion on the amendment. On Report Stage, each non-Government amendment must be seconded. The Minister is most welcome back to Seanad Éireann.

Senator Michael McDowell: I move amendment No. 1:

In page 9, to delete lines 25 to 30.

Senator Aubrey McCarthy: I second the amendment.

Senator Michael McDowell: I express my deep regret that a guillotine has been proposed for this legislation. The number of amendments tabled for consideration could be dealt with

quite comfortably within the time period allocated to it. It may be that the proposed guillotine will be academic. We have to strongly protest that the Government has become addicted to using the guillotine even today when it not necessary. There is no call for it, nor is there any suggestion that this is being unnecessarily delayed or the like.

The amendment relates proposes to delete lines 25 to 30 on page 9. It was tabled on the basis that the Minister indicated on Committee Stage that he understood concerns that I raised about the general aspect of the existing section 8, as drafted. I wish for the record of this House to show what those concerns are. Section 8 provides:

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 to the member.

It is not in any sense limited to a public place. It is not limited to circumstances in which a search has been undertaken. It is not limited as to what kind of offence that we are concerned with. The Bill is concerned with quite a broad spectrum of serious offences but here we are empowering any member of An Garda Síochána who comes into contact with any person anywhere in the State whom he or she has reason to suspect has committed any offence at any time in the past and saying that he or she can demand that person's name, address and date of birth. The Minister seemed to share my view that was an unnecessarily broad power to confer on any member of An Garda Síochána. It means that virtually anybody who has committed an offence in the past can have his or her name, date of birth and address demanded by any member of An Garda Síochána. For instance, if a garda suspects a person who has in the past committed an offence and has been convicted of it is abroad, on the streets or wherever else, this section is so lazily drafted that it gives a garda the right to stop that person and ask him or her, not merely his or her name, but also his or her current address and date of birth. It is an offence not to give it to the garda in those circumstances.

The reason that I proposed its deletion was that in its present form, it is unacceptable. I had hoped that the Minister would allow sufficient time between Committee Stage and Report Stage to address the unnecessarily wide scope of that particular provision. However, for some reason, this is very urgent. We, therefore, find ourselves in the position that the Minister has tendered no amendments on Report Stage. He has not reflected anything that happened on Committee Stage, which was guillotined. We now find ourselves in the position that we are being asked to say as a House that section 8, in its present state, is acceptable. It is not acceptable. The Minister may think that he might go to Dáil Éireann having had more time to consider the matter and amend it there, but that will involve coming back here with the amended section. The proper procedure is that the Department should have allowed itself a good week or two to consider whether it wants to tighten up the incredibly lax aspects of this section and to do something about it.

While I am on the subject of these Garda powers, last Sunday, the deputy Garda commissioner, Paul Cleary, was the subject of a story in *The Sunday Times* saying that An Garda Síochána is to launch a dedicated security service to counter the activities of hostile states, domestic and international terrorism and extremism in all its forms. The agency will be

called An Garda Síochána security service. The deputy commissioner is quoted as describing its establishment as "significant in the force's history but necessary given the unfolding security landscape across Europe". It is the case that under section 7 of the Garda Síochána Act 2005 that protecting the security of the State is already a function of An Garda Síochána.

I was a bit mystified as to why the establishment of a security service as a separate branch of An Garda Síochána should be announced by the deputy commissioner in circumstances such as this through a press release to a particular journalist. It occurs to me that if we are setting up a specialised security agency within An Garda Síochána with specialised resources and the like, insofar as that is something new, there should have been, first, an announcement by the Minister for justice and, second, it should have been made to the Houses of the Oireachtas and brought before the justice committee of the Oireachtas to discuss what this new agency will actually do, how it will be different from what is going on at the moment and what precisely on the face of it we are involving ourselves with. The story as published stated, "A detective chief superintendent has been appointed to lead the security service and its state-of-the-art technology". We do not know what that is. Is it surveillance? I do not know. It also stated, "The bureau will also serve as the counter-espionage agency, protecting the government, politicians, state agencies and the gardaí themselves." This perhaps is slightly irrelevant to amendment No. 1 but we are giving in section 8 the right to any member of An Garda Síochána, including these people, to stop anybody on the street who they believe has committed an offence in the past, no matter what the offence is, and to demand of them their name, address and date of birth.

Section 8 is so badly drafted they could be plain-clothes gardaí or gardaí who are part of this new security service. We are being asked to rush through consideration of this legislation but we are being deprived of a Minister standing in this House and informing the House about what *The Sunday Times* was so elaborately briefed on last Sunday, what difference this new agency will make and what the limitations and reporting requirements will be for it. When you look at what has happened in Britain, MI5 and MI6 are much less secret organisations than they used to be, or at least we think they are. I get worried that the democratic aspects of what we get up to, including considering section 8 in all its inadequacy, is railroaded through on a guillotine motion without people carefully considering what powers An Garda Síochána really are going to have, how they will be deployed, who in an An Garda Síochána will deploy them and in what circumstances. This is a blank cheque being given to stop anybody in the street who a member of An Garda Síochána has reason to believe or suspect has committed any offence - trivial, serious or whatever. This is the new power. It does not even just apply to stopping persons in the street. It applies to people anywhere that a garda can lawfully confront any person and ask them for their identification in the manner prescribed.

In that vein, I propose the deletion of this section until such time as the Minister comes up with an acceptable section. We cannot be asked to accept it is defective and too wide but that the Minister may go to the Dáil and come up with a different section, or a different wording for the section, and if we pass it in this House in a guillotined debate, we will get around to reconsidering it later in the Dáil. In all probability the Dáil's consideration will also be guillotined, the way we are going. I get concerned about the legislative process that is leading to an inadequate section being rubber-stamped without a fair opportunity for people to tease out what it actually means. If the Minister is saying it is fine as it stands and he is not going to change it that is one issue, but he led the House to believe he would consider tightening it up

and now there is no sign of any amendment to the Bill arising out of what happened on Committee Stage.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senator McDowell for his amendment and his contribution. It is important to point out there are ten amendments on Report Stage and three hours for them. I am happy to be here for the three hours. It is also important to recall that for the Garda Síochána (Powers) Bill 2026, which I deliberately started in the Seanad, I was here for Second Stage on 4 February and Committee Stage on 14 May, 26 May and 10 June. I have given a lot of time to listening to what Senators have to say in respect of the legislation. The guillotine will not be necessary tonight because I know we will be able to finish ten amendments within three hours. It is unfair to say it has been rushed or railroaded when the Bill has been in the House since 4 February and this is my fifth appearance before the House in respect of the legislation.

Senator McDowell is correct in stating that he highlighted on Committee Stage a concern he had about section 8 of the Bill. His concern was that if the section was read in a particular way, it could imply that a member of An Garda Síochána had authority to stop someone and require them to give their name, address and date of birth, even if they were not lawfully present on the person's premises or elsewhere. At the time I indicated that I thought it was implicit within section 8 that this power could only be exercised in a public place or in a place where a member of An Garda Síochána is lawfully present. However, I did recognise that section 9 contains a not dissimilar power concerning stop and search for possession of a relevant article. The first part of it expressly limited the locations where that power could be exercised to a public place or where the Garda was otherwise lawfully present. I said I would look at it and I have asked officials to look at it. The Senator is correct in stating that I do not have an amendment before the Oireachtas today. Once I get the advice from officials and if I am not satisfied with it, I will require an amendment to be brought forward in the Dáil for the purpose of amending section 8 so that it contains a similar restriction as in the introductory part of section 9.

However, amendment No. 1, which Senator McDowell has put forward today and we are considering, is not an amendment that seeks to amend section 8 by inserting the restrictions I just outlined, namely, that this is a power that can only be exercised by the Garda in a public place or where it is lawfully present. Instead, the amendment seeks to remove section 8 in its entirety. I cannot accept that because it is an important power An Garda Síochána has.

In practical terms, if this section 8 was removed, it would mean that even where a garda has reasonable grounds to suspect criminal offending or the possession of a relevant article, there would be no statutory authority under Part 2 to require a person to provide basic identifying information. I do not consider that such an outcome would be appropriate or conducive to the effective investigation and prevention of crime. For that reason, I am not in a position to accept the amendment.

It is also the case that the provision can be read in such a way that this is not a power that is exercisable at large. It is expressly conditioned by the requirement that the member have reasonable grounds for the relevant suspicion before any such requirement may be made. It is this threshold safeguard that ensures the power is both necessary and appropriately constrained.

If it was the case that the provision was enacted as it is, and if a member of An Garda Síochána was unlawfully present in somebody's residence and sought to invoke section 8 by asking the person whom they reasonably suspected of committing an offence to provide his or her name, address and date of birth, I think it is fairly clear that the courts would not find any offence being committed in circumstances where the garda was unlawfully present when that power was invoked under section 8.

As I said to Senator McDowell on the last occasion, I will get advice from officials in respect of this and if I am not satisfied with that advice, I will bring forward an amendment in the Dáil, and obviously we will come back to this House, to put in the limitation contained in section 9. However, my preliminary view, in advance of receiving that advice, is that it is fairly implicit in the provision that this is a power, as is the case with all Garda powers, that can only be exercised in circumstances where a garda is in a public place or lawfully present.

Senator Michael McDowell: Briefly, by way of reply, the problem is with the Minister saying that in his view, it is implicit that that is the case. That is not the way in which we should be legislating. Somebody on the street who is confronted by a garda, or somebody who is somewhere else where a garda is lawfully present, and the garda claims he suspects him of having committed any offence, at any time in the past, is not going to be able to search the Dáil record. He will not be able to say the Minister seemed to think that this was confined to public places and, therefore, it is his right not to have these particulars demanded of him by a member of An Garda Síochána and his right to refrain from giving his name, address and date of birth on pain of committing a criminal offence means that he can safely tell the garda to get lost. That is not the way we do business. If we want to make it applicable to public places, we should say so. Print and ink are not so expensive that we cannot actually say what we mean and that we leave things implicit in circumstances such as this.

On another point, if the Minister considers section 9, he will see that it mentions the power to search somebody for a "relevant article", which is defined in section 7 as anything stolen or obtained unlawfully, explosive materials, controlled drugs, firearms and ammunition, any article the possession of which is in contravention of the Firearms Act, syringes where the person concerned might use them to cause injury to another person, computer programmes and computer passwords and encryption keys. Those are the things which the power of search relates to. Why, therefore, should not the definition of "offence" be similarly linked? If someone cannot be searched except on the suspicion of one of the "relevant article" offences in section 7, why can people be stopped and asked for their name, address and date of birth for any offence? It is not just simply the location; it is also the enormous breadth of the suggestion that if a member of An Garda Síochána believes that somebody has committed an offence as a historical fact, they can ask that person, when they see them in the street, for their name, address and date of birth, without limit.

The point about it being in a public place or that being implicit in it is not the only problem with section 8. It far too broadly and, I suggest, excessively widely drafted at the moment. It needs to be tightened up. It really is not correct. I am not going to call a vote on this because the Minister has said he will look at it again. However, it is not good enough for the people drafting the legislation to come up with a section of that kind and say that this or that is implicit in it. That power is given to a member of An Garda Síochána. Persons against whom that power to identify themselves with their name, address and date of birth is deployed are not in

a position to say, "Well, this may be the statute law but this garda is asking me now, in the street or in some other public place where he is lawfully present, for this information and telling me that if I do not give it to him, I will be committing an offence and because I do not know whether the Minister's view of what is implied or explicit is correct, I cannot risk being arrested for an offence." When we are drafting legislation and considering the work of the draftsman in circumstances such as this, our job is to get it right and not to say, "Seanad Éireann saw problems with this and the Minister said that if there was a problem, he would address it in a Dáil amendment, rather than dealing with it in this House."

I refer to the widening functions of An Garda Síochána and the new security section, which has been established as Ireland's secret service, effectively. We have to be careful about the powers we give An Garda Síochána. I am in favour of the Garda having effective powers but not overweening powers. It was in that spirit that this amendment was offered to delete the section, because it is bad law. I put it to the Minister, if he wants to, either in this House on Report Stage, which, unfortunately, is now being guillotined, or in Dáil Éireann, to come up with a proper section 8. Undoubtedly, some legislative measure incorporating some of the elements of section 8 is a sensible arrangement but this is not the way to do business.

2 o'clock

Amendment put and declared lost.

Senator Michael McDowell: I move amendment No. 2:

In page 11, to delete lines 16 to 19.

Senator Victor Boyhan: I second the amendment.

Senator Michael McDowell: Amendment No. 2 seeks to delete lines 16 to 19 on page 11 of the Bill, as amended on Committee Stage. Those lines refer to "A person of whom a requirement under *paragraph (c) of subsection (2)* is made". The paragraph in question - section 11(2)(c) of the Bill - provides that a garda may "require the driver to be in or on or to accompany the vehicle, as may be appropriate, for so long as is necessary to complete the search". Section 11(4) of the Bill, which we are proposing to delete, refers to "the purposes of *section 15*", which, as we will discover when we read section 15, is another way of saying for the purposes of committing an offence. Section 15 provides that a person who "shall be guilty of an offence" will:

be liable—

- (i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months, or to both, or
- (ii) on conviction on indictment, to a fine not exceeding €30,000 or to imprisonment for a term not exceeding 5 years, or to both.

The latter provision makes it an arrestable offence.

Let us read section 11(4) again:

A person of whom a requirement under *paragraph (c) of subsection (2)* is made shall, for the purposes of *section 15* [in other words, to determine whether he or she has committed an offence], be considered to have failed to comply with that requirement where he or she, at any time while the requirement is in force, is not in, on or accompanying the vehicle in relation to which the requirement was made.

I need to get a clear indication of what is being talked about here. For the purposes of determining whether a person has failed to comply with a requirement, and for the purposes of criminalising them, they will be deemed "to have failed to comply with that requirement where he or she, at any time while the requirement is in force [whatever that means] is not in, on or accompanying the vehicle in relation to which the requirement was made". I have to say I do not understand that. I think I know what it is driving at, in that if a person walks away from the car, they are deemed to be failing to comply with the requirement to bring it somewhere so that it can be searched. I think I understand that, but that is not what this subsection says. It does not say that. It says that a person will be deemed "to have failed to comply with that requirement" if, at any time, they are not in the vehicle. That is bad drafting, again. It really is. If the Minister is bringing this to Dáil Éireann, he should have another look at that because I would not like his Bill to be laughed out of court or Dáil Éireann. If, at some stage, a person gets out of the car, they are deemed to have committed a criminal offence if they have been required to drive the car to a place where it can be inspected. That cannot be right, and it is badly drafted.

I know what it is driving at. I think the draftsman in the Attorney General's office could come up with a better attempt to achieve what the common-sense view of it is probably intended to achieve. Let us be clear that this section actually says that the driver is required to be in or on or to accompany the vehicle, as may be appropriate, for so long as is necessary to complete the search. We are talking here about somebody who has had a requirement made of them. Such a person is deemed to have failed to have complied with it if, at any time while the requirement is made, he "is not, in, on or accompanying the vehicle". If he goes to use the bathroom in a pub near where the thing has happened, he has committed an offence because he has refused to comply with this requirement. It is not well drafted - that is all I would say. That is the reason I have proposed its removal in its present form.

Deputy Jim O'Callaghan: Sometimes I feel I am back in the classroom having my homework corrected by the teacher. I rise with trepidation. Unlike in the classroom, I am able to answer back here.

An Cathaoirleach: Without fear of punishment, I am sure.

Deputy Jim O'Callaghan: Can I try to explain it to Senators? Section 11 deals with additional provisions to search. Section 11(2) says, "Where a member decides to search a vehicle under *section 9* or *10*, the member may do one or more of the following". This is a provision that arises when a member of An Garda Síochána, exercising their reasonable suspicions available under sections 8 or 9, decides that it is necessary to search a vehicle. Section 11(2)(c) says that one of the things the garda can do is, "require the driver to be in or on or to accompany the vehicle, as may be appropriate, for so long as is necessary to complete the search". If a garda wants to search a car, he can say to the person in, on or accompanying

the car that they have to stay with the vehicle while the officer searches it. What happens if the person decides that they are heading off? It makes it extremely difficult for the garda to complete the search. What we are trying to do is put forward a provision that would make the failure to comply with that requirement an offence in those circumstances. That is what is set out in section 11(4), which refers to "A person of whom a requirement under *paragraph (c)* of *subsection (2)* is made". In other words, it relates to the person who is told to stay with the car, accompany the car or to be in or on the car. A person of whom such a requirement has been made, shall for the purposes of determining whether an offence has been committed - the offences are under section 15 - be considered to have failed to comply with that requirement, which, in effect, means they are committing an offence, "where he or she at time while the requirement is in force, is not in, on or accompanying the vehicle in relation to which the requirement was made". This provision is seeking to say that anyone who disobeys a direction - an order - from a garda that requires them to stay with the vehicle is committing an offence. That is the purpose of the provision.

Similar provisions already exist in respect of many offences on the Statute Book. Their purpose is to ensure that lawful searches can be carried out effectively and safely, and that there is clarity for both members of An Garda Síochána and members of the public as to what compliance with a lawful direction requires.

Notwithstanding what Senator McDowell views as the inelegance of the drafting, I am satisfied that subsection (4) is both necessary and proportionate, and I cannot support its deletion. As we know, the amendment would also delete a reference to section 15, which is the offences section. That applies only where a person obstructs a member of An Garda Síochána acting under the powers conferred by the legislation or fails to comply with a lawful requirement made under those powers. The offences provision is intended to support the effective operation of the statutory powers granted by the Oireachtas. Subsection (4) provides necessary clarity as to how compliance with this particular requirement is to be assessed.

The purpose is very clear. A garda is entitled to direct a person who is in charge of a vehicle, who is in it, who is on it or who is accompanying it to stay with a vehicle while a search is carried out. If he or she does not do that and breach the requirement set by the garda, he or she is committing an offence.

Senator Noel O'Donovan: I fully agree with the Minister. In terms of practical experience, if you have suspicion to search a vehicle, you may well be of the opinion an offence may be carried out. The person operating the vehicle may well leave the scene and that has been the case. The requirement for the person to stay on the scene is practical, common sense and necessary. Senator McDowell made the point that the person may leave the scene for a particular genuine reason. That is actually covered by the wording "as may be appropriate". From an operational sense, I am in agreement and have no doubt that Senator Gallagher will be in agreement as well that this is practical and required.

Deputy Jim O'Callaghan: I thank Senator O'Donovan for his contribution and commend him on that. The requirement is imposed by the member of An Garda Síochána and the wording is "require to driver". The garda can permit somebody, to use Senator McDowell's example, to go if they need to go to the toilet. The garda can restrict or limit the requirement imposed on

them. I again thank Senator O'Donovan for his helpful contribution in terms of the practicality of what happens when a search of a vehicle is ongoing.

Senator Michael McDowell: I said at the beginning that I know what the amendment is trying to achieve. If somebody does a runner, he or she is already caught by section 15 because he or she has failed to comply with section 11(2)(c) and is liable to be arrested if he or she does a runner. The particular need for section 11(4) is not apparent to me. If someone is required under section 11(2)(c) to "be in or on or accompany the vehicle, as may be appropriate, for so long as necessary to complete the search" and if he or she fails to do that, he or she already committed an offence under section 15. Section 11(4) adds nothing to that.

It is a significant enough point that if a member of An Garda Síochána decides to search a vehicle under sections 9 or 10, he or she can also, for instance, under section 11(2)(b), "where the place at which the member finds the vehicle is, in the member's reasonable opinion, unsuitable for such search, take the vehicle or cause it to be taken or require the driver forthwith to take the vehicle to a specific place which the member considers suitable for such search". The person could be asked to bring it to the yard at the back of a Garda station under that power. He or she is effectively under arrest if he or she is required to bring his or her car to some place that a member of An Garda Síochána tells him or her to bring it and he or she is obliged to do that forthwith.

I do not see how section 11(4) adds anything to the scope of section 15, which is the failure to comply with the requirement that is made of anybody. I do not see how the special provisions in section 11(4) are required. If someone has done a runner having been stopped, by doing that he or she has failed to comply with the garda's direction under section 11. He or she has committed an offence because he or she will have failed to be in or on or accompany the vehicle, as may be appropriate, for as long as is necessary to complete the search.

Deputy Jim O'Callaghan: We will give consideration to it in light of what the Senator said.

An Cathaoirleach: Is the amendment being pressed?

Senator Michael McDowell: I press the amendment.

Amendment put and declared lost.

Senator Michael McDowell: I move amendment No. 3:

In page 11, to delete line 35 and substitute the following:

"(b) the time, place and date of the search;"

Senator Victor Boyhan: I second the amendment.

Senator Michael McDowell: This amendment is very simple and again refers to page 11. It relates to the record of a search under sections 9 and 10, which is required by section 13(2)(b), and amends it to include the time, place and date of the search. That would cover circumstances where people are brought to special custody suites. In any event, there is no reason the place

of the search should not be recorded on PULSE, wherever it is made and in whatever circumstance.

Deputy Jim O'Callaghan: I understand what the Senator wants to do is insert the word "place" in section 13(2)(b) so that will be recorded. A lot of information is being recorded already under section 13. It requires the Garda to keep a record that shall contain the following information; the name, address and date of birth of the person or the driver of the vehicle concerned; the time and date of the search the reason or reasons for the search; the provision of this Part under which the search was conducted; and the outcome of the search, including where a search results in the seizure of a thing suspected to be a relevant article or evidence of or relating to the commission or intended commission of an offence, the thing concerned. All of the crucial detail in respect of the search is provided. I do not see the relevance or usefulness of the place of the search.

We are getting the name and personal information in respect of the individual but regarding the place where the search took place, does it matter if it happened in one street in Monaghan town or another street in Monaghan town? I understand the intention behind the amendment, which is to ensure that an adequate record is maintained of the exercise of search powers but it is not necessary. Section 13 already provides for a statutory record to be made of the search, including the time and date on which it occurred. In addition, Garda operational records, such as PULSE, routinely captures further details relating to the exercise of search powers, including information regarding the location of an incident. That information is already provided for on PULSE.

The purpose of the section is to establish the key elements that must be recorded in law. It is neither necessary nor desirable to proscribe every operational detail on the face of primary legislation, where those matters are already addressed through Garda procedures and recording systems. I am satisfied that sufficient records of the exercise of these powers will be available for operational, supervisory and accountability purposes without the need for this additional statutory requirement.

Senator Michael McDowell: If the Minister could say, with his hand on his heart, that the PULSE record would not say it was on Grafton Street of wherever that I was searched, I would take what he is saying and think it was a very conservative position but maybe there was some sense in what he is saying. I believe that any record made by any member of An Garda Síochána of a stop and search will mention the place where it happened. The Minister may have forgotten the particular debate on Committee Stage that gave rise to the amendment was that some of the other Members of the House wanted there to be some data as to whether or not people were brought to custody suites for personal searches or not. The Minister will recall that Senator Ruane expressed a desire there should be some record of the number of times that people are brought to a custody suite under the powers in the Bill as opposed to cursory searches on the street.

She was concerned that those personal searches were a major intrusion, especially when carried out in a custody suite, on the liberty and freedom of movement of people who are searched. Effectively, they are detained and brought to a Garda station and subject to a search. I am not simply dealing with what she was concerned with, which was internal or cavity

searches, but general searches involving strip searches, for instance, which are entirely justified in many circumstances and entirely necessary in limited circumstances.

If the Minister would tell me that the Commissioner of An Garda Síochána regards it as unduly onerous to say where a search took place, that is fine, but it is simply obstructive because that material will be on PULSE. If I am stopped on Grafton Street, the PULSE record will say that is what happened and that I was not somewhere else, for example, on O'Connell Street. I believe the record will state that and, therefore, I cannot see that there is any additional imposition on An Garda Síochána in simply recording where searches took place, rather than just simply the fact that a search took place. In the end, people will look back on this debate and this amendment and they will say there is no need whatsoever to record the place where a search took place. There is none because the Seanad decided that it was not part of a proper record. Therefore, I do not accept the Minister's rejection of the amendment.

Deputy Jim O'Callaghan: Section 13(3) is relevant to this. Obviously there is a purpose behind keeping the record of this information. The reason is the person or driver who is the subject of a search may make a request in writing to a superintendent in the Garda Síochána district in which the search was carried out for a copy of the record. The purpose of section 13 is to enable the person who is searched to get information. The real information they are looking for is the reason or reasons for the search. They will be aware of where they were searched, of that there is no doubt. The location of a search is recorded on PULSE, so PULSE will identify where a person was stopped. I fail to see the legislative advantage to putting in primary legislation the place where a person is searched in circumstances where the objective of the provision is to enable a person to seek information. They will know where they were searched.

Senator Michael McDowell: I know it is slightly out of order but, with the permission of the Chair, I just want to say that I do not take subsections (3) and (4) as being the entire purpose of the record being created. It is important for other general reasons of accountability of An Garda Síochána, regardless of whether or not the individual wants a record, that there is a proper record of the places of a search, the people who were searched and the outcomes of the search available to the Minister and the Commissioner. In those circumstances, given that the Minister has conceded that the place of a search will in fact be available, I do not see any reason it should not be put in. I ask the Minister to reconsider the matter before he gets to Dáil Éireann.

Amendment put and declared lost.

Senator Michael McDowell: I move amendment No. 4:

In page 12, between lines 9 and 10, to insert the following:

"Report on the operation of search and seizures

14. (1) It shall be the duty of the Commissioner to furnish to the Minister at least once in every calendar year a report containing the following data in anonymised format:

- (a) the total number of searches made under section 9;
- (b) the total number of searches made under section 10;

(c) the total number of searches made under sections 9 and 10 where such searches did not result in the seizure of a relevant article of evidence relating to the commission of an offence;

(d) such other information as the Minister may prescribe by regulation in relation to the age, gender, race, nationality and social status (including membership of the traveller community) of persons searched or of the drivers of vehicles searched.

(2) The Minister shall as soon as practicable lay the report furnished to him under this section before each House of the Oireachtas.”.

This amendment arises out of the extensive debate we have had on this matter. I do not propose to repeat it or to extend today's proceedings to go back over all of the reasons that were advanced by Members of the House in relation to this matter. The amendment is designed to enable the publication of statistics about stop and search by the Minister so as to assure the public that these kind of stop-and-search powers are being properly and impartially administered.

Senator Victor Boyhan: I second the amendment.

Deputy Jim O’Callaghan: I thank Senator McDowell for the amendment. It is important to state that the purpose of recording information in relation to a particular stop and search, as provided for in section 13, is to provide a clear and factual account of the incident, which may be relied upon by the person concerned. That needs to be emphasised. Section 13 is for the benefit of the person who is searched. It was not designed as a mechanism for statistical reporting on the operation of Garda powers generally. That is an issue of importance and which should be available, but that is not the purpose of section 13. While this amendment does not amend section 13 directly, it would repurpose information gathered in the course of individual stop-and-search encounters for a broader statistical reporting function, including the publication of demographic information relating to persons stopped and searched.

I recognise the importance of accountability and of understanding whether patterns of disproportionality exist. However, I am not convinced that a stop-and-search encounter is the appropriate setting in which to collect sensitive demographic information. Stop and search is intended to be a brief and focused interaction based on reasonable suspicion. Requiring members to collect information relating to race, nationality, Traveller identity or social status at that point raises practical and methodological concerns. It may lengthen what is intended to be a brief interaction and risks increasing tensions at what is already a sensitive moment. There may be more appropriate ways of collecting such information that ensures it is accurate, consistently recorded and capable of meaningful analysis. That is a valid point. If we think of the powers that are contained here for stop and search, they are powers that are going to be exercised based on reasonable suspicion and a decision that a member of An Garda Síochána is going to make immediately and spontaneously. If it is a requirement that information relating to the age, gender, race, nationality and social status of the persons concerned is collated, the search process is going to become inordinately complicated. If a garda is suspicious that somebody has committed or is committing an offence and stops that person and avails of the powers under this legislation, he or she will know that if they stop the person and search them for that reason, he or she will nearly have to go through a questionnaire with the person to find

out his or her age, race, gender, nationality and social status. That would grossly undermine the purpose of the legislation and the provision.

I agree with Senator McDowell, and I am well aware that this information would be very useful to have in terms of trying to identify people who come in contact with the criminal justice system. However, I do not believe this is the mechanism to do it. This would inflict serious damage on the ability of members of An Garda Síochána to do their job spontaneously, based on decisions they make on the spur of the moment and based on their reasonable suspicion.

The Senator should be aware that the Government is currently considering how demographic information may be used appropriately across the criminal justice system, including through the development of a common identifier for individuals engaging with the criminal justice system. That work is ongoing. I believe it provides a more appropriate context in which to consider these complex issues than an amendment to the stop-and-search provisions of the Bill.

I also have reservations regarding subsection (1)(c) of the amendment. The fact that a search does not result in the seizure of a relevant article or evidence does not of itself indicate that the search was unjustified or improperly carried out. The statutory test is whether the member has reasonable grounds for suspicion at the time the power is exercised. Stop-and-search powers are preventative as well as investigative and, accordingly, seizure rates viewed in isolation may not necessarily provide a complete picture of the operation of these powers.

I also should point out that the programme for Government has committed to introducing a common identifier for individuals who interact with the criminal justice system. This will enable gardaí, courts, prisons and probation records relating to the same individual to be connected, and it will improve the State's ability to assess the operation of criminal justice powers. The Department of justice has indicated that the preferred approach is to use the PPSN as that identifier and it awaits legal advice on that matter. The objective is to allow information to be linked across different parts of the justice system. This will avoid duplication and improve data quality. Similar approaches to record linkage already exist in other areas of the public sector, including health, although their application to the criminal justice system would be different. Importantly, the operation of a common identifier does not depend on the routine recording of ethnicity at the point of stop and search. Where demographic information is lawfully available through other datasets the identifier can facilitate broader statistical analysis without requiring ethnicity to be recorded during every encounter.

For those reasons, I think it would be inappropriate to include this amendment so that it would operate in respect of every time a garda invoked powers of stop and search. However, I do recognise that accumulation of this data is important and worthwhile, and there is work being done on the common identifier for that purpose.

An Cathaoirleach: Does anybody else wish to comment before Senator McDowell does a final round? No. Senator McDowell, please.

Senator Michael McDowell: Briefly, I want to reply, if I may, to the Minister's contribution. First, the information which a member of An Garda Síochána is obliged, under the Minister's

text, to establish under section 13(2)(a), is "the name, address and date of birth of the person or, as the case may be, the driver of the vehicle". Those are three things which certainly are mandatory requirements of the report of a stop and search. If we are into questionnaires on the side of a street, those things have to be recorded and the reason for the search has to be recorded.

According to section 13(2)(e): "the outcome of the search" has to be recorded. The Minister mentioned the accumulation of information, in searches that yield nothing, would complicate matters. It is already required to be made. If somebody is stopped and searched, the Minister's text requires it to be said that there was a search, these were the reasons for the search, and this is the main address and age of the person involved. Section 8 states that a member of An Garda Síochána is entitled to "require the person to provide his or her name, address and date of birth". That provision is already in the Bill.

The additional entitlement that the amendment would make to allow the Minister, in his discretion, to include further material to be recorded does not complicate anything if the Minister decides that ethnicity, race or nationality are irrelevant. Senator Keogan, after Committee Stage, informed me that she was told by members of An Garda Síochána that these are recorded. Again, the Minister said that he would confirm to Senator Keogan whether this kind of material is recorded and we are having a Report Stage debate before that information was furnished to her, which I think is unfortunate to put it mildly.

As for the common identifier idea the Minister has mentioned based on the PPS or whatever else, just imagine it is the PPS number. The PPS is not recorded on the street. No reasonable person, and none of us, know our PPS numbers unless we have a robotic memory. If a Garda asked me for my PPS number I would have to tell him that I have no idea whatsoever. Maybe it is my VAT number or it is the same number.

Senator Victor Boyhan: The Senator is very lucky.

Senator Michael McDowell: I cannot recollect that. If I was a much younger barrister I might not have registered for VAT.

Senator Victor Boyhan: The Senator does not need it.

Senator Michael McDowell: I do not know my PPS number.

An Cathaoirleach: The Senator is drifting slightly off the topic of the amendment.

Senator Michael McDowell: The point I am making is that the PPS number would only come into play where someone was convicted and then there is the common identifier that Michael McDowell of such and such a number was convicted of assault in Dundalk District Court and the same person was commonly identified, by that number, as having engaged in theft somewhere else. It would be very clear, and should be clear, to the Garda that a repeat offender - a person who was convicted of a number of things in different places - is identified clearly as being the same person and not just somebody with a similar name. That is not what this amendment set out to achieve. It is not setting out to achieve accuracy as to who is or who is not the subject of a number of encounters with the criminal justice system, which could only

happen in the context of a conviction unless the Minister is going to introduce some system whereby people have to, on demand, when they are being searched, yield up their PPS number, which is nonsense in my view.

This comes down, in the end, to the wilful decision, I think, emanating from An Garda Síochána that they do not want in the Republic of Ireland the same obligation to provide material or to record material, which is required under the Police and Criminal Evidence Act in the UK and equality legislation to be the subject of, number one, a record, and number two, accountability, in order to ensure that the law is fairly and impartially applied between different sections of society based on their status. I do not believe, and I do not think anybody thinks, that the forces of law and order north of the Border or on the island of Britain are impeded by making the kind of record which shows conclusively whether the use of stop and search powers is used disproportionately in respect of some groups in society.

I reiterate my point that on any view of effective policing, it is quite possible that particular stop and search incidents are going to weigh more heavily on people in certain categories. I have no doubt but that that will be the case and it does not necessarily suggest racism, ageism, misogyny or whatever words are thrown about in such circumstances. I have no doubt that statistical homogeneity is never going to be achieved in the way in which these powers are actually applied by any effective police force. What I do say is that it is important, if we are introducing the stop and search powers of this kind, that we do what I believe the European Convention on Human Rights, ECHR, would require of any responsible member state and what is done right across the various constituent parts of the United Kingdom to at least make it clear what age groups are being more or less affected by the deployment of these powers.

I believe there is no decent answer to a similar requirement existing in Irish police procedure. The Minister's reference to the programme for Government and the plan to have a common identifier for people who are in contact with An Garda Síochána based on the PPS number have nothing to do with the proposition as to what kind of person is likely to be stopped at random on a street in Dublin. There is no connection between the two, and we will never connect people up with a common identifier unless they are convicted of an offence and unless there has been some court process. Nobody will be in a position, and gardaí are not entitled, to ask for a common identifier of people whom they search. If such a power were to be conferred on the Garda, the accusations of Big Brother would be enormous. It would be said that the Garda was effectively keeping an eye on people whom gardaí randomly stopped and searched and was able to connect them by a common identifier with other brushes they may or may not have had with the criminal justice system.

I regret to say I am not persuaded. On this occasion the Minister has made it very clear he does not intend putting into effect in Ireland what is required in Northern Ireland and Great Britain. Therefore, in the circumstances, I have to press the amendment.

Deputy Jim O'Callaghan: I will briefly respond if I can. Senator McDowell has raised some very interesting points. This is a complex and difficult issue. I do not believe that the appropriate mechanism to deal with this complex and difficult issue is in the legislation that is going through the Seanad today. What Senator McDowell wants to be able to get information on, through this legislation, is details pertaining to the nationality, the race and the social status of persons searched. The Senator referred to what is happening in the UK. I am nearly hesitant

to move into this territory, but what I want to see happen as Minister for justice is that when a member of An Garda Síochána exercises powers that they have under section 8, section 9 or section 10, they do so completely blind to an individual's race, gender or nationality. The only basis for An Garda Síochána to exercise these powers is if it has a reasonable suspicion that an offence is being committed. There is a lot to be gained from getting data as to whom the Garda is interacting with, and that is why I referred to the other work that is ongoing. What I would not like to see happen, however, is that if data is produced, in some respect this puts an obligation or pressure on members of An Garda Síochána to move outside the statutory scheme, which is that people should be stopped and searched only if there is a reasonable suspicion of an offence being committed. I would not like to see a situation where the Garda has data and says, "Oh, look, a certain nationality is over-represented and another nationality is under-represented; we need to stop and search more of the latter." That is not what should happen. I have no doubt without getting any data that the overwhelming number of people who are stopped and searched, or who would be stopped and searched pursuant to the provisions here, will be men as opposed to women. I do not think it could be suggested that for gender equality reasons the Garda should seek to ensure that more women are stopped and searched.

It is a complicated issue. There is a huge benefit in policymakers, the public and the Garda having data on who is being interacted with when it comes to the criminal justice system, but I would be very hesitant about adding that obligation on when it comes to the stop-and-search powers. There may be other ways of doing surveys in respect of it, but the only reason a stop-and-search power should be used by a member of An Garda Síochána is that he or she has a reasonable suspicion that an offence is being committed.

An Cathaoirleach: Is the amendment being-----

Senator Michael McDowell: Very briefly, and I will finish on this-----

An Cathaoirleach: No, no, no. Senator-----

Senator Michael McDowell: You have allowed the Minister in twice, a Chathaoirligh.

An Cathaoirleach: I know, but the rules of-----

Senator Michael McDowell: I am sorry, but you have allowed him in twice, a Chathaoirligh.

An Cathaoirleach: I know. The only person allowed to speak twice is-----

Senator Michael McDowell: Is me.

An Cathaoirleach: -----is you. I have allowed it before. I can say that the Minister does not come back in, just to be helpful to the House, but the proposer gets to speak twice. Do you want to press the amendment, Senator?

Senator Michael McDowell: I am trying to be reasonable. All I am saying is that I hear what the Minister has said but the issue is not as described by him. It is not about whether men and women are unfairly discriminated in relation to these matters. I can see that some sections of the population are more likely to feature than others. I fully accept that proposition. What I am saying, however, is that Ireland is deliberately blinding itself to the reality of the deployment of these powers in similar jurisdictions in which racial minorities-----

An Cathaoirleach: Are you pressing the amendment?

Senator Michael McDowell: -----are inordinately the subject of police stop-and-search powers. I fully agree with the Minister-----

An Cathaoirleach: Senator, are you pressing the amendment?

Senator Michael McDowell: -----that a blind approach is what is required, but the simple fact is that that is the same in England as well. The Home Secretary in England would say exactly the same - "I want no discrimination and I expect no discrimination" - but the facts prove otherwise.

An Cathaoirleach: Senator, are you pressing the amendment?

Senator Michael McDowell: I am.

Amendment put:

The Seanad divided: Tá, 18; Níl, 24.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Byrne, Cathal.
Boyhan, Victor.	Byrne, Maria.
Clonan, Tom.	Casey, Pat.
Collins, Joanne.	Comyn, Alison.
Cosgrove, Nessa.	Conway, Martin.
Flynn, Eileen.	Curley, Shane.
Harmon, Laura.	Daly, Paul.
Higgins, Alice-Mary.	Davitt, Aidan.
Keogan, Sharon.	Duffy, Mark.
McCarthy, Aubrey.	Fitzpatrick, Mary.
McCormack, Maria.	Gallagher, Robbie.
McDowell, Michael.	Kelleher, Garret.
Mullen, Rónán.	Kennelly, Mike.
Murphy, Conor.	Lynch, Eileen.
O'Reilly, Sarah.	Murphy, P. J.
Stephenson, Patricia.	Murphy O'Mahony, Margaret.
Tully, Pauline.	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.

	O'Reilly, Joe.
	Rabbitte, Anne.
	Scahill, Gareth.
	Wilson, Diarmuid.

Tellers: Tá, Senators Michael McDowell and Victor Boyhan; Níl, Senators Cathal Byrne and Paul Daly.

Amendment declared lost.

3 o'clock

An Cathaoirleach: I welcome from Dexcom in Galway, Columba McGarvey, Adrian Furey and Orla Lovett, who are guests of Deputy Peter Roche. They are most welcome to Seanad Éireann. I thank them for being here.

I welcome the Minister back to the House. Amendments Nos. 5 and 10 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Chris Andrews: I move amendment No. 5:

In page 14, between lines 18 and 19, to insert the following:

“(2) Where an application for a search warrant relates to premises, devices or materials belonging to a journalist or publisher, the court shall, save in exceptional circumstances, conduct an *inter partes* hearing and invite the journalist or publisher to make submissions on whether journalistic privilege applies.”.

Senator Joanne Collins: I second the amendment.

Senator Chris Andrews: Amendments Nos. 5 and 10, as the Cathaoirleach has said, are linked. Many aspects of this Bill are to be welcomed, including the fact that it codifies Garda use of powers to stop and search, arrest, searches and seizures, and detention, and clarifies the law on stop and search. It is welcome that what was found in provisions in over a dozen pieces of legislation is now reduced to two clear powers to stop and search. The Commission on the Future of Policing in Ireland recommended in 2018 that in order to ensure the legitimacy of policing and the protection of the rights of all: "There needs to be clarity and transparency about police powers and codes of practice as to how to exercise those powers. This should be based in legislation." It also recommended that "legislation defining police powers of arrest, search and detention should be codified, with statutory codes of practice."

While these changes are welcome, the delay in bringing them forward is notable. It is now eight years since the commission on the future of policing made its recommendations, however, the part of this Bill Sinn Féin has significant issues with is its failure to explicitly recognise the right of journalists to protect sources. This Bill fails to explicitly recognise the right of journalists to refuse to reveal confidential sources. The Minister needs to address the extensive concerns about the implications of this Bill for the ability of journalists to do their job, including holding those in power to account. It should be amended to ensure there is a court hearing to

determine whether journalistic privilege applies before a warrant can be granted, as is the case in many other jurisdictions, including in the North.

The District Court should be empowered to take journalistic privilege into account when considering a Garda application for a search warrant, rather than after the application has been granted. The Bill needs to explicitly recognise the rights of journalists to protect sources, which is arguably required to bring the law into line with the 2023 decision in *Emmett Corcoran v. the Attorney General* where the Supreme Court judge, Mr. Justice Gerard Hogan, stated that: "The general protection of sources is integral to a free press." He added that without constitutional protection of the media's right to protect sources, journalists "cannot be reasonably be expected to discharge their functions of educating public opinion and holding government to account in the manner expressly provided for in article 40.6.1 of the Constitution." Sinn Féin has tabled a number of amendments to address these flaws in the Bill.

Amendment No. 5 strengthens the essential protections for journalists and publishers and ensures that when An Garda Síochána seeks a search warrant for journalistic materials, the court must, except in truly exceptional circumstances, hold an *inter partes* hearing. That means the journalist or publisher can make submissions on whether journalistic privilege applies. This safeguard is not about obstructing investigations; it is about defending press freedom, preventing fishing expeditions and upholding the public's right to know. By requiring judicial scrutiny and participation from those affected, we reinforce transparency, proportionality and the vital independence of the media in a democratic society.

Amendment No. 10 provides journalists and publishers with a vital safeguard, which is rapid High Court review of any warrant or order affecting them. It ensures decisions are examined promptly, recognising the fundamental importance of protecting journalistic sources and preventing undue interference with the media's democratic role.

Deputy Jim O'Callaghan: I thank Senator Andrews for his amendment and his contribution. Senator Andrews's amendment and the subsequent amendments relate to Part 3 of the Bill, which concerns search of premises. Senator Andrews has correctly emphasised the importance of our legal process giving recognition to journalistic privilege. The reason I am bringing forward amendments in respect of Part 3 is specifically because of the Supreme Court judgment to which Senator Andrews referred, namely, *Corcoran*. *Corcoran*, as I indicated previously, was a very important decision. It involved a journalist being subjected to a search warrant application by An Garda Síochána. It was heard in the District Court. The search warrant was for the search of the offices of the journalist and his own residence. The District Court was not informed at the time of the search warrant application that the respondent to the application was a journalist. Mr. Corcoran went the whole way to the Supreme Court and was successful in his challenge to the search warrant that was imposed against him. The reason An Garda Síochána had sought the search warrant and access to his digital communications - his computer - was because there had been a very serious assault and attack in a certain part of the country and the Garda believed there was valuable and useful information and evidence on Mr. Corcoran's laptop. Ultimately, however, journalistic privilege prevailed.

During the course of the Supreme Court judgment, Mr. Justice Hogan, to whom Senator Andrews referred, indicated that section 10 of the Criminal Justice (Miscellaneous Provisions) Act 1997 was very defective because it did not provide any mechanism for the court to be

informed about the fact that an application for a search warrant may impinge upon or affect journalistic privilege. Mr. Justice Hogan and the rest of the Supreme Court said that section 10, which is the provision that deals with the application for a search warrant, required urgent legislative intervention by the Oireachtas. That is why I am bringing forward what is in Part 3 of this piece of legislation. It is to ensure the concerns expressed by the Supreme Court are responded to, and that the legislation seeking search warrants is more robust, and also recognises and reflects the importance of privilege that may arise. I believe that the provisions contained in the Garda Síochána (Powers) Bill do so.

Senator Andrews's amendment refers to the necessity for an *inter partes* hearing, but it is important at the outset to set out what is the procedure set out in Part 3 of the legislation. For instance, looking at section 17, it governs the standard provision in respect of an application for a search warrant.

It sets out when a member of An Garda Síochána may apply for a search warrant. Section 17(5) states:

Where an applicant [who is a member of An Garda Síochána] suspects that privileged material may be present at the proposed place of search, or contained in, or accessible from, any electronic device or information system that may be present at that place, his or her application shall include such information as is known to him or her relating to -

- (a) the nature of the privileged material concerned, and
- (b) any other matter relating to the privileged material ...

To begin with, therefore, there is now an express statutory obligation on any garda who is applying to the District Court for a search warrant to inform the court of the fact that he or she believes there may be privileged information pursuant to the search. That could be legal professional privilege, it could be journalistic privilege or it could be some other public interest privilege. That is expressly provided for.

Then there are further provisions contained within section 19, which provides for the search of electronic device or information system under search warrant. As the last subsection of section 19 provides that "subject to the condition that a privilege screening or digital forensic examination of the data concerned may be conducted", there is a recognition that there is a process of screening information for any privileged information.

However, the real substantive provisions that relate to Senator Andrews's amendment are contained in sections 24 and 25 of the Bill. Section 24 sets out a process for the determination as to privilege. If there is going to be a complaint made by an individual who is the subject of a search warrant that information or a computer was seized that contains material governed by privilege, this is set out in subsections (1) and (2) of section 24. Without reading out all the procedures, there is a mechanism contained within this for a hearing before the High Court where individuals can set out what they view as the reasons as to why the search warrant or the material should not be inspected because it is covered by journalistic privilege. Obviously we could not have a situation where somebody is just able to say you cannot search that because it is legal privilege or that it is journalistic privilege. There has to be some assessment of it. Just because somebody is a lawyer it does not mean that their phone is protected from search by the Garda. Privileged material on the phone is protected but the Garda are entitled to probe

that. Similarly, just because a person says he or she is a journalist does not mean that the search comes to the end.

I indicated, I think on Committee Stage, that I felt this proposed amendment to section 18 was not necessary and I remain of that view. The Bill already provides for *inter partes* adjudication before privileged material may be examined, but preserves the ability for initial warrant applications to proceed *ex parte* where operationally necessary. As I mentioned already, sections 24 and 25 of the Bill create a structured mechanism for the resolution of privileged disputes. Where material is apprehended to be privileged and an authorised member seeks to access it for evidential purposes, an application must be made to the High Court. That application proceeds on notice to the relevant person who is entitled to identify the material claimed to be privileged and make submissions to the court. The court may also issue interim preservation directions and appoint an independent and suitably qualified person to examine the material and report back. Unless and until the court determines that the material is not privileged, it cannot be examined by investigators. Where privilege is upheld the material must be returned or deleted. That distinction reflects the approach endorsed in the Corcoran case, as I just indicated, namely, that the essential safeguard is prior independent review before access to the material itself, rather than requiring every procedural step to occur on notice. For that reason I cannot accept the amendment.

Senator Andrews may have been concerned that the term "journalistic privilege" is not contained within the Bill. There are reasons for that. It is hard to get a specific definition "journalistic privilege". It is recognised in Irish law and it is respected in Irish law. The decision of Corcoran emphasises that. As a drafter, I thought it was more appropriate to have a reference to privilege in general. There can be an assessment on whether it is legal professional privilege or journalistic privilege or other types of privilege that may arise. There is a statutory procedure in place that enables that submission or that contention of privilege to be assessed and determined on an *inter partes* basis.

An Cathaoirleach: Before I come to any Senators to reply, I welcome the guests of the Garda College from the United States of America, the National Executive Institute of the Federal Bureau of Investigation. They are most welcome to Seanad Éireann and I am sure the Minister and our colleagues here in the Seanad welcome you as well. I hope you enjoy your stay in Ireland and thank you for all the work that you do in your collaboration with our Garda College.

No Senators are indicating to reply. Is the Senator pressing the amendment?

Senator Chris Andrews: Yes.

Amendment put and declared lost.

An Cathaoirleach: Amendments Nos. 6 and 8 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Chris Andrews: I move amendment No. 6:

In page 14, between lines 18 and 19, to insert the following:

“(2) In considering an application for a search warrant, the District Court may consider whether journalistic privilege applies and shall refuse the application unless satisfied that the requirements of *section 21* (Protection of Journalistic Sources) have been met”.

Senator Joanne Collins: I second the amendment.

Senator Chris Andrews: Amendment No. 6 empowers the District Court to actively consider journalistic privilege when assessing search warrant applications. It ensures warrants are refused unless strict requirements are met. This protects press freedom, prevents overreach, and reinforces the essential democratic role of independent journalism.

Amendment No. 8 strengthens the protection of journalistic sources by allowing disclosure only through a court order and only where strictly necessary and proportionate. It requires judges to weigh constitutional rights, European Court of Human Rights jurisprudence, and domestic case law, ensuring press freedom is upheld while balancing genuine public interest needs.

Deputy Jim O'Callaghan: I thank Senator Andrews for his amendment. I think this was also discussed on Committee Stage. The proposed insertion of section 21 on which this amendment relies is not necessary as the Bill already provides appropriate safeguards in relation to journalistic privilege. As I mentioned earlier, the application for a search warrant to the District Court requires members of the Garda to notify the court of any issues related to privilege as is known to them. This ensures that if there are concerns regarding privilege the Garda must bring them to the judge's attention and this allows the judge to make informed decisions and draw appropriate inferences about the potential privileged material without placing the entire responsibility on the Garda. There is an application in the District Court and the district judge has to be satisfied with the application. If the Garda are aware that there may be privileged material involved in the search, that must be brought to the attention of the district judge. It is a matter then for the district judge to strike a balance between safeguarding privilege and ensuring that the judicial process can move forward. For that reason I cannot accept the amendment. As I said earlier, I believe that the provisions contained within this are sufficient to respond to the concerns that were highlighted by the Supreme Court in the case of Corcoran, and which I am giving effect to in this statutory provision.

Senator Andrews has also moved forward amendment No. 8. Are we discussing this also?

Acting Chairperson (Senator Pat Casey): Yes. We are discussing amendments Nos. 6 and 8 together.

Deputy Jim O'Callaghan: Amendment No. 8 is sufficiently covered by the provisions of the Bill already. The Bill significantly strengthens the protection of journalistic privilege. It introduces a judicially supervised process governing potentially privileged material. Applications are assessed on a case-by-case basis with the court empowered to seek additional information and to grant, limit or refuse access depending on what is necessary. I believe very categorically that the statutory provision in place will ensure that if a member of the Garda, the Irish police force, is going to the District Court looking for a search warrant, and if the garda is aware that this may involve privileged material, there is a statutory obligation on the garda

to bring that to the attention of the court. The court will very much take that into account. Even if the search warrant is granted and information is then procured by An Garda Síochána, they cannot look at it until such time as an order is made. If an application is made by the affected party claiming that this involves privilege there is a process for it to be determined before a High Court judge. It is very thorough.

Acting Chairperson (Senator Pat Casey): I welcome law enforcement officers from the United States who are guests of the Cathaoirleach. I hope they enjoy their visit.

Amendment put:

The Seanad divided: Tá, 15; Níl, 26.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Brady, Paraic.
Boyhan, Victor.	Byrne, Cathal.
Clonan, Tom.	Byrne, Maria.
Collins, Joanne.	Casey, Pat.
Cosgrove, Nessa.	Comyn, Alison.
Higgins, Alice-Mary.	Conway, Martin.
Keogan, Sharon.	Costello, Teresa.
McCarthy, Aubrey.	Curley, Shane.
McCormack, Maria.	Daly, Paul.
McDowell, Michael.	Davitt, Aidan.
Murphy, Conor.	Duffy, Mark.
O'Reilly, Sarah.	Fitzpatrick, Mary.
Stephenson, Patricia.	Gallagher, Robbie.
Tully, Pauline.	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Reilly, Joe.
	Rabbitte, Anne.
	Scahill, Gareth.
	Wilson, Diarmuid.

Tellers: Tá, Senators Chris Andrews and Joanne Collins; Níl, Senators Cathal Byrne and Paul Daly.

Amendment declared lost.

Senator Chris Andrews: I move amendment No.7:

In page 16, between lines 5 and 6, to insert the following:

“(2) Where a journalist or publisher asserts journalistic privilege in respect of material stored on an electronic device, no requirement to provide access credentials shall apply until a court has determined whether the privilege applies.”.

Senator Joanne Collins: I second the amendment.

Senator Chris Andrews: Amendment No. 7 ensures the District Court can assess whether journalistic privilege applies before granting a search warrant. It requires the court to refuse any application unless strict safeguards are met protecting press freedom and preventing disproportionate intrusion into journalists’ work.

Deputy Jim O’Callaghan: I thank Senator Andrews for his amendment. Under section 19(1)(f) of the Bill there is an ability within a search warrant for it to be expressed in such a way as to require any person who appears to the authorised member to have access to, or to have under his or her power or control, the information held in any electronic device or that can be accessed by it to provide them with the passwords.

The amendment put forward by Senator Andrews and his colleagues is in respect of that. It says that where journalists or a publisher asserts journalistic privilege in respect of materials stored on an electronic device no requirement to provide access credentials, which is what is provided for in section 19(1)(f), shall apply until a court has determined whether the privilege applies. The Bill therefore places the issue of compelled access under judicial supervision from the outset because an order under section 19(1)(f) will only be made where the judge is satisfied that such powers are necessary and proportionate having regard to the sworn information provided by the applicant. The Bill therefore places the issue of compelled access under judicial supervision. This approach adopted reflects the recommendations of the Law Reform Commission which recognised that persons executing search warrants may require powers to obtain assistance from persons present, including assistance in accessing digital material. Similar provisions already exist in Irish law under the Criminal Justice (Theft and Fraud Offences) Act. The Bill, therefore, is not creating a novel or unrestricted power but rather modernises and structures existing investigative powers in light of the realities of encrypted digital evidence.

Importantly, the Bill also responds directly to concerns expressed in another important Supreme Court decision, *DPP v. Quirke*, and, indeed, in *Corcoran v. The Commissioner*, with regard to the seizure and access of a device. It expressly allows a judge to limit the scope of any warrant concerning electronic devices and to attach conditions where necessary. The reason for that is that in the *Quirke* decision Mr. Justice Charleton said that an electronic device is really a separate space that requires a specific and separate authorisation.

On the amendment, an additional provision stating that a journalist or publisher has no obligation to provide access credentials once privilege has been asserted would be counterproductive. The statutory framework already assumes that access to a device may be required in order to identify, preserve and securely process potentially privileged materials before a court can determine whether privilege applies. In the context of encrypted devices it may be impossible to conduct privileged screening unless the device can be accessed or preserved. A blanket exception would therefore risk frustrating the operation of the carefully

balanced safeguards contained in the Bill. Therefore I cannot accept the amendment. Privilege will be preserved and protected and there is the mechanism whereby it can be assessed but what cannot happen is somebody says “privilege” and therefore you cannot look at it or seek to access it. It is at a further stage for the content of the privilege to be assessed and determined by the court.

Amendment put and declared lost.

Senator Chris Andrews: I move amendment No. 8:

In page 17, between lines 16 and 17, to insert the following:

“Protection of Journalistic Sources

21. (1) A journalist or publisher shall not be required to disclose the identity of a confidential source except by order of a court.

(2) A court shall only make such an order where—

- (a) it is strictly necessary and proportionate for the administration of justice, and
- (b) the public interest in disclosure substantially outweighs the public interest in the protection of journalistic sources.

(3) In determining an application under this section, the court shall have regard to—

- (a) Article 40.6.1 of the Constitution,
- (b) the jurisprudence of the European Court of Human Rights, and
- (c) relevant domestic case law.”.

Senator Joanne Collins: I second the amendment.

Amendment put and declared lost.

Senator Chris Andrews: I move amendment No. 9:

In page 19, between lines 21 and 22, to insert the following:

“Safeguards for Retention, Access and Use of Digital Data

24.(1) Any digital data seized, captured or otherwise obtained under a search warrant issued pursuant to this Act shall be retained only for the minimum period strictly necessary for the investigation of the offence to which the warrant relates.

(2) Digital data that is not, or is no longer, relevant to the investigation or prosecution of an offence shall be securely deleted without delay.

(3) The Garda Commissioner shall ensure that all digital data retained under this Act is subject to:

- (a) strict access controls;
- (b) comprehensive audit logging;

(c) encryption at rest and in transit; and

(d) periodic review to confirm ongoing necessity and proportionality.

(4) Digital data obtained under this Act shall not be used for any purpose other than the investigation of the offence specified in the warrant, unless authorised by a further warrant issued by a judge of the High Court.

(5) Where digital data includes information relating to third parties not suspected of any offence, such information shall not be examined, retained or used except where strictly necessary and proportionate and expressly authorised by a judge.

(6) Nothing in this section shall be construed as permitting the retention or use of digital data in a manner inconsistent with the Constitution, the European Convention on Human Rights, or the Charter of Fundamental Rights of the European Union.”.

Senator Joanne Collins: I second the amendment.

Senator Chris Andrews: Amendment No. 9 relates to safeguards for retention, access and use of digital data. The amendment introduces essential safeguards for how gardaí retain and handle digital data seized under warrant. The amendment ensures data is kept only for the minimum time necessary, securely deleted when irrelevant and protected through strict access controls, encryption and audit logs. It requires periodic reviews to confirm ongoing necessity and prevent mission creep.

Crucially, the data will only be used for the specific investigation named in the warrant unless a High Court judge authorises any broader use. Where third party information is involved additional judicial approval and strict proportionality apply. Overall these safeguards reinforce constitutional and human rights standards in the digital search context.

Deputy Jim O’Callaghan: I thank Senator Andrews for his amendment. In responding to it I must rely upon what is in section 23 of the Bill because it deals with very many of the concerns expressed by Senator Andrews in his amendment.

Section 23 is entitled "Treatment of material seized under search warrant". Section 23(1) provides that anyone who "seizes material, shall ensure that following its removal from the place of search the material is stored and a record is made of the material". There is also a requirement that when it is no longer needed the material must "be returned to the person who disclosed the material", and then, others who have it must ensure that the material is deleted, without delay, and the person from whom it was seized must be informed at the time of its deletion.

Section 23 sets out the rules for handling seized material. It requires confidential treatment and the return of deleted material. As I have said, it is consistent with the decision of the CJEU in the Landeck case on police access to data stored on mobile phones during criminal investigations. That court was of the view that there was a need for post-access notification once this would not prejudice the investigation. Such notification is not required per subsection (4) where doing so would compromise national security, prejudice a criminal investigation or criminal proceedings or would jeopardise the safety of a person.

As I said, I believe that section 23 addresses the concern set out in the amendment. However, even if the amendment was accepted it would not be possible for the Garda to ensure that data is encrypted at rest and transit as the seized data may itself be encrypted. Members of the Garda are obliged to log and retain digital evidence seized in the format in which it was captured under warrant. Encryption runs contrary to current evidence and best practice of maintaining the technical integrity of seized data should it be challenged in court proceedings. Therefore, I cannot accept this amendment.

Amendment put and declared lost.

Senator Chris Andrews: I move amendment No. 10:

In page 22, between lines 19 and 20, to insert the following:

“Expedited High Court Review

26.(1) A journalist or publisher affected by a warrant or order under this Act may apply to the High Court for an expedited review of the decision.

(2) The High Court shall determine such applications as soon as practicable, having regard to the importance of protecting journalistic sources.”.

Senator Joanne Collins: I second the amendment.

Amendment put and declared lost.

Bill received for final consideration.

Acting Chairperson (Senator Pat Casey): When is it proposed to take the next Stage?

Senator Robbie Gallagher: Now.

Acting Chairperson (Senator Pat Casey): Is that agreed? Agreed.

Question, "That the Bill do now pass", put and agreed to.

Acting Chairperson (Senator Pat Casey): I thank everyone. I thank the Minister for his presence in the Chamber again today.

Cuireadh an Seanad ar fionraí ar 3.43 p.m. agus cuireadh tús leis arís ar 5.04 p.m.

Sitting suspended at 3.43 p.m. and resumed at 5.04 p.m.

5 o'clock

Irish Aids Day 2026: Statements

Acting Chairperson (Senator Laura Harmon): We have statements to mark Irish AIDS Day which took place two days ago. I welcome the guests in the Gallery. We have a number of guests who are working in this area, namely, Oisín O'Reilly, CEO of Outhouse in Dublin,

and Davy Quinlivan from HIV Ireland. I also welcome Eddie McGuinness and Karl Hayden, who are campaigners and also represent Labour LGBTQ+. We have a number of other guests in the Gallery as well. They are very welcome. I welcome the Minister for Health and I invite her to make her opening remarks.

Minister for Health (Deputy Jennifer Carroll MacNeill): I recognise and welcome our guests to the Seanad, even though it is not my place to welcome them to the Seanad. The Acting Chair will forgive me. Perhaps I should say they are welcome to the Oireachtas. They are so very welcome. It is wonderful to see them and to have the opportunity to have this debate and to recognise their very important work in relation to that.

I also recognise my officials who are so deeply committed to this area. Mary Horgan, our Chief Medical Officer, is here in support of this debate today and to contribute to the debate. Fiona Mansergh is an assistant principal in the rare diseases and sexual health policy area. Behind them is Bearach Reynolds, a specialist registrar in the office of the Chief Medical Officer. We are trying to bring the highest levels of both medicine and policy to this debate. I hope that is a measure of respect for the debate and of the guests as well.

I welcome the opportunity to address this House today with statements on HIV and AIDS in Ireland. I recognise the Chair's contribution to making this debate happen. Today, we gather in solidarity, remembrance and hope. It is really important to take a moment to remember our friends who have passed away either from HIV and related illnesses or with HIV and related illnesses, which has become very different over time. I have a friend in particular in mind, as we all might. We come together to honour those we have lost to HIV and AIDS and to stand with those living with HIV and to renew our collective commitment to ending HIV transmission and the stigma it continues to effect in too many lives.

Irish AIDS Day has always been about people: individuals, families, friends, healthcare workers, activists, researchers and community organisations who have shaped Ireland's response to HIV over the past four decades. It is also about recognising the courage of those who spoke out when fear and misinformation were widespread - what a brave and honourable thing to do – and whose honourable advocacy transformed public understanding and policy. I pay tribute to them.

Today, we mark something important. Ireland and the world have made remarkable progress. We are now living at a time that would have seemed impossible during the darkest years of the AIDS epidemic. Mary Horgan, Chief Medical Officer, pointed out to me how effective modern treatment is. It is extraordinarily effective. It is an extraordinary transformation. People diagnosed early and receiving treatment can expect to live long, healthy lives. Evolving antiretroviral treatments have revolutionised survivor rates and the quality of life for people living with HIV since the mid-1990s.

Undetectable equals untransmittable, or U=U. It is an important catchphrase to remember. When someone living with HIV can keep their viral load at undetectable levels through treatment it will not be transmitted to their partners. Needless to say, it also maintains their own health. The importance of prevention, early detection and treatment of HIV cannot be overstated. Those measures reduce the numbers infected and the risk of lasting harm and increase the chances of living a full life with HIV.

Our new national sexual health strategy, published last year, reaffirms Ireland's commitment to building the services and supports that we need. Work has commenced on a HIV action plan with, most importantly, the inclusion of advocacy groups and people with lived experience. I hope they will find the process to be one that is rewarding and delivers for the future. The plan will encompass prevention, access to testing, diagnosis and treatment, wider supports for people living with HIV and continued work to reduce stigma.

HIV testing is now more accessible than ever. People should get tested. It is available through 23 public STI clinics, a home STI testing service, antenatal and emergency departments, student health services, GP surgeries, family planning clinics and community partners. I want to highlight the success of the HSE's home STI testing service, which includes HIV. In the pilot phase of that initiative we are supported by Sláintecare innovation funding 2021. The service was so successful that wider roll-out was accelerated and a scheme was launched nationwide in October 2022. Home testing is hugely important. It has added approximately 30% additional capacity to our systems. The home STI testing service allows people to test in the comfort and privacy of their own homes.

It reaches those who might be reluctant to visit an STI clinic in person. People experiencing reactive results are then referred onwards for further testing or treatment, as appropriate. I am greatly encouraged by the scheme's high uptake, which indicates that we are collectively more aware and, crucially, more active in relation to managing our sexual health.

Prevention is another key aspect of tackling HIV. Of course, we have the national condom distribution service established in 2015, providing free condoms through STI clinics and NGOs working with key groups. Since 2019, free condoms have been available through participating college campuses, and we are now including them with orders from the home STI testing scheme. The service is expanding to include GP and pharmacy consulting groups, thereby reaching more people.

Our PrEP, or pre-exposure prophylaxis, service has also been expanded in recent years, with additional staff recruited in late 2025, additional funding for medication in 2026 and more GPs involved in delivering the service. What does that mean? There were 17 GPs involved in delivering the service in 2023 but that is up to 45 in 2026. There has been an increase, and it needs to continue at that pace. We know that demand for PrEP is increasing in line with our growing population. We are trying to find different ways of meeting that need and it is a need that I acknowledge and recognise. I know there are innovative models, for example, a hybrid online model in St. James's Hospital, which is a very helpful development. Professor Mary Horgan and I are determined to expand the role of pharmacy in prescribing PrEP. That is something I would like to look at as we move to the next phase of the community pharmacy agreement. It is a much more natural thing to do and would be a much more appropriate, community-based service. We are actively looking to see how we might do that. It was Professor Horgan's suggestion that we do it so I am grateful to her for that. Models of care for sexual health and HIV are being drafted, and options for more effective delivery of the PrEP service are being examined.

Irish AIDS Day is an opportunity to assess where we stand at present. Unfortunately, HIV remains a significant public health issue here and abroad. Hundreds of people continue to receive a new HIV diagnosis in Ireland each year, with 41% of people being diagnosed late. Late diagnosis means that people have lived with HIV for years, possibly without knowing it,

risking their own health and with the risk of onward transmission. Late diagnosis is not just about access to services; it can be about stigma. We know that HIV does not affect communities equally. Young people, those in parts of the world with high HIV prevalence, the LGBTQI+ community and other key groups can have a higher risk and often encounter additional barriers. Inequalities require targeted responses from health services but also from society as a whole. Information and education are still challenges. Some people are still not fully aware that effective HIV treatment prevents transmission so awareness campaigns and public education are crucial.

I take this opportunity to thank the HSE and its community partners, the Poz Vibe Tribe, which might be the best name ever, for their recent work to counter HIV stigma. The You, Me and HIV campaign focuses on a really simple message: people living with HIV who are also established on effective treatment cannot pass HIV to their partners. That campaign has been really successful, and I pay tribute to them for that. It has been possible because people living with HIV have chosen to lead, advocate and care. Let us honour that commitment by committing to building an Ireland for the future where nobody is afraid to get tested, and nobody experiences discrimination because of their HIV status. Irish AIDS Day is a key opportunity to plan towards an Ireland where prevention, treatment and support are available to everyone who needs them.

I thank all Members for being here and for facilitating the debate. I thank them for their commitment and for helping to create a future free from HIV stigma and onward transmission. We hope to be able to look back at HIV, not as an ongoing public health challenge, but as a chapter successfully brought to an end.

Acting Chairperson (Senator Laura Harmon): We thank the Minister for her commitment to the issue and for her engagement today in the Seanad, which is much appreciated.

Senator Maria Byrne: I thank the Minister for coming to the House to discuss this all-important issue. I also thank officials for their commitment. I welcome the guests in the Visitors Gallery.

It is a very important discussion. As the Minister said in her opening statement, we remember those who are no longer with us and who died of HIV and AIDS, and we remember the whole stigma piece. I acknowledge the work that the Minister and her Department have done in bringing in the community care piece with the pharmacies and doctors. That has encouraged awareness. People should not be afraid to be tested, and that is a strong message.

Many of us know people who have died in the past, and we understand the fear factor and the stigma. Even some of their family members were running away from the issue. The fact that we are having an open conversation is a good starting point. HIV Remembrance Day was two days ago. A lot has happened. I compliment everybody who has been involved in highlighting this issue through the years, and those who were not afraid to come forward to discuss and share their own experiences or to highlight issues of remembering people they knew who have passed away.

The fact that the You, Me and HIV campaign focuses on a simple message has ensured it is a strong message and it is something we need to build on. It is about encouraging people.

There are still some people who are afraid to come forward or to get tested. It is about giving them the confidence and courage to do that. The fact is that once people are on the treatment, they cannot pass it on to other people, whether a partner or otherwise. That is an important message, but sometimes those messages do not resonate or land with people. They are really important messages that we in the Oireachtas, community pharmacists and doctors need to get across to people. When people come in, they should be assured that help is at hand. That is a strong message.

In the past, the Department has rolled out things like free condoms, advice and leaflets. At that stage, as I said, some people were still running away from it. However, there is now so much emphasis on this and support for people. That is very important. “Support” is a very important word.

Some people still receive a diagnosis each year. The Minister said that 41% of people are diagnosed late, which is quite a high number. That goes back to the fear factor when people were afraid to come forward. A lot has happened since then. The Minister and her Department are working to build on what has happened and where we can go from there. I compliment all involved, but I also remember those who have gone before us. Many families suffered loss, and they did not know what was happening at the time. It is important to think of those families when we are having this debate.

Senator Tom Clonan: I thank the Minister for coming to the House. I welcome our guests to the Visitors Gallery. When I saw this on the schedule, I decided to come along and speak to the issue of AIDS. Sadly, I will be 60 in August. I did my leaving certificate in 1984. That summer, and in 1985, all of my friends and I went to London, as young guys from Finglas. We went on the ferry and took the train down. I remember it stopped in Rugby at about 3 a.m. and some eejit got off the train and wandered off into the night. That summer, we all began to discover ourselves. Over that summer and the summer of 1986, two of my friends came out. They were able to do that in London in a way they could not in Ireland.

In 1986, I went to New York on a J1 visa. When I was working in New York, I met friends from school and from Finglas, some of whom were able to come out because it was a different environment and they could live an authentic, valid life. In 1987, Prince released the song "Sign o' the Times", which begins "In France, a skinny man died of a big disease". We began to hear of AIDS as a phenomenon. I remember the advertisements on Channel 4 and BBC that had pictures of cliffs crumbling and collapsing down into the sea. We did not really understand the threat, particularly in Ireland because of the intersectional stigma around being gay, which was to engage in what were described in the laws as "homosexual acts"; these were criminal offences. Therefore, we had this awful situation where people who were getting ill could not come out.

One of my friends was named Patrick. I grew up on Ballygall Avenue and he lived in Finglas Park around the corner. We used to play kerbs with footballs outside our houses. He was in London that summer of 1985 and he never came home. He passed away and none of us knew, again, because of that appalling stigma attached to it. The fact is that AIDS can be treated now. I pay tribute to all the people who work with antiretroviral drugs and deal with the community. I want to say this. I remember at the time when this was dominating all the major news platforms, there was a distinction drawn between people who were gay and then

people who were infected through blood transfusions or who were haemophiliacs or whatever. There was kind of a hierarchy of suffering and more, if you like, recognition was given to people from outside the LGBTIQ community.

A very close member of my family is a medical doctor. She was stabbed with an infected needle in the emergency department in St. James's Hospital in the early 1990s. We went through a period of waiting for the tests to come back to see whether she had she been infected. I understand the fear at that time before there were proper treatments. It was a uniquely cruel disease for those who contracted it because they could see in their own community what was happening and they had watched their friends with the appalling symptoms of sarcoma and struggling for breath. It was a very tough disease.

I want to conclude by saying that I came in this morning and passed by the front of Agriculture House. I saw the rainbow flags up there. I know there is a tiny minority of voices who question why we should put the rainbow colours around the Houses of the Oireachtas. I am delighted to see it because I remember the time when it was hidden. It was stigmatised. It was something that, thankfully, people like David Norris fought so hard to bring out of the framing of it being a criminal act. In celebrating where we are in relation to AIDS, we should not link the two things together too clumsily but we should celebrate our LGBTIQ community and all of our brothers and sisters.

An Leas-Chathaoirleach: I thank Senator Clonan. I now call our next speaker, Senator Costello from Fianna Fáil.

Senator Teresa Costello: I thank the Minister for being here today. She generously gives a lot of her time to the Seanad and it is very much appreciated. I welcome the opportunity to speak on Irish AIDS Day. Following on from many of the other speakers, I want to remember those we lost and reiterate that we stand with those who are living with HIV and that we are renewing our commitment to ending new HIV transmissions and tackling the stigma. I have listened to people speaking, especially Senator Clonan. The thing about shame is that I hate the word "shame". Shame is a killer and embarrassment is a killer. When people are made to feel shameful or embarrassed and they do not reach out and cannot be who they are, it is so wrong. I hope we have moved on. I think we have moved on to a certain extent. I have very little time for anybody who puts shame on people for being who they are. I really have no time for that. We have said today that for too long, HIV and AIDS were surrounded by fear and silence. People's real stories never got to be told because of that and the silence kind of spoke. It is good that modern treatment has transformed this and that people can live long and healthy lives.

I want to touch on the latest figures I could get when I was doing a little bit of research, which show that in 2024, 239 people received a first-time HIV diagnosis and 41% were receiving late-stage treatment. Even though it is late-stage treatment, this treatment is still effective. I would not have thought this because we are always told about early diagnosis. Early diagnosis can prevent it being passed on, so early diagnosis is always best, but late-stage diagnosis is hopeful as well. What particularly jumped out at me was that the highest percentage of people who received late-stage diagnoses were over the age of 50, which would lean into the generation who were reared on shame, fear and embarrassment. That is what really frustrates me because it does not have to be like that. I met with the HIV Prevention

Alliance whose representatives spoke about women being affected. I met a lady who had HIV. She only got diagnosed over the age of 50, which, again, in my lack of education, did not occur to me. There is definitely more of an education piece because I remember being younger and there was so much education and awareness. Things kind of went quiet. I have seen the odd interview on “The Late Late Show” and there are some amazing advocates, but the whole message, rightly so, is that if it is undetectable, it is untransmissible. That is so important.

I am glad that we talk about stigma and shame, and that we are not allowing it and are pushing back against it. Progressive Ministers, like the Minister, Deputy Carroll MacNeill, do so much work on that. I know she and her team are working tirelessly. We have all the tools in Ireland. We have PrEP, we have condoms and we have access to testing, but we have to be timely and people have to be able to feel like they can access it without being judged. I do not think anybody should be afraid, whatever their status, to seek care or speak about their life.

An Leas-Chathaoirleach: I thank the Senator. Our next speaker is Sinn Féin's Senator McCormack.

Senator Maria McCormack: I am really delighted to have the opportunity to speak on this today. I have to say that every time Senator Clonan speaks, he educates me. He speaks extremely well in the way he articulates things. I just want to take a moment to say that. He was talking about his friend Patrick in 1985 and how much we have come on from then. He mentioned that the song "Sign o' the Times" came out in 1987, which was the year I was born. It just tells us how much we have come on but how hard that journey has been for people. We have heard the stories and we have heard about the stigma. There still so much of it there, but our job in this House is to make sure we continue every day to keep raising awareness about the progress, treatment, education and stigma.

We must also make sure that everything is brought to light in this Chamber, as was done yesterday evening for the new domestic violence register, and we must leave nothing under the stone any more.

I welcome our visitors to the Gallery. It is great to have them there. Irish AIDS Day is an important opportunity to reflect on the progress that has been made while also recognising the work that still lies ahead. Thanks to significant advances in medicine and treatment, HIV is no longer the diagnosis it once was. People living with HIV can now live long, healthy and fulfilling lives. However, although science has advanced, stigma and discrimination have not disappeared. This is the point that I really wanted to focus on. Too many people still feel unable to speak openly about their diagnosis because of fear of judgment and misunderstanding. No one should have to carry that burden. We must continue to challenge the misinformation that exists, because it does exist, and ensure accurate education and awareness throughout our communities.

As a Senator from Laois, I am particularly conscious of the importance of ensuring equal access to healthcare services for people living in rural and regional communities. Whether someone lives in Portlaoise, Portarlinton, Mountmellick, Abbeyleix or a smaller village, they should have the same access to testing, prevention services and specialist support services as someone living up here in the city. Access to free, confidential and easily accessible HIV testing is essential. Early diagnosis saves lives, improves outcomes and reduces onward

transmission. We therefore have to make sure everything available in urban areas is also available regionally.

We must continue to support and expand access to preventative measures such as PrEP. The Minister talked about that and I was delighted to hear that she is looking for community pharmacy engagement in that regard. Anything we can do to work prophylactically and prevent an issue from arising is important. Ensuring services are available to everyone who needs them, regardless of where they live, is vital.

Sinn Féin believes healthcare should always be based on need. That is very important. It should not be based on one's eircode, income or background, or whether one has private health insurance; it should be based on need. No one should be disadvantaged because of any of the reasons I have mentioned.

I acknowledge the dedicated work of healthcare professionals, community organisations, advocates and volunteers who support people living with HIV every day and who continue to challenge stigma and promote inclusion. Ireland has committed to ending new HIV transmissions and eliminating HIV-related stigma. These are ambitious but very achievable goals. We need to own this in the Chamber to make sure we do our part to help. Let us recommit ourselves to building an Ireland that is compassionate, informed and inclusive, an Ireland where every person living with HIV is treated with dignity, respect and equality.

Senator Laura Harmon: I welcome the Minister of State and acknowledge the presence earlier of the Minister for Health and her officials for statements on Irish AIDS Day. I was really pleased to put in a request to have this discussed in the Seanad. I thank the Seanad Office for facilitating this. I had met representatives of the HIV Prevention Alliance in relation to this matter and they asked me what I could do. One thing was to have a debate and statements because raising awareness is important. It is important that those of all parties and none speak out on this issue and on sexual health in general in this country.

Today is an opportunity to remember those we have lost, to stand with those living with a HIV diagnosis and to reflect on the progress Ireland has made and the challenges that still remain. For many, HIV is associated with the fear and uncertainty of the 1980s and 1990s, which many Senators have spoken about so eloquently today. We remember those years and the people who were lost during the AIDS epidemic. We remember the partners, families, friends and carers who stood by their loved ones through extraordinary hardship, often at a time when stigma and silence compounded their suffering.

I want to remember some people in particular who led out the response in Ireland at the time, including Christopher Robson, Bill Foley, Ciaran McKinney and Mick Quinlan, among many others. I cannot name all of them. I also acknowledge our former colleague David Norris, with whom, unfortunately, I did not get to serve, and all the work he did over many decades in raising awareness and breaking down barriers and stigma in Ireland and across the world. We also remember those whose stories never got told and the families, partners and friends who supported loved ones through all the difficult years – those who remained invisible throughout. I think it is important that we bring their plight to light now that we have the opportunity.

The story of HIV in Ireland is about activism, resilience and compassion. It did not happen by accident. Progress does not happen by accident and progress can be rolled back as well. We need to remember that always. We need to keep pushing forward with progress. It happened because people living with HIV, healthcare workers, campaigners, community organisations, ordinary people, families and friends stood up. They refused to accept silence, stigma and exclusion. I thank them for their courage and for continuing in this regard today.

Thanks to extraordinary advances in medicine, HIV is no longer the diagnosis it once was. People living with HIV now, when diagnosed early and even with a later diagnosis if they have access to treatment, can live long, healthy and full lives. We know that people who are undetectable cannot transmit HIV sexually, nor can they pass it on during pregnancy. This message has been said already today, but we can never say it enough: U=U, or undetectable equals untransmittable. This has transformed lives and it should continue to do so. It is one of the greatest public health success stories of our time. We have to acknowledge that. It is a huge public health and medical success story. Science has advanced, but stigma has not completely disappeared. Education remains so important. Public understanding needs to keep pace.

I acknowledge the visitors in the Gallery today. I acknowledge organisations such as Outhouse, HIV Ireland, Teach Solais, Dundalk Outcomers, LINQ, Gay Project in Cork and sexual health centres all across the country for the work that they do. I also acknowledge people like Ger Philpott, who has documented and preserved the experiences of our own LGBTQ+ community at a time when many stories went untold. I thank advocates such as Robbie Lawlor and Enda McGrattan, better known as Veda Lady, who continue their work through Poz Vibe. Through advocacy and public engagement, they have created visibility and community for people living with HIV in this country and are breaking down the stigma and barriers. I also want to acknowledge the great Panti, whose voice has done so much to advance conversations around dignity and inclusion in Ireland in relation to this matter.

Looking to the future, I welcome the comments from the Minister for Health on progress. I particularly welcome the opt-out HIV testing pilots under way at St. James's Hospital and other locations across the country. The initiative needs to be rolled out nationally.

We need greater awareness when it comes to HIV among women. There is a huge misconception about who HIV affects. It can affect anybody in society and does not discriminate. Women make up a growing cohort of people living with HIV in Ireland and this absolutely needs to be publicised. We need more public awareness in relation to this because many women, unfortunately, may not perceive themselves to be at risk when in reality the opposite is the case.

We need to continue to support public awareness campaigns and a health-led approach. I would welcome any update from the Minister of State on the implementation of our sexual health strategy, efforts to reduce late diagnosis, the future of opt-out testing and the steps being taken to tackle HIV-related stigma across our healthcare system and wider society.

My colleague Deputy Maria Sherlock, the Dáil Labour Party spokesperson on health, will be hosting a briefing in July in the audiovisual room in relation to this issue. We need to commit ourselves to continuing to challenge public attitudes, promote awareness and improve public

policy. We need to keep progressing and speaking about this matter as much as we can whenever we get the opportunity as public representatives.

Minister of State at the Department of Health (Deputy Kieran O'Donnell): I thank the Members for their genuine and thoughtful contributions. I join with the Senators and welcome the advocacy groups in the Public Gallery, including HIV Ireland, Outreach and LGBT campaigners. There are probably many others so forgive me if I do not namecheck everyone, but I acknowledge the work they do. I welcome them to Leinster House and to the Seanad.

Today the House had an opportunity to reflect on HIV and AIDS in Ireland. I thank everyone who has participated in this discussion. The Minister, Deputy Carroll MacNeill, gave the opening statement and listened to many of the contributions. We have officials here as well. It is something we take seriously and we are proactively working on it. The Minister will look at the rest of the debate when it has concluded. I take the opportunity to thank our community organisations, healthcare professionals, advocates, volunteers and most importantly the people living with HIV, whose experience and voices continue to guide and strengthen our response. Today has been a day of reflection, learning and remembrance, but it has also been a day of renewal. Throughout our discussions one message has emerged again and again - Ireland has come a long way. People have acknowledged that in the Chamber. There was a time when a HIV diagnosis was viewed with great fear, a fear that in many cases outweighed facts but was nevertheless a huge fear. There was a time when people living with HIV felt isolated, invisible and unsupported. Thanks to decades of advocacy, scientific advances and community leadership Ireland has made progress. However, as was acknowledged, we also have a lot more to do.

Today people living with HIV can access highly effective treatment. They can live long and healthy lives. They can work, raise families, pursue their ambitions and contribute to every part of Irish society. Effective treatment means HIV can no longer be passed on to partners where viral suppression is achieved. That was alluded to by other speakers. That is one of the greatest public health success stories of our generation, as Senator Harmon also alluded to. Yet, we have also heard today why our work is not finished. Too many people fear testing, or encounter barriers in accessing services and are still diagnosed late. Too many people continue to encounter stigma, misinformation and discrimination. Too many people face barriers when seeking prevention, treatment or support. Given our rapidly growing population, services can come under pressure. We acknowledge that. Our challenges are about access, but also equality, inclusion, dignity and respect.

The good news is that we are not starting from scratch. Ireland has a clear national roadmap for improving HIV awareness, testing, diagnostics, treatment and supports for people living with HIV. Our new national sexual health strategy and the international commitments to which Ireland is signatory commit to eliminating HIV transmission. We have community organisations and healthcare professionals who have decades of experience in preventing HIV, and in supporting and treating those living with HIV. We have inspiring community leaders living with HIV whose resilience and advocacy continue to inspire change for the better. Knowledge matters and accurate information saves lives. Every conversation, radio or TV advert or website that challenges the misinformation helps move us forward and compassion does matter. Stigma thrives in silence and judgment. It is overcome through understanding,

empathy and human connection. Every discussion that encourages testing may make a bigger difference than we know.

Many thanks are again due to the Poz Vibe Tribe and the HSE team that made the you, me and HIV campaign such a success. Awareness is improving and this work builds on that completed by previous generations. We celebrate that today. Action matters, and strategies, commitments and ambitions become realities when they are supported by work, time, investment and partnership. Hope also matters. The history of HIV up to the 1990s was too often one of tragedy. Now, it is also a story of extraordinary courage and progress. It is a story of communities who refuse to be ignored, of scientists who refused to give up and of communities, activities and healthcare professionals who cared for those living with HIV and campaigned for more effective prevention strategies. It is also the story of people living with HIV, who transformed our understanding through their determination and openness.

As we leave here today, let us carry forward the spirit of Irish AIDS Day. Let us continue challenging stigma, supporting those living with HIV and working to make testing, prevention, diagnosis, treatment and wider supports more available. Let us continue working together towards a future where new HIV transmissions are eliminated and where nobody is defined by their diagnosis. The Ireland we see today would not have been possible without people who believed change was possible long before it became reality. A mission has always been at the heart of progress. We have listened carefully to everything raised in the House today and I thank all Members for their continued engagement on this important matter. These discussions will inform our HIV action plan, on which work has commenced. I look forward, with my colleagues in the Department of Health and the HSE, to engaging further on our action plan in the months to come. I thank those in the Public Gallery for helping to build a healthier, fairer and more compassionate Ireland. I thank the Members for the contributions and look forward to further engagement on this very important matter.

Cuireadh an Seanad ar fionraí ar 5.47 p.m. agus cuireadh tús leis arís ar 6.19 p.m.

Sitting suspended at 5.47 p.m. and resumed at 6.19 p.m.

Teachtaireachtaí ón Dáil - Messages from Dáil

An Cathaoirleach: Dáil Éireann has passed the Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 on 17 June 2026, to which the agreement of Seanad Éireann is desired.

Dáil Éireann has passed the Guardianship of Infants and Child Care (Amendment) Bill 2026, changed from the Guardianship of Infants (Amendment) Bill 2026, on 17 June 2026, to which the agreement of Seanad Éireann is desired.

Prohibition of Lethal Autonomous Weapons Systems Bill 2026: Second Stage

An Cathaoirleach: I welcome the Minister of State, Deputy Ardagh. The combined opening speeches of the proposer and seconder shall not exceed 16 minutes. All other Senators have

six minutes, the Minister of State has 15 minutes and the proposer has five minutes in which to reply.

Senator Alice-Mary Higgins: I move: "That the Bill be now read a Second Time."

An Cathaoirleach: I welcome to the Gallery guests of one of our ushers, Damian Kelly: Mícheál Smith, treasurer of Fórsa; Julia Flood, vice president of Fórsa; and the Dublin City branch executive of Fórsa. They are most welcome to Seanad Éireann and I thank them for being here. Anois, an Seanadóir Higgins.

Senator Alice-Mary Higgins: I am sharing time at 11 minutes and five minutes.

An Cathaoirleach: Is that agreed? Agreed.

Senator Alice-Mary Higgins: I welcome the Minister of State to the House. I also thank the experts who have worked with me on this legislation, and Stephen Reid from my own office for his work on its development.

One of the moments when I was proudest of Ireland was being there when Ireland hosted the negotiations which led to a global ban on cluster munitions. Cluster munitions were land mines from the sky, weapons which by their very nature hurt unknown targets at unknown times in the future, were unpredictable in their effect, and were outside the realms of international humanitarian law because their consequences were unknown. What we did know was that their consequences were very often at the expense of civilians and children. Ireland led the discussions that led to the global ban on these horrendous weapons. That is why when people talk about Ireland stepping up and playing our role, I always think that Ireland plays its role, and the role it has played has been in peace and disarmament. That is our outsized role, and it is the greatest contribution a country makes in terms of reduction of casualties and of death.

We are now at a moment when not only are we seeing a very worrying rollback, with countries leaving the land mine and cluster munition treaties and returning to the use of these unconscionable weapons, but we are also seeing horrendous new weapons which are dealing death at a scale and with mechanisms which were unimaginable in the past. Lethal autonomous weapons have been described by the Secretary-General of the United Nations, António Guterres, as morally repugnant. Pope Leo, in his encyclical, spoke about the horror of entrusting an algorithm with the power to select who is worthy or not without bearing responsibility for that judgment, and about the damage that does to human possibilities and political responsibility. He highlighted that artificial intelligence does not remove the intrinsic inhumanity of the conflict. In fact, it brings about conflict more quickly, renders it more impersonal, lowers the threshold for resorting to violence, transforms defence into threat prediction and reduces victims to data.

The legislation I am proposing now comes in a context. I will dive a little bit more into autonomous weapons in a moment. Not only are we seeing horrific weapons being used with consequence around the world, but we are seeing a turbo-powered development of such weapons. As they are coming about, they are being experimented with. They are being used

in Iraq and Iran, and on the population of Gaza. They are being trialled and tested on the most vulnerable people in the world. This is being done in the context of more money being pushed towards defence than we have seen in almost 60 years, and more money being poured into AI. The two drivers - the AI industry and the defence industry - are having vast amounts of money thrown at them in the kind of "move fast and break things" epic we have seen in tech in the past. In this instance, what is getting broken is humanity and people, and indeed our international humanitarian law and those ideas that there are standards even within war.

As a sense of how these are used, I could use quotes about Project Maven, which was initially developed by the Pentagon and is now available in all contexts. It can identify approximately 1,000 targeting decisions in an hour. It can choose and dismiss targets in the battlefield. One director, the vice admiral, has said that America wants to use it for everything, not just targeting. I know my colleague will speak more on Israel, where we have seen the Gospel - a machine-learning algorithm - used to produce potential targets so fast that Israeli officers described it as a "mass-assassination factory". A similar system, Lavender, at one point identified 37,000 potential targets. When those in Israeli intelligence have spoken about how it felt about to use these weapons, they have downplayed the role of human oversight. They have said that they would invest 20 seconds for every target at this stage and do dozens of them every day. They have spoken of how they had zero added value as humans, apart from as a stamp of approval. I know my colleague will speak of other systems, including Hello Daddy, where by their nature, the targets effectively are children.

These weapons are being used and trialled, and there is a giddiness in their adoption. This is happening with more money than we can imagine coming from two directions, yet there is a massive lacuna in terms of legislation, accountability and structures. The EU AI Act, which maybe gets spoken about in relation to other areas of AI regulation, with all of the concerns which come with the omnibus and others, explicitly does not deal with the area of military or defence or even dual-use, which is something Ireland needs to have a strong moral eye to, given the very large number of dual-use goods, for example, that we export to Israel and elsewhere. Those are explicitly excluded from the EU regulatory context. The national context has not taken real action. Internationally, we know there is a process that has taken far too long to come to the point of maybe looking to an adaptation of the Convention on Certain Conventional Weapons, even though we know the General Assembly of the UN has also said it will look otherwise for treaty action or for action on this. There is a gap in the governance at a time when the escalation and the funding are immense.

I want to touch on a couple of the key components in this legislation. Our Bill seeks to restrict the use, stockpiling, production, transfer and development of and investment in lethal autonomous weapon systems. It would effectively ban the Irish Government and indeed the Defence Forces from utilising this classification of weapon. It would curtail direct or indirect investment of public funds into this area and indeed the transit of weapons through this territory. We take our definition from the definition that I know the Government has looked at in its engagement with the UN process, which is the International Committee of the Red Cross, ICRC, definition, which looks at lethal autonomous weapons or any weapon with autonomy in its critical function, or any weapons system that can select and attack targets without human intervention. These are commonly known as killer robots. The killer robot campaign makes a number of very important points, which I will not have time to elaborate on in detail but I want to touch on.

One of the key issues here is digital dehumanisation. Technology should be empowering all members of society rather than reducing us. Used against people, it simply profile-pattern matches and processes human beings as data. Fundamentally, machines do not recognise people as people; they simply recognise them as a set of patterns or pieces of data to be processed. It is one of the most essential dehumanisations applied to the most vital decision, which is whether a human lives or dies. If this goes to the area of machine decision making, there are risks to other areas of our lives such as the question of exacerbating existing inequalities. What we know from many algorithmic areas and areas where AI has been applied is that it absorbs and amplifies prejudices and discriminations.

For example, I mentioned Maven. In certain contexts, its accuracy drops below 30%. In relation to policing, we know that AI measures that have targeted and strongly impacted minority groups, in particular, ethnic minorities.

Alienation has been shown to lower the threshold to war. One of the crucial aspects of the processes that are under way is definitions of meaningful human control. In my Bill, I make it clear that someone sending an instruction to what kind of targets they would like is not meaningful human control and does not satisfy that standard. There is a huge danger that we will move to the so-called bias, where 20 seconds are given to press the button. Crucially, machines cannot make those complex ethical choices. Under the law, military commanders have to judge the necessity and proportionality of each attack. They have to distinguish between civilians and military targets. That means not only understanding the weapon systems they are using but understanding the context in which they are used. That context and those consequences cannot be properly reflected if we move towards autonomous weapons.

I thank Professor Luke Moffett from Queen's University Belfast who has done great work on this issue and also on warification. These kinds of weapons cannot identify a boat on which people are waving a white flag or making radio communications that they are shipwrecked. In Gaza, drone operators could not identify World Central Kitchen vehicles because they were using infrared and the organisation's logo did not show up. Those who make an attack cannot necessarily see that a children's school bus is coming up right alongside their target because they are focused on their target. This is what happens when we lose human control. After the loss of control, as Pope Leo mentioned, comes the idea of political responsibility and accountability being lost. We lose track of who can be blamed, and even what happened because some of these systems operate with such a black box that there is not only a lack of understanding about what should be done but also a lack of understanding of what happened. In that regard, we need that understandability.

At this time of this arms race, I urge that Ireland show leadership, support this Bill and be a strong driver of the push, internationally and at national level, for a prohibition on these arms and weapons. I look forward to the Minister of State's response.

Senator Frances Black: I am proud to put my name to this Bill alongside my colleagues Senators Alice-Mary Higgins, Lynn Ruane and Eileen Flynn. I commend Senator Higgins on the amazing work she has done on it.

It is shocking to think that we need legislation such as this or that we have to write into law what should be self-evident, namely, that a machine must never be allowed to decide to take a human life. Yet, here we are. I hope the Government will rise to meet this moment. We are

living through a moment in history where the decisions we make, or fail to make, about emerging technology will define what kind of world we leave behind us. The question before us is not abstract. It is this: should a machine, powered by artificial intelligence, be permitted to decide to take a human life without any human being making that decision? My answer is an unequivocal "No", and I believe this Bill reflects that answer in law.

Lethal autonomous weapon systems, weapons that can select and attack targets without human intervention, are not science fiction. They exist. The Kargu-2 drone, used in Libya in 2020, is widely documented as the first recorded case of a lethal autonomous weapon being deployed in an armed attack. We are debating not a hypothetical future but a present danger.

Lest anyone think this is purely theoretical, we need only look at what is happening in the world around us. There is extensive and deeply disturbing evidence that AI-targeting systems, tools that select human beings as targets with minimal oversight, have been deployed in conflict zones with catastrophic civilian casualties. Two systems in particular have been documented by Israeli investigative journalists in the context of Gaza. The first, as my colleague has said, which is called Lavender, used AI to generate a list of up to 37,000 Palestinians marked as targets. The second - I find it almost impossible to say this without feeling emotional and without it catching in my throat - is called Where's Daddy? or Hello Daddy. It was designed specifically to wait until a man returned to his home and his family and then signal the army to strike. How outrageous is it to kill them all, at home? That is not warfare governed by law. That is not meaningful human control. That is a machine waiting at a door. The civilians of Gaza - the women, children and fathers - have paid an unimaginable price. This Bill says "Never again" and "Not in Ireland's name".

What makes these weapons so profoundly troubling is not only their lethality; it is the removal of human, moral agency from the act of killing. When a machine pulls the trigger, who is accountable? Is it the programmer, the manufacturer or the officer who deployed it? International humanitarian law is built on the assumption that human beings make decisions and can be held responsible for them. Lethal autonomous weapons shatter that foundation.

The Secretary-General of the United Nations, António Guterres, has said these weapons are morally repugnant and has repeatedly called for their global prohibition. He has set a deadline of 2026 to conclude a legally binding international instrument. We are in that year now and here in this Chamber, we have an opportunity to add Ireland's voice in a meaningful legislative way. Ireland has been a co-signatory of UN General Assembly resolutions on this issue and has spoken at the Convention on Certain Conventional Weapons, but words and co-sponsorship must be backed up by action.

The Joint Committee on Artificial Intelligence heard expert testimony that autonomous weapon systems would face fundamental obstacles complying with international humanitarian law. Academics, civil society and legal experts all pointed in the same direction. Ireland should now legislate for it.

We have done this before. Ireland was the first signatory of the nuclear non-proliferation treaty. We played a leading role in the Convention on Cluster Munitions and the anti-personnel mine ban convention. That legislation is not something to be proud of and then set aside. It is something that we have to live up to. This Bill is how we live up to it.

This legislation will prohibit the Irish State from using, stockpiling, producing, transferring, developing or investing in lethal autonomous weapon systems. Critically, it goes further than simply banning the weapons themselves. It prohibits the investment of public money - the Minister of State's money and my money - in their development. Ireland will not fund the automation of killing.

I have spent years arguing in this House that Ireland must not be complicit, through trade, investment and silence, in violations of international humanitarian law. That same principle applies here. If we allow lethal autonomous weapons to be developed, transferred or funded without restrictions, we become complicit in a future where machines decide who lives and who dies. That is why I am so proud to support this Bill today.

This is not an anti-military Bill; it is a pro-humanity Bill. It says that wherever force is used, a human being must remain accountable. It says that the decision to take a life must never be delegated to an algorithm.

I urge every Senator in this House to support this Bill. The world is watching whether national parliaments are willing to act. Let the Seanad show what Ireland is. I will leave every colleague in this House with one final thought - the day will come when our children or grandchildren look at us and ask what we did when they wanted to let machines decide who would live and who would die and if there was something that we could do to stop it. Let our conscience be clear and let us vote for this Bill.

Senator Fiona O'Loughlin: It gives me great delight to welcome my colleague, the Minister of State, Deputy Catherine Ardagh. It is the first time I have had the chance to address her formally and officially as Minister of State. As a former Senator, she has a special understanding of, and support for, the Seanad. I wish her well in her important portfolio and congratulate her.

On behalf of Fianna Fáil, I welcome this debate. Fianna Fáil will not oppose the Bill.

I acknowledge that the motivation for this Bill is grounded in humanitarian principles, for which Ireland has been a long-standing international champion. It is in keeping with Ireland's established policy position on disarmament, arms control, non-proliferation and, of course, human rights. However, the Bill is somewhat premature in seeking national legislation before international agreement is found on core concepts, including essential legal definitions. When Ireland has legislated previously in respect of arms control, it has done so on the basis of relevant international agreements in which legal concepts, norms, terms and definitions are widely agreed and understood. Discussions at international level to establish an agreed set of norms, terms and definitions in respect of lethal autonomous weapons systems, LAWS, or the use of artificial intelligence in the military domain are at an early stage.

It is important to affirm Ireland's long-standing position that the use of autonomous weapons systems to identify, select and engage targets without any or nominal human involvement is fundamentally incompatible with international humanitarian law and the principles of distinction, proportionality and precaution which underpin it. At the same time, it is neither timely nor possible to legislate nationally in the absence of an agreed international approach. The breadth of both the definitions and the reference to components of autonomous weapons systems would be likely to bring a broad range of commercial products within its scope and

would be unimplementable in practice. The fact the Bill proposes to create criminal offences in this respect underlines the need for precision and certainty when seeking to introduce prohibitions of this nature.

Regulating LAWS requires comprehensive and detailed work to establish rules around the full life cycle of these systems, from design to deployment. A large body of international experts is currently working to establish common international definitions of autonomous weapons systems, their development and deployment, as well as the broader uses of AI in the military domain. This includes international AI dialogues on technical, ethical and legal elements. Ireland is active, alongside like minded partners, in seeking to establish international regulation of LAWS. The primary forum for these efforts is the Convention on Certain Conventional Weapons and its group of governmental experts, GGE, on LAWS, in Geneva. The approach and elements for any future international instruments are still being developed and efforts are at a delicate stage with a decision on a path forward to be taken by November of this year. Ireland has been influential in helping to shape this process and will continue to advocate for a progressive outcome in the months ahead. We recognise the urgency of controlling the use of autonomous weapons systems and we are at the forefront of negotiations internationally. The Minister and the Government are open to further engagement while international efforts continue.

The Bill contains elements that are similar in nature to the provision of the Cluster Munitions and Anti-Personnel Mines Act 2008. That legislation was enacted to enable Ireland to give effect to two existing international conventions, namely the 2008 Convention on Cluster Munitions and the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. Notably, the relevant definitions in the 2008 Act replicate the definitions in those conventions which themselves have been the subject of extensive negotiations among states. Enacting national legislation now without knowing what the agreed approach to regulating laws at the international level will be, would pre-empt the outcome of the ongoing GGE process. The difficulty in proceeding on a stand-alone basis is illustrated by the fact that the Bill proposes to prohibit LAWS by reference to the definition of autonomous weapons systems which has been used as a working definition by the International Committee of the Red Cross, ICRC, in circumstances where it is not itself advocating for an outright prohibition on LAWS.

Senator Tom Clonan: It is great to see the Minister of State here today. It is the first time I have seen her since her elevation. I congratulate her on her appointment and wish her the best of luck with her portfolio.

I thank the Civil Engagement Group for bringing forward this legislation. It comes at a timely moment. We know about automation in weapons systems. There were radical changes in the automation of weapons systems during the 20th century and that has continued into the 21st century. However, the concept of an autonomous weapons system is an entirely new one that would take human beings completely out of the decision-making process. By way of illustration, during the D-Day invasion and subsequent invasion of Germany and liberation of France in the Second World War, it was the very first time we had these combined arms operations. At the height of that battle, the state of the art in terms of command, control and communication meant that when they were at their absolute maximum capacity, commanders could make maybe three or four real time, meaningful battlefield decisions in any 24 hours, at

the level of division and above. It was about four decisions per day. Fast forward to the 21st century, thinking of operations such as the invasion of Iraq and Afghanistan, with changes in technology, logistics, supply, communications, digital communications and so on, they were able to increase that to maybe 24 to 30 decisions per day. With the use of AI and target acquisitions systems like Palantir and others, during the recent air campaign against Iran, the Israelis and the United States were able to perform up to 1,000 battlefield decisions per day. That is faster than human thought. That is not an autonomous weapons system; that is still one that is controlled by human beings. However, they are now controlling systems that operate faster than the speed of human thought and, in that context, they slaughtered thousands and thousands of people. There is a direct correlation between the increase or developments in technology, and lethality.

We have to understand the context in which we are bringing this legislation forward. Senator O'Loughlin mentioned international treaties and conventions, and they would be my preference. However, we live in a world where the United States and Russia have acted without any regard to international law. Donald Trump and Benjamin Netanyahu did not declare war on Iran and Lebanon. They did not have the pretence of going to the UN Security Council. They just attacked a neighbour, like medieval kings crossing into another territory to decapitate their leader. Reprehensible as they are, they killed the Ayatollah. I have no sympathy whatsoever for the Iranian regime and I do not mourn their passing, but I do mourn the passing of international law. We have to show leadership, and if we have to do it at national level, it will create the precedent and create moral pressure.

The other issue with these autonomous weapons systems, in all of the desktop, IT-enhanced modelling they have done, they tend towards escalation, without the human component contained within them, because there is no moral dimension or sensitivity contained within them. Why is this happening at the moment? In the early nineties the US Secretary of Defense had a conference in the Pentagon and called in all of America's defense contractors and told them that, basically, they were all fired.

It went from having hundreds of defence contractors to just five, including Boeing and Northrop Grumman, because of the peace dividend from the end of the Soviet Union. Donald Trump has brought together over 50 defence contractors and is obliging them to carry out defence work. In Silicon Valley, Google has the motto "Don't be evil." A lot of tech companies in Silicon Valley have traditionally stepped away from military contracts. That has changed. It is now referred to by the tech bros as the defence tech gold rush.

We are on the threshold of the proliferation of autonomous weapons. We are at a transformational point. A system that is operating faster than the speed of thought may be overseen by people such as Xi Jinping, the ayatollahs, Benjamin Netanyahu, Donald Trump and Vladimir Putin. We must show leadership in our own little way. I am glad the Government is not opposing the Bill. This is an opportunity to show leadership. As somebody said, we must be able to tell our grandchildren that we did everything in our power to stop this.

An Cathaoirleach: I am sorry, Senator. I was only asking you to move nearer the microphone so that the transcribers could hear what you were saying. I call Senator Andrews.

Senator Chris Andrews: Like Senator O'Loughlin, this is my first opportunity to wish the Minister of State well on her elevation. I wish her the very best. It is a great opportunity for her. It is a great moment for her and I wish her well.

I thank Senator Higgins for introducing the Bill, which we support completely. I would be concerned if anyone were to oppose it and it is welcome that the Government is not opposing it. Like Senator Clonan, I think it is something we should introduce at a national level to set an example and send out a message that we are going to do our part. We should be very proud of Ireland's record when it comes to promoting disarmament and non-proliferation of immoral and unnecessarily brutal weapons. Ireland was central to the nuclear non-proliferation treaty and led the way early on when it came to nuclear disarmament. Likewise, we were key to the Convention on Cluster Munitions, as well as the anti-personnel landmines convention not too long ago. Leading the way on the prohibition of lethal autonomous weapons is a meaningful way that we can add to this legacy in the modern day. That can be helped on its way with this common-sense legislation.

Much like landmines and cluster munitions, lethal autonomous weapon systems pose an inherent and unnecessary risk to non-combatants and are completely contrary to accepted values, human rights and international law. We have seen the devastation that they inflict in Lebanon and Gaza. It is horrendous. There is no soldier present to distinguish between civilians and enemies and there is no officer providing oversight or taking responsibility. There is only a computer programme to kill in the most efficient way it is able to do. It completely separates warfare from basic humanity and morality, making it essentially impossible for individuals to be held to account for lethal actions from these weapons. I do not see how anyone could be happy for these sorts of weapons to be used in future wars but, unfortunately, power and money, and the big powers, are investing in that technology. It is depressing in many ways when you think about it. The United States, China, Russia and, no doubt, other countries are developing AI-powered weaponry with advanced killer robot autonomous drones already being deployed in Ukraine. There is a very real risk that this will become the new arms race with every major military power pouring resources into producing the most lethal and powerful AI weaponry possible, free from any human notions of morality or compassion. A future in which wars are waged by artificial intelligence is no longer just science fiction. It is a terrifying prospect.

It is worth noting that Ireland has already taken very positive steps in calling for the regulation of these weapons at an international level and has supported these efforts within the United Nations. Since 2018, the UN has maintained that lethal autonomous weapons systems are politically unacceptable and morally repugnant, and has called for their prohibition under international law. That is why we need to lead by example. We can do it. The current Secretary-General reiterated this in 2023 and called on member states to each adopt, by 2026, a legally binding instrument to prohibit lethal autonomous weapon systems that function without human control or oversight, which cannot be used in compliance with international humanitarian law, and to regulate all other types of autonomous weapon systems. Enacting this Bill would be a step towards this objective and would give further credibility to Ireland's calls for the prohibition of these weapons systems internationally.

We are living in an exceptionally dangerous and unstable world. That makes our position as a militarily neutral country all the more important both for our own security and as a means

of promoting disarmament and peace abroad. I hope that the Government will support this legislation. It is not opposing it, but is it supporting it? There is a difference. I hope the Government will remain committed to protecting Irish neutrality and our ability to be a positive force for peace on the international stage.

Senator Laura Harmon: I thank the Civil Engagement Group for its work in bringing forward this important Bill. It has the full support of the Labour Party and the Cross-Party Group in the Seanad. It is a Bill that deals with what is fast becoming one of the most pressing issues of our time, which is the proliferation of autonomous weapon systems. We are already seeing the rapid expansion of the use of these systems in conflicts, wars and illegal wars across the world. The illegal bombing campaign waged on Iran by Trump's America and Netanyahu's Israel in recent months was the moment we first saw these weapons used at such a mass scale but it was not the first time they have been used. The wars in Ukraine, Gaza and Lebanon have also seen artificial intelligence used for the targeting of strikes.

However, the scale we saw in the attacks on Iran was new. In the first 24 hours of the US-Israel waged war, the US struck over 1,000 sites in Iran. That was an assault twice the size of the initial attacks of the Iraq war 23 years ago and was enabled by these systems and by AI. We have now clearly entered a world where powerful men without any respect for international law are not just waging illegal wars but are able to do so with a brutality and magnitude that was unthinkable before the development of advanced AI. That is not to say that unthinkable acts and wars did not take place before this but this is the scale that we are dealing with now because of these systems and this technology.

There are obviously significant ethical issues here. In recent years, we have seen international law undermined at every turn and leaders operating with impunity. AI weaponry threatens to pour fuel on that fire. Fundamentally, when AI makes a mistake in a conflict, who can we hold responsible? For those of us who have not yet given up on the conviction that international justice and international law are our only way to ensure peace and prosperity, this is not an academic question. It is vitally important for the future of humanity.

Last month, as Senator Higgins said, Pope Leo spoke out against the use of AI in war and on this I agree with him. It is not clear whether the horrific strike on a girls' school in southern Iran on the first day of the war was targeted using AI or if it was the result of a shocking human error but there is at least some faint hope that somehow, someday, justice could be delivered if a human is found responsible. If it was an AI system that picked that target, where does that leave us?

It is also most worrying that we are seeing the targeting of other minorities in recent wars and illegal wars. The gamification of disabled people is one example of what is happening. This is extremely worrying and is a matter we should all be concerned about.

We cannot ignore that there are fundamental existential questions for us as a species. Handing over the control of deadly weapons to unaccountable machines, with seemingly no guard-rails, is something we should all agree is unacceptable.

7 o'clock

We can have no faith, however, that the hubristic, narcissistic leaders in ultimate control of these systems are giving this the slightest thought at this point. This was made crystal clear by

the vicious way the Trump Administration responded when, earlier this year, the AI company Anthropic asked the US military to put in place the simplest safeguards for the use of its models in autonomous warfare. Clearly, men like Trump have no interest in any limits or safety measures on the use of these weapons systems, and this should worry us all deeply.

Turning to today's Bill, Ireland cannot be complicit in this chilling new form of war. The Bill will ban the use, sale and transit of autonomous weapons or their components in Ireland. This is a crucial step in maintaining our neutrality and our moral standing in the world. Ireland has been a leader on disarmament for many decades and it is essential that we lead from the front as the sinister use of automated weaponry is rapidly expanding. We simply cannot allow our country to be complicit.

The Government is on record as agreeing that this is the new front in the disarmament movement. Last year, the Tánaiste told the Dáil that Ireland regards the area of autonomous weapons systems as one of the most pressing issues facing the modern disarmament agenda. If the Government is serious in that sentiment, then it needs to not just not oppose this Bill but to fully back it and commit to backing it on all Stages in both Houses. We need to see work globally to push for a treaty banning these weapons and we need to see it urgently. Ireland also needs to lead from the front. We need to make it clear that we will not be complicit in the use of these weapons before any treaty can be agreed. This is why we must back this Bill.

Senator Nessa Cosgrove: Déanaim comhghairdeas leis an Aire Stáit as a post nua. When the topic of autonomous weapons comes up for discussion, as it increasingly does, many people of my age get a flashback to the Terminator films, which saw a time when travelling cyborg, Arnold Schwarzenegger, was sent back to 1984 to assassinate Sarah Connor. The AI identifies and kills women called Sarah Connor in the knowledge that it will eventually get the right one. It seemed very far-fetched to me when I was growing up in Bandon in County Cork in 1984 that an AI called Skynet might be dispatching a killer robot into the past to eliminate an individual woman. It does not seem too far-fetched now, though, in the era of Palantir, Anthropic and SpaceX, that the targeting of an individual by a machine could be a reality in just three years' time.

At the moment, we live in an era where countries deploy assassinations and accept the so-called collateral damage, or killing and maiming of innocent civilians, as being okay. I am thinking of the pager attacks on the Hezbollah leadership that killed and maimed children and other innocent civilians along with the intended targets. This terrorist attack was designed specifically to cause maximum injury to the targets. In the attacks that killed the Ayatollah Khamenei, the decision was made in the full knowledge that he was likely with his family. His daughter, granddaughter, daughter-in-law and son-in-law were killed in the attack. On the first day of the Iran war, the US launched an attack in an attempt to kill members of the Iranian Revolutionary Guard. It hit a school, a primary school, and murdered 156 civilians, including 120 children. A person made that decision to target that complex, that building, based on human intelligence gathered by the two supposedly greatest intelligence agencies in the world, Mossad and the CIA. A person made the decision to give the green light for the attack on the ayatollah based on the assessment that his death warranted the deaths of those around him. In the case of the pager attacks, a person at the highest level of the Israeli Government made the decision that they were going to explode devices not knowing who was holding them but

knowing that wives, parents, siblings or even children of the intended target would have access to the device or would be in close proximity to them.

A person has to live with their conscience knowing that they pressed "Go" on a decision based on human intelligence. They also have to live with the consequences that that might mean answering before a criminal court or a higher court for taking that action. Between 7,500 and 10,000 people have been killed by the US and Israeli forces in Iran and Lebanon since the start of the most recent conflict. The deaths of Palestinians in Gaza are nearly tenfold that number, with the figure standing at over 73,000 people. Individual people will be held accountable for these war crimes in the future. Every time an Israeli settler or soldier makes a decision to squeeze the trigger to kill an unarmed Palestinian and every time an American service person directs a smart bomb into a school, they are committing a war crime. The use of autonomous weapons systems removes that liability. It removes any accountability by an individual for unleashing a weapon which will kill and kill until it has accomplished its mission. This is not science fiction: this is science fact.

The Ukrainian military has confirmed that two years ago it deployed AI-controlled quadcopter drones known as Terminators on the front line, killing Russian soldiers. The AI model searches for and interprets targets. The maker of the drone said that, "We just launch it and we know everything will be dead – everything that will be found there in this particular area will be dead. There is no connection to the drone at all, you cannot see the video, nothing ... Everything it sees will be killed".

This Bill could not have come at a more appropriate time. I commend the Civil Engagement Group on bringing forward this legislation. The restrictions we have seen the US place upon AI models such as Anthropic's Mythos 5 and Fable 5, the export of high-end AI chips and the attempts by the Trump regime to control Anthropic, Palantir and other tech companies is a recognition of the potential for the explosion of autonomous weapons. These, however, are not attempts to rein in the destructive power of autonomous weapons but an attempt to control and stay ahead of every other country on the planet.

The advent of autonomous weapons systems predicted in science fiction books and films has arrived. We must now do everything we can not just to control and regulate killing machines but to forbid the development, testing, stockpiling, retention and use of autonomous weapon systems in this jurisdiction and lead the way in eliminating them throughout the world. In time, this Bill may be seen as the first step in a future treaty for the non-proliferation of autonomous weapons. I commend the Bill and its author. Maith sibh. We have an opportunity now to show leadership here and we have started to do so. Tús maith leath na hoibre. The work has started, but we all need to work together now to make sure it continues. I welcome that Fianna Fáil is not blocking this Bill. I urge that it fully support this legislation going through on all Stages in the two Houses.

Senator Patricia Stephenson: I thank the Minister of State for being here. I welcome the Bill being brought forward by Senator Alice-Mary Higgins and my Civil Engagement Group colleagues. It is powerful and pertinent legislation. It is calling for a moratorium on the design, production, sale and use of autonomous weapons. It is in line with calls from the UN to introduce international legislation to ban their use outright.

These weapon systems, which include advanced drones to target and apply force, operate without any human oversight. They are programmed to hunt and they are programmed to kill. They lack empathy and the ability to make ethical judgements, and, ultimately, they are unaccountable under international law. As we have heard before, the Secretary General of the UN has called these weapon systems morally repugnant and said they have no place in our world.

The threat these weapons pose to human life and human rights cannot be overstated. Increasingly, we are seeing the reduction of meaningful human control in the design and implementation of AI systems as the technology continues to evolve. This technology only serves to accelerate our own digital dehumanisation and we must, therefore, work collaboratively on an international level to halt the race to the bottom in the evolution of autonomous technologies. This is what we are seeing now: a race to the bottom to have the most effective AI technologies which are used to murder civilians.

I would not normally cite the Pope, but as we have already heard, he has recently called for the disarmament of AI, citing his serious concerns that AI poses an extreme danger to humanity and lowers the threshold to war. This is a warning that should be alarming to all of us and we must heed it. Since 2014, UN member states have been debating proposed regulations on autonomous weapon systems under the Convention on Certain Conventional Weapons, but so far there has not been a consensus on the definition of "lethal autonomous weapon systems". There has not been a clear roadmap on how to effectively legislate for what constitutes meaningful human control. We must, therefore, act domestically. International agreements are the best solution, but in lieu of that, we must have our own domestic legislation. As was said earlier, Ireland could lead on this issue. We could be the first to do it and then have it rolled out elsewhere.

Since 2014, in the meantime, the IDF has used AI technology to target and kill Palestinian civilians. The Lavender AI programme, very sweetly named, automatically scans surveillance databases to generate the names of thousands of suspects for targeting. Lavender can identify targets in just 20 seconds, without any human oversight at all. The IDF uses the programme *Where's Daddy?* It uses AI technology to track and target Palestinians through their mobile phones. It then marks the exact moment when they return home to their families. *Daddy* comes into the house and the *Where's Daddy?* technology triggers an attack, usually at night. Entire families have been targeted and murdered using this form of weaponised AI.

Far from being accidental casualties and a consequence of AI's tendency to get things wrong, these practices are designed to deliberately kill as many people as possible with minimal personnel needed. Rather than minimising harm, these AI tools have effectively turbocharged the pace and scale of deadly force but repackaged it under the guise of algorithmic efficiency, often against civilians. What was once decision support by AI has evolved into decision automation and the effects on human lives are devastating. Across the board, we as legislators are constantly sprinting to keep up with the rapid evolution of AI technology.

Where appropriate, AI technology should be harnessed to support human decision-making that promotes well-being and positivity in society. However, in the use of AI in autonomous weapon systems, the human element is entirely removed. People cannot reason with an algorithm or an AI weapon. They cannot question it or talk down to it, and drones cannot be tried in a court of law. What is worrying is the opacity with which artificial intelligence is

learning and making decisions. In many cases, we simply do not know how AI is making automated decisions. It operates within this black box. We have no oversight of it at all. AI is really good at crunching numbers and analysing vast volumes of data quickly but it struggles in situations where context is essential. Another worry with AI is the inherent discrimination built into its systems, which we cannot discern. The question is: who is programming the algorithms?

AI is superior in one way, in that it does not suffer from cognitive bias but when it is fed biased data, which is always the case, it takes that bias and runs with it. Concerns around bias have come up in the policy debates on autonomous weapons but the topic has not been considered or explored in depth. It is important to understand how bias in autonomous weapon systems threatens compliance with international humanitarian law, and the legal implications of this have to be addressed. We have heard chilling reports of drone strikes on civilians in Ukraine, Gaza, Lebanon and Iran. What is frightening is states' inability or unwillingness to draw a red line that states that using drones in AI to target humans is wrong and a step too far.

The Campaign to Stop Killer Robots notes that the vast majority of states are in favour of introducing binding legislation to regulate and prohibit autonomy in weapons systems. As far back as 2019, Irish people were cognisant of these harms, when 81% of people surveyed were in favour of a ban.

There is still a lack of understanding of how these weapon systems work and it is crucial to emphasise the existential threat posed by the proliferation of the autonomous weapons. We need to devise solutions to restrict their use. We have grown accustomed to AI recommending podcasts we might like to listen to and certain products it pushes us to buy, and we have serious concerns about that, but AI is also recommending human targets to the US and Israeli militaries, and militaries all over the world. It is recommending different people that they can kill. Anthropic's large language model, Claude, assisted the US military in recommending strikes in Iran. AI recommended the targets and the soldiers pulled the trigger. More than 1,000 targets were struck within a 24-hour period, including many residential areas. That is violent on an unprecedented scale.

The US military uses AI technology to save time in identifying as many targets as possible. Human beings are simply reduced to data points. They are sorted, scored and processed for elimination. Elimination, of course, is death. It sounds dystopian but it is happening today. It seems that Iran is a laboratory and the US and Israel are acting as scientists, testing their toys on a civilian population. We also know there is significant money to be made in this industry. It is a big money-making industry and introducing legislation to ban further development and use of autonomous weapons will probably not go down with major tech and military companies but any rules to safeguard human lives have to be prioritised.

The risk to human life and human rights is too great and it is for that reason that I hope the Government will not only not oppose this Bill, but seek its quick processing through both the Seanad and the Dáil. I note a point made by Senator Higgins in 2024 at the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science when she was scrutinising legislation on Horizon funding, which is that we are seeing Horizon funding support cross-fertilisation into these types of civil and defence dual-use technologies and AI technologies. We therefore need to explore where that funding is going and whether it is going in to support the use of automated weapons.

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Catherine Ardagh): I thank all the Senators who contributed to the debate. I particularly thank Senator Alice-Mary Higgins and the Civil Engagement Group. I have known the Senator for a long time. She has been at the forefront of discussions and legislation relating to peace and disarmament in this House as well as non-proliferation. Many Senators raised the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on Cluster Munitions, and the Anti-Personnel Mine Ban Convention. All the legislation cited relates to international conventions and treaties that Ireland played a lead role in and are the result of years of international negotiations. Senator Higgins noted her involvement in the Convention on Cluster Munitions. In relation to what we are doing on an international and EU footing, we are again seeking to play a leading role internationally in driving agreement on the prohibition of lethal autonomous weapon systems.

There is significant consensus across the House relating to the aims and goals of the Bill. Ireland regards the control of LAWS as one of the most pressing issues facing the modern arms control agenda. Their development and deployment raise serious ethical, moral and legal questions and the possibility of contravening international humanitarian and human rights law. The use of such systems to identify, select and engage targets without any or nominal human involvement is fundamentally incompatible with international humanitarian law and the principles of distinction, proportionality and precaution that underpin it.

The Government strongly believes that there is a need to maintain meaningful human control of all weapons systems, including any systems that may be developed. Our position is that, for such systems to comply with international humanitarian law, context-specific and value-based judgment by human beings is required and, therefore, the retention of human command and control is critical. Systems that do not incorporate such human command and control must not be developed, must not be deployed, and must not be used. A point made by Senator Stephenson was that you cannot bring a robot to court.

Ireland is active, alongside like-minded partners, in seeking to establish international law in relation to lethal autonomous weapons systems. The primary forum for these efforts is the Convention on Certain Conventional Weapons, CCW, and its group of governmental experts on lethal autonomous weapons systems in Geneva. The approach and elements for any future international instruments are still being developed and efforts are at a delicate stage. Ireland has been influential in helping to shape this process. We are actively engaged in seeking a progressive outcome to its existing mandate, which concludes in November. Its mandate is to agree a set of elements of a future international instrument governing LAWS, without prejudice to its nature. Many states, including Ireland and its EU member state partners, are seeking a two-tiered approach of prohibitions on systems that cannot be used in compliance with international humanitarian law, and regulations on others with appropriate safeguards.

In addition to the process ongoing in Geneva, Ireland has been active across a range of international fora seeking to ensure ethics and human rights are respected in emerging military technologies. Along with all other member states, we supported the 2024 Political Declaration on the Responsible Military Use of AI and Autonomy. Ireland has participated in all responsible artificial intelligence in the military domain summits in the Netherlands in 2023, Korea in 2024 and Spain in 2026. Ireland has also engaged and supported research and discussions between states, international organisations, civil society and academia on

addressing and mitigating bias in the use of AI, including in the context of discussions on lethal autonomous weapons systems.

Addressing these systems and the wider issue of AI in the military domain, is a cross-government issue. Officials from the Departments of Foreign Affairs and Trade, Defence, Enterprise, Tourism and Employment and the Defence Forces are working collaboratively to advance Ireland's progressive stance. This is something they will continue to do as the use of relevant systems continues to grow and the need for guardrails becomes ever more clear. In the Government's view, it is essential that the broadest possible number of states come to agreement on what relevant terms surrounding these weapons systems mean. This should naturally further lead to agreement on the actions that need to be taken to ensure compliance of such systems with international humanitarian law across their entire life-cycle, including design, development, employment and deployment.

That brings me to our debate this evening. I thank Senator Higgins for her contribution to the developing public debate in Ireland on these emerging weapons systems and on the use and potential abuse of AI in the military domain. These are questions of vital importance that touch on questions of international law but also on public morality.

As a republic founded on values and a commitment to upholding international law, including international humanitarian law, and as a country with a long and proud track record of promoting disarmament, arms control and non-proliferation, the issues that the Senator raises demand our attention. I acknowledge the work of Senator Higgins and the other sponsors of this Bill in seeking to raise awareness and advance public debate on these issues. I acknowledge also the contribution that the sponsors are making by initiating consideration in these Houses of appropriate legislative and regulatory responses that we should seek to put in place as a country in response to these developments.

The Government understands and shares the motivation for this Bill grounded as it is in humanitarian principles for which Ireland has been a long-standing international champion. The Government shares the view that autonomous weapons systems that cannot be used in compliance with international humanitarian law and the principles of distinction, proportionality and precaution need to be prohibited. We also want to see clear regulations on those that can through meaningful and effective human command and control. These are fundamental principles that are shared across this House.

It is the Government's view, however, that while we do not oppose this Bill, we believe it is premature to seek national legislation before the necessary international agreement is first put in place on core concepts, including essential legal definitions. These legal definitions are an essential basis for legislation that can successfully address the range of complex legal and regulatory issues raised by this Bill. There are a number of issues which form the basis of our position. I will set them out carefully for the House.

Regulating lethal autonomous weapons systems requires comprehensive and detailed work to establish rules around the full life cycle of these systems. A large body of international experts are currently working to establish common international definitions on autonomous weapons systems, as well as broader uses of AI in the military domain. As I have mentioned, the Government is actively engaged in these efforts. Any national legislation would need to

accord with international understandings when they are in place. This is important for a number of reasons.

The breadth of both the definitions and the reference to "components" of autonomous weapons systems in the Bill would be likely to bring a broad range of commercial products within its scope such that it would be potentially un-implementable in practice as currently framed. These are the dual-use products discussed by Senator Higgins. The fact that the Bill is proposing to create criminal offences in this respect also underlines the need for precision and certainty when seeking to introduce prohibitions of this nature.

When we have previously created national legislation with respect to arms control, we have done so on the basis of relevant international agreements, which contain widely agreed and understood legal concepts, terms and definitions. This has been the case in respect, for example, with regard to the Cluster Munitions and Anti-Personnel Mines Act 2008.

By contrast, this Bill seeks to prohibit autonomous weapons systems on a stand-alone basis rather than under the auspices of a dedicated international instrument. In so doing, it seeks to introduce and establish a definition of and prohibition on "autonomous weapons systems" that does not have international consensus. Furthermore, it comes at a time when Ireland is actively engaged in the dedicated international forum at the UN seeking to achieve consensus on the key elements of a potential future international instrument.

Ireland believes the elements identified through that UN process in what is called the rolling text maintained by the chair of the UN group of governmental experts provides a sufficient basis to move to negotiations on a legally binding instrument. Indeed, this Bill includes some elements of language that has been included in versions of that rolling text itself. While the Government's focus is on trying to help secure a mandate for negotiations of an instrument, we also recognise that finding consensus will be a significant challenge at a time of low international trust and high international tensions. Some states will prefer a non-binding series of guidelines to complement existing obligations under international humanitarian law. Others may wish to keep the discussion going on definitions with no clear end. The Government is fully aware of the challenges and is preparing for different eventualities that we may be faced with after the Convention on Certain Conventional Weapons, CCW, review conference in November. Ireland is ambitious in its approach and is working to secure the best outcome in these negotiations.

Enacting national legislation now without knowing the agreed approach to regulating lethal autonomous weapons systems at the international level could pre-empt the outcome of the ongoing UN process. The difficulty in proceeding on a stand-alone basis is illustrated by the fact that the Bill proposes to prohibit lethal autonomous weapons systems by reference to a definition of "autonomous weapons systems" that does not fully accord with the current working international definition or the Government's aim of prohibiting some systems and regulating others.

It is instructive to consider the experience of other jurisdictions. Elsewhere, some parliaments have agreed resolutions on the need prohibit and control autonomous weapons systems. Iceland was the first state to pass a parliamentary resolution in 2016 expressing support for a ban on the production and use of what it characterised as fully autonomous weapons systems. Notably, the resolution called on the government to monitor the issue at the

UN and other international fora. In Belgium, the issue has been somewhat recurring in recent years with parliamentary sessions to discuss and debate adding such systems to the country's list of prohibited weapons through national legislation. No such effort has succeeded, although supportive parliamentary resolutions have been passed. Ultimately, states have uniformly recognised the importance of seeking an international agreement. At present, many states rely on instituting rules on the use of autonomous systems through military policies or doctrines to align with their obligations under international humanitarian law. How they interpret those rules and compliance may vary thereby highlighting the issue with individual solutions to collective problems.

I will highlight some examples in the Bill to illustrate the definitional challenge. To begin with, the use of the word "lethal" to describe relevant autonomous weapons systems has been contested over the years, including by Ireland, as lethal does not suggest a system that can injure or cause damage to a civilian object - any object that is not a military objective. By way of compromise, there is now a provisional working characterisation in the current version of the UN rolling text to broaden the scope to encompass injury and damage. It states that "a lethal autonomous weapon system can be characterized as ... a combination of one or more weapons and [functionally integrated] technological components, that can identify, select, and engage a target, without intervention by a human" operating the system. The characterisation further states that it does not exclude systems that have been developed or programmed by humans and have the ability to determine potential targets from preprogrammed profiles. Similarly, a system is not excluded if it does not result in loss of life or cause damage or destruction to objects. What is within or outside scope of a future agreed definition is for future negotiation.

By contrast, this Bill on lethal autonomous weapons systems defines those very systems in a way that is narrower than that being proposed at the international level. It is, therefore, different to existing international understandings. This highlights the core of the definitional challenge, which has meaningful implications. Criminal penalties, which are proposed in the Bill, would not be enforceable without clearly understood or international agreed definitions.

The Bill references prohibitions on the transport or transfer of components of an autonomous weapons system within the jurisdiction of the State. This would go well beyond existing international proposals and would likely prohibit a wide range of material and intangible systems, both hardware and software, that could be used for everyday commercial ICT purposes or legitimate military purposes under appropriate controls. I do not believe that is the intent of the Bill but it could well be the effect with far-reaching implications for industry and the defence of the State. It is unclear how in practice one would control the acquisition or disposal of pre-products given examples of such items include technologies with regular civilian uses.

With regards to elements of the Bill that seek to prevent the use of public moneys for lethal autonomous weapons systems, this is something Ireland has successfully pushed for at the EU level. For example, actions ineligible for EU funding under the European defence industry programme, EDIP, include those related to lethal autonomous weapons systems that operate outside a responsible chain of human command and control or that cannot be used in compliance with international humanitarian law. This is a position we are continuing to carry

forward on a principled and legally consistent basis as EU programmes evolve to match the critical security environment in Europe.

While the absence of international consensus on core definitions poses challenges for legislation nationally, I reiterate that the Government broadly supports the motivation behind the Bill, which is why we are working assiduously to find a comprehensive international solution. This will remain the Government's objective. The Government recognises the urgency of controlling the use of autonomous weapons systems and is at the forefront of international efforts in that regard. We will continue to work with like-minded partners drawing from the expertise of academia and civil society partners towards an ambitious and comprehensive international solution and on that basis, to advance efforts to address the legal, humanitarian and ethical issues presented by lethal autonomous weapons systems. National-level discussions that have due regard to international developments can complement this ongoing work. The Government is open to engagement at national level, including with the sponsors of this Bill, while these international efforts continue with a view to achieving an ambitious and robust outcome that will lay the foundations for future work.

An Leas-Chathaoirleach: Before I call Senator Higgins, I welcome Deputy Edward Timmins to the Gallery. He is accompanied by Tom Barrett, Audrey Scott and Mary. I hope they enjoy their visit to Leinster House and to the Seanad especially.

Senator Alice-Mary Higgins: I thank the Minister of State for her response and congratulate her on her appointment.

I am glad the Government is not opposing this Bill. I am very happy to continue to engage. Stephen Reid, the drafter of the Bill, who I thank, is also very keen and willing to engage. In bringing this Bill forward, we are very much aware of the international process and the timeliness of the Bill. I reject the suggestion that it is not timely; it is extremely timely. A couple of crucial points are coming, with the discussions of the group of government experts taking place in September and the meeting in November on the conventional weapons treaty, at which it will be decided whether action will be taken.

In the background, we know that if there is a failure to move forward on this issue and bring it within the remit of the conventional weapons treaty as an international instrument because, which requires consensus, there will be pressure, rightly, for action through a stand-alone global treaty. There has already been pressure in the resolutions passed by the General Assembly of the United Nations. That process is under way and it is my belief that Ireland will go into that process and those discussions stronger in a context where we can say national legislation has been discussed and that the Government is, rightly, under pressure as a result of ambitious national legislation. In this case, there is something different from the nuclear non-proliferation treaty negotiations, which occurred in a context where nuclear weapons were not being used every day.

The reason there is a particular urgency with this is that we know these treaty processes take time. I am very happy to work on the definitions as we come through it, but we also need to be strong in pushing those definitions. There are huge, dangerous areas of wobble room here. What will meaningful human control mean in the final definitions? Will that be diluted? As regards the idea that there may be certain areas where it cannot be used in compliance with

international humanitarian law, what will that mean in effect? Will it deal only with the targets or those contexts that we have talked about? Will it deal with the inadvertent contexts? The fact that the targeting was of a military target does not excuse someone because it may have been a military target on a road shared with civilians. There are huge nuances and questions in this regard. Those definitions matter and need to be teased out but it needs to be done from a position of ambition and strength.

We do not wait to see what falls out; we go in to shape what is going to come out of that process. If what is shaped from the process in terms of the conventional weapons is not ambitious enough, then Ireland will need to lead on a global treaty. Ireland will also need to lead, if that treaty process is too prolonged, by taking national action, which can then be amended. Not only am I open to my Bill being amended as it progresses, but if there is an international treaty that takes two or three years, we cannot be in a lacuna in the meantime. This is different. We were told these weapons would make everything more precise. More than 20,000 have been killed by the most advanced targeting technology in the world and it chose to allow the killing of 20,000 children. What we have increasingly seen is that these weapons do not allow target selection to be narrowed; what they do is around expansion. It is effective, not in the sense of narrowing what is done, but in the sense of "maximum lethality". That is the industry phrase. It describes 1,000 deaths where, in the past, there could have been 100 or 50 deaths. That is the context.

We cannot afford to have inaction from Ireland or even just to wait for the international processes at UN level when the decisions that are fanning the flames of this process are being made. I will highlight four issues. While Ireland has the Presidency, the multi-annual financial framework, which is going to give a huge amount of money to military and defence spending, will be negotiated and decided. The new European security strategy will be negotiated. Ireland is hosting a European conference on AI in September. The Horizon funding will be negotiated. What we do not want is for all those decisions to get made without any governance framework around military use of AI and autonomous weapons. We do not want money being directed that way. I urge that the security strategy reaffirm the position on cluster munitions and landmines, to which, sadly, some of the SAFE funding has gone. We become complicit in spending money collectively at European level if that money goes to these weapons and we allow Horizon money to be invested in their development or allow industry supports to AI that allow the industry to develop these weapons. We do not want that money to be spent and that momentum to occur while we are waiting to progress the international treaty. That is why it matters that Ireland, as a neutral country, goes into those negotiations saying that while we want international action, we have a national concern and national action which we want to be reflected in the collective European decisions. Ireland being strong on this and showing leadership on it cannot wait two, three or four years while we see the vulnerable of the world used as laboratory targets.

I welcome the offer of engagement and I accept it. The Minister of State mentioned the new definition and the components that make it up. The technological components are in the new definitions. It is not the same as dual use, solely. It is where those components are the building blocks and have been shown to be the building blocks. The Minister of State described it herself. It is a building block to build these weapons and we need to legislate against the building blocks, rather than simply say, "We sent you the Lego and you put it together into an autonomous weapon gun". We need to tackle those, especially as Ireland is already vulnerable

on this given our sad exposure to complicity in relation to dual-use goods. This is one dual-use area where we absolutely need to draw a red line. I thank the Minister of State and all who spoke in support of the Bill.

An Leas-Chathaoirleach: Before I put the question, I welcome Councillor Anna Grainger and Councillor J.P. Durkan and their guests to the Gallery. I also welcome guests of the Minister, Deputy O'Callaghan, and Deputy McGreehan. I hope they enjoy their visit to Leinster House.

Question put and agreed to.

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

Senator Alice-Mary Higgins: Next Tuesday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 23 June 2026.

An Leas-Chathaoirleach: When it is proposed to sit again?

Senator Garret Ahearn: Tomorrow at 9.30 a.m.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 7.40 p.m. go dtí 9.30 a.m., Déardaoin, an 18 Meitheamh 2026.

The Seanad adjourned at 7.40 p.m. until 9.30 a.m. on Thursday, 18 June 2026.