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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Dé Máirt, 23 Meitheamh 2026

Tuesday, 23 June 2026

Chuaigh an Leas-Chathaoirleach i gceannas ar 1.30 p.m.

Machnamh agus Paidir.

Prayer and Reflection.

Gnó an tSeanaid - Business of Seanad

An Leas-Chathaoirleach: The Cathaoirleach has received notice from the following Senators that they propose to raise the following matters:

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

Senator Fiona O'Loughlin - The need for the Minister for Defence to provide an update on the management of the Curragh Plains, County Kildare, including the prohibition on illegal encampments on these lands.

Senator Robbie Gallagher - The need for the Minister for Transport to make a statement on waiving road tax for Blood Bikes and vehicles used exclusively for the transport of cancer patients.

Senator Cathal Byrne - The need for the Minister for Education and Youth to make a statement on delays in accrediting PE teachers who secured qualifications from a university outside Ireland and have completed qualified teacher status.

Senator Nessa Cosgrove - The need for the Minister for Education and Youth to provide an update on the delivery of the pay deal for resource persons and adult educators working in community training centres.

Senator Mark Duffy - The need for the Minister for Justice, Home Affairs and Migration to make a statement on the introduction of a scheme similar to the immigrant investor programme to allow access to overseas funding.

Senator Mike Kennelly - The need for the Minister for Enterprise, Tourism and Employment to make a statement on the recent proposals made by the Vintners Federation of Ireland, VFI, in its pre-budget submissions.

The matters raised by the Senators are suitable for discussion and the Cathaoirleach has selected Senators Sharon Keogan, Fiona O'Loughlin, Robbie Gallagher and Cathal Byrne 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

Social Welfare Payments

An Leas-Chathaoirleach: I welcome the Minister, Deputy Dara Calleary, to the House. I thank him for coming here today. I call Senator Keogan.

Senator Sharon Keogan: I thank the Leas-Chathaoirleach. It is great to see the Minister here. I wish to raise a matter that, while it may appear technical on the surface, has very real consequences for ordinary people.

I call on the Minister to make a statement on the need to move towards a more universal system where all taxable Department of Social Protection payments are automatically reported to the Revenue Commissioners. At present, our system is inconsistent. Many Department of Social Protection payments are already reported to Revenue in real time. The State pension, jobseeker's benefit, maternity benefit, and one-parent family payment are integrated into the PAYE system, allowing tax to be collected during the year in a relatively smooth and predictable way. However, that is not the full picture. There remains a category of taxable Department of Social Protection payments, often older and more specialised schemes, where this integration has not taken place. The following payments are not automatically reported: the bereaved partner's pension, the blind pension, the death benefit, the deserted wife's allowance, the deserted wife's benefit, and the disablement payment. Instead, we rely on individual receipts to declare them manually.

The consequences of this are very real. Imagine a person who has worked all his or her life and is now in receipt of a modest pension alongside a smaller welfare payment, or think of someone's grandmother who receives one of these legacy supports. These people are not tax experts. They reasonably assume that if the State is paying them an income, the tax due is being handled, but then, at the end of the year, without warning, they receive a tax bill. It is not because they did anything wrong but because the system relied on them to know something that would not be obvious to most people, namely, that their particular payments were not reported automatically. That creates stress and confusion. It undermines confidence in the system. It is especially frustrating because it is entirely avoidable.

There is a further dimension to this. Since many of these payments are older legacy schemes, they are, by definition, more likely to affect older and more vulnerable citizens. They are the people least equipped to navigate a complex tax system and they are the ones most exposed to its gaps, which brings me to the central point. This is the modern digital age. We have a PAYE system that operates in real time across the vast majority of incomes. Public bodies share data seamlessly. The State already has the mechanism in place, as shown by the many Department of Social Protection payments that are already integrated. Why are we not

joining the dots? I have to say "Well done" to the Government for adding the carer's benefit and allowance to the automatic reporting system, but it is a bit shocking that this was only done this year. That should not be the case.

If the State makes a payment and it is taxable, then it should follow, as a basic principle, that it is automatically reported to the Revenue. That should be the default systematic assumption, not something that depends on the type of scheme or when it was introduced. Instead, what we have is a patchwork system. Payments have been added here and there over time, often in response to issues as they arose, rather than designed from the outset as part of a coherent whole.

To be fair, let us focus on the positives. Ireland overall has very good tax systems compared with many other countries. It is efficient, relatively simple, and operates in real time. The Revenue Commissioners are probably the best arm of the State. It is precisely because of that strength that we should be aiming higher. Where gaps exist, particularly gaps that affect ordinary people in their day-to-day lives, we should be closing them, and this is one of those gaps. Accordingly, I am asking the Minister to set out whether the Government intends to move to a universal model of automatic reporting on all taxable Department of Social Protection payments, and if not, to explain why a reform that is so practical, achievable and necessary has not yet been implemented, or if it will maybe make all these payments tax-exempt.

Minister for Social Protection (Deputy Dara Calleary): Gabhaim buíochas leis an Seanadóir Keogan as ucht an t-ábhar seo a ardú. As the Senator has intimated, it is important to note that individuals are responsible for reporting their income to the Revenue Commissioners. For any Department of Social Protection payment that is taxable, the decision letters clearly state, when the payment is awarded, whether this information is shared with Revenue or whether the customer needs to notify Revenue themselves. It is a general principle of taxation that, in the absence of a specific exemption, all income, from whatever source, is income for tax purposes and this includes amounts paid to an individual by the Department of Social Protection. Responsibility for taxation policy, including the tax treatment of social welfare payments, rests with the Minister for Finance and is administered by the Revenue Commissioners. All payments from the Department of Social Protection are considered taxable unless specifically exempted from income tax.

The legislation governing the taxation of social welfare payments is in sections 19 and 126 of the Taxes Consolidation Act 1997, which was amended in 2018 to clarify which payments are exempt from the charge to tax. It should be noted that these payments are subject to income tax but exempt from the universal social charge and PRSI.

In order that Revenue can ensure that the right amount of income tax is collected in a timely manner, my Department reports details of these taxable payments to it on an ongoing basis. There are currently 20 scheme types on the taxable payments report, with nearly 1 million customers, including those in receipt of State contributory and non-contributory pension, illness benefit and invalidity pension payments.

There are a few very small schemes, with only approximately 18,000 customers in total, that are not yet included in the report. My Department exchanges the taxable payments report with the Revenue Commissioners each week, giving details of the customers. Such data

exchanges between the Department and Revenue are permitted under the Social Welfare Consolidation Act 2005.

Where a person also has an additional source of employment, occupation or pension income, the mechanism used to collect tax due involves reducing the person's annual tax credits and rate band by the annual amount of their social welfare income. This ensures that the Department of Social Protection payment is paid gross to the recipient, while the salary or pension paid by the employer would have any tax due on both the social welfare payment and the employment deducted from it.

Senior officials in my Department engage regularly with Revenue by means of a joint high-level group that meets to discuss matters of mutual interest. The group is currently in discussions about including those last few taxable social welfare schemes on the taxable payments report.

I endorse the Senator's remarks on the Revenue Commissioners and their work. I thank her for raising this issue. I will continue to keep in touch with her on it as we progress towards sharing the information.

Senator Sharon Keogan: I thank the Minister for engaging with me on this issue. He stated that only 18,000 are affected, but informing people is not the same as designing a system that works for them. The system should not depend on whether a citizen happens to understand the technical distinction between reported and non-reported payments. Where the State can take care of this issue, it should. It is as simple as that.

These payments are complex, and the complexity is being pushed onto the citizen, which is neither acceptable nor efficient. A burden of complex administration is being taken from the Civil Service, which is best able to handle it, and put onto the citizen, who is less equipped to understand the matter. That will only result in more time and resources being spent on correcting errors. We all know that when we owe the Revenue Commissioners, be it in life or in death, the payment is taken. Maybe the Minister could take my remarks on board and maybe we could have a complete tax exemption that includes carers.

Deputy Dara Calleary: Tax exemptions are a matter for the Minister for Finance, but I assure the Senator that we want to ensure our payments, which are a lifeline to so many, do not lead to a build-up of tax liability. I absolutely want to avoid a situation of surprise or anxiety. I am totally with the Senator on that. That is why we share the data in relation to taxable social welfare payments. We share it on a weekly basis to allow the tax to be deducted throughout the year rather than at the end. I have gone through the method. I assure the Senator that the decision letters that are issued to customers state clearly whether they need to notify Revenue or whether we include the data in the taxable payments report.

There are about 18,000 customers on six schemes that are not included in the weekly taxable payments report. We are working towards including them. I assure the Senator, and I want to emphasise, that I do not want a situation where customers of the Department of Social Protection end up with a build-up of tax liabilities. We are working towards addressing this.

Departmental Properties

An Leas-Chathaoirleach: The Minister of State is welcome.

Senator Fiona O'Loughlin: I thank the Minister of State, Deputy Troy, for coming to the House - in fairness, he is always ready to step up and serve in whatever way he can - but I am disappointed the Minister for Defence is not taking this Commencement matter. I have tabled a number of Commencement matters about the Curragh over the past year and the Minister has never come in to take any of them. I had the opportunity to speak to her briefly about it, as well as communicating via numerous emails.

The situation in the Curragh is absolutely appalling. In recent years I have flagged, as have many others, the illegal encampments that come to the Curragh. Year after year I get the same emails from the same people and I am embarrassed and frustrated that I have to go back without any real answer about what is happening with the Curragh. The latest instalment of the encampment is between 80 and 100 caravans. There is a big tent like a circus tent in the middle of the Curragh. There are portaloos. The rubbish, as Minister of State will be able to imagine, with that number of people there illegally, is mounting up. Bear in mind that approximately two months ago, €180,000 of taxpayers' money was spent on removing the rubble that was there. One of the greens in Cill Dara Golf Club has been damaged. Two of them were damaged last year.

Given that a court order has been made, I cannot understand how they are still there. Having had numerous meetings with An Garda Síochána, which has said it is willing to support the Department of Defence in whatever way it can, I cannot understand how they are still there. I had a meeting with the Minister, Deputy Jim O'Callaghan, recently about how the Department of justice can support the Department of Defence at this point in time.

There is a huge environmental impact. There is a severe strain on and potential degradation of the fragile Curragh ecosystem, which is hugely important. There is a huge social nuisance. There is a restriction of access for local residents who utilise the plains to exercise and rest and for recreation and there is a significant visual impact on this historic, protected landscape.

On Sunday, I was at the induction of Jim Kavanagh into the Irish Derby Festival Hall of Fame. Jim is the former chief executive of the Irish Racehorse Trainers Association. He is a passionate advocate for the Curragh. He is a real racing historian and curator and has put together a wonderful museum of racing legends. Sadly, he had to devote most of his speech to what is happening in the Curragh. The Curragh is internationally recognised for its thoroughbred industry. There is a real concern among the many trainers based around it about bringing their horses out; about rubbish being there that could damage the horses; and about animals, including dogs and horses, being mistreated. Of course there is always concern about contagious diseases.

I hope the Minister of State has some type of reply for me because we need to have long-term preventative measures and we need the current issues to be remedied as soon as possible.

Minister of State at the Department of Finance (Deputy Robert Troy): I thank the Senator for raising this matter. I acknowledge her continual and strong advocacy on this issue, not only in the past few weeks, but months and years.

It is regrettable that the Minister cannot be here today as she is caught up with preparations for the EU Presidency, but she sends her apologies. I will read the response given and hopefully it does address some of the Senator's concerns. If not, we will see how we can take it from there in the follow-up section.

Already this year, the Curragh has seen several different illegal encampments, including one containing approximately 100 caravans, which the Senator alluded to. This has caused a great deal of disruption and anxiety to local stakeholders. The Department of Defence does not accept that those occupying these encampments have any right to reside on the Curragh Plains and as such has been engaged regularly with the Chief State Solicitor's Office, CSSO, to ensure that all legal steps are taken promptly to protect the plains.

In April, the Department initiated proceedings for relief for trespass in the High Court and in the preceding months a number of other parties were served with notices and added to the proceedings before the court. On 5 June 2026, Mr. Justice Jordan granted an interim court order against 35 named individuals and other persons unknown in the occupation on the Curragh. These orders were served on those occupants by bailiffs on the evening of Monday, 8 June 2026, with orders to vacate. Interlocutory orders were served on the occupants of the large encampment on the evening of Friday, 12 June 2026. Further notices to quit were delivered to the encampment on Saturday, 20 June 2026.

In terms of addressing these challenges in the longer term, the Department of Defence is working to ensure that we move to a modern and sustainable regulatory model in managing this historically important landscape. In collaboration with Kildare County Council, the Curragh consultancy project was published in 2024, which identified the need for a review of the Curragh by-laws and the Curragh of Kildare Act, as well as potential amendments to provide effective solutions to challenges faced. The report also identified the need to consider a dedicated agency responsible for the Curragh or to assign responsibility for the site to an existing agency with the necessary expertise to maximise the potential of the plains.

The Government is committed to the implementation of these recommendations to address both the opportunities and challenges, as can be seen by its inclusion in the programme for Government. To this end, Department officials are continuing to engage with the National Parks and Wildlife Service, NPWS, which has undertaken an initial scoping of the likely requirements.

I am informed that officials from the Department's property management branch met officials from the NPWS on Wednesday last, 17 June 2026, at the Curragh and undertook a tour of the plains. I am informed that this was a very positive engagement and that the appropriate next steps will be identified in the near future.

I thank the Senator again for raising this matter and would like to assure her on behalf of the Minister that it is her intention to ensure that the Curragh Plains, as an important element of our shared heritage, is protected into the future, while also ensuring maximum benefit to the local population, as well as to those who come to visit the area.

Senator Fiona O'Loughlin: I certainly welcome the continued engagement with the National Parks and Wildlife Service, which has undertaken an initial scoping and I believe this is the way forward. I am also pleased to hear that there was a meeting between the Department

of Defence and the National Parks and Wildlife Service on Wednesday last and the fact that it was positive. This cannot come soon enough. My strong message coming back from here is that those appropriate next steps will not only be identified but will be implemented. It is of absolute urgency that this is seen and taken as a priority.

In terms of the existing encampment that is there - and I thank the Minister of State for providing the chronological order in terms of the dates with the Courts Service - given those dates and the action that has been taken, which is clear, I cannot understand why the encampments are still there. Something is breaking down somewhere. As I said, I met the Minister, Deputy O'Callaghan, and he was very clear that the Department would do what it could. The gardaí in Newbridge and Kildare are excellent in my dealings with them. Something is breaking down somewhere and we need this resolved.

Deputy Robert Troy: There is a very strong commitment to ensuring that we have a modern and sustainable regulatory model in place to manage the historically important landscape that is the Curragh. As the Senator acknowledged, there is a conservation plan in place and there are recommendations that put in place the foundation for the future management of the plains. Progress is happening. The difficulty is, whenever anything is identified, we are all very keen to ensure that it is implemented in a timely fashion. The Government is judged not just on identifying what the solutions are for a particular challenge - the challenge in the Curragh being what the Senator has identified - but its implementation of recommendations in a timely fashion. The Senator has made that point very clearly. I give an undertaking that I will relay to the Minister for Defence that it is all very well identifying the recommendations, but their implementation is key and what is expected by the wider community affected by the issue.

Tax Exemptions

Senator Robbie Gallagher: The Minister of State is very welcome to the House this afternoon and I thank him for being here. The Crocus Cancer Support Centre in Monaghan is our local cancer support group and operates two free volunteer-driven vehicles, known as the "Crocus cruisers", to exclusively transport local cancer patients to and from their hospital appointments. Last year, it was delighted to receive €37,000 from the Department of Transport, which enabled it to purchase that second vehicle. The service removes travel-related stress and is entirely free for the membership. The Crocus peer support group helps those living with cancer diagnoses who are at different stages of their journeys with all sorts of therapies, counselling, and even the chat. The cars boost Crocus's ability to help local patients by providing transport to appointments and therapies. The volunteer drivers pick up patients either directly from their homes or from the Crocus centre in Monaghan town and transport them to hospital appointments, which are typically in Dublin and Cavan. The service is available completely free of charge to any Crocus members requiring transportation to cancer-related treatments and appointments. Vehicles used exclusively for the transport of cancer patients are typically operated by charities such as Crocus and involve volunteer drivers who transport patients to and from their appointments, and we are deeply indebted to them all. The drivers' fuel and travel-related costs are also covered by the organisation. Vehicles range from custom wheelchair accessible minibuses to standard cars, ensuring that vulnerable patients safely reach critical treatments like chemotherapy and radiotherapy without financial or geographical barriers. They provide secure, confidential, one-to-one transport for patients who may feel

very vulnerable and anxious in regard to travelling at that difficult time for them. Crocus is just one of many support groups across the country that are doing this invaluable work and we are deeply indebted to them all.

Similarly, Blood Bikes provides a crucial service to hospitals, medical centres, nursing homes and GPs across Ireland by delivering and retrieving urgent medical essentials, including whole blood, plasma, fresh milk, and many other critical items. Its rapid transport solutions fulfil individual patient requirements quickly and play a vital role in life-saving efforts. Their skilled volunteers are trained to the highest standards and equipped with the best technology to ensure swift and sure delivery or pickups.

These services are vital and that is why it is such a pity that charities have to raise funds to pay for road tax on these vehicles that provide such essential services. It would not be unreasonable that these fees for road tax should be waived for these particular organisations. We are deeply indebted to these volunteers, who do such great work, and I feel that it would be a little "Thank you" to those organisations if the State was able to pick up the fee for road tax. I look forward to the Minister of State's response.

Deputy Robert Troy: I acknowledge and thank the Senator for raising what is an extremely important issue. At the outset, the Minister wishes to acknowledge the importance of vehicles used for the transport of cancer patients and of blood bike groups that use vehicles to rapidly transport medical and clinical items to and from healthcare facilities. This voluntary service reduces demand on alternative transport methods and plays an important role in supporting the healthcare system. On 28 April this year, the Minister granted approval of Blood Bikes Medical Transport to use the bus lane network while carrying out its service. This enables it to bypass traffic congestion and reduce transit times for collections and deliveries. That is a very positive development.

The collection of motor tax is administered by the Minister for Transport through the online motor tax system and by local authorities through motor tax offices. Motor tax is a budgetary matter and, as such, primary responsibility lies with the Minister for Finance. Therefore, consultation would be required with the Department of Finance on this subject. Current motor tax exemptions have been introduced in legislation over time and are provided for in the Finance (Excise Duties) (Vehicles) Act 1952. Motor tax exemptions are currently applied to the following vehicles: State-owned vehicles; diplomatic vehicles; vehicles exempted under the Disabled Drivers and Disabled Passengers Regulations 1994; vehicles including any cycle with an attachment for propelling it by mechanical power, not exceeding 400 kg in weight unladen adapted and used for invalids; vehicles used exclusively for the transport, whether by carriage or traction, of lifeboats and their gear, or any equipment for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea; vehicles which are used exclusively for mountain and cave rescue purposes; vehicles which are used exclusively for the transport of road construction machinery which is built in as part of such vehicle or otherwise permanently attached thereto, carries no load except articles or materials used for the purpose of the construction or repair of roads; ambulances, road rollers and fire engines; and vehicles kept by a local authority and used exclusively for the purpose of their fire brigade service.

At present, blood bikes or vehicles used exclusively for the transport of cancer patients are not subject to this exemption. Any proposal to introduce a motor tax exemption for blood bikes must be assessed in the context of the broader taxation and regulatory framework, taking account of legislative changes required, administrative arrangements and the impact on the receipts to the Exchequer in consultation with the Minister for Finance. Consideration must also be given to issues such as eligibility criteria, administrative and operational implementation, and the potential implications for other voluntary organisations that may seek similar treatment. The proposal the Senator has brought forward would require further consideration and analysis.

An Leas-Chathaoirleach: Before I call the Senator, I welcome Deputy John Connolly and his guests, who are pupils and staff of Eagles Nest National School, Renvyle, County Galway. They are very welcome and I hope they enjoy their visit. I know they are near their holiday, but it is customary here to make sure they have no homework for the rest of the week. I hope they enjoy their holidays when they come at the end of the week.

Senator Robbie Gallagher: I thank the Minister of State for his comprehensive response. I fully appreciate that this is a matter for the Minister for Finance, but where would we in this country be without volunteers? Organisations such as the Crocus Cancer Support Centre in Monaghan and blood bikes do fantastic and invaluable work. All the work they do is done by volunteers. If the Government were to introduce a road tax exemption for those vehicles, it would be a small token of appreciation on behalf of the State for the excellent work they do. I sincerely hope the Minister for Finance will take this on board in his deliberations when he is considering his budget, which will be delivered in October this year.

Deputy Robert Troy: I am taking this matter for the Minister for Transport, but, fortunately for the Senator, I am a Minister of State in the Department of Finance and this is a matter for that Department.

The Senator makes a very valid point about where we would be as a society if we were bereft of volunteerism right across the board, be it in sport or in healthcare provision such as this.

One of the lines of the pre-prepared script that was given was on the costs associated with implementing this measure but what I would like to look at are the cost savings to the health service of this voluntary group providing the service. If we look at that and equate it with the potential costs, I would be somewhat surprised if there is not an overall saving. On that basis, I will take back what the Senator has raised to the Department of Finance and ask the officials to see whether they can quantify the number of vehicles that are in use by that service and what the cost would be, what the cost would be to the HSE if those people were not providing that service, and whether we can expand the exemptions. Honestly, though, it is not in my gift. It is for the senior Minister, in consultation at a wider Government level. However, let us first get costings in real terms for the implementation of the change but also what this valuable organisation is saving the health service.

It would be remiss of me if I did not take the opportunity to congratulate Senator Gallagher on Monaghan's win over the weekend. Unfortunately, it was at the expense of Westmeath and

put us into misery after what was a fabulous year. Even though Monaghan has done that to us, I will take on board what the Senator said here today and see can we get a solution for him.

Teaching Council of Ireland

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Moynihan.

Senator Cathal Byrne: I thank the Minister of State for coming to the Chamber to take this important Commencement matter.

I was recently contacted by a teacher who had returned home from Canada looking to take a job as a PE teacher. He described his situation to me. In May 2025, he completed his qualified teacher status. He applied to the Teaching Council and was told that that was a requirement.

He had previously completed a PE course - a postgraduate certificate in education and a masters in physical education with the Liverpool John Moores University, which is renowned for training PE teachers. Having completed modules in philosophy, psychology and the sociology of physical education, he sought his application from the Teaching Council to move from route 3, which is for further education and training, to route 2, which is post-primary education, where he is looking to take up employment. He had worked on a part-time basis, both in my own county of Wexford and in Dublin.

The situation is that there is no set timeline for the Teaching Council to transpose applications from route 3 to route 2. In an area where we know there is a big demand across the school sector for physical education teachers, it seems unacceptable that there is no clear guidance on how long an application can take with the Teaching Council.

In this particular case, which highlights a wider issue with the Teaching Council on delays, he was told when he did his qualification - the final qualification he requires - in May of last year that his application would be processed by the end of the year.

He contacted the council again in February and was told that the matter was being treated as urgent. At the end of April, having not received anything, he contacted the council again and was told he would receive the final decision on 16 June. He still does not have anything. It is unacceptable that he would have to wait for 13 months.

What is the current situation with the Teaching Council regarding this area? Are there any clear timelines? Will the Department of education instruct the Teaching Council to set out clear guidelines? It should also make a designated point of contact available for applicants in similar situations. There needs to be a clear line of communication with somebody. The individual in question has not received a response either accepting or rejecting his application, or even asking for more information. He has just not got any response back, which in this day and age is unacceptable.

Minister of State at the Department of Education and Youth (Deputy Michael Moynihan): I thank the Senator for raising this matter. The Teaching Council is the independent regulatory body of the teaching profession in Ireland. It was established under the Teaching Council Act 2001, as amended. The council's role is to protect the public by promoting and regulating professional standards in teaching. This is carried out through the

statutory registration of teachers, ensuring a highly qualified teaching profession whose members meet and uphold high standards of professional competence and conduct.

As a statutory professional standards body, the Teaching Council is required by law to properly determine and authenticate the relevant standards and qualifications of all applicants for registration. One of the ways the council guarantees and regulates standards is by ensuring that all teachers entering the profession in the Republic of Ireland have met the required standards. Ireland, like the majority of regulating countries assesses qualifications awarded outside the State for alignment with the standards which apply in the State. This is a core principle of the EU Directive 2005/36/EU on the recognition of professional qualifications.

The Teaching Council receives approximately 680 eligible applications annually from teachers who have qualified outside of the Republic of Ireland. The qualifications of teachers who qualified outside the State are processed in line with the EU directive and assessed to ensure they are of a comparable standard to those achieved by graduates of accredited initial teacher education programmes in the Republic of Ireland.

A person deemed to be a fully qualified teacher has completed a recognised teacher education qualification and programme of induction. A person must provide an official letter, confirming they are a fully qualified teacher, from the relevant teacher registration body or competent authority in the country of qualification. Post-primary teachers must also meet the post-primary curricular subject requirements for at least one approved curricular subject. In the case of those seeking registration as post-primary teachers in the subject of physical education, this could include, for example, diplomas or certificates in areas that are relevant to the subject being assessed and which may contribute to the overall assessment outcome. As such, applicants who have completed the same teacher education qualification may not necessarily receive the same outcome, as the holistic assessment process considers all relevant qualifications and their professional experience. This is carried out in the interests of supporting applicants to ensure that all demonstrable knowledge, skill and competence is considered.

The Teaching Council of Ireland has confirmed to my Department that, in the last 18 months, the majority of applicants who had completed a graduate diploma in physical education accredited by Liverpool John Moore's University were not successful in demonstrating that the qualification met the Teaching Council's curricular subject requirements for physical education.

Applications from outside the State are assessed on a holistic basis, taking account of all relevant qualifications held by the applicant and their professional experience. On that basis, it is not possible to state whether a qualification will meet the requirements for registration prior to the full assessment being completed. I may comment on a few more of the points the Senator raises in my closing remarks.

Senator Cathal Byrne: I appreciate the Minister of State's coming here to speak on behalf of the Department and the Teaching Council. I recognise that each application is assessed on an individual basis.

I will supply him and the Department with the individual details of this constituent. The key point is there does not seem to be a clear timeline for a decision. I appreciate there were 680

applications from individuals who had qualified as teachers outside the State and who are looking to teach in Ireland. Will the Minister of State address the point about a clear timeline for telling an individual they have or have not been approved? The real issue is around uncertainty. Given the time of year, schools are taking on new teachers for the school year starting in late August or early September. In this case, we still have not got a response for this constituent who applied in May 2025. Clear timelines should be issued to the Teaching Council so there is certainty, notwithstanding the fact every application is different.

Deputy Michael Moynihan: We have to ensure the Teaching Council is an independent regulatory body and that it carries out its independent registration function. Neither I nor any Department has a role in that because it has to be very much independent. By being so independent, its authority and status is upheld.

The Department has advised me the average processing time for registration of qualifications gained outside the Republic of Ireland is seven weeks from receipt of completed applications. Directive 2005/36/EC says it must be done within 12 weeks.

The Senator made a number of points regarding the point of contact. That is something I will take back. I will give that information back to the Teaching Council. I can pass the information on and ask that it be dealt with in a timely manner but the overriding concern is to ensure the Teaching Council is independent of the political system and Department, because it is making sure all is in order and that, at post-primary and all levels, the best qualified teachers are in schools.

The Senator mentioned an application made in May 2025. That is 13 months ago at this stage. I will try to ask if perhaps we could get the Teaching Council to directly liaise with the Senator. It would be inappropriate for it to be liaising with me. Maybe it will clarify that question and also provide a point of contact. Many teachers in primary, post-primary and special schools - and indeed special classes - have qualifications from outside the Republic of Ireland and meet the criteria. It is important because we see some great standards and excellent people who have qualified. There are some anomalies in the system as well. I will ask them to liaise directly with the Senator or his constituent. Also, a point of contact would be important for anybody making an application.

It is not possible to state whether a qualification will, of itself, meet the requirements. That is important to stress. I will endeavour to ask them to liaise directly with the Senator.

Cuireadh an Seanad ar fionraí ar 2.19 p.m. agus cuireadh tús leis arís ar 2.33 p.m.

Sitting suspended at 2.19 p.m. and resumed at 2.33 p.m.

An tOrd Gnó - Order of Business

An Cathaoirleach: This is quite a distinguished Order of Business because an Seanadóir Garret Ahearn is here to officially take his first Order of Business as the new Leader of Seanad Éireann. I congratulate Garret on his appointment, not only for himself but also for his friends and family. His dad, Liam, who I met last week, and his brothers, Liam and Scott, and children, Jamie and Daniel, are here. Jamie and Daniel will be on their best behaviour today, and I think

there is a promise of more ice cream too, if possible. Laura is here too, of course, and I thank her for being here. It is a great honour for Garret and for all of them because the families, friends and relations are the unsung heroes of political life. Many sacrifices are made by family members on behalf of their loved ones who are in political life. It is not an easy job. It has become less easy over the years due to online abuse. I know that our new Seanad Leader will do a great job and has done so in an acting capacity. We pay tribute to the former leader, Seán Kyne, congratulating him again on his election to the other House. Laura, Jamie, Daniel, Liam, and the two brothers are most welcome to the Distinguished Visitors' Gallery for an Seanadóir Garret Ahearn's first Order of Business as the official Leader of Seanad Éireann.

Senator Garret Ahearn: I thank the Cathaoirleach, his office and the Seanad Office for their engagement over recent weeks, and the Deputy Leader, Senator O'Loughlin, for her constructive encouragement and engagement throughout the process. It is a real privilege to take questions as Leader.

The Order of Business is No. 1, *Údarás na Gaeltachta* (Amendment) Bill 2024 - Committee and Remaining Stages, to be taken at 3.45 p.m. and to adjourn at 4.45 p.m. if not previously concluded; No. 2, Criminal Justice (Terrorist Offences) (Amendment) Bill 2025 - Second Stage, to be taken at 4.45 p.m., with the time allocated for the opening remarks of the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes each, all other Senators not to exceed five minutes each and the Minister to be given not less than ten minutes to reply to the debate; No. 3, *Garda Síochána* (Recording Devices) (Amendment) Bill 2025 - Report and Final Stages, to be taken on the conclusion of No. 2, and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 7.45 p.m. by putting one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; and No. 4, Health (Amendment) (Home Support Providers) Bill 2025 - Committee and Remaining Stages, to be taken at 8 p.m.

Senator Fiona O'Loughlin: I formally congratulate Senator Ahearn on taking up his position. I had the opportunity to congratulate him on Thursday in his absence, but it is important that I do it again, particularly in the presence of Laura, Jamie, Daniel, his dad and his siblings. It is a great honour indeed for him. I have always found him to be very fair, very engaging and very receptive. He absolutely has the ability to make decisions, and that is something we all have to learn. Also, he has a great presence about him. Meeting dignitaries, ambassadors and so on is a very important part of the role. I look forward to working with him and wish him well in the time ahead.

There are a number of issues I want to raise. First, the Organisation of National Ex-Service Personnel, ONE, recently published a comprehensive study revealing that Ireland was a significant outlier in its approach to veterans policy, legislation and support services. ONE is the national veteran society and Cormac Kirwan is its hard-working chief executive. Its study had a number of key findings, particularly around the fact that 140,000 veterans of the Defence Forces were really an invisible population. A minority of them have many unaddressed issues.

Although the Government has established the Office of Veterans Affairs, more needs to be done. More action needs to be taken regarding a legal definition of the word “veteran”, which is not in legislation, and also regarding the commissioning of an independent evaluation of

Defence Forces transition supports and the establishment of a national council of veteran associations. I would like to have a debate in the House on that.

I would also like to mention Cuan Mhuire. Before its 60th anniversary, I mentioned here that I would be attending the event. It really was very moving. I acknowledge Senator Murphy's role within Cuan Mhuire, and indeed the roles of his mother and sister. Cuan Mhuire is Ireland's largest voluntary addiction treatment provider. Sixty years after she founded the organisation, Sr. Consilio continues to do wonderful work, along with Nicola Kelly, chair Paul O'Donoghue, the wonderful staff and, of course, an excellent board. However, they need increased, sustained funding and support to meet their needs. While we have to accept that funding is rising, the level of need is rising faster and treatment is more complex. I would like to have a debate on addiction and how we support those who support those who are in addiction or trying to recover.

I want to mention a great friend of mine, Teresa Harrison, who sadly passed away over the last few days. She was a legend in her own time and the most incredible volunteer you ever met – for the Community Games, the Special Olympics and the St. Patrick's Day parade, to mention but a few. Teresa was always full of fun, humour and compassion, and was always there to help and support whoever she could. Her two daughters, Pauline and Deirdre, and the wider family are obviously devastated to lose her, but her legacy will absolutely live on in her incredible volunteerism.

I was fortunate enough to spend a little time by her bedside two weeks ago. What I learned from her about how to die well as well as how to live well is really important. Ar dheis Dé go raibh a h-anam.

An Cathaoirleach: We join in extending our sympathies to Pauline, Deirdre and all of the family of Teresa, one of the great activists in the Senator's community. We all know people like that, and they deserve recognition on their passing.

Senator Mike Kennelly: On his first day on duty as the Leader of the Seanad, I too congratulate Senator Ahearn on his promotion. It is also a very proud day for his family who are here today including his father, brothers Liam and Scott, Laura, and Jamie and Daniel, who are the sparkle of this guy's eyes when they are not here. We are delighted to have them here as distinguished guests.

I ask the Government to recognise the vital role that wet bars and traditional pubs play in communities across Ireland and to provide meaningful support to help them survive. For many people, especially in rural Ireland, the local pub is far more than a business. It is the heart of the community. It is where families and neighbours come together to celebrate life's milestones and to support one another through difficult times from christenings, confirmations, 21st birthdays, engagements, the afters of weddings, anniversaries and even gatherings following funerals. As the famous song goes, it is like from the cradle to the grave. It is woven into the fabric of family and community life.

I attended the audiovisual room last week where the Vintners Federation of Ireland attended to seek support. I have never seen such a large crowd of TDs and Senators. They came in to hear their stories and to support them.

These pubs are under enormous pressure. More than 2,200 pubs have closed across Ireland since 2005, and closures continue at an alarming rate. Every pub that closes not only represents a lost business but also a lost meeting place, a lost employer and a lost community asset. Publicans are facing unsustainable cost increases. Electricity costs have risen by around 70%, wages by 40% and water charges have increased significantly. While recent VAT measures have helped the establishments serving food, they offer little or no benefit to the majority of small, rural wet pubs that do not serve hot food.

The proposed on-trade sustainability scheme will work by giving pubs financial support based on the number of draft products they purchase from suppliers each year. The support will come in the form of a tax credit, thereby helping publicans offset rising costs such as electricity, wages and utilities. For example, if a small, rural pub incurred significant supply costs throughout the year, it could qualify for a tax credit worth a few euro. This credit could then be used to reduce its tax bill or, if the pub had little or no tax liability, be paid directly as a cash support, and it is support we are looking for. The scheme would be capped at €20,000 per annum per pub to ensure that support is targeted at small and medium-sized family run pubs.

The Government already recognises the importance of supporting sectors that contribute to our economy and culture and our pubs deserve the same recognition. If we value vibrant villages, like we say we do every day in here, thriving towns, rural tourism, local employment and social connection, then we must value and protect our local pubs.

Once a pub closes, it is often gone forever and a community loses a piece of its identity. I call on the Minister for Enterprise, Tourism and Employment to visit the Seanad to debate these proposals.

Senator Victor Boyhan: I welcome and congratulate Senator Garret Ahearn on his appointment as Leader of the Seanad. I want to welcome his family, and it is particularly great to see his father here, as well as his whole family and his wife. The Leader's father and I had a long chat at the count. He is a wise man who counted the numbers pretty quickly at the Seanad count. It is great to see them all here.

It is important to say that the Leader of the Seanad is a senior parliamentary role. He or she is appointed by the Taoiseach or the Tánaiste to manage the Government's legislative agenda through this House. Orla Murray, the private secretary to the Leader of the Seanad, co-ordinates this primary Government function. The Leader is lucky to have someone at his side in the Seanad's office, and I congratulate her on what is not an easy job in smoothly managing the orderly running of this House despite all of the conflicting interests.

I welcome the official establishment of the new guardian *ad litem* national service.

This new service seeks to ensure that every child's voice is heard and that children's best interests are independently presented to a court in cases relating to the proceedings. The official opening of the service today signifies major progress in delivering high quality, accountability and consistency grounded in children's rights. Ensuring that all children in all parts of the country have access to the same high standard of service is a priority for us all.

The independence of guardians *ad litem* has now been clearly established in law. Guardians *ad litem* make their own professional judgments and recommendations to courts and this

legislation explicitly states that guardians *ad litem* must at all times act independently in carrying out their functions.

Announcing this initiative today, the Minister, Deputy Foley, said:

The launch of the Guardian ad litem National Service is a landmark moment for children in care in Ireland. At its heart, this ... is about strengthening the voice of the child ... and ensuring that their best interests remain at the heart of every decision.

I commend the Minister, Deputy Foley, and her officials in the Department of Children, Disability and Equality. I also acknowledge, as is important, the substantial advocacy work in this space by the former Labour leader in this House and the current leader of the Labour Party, Deputy Ivana Bacik.

Senator Conor Murphy: I also congratulate Senator Ahearn on his elevation to his new position. Having got to know him over the 18 months I have been here, I have no doubt that he has the qualities that will make him a good Leader of the House and I look forward to working with him in the time ahead. I like to think that my refraining from showering praise on him last week, from a Sinn Féin perspective, might have assisted in securing the job for him, so I am glad I held my tongue at that time. As I said, I have no doubt that he will make a good Leader.

In that context, this week marks the tenth anniversary of Brexit, an experience that none of us holds any deep sense of contentment in remembering. It was a project brought to us by English nationalism and essentially far-right politics in England. Unfortunately, it was supported by the DUP at the time, which wanted to see the hardest possible Border in Ireland. It was a project that was brought forward with no thought for the impact that Brexit would have on either part of this island. The chaos of it continues to unfold. We are now on the sixth or seventh Prime Minister in almost as many years; I have lost count, as many will have. In normal circumstances, we might tell our neighbours to get on with their business and wish them well, but that continuing unfolding of chaotic politics and lurch to the right has an impact on both parts of this island, but particularly on the North because the British Government still holds jurisdiction there.

As we move towards the 30th anniversary of the Good Friday Agreement and recognise the contribution it made in a very positive way, not just to relationships in the North, but on the island and between Ireland and Britain, we can see the stark contrast with what Brexit brought us. The potential contained in the Good Friday Agreement is for constitutional change and a settling of the unfinished business of Ireland on this island, through referendums. I ask the Leader, therefore, to encourage the Government to begin the necessary discussion with the British Government. Who knows who might make up the British Government in three years' time - if it happens in three years' time - when there is a general election? If, God forbid, it is a Farage-led Government, we could be into the possibility of a referendum being called on a whim to satisfy some other need that is not present with us.

The Brexit experience tells us what can happen when things are moved in a chaotic way. Therefore, I ask the Leader to encourage the Government, when a new Prime Minister is in place - it seems likely to be more of a coronation than an election - to begin serious engagement and discussion, because what happens on the island of Britain has an impact on us on this

island, particularly in the North. We need to make sure that we do our best to ensure the smooth transition to unity on this island that we all desire in the time ahead and that it is done in an orderly fashion and with good relations with our nearest neighbours.

Senator Alison Comyn: I also congratulate, formally, Senator Ahearn on his appointment. He has been doing a sterling job so far and I know he will into the future. I look forward to working with him.

I warmly welcome his family, who are rightly proud today. They will always remember this date.

There are other dates that are permanently etched in the minds of generations of people. It might be the assassination of JFK or the passing of Elvis, but for a young journalist working in the Dublin in the mid-90s, it was definitely the senseless murder of the journalist Veronica Guerin in June 1996. This Friday will mark the 30th anniversary of her death. I was working in the continuity department of RTÉ at the time. I was the person who the station would break to when there was breaking news. Unfortunately, the breaking news that day was her murder at Newlands Cross. There was pandemonium and stunned silence at the same time. You would have to think that her death was not in vain when, only four months later, the Criminal Assets Bureau was established. The bureau has gone on to do incredible work. There were 34 journalists killed around the world in 1996. Veronica's was not an isolated case. We are only halfway through this year and 21 journalists have already been killed around the world. Being a journalist is still a very dangerous job. We have never seen a more divisive and polarised media right across the world. An independent and trustworthy media is something we really need to value and hold on to. As media spokesperson in the Seanad and as a member of the arts committee, I want to see a debate on how we can protect and make sure that our media is both independent and trustworthy. That is probably a worthy debate to have here. For now, we should think back to Veronica. We will think of her family this Friday. We hope that when they look back, they will see that her passing was not in vain.

Senator Nessa Cosgrove: I have just heard the good news about Senator Ahearn. I congratulate him. I am delighted for him. All of his family are very welcome. It is great news. No better man. He deserves it. Well done.

I want to raise the recent welcome news about having repeat contraception prescriptions for women. I would urge repeat prescriptions would happen for people who use HRT. This is something I am affected by, which is why I wanted to bring it up. The people in my local pharmacy in Sligo asked me to raise the fact that between 15% and 30% of Irish women, including me, use HRT in order to manage symptoms of menopause and perimenopause. I and many others have welcomed the free scheme the Minister for Health brought in. She is to be commended on the proactive nature of what she did in that regard. Even before the free scheme was introduced, there were a lot of indications to the effect that there was not enough availability of HRT products within the market. This shortage is due to matters relating to supply chains. This is not just an Irish issue. Trade unions and the Irish Pharmacy Union have raised concerns in respect of it. If this was any other medication, there would be absolute uproar about what is happening. Our attitude to female reproductive health is not what it should be. In light of the impact weather like this has on people's symptoms, I know how important HRT is. It should be prioritised as an the area of medical healthcare. I wish we could have a

conversation about women's health in the Seanad, specifically on this matter. There have been positive moves, and the Minister has to be commended on them. Again, we are looking for repeat prescriptions. HRT is a prescribed medicine, and the lack of availability is not getting the attention it deserves. It is not okay that it is women's health that is affected by the lack of availability. If we could have a debate with the Minister, it would be very welcome.

Senator Gareth Scahill: I, too, would like to be associated with the congratulations to Senator Ahearn. I congratulated him on Thursday in his absence. We met Liam, his father, last week. He was here a day early prior to the announcement. It is great to have Laura, Daniel and Jamie here. I must shake hands with Jamie and Daniel. From what I have heard, one if not both of them will be future soccer stars. We want to get the photographs in early.

I would also like to congratulate Councillor Domnick Connolly, who was elected cathaoirleach of Roscommon County Council yesterday. He is supported by Councillor Laurence Fallon. I also want to say a big congratulations to Councillor Liam Callaghan following his year as cathaoirleach.

It is coincidental that I am congratulating the Leader, because when I was a young councillor, I met Senator Ahearn on my first visit to Leinster House in July 2024. We spoke about the safe routes to school scheme. He raised the matter that particular week, and I have raised it repeatedly since coming here.

A few weeks ago, I tabled a Commencement matter relating to the money that we are spending on safe routes to schools and how immediate measures are needed outside most of our rural schools to try to reduce speed, with speed ramps being the ideal solution and a more cost-effective use of money as opposed to waiting for the big safe routes to schools scheme. A big debate on the topic was held in the Roscommon County Council chamber yesterday. Councillor Paschal Fitzmaurice from my hometown tabled a motion on it in the context of Threen National School, a school with which I am very familiar. I have done a road safety survey with the parents and staff of that particular school. We are looking at measures whereby the speed limit nationally will be reduced to 30 km/h outside schools. We need enforcement. If we cannot enforce such a speed limit, we need measures such as speed ramps. It is a matter that I think we definitely need a conversation about in this House.

I support Senator Cosgrove's call for a discussion on women's health. We represent all people, and an open discussion is required. We are all free to talk about that particular topic. It was an issue I raised after the Young Scientist and Technology Exhibition last year, and I followed up on it.

Senator Sharon Keogan: I congratulate the new Leader. I welcome Laura, Daniel and Jamie, his father and his siblings, to the Gallery. He will do a great job in the future.

I wish to raise the issue of the handling of the aftermath of the Creeslough tragedy, which, I believe, warrants serious examination by this House. Last week, I attended a meeting in the audiovisual room at which I heard directly from victims' families. What they had to say was, quite frankly, appalling and compels me to speak not just about the tragedy itself but also about how those affected have been treated in the years since. As we know, ten people, including three children, lost their lives in that devastating explosion in October 2022. Beyond the

immediate loss, what followed has in many respects compounded the trauma experienced by those left behind.

I heard that the counselling services provided in the community were minimal. People indicated that a single counsellor was made available in a local chemist shop to provide therapy and that individuals had to queue on the street for access. The service was effectively only advertised online. Many people were not even aware of it. More worryingly, the supports provided were temporary in nature. We know that the initial drop-in counselling service was withdrawn after one month. In many cases, people were left with no option but to pay out of their own pockets for ongoing therapy. Even now, concerns remain about the longer term availability of counselling, with services under serious strain. This is simply unacceptable.

There are also serious and unanswered questions about the level of oversight and regulation prior to this incident. Families are still waiting for answers as to how such a tragedy could occur. Multiple investigations remain ongoing, with calls for a full public inquiry continuing to this day. The Government should be absolutely ashamed of how those affected by this appalling tragedy have been handled. These families and their communities deserve a long-term, visible and properly resourced response. What they got instead was a Band-Aid. That is not good enough. I demand accountability from this Government.

Senator Mary Fitzpatrick: Déanaim comhghairdeas to the Leader. I wish him well in his new role. I know he will do great. I congratulate his family, who are very welcome. I am sure it is a proud moment for them. It is very well deserved. I look forward to working with the Leader in his new role.

As my party's spokesperson for Dublin and the Dublin city task force, I welcome the decision taken by the Government this morning to transfer the ownership of the GPO from the Department of culture to the Office of Public Works, OPW. This is another step in the process to reopen the GPO. We pass by the GPO, which is a historic building. It is a post office, but it is also the birthplace of our Republic. It is a public building. With this move, the building is going to be open to the public. It is going to be made available for meanwhile use. The public are going to have an opportunity to have their say as part of a public consultation. It is planned that the building will become a cultural, civic and community space.

3 o'clock

This is welcome news. A State-funded project, the national development plan, has allowed for up to €500 million to be invested not only in protecting and preserving it, but also in ensuring its future. I welcome that news and encourage everybody to have their say when the public consultation opens.

Senator Cathal Byrne: I would also like to join in the comments to the new Leader of the House, Senator Ahearn, and to congratulate him and say that I very much look forward to working with him. It is a very nice moment to be joined in the Distinguished Visitors Gallery by a distinguished set of visitors. I congratulate the entire Ahearn family, a family with deep roots in public service and with a proud tradition of serving both in this building and also in council chambers in the past. It very much is appreciated, in particular, by those of us on the

Fine Gael side of the House, that we have the opportunity to have them join us here for our new Leader's first Order of Business.

Today, on the Order of Business, I want to commemorate and reflect on the legacy of the Battle of Vinegar Hill which took place on 21 June 1798. The 228th anniversary was commemorated in my home town, on Vinegar Hill, in Enniscorthy, only last weekend. I very much welcome the Tánaiste's comments that Fine Gael will shortly be undertaking a discussion document, a blueprint for what a united Ireland would look like. I am a very proud republican. I believe passionately in a united Ireland. I believe that the institutions of our Republic must and are compelled to fundamentally participate in making sure that in my lifetime, as somebody who is 35, we will have a united Ireland. In the context of 1798, a tradition that united all sides of the divide, I call on us in this Chamber to have discussion on a united Ireland, particularly as it relates to the Presidency of the EU and reflecting on the fact that the former Taoiseach, Enda Kenny, secured a commitment that were the North of Ireland to rejoin the South of Ireland and we have a united Ireland, it would automatically be part of the EU. There is a wider discussion to be had, as our Presidency approaches.

An Cathaoirleach: In relation to that particular topic, we were discussing it earlier with the President of the European Parliament. It was one of the two elected topics: one is agriculture and the other one is the issue around the Good Friday Agreement, part of which is the discussion about the constitutional future of the island of Ireland. We look forward to everybody's engagement on that particular topic.

Senator Chris Andrews: I congratulate the Leader. For the last couple of weeks, we were not able to do that from this side of House. It was not going to help him or anything. I really wish the Leader well. Obviously, we have our political differences but we have a lot of shared interests. I wish the Leader and his family well. It is a great honour for Senator Ahearn and I know that he has the qualities that are needed to maintain this role.

In 2023, Gary Ward, a young man, died by suicide. That is three years ago. Last March, I raised his case. He had a lot of mental health issues. He was a loving son. He studied politics in UCD and he was failed by the mental health system. Three years later, the family still have no sight of the inquest. The coroner has literally blanked the family. Obviously, this is very distressing for the family. It does not give them any sense of closure. As I say, they have had radio silence from the coroner's office and that just is not acceptable. The family and Gary were failed by the mental health system and now they are being failed, once again, by the coroner's office. Clearly, the coroner's office is not fit for purpose. To wait three years for an inquest seems completely unacceptable. The family need answers. They need some sort of peace and closure.

I ask that the Minister come in here to explain how he plans to address the crisis in the coroner's office. It is very unfair on families, not just families like Gary's, but families across the country.

Senator Mark Duffy: I join other Members of the House in congratulating my friend and colleague Garret Ahearn on his promotion to becoming Leader of Seanad Éireann. I know it is a great honour and privilege for him and all his family. I acknowledge and welcome them

all here this afternoon, Laura, Daniel and Jamie in particular. While it is not my job, I would like to suggest if there is homework this week that with a bit of support from colleagues it might be dismissed on this special occasion.

Senator Garret Ahearn: Schools finish on Friday.

Senator Mark Duffy: Better again.

I also acknowledge Senator Ahearn's father Liam. I know that his late mother, Theresa, would be immensely proud and I am sure she is looking down on him with pride. Senator Cathal Byrne spoke of the public service within the Ahearn family, through council chambers and both Houses of the Oireachtas. I know they all hold those values with great pride. I look forward to supporting Senator Ahearn in every way I can throughout his term as Leader.

My colleague Mike Kennelly has done a lot of advocacy on the coverage of GAA games as we enter the business end of the season. Obviously, Mayo had a great win against Meath over the weekend and will play Cork this coming weekend. Unfortunately, both of these games will end up being broadcast on GAA+. As Senator Kennelly has outlined before, the GAA is based on volunteerism. The people who fundraise, the waterboys, the managers, the coaches and everyone else have kept together these rural clubs which were and are such a beacon for community and society across County Mayo and elsewhere. Many elderly Mayo supporters will not have access to view the game. They will not be able to travel up to Dublin for the game and do not have the technology or the devices in their houses to watch and enjoy the game. It is very disappointing for them to be excluded from this. Given the volunteerism and the social good within the GAA, there needs to be a broader discussion in this House to make sure there is access for viewers across the country.

Finally, I wish to acknowledge Emma Rose Browne from the Sylvan Kelly School of Irish Dancing who won the under-nine national championship this weekend. It is a great honour and we are all very proud of her.

An Cathaoirleach: When the Senator is in injury time, he should not bring up another topic.

Senator Mike Kennelly: It had to be done.

Senator Maria Byrne: In a personal capacity, I congratulate the Leader along with his wife Laura, sons Jamie and Daniel, his father, Liam, and his brothers. I had the privilege of knowing his late mother, Theresa, and I know she would have been very proud of him today. The contribution the Ahearn family have made, both in local authority life and here in the Houses of the Oireachtas, has been referred to here already. I wish him all the very best of luck in his new role. I know he had a good training ground in recent weeks and he will be fantastic in the job.

Last week the *Limerick Post* carried an interview with the Minister, Deputy Peter Burke. It dealt with collaboration between industry and education and how that is encouraging some large companies to locate in the mid-west. On the 50th anniversary of Analog Devices being in Limerick, which has had a recent expansion, it is great to see that collaboration between

education and industry. We are very lucky to have three third level institutes in the region. UL collaborates with over 400 companies. TUS collaborates with 200 companies. Mary I also has collaboration, as do the ETBs. It has been fantastic in bringing companies from across the water to locate in the mid-west.

There is a report on the Shannon Estuary task force which was commissioned back when Leo Varadkar was Taoiseach.

There was input from industry and the chamber of commerce and many people had input into it. There is a tourism piece and an industry piece in it. The report still has not been initiated or brought forward. There is so much opportunity, especially with the River Shannon in terms of wind energy. There is so much in that report that needs to be looked at. Will the Leader contact the Minister, Deputy Burke, on supporting the bringing forward of that report for the mid-west?

Senator Tom Clonan: Déanaim comhghairdeas leis an gCeannaire. I am delighted to see Laura, his beautiful family and his dad here. While we differ on a lot of things, we have one small thing in common. His late mum and my late father both served the people of Cahir in different ways, my dad as a member of An Garda Síochána. I know his mum is proud of him and I ask him to go easy on me for the next couple of years.

I raise the increasing levels of misinformation and, I am sorry to say, disinformation about the triple lock. As legislation on the triple lock approaches the Houses, that level of misinformation is accelerating. I want to be very clear about this. If we get rid of the triple lock, we will not have peacekeeping any more. By definition, it is not a blue helmet mission without a UN mandate. Think about that. We will be sending our troops away on missions no longer wearing the blue beret we are proud of or the blue helmet. They will not be peacekeeping missions; they will be peace enforcement missions. Even peace enforcement missions with a UN mandate - for example, the war in Korea, the Balkans, Bosnia-Herzegovina, Kosovo and, more recently, Afghanistan - developed into full fighting missions. Without the triple lock, we will not be sending our people on blue-helmeted missions. We will be sending them to fight. If you are fighting, by definition you are not neutral.

The myth we can only send 12 personnel overseas at the moment and need to get rid of the triple lock is completely untrue, as was confirmed to the defence and national security committee last May by the Department of Defence. The idea Trump, Putin or Xi Jinping has a say in where we send our troops is a false narrative. It is a choice of the Irish people by sovereign decision of the Oireachtas and solemn declarations given in Europe that we would be bound - this is what the Irish people want - by the multilateral principles of the United Nations. A time when we are having illegal wars, for example, the strikes on Iran - reprehensible as that regime is - and the invasion of Lebanon, is not the time to walk away from the UN.

I ask my colleagues in Fianna Fáil to, when they are at their parliamentary meeting tonight talking about this issue, ask where our troops will be sent. To suggest there is no link between neutrality and the triple lock is like saying there is no link between the steering wheel and the brakes on a car.

Senator Evanne Ní Chuilinn: Déanaim comhghairdeas leis an Seanadóir Ahearn. He said to me when I first came into the Seanad that he hoped his mam would be proud. I think it is fair to say she always was and definitely is. I congratulate him on his new role. It is great to have his family here to celebrate.

I raise something that was brought to my attention on Saturday night - four nights after it actually happened, which in itself is shocking. There is a national school in Cherry Orchard called St. Ultans. It is an integrated care and education setting, one of very few in Europe. It is not just a school but also a care centre. It has a preschool and an after-school but also has many therapies available on-site for needs in the area.

Because it is not just a school, it has a general manager. Sue Menton did a brilliant job over a number of years but she has retired. A new general manager came in and is fantastic. She is not an Irish person. Last Wednesday night after a concert at the school, she was surrounded by people on scramblers and on foot. She was dragged from her car and assaulted. She has what has been described as a significant laceration to her face. She is only a couple of weeks into this job. It is an exciting job and she is well qualified but she does not feel welcome in Cherry Orchard.

I cannot believe I found out about this on Saturday night, four days after it happened, through the chair of the school. I did not see it in any media or discussed anywhere. If it was anywhere other than Cherry Orchard, it would be everywhere. I have reached out to the Minister. I want to know what the justice Minister is doing.

I want to know what senior gardaí are doing - not just local gardaí, who are firefighting, frankly - in terms of the strategy and what extra funding is going in for youth engagement and youth work in Cherry Orchard, not just from a criminal point of view.

Senator Linda Nelson Murray: I wish Senator Ahearn massive congratulations. I was delighted to speak to him over the weekend. As Senator Ní Chuilinn said, we have heard so much about his mam and his beautiful family. I am sure they are all so proud. I wish him the best of luck for the next year and a half.

There are a couple of things about which I want to speak. I was very proud to be in Navan over the weekend. We had the Midsummer Festival until 21 June, which was fantastic. It is the first time we have grabbed a festival and ran with it really well. I would like to thank Meath County Council for that and for helping with the funding and, obviously, the organisers, who are amazing people. It was wonderful to go around. NeuroFest was another massive festival, with 700 tickets sold. It is a festival for people with neurodivergence. It was really great to see that.

I have just come from a meeting this morning with my colleague, Senator Ní Chuilinn. We met with representatives from FirstLight and Féileacáin. I would like to highlight the work done by both. I am familiar with Féileacáin, its memory boxes and the support it gives to bereaved families because of the death of a baby during or after pregnancy. It is amazing. It comes with first-hand experience of this. One of the ladies we met today, Mairie Cregan, was one of the seven people who set up Féileacáin. It was amazing to listen to her story.

People would have known FirstLight as the Irish Sudden Infant Death Association in the past. The representatives spoke about the fact that FirstLight had 293 cases last year and had

seen a 20% increase year on year in its services. It offers one-to-one counselling. FirstLight gets its funding from Tusla, the HSE and Pobal. Last year, it had to deal with five suicides of children under the age of 15. It is an organisation that helps people with the loss of children up to the age of 18. Suicide has become a big part of that. A figure of 64% of what FirstLight deals with is neonatal while the rest is sudden infant death syndrome, SIDS, suicide and loss of babies.

What FirstLight is struggling with is that it does not have multi-annual funding. It does not know from year to year whether funding is going to be there to continue the service, which is obviously vital. I want to encourage this. I have hooked up with the Minister, Jennifer Carroll MacNeill, and her adviser to get a meeting between FirstLight and the Minister. I want to highlight how important the service is, and if people like it could get multi-annual funding, that would be fantastic.

Senator Laura Harmon: I congratulate the Leader on his appointment. I am sure that it is a really proud day for his family, who are in the Gallery. He has a long tradition of public service in his family and I am sure that his late mum is very proud watching him today. I also want to acknowledge Scott Ahearn in the Gallery. I knew Scott through student politics back in the day. I would say that the Leader has been involved in politics at all levels in Ireland at this point and I wish him well in his role. I congratulate Senator Cathal Byrne as well on his appointment as Whip today.

Cork public transport is what I want to discuss. We need to have a discussion in this Chamber on it specifically. I say that because Cork is widely regarded as the fastest growing city in Ireland. The population of Cork is expected to rise by between 50% and 60% by 2040. For that reason, we need to prioritise investment and increase the pace of public transport development within the city. We have serious issues in the city in terms of bus reliability - buses not arriving on time and ghost buses disappearing - and the fact that we do not have a modern ticketing system. People cannot just tap on and tap off the bus. That is ridiculous in a modern city. There are well-known routes that are constantly delayed, namely, the 215, the 220, the 214 and the 208. These buses need to be reviewed.

We need our Luas. In the Labour Party, we have called for shovels in the ground by 2030, but we need to make sure that it is delivered on time and on budget for the people of Cork. For too long, we have been left behind. At times, I become sick and tired of hearing consistently about public transport in Dublin when Cork is the fastest growing city. We need real action in relation to it. I would dedicate a specific time slot, if possible, in the Seanad to discuss public transport issues within Cork, which is the second city but, of course, the real capital.

Senator Paraic Brady: I too would like to be associated with the comments regarding our new Leader. It is a huge achievement for Senator Ahearn and his family. I hope he will really enjoy the post, and I am sure that he will. He has been very fair to us all.

Today, I am raising the issue of the Irish Farm Film Producers Group, IFFPG. This is a group that collects all the plastic recycled from baled silage all over Ireland. I acknowledge, first of all, that the IFFPG did ring me back this morning regarding collection points in the north Longford area, which is my area. Two points will not be collecting plastic this year. It was disappointing to see that information this morning. It raised concern that farmers would

have to travel long distances to recycling points. I received a phone call from the group this morning and I thank it for that. I hope that we can find a point in the Drumlish, Dromard and Aughnacliffe area. There were two collection points there last year. If we can get at least one collection point this year, that will be good.

Farmers all over Ireland are paying for the plastic to be collected and recycled every time they buy a roll of wrap, silage covers and all the rest of it. This is a facility that has been put in and supported by our Government. If we do not get these facilities up and running and have plastic collected, this will cause huge concern on farms. I hope there are no other areas in the country that have this problem. If there are, I am here to help. Hopefully, we can get the plastic picked up in these areas.

Senator Eileen Lynch: I would also like to be associated with the expressions of congratulation to my colleague, Senator Ahearn, on his appointment as the Leader of the House. He has been a fantastic Acting Leader over the past few weeks. In case there was any doubt, he has really proven himself. I am looking forward to the remainder of his term as the Leader. I acknowledge Senator Ahearn's family members who are here with him today. It is also an incredibly proud day for them. They are proud of him all the time in light of his political achievements and those of his late mum, but it is particularly the case today. It is such a special day for Senator Ahearn and all his family. I really hope they all enjoy it.

I want to speak about the findings of the European Commission's latest state of the digital decade report. It was published last week. In particular, I mention its assessment of the digital transition of Irish small and medium enterprises, SMEs. While Ireland continues to perform strongly in many areas of digital skills and online commerce, the report does highlight some concerns. This is mainly about the growing gap between digitally advanced firms and those falling behind. This could impact Ireland's long-term competitiveness.

SMEs are the backbone of our economy. They employ thousands of people across towns and villages in County Cork and the rest of Ireland. They are central to job creation, innovation and, of course, regional development. The report also points out that while the adoption of technologies such as artificial intelligence, AI, cloud computing and data analytics is increasing, many SMEs continue to face barriers in accessing and implementing these technologies. Only 20% of Irish businesses are using AI on a productive level. We need to ensure that the digital transfer of information is not something just associated with multinationals and large companies, and that family businesses, retailers, farms and tourism enterprises are all able to embrace new technologies and improve productivity. I am seeking a debate with the Minister for Enterprise, Tourism and Employment on how Ireland intends to respond to the report's recommendation to accelerate digital growth, how best we can work with our SMEs to achieve this goal and ensure that all existing supports are accessible.

Senator Sarah O'Reilly: I also wish to be associated with the expressions of congratulations to Senator Ahearn. If the last two weeks have been anything to go on, he will do a really good job.

Last Thursday, I attended a meeting of the Cavan and Monaghan Hospital Campaign Group, where people gathered to share stories of their experiences of hospitals in the Cavan-Monaghan area. It seems to me that a pattern is emerging across all the hospitals in the country. I say this

after having listened to people recount stories in here. We are hearing stories about people being left in hospital beds, being discharged when they needed care, waiting a long time in accident and emergency departments, issues with diagnoses and, sadly, people who have had family members dying in cold, crowded wards.

I was recently in Castlebar hospital with a family member who was receiving critical care. They were placed in a ward with somebody who was actively dying. That person had the death rattle for nearly two days. The other people in the ward were extremely upset. It is so distressing for the family, for the patient, and for everybody else in the place. At that time, I contacted a friend whose mother had passed away to apologise that I would not be able to make it to the funeral. That person had a similar experience in Cavan hospital, where the parent was in the ward, surrounded by people who were coming and going from a busy ward with visitors, and all there was to protect their privacy was a hospital curtain. We all know that nurses and doctors give great care and do their best, but that those situations would not happen if there was another option. Our services are overrun. They are way beyond capacity and staff are overwhelmed. We need to hear these stories so that we can try to fix what is wrong in our hospital system. We are one of the wealthiest countries in the world and this should not be happening.

Senator Aubrey McCarthy: I congratulate the Leader. Since I came into this House, he has certainly been a friendly face and shown the rest of us how it is done. Judging by the remarks of our colleagues today, he deserves canonisation rather than election to leadership.

I want to mention a good friend of mine, Ann Lane, who was on the hantavirus ship. She got out of quarantine yesterday. We are all delighted with that. She is coming into the House today with Senator Michael McDowell and me. It shows how public events thousands of miles away can impact us here at home. It showed the very best of our public services working together, with her being brought home by our health professionals and Defence Forces. It really showed that when we work well, we work very well.

I also raise an important issue regarding the impact that alcohol can have on mental health and suicide in Ireland. We know that most people in this country can enjoy alcohol socially and responsibly, but there is also a significant number of people for whom alcohol becomes devastating, and we need to speak honestly about that reality. I recently read a heartbreaking article in *The Times* about a man called Dan, whose family spoke openly about how alcohol contributed to his death by suicide. On the night he died, his alcohol levels were described as staggering. Many families across Ireland can identify with that. Alcohol can intensify depression, increase impulsivity, and deepen feelings of helplessness. I see at first hand, in my work with Tiglin, how alcohol can slowly dismantle a person's mental health, damage relationships and damage families. We need a more joined-up approach that includes early intervention, counselling, addiction treatment, family support, and better dual-diagnosis services. More importantly, we need to get rid of the stigma so that people know, when they want to ask for help, that there is no stigma surrounding it.

Senator Martin Conway: I warmly congratulate Senator Ahearn on assuming the position of Leader. He was doing it anyway, so now he is doing it officially. There is no better man, and Tipperary will be very well represented here, with his position as Leader. I think of the 1990s, when I was in college in Dublin. He and I have often spoke about this. When I travelled

down on the train from college to Ennis, the Leader's late mother would be going back from the Dáil. I got much advice from her during those periods in those conversations. It is great to see former Councillor Liam Ahearn, the Leader's dad, and his two brothers. I missed Laura, but I am sure I will meet her and the two boys later on. It is great to have Liam here. I sat in his kitchen in 2011 and he did not let me down back then.

It is just an amazing day. It is fantastic. I am sure Theresa is looking down from those great blue skies with a smile and a bit of guidance for the Leader. He always remembers where he came from and he is always very proud of his political history, which is with absolute justification, having had two parents as public representatives. Now, he is continuing the tradition. I have no doubt his two brothers are very proud of him as well.

There is just one issue I would like a debate on, namely, healthcare in the mid-west. The Leader is fully aware from his own advocacy work in Tipperary that there are serious challenges. We very much welcome the Minister's announcement of a new hospital in University Hospital Limerick, UHL, but the Ennis Hospital action committee has a very detailed budget submission on a consultant-led air ambulance facility to be based in west Clare. There is merit in that because west Clare is unique in terms of its distance from the accident and emergency facilities in UHL. Even with a new hospital, one cannot change the geographical challenges that arise. Perhaps in due course, ahead of the budget, we could have a debate on improving access to accident and emergency services in the mid-west.

Senator Garret Ahearn: I thank everyone for the lovely comments today. I have definitely got a big head after the past hour of kind words. I am not sure they were all true, but they were really appreciated. I am very grateful. I thank in particular my Fine Gael colleagues for their support over the last number of weeks and in general. We have a great bunch here in the Seanad and it is a privilege to work with all of them. I also thank the Opposition Members for their comments, but particularly for their restraint before I was appointed. I am aware that one or two struggled with that, and I was very fearful that it would have an impact on the decision-making by the Taoiseach and Tánaiste, but thankfully it worked out.

It is a real honour today. A number of Senators mentioned my family. I had the privilege of growing up in a family where there were two passions in life. One was farming and the other was public service. Both my parents were public servants - councillors and a TD. I did not get the grá for the farming but I certainly got the grá for public service. It is a real privilege to have my family here.

I acknowledge the presence of the Minister of State at the Department of Housing, Local Government and Heritage, Deputy John Cummins, because in politics, as we all know, you need one or two friends you can rely on through the good times and particularly through the bad. When I came into this House six years ago, I sat beside Deputy Cummins. We have been very good friends since.

I also acknowledge my wife – my patient wife – and thank her for being here because it is an important day for our family. Most people here understand that when you get elected to any office or position, local or national, it is a huge day for your family. It is a real privilege to have mine here. My two boys were here for about 40 or 45 minutes and did not say a word, which is amazing. I believe they will go into politics in the future because that is not how they act in private at all. They are my pride and joy and I was delighted to have them here.

I thank the 20 Senators who contributed on the Order of Business today. Senator Fiona O'Loughlin spoke about the ONE study, which relates to the 140,000 veterans of the Defence Forces. It presents a good opportunity to have a debate on the matter, particularly when we are talking about changes in defence, and to acknowledge the work and service the veterans provided over many years. A lot of other countries take so much pride in their defence forces and retired defence forces, and sometimes we do not do so as much as we probably should. Therefore, there is a good opportunity to have a debate here.

Senator O'Loughlin also spoke about Cuan Mhuire, the voluntary addiction service. All such providers need extra funding. We will have a budget in a number of months, but this is a very good opportunity to highlight the work the providers do.

Senator Kennelly spoke about wet bars in traditional pubs. They are vital to our communities, whether in Kerry or Tipperary. We are, unfortunately, seeing a change in society and in how people live their lives.

People want to support their local pubs but there are real challenges in terms of high costs, as the Senator said, and in terms of energy and water. Decisions made have had an impact on staffing whether it is the higher rate of the minimum wage, increased holidays, sick leave or auto-enrolment. There are so many elements that have put a lot of costs on businesses. Although we are bringing in the 9% VAT, which is hugely welcome, we need to make sure to prioritise pubs in rural Ireland, as the Senator said, and the role they play for local communities.

Senator Boyhan spoke in relation to the guardianship legislation and acknowledged the Minister, Deputy Foley's, work on that. He noted that it will be independent and that it always has supporting children at the heart of it. That was welcomed by the Minister this morning.

Senator Murphy spoke in relation to the ten-year anniversary of Brexit, which happened today. We spoke about that this morning as well with President Metsola and if there is ever an example how one decision can change how politics works in a country, it is certainly Brexit. It looks like the UK is going to have its seventh Prime Minister in ten years, which is incredibly frustrating. Senator Murphy talked about how the Good Friday Agreement was hardly discussed during Brexit. I remember that James O'Brien used to do a radio interview every day on LBC Radio, and I think that he was only reporter who used to talk about the implications it would have on Northern Ireland and the Good Friday Agreement. Ten years later, we still have the same issues to deal with. However, as the Senator said, it is a good opportunity to have a serious engagement with the new Prime Minister when he or she takes office in September. We have to continue that engagement because it has improved since Keir Starmer took office. It is important that it continues and develops even further.

Senator Comyn spoke about the 30th anniversary of Veronica Guerin's murder. It is amazing that it is 30 years. Most people were shocked and outraged by what happened on that day. To think that someone would be killed in broad daylight in front of people but as the Senator said, positive things have happened from it. The establishment of CAB has had a huge impact on criminal organisations in this country and that would not have happened only for Veronica Guerin. There are, as the Senator said, many journalists across the world who go into danger and sadly lose their lives. We do a lot of work on the media committee on this, but we need to highlight this more and we can in this Chamber.

Senator Nessa Cosgrove spoke about the HRT scheme. It is a good thing to raise, as it is a free scheme but there is no point in having a free scheme if it is not available or in low supply. When the Senator talks about women's health, it is almost like the Government or the two Houses of the Oireachtas are catching up on women's health. One of the reasons is probably because in years gone by, people in either Chamber did not speak up about it. When 40% of the representatives in the Seanad are women, it just shows that these important issues can be highlighted, and things can be changed for the better. I will ask the Minister for a debate on that.

Senator Gareth Scahill spoke in relation to the appointment of Councillor Domnick Connolly to the role of Cathaoirleach. It is a great honour for him, and I have no doubt that he will do a good job. He is replacing Councillor Liam Callaghan who did a fantastic job and we wish them both well. We have spoken numerous times in the Seanad about safe routes to school and what we can do in relation to rural schools in particular and making them safer. I know that myself. We have kids the same age, so we know the dangers that are there in rural communities. It is more about getting funding in the next budget as well, not necessarily for big projects, but small things that can reduce speed on roads.

Senator Sharon Keogan spoke in relation to the Creeslough tragedy. If what the Senator is saying is the case - I have no reason to doubt it - it just seems terrible that the supports are not there for the victims, their families and people who are struggling on the back of one of the worst atrocities that ever happened in Ireland. Ten people died, including three kids, in a tiny village on the northern tip of our island. It was a terrible thing to happen. As Leader of the Seanad, I will write to the Tánaiste to outline the Senator's concerns, which are genuine.

You would like to think that sort of support would be in place for those people still.

Senator Fitzpatrick spoke about the GPO and the transfer of ownership to the OPW, which is significant because it opens up the opportunity to re-open it for the public good. A consultation period will happen or will open soon. I am not sure what the dates are, but I encourage people to engage in that consultation process, because the GPO plays a vital role in the city centre of Dublin. We have had many debates here about how much more funding needs to go into promoting the city centre. It is a tourist attraction. People judge the whole country based on how they see the city centre and the GPO plays a vital role in that.

Senator Cathal Byrne spoke about the Battle of Vinegar Hill in 1798. He has educated me many times in his office on that historic event. As he said, he is a true republican. We all strive for a united Ireland. That is why the Tánaiste raised it two weeks ago although there is sometimes criticism of that, but then there is criticism if people do not raise it. Senator Murphy has spoken about it numerous times. The more people who raise it, the better. As was said, we should all be striving for it. We spoke about it this morning with President Metsola, about using our Presidency to promote the vision we all have for a united Ireland.

Senator Andrews spoke about the sad passing of Gary Ward a number of years ago. What is sadder is that there is no closure for families. For someone to wait three years to get some sort of facts or findings about what happened from the coroner's office is not acceptable. Families have enough to deal with in the tragedy itself, without having to try to get answers. I will write to the Minister to see if he will come in to debate this, because that is hardly the only

example. I suspect people around the country have been waiting more than the time they should be.

Senator Duffy raised GAA coverage and GAA+. One of the requests I might have as Leader, particularly for this year, is that people do not talk about the GAA. Tipperary is out of it. People come to the Seanad giving out they cannot watch their teams play. My team is not even playing. They are small issues. On a serious note, I can see why, when there are many games at the start of the season, all of them cannot be shown on RTÉ. However, certainly when we get to the latter end, when there are three or four matches per weekend, I do not see any reason RTÉ cannot show them all, particularly as it is an organisation founded on volunteerism.

Senator Maria Byrne spoke about the *Limerick Post* interview with the Minister, Deputy Peter Burke and how we want to do more to promote big businesses coming to rural Ireland. A lot of that has been done in recent years. As the Senator said, the interaction between colleges and companies can improve an area or town. That is happening with the University of Limerick, the Technological University of the Shannon, TUS, and Mary Immaculate College. The Shannon Estuary task force report was published and it would be good to have a debate here. We have a lot of representatives from the region and just outside it, which could benefit massively. I will contact the Minister's office to see if we can have a debate. The Minister, Deputy Burke, will get a lot of requests from me from today.

Senator Clonan spoke about the triple lock. He is passionate about it. There are differing views on all sides of the House but he is knowledgeable about the Defence Forces and defence protocol. The Oireachtas joint committee on defence will go through pre-legislative scrutiny of it. It will come to this House and I have no doubt we will have a detailed debate on it. When that happens, we can speak about it in more detail.

Senator Ní Chuilinn spoke about something awful and the fact it was not even mentioned that this happened. It was the new general manager of St. Ultans school who was attacked, essentially. I suspect a Garda investigation is happening at the moment and these people need to be dealt with at the highest level.

I hope that is happening. I am sure the Senator knows whether it is. It is just not acceptable that someone who has come into this country and is giving incredible service by supporting vulnerable people - children - here is attacked like that by thugs, essentially. I will write to the Minister's office to ask what the Minister is doing. As the Senator said, it is not just about having gardaí on the street because they are dealing with an awful lot - it is also about senior gardaí in terms of policy and what they are doing in the area.

Senator Nelson Murray told the House that the Navan Midsummer Festival was a huge success. Those things always have a massive impact on a town. The knock-on financial benefit to businesses right across the area is hugely important. The Senator also spoke about her meeting with representatives of FirstLight - I did not realise it has been renamed from the Irish Sudden Infant Death Association - which deals with many tragic cases. One of the real challenges for all of these organisations is that they are fighting for money every single year and, as the Senator said, there is no multi-annual funding. I know the Minister, Deputy Carroll MacNeill, is very focused on getting multi-annual funding at HSE level for the future. There are organisations that need such funding. I know that because it is not just organisations like this one that are affected. My brother Scott, who works in the mental health sector, is very

familiar with trying to fight for funding every single year in order to support people. If there was multi-annual funding, it would give certainty to people who work in that sector.

Senator Harmon called for a debate on Cork, basically. I am in support of that. I lived in Cork for ten years, as she knows. On a serious note, transport is a critical part of how a city can develop. If a city is increasing its population by 50% or 60% by 2040, we need to have the means to be able to support that. There will be challenges with the Luas development across the city, which was welcome news when she raised it two or three months ago, and it will take some time but that needs to progress as quickly as possible. There are always difficulties in it. The greater scheme is to connect both sides of the city. If that can happen, it will be really positive for the area. I am familiar with one or two of the bus routes where buses used to be late. I will write to the Minister to see if we can have a debate on transport around Cork city.

Senator Brady spoke about the plastic collection points, which are there to encourage farmers to bring their waste plastic back so it is not just left on a farm, left idle or disposed of independently. It is about recycling and reusing that plastic. Those sites need to be close to farmers so they can avail of them. Obviously that is very important.

Senator Lynch raised the digital decade report and said that, predominantly, people think it is about big firms and big companies but small businesses need to start to move with the times as well. That is a real challenge. We brought in a number of initiatives during Covid to try to encourage people to go online for simple things like online shopping or online promotion of their businesses. The world has changed and how people interact with businesses and firms is changing. Many companies in my local area are small to medium-sized companies. We need to be able to make sure they can focus on and improve their services online. I will ask the Minister, Deputy Burke, for a debate on that.

Senator Sarah O'Reilly spoke about Cavan hospital. During the past couple of weeks, while I have been here, Senator Tully has raised a number of examples in respect of Cavan hospital. All of those examples can be very distressing for the families. I will ask the Minister, Deputy Carroll MacNeill, about the services of some hospitals around the country. Cavan has come up in this Chamber quite a lot so I will ask if we can have a debate on that.

Senator McCarthy spoke about the connection between alcohol, mental health and suicide. Essentially, dual diagnosis has always been the challenge here. I know the Senator does an awful lot of work with Tiglin so he knows it well. The Minister of State with responsibility for mental health, Deputy Butler, introduced a Bill a number of months ago. She is very passionate on the subject and wants to improve the area and get more funding for it. I will see if she can come into this House for a debate.

I know about healthcare in the mid-west, which Senator Martin Conway spoke about, because Tipperary is connected to that. There has been the very positive announcement of a new hospital as part of UHL.

There has, however, been some disappointment regarding Ennis. If Ennis is looking for an air ambulance, we certainly could call in the Minister. I suspect that tabling a Commencement matter might be the best option for Senator Conway. I am more than happy to support him on it.

An Cathaoirleach: I thank the Leader and congratulate him on his first official Order of Business as Leader of Seanad Éireann. I join with him in welcoming former Senator Cummins and the Minister of State. Both are most welcome to Seanad Éireann, as are all his family and the two young fellows who, like all the Senators normally are, were impeccably well behaved.

Order of Business agreed to.

Údarás na Gaeltachta (Amendment) Bill 2024: Céim an Choiste agus na Céimeanna a bheidh Fágtha

Acting Chairperson (Senator Shane Curley): Cuirim fáilte roimh an Aire, an Teachta Calleary. Gabhaim buíochas leis as teacht isteach inniu.

Aontaíodh ailt 1 go 5, go huile.

ALT 6

Senator Nessa Cosgrove: Tairgim leasú Uimh. 1:

Ar leathanach 13, idir líne 3 agus líne 4, an méid seo a leanas a chur isteach:

“(7A) Féadfaidh an tÚdarás leas i maoin agus réadmhaoin a cheannach nó a fháil ar mhaithe le tithíocht, seirbhísí, nó áiseanna sóisialta nó cultúir a chur ar fáil ar cibé téarmaí agus faoi réir cibé coinníollacha is cuí leis.”.

Cuirim fáilte roimh an Aire. Labhair mé faoi seo an tseachtain seo caite. Ba mhaith liom labhairt faoin leasú seo a chuirfeadh feabhas mór ar chearta daoine a rugadh agus a tógadh sa Ghaeltacht. Tá sé tábhachtach don phobal agus do thodhchaí na Gaeltachta go mbeadh ról níos lárnaí ag Údarás na Gaeltachta i soláthar tithíochta sa Ghaeltacht do chainteoirí Gaeilge. Sa Bhille anois, beidh cead ag an údarás talamh a dhíol. Ba chóir go mbeadh cead ag an údarás talamh a cheannach ar mhaithe le tithíocht a chur ar fáil. Tá 400 acra talún ag an údarás a bheadh oiriúnach le haghaidh seo, dar leis féin. Tá a fhios agam go bhfuil saineolas agus scileanna in Údarás na Gaeltachta chun tograí agus scéimeanna mar seo a éascú. Bheadh rannóg thithíochta san údarás in ann cabhrú le muintir na Gaeltachta leis na deiseanna a bheadh acu maireachtáil sa Ghaeltacht ar bhonn lárnach, ag cabhrú le hUisce Éireann, comhairlí contae agus comharchumainn áitiúla a fheileann don togra sin.

Senator Pauline Tully: Tá géarchéim tithíochta sa Ghaeltacht atá ag déanamh damáiste don phobal teanga. Níl teaghlaigh sa Ghaeltacht in ann teach a aimsiú le ceannach nó a dteach féin a thógáil. Is é sprioc an Bhille seo ná daonlathas a thabhairt ar ais in Údarás na Gaeltachta agus a chinntiú gur féidir leis an údarás tabhairt faoi na fadhbanna atá ag cur isteach ar mhuintir na Gaeltachta. Is mór an trua é nár éist an Rialtas le Sinn Féin sa Dáil maidir le bord iomlán tofa a bheith ann. Is mór an trua é freisin nár ghlac an Rialtas le leasuithe ó Shinn Féin chun an t-údarás a láidriú. Níl ach aon leasú amháin á mholadh ag Sinn Féin agus na Seanadóirí eile ón bhFreasúra anseo, leasú a mhol Conradh na Gaeilge chun deis a thabhairt don údarás talamh agus maoin a fháil chun tithíocht a sholáthar. Léiríonn an bhéim seo ar chúrsaí tithíochta cé chomh tábhachtach atá sé. Gan tithe, ní bheidh teaghlaigh ag fanacht. Gan teaghlaigh, ní bheidh todhchaí ag an nGaeltacht.

Dúirt an tAire ar Chéim an Choiste sa Dáil go dtiocfadh sé ar ais le leasuithe faoi seo, ach níor tháinig. Dúirt an tAire ar Chéim na Tuarascála sa Dáil go raibh sé oscailte roimh thuairimí ón bhFreasúra. Dhiúltaigh sé dóibh go léir. Tá BÁNÚ, Tinteán, Conradh na Gaeilge agus gníomhaireachtaí ar fud na Gaeltachta ag moladh ról níos láidre don údarás le leasú mar seo. Dúirt an tAire "in terms of developing housing and planning responsibilities for housing, there are other, quicker ways to do it. Níl "other, quicker ways" le feiceáil go dtí seo. Tá an ghéarchéim ag éirí níos measa. Teastaíonn gníomh anois. Cé go bhfuil sé aontaithe faoin mBille seo go mbeadh an t-údarás in ann fáil réidh le maoin chun tacú le soláthar tithíochta, níl aon rud sa Bhille seo ag tabhairt cead don údarás maoin a fháil sa chéad áit chun é a chur ar fáil mar thithíocht. Cén fáth? An bhfuil an tAire sásta glacadh leis an leasú seo chun an cead sin a thabhairt dó?

Senator Joe Conway: Mar is eol do nach mór gach Seanadóir, chaith mé tréimhse dhá bhliain ar bhord an údaráis. Chuala mé arís agus arís eile an díospóireacht a bhí ann ansin. Níl mé ag ligean amach aon rún anois, ach bhí síordhíospóireacht faoi thithíocht agus na tailte a bhí i seilbh an údaráis agus an chomhairle a bhí á fáil aige iad sin a ligean amach ar an margadh agus araile. I measc na gcomhaltaí, bhí sé go forleathan ina dtuairimí go raibh dóthain oibre le déanamh ag an údarás féin gan a bheith ag dul isteach sa mhargadh maoin mar shórt ceantálaí ag díol agus ag ceannach maoin, réadmhaoin chomh maith. Tuigim go rímhaith cá háit as a dtagann an leasú seo, ach i ndáiríre, tá a ghnó féin le déanamh ag an údarás. B'fhéidir nach bhfuil an ceart deimhin agam, ach ceapaim nach bhfuil sé toilteanach agus nach bhfuil an chumhacht seo de dhíth uaidh dul isteach i scéimeanna mar seo ag lorg, thall is abhus, tailte le díol nó le cur ar cíos do dhaoine nó cumainn nó gach uile rud mar sin.

4 o'clock

Níor mhaith liom tacú leis an leasú seo ar an ábhar sin. Ní hé seo an díriú atá ar an mBille. Tá an Bille seo dírithe i gceart don údarás. Leis an leasú seo, bheifí ag caitheamh ualach mór oibre ar an údarás, rud nach bhfuil tuillte aige. Níl sé de dhíth air. Mar sin, tá mé in aghaidh an leasaithe seo.

Minister for Rural and Community Development and the Gaeltacht (Deputy Dara Calleary): Gabhaim buíochas leis na Seanadóirí as an leasú. Tá cumhacht ag Údarás na Gaeltachta maoin a cheannach agus a dhíol faoi láthair. Tá tithíocht san áireamh leis seo mar is maoin atá i dtithíocht. Faoi reachtaíocht reatha, tá sé de chumhacht ag an údarás talamh, foirgnimh, margaí, áitribh nó gléasra a fháil, a ghlacadh ar aistriú, a shealbhú, a dhíol, a mhorgáistiú, a léasú, a ligean nó a dhiúscairt ar shlí eile agus foirgnimh, margaí, áitribh nó gléasra a thógáil, a athrú nó a chothabháil. Níl sé i gceist agam an leasú seo a chur san áireamh sa Bhille le go mbeadh an t-údarás ag tógáil tithe sa Ghaeltacht. Ina áit sin, tacóidh an eagraíocht le soláthar tithíochta sa Ghaeltacht.

Níl sé i gceist agam go mbeidh an t-údarás ag bainistiú thógáil tithe nó scéimeanna tithíochta sa Ghaeltacht ach oiread. Ní gníomhaireacht tithíochta nó údarás áitiúil é an t-údarás, agus tá sé tábhachtach é seo a rá. Bíonn údaráis áitiúla ag feidhmiú sna ceantair Ghaeltachta ar fad, agus titeann cúram na tithíochta orthu.

Baineann an Bille seo le toghchán chuig bhord Údarás na Gaeltachta a athbhunú. Tá sé tábhachtach tosaíocht a thabhairt don sprioc sin agus muid ag iarraidh an reachtaíocht a bhrú ar aghaidh.

Tá Údarás na Gaeltachta freagrach as forbairt eacnamaíoch, sóisialta, teangeolaíochta agus cultúir sa Ghaeltacht. Mar a dúirt mé, tá cumhachtaí cuimsitheacha ag an eagraíocht cheana féin maidir le maoin a cheannach nó a fháil agus an t-údarás ag tabhairt faoi fhorbairt eacnamaíoch, sóisialta, teangeolaíochta agus cultúir sa Ghaeltacht. Beidh ról an-tábhachtach ag an údarás i gcúrsaí tithíochta, ach is ról tánaisteach é. Luíonn an príomhról maidir le pleanáil tithíochta leis na húdaráis áitiúla. Tá muid ag obair ar ráiteas pleanála tithíochta don Ghaeltacht chomh maith.

Ag an bpointe seo, tá deontas ar fáil do thithe folmha sa Ghaeltacht. Níl na figiúirí díreacha agam ach cuirfear iad thar ríomhphost chuig na Seanadóirí. Léiríonn na figiúirí, agus an méid airgid a íocadh amach, go bhfuil a lán daoine ag baint úsáid as na tithe folmha sa Ghaeltacht. Tá ardú mór ar líon na gceadúnas pleanála sa Ghaeltacht le haghaidh tithe nua a thógáil sa Ghaeltacht. Mar sin, tá rudaí ag tarlú.

Níl sé féaráilte an rud sin a chur ar an údarás. Tá mé ag iarraidh go mbeidh sé dírithe ar ról fiontair, sóisialta agus teangeolaíochta. Cé go mbeidh ról tánaisteach tábhachtach ag an údarás i gcúrsaí tithíochta, níl sé ceart ná féaráilte le rá gurb é an freagra ar an dúshlán mór seo. Is é sin an fáth nach féidir liom glacadh leis an leasú seo.

Senator Nessa Cosgrove: Gabhaim buíochas leis an Aire. I dtús báire, fáiltím roimh an obair atá déanta aige ó ceapadh ina Aire é. Is mór an trua é seo a chloisteáil, áfach. Tá díomá orm nach dtacóidh an tAire leis an leasú seo. Tá a fhios againn go bhfuil fadhbanna móra maidir le tithíocht sa Ghaeltacht. Tugann an leasú seo níos mó deiseanna don údarás freagraí níos praiticiúla agus níos dírithe a bheith aige do na fadhbanna tithíochta atá os a chomhair. Tá a fhios agam nach n-éireoidh leis an leasú ag an am seo, ach gabhaim buíochas leis an Aire pé scéal é.

Cuireadh an leasú.

Amendment put:

The Committee divided: Tá, 10; Níl, 28.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Brady, Paraic.
Boyhan, Victor.	Byrne, Cathal.
Clonan, Tom.	Byrne, Maria.
Cosgrove, Nessa.	Comyn, Alison.
Harmon, Laura.	Conway, Joe.
McCormack, Maria.	Costello, Teresa.
Murphy, Conor.	Crowe, Ollie.
O'Reilly, Sarah.	Curley, Shane.
Tully, Pauline.	Daly, Paul.
	Davitt, Aidan.
	Duffy, Mark.
	Fitzpatrick, Mary.

	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Keogan, Sharon.
	Lynch, Eileen.
	McCarthy, Aubrey.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	Rabbitte, Anne.
	Scahill, Gareth.
	Wilson, Diarmuid.

Tellers: Tá, Senators Nessa Cosgrove and Pauline Tully; Níl, Senators Cathal Byrne and Paul Daly.

Amendment declared lost.

Faisnéiseadh go rabhthas tar éis diúltú don leasú.

Tairgeadh an cheist: “Go bhfanfaidh alt 6 mar chuid den Bhille”.

Senator P. J. Murphy: Maidir le halt 6, tá a fhios ag gach duine sa Teach seo go bhfuil fadhb mhór i ngach ceantar Gaeltachta timpeall na tíre le tithíocht. Tá a lán oibre le déanamh ag na húdaráis áitiúla agus comhlachtaí cosúil le BÁNÚ i gConamara agus Tinteán i ngach ceantar Gaeltachta timpeall na tíre. Tá an chumhacht ag Údarás na Gaeltachta le bheith ag oibriú leis na húdaráis áitiúla i leith fhadhb na tithíochta i ngach ceantar Gaeltachta. Is mian liom mo thacaíocht féin, agus tacaíocht mo pháirtí, Fine Gael, don Bhille seo a chur in iúl.

Cuireadh agus aontaíodh an cheist.

Aontaíodh ailt 7 go 12, go huile.

ALT 13

Tairgeadh an cheist: "Go bhfanfaidh alt 13 mar chuid den Bhille".

Senator Pauline Tully: Tá mé buartha faoi roinnt rudaí sa Bhille seo a bhí curtha isteach sa phlé sa Dáil. D'úsáid an Rialtas gilitín chun stop a chur le plé ar leasuithe móra ar Acht na dTeangacha Oifigiúla agus Acht na Gaeltachta, nach raibh pléite sa choiste. Ní hionann na leasuithe seo le hÚdarás na Gaeltachta. Tá an Rialtas ag athrú rialacha maidir le fógraíocht, ballraíocht an choiste chomhairligh agus maidir leis an sprioc earcaíochta 20%. Má tá fógraí ar líne atá dírithe ar an domhan iomlán, an mbeidh na rialacha faoi úsáid na Gaeilge fós i bhfeidhm orthu? Cén fáth a bhfuil an tAire ag iarraidh níos mó guthanna ó státseirbhísigh ar an gcoiste comhairleach nuair nach raibh ach guth fíorbheag ar son an phobail chéanna féin? An bhfuil an tAire ag admháil nach raibh an Rialtas dáiríre faoi 20% d'earcaithe a bheith líofa

sa Ghaeilge ó 2030 agus é ag athrú foclaíochta anois? An aithníonn an tAire go bhfuil fadhbanna sa chóras pleanála teanga freisin má tá síneadh á chur le pleananna reatha? Cén fáth a raibh gilitín in úsáid sa Dáil ar an bplé seo? Tá a lán ceisteanna le freagairt ag an Aire.

Acting Chairperson (Senator Shane Curley): An bhfuil an tAire ag iarraidh teacht isteach air seo?

Deputy Dara Calleary: Tiocfaidh mé isteach ar deireadh agus beidh freagra agam ansin.

Acting Chairperson (Senator Shane Curley): Sula dtéim ar aghaidh leis an gceist, cuirim fáilte roimh Ollscoil Tulane. I welcome the guests of Deputy Ryan O'Meara from Tulane University, atá sa Ghailearaí inniu. Tá fáilte mhór rompu. Gabhaim buíochas leo as ucht teacht isteach.

Cuireadh agus aontaíodh an cheist.

Aontaíodh ailt 14 go 16, go huile.

TEIDEAL

Tairgeadh an cheist: "Gurb é an Teideal an Teideal a ghabann leis an mBille."

Deputy Dara Calleary: Gabhaim buíochas leis an Seanad as díospóireacht a dhéanamh ar an mBille tábhachtach seo inniu, go háirithe na Seanadóirí a bhí ann le haghaidh an Dara Céim freisin. In ainneoin nach mbeimid in ann aon cheann de na leasuithe a thógáil, tuigim go mór an brú atá ar na Gaeltachtaí faoi chúrsaí tithíochta agus táimid dírithe ar an dúshlán sin. Táimid ag obair leis an Aire tithíochta, an Teachta Browne, le haghaidh ráiteas pleanála Gaeltachta. Táimid chun é sin a fhoilsiú an-luath. Freisin, táimid ag obair leis an údarás. Cuirimid airgead go dtí an t-údarás chun poist nua a bhunú san údarás, oifigigh atá i gceannas ar eolas faoi thithe folmha sa Ghaeltacht. Colm Mac Eachmharchaigh atá i gceannas ar sin. Is as Maigh Eo dó, agus tá sé sin tábhachtach, ach léiríonn sé sin go bhfuil sé ag obair ar na saghsanna figiúirí agus go mbeidh eolas againn faoi na figiúirí. Tá sin as an údarás. Táimid ag cabhrú leis an údarás.

Táimid an-dáiríre faoin sprioc 20%. Beidh sé dúshlánach. Níl aon dabht go mbeidh dúshlán ann, ach tá sé tábhachtach freisin do na daoine a bhfuil Gaeilge acu sa Státseirbhís ag an bpointe seo agus go mbeidh siad páirteach ann. Beidh siad páirteach san iarracht sin. Ar maidin, bhíomar ag obair leis an Aire, an Teachta Lawless, tar éis bhunú coiste nua Rialtais le haghaidh obair a dhéanamh sa tríú leibhéal agus go mbeidh cúrsaí tríú leibhéal as Gaeilge le haghaidh na sprice sin a bhaint amach. Baineann sé le cúrsaí leighis, cúrsaí teicniúla agus cúrsaí litríochta. Tá an tAire, an Teachta Lawless, tar éis cúrsa nua le haghaidh mhúinteoireacht bunscoile a chur ar fáil ionas go mbeimid in ann daoine le Gaeilge a thabhairt isteach go dtí na poist sin.

Mar sin, tá sé an-tábhachtach dúinn. Cé go bhfuil sé tábhachtach, tá dúshlán ann. Táimid dírithe ar na dúshlán sin, agus bím ag obair le mo chomhghleacaithe Rialtais ina leith. Seasann na ceannasaithe Rialtais – An Taoiseach, An Tánaiste agus an tAire Stáit, an Teachta Canney - leis an sprioc sin. Beimid, i ngach cuid den Rialtas, ag obair chun an sprioc 20% a bhaint amach chomh luath agus is féidir.

Cuireadh agus aontaíodh an cheist.

Tuairiscíodh an Bille gan leasú.

Acting Chairperson (Senator Shane Curley): Cathain a bheartaítear an chéad Chéim eile a thógáil?

Senator P. J. Murphy: Anois.

Acting Chairperson (Senator Shane Curley): An bhfuil sé sin aontaithe? Aontaithe.

Glactar an Bille chun an breithniú deiridh a dhéanamh air.

Acting Chairperson (Senator Shane Curley): Cathain a bheartaítear an chéad Chéim eile a thógáil?

Senator P. J. Murphy: Anois.

Acting Chairperson (Senator Shane Curley): An bhfuil sé sin aontaithe? Aontaithe.

Cuireadh an cheist: “Go rithfear an Bille anois”, agus faisnéiseadh go rabhthas tar éis glacadh léi.

Cuireadh an Seanad ar fionraí ar 4.32 p.m. agus cuireadh tús leis arís ar 4.48 p.m.

Sitting suspended at 4.32 p.m. and resumed at 4.48 p.m.

Criminal Justice (Terrorist Offences) (Amendment) Bill 2025: Second Stage

Question proposed: "That the Bill be now read a Second Time."

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Brophy, and his officials to the Chamber.

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Colm Brophy): I am pleased to introduce this Bill following its recent passage through Dáil Éireann. It marks a significant step forward in ensuring Ireland's counterterrorism framework is robust and fit for purpose in the face of modern terrorism threats. The Bill will amend the Criminal Justice (Terrorist Offences) Act 2005, which I will refer to as the 2005 Act and is a cornerstone of Ireland's counterterrorism laws. It will allow for a broader category of prosecutable offences in respect of terrorist activity. These include terrorist acts with a cross-Border element and cyberattacks where the aim is to cause widespread harm.

This legislation is part of Ireland's commitment to bring our terrorism laws into line with other EU member states through participation in the EU's directive on combating terrorism, which the Bill transposes into Irish law. Its passing will also pave the way for Ireland's participation in enhanced EU counterterrorism networks, enabling a co-ordinated and dynamic response to domestic and cross-border terrorist threats. Enactment of the Bill is a commitment

in the programme for Government and supports the broader programme commitment to strengthen national security.

Ireland already has comprehensive counterterrorism laws, found in the 2005 Act and the Offences against the State Acts.

The 2005 Act, in particular, represents a response by Ireland to the shared threat terrorism poses across the EU and beyond. Successive EU counterterrorism agreements have been given effect to in Ireland via this Act. This has resulted in a harmonised definition of terrorist offences with our EU counterparts, as well as minimum rules when it comes to sentencing terrorist offences. This provides a benchmark for co-operation and information exchange between national authorities and prevents the existence of legal loopholes that might be exploited by terrorists.

Notwithstanding this, the nature of terrorism continues to evolve and adapt. In 2017, in response to the growing threat posed by people travelling abroad for the purpose of terrorism, the heightened security threat they pose from returning home and the increasing threats from citizens inspired or instructed by terrorist groups abroad, the EU updated its counterterrorism framework with the directive on combating terrorism. This followed concern expressed by the UN Security Council over these threats and an instruction to UN member states to ensure domestic laws were sufficient to prosecute and penalise such activities. The EU's directive on combating terrorism reaffirmed many of the Union's established counterterrorism measures and terrorist offences.

With Ireland having fully incorporated such measures into our national law and practises, it meant that Irish law was already aligned with many of the requirements of the directive. However, new offences were also introduced to tackle the international and cross-border dimension to terrorist threat previously discussed. It remains incumbent on Ireland to now transpose these offences into national law.

Travel for the purpose of terrorism is a new offence the Bill incorporates. This recognises the need to stem the flow of terrorist fighters in and out of the country, both travelling to and from Ireland, for the purpose of committing, aiding or abetting, counselling or procuring the commission of terrorism and for it to be criminalised. The act of organising or facilitating travel for the purpose of terrorism will also be an offence, with the same elements as the same travel offence save for the prohibited act being that of making arrangements to enable any person to travel to or from the State for the purpose of terrorism.

The Bill criminalises receiving training for the purpose of terrorism. This will complement the offences of providing training for terrorism, which is already on our Statute Book. It addresses threats resulting from actively preparing for the commission of terrorist offences, which can be committed by those ultimately acting alone and training through self-study. It can involve receiving in the making of explosives, chemical or biological weapons and other relevant technical expertise. Like with the offence of providing training for terrorism, there will be a ministerial regulation-making power in terms of prohibiting other weapons and techniques that could be part of such training. This means that should new technologies, materials or practices be developed in the future that could be used to carry out terrorist attacks, there is scope to preclude training in their use. Knowledge that the training is for the purpose of committing or aiding and abetting, counselling or procuring the commission of terrorism is

required to be convicted of this crime. This means that collecting materials for legitimate purposes, such as academic research, would not be considered to be receiving training for terrorism.

Under our counterterrorism laws, it is an offence to distribute public messages aimed at provoking the commission of terrorist offences. Publicly sharing messages with invitations to join terrorist groups, calls to action or denigrating victims of terrorism is prohibited where such behaviour is intended to and causes a danger that terrorist acts may be committed. In recent years, sophisticated digital messaging tools, including high-quality video, assisted by a network of social media accounts, have allowed for the rapid dissemination of terrorist messaging. This has included videos celebrating or praising horrendous terrorist acts like assassinations and terrorist bombings. This Bill rearticulates the offence of public provocation to commit terrorism to clarify that such provocation can be done by distributing messages that glorify terrorism. Conviction for the offences I have just spoken about can lead to a maximum prison sentence of ten years.

circumstance as an aggravating factor when sentencing offenders. This recognises the particular egregious nature of luring minors into the world of terrorism.

It is acknowledged that the activities these offences prohibit involve commonplace acts, such as travel, study or indeed, the sharing of content on public platforms, which is now widespread and a daily occurrence in our lives. These are acts that, in a free and modern society, we should be at liberty to participate and engage in and enjoy unconstrained when carried out without nefarious aims. This is why the notion of terrorist intention will always be an essential element required to convict someone of the offences in this Bill with the intentional nature of an act inferred from objective and factual circumstances.

For example, it will be necessary to show that the intention was to provoke the commissioning of terrorist acts when publicly sharing messages glorifying terrorism. Furthermore, there must also be reasonable apprehension that the commission of a terrorist activity could, in fact, result.

The Bill will also categorise cyber offences already on our Statute Book as terrorist offences, thereby allowing for extra years to be added to terms of imprisonment for those convicted in circumstances where such acts are intended to cause widespread harm. These are offences of interfering with or damaging data on IT systems, the result of which could be serious damage to the State or international organisations, major economic loss or the creation of a collective danger to the lives of citizens. In recent years, we have seen the destruction and devastation caused by cyberattacks on national infrastructure. These are grave affronts to our society, and it is appropriate that they be treated as terrorist offences. Potential offenders should know that they will meet the full force of law should they proceed to carry out such attacks.

I mentioned that this Bill will pave the way for Ireland's participation in enhanced counterterrorism networks. Once enacted and when Ireland is fully participating in the EU directive on combating terrorism, which I spoke about earlier, we will be in a position to adopt subsequent EU counterterrorism measures. This includes partaking in a programme of modernisation occurring at Eurojust, the European Union Agency for Criminal Justice Cooperation, which co-ordinates investigations and information exchange in relation to cross-border crime across Europe. Its modernisation programme includes strengthening its

counterterrorism register and case management system. This means that cross-border links between terrorism investigations and prosecutions will be more easily and readily identified and information more swiftly shared among member states via secure digital communication channels. Ultimately, that will lead to more terrorist acts being prevented and more terrorists being brought to justice.

The Bill also contains a range of technical amendments to the Criminal Justice (Terrorist Offences) Act 2005. These largely stem from the requirements of the directive that have been inserted to ensure full compliance with it, as well as amendments that restructure certain sections of the Act. The latter do not seek to change the substance of these sections, but, rather, are proposed to enhance legal clarity and precision.

The Bill contains 13 sections and one Schedule. Section 1 simply clarifies that the references to the principal Act relate to the Criminal Justice (Terrorist Offences) Act 2005, which is being amended here.

Section 2 amends section 4 of the 2005 Act by replacing references to the 2002 EU Council framework decision on combating terrorism with that of the 2017 EU directive on combating terrorism, which will be the new EU governing instrument underlying our international counterterrorism laws once this Bill is passed. This section signposts new definitions for offences found in the later sections of the Bill. This includes definitions for three new offences of receiving training for terrorism, travelling for the purpose of terrorism, and organising or otherwise facilitating travel for the purpose of terrorism. It also signposts the existing offence of providing training for terrorism, which is redefined in the Bill and brings the definition of "terrorist group" into line with that of the directive. The section rephrases the definitions for terrorist activity and terrorist-linked activity, which forms the basis for the offence of engaging in those activities. The rephrasing is in pursuit of legal clarity and precision, particularly in relation to when those activities are committed outside the State, rather than a substantive change to their meaning.

Section 3 provides for a revised definition of the offence of public provocation to commit a terrorist offence, which is an offence already in the 2005 Act, as required under the directive. The revised definition sets out that distributing public messages that glorify terrorist activity can be considered as committing the offence of publicly provoking terrorism. This is in addition to distributing messages that more explicitly encourage terrorism. The definition also requires that other critical elements must be satisfied for the offence to be prosecuted. Those other critical elements are that it must be shown that the alleged offender possessed the requisite intention of inciting persons to commit a terrorist activity. It is also a requirement that the distribution or publication of a message inciting or glorifying terrorism must have given rise to the reasonable apprehension that the commission of a terrorist act would result. These additional elements inserted into the new definition of this offence serve as safeguards to ensure that only those who set about deliberately inciting terrorism are captured by the offence.

5 o'clock

Section 4 sets out a new definition for the existing offence of providing training for terrorism and inserts a definition for the new offence of receiving training for terrorism. It also includes a standard provision allowing for the making of ministerial regulations. The power to make regulations is required in order that the Minister may, if deemed necessary, add to the list of

prohibited weapons, techniques or methods covered by the "providing" and "receiving" training for terrorism offences.

Section 5 sets out the new offence of travel for the purpose of terrorism and the offence of organising or facilitating travel for purpose of terrorism. These criminalise travel to and from the State for the purposes of committing a terrorist offence, aiding and abetting another person to commit a terrorist offence, or providing training or receiving training for terrorism. They also make it an offence to knowingly organise or facilitate travel for those same purposes.

Section 6 meets the requirement of the directive for fines as a penalty for companies that commit terrorist offences. This specific provision is providing for the offence, and sanction by way of a fine, of a body corporate directing the activities of a terrorist group.

Section 7 relates to a range of amendments to section 6 of the 2005 Act, which is the main terrorist offences section. The first stems from a requirement in the directive to make it an offence to attempt terrorist acts. There are certain terrorist acts, however, that while considered offences themselves, the attempt of such is excluded from being an offence. Attempting to threaten terrorism, attempting to possess explosive substances or firearms for terrorism purposes, attempting to provoke terrorist activity and attempting to organise or receive training for terrorism are not offences under the directive. This is down to the fact that in these cases, the substantive action that is being attempted can be considered an attempt itself, or an otherwise unfinished action in the pursuit of criminal harm. It would be illogical to criminalise attempting to attempt terrorism and a prosecution would invariably fail where the action being charged is too far removed from the actual criminal harm. The amendment thus excludes the attempt of these acts from the ambit of the offence of attempting terrorism in the 2005 Act.

Section 7 also includes a technical amendment to section 6 of the 2005 Act, moving the act of threatening terrorism to within the definition of terrorist activity found earlier in the Act. This is a structural change to how the offence is drafted, as advised by Parliamentary Counsel.

Section 7 also reworks section 6(5) of the 2005 Act, which clarifies that the engagement by a person in any protest, advocacy or dissent, or in any strike, lockout or other industrial action, is not alone a sufficient basis for inferring that the person is committing an act with "terrorist intention". This subsection has been reformulated from its iteration in the 2005 Act to make the wording clearer.

The last aspect of section 7 stems from a requirement of the directive related to co-operation between member states when both may have jurisdiction to bring proceedings against an individual. The directive lays down factors that must be considered when arriving at a conclusion as to where the proceedings will take place, and this amendment lays down those considerations.

Section 8 includes a range of amendments, this time to section 7 of the 2005 Act. In the round, they relate to providing penalties for terrorist offences newly introduced by this Bill - a fine or imprisonment for up to ten years or both - and ensuring that certain minimum sanctioning requirements required by the directive are met. They also ensure that companies can receive fines on conviction of any of the offences under section 6 of the 2005 Act, clarify that penalties for the "attempt" and "threat" offences are linked to the same penalty provisions for the substantive offences being attempted or threatened, and involve a reformulation to the definition of "corresponding offence." The latter definition references criminal offences listed

in Schedule 2 of the 2005 Act, the penalties for which are the first step to establishing the penalty for certain terrorist offences under the 2005 Act. The amendment redrafts the definition in the interest of clarity and precision. This section also provides that, when sentencing on conviction for the offences of recruitment to terrorism or providing training for terrorism, a court may consider as an aggravating factor the fact that the offence was committed against a child.

Section 9 relates to section 13 of the principal Act, which deals with the offence of financing terrorism. It enhances this offence provision to meet the requirements of the directive, such as ensuring that it not be necessary that the funds in fact be used to commit terrorist offences nor that the offender know for which specific terrorist offence the funds are to be used when they commit terrorist financing. It also brings the terrorist financing offence within the jurisdictional requirements of the directive.

Section 10 builds on the amendments in section 9 in relation to extra-territorial jurisdiction of the terrorist financing offence in order to meet requirements of the directive. It amends section 43 of the 2005 Act, which relates to proceedings for offences committed outside the State, requiring that the terrorist financing offence, when committed outside the State, may only be proceeded against with the consent of the Director of Public Prosecutions, as is required for the other terrorist offences in the 2005 Act. It also provides that the State can assert jurisdiction over the offence when committed outside the State in circumstances where the State has refused to surrender or extradite a person suspected or convicted of such an offence to another member state or to a third country. Again, section 43 of the 2005 Act already does this for a range of terrorist offences where the Director of Public Prosecutions consents. However, the terrorist financing offence was not fully encompassed by this, and so the amendment rectifies this gap.

Section 11 replaces the text of the 2002 European Council framework decision on combating terrorism in Schedule 1 with that of the 2017 EU directive on combating terrorism. It also deletes Schedule 1A containing the text of European Council framework decision 2008/919/JHA, which is no longer in force.

Section 12 amends Part 1 of Schedule 2 to the principal Act. Part 1 lists certain offences already on our Statute Book that can be considered terrorist offences in certain contexts and so form part of the definition of "terrorist activity" in the 2005 Act. Section 12 of the Bill provides for the insertion of a new paragraph 6A to this Part, inserting into this list offences under sections 3 and 4 of the Criminal Justice (Offences Relating to Information Systems) Act 2017. The effect of this is that the offence of interference with an information system or data without lawful authority would constitute terrorist activity if intended to seriously intimidate a population, unduly compel a government or an international organisation to perform or abstain from performing an act, or seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a state or an international organisation.

Section 13 is a standard provision providing for the Short Title of the Bill once enacted, the collective citation for the Bill and related Acts, and the commencement date. With that, I am pleased to commend the Bill to the House.

Senator Garret Kelleher: Is mian liom, thar ceann Sheanadóirí Fhine Gael, ár mbuíochas a ghabháil leis an Aire Stáit as ucht teacht isteach tráthnóna chun éisteacht agus labhairt linn mar

gheall ar an mBille. Mar atá léirithe ag an Aire Stáit, an Teachta Brophy, ina ráiteas ag tús na díospóireachta, leasaíonn an Bille seo an tAcht um Cheartas Coiriúil (Cionta Sceimhlitheoireachta), 2005, a bhí leasaithe cheana ag an Acht um Cheartas Coiriúil (Cionta Sceimhlitheoireachta) (Leasú), 2025. Tá sé mar aidhm ag an mBille lánéifeacht a thabhairt do Threoir Pharlaimint na hEorpa Uimh. 2017/541 maidir le sceimhlitheoireacht a chomhrac trí na forálacha sin nach bhfuil tar éis teacht isteach cheana i ndlí na hÉireann, i gcomhréir le hAirteagal 5 do Phrótacal 21 maidir le feidhmiú an Aontais Eorpaigh.

Mar atá ráite ag an Aire Stáit, cruthaíonn an treoir trí choir nua i ndlí na hÉireann, is iad sin, traenáil a fháil don sceimhlitheoireacht, taisteal chun críocha na sceimhlitheoireachta agus taisteal a eagrú nó a éascú chun críocha na sceimhlitheoireachta. Tá na forálacha seo tábhachtach chun tuilleadh cumhachta a thabhairt don Garda Síochána a chuid oibre a dhéanamh níos éifeachtaí i gcoinne na sceimhlitheoireachta agus chun ár ndlíthe a neartú agus iad a thabhairt i gcomhréir le ballstáit eile de chuid an Aontais Eorpaigh, go háirithe i gcomhthéacs Treoir Uimh. 2017/541 ó Pharlaimint na hEorpa a chur i bhfeidhm. Mar sin de, tá muid thar a bheith sásta ár gcuid tacaíochta a thabhairt don Bhille seo tráthnóna.

Senator Sharon Keogan: Cuirim fáilte roimh an Aire Stáit ar an tráthnóna breá seo. I felt I had to say something in Irish after hearing the beautiful Irish of Senator Kelleher.

I broadly support the Criminal Justice (Terrorist Offences) (Amendment) Bill. This is necessary and timely legislation. The nature of terrorism has changed dramatically in recent years. It is no longer confined to organised groups operating in defined territories. It is decentralised, digital, international and often embedded within networks that operate across borders, across jurisdictions and, in some cases, behind layers of plausible deniability.

Ireland cannot afford to be behind the curve on this issue. There are growing concerns that we are seen to be unprepared. There is evidence, both anecdotal and factual, suggesting that extremist networks view Ireland as a softer environment in which they can operate compared with our European neighbours. The ability to move between jurisdictions, particularly across the island, combined with the limited visibility into certain networks presents a real vulnerability.

We have seen worrying incidents in recent years, namely attacks on members of An Garda Síochána, assaults motivated by extremist ideologies and threats against places of worship. These are not isolated events. They point to a broader pattern that deserves serious attention. In parallel, there have been warnings from analysts and international observers about the activity of extremist-linked networks in Ireland, including those operating indirectly through affiliated or front organisations. This brings me to a related point, namely the need for better visibility and understanding of ideological networks operating within the State. Concerns have been raised about the presence and influence of movements such as the Muslim Brotherhood through a range of associated organisations. This is not a question of religion; it is a question of transparency, governance and whether the State has the tools and information necessary to understand what is operating within its jurisdiction.

In that context, this Bill is a step in the right direction. It strengthens our legal framework in several important ways. It criminalises travel for the purpose of terrorism, the provision and receipt of training, and the facilitation of these activities. These are exactly the kinds of indirect

and preparatory actions that characterise modern terrorism structures. By targeting them, we move from a purely reactive model to a preventive one.

This Bill will also bring Ireland into alignment with wider European standards. This is critical. Terrorism is not a domestic problem alone; it is an international one. Co-operation, intelligence sharing and legal compatibility with our partners are essential if we are to respond effectively.

Supporting this Bill does not mean ignoring its flaws, however. Before I finish, I feel obliged to address one part of the Bill, the so-called Kneecap clause. Specifically, I am speaking of the addition to the principal Act which states that if a person shares content that glorifies a terrorist activity, including by praise or celebration, that person will be found to have provoked the commission of a terrorist offence. Overall, I am very supportive of this Bill, but it seems negligent on the part of the Government to proceed to push through this clause despite the heavy debate to which it was subjected and scrutiny it came under in the Dáil. Also, it seems downright reckless to bring this into the Irish political context. It may sound a little facetious, but could singing "Seán South of Garryowen" qualify under this clause? The latter is an important question that the Government should have asked itself.

For better or for worse, the War of Independence, the Civil War and the Troubles are not pieces of dead history. They are, for better or worse, living parts of our society and culture. That makes the Irish context unique and it requires careful drafting when it comes to provisions dealing with speech, expression and historical memory. I will not belabour the point, but I believe that the specific provision should be revisited. I would be open to amendments that narrow its scope and provide clearer safeguards, and I encourage the Government to engage constructively with the Opposition on this matter.

The Bill is necessary. It enhances our ability to respond to modern terrorism, aligns us with international partners and addresses real and evolving threats. Like all legislation in this area, however, it must strike the right balance. With targeted refinement, particularly in relation to speech provisions, it can do that more effectively. I support the Bill, but I also support improving it.

Senator Conor Murphy: Cuirim fáilte roimh an Aire Stáit. We have a number of serious concerns regarding the legislation. While I fully recognise the need for robust and effective laws to deal with real and ongoing threats of terrorism, and the Bill does indeed deal with many of the emerging challenges in recent years in relation to bad actors in particular, we must ensure terrorism-related provisions are not misused to target legitimate political protests, activism or freedom of expression. Unfortunately, the Bill as drafted fails to guard against this, so we will not be supporting it today.

The expansion of the definition of the provisions relating to provocation of terrorism is deeply problematic. I will cite two examples, both from Britain, but nonetheless examples of either the wilful misinterpretation of legislation or the unintended consequences – perhaps some might consider them to be intended – of such legislation. One is where a member of the band Kneecap faced terrorism charges for waving a flag on a stage in Britain. The reality was that the main objection the prosecutors had to him was his support for the people of Palestine, who continue to live with genocide and occupation. The other example relates to the interpretation by a judge of legislation that pertains in Britain. Four protesters at a protest

against Britain's support of Israel were convicted of public order offences and then had these interpreted as terrorism charges by the judge. They were given very lengthy sentences. I cite these as examples of how what may be intended consequences can be taken either by prosecutors or by the Judiciary in the direction of unintended consequences.

The legislation is also too broad in its definition of terrorism. I fear that, under its terms, those involved in liberation struggles or resisting oppression or occupation could be criminalised. We only need to look at what is happening internationally. We have seen Irish citizens engaged in legitimate protest against the genocide in Gaza being accused of terrorism by the Israeli Government. Our colleague Senator Chris Andrews has spoken about his treatment at the hands of the Israel Defense Forces, and, likewise, that of Dr. Margaret Connolly, sister of Uachtarán Catherine Connolly.

We have particularly serious concerns about the section dealing with public provocation of terrorism. This is the section referred to by Senator Keogan. The language of glorifying terrorism is not neutral; it is the language of reactionary unionism in the context of this island, language that has been used in the North to criminalise families attending commemorations for loved ones killed during the conflict. It is reasonable to argue that the follow-through of that, as Senator Keogan suggested, could well affect those commemorating the 1916 Rising or the events at Béal na Bláth or Kilmichael. These are events that could be brought into that same ambit. Why would we import the kind of language in question into the laws of this State? Why would we introduce provisions that we know have been misused and abused in the past?

Sinn Féin tabled amendments in the Dáil that would have made it an offence for citizens of this State to join, train with or assist armed forces engaged in genocide, war crimes or crimes against humanity. They would also have prevented such forces from recruiting in Ireland. That is not hypothetical. In 2024, *The Ditch* revealed that Israel Defense Forces personnel, along with personnel from 13 different countries, were trained at the Irish Military College between 2018 and 2024. Under our amendments, that would not have been permitted.

Given the gravity of our concerns, we will vote against the Bill on Second Stage. As it stands, there are elements of it that are authoritarian, unnecessary and open to abuse, and we cannot and will not support legislation that undermines fundamental democratic rights in this State.

An Leas-Chathaoirleach: Before I call on the next speaker, I welcome the guests of the Minister of State at the Department of Enterprise, Tourism and Employment, Deputy Niamh Smyth, the Minister of State at the Department of Health, Deputy Jennifer Murnane O'Connor, Senator Robbie Gallagher, Deputy Ryan O'Meara, Deputy Paul Lawless, and Mr. Barry Comerford from the committee office. I hope they enjoy their visit here to Leinster House this evening.

Senator Alice-Mary Higgins: I, too, want to signal a number of concerns in respect of this legislation.

I believe, especially now on Second Stage, that the burden or obligation of proof is on the State. It must show us how these are not going to happen. It is not just for us to say that there may be inadvertent consequences because if they are warned about and action is not taken, then

they are not inadvertent. What measures will the State take to ensure that instances, such as those we have seen with regard to Palestine Action and other abuses, will not take place?

I will highlight a few key concerning features of the legislation. The Bill expands the definition of terrorist activity to include threats to commit the offences listed in the Schedule, a Schedule which can be added to at any point. That is another concern. The offences outlined in the Schedule to the Bill include criminal damage, that is, damage to property. These are listed as offences that could end up under the terrorism definition when they are committed with the intention – it is not the effect they have but, rather, the intention of the offence – of seriously intimidating a population; unduly compelling a government or an international organisation to perform or abstain from performing an act; seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a state or organisation. That sounds fine but this is combined with the fact that people do not have to do any of the actions any more under the offences. Rather, they must only potentially suggest they might do some of the actions listed under the Schedule of offences, and then these intentions will be interpreted by the courts. It is always a very vague piece when we are looking to interpret intentions.

What does “compelling a government or an international organisation to perform or abstain from performing any act” mean? We all do that all the time. We take all kinds of actions. The word “unduly” is doing heavy lifting in this regard. It is not clear what will be meant by that. We all campaign and protest with the aim of persuading or compelling governments or other organisations to take action. We have all chanted “Pass the occupied territories Bill”. People have protested looking for SNAs in their schools. People have taken all kinds of actions. On occasion, that protest action has included something that could be determined as damage to property or criminal damage. That is not to say that criminal damage is not a concern or should not be prosecuted appropriately. When it is vandalism or criminal damage, let it be prosecuted as such. What I am worried about is that someone who sprays graffiti with a message saying, “No to the extra airport terminal” or whatever else could not only be charged with criminal damage but also a terrorist offence, as their goal was to try to affect the actions of the Government.

Let us talk about those who rightly protest against the use of our airports to breach international law. We have breaches of international humanitarian law and known war crimes taking place. We have situations where aeroplanes carrying arms to contribute to international breaches of international law are moving through our airports. Will the person who writes a protest sign on the gates be charged with not just criminal offences, but terrorism charges potentially? Indeed, it will now no longer solely be about those who commit these actions but also those who say, “I feel like going down there and writing it on the walls”. Will that be coming under it? These are not hypothetical questions because we have seen what has happened in the United Kingdom with the absurd and obscene weaponisation and use of terrorist legislation in relation to persons who are clearly not - when we go back to the core definition of terrorism - creating terror in any sense. They are merely inconveniencing government.

I will make four or five other points. The Bill also expands section 4A, which deals with public provocation to commit terrorist offences. It includes the offence of publishing a statement that “glorifies (including by praise or celebration) a terrorist activity”. What is meant

by that? In the UK, we saw the Palestine Action act involving the Filton 4 activists. They were sentenced as terrorists for criminal violence, but we know they were just holding a sign saying, "I support Palestine Action". Is that glorifying? They were arrested for literally holding a sign saying they support those who have taken direct action in protest. That is that muddy piece between protest and terrorism. It is why we should not be diluting or risking those dilutions because terrorism is incredibly serious and we need to be tackling it properly, rather than muddying the word to the point where it is abused as an instrument of control by the Government.

The definition includes acts committed inside and outside of the State. Others have made this point in the context of the glorification or praise or celebration of terrorist activity. What is meant by that? Does 1916 come under it? Does the commemoration of our historic actions come under it? We heard recently that the Haitian team taking part in the World Cup was told to remove the picture it had showing the battle in which Haiti overturned slavery. It had to be removed from the football strip. Are we going to get to a point where we are removing the historical and, in some cases, contemporary battles against colonialism?

These changes require the replacement of provisions that protect protest and strike action in the 2005 Act. The protections in the 2005 Act specifically on protest and strike action are diluted in this legislation. The 2005 Act made it explicit that they would not be considered relevant in terms of the Schedule of offences. This legislation, however, merely states they are not evidence of bad intent on their own. That is a massive dilution of the right to protest and strike, which was previously protected.

I would go into further detail on section 6, which amends section 5 of the principal Act. These are specific and serious concerns. There is also the concern with regard to criticising or challenging states engaged in colonial action, be it historic or contemporary. Can the Minister of State assure us that there is no danger for persons who are rightly protesting in that regard? For example, people may say that they do not wish to destabilise the existence of states, but they may not wish to support the existence of illegal occupations by states or others. People will say such things in protest. Where is the line going to be? What protections are in place? In fact, all I see in the Bill are dilutions.

Senator Sarah O'Reilly: I thank the Minister of State for coming to the Chamber. I welcome the overall intention of this Bill but I too have reservations, similar to Senators Keogan and Higgins. Terrorism remains a real threat across Europe and beyond. It is important that our laws are updated to deal with the new challenges we face, particularly in relation to online radicalisation, recruitment and terrorist financing. However, I wish to hear the Minister of State's thoughts on the section on public provocation. No one wants to see people encouraging or promoting acts of terrorism, and that should be absolutely against the law. My concern, however, is that the wording in this section is quite broad and leaves a lot open to interpretation, and we know where interpretation can get us. The Bill talks about messages that could be seen as glorifying a terrorist activity or could reasonably be construed as encouraging terrorism.

The difficulty is that these are not always black and white questions. What one person sees as glorification, another may see as political commentary, protest or advocacy. The examples we used earlier included Kneecap in Britain. More recently, we have had fuel protests here. Everything is subjective and up to interpretation.

Our political climate is constantly changing and it is hard to know what the country or world will look like in five or ten years' time. With the hate speech legislation, we saw how the boundaries of acceptable speech were twisted and skewed. It is not unimaginable to think that such legislation could have a chilling effect on protest or advocacy. We have seen in England how peaceful protestors, including people in their 70s and 80s, have been arrested in connection with demonstrations linked to Palestine Action. The Minister of State cannot guarantee that the State will not pinpoint similar groups in the future when it comes to this section on public provocation.

Whether people agree with protests, or some protests in particular, is beside the point. Broad powers can sometimes be used in ways that many would never have anticipated. Of course, we need strong laws to tackle terrorism, but we also need strong protections for freedom of speech and the right to peaceful protest. This section does not yet provide enough certainty and is too open to interpretation, but I welcome the Minister of State's thoughts on this.

Senator Anne Rabbitte: The Minister of State, Deputy Ardagh, is very welcome to the Chamber this evening.

Fianna Fáil welcomes this debate and supports the Bill. The Bill is part of Ireland's commitment to bring our terrorism law in line with those of other EU member states. Fighting terrorism is a top priority for the EU, and in March 2017, the EU adopted a directive on combating terrorism, namely, Directive (EU) 2017/541. The new rules strengthen the EU's legal framework to prevent terrorist attacks and address the phenomenon of foreign terrorist fighters. The directive introduced new offences relating to the foreign terrorist fighter phenomenon through enhanced information exchange between EU member states.

This Bill will amend the Criminal Justice (Terrorist Offences) Acts 2005 and 2015. The passing of the Bill will pave the way for Ireland's participation in an enhanced EU counterterrorism network, enabling a co-ordinated and dynamic response to domestic and cross-border terrorist threats. Enactment of this Bill is a commitment in the programme for Government and supports the broader programme commitment to strengthen national security. The Bill is an important step in strengthening Ireland's counterterrorism framework and ensuring that our laws remain fit for purpose in the face of evolving security threats.

While most of the directive has been implemented in Irish law, the Bill addresses the remaining gaps and brings Ireland fully in line with the current EU counterterrorism framework. The Bill introduces three new offences: receiving training for terrorism; travelling for the purpose of terrorism; and organising or facilitating travel for the purpose of terrorism. It also expands the offence of public provocation to commit a terrorist offence to include the glorification of terrorist activities and updates the law to recognise certain cyberattacks as terrorist offences in appropriate circumstances. These measures will provide law enforcement and the justice system with additional tools to prevent terrorism, disrupt terrorist activity and respond to emerging threats. At the same time, Ireland remains committed to ensuring that all counterterrorism measures are implemented in accordance with the rule of law, human rights obligations and the principles of necessity and proportionality.

The Bill has an important European dimension. Its enactment will support Ireland's participation in key EU justice and security co-operation measures, strengthening information sharing, collaboration with our European partners and addressing common security challenges.

Overall, this is a targeted and proportionate Bill that updates our legislation, enhances public safety and ensures that Ireland continues to play a full role in international efforts to counter terrorism and violent extremism. I look forward to the progression of the Bill.

An Leas-Chathaoirleach: Before I call the Minister of State, I welcome her to the Chamber. I know it is not her first time here; she was here last week. I wish to personally congratulate her. She is a former Member of this Chamber, and it is great to see our former Members progressing to higher office. I wish her all the best in her new role.

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Catherine Ardagh): I thank the Leas-Chathaoirleach for that.

I listened with interest from my office to the comments on this Bill, and I thank all Members who contributed to the debate. It is very encouraging to see the level of support across the House and the goodwill towards the legislation, albeit with some comments from Members of the House.

It is undeniable that the landscape of terror threats in Europe has shifted in recent years, yet terrorism and violent extremism continue to pose a persistent and multifaceted threat. These are complex threats from across the entire ideological spectrum, often driven by geopolitical tensions and frequently accelerated by digital connectivity. Whatever their provenance, acts of terrorism constitute a serious attack on democracy, the rule of law and the enjoyment of human rights. Ireland has put in place strong anti-terrorist legislation to ensure that terrorist activities will not be tolerated here, while at the same time ensuring the safety and protection of fundamental freedoms and rights for all.

The Bill before the House will further discuss this ongoing threat by creating new terrorist offences relating to travel and training for the purposes of terrorism. These provisions are of critical importance in denying international terrorists the means and opportunity to use this jurisdiction for planning and supporting terrorist activities.

International co-operation, particularly with EU partners, is essential in our efforts to combat terrorism. This is especially the case given the cross-border nature of many terrorist threats and the scope of the offences. As previously stated, the Bill will give effect to provisions of the 2017 EU directive on combating terrorism. This is an important step in bringing our domestic counterterrorism laws further into alignment with that of other EU member states and will aid in international co-operation to address the security threat.

I note various comments made by Senators Murphy, Keogan and O'Reilly, who raised serious concerns regarding glorification of terrorism and the definition of provocation as an offence. In Ireland, the right to freely express one's convictions and opinions is protected under the Constitution and the European Convention on Human Rights. Those who engage in legitimate reporting on terrorist acts, criticism or other forms of legitimate expression should not, in our modern, liberal democracy, fear they might be captured by the scope of this offence.

The offence of public provocation to commit a terrorist act seeks to target those who glorify and justify terrorism, or who disseminate messages or images online and offline, including those related to the victims of terrorism, as a way to gather support for terrorist causes or seriously intimidate the population, particularly where such dissemination causes a reasonable

prospect that terrorist acts may be committed. That is why the new expanded definition of the offence of public provocation to commit a terrorist offence contains several ingredients that must first be present in order for a person to be guilty of glorification of a terrorist activity under the provisions of section 3 of the Bill. It must be shown that he or she possessed the requisite intention of inciting persons to commit a terrorist activity when he or she distributed, published or had caused to be distributed or published a message. The message itself must have glorified, including by praise or celebration, a terrorist activity. The publication of the message must give rise to a reasonable apprehension that someone might, as a result of such a publication, commit a terrorist act, which is obviously an objective test. The use of a reasonableness test is an objective-level standard used in law to prevent against arbitrary or irrational interpretation, assessing circumstances against a hypothetical reasonable person's response or actions.

These ingredients sound complex, but they are not; they are standard phrases in law. These ingredients serve to act as safeguards, ensuring that it is only those who set out to deliberately incite terrorist activity, where it is reasonable to assume a terrorist activity, as defined in the Bill, would result, are captured by this offence.

The high standard of proof contained within the reframed definition ensures a person's fundamental rights, such as freedom of expression and association, are protected and situations do not arise whereby otherwise lawful activities are considered as falling within the scope of this offence.

Senators Murphy and Keogan raised concerns around the Kneecap clause. As the definition of "public provocation" has been expanded in the Bill, there might be a possibility it could be open to abuse and misuse by curtailing free speech and lead to prosecutions similar to those in the UK in relation to the band Kneecap, which came to all our attention. The Bill does not contain provisions in any way reflective of the charges faced by a member of Kneecap. There is a marked difference between the two statutory provisions in question, namely, what we propose in section 3 of the Bill to reformulate the definition of a public provocation offence and what exists under section 13 of the Terrorism Act 2000 in England and Wales. Under the legislation in England and Wales, there is no requirement for a person's acts or behaviour to carry with them the intention of causing committal of a terrorist offence. It is much broader, simply requiring that in a public place a person wears or displays an article that would arouse suspicion that the person is a supporter of a proscribed organisation. Contrast that with section 3 of this Bill, which carries a much higher burden of proof to bring about a successful prosecution for public provocation to commit a terrorist offence by glorification. It must be shown the person possessed the intention of inciting persons to commit a terrorist activity when he or she distributed, published or caused to be distributed or published a message inciting or glorifying, including by praise or celebration, a terrorist activity. It is also a requirement of the offence that such distribution or publication gave rise to the reasonable apprehension that the commission of a terrorist activity could thereby result. These additional elements act as safeguards in ensuring it only applies to those who deliberately incite terrorist activity and only where it is reasonable to believe a terrorist activity would result. That is what is captured by this offence.

Senator Murphy noted Sinn Féin amendments in the Dáil. The Minister rejected proposals from the Opposition in the Dáil to codify as terrorist offences certain acts of state forces

engaged in war crimes, genocide and crimes against humanity. The acts were travelling, organising travel, recruitment and training for the purposes of serving with such forces. It is understood the intention behind the amendments was to ensure those who participate in or facilitate acts that contribute to breaches of international law, including war crimes, crimes against humanity and acts of genocide at the behest of a state via its armed forces can be convicted of terrorist offences. The 2005 Act, which this Bill updates, excludes the activities of armed forces during an armed conflict and in the exercise of their official duties from being categorised as terrorist offences insofar as those acts are governed by humanitarian or other rules of international law. This was a requirement of the original EU measure underpinning the legislation, a 2002 EU Council framework decision on combating terrorism. That requirement remains in the 2017 directive that will underpin the primary Act on foot of the Bill. The aim of the Bill is to give full effect to the 2017 EU directive on combating terrorism. Therefore, these proposed offences will fall outside the scope of the Bill.

Terrorists are increasingly leveraging, as we have discussed at length in this House, new technologies to intimidate, radicalise, recruit and carry out terrorist attacks. The Bill will address part of this dangerous trend. It clarifies that the dissemination of messages that glorify terrorist acts, done in such a way as to provoke further terrorist acts, is an offence. It also allows for the categorisation of cyber offences already on our Statute Book as terrorist offences. The latter is a necessary step for the protection of our critical infrastructure from terrorist cyberattack. Both of these measures are complementary to existing provisions aimed at tackling the digital dimension of terrorism, including the power of An Garda Síochána to order online platforms to remove terrorist content.

This legislation, in tandem with other measures, will help to ensure we are sufficiently prepared to meet the ever-evolving challenge of modern terrorism. I thank Senators from across the House for their contributions and support on the introduction of this Bill to the House. I look forward to their support as the Bill is further considered on Committee Stage.

Question put:

The Seanad divided: Tá, 29; Níl, 10.	
Tá	Níl
Ahearn, Garret.	Black, Frances.
Boyhan, Victor.	Clonan, Tom.
Brady, Paraic.	Cosgrove, Nessa.
Byrne, Cathal.	Harmon, Laura.
Byrne, Maria.	Higgins, Alice-Mary.
Comyn, Alison.	Keogan, Sharon.
Conway, Martin.	McCormack, Maria.
Costello, Teresa.	Murphy, Conor.
Crowe, Ollie.	O'Reilly, Sarah.
Curley, Shane.	Tully, Pauline.
Daly, Paul.	
Davitt, Aidan.	
Duffy, Mark.	
Fitzpatrick, Mary.	
Flaherty, Joe.	
Gallagher, Robbie.	

Kelleher, Garret.	
Kennelly, Mike.	
Lynch, Eileen.	
McCarthy, Aubrey.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
Rabbitte, Anne.	
Scahill, Gareth.	
Wilson, Diarmuid.	

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

Question declared carried.

Garda Síochána (Recording Devices) (Amendment) Bill 2025: Report and Final Stages

Acting Chairperson (Senator Mary Fitzpatrick): I remind Senators that a Senator may speak only once on each amendment on Report Stage, except the proposer of an amendment, who may reply to the discussion on the amendment.

6 o'clock

Also on Report Stage, each amendment must be seconded.

Amendment No. 1 arises out of Committee proceedings. Amendments Nos. 1 to 3, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 1:

In page 5, line 14, after “means” to insert “using biometric identification systems to do”.

Senator Frances Black: I second the amendment.

Senator Alice-Mary Higgins: In regard to amendments Nos. 1 to 3, inclusive, we are attempting to bring this Bill back in line with the protections and the safeguards outlined in the EU AI Act. As we described on Committee Stage, the Government is using a novel term it has made up, namely, the term "biometric analysis". It is preparing codes of practice and regulations around the use of this brand new term and category of thing. However, when we look at it, the activities being planned for require biometric identification systems which are categorised as high risk AI systems under the AI Act.

Biometric analysis is not a term used in the European legislation. It is not captured by the regulations within that Act. I do not believe there was an attempt to create a separate category

called biometric analysis at that time, unless Ireland attempted to create a separate category of biometric analysis when the Act was being drafted. The Minister might clarify that point. Effectively, it seems the Minister is trying to use this term to distinguish the use of biometric technologies under this Bill from the use of biometric technologies as outlined in the AI Act and use that renaming of the activity as a way to sidestep the obligations, safeguards and guardrails that are outlined in that European legislation.

Subsequent sections of the Bill, for example, allow for flexible use of the technology and of biometric analysis without adequate safeguards and the necessary judicial approval for use. Under the EU AI Act, when biometric identification is being conducted, there are requirements in terms of judicial approval and other safeguards. However, those do not apply when it comes to what is being described by the Government as biometric analysis. The definition of biometric analysis that is in this Bill is so close to the activity of biometric identification under the EU AI Act that a line had to be inserted stating that we have just described something that sounds very like biometric identification but we are just going to put a line in at the end that says this is not biometric identification. Truly, if a line must be inserted to state "This is not biometric identification" at the end of the definition, that is to acknowledge that all the signs point to it being biometric identification, because what was repeatedly described by the Minister on Committee Stage as identifying unidentified persons is a process of identifying. If it is a matter of comparing biometric information with other biometric information and concluding that that seems to be the same person, then that is biometric identification.

The Minister then referenced that if we were trying to correct the definition of biometric analysis to make it clear that it encompasses and reflects biometric identification as understood by the AI Act then really we should be challenging the definition of biometric identification that is also in the Bill. That is why we have done that in this amendment. I hope that will be supported.

In regard to amendment No. 3, biometric identification as the Minister defines it in the Bill, is basically something inserted which was not in the AI Act. For biometric identification, the Minister is now saying that biometric identification is when you compare data with a database of named individuals. That is not what the AI Act describes as biometric identification. Recital 17 of the EU Act clarifies that

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

That does not say biometric identification is comparison with a database with a list of names in it. That is not what it says. It refers to a "reference database". It is worth noting that elsewhere in the Act, which we will come to shortly, the same examples as the Minister used are clarified, such as somebody breaks a window and is caught on CCTV and then gets on a bus, and it is noted that it seems to be the same person. That is what the Minister described as biometric analysis. However, that is biometric identification. That is comparing the biometric information of somebody, their appearance and such factors, and comparing it with other biometric identification. That is biometric identification. Having it be a named database is not what the AI Act at EU level talks about or looks for because names are not biometric. They

are relevant information. They are not biometric information. It is interesting to note there is one area where a little bit of a differentiation is allowed between things that you are doing immediately and things that you are doing at a slight time delay. What is made clear in the examples used about that is the examples used are of CCTV footage, of video footage. The video and CCTV footage the Minister seems to think are somehow not the databases that are meant by the AI Act, are very clearly anticipated and understood to be relevant databases. It is a database if it is a bank of recordings of persons on a bus that have been taken that day. It is a database if it is footage captured on CCTV. If those two are being compared then you are comparing biometric data with biometric data in another database.

Looking to the examples again, the Minister stated that biometric analysis could involve a garda looking at CCTV footage and comparing a person with one who committed an assault and considers it to be the same person who gets off the bus. This fits the definition of a post-remote biometric identification system as outlined in Recital 17 of the AI Act which refers to:

material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.

The exact example the Minister gave us is explicitly described as an example of a post-remote biometric system under the recital to the EU Act, namely, CCTV footage compared with the footage of those on a bus, pictures of video footage generated by closed circuit television cameras or private devices that are being generated not with the purpose of seeking out a particular individual but that are being generated and then are being compared. As such, amendment No. 1 clearly outlines and makes clear that biometric analysis involves the use of biometric identification systems.

Amendment No. 2 is consequential on amendment No. 1 and removes the line which states that biometric analysis "does not include biometric identification". You cannot make international law go away by literally stating in a Bill that it does not apply in this country.

Amendment No. 3 replaces the definition of "biometric identification" proposed by the Minister with the wording on biometric identification that is used in the EU AI Act, which at no point refers to databases of named individuals. That is just a concoction that has been created to try to make a narrower and different version of biometric identification and to state that we will apply all the rules and safeguards - the things that were weighed up very carefully over a long period at European level - but only in the much narrower set of circumstances we have chosen. Again, the definition in the Bill is very narrow and is not in line with the AI Act. A reference database is not required to contain the names of particular individuals. Recital 17 of the AI Act outlines that as long as there is a comparison of biometric data with other source material containing biometric data, it is considered a process of biometric identification regardless of the technology, processes or types of data used.

The Minister might clarify why he does not want to go with the definition of "biometric identification" contained in the AI Act. Is it because it is far too close to the definition being applied to the made-up concept of biometric analysis? I said this when I engaged with the Minister on Committee Stage. I had a very long journey in respect of a previous process with the former Minister, Regina Doherty, in relation to biometrics and attempts to create fantasies about what is and is not biometric data. Ms Doherty simply stated that we had different

opinions. It was not that she and I had different definitions of biometric; it was the fact that there is a definition of biometric in the GDPR and that she, her Department and the Government seemed to believe that if they avoided referring to it, the definition in question would not apply.

The Minister will recall that I referred to the difference between hiring Biometric Card Services to produce social services cards and hiring Security Card Concepts Limited to do it. We are dealing with law, particularly European law, and its application here to issues crucial to effective democracy and the accountability of our institutions, as well as the delivery of justice in the round and the balancing that was attempted in the creation of the definition of "biometric identification" at EU level and of the appropriate safeguards. Diluting it in this way is really damaging, not just in the context of the collective challenge we have in properly addressing the uses of AI in an ethical fashion internationally but also with regard to the public's confidence that they are seeing justice in the round at work.

The Minister and I may disagree on biometric identification and its uses, as well as some of the other aspects of the law and all that, but let us begin the conversation from point at which we are using language in a way that is meaningful, accurate and comes with understood ramifications and safeguards. I urge the Minister to accept these changes to the definition in order to allow us proceed to have a real conversation about biometric identification rather than sidestep into a conversation about biometric analysis, which is apparently fine and does not need safeguards to the same degree at all.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senator Higgins for tabling this amendment and for her contribution. I often look for areas where we have agreement. There is agreement between us to the effect that there is a difference between biometric analysis and biometric identification. That is why in this legislation there is in the first instance a definition of "biometric analysis". the legislation then states that this "does not include biometric identification". The legislation proceeds to define biometric identification. The Senator's criticism is that the definition of "biometric identification" is not on all fours with the definition of "biometric identification" in the AI Act. Maybe I am being harsh on her in respect of this, but the political charge is that in some respects I am trying to get biometric identification in through the back door via this legislation, when, in fact, I am stating that this deals with biometric analysis.

I have two things to say in response to the Senator. The first is that the AI Act is a regulation that is directly effective and no matter what I do or what the Oireachtas does, we are bound by the AI Act. The second is that I have repeatedly stated that although this legislation seeks to deal with biometric analysis, I intend to bring forward legislation to permit biometric identification. The real difference between biometric analysis and biometric identification - in fairness, this is what Senator Higgins read out when she recited the definition of biometric identification - is that biometric identification involves referencing biometric information against a database of such information. The example I gave on the previous occasion is that the biometric information of an individual is taken and is checked against a database of facial images or other biometric information, including the gait or other strong characteristics of an individual, that can be available that is contained in a separate database. That is different from what biometric analysis. The latter is a means of filtering or sorting information to facilitate An Garda Síochána in speeding up a process of investigation.

Amendments Nos. 1 to 3, inclusive, proposed by Senators Higgins and Ruane would amend the definition of "biometric analysis" to include reference to biometric identification systems and to remove the exclusion of biometric identification from the existing definition.

Amendment No. 3 would also substitute the definition of "biometric identification" for that which is set out in Article 3(35) of the AI Act. The fundamental purpose of this Bill, which, as I say, is the biometric analysis Bill, is to provide the Garda with the power to analyse information by utilising biometrics on a retrospective basis. In the context of this Bill, biometric analysis is the preliminary step in the sphere of biometric processing. This is about analysis, not identification. The current definition of "biometric analysis" will allow the Garda, subject to the requirements under Part 6A, to search for general characteristics for a particular unknown or known individual. The types of person that can be searched are set out in the proposed new section 43C(6). The definition of "biometric analysis" excludes biometric identification. As Senator Higgins will be aware I will be providing for biometric identification and its limitations in another Bill, as I have said previously. I am hoping to publish the general scheme of that Bill this year. For the avoidance of doubt, biometric identification should be considered as searching against databases to establish the identity of an individual. To illustrate this point, gardaí may have a photograph of a person. In the normal course, such a photograph may be circulated to other gardaí to find out if the person's identity is known.

It would be useful in certain situations if gardaí could use a facial image to search against a database to see if that person is a convicted criminal, for example, but this particular use of biometrics is not what the Bill is providing for, which is why it must be clear that it has been excluded from the definition of biometric analysis.

Respectfully, to insert the amendments suggested by Senator Higgins would be to miss the purpose of the Bill. This is a standard drafting approach to define a concept in terms of what it is and what it is not. The amendments proposed by Senator Higgins may, in fact, broaden out what may be permitted under this Bill beyond what is intended. To insert the amendments is to miss the key distinction between analysis and identification. I am not accepting the amendments.

Digital evidence is part of almost every Garda investigation. This Bill is allowing for the sorting and filtering of information where necessary and proportionate to do so for serious crime. Gardaí gather data during investigation. That data will invariably, depending on the crime, contain large swathes of video or imagery. What this Bill is doing is giving the Garda the power to sort through data quickly while ensuring that there is a human reviewer who is making decisions throughout an investigative cycle. Any instances found of a person in footage gathered from a crime scene are to aid gardaí in ruling people in or out as potential persons of interest.

I understand Senator Higgins's comments about biometric analysis not being referred to in the AI Act but to be clear, what we are proposing to allow the Garda to do with this Bill is analyse documents, such as video or images, gathered in the course of an investigation and utilise biometrics subject to certain safeguards, including that of necessity and proportionality. The term makes it clear what the Garda can do. I am satisfied that there is no inconsistency between what is in this legislation and what is in the AI Act. When it comes to our responsibilities and obligations under data protection legislation, the Bill is compatible there, too. For those reasons, I am afraid I cannot accept Senator Higgins's amendments.

I fully recognise that there is a difference between biometric analysis and biometric identification. I am expressly providing in this legislation that we are not dealing with biometric identification. I will be coming back to the House in due course with other legislation that will deal with biometric identification and I very much look forward to hearing Senator Higgins's comments in respect of that as well.

Senator Alice-Mary Higgins: I hate to say that the Minister and I are not in agreement. I do not believe there is a difference, or any substantial difference, between biometric analysis, as the Minister defines it in this Bill, and biometric identification, as it is defined in the EU law. They are actually almost exactly the same. What the Minister describes under biometric analysis and what is described under biometric identification in the EU law are the same. Where there is a difference is between the Minister's definition of biometric identification in this legislation and the EU definition of biometric identification. The Minister is defining biometric identification differently to the EU AI Act. That is quite an extraordinary thing to do.

The Minister did not address in his response this newly invented narrowing of the frame to "a database of one or more named individuals". A database of named individuals being one half of the comparison is not biometric identification under the EU law. The EU law is comparing biometric information with biometric information and what the Minister has just described is this different activity. It may be a worthy activity. Maybe the Minister could take this activity of comparing biometric information with a database of named individuals and give that a name. Maybe we could give that a new name. Maybe we could call that "biometric name alignment checking" or whatever we want, but that is a different and very specific, narrower activity.

It is extremely important that the Minister start getting this right. The Minister says he has new legislation coming, but will his new biometric identification legislation be narrowed to when biometric information is compared to databases of names that are made up of letters and not biometric information? Named individuals is not the category.

Let us talk about things that are biometric. Some of the things that are biometric are "physical, physiological or behavioural human features". Those are biometric pieces of information. That is what the Minister is proposing to compare under biometric analysis through "automated recognition and categorising of instances of physical, physiological or behavioural human features", and that they would be compared in respect of other instances of the particular unidentified individual. There is identified and unidentified. That is only a matter of if you know their name, but the key point is the Minister is comparing the "physical, physiological or behavioural human features" with the goal of, as the Minister said, ruling persons in or out. Therefore, this is around saying that you think this person whom you see on the bus and this person whom you see in this photograph is the same person. That is part of that process of biometric identification. You are not looking at a searching or a gathering of the pure databases. You are looking for where you seek to find physiological, physical or behavioural feature A matching up with the same feature in database B.

There is another point that I made that the Minister did not respond to, I am afraid. The Minister went back to the suggestion of us comparing the photograph with our Interpol most wanted list or whatever we might want to do, but that would be comparing biometric

information with relevant other information, which may include biometric but also includes names. It is a particular category. What is described in recital 17 to the Act and the example given is not that. This is an example described by the drafters of the EU AI Act as to what post-remote biometric identification might look like. They describe pictures, such as the photograph the Minister just mentioned, or video footage generated by closed circuit television cameras or private devices like a phone, and comparing the biometric information in one with the biometric information in the other. That is biometric identification. That is how it is described by the drafters of the EU AI Act and that is exactly what the Minister has described under his biometric analysis, which is, in respect of an unidentified individual, the automated recognition and categorising of physical, physiological or behavioural human features by processing different documents in respect of other instances of "the particular" unidentified individual. The Minister is saying that we have identified this particular individual and now we will go and identify them in other instances in other forms of databases and other forms of footage. However this is flipped and spun, what the Minister is describing there - the particular individual appearing in different footage - is exactly what is being described as the comparison between footage generated by private devices, pictures and footage, and the language generated and looked at in terms of a natural person. The EU drafters are very explicit that that is irrespective of the technology processes or types of biometric data used.

It is a concern that the safeguards that should be attached to the kinds of activity proposed in relation to biometric analysis are not being attached because of the renaming of it as biometric analysis.

There is an even greater concern that this Bill seeks to narrow the scope and change the important definition of biometric identification set out in the EU AI Act, again, set out, because it is identified as a high-risk AI system. It is categorised as high risk. For a security conscious Minister and a Minister concerned with justice, when something is categorised as high risk, surely we should not be trying to narrow and dilute its application. When something is categorised as high risk, we should not accept it is high risk but only use the safety net in this one instance of it, if it is comparing with the database of named individuals, even though safety nets are recommended across the board for the kinds of activity comparing biometric with biometric.

I would like clarity on why the Minister is choosing to narrow biometric identification to only where it is being compared with databases of named individuals in absolute difference of approach to anything in the AI Act. Why is that choice being made? We can continue to use different terms in terms of biometric analysis, but I would like an answer in terms of that. Will the Minister accept that where biometric analysis is being compared, the databases can include CCTV and footage from a Garda recording device, for example? That is what I would like to clarify, that is, it is not narrowed to solely that category and it is quite serious.

Amendment put and declared lost.

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

In page 5, to delete line 33.

Senator Frances Black: I second the amendment.

Amendment put and declared lost.

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

In page 6, to delete lines 1 to 5 and substitute the following:

“ ‘biometric identification’ means the automated recognition of physical, physiological, behavioural, or psychological human features for the purpose of establishing the identity of a natural person by comparing biometric data of that individual to biometric data of individuals stored in a database;”.

Senator Frances Black: I second the amendment.

Amendment put and declared lost.

Acting Chairperson (Senator Mary Fitzpatrick): Amendments Nos. 4 to 6, inclusive, and 10 are related, and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 4:

In page 6, line 36, to delete “persons.” and substitute the following:

“persons;

(d) without prejudice to section 43B(b), cooperation with one or more other law enforcement agencies in relation to the prevention, investigation, detection or prosecution of criminal offences.”.

Deputy Jim O’Callaghan: Amendments Nos. 4 to 6, inclusive, and 10, are my amendments. I am proposing to make them to section 43C to include international co-operation as a purpose under the Bill. This is to ensure that there is clarity that the Garda may use biometric analysis where it is necessary and proportionate to do so, in the context of its co-operation with other international law enforcement authorities such as those in other member states. The provisions of the Bill will therefore apply to such co-operation. The amendments to subsection (6), on the data subjects that may be searched, and subsection (11), which provides definitions for the section, are consequential amendments to the insertion of a new purpose under subsection (2). I believe this amendment to ensure that there is permission for use of biometric analysis, where it is necessary and proportionate to do so for international co-operation, is appropriate, considering that this type of technology will be of considerable assistance in trying to investigate child sexual abuse on the Internet, which, regrettably, is now so common in terms of Garda investigations. It is essential, because of that international nature of this heinous criminal act, that there is an ability for An Garda Síochána to co-operate with their international police partners in other countries.

Senator Alice-Mary Higgins: The Minister might clarify. While I am of course in favour of international co-operation on these important issues, I am concerned because the Minister did not answer my question. Other countries may use different definitions of biometric identification. For example, other countries could use the definition that is in the EU AI Act, and other countries do not have a bespoke biometric analysis definition. This is what I mean

by being quite serious. We talked about a thing that is of high risk in terms of how it is done, but that is not about not doing it, it is about doing it properly. If we have made up our own definition of biometric analysis and other countries do not have that because they have biometric identification under the EU AI Act, how is that going to affect our co-operation? How is that going to affect a like-with-like comparison when we are working with others across Europe on this? Will the Minister have his biometric analysis material brought into comparison with the biometric identification? Will he be expecting them to narrow their definition of biometric identification to only include comparison with named databases? This is what I mean when I say it is quite serious if we are not taking on a common definition when, as the Minister has rightly pointed out, these are areas where co-operation is needed. I would like an answer as to why the Minister is choosing to narrow biometric identification to only situations where it is with a database of named individuals. I would also like to know how the Minister envisages co-operating when we have put our own definition of biometric analysis, and many other countries will probably have biometric identification. In that context, it is hard to see how the co-operation is to be effective. I would appreciate answers on these. It is important.

Deputy Jim O'Callaghan: I thank Senator Higgins-----

Senator Alice-Mary Higgins: Even for prosecution, I should say.

Deputy Jim O'Callaghan: The reason I did not stand up the last time was because I was only allowed to speak once. However, now I am allowed to speak twice because I am the mover of the amendment. The mover of an amendment is entitled to speak twice on Report Stage, but I am not. That was the reason I did not stand up in response to the Senator's previous contribution.

Senator Alice-Mary Higgins: That is why I wish to give the Minister the opportunity.

Deputy Jim O'Callaghan: I also believe that the answer I provided was sufficient to answer the queries that she raised. The Senator talked about the proposed amendments to section 43C. As she will be aware, the primary amendment I am putting forward here is to include a new paragraph in section 43C(2). It provides that a member of Garda personnel shall not carry out biometric analysis other than for one of the following purposes, and the new purpose I am putting in is where it is necessary for co-operation with one or more other law enforcement agencies in relation to the prevention, investigation, detection or prosecution of criminal offences. In that instance, a query may come from another international law enforcement agency in respect of a missing person or perhaps a child who has perhaps has been criminally assaulted in terms of child sexual abuse material on the Internet. That is one context in terms of how it may arise. In the alternative, there may be a desire on the part of An Garda Síochána to find out information in respect of a child victim in terms of child sexual abuse material or a missing person in Ireland or both. There has to be international co-operation between the police force in Ireland and international police forces.

When it comes to the purpose of biometric analysis, the new purpose I want to put in is to facilitate that co-operation. It does not necessitate or require that the other country or police force that is requesting co-operation specifies whether they are coming to us pursuant to

biometric identification or seeking other information derived from a database. This would be a query arising from another international police force or a query made by the Garda to that police force in respect of an individual whose image is on a piece of video footage. The Garda is using the analysis power that it has under this legislation to try to filter, sort out or rule out individuals in terms of the persons, whether or not it is a missing person, information for which has been provided by another police force, or whether or not it is a person who has been the subject of sexual abuse online and there is co-operation in that regard. There has to be an ability for the Garda exercising these powers to do so for the purpose of ensuring that it is providing co-operation to or seeking co-operation from other international agencies.

Amendment agreed to.

Government amendment No. 5:

In page 7, line 12, to delete “person, or” and substitute “person,”.

Amendment agreed to.

Government amendment No. 6:

In page 7, line 14, to delete “arrestable offence.” and substitute the following:

“arrestable offence, or

(d) in respect of the principal purpose referred to in subsection (2)(d) and without prejudice to the generality of paragraphs (a) to (c)—

(i) an individual who the member has reasonable grounds to suspect—

(I) of the commission of a criminal offence, or

(II) is a threat to the security of the State or another state,

(ii) a missing person, or

(iii) an individual who the member reasonably suspects is or has been a victim of a criminal offence.”.

Amendment agreed to.

Acting Chairperson (Senator Mary Fitzpatrick): Amendments Nos. 7 and 8 are related and may be discussed together by agreement. Is that agreed? Agreed.

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

In page 7, between lines 16 and 17, to insert the following:

“(7A) Where biometric analysis is carried out in accordance with section 43C(2), such use shall be subject to a data protection impact assessment.”.

Senator Chris Andrews: I second the amendment.

Senator Alice-Mary Higgins: I begin by noting that the Minister has sadly again declined to answer my repeated question as to why he is choosing to narrow the definition of biometric identification to only include situations where it is being compared with a database of named individuals when that is not what the EU AI Act defines it as or applies it to. If the Minister recalls my previous intervention, I was clear on the importance of international co-operation. That is why it is important we co-operate with regard to international definitions. We should expect Ireland to seek to be aligned with other countries that are also engaging in biometric identification in order for us to be able to work and co-operate with them. I have asked the Minister this again and again. It is quite an anomaly. Frankly, the narrowing of the definition of biometric identification to say it only applies when it is compared with a database of named individuals, when that is not how it is understood in the EU context or by others, is a big red flag. I will continue to say it. We still have not had a rationale for it.

I know there has been certain grace given to Ireland within the EU AI Act because of Northern Ireland. There is this idea that Ireland will have flexibility when it comes to certain measures. That flexibility has been somewhat misused in this legislation, however.

One area where we do not have flexibility is GDPR. There are clear requirements under GDPR. Ireland does not have a special carve-out, opt-out or anything else when it comes to data protection. Those same issues the Minister mentioned about proportionality, necessity and all of the other safeguards of GDPR still apply. That is why I suggest in amendment No. 7 that where biometric analysis is carried out in accordance with section 43C(2), it should be subject to a data protection impact assessment. Amendment No. 8 would also make biometric analysis carried out in accordance with section 43C(2)(a) subject to a data protection impact assessment.

We discussed this issue on Committee Stage, but the Minister did not have the opportunity to come back in. Perhaps he will now. The European Data Protection Board has issued guidelines on the use of facial recognition technology. When we talk about AI and computer-enabled processing of footage, photographs, videos, CCTV footage and the use of body cameras, we are talking about facial recognition. That is the kind of software and technology being used. The data protection board was asked to provide guidelines on the use of facial recognition technology in the area of law enforcement. It was asked to specify how those guidelines outline specific scenarios, examining the remote processing of biometric data in public spaces for identification purposes. Let us use the same exact scenario where the window gets broken and someone gets on a bus. That person may be seen later at a railway station or on another piece of CCTV. Maybe someone takes a photograph, but is it the same person? Is it the same particular individual as is described under the Minister's definition? The European Data Protection Board was asked whether facial recognition technology could be used to examine biometric data in public spaces for identification purposes and it found that such use would constitute a disproportionate interference in the data subject's rights under Articles 7 and 8 of the Charter of Fundamental Rights of the EU.

Article 26.10 of the AI Act, which we will be discussing further when we come to amendment No. 9, is quite clear in this regard. It outlines that, "Deployers shall submit annual reports to the relevant market surveillance and national data protection authorities on their use of post-remote biometric identification systems". Post-remote identification systems use material, such as pictures or video footage, generated by CCTV or private devices in respect of natural persons. There is a clear requirement to ensure a line of communication between the

deployers of high-risk AI systems, like those employed for biometric analysis or identification, and the data protection authorities. That is outlined by the expectation of an annual report. If the Minister does not want to accept our amendments, which look for specific data impact assessments, will he outline the processes by which he will be ensuring, in an ongoing way, that the use of biometric analysis by authorities is continually and regularly - at least annually as outlined in the AI Act – in compliance with GDPR, given the scenarios the Minister used and those the data protection board described as being in breach of the data protection Act are very similar?

Under the AI Act, Article 27 states that deployers "shall perform an assessment of the impact on fundamental rights that the use of such systems may produce". Can the Minister tell us definitely that there has been, or will be, an impact assessment regarding the use of these systems?

Deputy Jim O'Callaghan: I thank Senator Higgins for her amendments. We are discussing amendments Nos. 7 and 8. Before getting into the substance of the amendments, I wish to address the question Senator Higgins raised at the outset. She again said that I failed to identify the distinction between biometric analysis, which is provided for in this legislation, and biometric identification, which she rightly says is covered in the AI Act. While I do not want to go back over old ground, the biggest distinction between the two is the fact that biometric identification involves identification against a database of biometric information. I will provide an example of the use of biometric identification, were it to be introduced. The way it would operate is that the Garda on its systems would have photographs and images of tens of thousands of people. If the Garda identified an individual committing an offence or a suspect it was interested in identifying coming out of a nightclub in Dublin last night, if gardaí got his image, they would play and reference it against the database of those tens of thousands of individuals. If the system identified the individual as, say, Mark Daly, that is an example of biometric identification. It identifies the individual against a database.

Biometric analysis is different. It does not have a database. The name of the individual is not known after the process, but it provides the Garda with an opportunity to filter, sort or seek to know whether the person in the image is the same as a person in a subsequent image. We do not have a database.

The amendments proposed here are to include a new subsection in section 43C providing for data protection impact assessments where biometric analysis is carried out in the context of both sections 43C(2) and 43C(2)(a). Section 47A, which I will refer to presently, is to be inserted by section 10 of this Bill. I want Senator Higgins and other Senators to know that this already provides for data protection and human rights impact assessments to be conducted prior to the use of biometric analysis as part of the development of a code of practice.

The GDPR that Senator Higgins referred to is a regulation that is directly effective in Ireland. In terms of its transposition, the Data Protection Act is also operating in Ireland. This legislation cannot ignore other legislation. Even if that other legislation was not there, I would be very satisfied because of what is being proposed under Part 8A of the Bill and the codes of practice for Part 6A that the concerns the Senator has will be met in the legislation and the codes of practice.

Section 10 of the Bill inserts a new section 47A that will provide for a code of practice for biometric analysis. What the House will notice in subsection (2)(c) is that the draft code of practice shall include provisions relating to "the confidentiality, security, storage, access, retention, erasure and destruction of data obtained as a result of the operation of Part 6A", which is biometric analysis. There is a clear statutory imperative that the code of practice must deal with all those data issues, whether confidentiality, security, storage, access, retention, erasure or destruction. If that is not sufficient, the Garda Commissioner, who is responsible for preparing a code of practice, must, in accordance with section 47A(4), consult with a number of other statutory entities. One of those entities is the Data Protection Commission. Another is the Irish Human Rights and Equality Commission, IHREC. In terms of the requirements for the code of practice, there is a requirement on the Garda Commissioner to engage with the Data Protection Commission and IHREC in respect of how the code of practice operates, particularly in light of the statutory obligation on him to ensure that the code of practice respects the data requirements that I just spoke about a few moments ago. Even if that was not sufficient, the draft code of practice must then be presented to me so that I get an opportunity to appraise it. Then, it is set before the Houses of the Oireachtas and Members of this House and the Lower House shall have an opportunity to assess it. It will not come into force until such time as there is a vote of both Houses of the Oireachtas to approve the code of practice.

When the Senator looks at the concerns she has in terms of whether there will be vigilance in respect of data, there is a whole myriad and series of layers there to ensure that data is protected in accordance with the laws that exist at present. First, there is the operation of GDPR, which is directly effective. Second, there are the provisions of the Data Protection Act. Third, there is an express statutory requirement on the Garda Commissioner to ensure that the code of practice covers issues in respect of the confidentiality, storage and destruction of data. Fourth, there is a requirement on the Garda Commissioner in terms of preparing that code of practice, which has those statutory obligations contained in it, to consult with the Data Protection Commission and IHREC. Finally, it has to go past me. Even if I am asleep at the wheel, there is the requirement that it be presented to both Houses of the Oireachtas to ensure that it only comes into force if there is a vote of both Houses of the Oireachtas. I have no doubt that, if there were any defects or flaws in the area of data retention and protection, they would be readily identified by Members in this House and the Lower House during that process.

Senator Alice-Mary Higgins: I thank the Minister. He again sought to clarify between biometric analysis and biometric identification. That was one question we had, but the actual question I have been asking repeatedly is why he is choosing to narrow the definition of biometric identification that he proposed in this legislation. When the Minister spoke, he compared biometric information with a biometric database. That is not what the legislation states. The legislation states it is of named individuals. The Minister is proposing that biometric identification will only be deemed to be happening when the biometric information is compared with a specific database that contains names. That is a radically different and narrower definition of biometric identification than what we have in the EU AI Act. I will read recital 17 of the Act again for clarity. It states:

... 'remote biometric identification system' ... should be defined functionally, as an AI system intended for the identification of natural persons [which sounds very like the particular persons mentioned in the Minister's definition] without their active involvement, typically

at a distance, through the comparison of a person's biometric data with the biometric data contained in a reference database, irrespectively of the particular technology, processes or types of biometric data used.

Even if the Minister were to argue that names are somehow biometric data, which they are not, is he willing to say that these names with photographs contain biometric data, too? The point is, recital 17 explicitly stated that it should not be narrowed. The document goes on to clarify further and gives the example of the kinds of databases where material is being compared, such as pictures or video footage generated by CCTV or private devices, and where those are generated before the use of the systems. This language of a reference database containing named individuals is an extraordinary narrowing of what is meant to be a comparator of biometric information with a biometric database or databases. The EU drafters make the greatest of efforts to be clear that they wish to be technology neutral in this regard. The Minister is saying it is only going to apply to databases of named individuals. That is an extraordinary choice. Why has the Minister narrowed it to named individuals versus a comparison of biometric data with a database of other biometric data? Why is he choosing to introduce an extra layer of requirement that it will only be biometric identification when it is compared with the persons who we not only have pictures of but have their names? That is a choice. It is a choice that is at odds with the EU AI Act. That is why I have concerns about how it is going to be applied and what its implications will be for the necessary international co-operation we might need in all of the instances outlined.

Returning to amendments Nos. 7 and 8, it is good that there will be a code of conduct. The problem is the idea that a data protection impact assessment is done at the very beginning, it inspires or influences the writing of the code of conduct, there is engagement on that and then it is left. The AI Act's drafters envisage that deployers - those who are doing this work - would be submitting annual reports to the relevant national data protection authorities on their use of these identification systems.

7 o'clock

They are not saying to consult with them when you set out the code of conduct at the beginning. I worry that so much has been placed on the Garda Commissioner. Ministerial accountability is important and of ongoing relevance as well. We know in other situations that individually you cannot just make a general rule. You either have to apply your data protection assessment individually as came up on the information and tracing Bill, or you have to look at creating clear regulations that meet necessity and proportionality. I guess the code of conduct is a proxy for regulations here because the Minister is placing it before the Houses of the Oireachtas. That is a good step, and I welcome it. However, I am concerned as to whether it is the Garda Commissioner's code of conduct, the State's code of conduct or the Minister's code of conduct. What happens if that code of conduct proves to be poorly drafted and not appropriate for the facts, challenges or issues that are arising? What is the mechanism for the annual reporting required and suggested under Article 26.10 of the AI Act? What does it look like after the code of conduct gets voted through by the Oireachtas? What happens next in terms of a data impact assessment and data protection? Also, where does the accountability ultimately sit? Is it with the Garda Commissioner or with the Minister? I would also like that clarified.

Amendment put and declared lost.

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

In page 7, between lines 16 and 17, to insert the following:

“(7A) Where biometric analysis is carried out in accordance with section 43C(2)(a), such use shall be subject to a data protection impact assessment.”.

Senator Chris Andrews: I second the amendment.

Amendment put and declared lost.

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

In page 7, lines 18 to 20, to delete all words from and including “a principal” in line 18 down to and including line 20 and substitute the following:

“the principal purposes outlined in section 43C(2)(a) and (b) unless the use of such results has been approved by a decision of the Circuit Court.”.

Senator Chris Andrews: I second the amendment.

Senator Alice-Mary Higgins: The Minister stated on Committee Stage that we had opted into the policing sections of the AI Act. However, it is difficult to see how that is going to work given legislation before us because the safeguards in the AI Act are detailed and extensive. Our amendments have consistently sought to better align this Bill with the protections and practices in the AI Act. Again, if we opt in to Article 26.10 we should be mindful of what that contains. It states:

In the framework of an investigation for the targeted search of a person ... convicted of ... a criminal offence, the deployer of a high-risk AI system for post-remote biometric identification shall request an authorisation ... without undue delay and no later than 48 hours, by a judicial authority or an administrative authority whose decision is binding and subject to judicial review, for the use of that system.

This is an example of the nuance in the actual AI Act. If there are times when you have to engage in biometric identification at short notice, you have to move forward in identification of a person where there is clear risk but you make sure that within 48 hours, you get appropriate judicial approval. It recognises the urgency and the accountability. That is the balancing act and that is the piece missing from this legislation. The system outlined in the Bill allows for the results of biometric analysis to be used subject simply to approval from a second garda. If you have a garda and then you have any other garda, you are ready to go. It does not require senior gardaí or higher authorities. It does not require, either before the fact or after the fact, appropriate judicial permissions to be given. It is simply a second garda. Considering that the AI Act calls for judicial approval normally before a biometric identification system is used, or *post facto* in certain circumstances, this is a wildly out-of-step approach being proposed here. Our amendment would ensure that the results of biometric analysis would not be used without the court approval in instances relating to the investigations of offence. It would allow for the expedited use of biometric analysis in the case of searches for missing persons. We identify,

as the Minister has, that those are issues where time is of the essence. It suggests there may be differing procedural protocols with regard to those uses. Article 26.10 of the AI Act goes on to state that, "If the authorisation requested pursuant to the first subparagraph is rejected, the use of the post-remote biometric identification system linked to that ... authorisation shall be stopped" and the personal data would then be deleted.

There are other obligations in Articles 26 and 27 that are just not present in this Bill. It is again notable from the code of conduct that Article 26.10 states "Each use shall be limited to what is strictly necessary for the investigation of a specific criminal offence." It goes on to state that "In no case shall such high-risk AI system [again, these are categorised as high-risk AI systems] for post-remote biometric identification be used for law enforcement purposes in an untargeted way". It should ensure, "that no decision that produces an adverse legal effect on a person may be taken by the law enforcement authorities based solely on the output of such post-remote biometric identification systems". Article 26.8 also suggests that public authorities using high-risk AI systems will comply with registration obligations under Article 49 and only use systems that are registered within an EU database. Perhaps the Minister will clarify if the systems the Garda will be using will be registered on the database referenced in Article 71 of the EU AI Act. Or does the novel term "biometric analysis" mean that we will not be registering under that either?

On Committee Stage we talked about the second pair of eyes, and sadly there was strong rejection of amendments others had put forward to ensure the misuse would have particular offences attached to it. With absolute respect to the Minister, simply having the four eyes of two gardaí of any level on this and signing off on the use of a high-risk AI system without proper previous or after-the-fact systems in place comprised of the safeguards sought elsewhere is a serious concern. He might also answer the question about Article 71. Given that it will be his last opportunity to reply at this point, he may wish to address the issue of why he is only including databases of named individuals as biometric identification, when the AI Act is clear that it is biometric information. Why is the Minister introducing an extra hurdle for biometric identification to take place, and that it is only taking place when it is compared with a database of named individuals, given that names are not biometric? It will be his last opportunity to address that question if he wishes to.

Deputy Jim O'Callaghan: I will take up Senator Higgins's offer before I deal with the substance of amendment No. 9. The Senator mentioned a number of issues of concern at the outset. In substance, I think her criticism is that I am not introducing the biometric identification that is defined within the AI Act. She is correct in that respect. I am not introducing biometric identification. Through this legislation I am introducing biometric analysis.

Senator Alice-Mary Higgins: And a definition for biometric identification.

An Cathaoirleach: The Minister without interruption.

Deputy Jim O'Callaghan: It is unusual because had I come here with legislation saying I am introducing the biometric identification provided for in the AI Act, I suspect Senator Higgins would have been vigorously opposed to that and would be asking me why I was

introducing this excessive and disproportionate measure. I suspect that is what she will say when I bring forward legislation seeking to introduce biometric identification, hopefully later this year or next year.

Senator Higgins also correctly said that names are not biometric. That is correct. However, the difference between biometric analysis and biometric identification is that the latter, as I have repeatedly stated, is a process whereby an image is compared against a database of named individuals but the database contains biometric information.

Senator Alice-Mary Higgins: Why are names-----

Deputy Jim O'Callaghan: It contains photographs and other biometric information.

The Senator asked whether the database will be registered under the provision contained in the AI Act. Obviously, once this legislation is enacted, it is not the case that the Garda will be able to engage in biometric identification against a database so there will not be any necessity or requirement to introduce the registration of such a database.

Senator Higgins also raised the issue of the code of conduct and whose code of conduct it is. It is the code of conduct that is prepared by the Garda Commissioner in consultation with, in the instance of what we are discussing here, the Data Protection Commission and the Irish Human Rights and Equality Commission. It also must be prepared in consultation with me and with the Policing Authority and the Office of the Police Ombudsman, Fiosrú. This clearly is a code of conduct into which there will be inputs from many significant stakeholders, including me. It will come to me and ultimately be approved by the Houses of the Oireachtas. Although it is a code of conduct prepared by the Garda Commissioner, if it subsequently comes into effect, it is a code that has had the sanction and that has been consulted on with many important stakeholders in the sphere.

I will turn to amendment No. 9 being put forward by Senator Higgins. Senator Higgins wants to change subsection (8) of section 43C so that it reads the results of biometric analysis shall not be used by An Garda Síochána, except with there being an order of the Circuit Court, "unless the use of such results has been approved by a decision of the Circuit Court". What I propose and what is there at present is that the results shall not be used "unless such results have been reviewed by a member of Garda personnel and have been ascertained by him or her to be of sufficient reliability to be so used".

It is extremely important that we emphasise that the use of biometric analysis is an investigative tool to assist the Garda in very serious criminal investigations, as I have outlined previously, in respect of child sexual abuse. It is a tool. No one is suggesting that somebody is going to be convicted exclusively on foot of the use of this tool. However, it is an important tool. If we were to put in place the amendment suggested by Senator Higgins, it would lead to extraordinary consequences where a member of An Garda Síochána conducting an investigation using biometric analysis would not be able to act on foot of the results of biometric analysis unless he or she got an order from a Circuit Court judge to say they are permitted to use this investigative tool for the purpose of the serious investigation. It would have a chilling impact on investigative work done by An Garda Síochána. For example, with child sexual abuse material investigations, which I have raised repeatedly, a garda could be

looking at hundreds if not thousands of victims or suspects within a single device and if an authorisation process is imposed it would mean not only would gardaí be spending time making applications to the Circuit Court but court services would be inundated with authorisation requests. This would not free up resources or speed up investigations. Rather, it would have the opposite effect and pose significant operational difficulties, particularly in the context of these types of investigations. What we can all agree on in child sexual abuse material investigations is that gardaí must be able to sort through the volumes of material they find as quickly and efficiently as possible to remove victims from harm and bring perpetrators to justice.

If we look at the types of searches gardaí may perform, a facial image will not always be used. It could be searches for a particular hair colour, height or distinctive facial feature. Is it an effective or efficient use of Garda time or resources for gardaí to have to make an application every time they wish to search for the height or age range in this type of data in order that they can filter out relevant images? If we were to proceed on the basis of this amendment we would increase the risk that suspects may flee the jurisdiction, as can be the case in current manual systems. In a serious crime investigation sometimes speed is of the essence to ensure that those who perpetrate serious offences are not permitted to remove themselves from the reach of the investigation. Any search will only provide investigative leads. As I say, it is an investigative tool. It is grouping relevant images together or finding relevant frames in CCTV footage gathered in an investigation into serious crime so that a person can review the relevant footage or have a starting point for their review.

The purpose of the current subsection (8) is to ensure that there is not an over-reliance on the technology and that trained gardaí are interrogating results. It is much more appropriate that that be the method by which human involvement is here, that members of the Garda themselves review this investigative tool as they review all the investigative tools that they use at present. It would be completely inappropriate to put in a requirement that when members of the Garda are engaged in an investigation, before they act on foot of some lead obtained in an investigation they have to get approval from the Circuit Court for the purpose of continuing with that lead.

It also begs the question of who is going to be the respondent in such an application? Under Senator Higgins's application, the Garda Commissioner has to go to the Circuit Court. Who is on the other side? Who will be the person who is the legitimate contradictor saying this should not happen? Obviously, we cannot put on notice of the suspect or indeed the victim. We will have this bizarre system whereby the Circuit Court is not going to be determining an adversarial dispute. Instead, under this proposed amendment, it will be asked to second-guess and to review the work of An Garda Síochána to see whether it should be permitted to continue with the fruits of its investigation. That would not just undermine An Garda Síochána terribly but would also have a significant negative impact on the work of the Judiciary.

Senator Alice-Mary Higgins: There are search warrants and arrest warrants, there are safeguards. The Minister's picture of the police at work suggests that any delay, anything that gets in the way or any check and balance is intolerable. Let us have everybody into every house they wish to go into. This is what the Minister is describing. What the Minister has described is that a check and balance would be extraordinarily onerous, whether or not he likes this check and balance. He could say "I do not like the Circuit Court". Let us bear in mind

that on Committee Stage he also rejected moderate requests that at least a senior officer would be reviewing it and signing off. At the moment, it requires two members of the Garda at any level. The Minister specifies trained individuals. Are all gardaí in Ireland going to become experts in the appropriate uses of all AI technology? The Minister is not talking about designated gardaí or designated decision-making or a safety net within An Garda Síochána against which these decisions should be checked. It is literally one garda and any other garda.

The Minister does not like the requirement around the Circuit Court, but in adversarial cases people look for search warrants all the time and get them quickly. They look for search warrants and arrest warrants and this is a similar mechanism.

Deputy Jim O'Callaghan: There is an individual on the other side who is a respondent.

Senator Alice-Mary Higgins: Nonetheless, there is a property or an individual, either way. What the Minister is talking about here refers to the searching and the mechanisms. This relates to that definition. It is disingenuous to say this Bill has nothing to do with biometric identification, which is coming later, because he put the definition of biometric identification into this Bill.

If the Minister claims it has no relevance to what is in the Bill, why insert a definition that is at odds with what is happening elsewhere and that includes names? If the Minister does not like the Circuit Court idea, why reject the concept of having sign-off from a senior garda? He may think the bar I am suggesting is too high. The bar as he has it right now is extraordinarily low and highly at odds with what is envisaged under the use of - I will say it because this is the last time I will get an opportunity to do so - high-risk AI systems that are categorised as such. Very few areas of AI usage are categorised as high risk. We are talking about high-risk tools being used on the say-so of any two gardaí. The Minister rejected the idea of the courts. Previously, he rejected the idea of senior officers. He has not proposed any other mechanism regarding how sign-off will be achieved.

The Minister used examples. We all want to see these examples. That is why I referenced the idea of doing it *post facto*. The latter is something I would be open to. It is what is in the AI Act in the context of biometric identification. The AI Act refers to authorisation being requested within 48 hours. That would be satisfactory. I would be very happy with a different version of my amendment which did that in the case of missing persons and identifying those kinds of things. It is not simply the same to say that we are fighting crime and that crime is serious. We do not live in a world where it is only Batman and his sidekick involved, and if they both think it is worth doing, they can go ahead and do it. That is what the Bill sets out. We need to have safeguards. We have them in here because of the risks involved, including in the context of abuse, which the Minister rejected, as he did some of the safeguards around penalties put forward previously in relation to abuse.

The Minister and I disagree on this. I reiterate that the bar as set out in this Bill is too low, does not provide adequate safeguards and falls very short of what is envisaged in the AI Act. The Minister may speculate about how I would have liked that to be and say that I am giving out. Of course, I have strong opinions about the AI Act and about the omnibus that will seek to dilute that Act during Ireland's EU Presidency. I have strong views on these things, but I

also recognise that a process is at play. I am concerned that said process is being somewhat disregarded in the context of this domestic legislation, which seems to plough its own furrow.

An Cathaoirleach: Is the Senator pressing the amendment?

Senator Alice-Mary Higgins: Yes.

Amendment put and declared lost.

Government amendment No. 10:

In page 7, after line 40, to insert the following:

“ ‘other law enforcement agency’ means a police force or other authority in a place other than the State which is responsible for the prevention, investigation, detection or prosecution of criminal offences;”.

Amendment agreed to.

Question, "That the Bill, as amended, be received for final consideration.", put and declared carried.

An Cathaoirleach: When is it proposed to take the next Stage?

Senator Robbie Gallagher: Now.

An Cathaoirleach: Is that agreed? Agreed.

Question, "That the Bill do now pass", put and declared carried.

Cuireadh an Seanad ar fionraí ar 7.24 p.m. agus cuireadh tús leis arís ar 8.06 p.m.

Sitting suspended at 7.24 p.m. and resumed at 8.06 p.m.

8 o'clock

Health (Amendment) (Home Support Providers) Bill 2025: Committee and Remaining Stages

Acting Chairperson (Senator Garret Kelleher): Cuirim fáilte roimh an Aire Stáit, an Teachta O'Donnell.

Minister of State at the Department of Health (Deputy Kieran O'Donnell): If it is in order, can I say a few words at the start?

Acting Chairperson (Senator Garret Kelleher): Yes.

Deputy Kieran O'Donnell: I thank the Acting Chair and the House for their time today to discuss this Bill. We had a constructive discussion in the Seanad on Second Stage. This Bill

is an amendment to the Health Act 2007. As I said previously, for the first time, the Bill will introduce regulation of home support providers, who will be regulated by HIQA and the chief inspector. The Bill will give the chief inspector a range of powers and will make it an offence to provide a home support service without being registered. The chief inspector will be responsible for monitoring and assessing compliance of registered home support providers. The new system of regulation for home support will ensure the public can be confident that the services provided are of a high standard and will bring Ireland in line with best international practice.

The Bill was published in December of last year and passed by the Dáil on 20 May. It went through Second Stage in the Seanad on 16 June. I thank all the Seanadóirí for the constructive debate on the Bill on Second Stage. The context is that, as well as regulating home support providers for the first time, the Bill is a key, integral first step in the development of a statutory home care scheme that has been provided for in the programme for Government. I look forward to a constructive debate with Members on the proposed amendments to the Bill and am looking to progress the legislation.

I thank the Acting Chair for his indulgence. I am here with officials. I acknowledge the great work they have done. It is an indication of the seriousness with which we take this legislation and how important it is.

Sections 1 and 2 agreed to.

NEW SECTION

Senator Victor Boyhan: I move amendment No. 1:

In page 5, between lines 22 and 23, to insert the following:

“Report to Houses of Oireachtas

3.The Minister shall, within 12 months of the commencement of this Act, report to the Houses of the Oireachtas on creating a framework for child and adult safeguarding in the health and social care sector in the context of this Act, to expand and strengthen safeguards for children and adults to prevent the risk of abuse and harm.”.

I thank the Minister of State and his officials for coming to the House.

It was proposed on the Order of Business that we would conclude the debate on this legislation today. That is the political reality we live in. There is an urgency on the part of the Government to get through its programme and its commitments in legislation. There were no objections to the Order of Business, and, therefore, we have to work on the basis that we will conclude the debate on the legislation this evening.

The amendment states:

The Minister shall, within 12 months of the commencement of this Act, report to the Houses of the Oireachtas on creating a framework for child and adult safeguarding in the health and social care sector in the context of this Act, to expand and strengthen safeguards for children and adults to prevent the risk of abuse and harm.

We do not need to look back at history to know about the abuse of children or adults. We know that it went on in institutions, in State care, in private care and in private homes. There is not a day when we do not pick up a newspaper and read about the tragedy of the violation of people, be they children or adults, in placed in which they expected to feel safe. People expect to feel safe in their home. They have a legitimate expectation of trust and care that they will be safe from harm and abuse, but, sadly, that is not the case. I always bring that thought to legislation. It is something I am hugely committed to. I have personal experience of this matter. One thing about this Parliament is that we see things from where we stand and from the experiences we have had, and we bring that to the table. We all have different experiences. We are exposed to different sets of circumstances. Fr most of us, our experience of life prompts us to move on in politics.

I am conscious that this will be my only opportunity to speak on the amendment. As a result, I will outline some of the reasons for tabling it. Elder abuse remains widely under-recognised and under-reported. It takes place in many homes and in many forms. Many of us will have heard complaints about hospitals and nursing homes, but, as I said, abuse can take place in private homes. There are many forms of abuse, be it physical, emotional or sexual abuse or coercive control. Safeguarding begins by noticing and listening, particularly to older people, and responding when something does not seem quite right. We are familiar with a certain feeling we get about things. Sometimes we might not be able to put it into words, but people get feelings about things. When that happens, they need to be checked out. Older adults in particular must be supported and cared for in a way that respects their preferences, independence and dignity. It is essential that the new regulatory framework be put in place - I will talk about that in a moment - in order to protect both home care providers and service users. Everyone involved when it comes to a care package needs to be protected. That is really important. We have an opportunity and an obligation to create a system that prioritises dignity, flexibility, service user and client choice and personal safety.

The statutory home support scheme committed to by successive Governments is clearly still an objective in respect of which we will all try to work collectively. I know it is not possible at this juncture to roll out the complete suite of what the Government anticipated, but I am glad to see that this is still an ambition of the Government. I acknowledge that. We know that most people want to stay in their homes. Where they do, we need to support them. Central to the legislation must be the service user. I looked at the Minister of State's significant contribution on Committee Stage in the Dáil. One of the key things he kept emphasising is that, at the end of the day, it is about the service users and their priorities. I acknowledge the significant contribution the Minister of State made in the Lower House.

Critical to the success of the legislation will be building on home support packages. That is critically important. However, they must be packages that empower clients to choose their providers, agree flexible visiting times, improve alignment between needs and skills and make for better use of capacity. Maintaining personal autonomy is really important as one advances in years. Waiting lists for home care services have surged. I do not need to lecture the Minister of State about that. We are all aware of it. Data released by the HSE shows that the number of people on waiting lists for home care for the first three months of 2026 stood at over 5,300. The HSE's head of service for older people, access and integration said that nobody is waiting for funding to be allocated for home support, but the problem is that they are waiting for carers to be assigned due to shortages. That is the key point. It is not the money – that is in place,

according to the HSE – it is the staff shortages. There are a number of reasons for this, including costs, training and the fact that it can be more expensive for people who are carers to live in cities. There are a range of complexities involved. The Minister of State has been looking at the recommendations of the strategic workforce advisory group, SWAG. That work is progressing, so I will not go into any more detail on it. The shortage of carers is presenting problems for many hospital patients who are unable to be discharged because they are waiting for carers to be found for them. That is not satisfactory when people are looking for acute beds. There are people in acute beds who want home care support but cannot get it. That is a challenge. The shortage of home care support is particularly challenging in rural areas. The Minister of State will know this as someone who represents an area that is split between urban and rural. It is totally unacceptable that people around the country who have been approved for home care packages are left languishing on waiting lists for months. Time, sadly, is not always on their side.

I cannot stress enough the importance of day care services. Senators on all sides have spoken about the importance of such services for the elderly. They allow many to live independently in their homes while receiving interventions, health monitoring, social engagement and interaction and nutritious meals. These are all very important for elderly people, particularly those who may live in isolated areas. The benefits are enormous, even if it is only two or three days a week.

Day centres are particularly important in rural areas. They provide crucial respite for families and care givers, preventing other issues and challenges. Day care services and home help can work hand in hand to allow one to age with dignity and respect, but, more importantly, on the basis of choice.

I acknowledge the significant work of the family carers across Ireland. When I reached out to them the week before last, I contacted Richie Molloy, a former independent councillor who is a strong advocate and who works for Family Carers Ireland. He told me about the number of carers who are in financial hardship, social isolation and poor health and who are having to shoulder the ever-increasing responsibilities with insufficient State support. That is according to the Family Carers Ireland report, *The State of Caring 2026*, which was published recently. That report paints a stark picture of life for thousands of people who are providing unpaid care for loved ones with disabilities, chronic illnesses and complex needs.

Why am I asking for the Oireachtas to create a framework for child and adult safeguarding? I am aware that progress has been made around children, but we need to make progress in respect of adults. There was something I picked up from the Minister of State's previous engagement. He rightly pointed out there is an overlap between the Department with responsibility for children, youth and disabilities, under the Minister, Deputy Foley, and the Department of Health. What is appropriate for one must be appropriate for the other. When all that will happen and will be knitted together is another day's work.

It is important that I make that point.

There is a lack of appropriate action. We need to develop this. Elder abuse overlaps other abuses, particularly with societal groups such as people with disabilities or people who do not have full decision-making capacity. "Capacity" is another very important word in this space. Do people have the capacity to advocate for themselves? Who is advocating for them? Do

those advocates have a conflict of interest in their advocacy roles? Are there conflicts within families in respect of what the priorities are? Where does this leave the client? The service users are central to all of this and they need to be protected.

Abuse can be perpetrated by family members or strangers or in relationships where there may be a high expectation of trust. I spoke about that last point as I opened my contribution today. We are all entitled to an expectation of trust and we must be kept safe from harm. When I talk about harm, I am talking about an assault, ill treatment or neglect in the case of an adult or, indeed, a child. Harm to anybody is unacceptable and we must protect them.

We talk about issues like sexual abuse, financial abuse, conduct that causes physical or psychological harm, unlawful conduct that appropriates adversely or that may affect people's property rights or personal rights, theft, fraud, embezzlement, extortion and conduct that causes people to self-harm. That last one is alarming and occurs when people feel that they have nowhere to turn and then inflict self-harm on themselves. Harm arises from any action, whether by a deliberate act or an act of omission, that may cause impairment that is physical, intellectual or emotional or impacts mental health and well-being.

What does all of that mean? In this amendment, I have asked and simply sought:

The Minister shall, within 12 months of the commencement of this Act, report to the Houses of the Oireachtas [only to report to the Houses of the Oireachtas, and not today, but in 12 months] on creating a framework for child and adult safeguarding in the health and social care sector in the context of this [Bill], to expand and strengthen safeguards for children and adults to prevent the risk of abuse and harm.

This Bill is one of many that present us with an opportunity to be proactive, to advocate and to be vigilant. We have the opportunity. So often, there is a situation where, after the event, we say we got it wrong and then ask what went wrong. We are the Legislature. We are Seanad Éireann, the revising Chamber for legislation. We are not here just to talk for the sake of talking. We are here because we believe in things. Things need to happen and things need to change.

I am not looking for a magic wand. I know the arithmetic of this House. It is all very well to stand up and say that this is the way we should be doing things, but the Minister of State will then read from a script or whatever and say he cannot do it for various reasons. I know the Minister of State has a bank of experts, advisers, policy people, the Attorney General, the Office of the Parliamentary Counsel, policy development officials and all of that. I will tell the Minister of State what I am really asking for. I will first thank him and the House for allowing me the opportunity to focus on these key issues. This amendment has given me that chance. It has put this scenario, which is one of many, on the record of the House.

I simply do not know what the Minister of State's final position will be on this proposal, having listened to the contributions and engagement by me and maybe others. I ask that we be proactive and alert and commit to some form of legislation. I say this because a framework is merely a framework. It is a very loose term, and I chose it because I thought it might be less adversarial and easier to get over the line. I do not think that is going to be the case, however. What I am really suggesting, and I hope the Minister of State will be in a position to say this will be the case, is that we can have a roadmap to strong, robust legislation that protects people

in care, be that in their homes or in State or private institutions. We have an obligation to do this, and it is a must.

I thank the Minister of State.

Acting Chairperson (Senator Garret Kelleher): Sula dtabharfaimid seans don Aire Stáit freagra a thabhairt, ba chóir dom a rá go bhfuil curaidh dhomhanda inár measc. Before we go any further, I welcome some distinguished visitors to our Gallery. These are the members of the Cabe Academy of Irish Dance, who are world champions, from Castleknock in County Dublin. I see that they are after bringing in the world championship trophy with them. They are very welcome to the Seanad. Tá fáilte romhaibh ar fad. I call the Minister of State.

Deputy Kieran O'Donnell: I thank the Acting Chair very much. I thank Senator Boyhan for a very comprehensive overview of safeguarding.

I would like to address this matter in the context of the points the Senator raised. There were a number of things. I have a briefing note, which I will go through, but I will give some structure in terms of an outline.

Within the Bill itself, section 21 amends section 101 of the principal Act. I am referring specifically to the insertion of a new section 101(4)(f):

the policies to be maintained by a registered home support provider to ensure the safety and quality of the services provided by the provider, including in relation to safeguarding, medication support, infection prevention and control, risk management and quality assurance ...

This means that there would be a specific requirement under the Act itself, and in the context of this Bill, that home support providers would have to maintain policies on a number of areas, including safeguarding.

The Senator raised two elements in this context: adult safeguarding and safeguarding for children. In terms of adult safeguarding, the Senator will probably be aware that under the Children First Act 2015, safeguarding policies are already in place for children. The relevant agency here is Tusla. In terms of adult safeguarding, the situation that obtained when I came into this role was that there was a commitment in the programme for Government to publish a national policy on adult safeguarding for the health and social care sector. We published that policy last December and the Government approved a policy framework. It is the first of its type in this area. Once again, it is something I worked on intensively with the officials. In addition, the Government has approved the development of legislation to underpin the framework. At the moment, the Department is working on a general scheme of a safeguarding Bill. We hope to bring that to the Cabinet before the end of the year. I think that will dovetail into the Senator's 12-month period. In the time the Senator is talking about, we expect to publish the general scheme of a Bill on adult safeguarding in the health and social care sector, which will come into line with the existing safeguarding legislation and policy for children as set out in the Children First Act 2015.

The policy framework itself includes legislative and non-legislative commitments that will significantly expand the existing supports and protections for adults at risk of harm across the

social care sector. In terms of structures, the HSE will be responsible, but the delivery of adult safeguarding will operate independently of the operational side of the HSE. This is something I am strong on, and we will be incorporating it into the legislation. HIQA will have the remit in terms of independent oversight and monitoring of adult safeguarding. Furthermore, in the context of the home support Bill, there will be equally independent oversight as well. We held a stakeholder forum very recently, on 3 June, to discuss and engage on the implementation of the policy framework. The HSE's chief social worker is leading the development of the implementation plan, which will come to the Department.

I will go back to the central point the Senator raised, which was elder abuse. Any form of abuse is unacceptable. Elder abuse can happen in any environment. In the policy framework we published last December, we have covered all aspects except for self-harm. That is not included. It is a specific, separate body of work that the HSE is undertaking.

Everything else, including coercion, financial, physical, emotional and sexual abuse, or any other form of abuse, is covered in that space.

I take the Senator's point. I would never put words in his mouth, but the word he was looking for may have been "instinct". If you have an instinct about something happening, you roll with it. If I am correct, that would summarise the position, and I accept that.

On home support hours, I am working with the HSE. We have seen a decrease, albeit not a huge one. The numbers are not going up. It is very simple. We have given additional funding to the HSE to recruit 257 additional home support workers. That is the key to bringing down the home support waiting list. We want to see the HSE recruiting for vacant posts. It is a matter on which I am actively working with the HSE.

The Senator made reference to decision-making. We obviously have the Assisted Decision-Making (Capacity) Act and the decision support services. It is very difficult for older people who may have myriad issues. They have to feel that one thing is safe. That is why we are looking for joined-up thinking. We are bringing through the home support Bill. That is the first step in statutory home care. More particularly, it will regulate the sector. Adult safeguarding legislation is being prepared. That will underpin what is in the framework on adult safeguarding. It will be in line with what is currently there for children, through the Children First Act. We expect that the general scheme of the legislation will go to the Cabinet before the end of the year, which will link in with the 12-month timeframe to which the Senator referred.

I accept what the Senator has put forward and the spirit in which he is putting forward. However, we are progressing in that space in a structured manner. For that reason, I will not be accepting this amendment. I take on board the sentiments the Senator expressed with his usual eloquence.

Senator Victor Boyhan: The Minister of State's opening statement was circulated. It runs to a page and four or five paragraphs. The final paragraph refers to the development of this regulatory framework. Does the Minister of State see that lovely term "regulatory framework"? The framework was in the amendment. The document states that the development of this regulatory framework has been a key priority for the Government, which is great and positive, and represents an integral part of the ongoing development of the statutory home care scheme

- we are all for all of that - as committed to in the programme for Government. The document states that the Minister of State looks forward to a productive debate. We have had the productive exchange or engagement, but I am none the wiser from all of it. The development of the framework is welcome and a key priority, so we are all singing off the one sheet, except that the Minister of State cannot accept the amendment.

I hear what the Minister of State is saying. I have known him a long time, and I know he is a man of his word. He is committed in this space. I do not particularly like using the term "in this space". Everyone is using the word "space" at the moment. Anyway, I hear what the Minister of State is saying.

Am I right, to be clear, that the Minister of State is committing to the publication of the general scheme and the legislation within the next 12 months? I hope that will be the timeline and that it will set out clearly the issues that we have covered. Am I right to understand from the Minister of State's engagement that the home care support Bill will progress at some point? Do we have a timeline for that?

Deputy Kieran O'Donnell: The Senator is correct that we are hoping a general scheme for adult safeguarding legislation for the health and social care sector will go to Cabinet before the end of the year. We are working intensively on that. We will seek the Seanad's assistance, and the legislation will be enacted once the President has signed it. There will then be a lead-in period. There will be a year for HIQA to get ready for the legislation. Within a two-year period thereafter, HIQA will have a full register of home support providers up and running. After that period, home support providers will not be able to operate without being on the register.

Senator Victor Boyhan: The Bill is coming through, and that will take 12 months. We are going to then have a transitional period about which the Minister of State spoke eloquently at committee. He was pressed on that point by various members. He said that the reality is that there will be a transitional period. There will be phasing as new people come in. There are other sideshows going on to address the shortage of carers and all of that. There is a three-year timeframe.

I heard what the Minister of State said. I am conscious that the Order of Business has given the approval to complete this business here today. That is out of my hands and out of the Minister of State's hands. It is not of my making or his. The options are clearly simple. We either do not accept the Minister of State's position and call a vote, and have everyone race up the stairs for the same usual exercise that has gone on for many years, or we clasp two hands in good faith and try to do something. I am opting for the latter option. I am happy to work with the Minister of State, as I am sure are the other Members of this House. We could tighten the timeframes, but that is a matter to do with Whips and how the Government organises its parliamentary business, and I respect that. It is important that we keep focused on these matters. Clearly, the Oireachtas committee can revisit the issue at some other stage. I thank the Minister of State for his engagement. I also thank the Seanad for the opportunity to raise these issues. This is a public forum and a very important place. We are on a pathway. It is important that we have this debate.

I am not going to press the amendment on the basis that the Minister of State has given a commitment to the effect that he is working on the issue. I will leave him with one request.

Please keep the focus on the home care packages. Over 5,000 people in this country are waiting. They want to live in their homes by choice. They want to be empowered and supported at a vulnerable stage in their lives. They may be younger people with a disability or special need. They may be vulnerable parents, worn out and exhausted trying to care for their loved ones. It is a very distressing situation. No family is untouched by some experience of this matter.

I thank the Minister of State for his engagement. I thank his officials and staff for their engagement. I hope that we can keep it on the radar and retain focus, and that we can work collaboratively to advance some of the key issues that I have sought to advance here today.

Deputy Kieran O'Donnell: I thank the Senator for his contribution and collaborative approach. Home support hours are a key priority for me and the Government. I want to bring the numbers down. They are coming down, but not at the rate I would like. The key element here is that we need to recruit more staff within the HSE. As I said, another 257 are funded and that work is under way.

I have regular meetings with the HSE, along with my officials, specifically around delivering home support. Some areas of the country are different from others. There is no homogeneous outline. Above anything else, home support will, dare I say it, be a key element of the statutory home care scheme and its operation. We have to increase the number of people in the area. It is a considerable body of work.

The Senator made reference to the word "pathway". We have a pathway, which includes the home support providers Bill and adult safeguarding legislation in the health and social care sector. There will then be the roll-out of the regulation. We will then move into the whole area of statutory home care itself. It is about ensuring that we have that momentum. The day-to-day activity is about people availing of home support hours. That is, and continues to be, an absolute priority for me and the Government.

Amendment, by leave, withdrawn.

Section 3 agreed to.

NEW SECTION

Senator Pauline Tully: I move amendment No. 2:

In page 6, between lines 3 and 4, to insert the following:

"Review of rates of pay and conditions of home care workers

4.(1) The Minister shall, not later than 6 months after the commencement of this Act, carry out a review of the rates of pay and conditions of home care workers in the public, not-for-profit, and private sectors, which should also examine career structures, rostering practices, mileage costs, and recruitment challenges.

(2) As soon as practicable after the completion of the review under *subsection (1)*, the Minister shall prepare a report, in writing, of the findings of the review and cause a copy of the report to be laid before each House of the Oireachtas."

As indicated on Second Stage, we are supporting the Bill. We think it is important that this sector is regulated, particularly as our most vulnerable citizens are dependent on care. Regulation is important, which is why this Bill needs to move forward as quickly as possible. The situation is that we do not have enough carers. We have more than 5,000 people awaiting care, either to have their hours filled or to have additional hours allocated ones because their needs have increased. We do not have enough carers. The ones we do have are rushed off their feet. They are rushing from service user to service user and are not able to spend the required time with anyone. This leads to people being put to bed at ridiculous hours in the evening or not getting up until very late in the morning, which has a huge impact on the quality of life of our older and disabled people. Some of the latter are young people or children.

There are blackspots that need to be addressed. I sought support for someone in the area of Cavan in which I live. I contacted the HSE and several private healthcare providers. None of them had anybody available in that area. The Minister of State indicated that there will be increased recruitment by the HSE. I welcome that. He said last week that there is no recruitment embargo, which contradicts what I was told by the HSE locally. There is no visible recruitment campaign happening. Many of the people who work for the private operators would prefer to work for the HSE because there are better pay and conditions on offer.

The Minister of State referred to increased recruitment by the HSE, which is very welcome, but I fear that it will just take staff from the private sector and that we will still have a deficit in provision for the people who require care. We need to recruit immensely in order to ensure that we provide care for all the people who require it. Whether they are in the public sector, the private sector or the not-for-profit sector, all of those workers deserve to be treated properly. The only way to recruit people into this sector and to retain them is by offering proper pay and conditions. That is not happening, especially for those who do not work for the HSE directly. Many of them do not get travel expenses. They drive on roads that are in shocking condition. The people to whom the call often live down long lanes in quite isolated rural areas. These workers' cars constantly have to be repaired as a result, and they are left out of pocket in that regard.

We need to address this issue in the context of a recruitment campaign, retaining existing staff and offering proper pay. I support the Bill. It is not bringing about the statutory home care scheme that was promised a number of times. I know the Minister of State says that the latter is coming, but we have been waiting for a long time for it. This is not about entitlement for service users. There is an opportunity to look at an industrial relations framework for this sector and to have an employment regulation order to guarantee certain pay and conditions. If we have low rate of pays, we undercut quality. In addition, there is a lack of continuity. Different carers come to people all the time, which is sometimes very confusing, especially older people who may have dementia. We want a high-quality service. That is something people are entitled to. We just need quality assurance. We need properly trained people, obviously, but we also need people who have compassion and empathy too.

The gaps in provision are putting a lot of pressure on families and family carers in circumstances where additional help is required at times. There is a lot of isolation and loneliness, which we need to look at too. Others are being forced into nursing homes because they cannot get the care necessary to allow them to stay in their homes. We heard from Senator Collins last week about her mother, who could not get care in her home. We need to shore up

the sector and ensure that we have sufficient numbers of properly trained people who can provide the care that people require in their homes to allow them to maintain their independence and in order that they will not have to fit in with a timetable because the carers do not have enough time on their hands.

Deputy Kieran O'Donnell: I acknowledge the issue that Senator Tully, on behalf of Sinn Féin, has raised in the context of the amendment. This is an important issue that the Government is actively addressing. The delivery of high-quality home support is dependent on the efforts of people who work in the sector. I take this opportunity to acknowledge the great work that has been done by home care workers who provide support and assistance to people of every age who have a wide range of medical conditions, abilities and needs and who are living at home. I agree with Senator Tully that independence is a huge factor in people being able to remain at home, both physical and mental independence. The mental aspect is often overlooked, but in the context of being in command of their lives and circumstances, whether they are young or old, I do not think people really change.

We continue to deliver on our Sláintecare commitments to increase the availability of care in the home and the community. We spoke about statutory home care. The latter goes back to Sláintecare, which is a cross-party policy. We brought a statutory home care scheme into the programme for Government, which I have been charged to work on. It is a process. As people are living longer, there is an inevitable increase in demand for home support. We should welcome the fact that people are living longer, but this brings challenges. There is no point in saying otherwise. Ensuring that we can attract and retain workers in this sector is therefore a matter of high priority for Government.

In 2022, SWAG, a multi-agency group to which Senator Boyhan referred earlier, was set up to examine issues relating to the recruitment and retention of healthcare assistants. The group produced a support containing 16 recommendations, many of which have already been delivered. The Department of Health is continuing to work with the HSE and other stakeholders and Departments to deliver on the remaining recommendations. I will shortly be launching a national survey of healthcare assistants that will provide us with important information on their healthcare conditions. The purpose of this survey is to allow healthcare assistants to outline their views. The results of this survey will be combined with the lessons from the implementation of the SWAG report to help us to identify our next priority for workforce development. It is important to highlight that much of the data that Senator Tully and Sinn Féin would like us to report on is not currently available or easily accessed, particularly in circumstances where service providers are not State-funded, which is estimated to be about a quarter of those entities that provide home support nationally. That figure comes from a recent ESRI study.

The information provisions set out in this Bill will provide HIQA with the power to collate and report on data of this type in order to inform national policy and planning. The relevant regulations must be made by the Minister before they can commence. This important task is being undertaken within this framework. The Government has delivered the SWAG report, which examined the relevant issues of healthcare assistants, and is working to deliver on its recommendations statutorily. By means of our upcoming survey of healthcare assistants and the regulations to be made on foot of this Bill being enacted, we will collate the data that we need to develop effective policy responses.

I accept the point the Senator is making in the amendment. For the reasons I have outlined, however, I will not be accepting it.

Amendment put and declared lost.

Section 4 agreed to.

Sections 5 to 8, inclusive, agreed to.

SECTION 9

Acting Chairperson (Senator Garret Kelleher): Amendment No. 3 in the name of Senator Clonan has been ruled out of order due to a potential charge on the Exchequer.

Amendment No. 3 not moved.

Question proposed, "That section 9 stand part of the Bill."

Senator Tom Clonan: The Minister of State and his officials are very welcome. I think the amendment has been ruled out of order in error, because when we spoke about this last week, there was ambiguity.

Basically, the Bill says that providers with fewer than four clients do not have to be amenable to regulation, but they can continue to work and be paid.

As I pointed out last week, the HSE acts in an idiosyncratic and capricious way when it comes to funding for carer and personal assistance support hours. I know this from my lived experience over the past 20 years. There is a terrible power imbalance between parents and disabled citizens and those who sanction payment for hours. Each regional health area acts differently in this regard. In fact, each community healthcare organisation, CHO, has its own rules. The CHOs make them up by themselves. I have been told by disability managers, after an assessment of need recommended that my now adult son needed, let us say, 24 support hours, that he did not need that number. The attitude is one of the health services will give him ten hours and we will take what we are given.

The reason I introduced this amendment was to be absolutely explicit and remove any ambiguity that "a person who provides a home support service to fewer than 4 persons as described in paragraph (a) shall be paid with public funds in a similar way to a registered agency and shall not be precluded from payment as a self-employed carer." It is not adding any extra cost to the Exchequer; it is just clarifying a matter. That is why I believe the ruling out of this amendment was an error.

All of these things, as Senator Boyhan referred to earlier, knit together. This time last year, on 25 June 2025, I introduced a comprehensive Bill on personalised budgets to this House. I worked with a corporate legal firm to do so. It was the first time in the history of the State that a corporate legal firm – one of the big internationals – worked with the Office of Parliamentary Legal Advisers, OPLA, to draft legislation. That major legal partnership came to me and offered me the use of a legal team, *pro bono*, for almost two years. The team did all of the research. It looked at every system internationally and every single consultation that this and previous Irish Governments had done, right up to and including the Action Plan for Disability Services 2024-2026 by the former Minister, Deputy O’Gorman, and the former Minister of

State, Senator Rabbitte. When I presented the Bill to the House and argued its merits, the Minister, Deputy Foley, delayed it for 18 months. It is delayed until Christmas Day. I have seen in the Order Paper that it will be read again on Christmas Day. Should I come in after my dinner or will it happen before I take the turkey out of the oven? The legislation I drafted is in line with every single policy aspiration of the Government.

If we have personalised budgets for disabled citizens, like my son, how will those funds be dispersed? That is why I am saying, like Senators Boyhan and Tully, that this should be person centred rather than administrative systems centred. Disabled citizens and older people should be able to choose the carers or support providers themselves. That should not be within the purview of an administrator in the HSE. When a lot of those administrators and disability managers move on, they move into the private sector. There is a revolving door in that regard. That is why they recommend in that way. I have had cases where HSE managers have told me to use a specific service and no other, and then I discovered that the people operating that service are former colleagues of that person.

I introduced this amendment to be absolutely clear that no self-employed care provider or personal assistant would be denied access to public funding as a result of their not being amendable to regulation, as set out in the Bill. Last week, the Minister of State agreed that the intention of this legislation was not to exclude those people from payment, but I fear that, as a result of the little bit of ambiguity here, it could be used as a way for the HSE to shoehorn disabled citizens and elderly people into availing of the services of large agencies and for-profit providers, which pay carers very low wages. The carers who come to me are earning €13 or €14 per hour despite approximately €35 per hour being allocated. It is the agency that takes that money. That is the reason I tabled this amendment.

I know that the amendment has been ruled out in error, one that revolves around the ambiguity I am trying to address. Whoever ruled it out of order thought that these providers would be paid in addition, but that is not the case. It is envisaged in the Bill, as confirmed by the Minister of State last week, that they would be paid anyway. I cannot see how this amendment would levy a charge on the State if it is already provided for in the legislation. It has been ruled out of order. I do not know whether the Minister of State would have supported it had it been allowed. I ask the Minister of State, when he and his officials are drafting the final legislation, to see whether there is any way they could include even one line to remove that ambiguity and ensure it is clear to anyone in the HSE that they cannot refuse to give public funding to someone on the basis that they are self-employed and not part of a large agency.

I thank the Minister of State for his patience.

Deputy Kieran O'Donnell: The Senator's amendment has been ruled out of order but I will speak to the section and the particular points he raised. I looked at this in great depth because I wanted to cover everything. I will read out the note and then I will cover a number of points thereafter.

I thank Senator Clonan for raising this matter. All exemptions included in the Bill have been carefully considered to ensure that there is no adverse impact on services that are not intended to be captured under the current regulatory framework. In relation to the matter the Senator raised, section 69B(2)(a) provides that where a person provides a home support service to fewer than four people, they are exempt from the requirement to register. That is in the Bill.

The exclusion was carefully considered in order to ensure that the regulatory burden placed on providers was proportionate to the size of the service being provided. These small services are typically single operators working on a one-to-one basis with service users. As I said on Second Stage of this Bill, I was in Wales for St. Patrick's Day and took the opportunity to meet its minister with responsibility for this area. In Wales, the regulation is four persons or fewer. In our case, it is fewer than four persons. The exemption also seeks to exempt personal assistance services where service users directly engage with a personal assistant. These arrangements allow the service user to direct the way in which their services are provided, which upholds the principles of the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD.

This exemption is further supported by 69B(2)(c), which exempts providers who have service arrangements with the HSE to deliver personal assistance services. The Department of Children, Disability and Equality is progressing a broader programme of work to develop a vision and strategy of specialist disability services for 2030 that will include considerations, particularly around governance arrangements, across the disability sector more broadly. That Department is also advancing the development of a policy framework on supports for community living, which will include consideration on the role of the personal assistant. The outcome of this work will inform future policy and legislative considerations for disability services.

The home support authorisation scheme is how the HSE commissions tendered home support from approved providers. The scheme opens periodically to allow prospective new providers to apply to become approved. The scheme requires providers to meet certain criteria. This legislation seeks to introduce regulations for home support services. Matters relating to HSE-commissioned home support services are to be further evaluated during the design of the statutory home support scheme. It is committed to in the programme for Government. We are going to look at that in depth.

The Senator raised a specific point about personalised budgets. I have no doubt that the Senator has a greater knowledge than I of this area. It is something that is personal to him and he understands it well. A personalised budget demonstrator pilot was established in 2019 on a cost-neutral basis. In May 2025, the demonstrator pilot commenced its evaluation phase, which is expected to conclude shortly. It is being led by the National Disability Authority. The evaluation will provide insights into the barriers and facilitators to rolling out personalised budgets on a large scale. It will, therefore, inform next steps. There are, therefore, personalised budgets within the disability sector.

9 o'clock

Under the pilot scheme people with disabilities can get a budget and determine the person they want to engage to do that service for them. To clarify the point, the Bill here just deals with the regulation specifically. I wanted to look at this and to be totally without any form of ambiguity. This legislation deals with regulation. The issue of how home support is commissioned by the HSE is something we are going to look at in greater depth as part of our design of a statutory home care scheme. We give that commitment. It is not even a commitment but something we are going to do. There is that pilot project for personalised budgets for people with disabilities and an evaluation run by the National Disability Authority. That is due to conclude shortly and we await the outcome of that review.

I hope that brings clarity to the points the Senator raises.

Senator Tom Clonan: I thank the Minister of State.

Question put and agreed to.

Sections 10 to 22, inclusive, agreed to.

Title agreed to.

Bill reported without amendment.

Acting Chairperson (Senator Garret Kelleher): When is it proposed to take Report Stage?

Senator Maria Byrne: Now.

Acting Chairperson (Senator Garret Kelleher): Is that agreed? Agreed.

Bill received for final consideration.

Acting Chairperson (Senator Garret Kelleher): When is it proposed to take Fifth Stage?

Senator Maria Byrne: Now.

Acting Chairperson (Senator Garret Kelleher): Is that agreed? Agreed.

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

Minister of State at the Department of Health (Deputy Kieran O'Donnell): I thank everyone for their contributions. This is significant legislation. It is a landmark Bill in that for the first time ever we will be regulating home care providers. That will give added confidence to the people who use the service, who are the most important people of all, about the high quality of the service. I acknowledge all the work done by home support workers and providers and by the people who are doing it for family without being paid. They do phenomenal work. This legislation has now gone through both Houses of the Oireachtas and will go to the President to be signed. It is an integral part of, and the first step in, the commitment in the programme for Government to design a statutory home care scheme to allow people to stay in their own home for as long as possible, if they wish. It is hugely important that people remain independent. This home support providers Bill is a first step in that direction and I thank all Senators for their great work. I look forward to continue working with them on a range of matters, with the development and design of a statutory home care scheme as a key focus.

Senator Victor Boyhan: I will be brief because I am aware it is the end of a long day for many of us. I wish the Minister of State well. The way he conducts himself and his business makes matters easier to deal with. I wanted to acknowledge that because it is a significant part of the success of navigating this Bill through the House. That is a credit to the Minister of State personally and I thank him for that. He has made a number of commitments, which I look forward to. I will be tracking them, as he doubtless knows. I make a final plea because while

we have this Bill and more promised legislation, there are more than 5,000 people waiting for home care packages this evening. They must always be to the fore of our thoughts, our policy and the provision of necessary resources. I certainly give the commitment that I will be back on my feet in a month or two with a Commencement matter asking the Minister of State to make a statement on the number of people looking for a package. I hope the figure will be down to 3,000 by then rather than up to 10,000. I wish the Minister of State well. I look forward to tracking the commitments he has given us.

Deputy Kieran O'Donnell: I thank Senator Boyhan. It goes without saying I acknowledge the officials in the Department.

Senator Victor Boyhan: Absolutely.

Deputy Kieran O'Donnell: A lot of it goes unseen. They are a huge part of any work done by Government. I wanted to put that on record.

Senator Victor Boyhan: Hear, hear. Well said.

Senator Maria Byrne: I compliment the Minister of State and his staff on the passing of this significant legislation. As he said it is the first step on the way to a statutory home care scheme. I wish him all the best with it. It is really good people can have the assurance they are all on the same footing. I wish the legislation all the best and congratulate the Minister of State. I know how committed he is to the future of this and I am sure there is other legislation coming to us shortly in a similar vein.

Question put and agreed to.

Acting Chairperson (Senator Garret Kelleher): When is it proposed to sit again?.

Senator Maria Byrne: Tomorrow, at 10.30 a.m.

Acting Chairperson (Senator Garret Kelleher): Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 9.08 p.m. go dtí 10.30 a.m., Dé Céadaoin, an 24 Meitheamh 2026.

The Seanad adjourned at 9.08 p.m. until 10.30 a.m. on Wednesday, 24 June 2026.