



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

Gnó an tSeanaid - Business of Seanad.....	89
Nithe i dtosach suíonna - Commencement Matters	90
Mental Health Services	90
Education and Training Provision	93
Sports Funding	95
Tax Reliefs	97
An tOrd Gnó - Order of Business	100
Guardianship of Infants and Child Care (Amendment) Bill 2026: Second Stage.....	116
Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026: Second Stage	129
Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026: Instruction to Committee	137
Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026: Committee Stage	139

SEANAD ÉIREANN

Dé Céadaoin, 24 Meitheamh 2026

Wednesday, 24 June 2026

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.

Prayer and Reflection.

Gnó an tSeanaid - Business of Seanad

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

Senator Tom Clonan - The need for the Minister for Health to make a statement on the implementation of the national service plan 2021 and to fully fund the nationwide multidisciplinary teams for mental health of intellectual disability.

Senator Nessa Cosgrove - The need for the Minister for Further and Higher Education, Research, Innovation and Science 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 Maria Byrne - The need for the Tánaiste and Minister for Finance to make a statement on amending inheritance tax thresholds for individuals who have no children of their own.

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 in its pre-budget submission.

Senator Linda Nelson Murray - The need for the Minister for Enterprise, Tourism and Employment to make a statement on measures currently in place to prevent counterfeit and unsafe toys from entering the Irish market.

The matters raised by the Senators are suitable for discussion. I have selected Senators Clonan, Cosgrove, Duffy and Maria 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

Mental Health Services

An Cathaoirleach: I welcome the Minister of State, Deputy Mary Butler, to the House.

Senator Tom Clonan: I thank the Minister of State for coming here today. I very much appreciate that the line Minister of State is here to answer my Commencement matter.

I am here to talk about the national service model for the mental health of intellectual disability. I might explain that. Tens of thousands of people throughout the Republic suffer from intellectual disabilities. Many of these people live at home with elderly parents. There are 55,000 disabled adults over the age of 25 living at home with parents who are over the age of 60. A plan for the mental health of intellectual disability service was published in 2021 to establish teams around the country to meet the needs of this very vulnerable community and their carers. Since then, however, only one team has been set up fully with the proper complement of nurses, a consultant psychiatrist with higher specialist training in the mental health of intellectual disability, social workers, psychologists, occupational therapists, OTs, and physiotherapists. There is only one team - a pilot project in Cavan. Throughout the rest of the country, those teams are not filled.

I have been approached by a number of hospital consultants and executive clinical directors in the field of mental health of intellectual disability. I have also spoken to the chair of the faculty of mental health of intellectual disability in the Irish College of Psychiatry. They confirm that these teams are not fully staffed and are not funded. The HSE has said that the reason for that is that they cannot recruit allied health professionals, such as psychologists, social workers, physiotherapists and so on but that is not the case. In fact, the HSE is refusing to fund these posts. That is not the fault of the Minister of State, but perhaps she could encourage it to do so. In Cork, for example, there is a team and all it has is a consultant and executive clinical director. It has no social worker, no psychologist and no occupational therapists.

That is the fact of the matter today. Given the huge client base of hundreds of older adults with intellectual disabilities who are also particularly prone to mental illness, and in the absence of all of those allied therapies, what consultants have to do - it causes them moral distress - is overprescribe psychotropic medicines, which have very heavy side effects. When one consultant was able to get some psychology support and some OT support, they were able to get one intellectually disabled adult out of a wheelchair and walking again. Another disabled adult has been able to be titrated from a heavy psychotropic medicine to the stage where she can now feed herself. Another disabled adult, having been de-prescribed because of access to these supports, has been able to take up full paid employment in the community. Here is one of the saddest examples: a family reports that an adult with an intellectual disability has recovered her personality and has a sense of humour again. When we think of those parents getting older and being terrified about what is going to happen to their children, the least we can do is fully fund and staff these mental health of intellectual disability teams throughout the State.

Acting Chairperson (Senator Anne Rabbitte): Before I call the Minister of State, I would like to welcome the teachers and students from Gaelscoil Riabhach atá anseo leis an Seanadóir Shane Curley.

Minister of State at the Department of Health (Deputy Mary Butler): I also issue a céad míle fáilte roimh páistí na Gaelscoile. They are very welcome here today with Senator Shane Curley.

I thank Senator Clonan for raising this important matter in the House. I also thank him for his constant advocacy for people with disabilities, including intellectual disabilities. Expanded access to specialist mental health services, including the national clinical programme for mental health intellectual disability, is a priority for me. It is estimated that four in every ten people with intellectual disabilities can experience a mental illness in their lifetimes. The HSE developed the national clinical programme for mental health intellectual disability to better support people with intellectual disabilities with their mental health. I launched that model of care in 2021 with the objective of improving mental health service experiences and outcomes for people with intellectual disabilities.

I stand here as the Minister of State who has had responsibility for mental health since 2020 and as a Minister of State for whom the glass is always half full as opposed to half empty. In 2020, there were 220 teams across Ireland for mental health. There are now 285. By any yardstick, funding of 65 additional teams has to be acknowledged.

There were services for mental health intellectual disability in place already but the process of developing teams began with the formation of several small teams around the country. Under the model of care, there should be 31 adult teams and 16 children's teams nationally. It is a specialist adult mental health service, with clinicians who have the appropriate training and experience to assess and treat people with mental health intellectual disability, taking into account their specific needs. As per the model, teams should include psychiatrists, clinical nurse specialists, speech and language therapists, social workers and occupational therapists. All professionals on each team work with the individual and family or caregiver to develop holistic care plans that meet their wishes and needs and provide evidence-based interventions to achieve the best outcomes.

The mental health intellectual disability national clinical programme is being implemented through the development of multidisciplinary teams on a phased or incremental basis. There are now 30 teams of various sizes in place: 20 adult teams and ten child and adolescent mental health service, CAMHS, teams. Parallel to that, I have put in place clinical programmes for ADHD, with 11 teams funded across the country; eating disorders, with 14 teams funded across the country; dual diagnosis; early intervention in psychosis; and mental health with intellectual disabilities.

One of the decisions I took over the past two years was to look at the postcode lottery and, instead of putting a full team into one area, having starter teams in two different areas. I speak to clinicians, consultants and the college of psychiatry, and we all know that the most important part of that team is the consultant psychiatrist, with the admin supports. It is great to have the multidisciplinary approach and that is what I am trying to get to, but I have funded consultant psychiatrists in starter teams. I will get three consultant psychiatrists for €1 million. I will get

a whole team for €1 million but I want to get the services into as many areas as possible. That is why we have 20 teams in place for adults and ten for children.

I am conscious of the challenges for children with intellectual disabilities and for adults living at home with intellectual disabilities. I funded 15 posts this year. I will fund, please God, more posts next year. I have to build the models of care not only across intellectual disabilities but across six or seven definitions at the same time. That is what I try to do. I try to do a little every year. Fifteen posts this year would have cost in excess of €2.5 million. It is recurring funding. It is not if and when; it is embedded in the base.

Senator Tom Clonan: I thank the Minister of State for her response. There is nothing personal in what I am about to say. Over the past number of years, I have got to know her a little bit and she is a person of the highest integrity. She mentioned an increase from 220 to 285 funded teams throughout the State. At the same time, she says 30 teams of various sizes have been stood up. There is quite a discrepancy in those figures. Maybe that is something we can clarify subsequently. I might write to her about that.

For adults with intellectual disabilities who used to be held in congregated settings, their services have now been moved to the community but I can tell the Minister of State that those services are not available to them. I agree that there are some of what the Minister of State calls starter teams, but they are seriously understaffed. Those consultants tell me it is not a recruitment issue but a refusal on the part of the HSE in those regional areas to fund the posts and go about the business of recruiting the allied health professionals.

Deputy Mary Butler: I have the HSE's back on this. I will tell the Senator why. In budget 2026, I was able to fund 300 new posts. The difference between the mental health budget and the rest of the budget is that funding for those 300 posts is ring-fenced. I wrote to the six regional executive officers across the six regions to say I had secured this funding under the mental health budget. Three hundred whole-time equivalents is quite a significant number; it is the most I have got in the six years.

There were 15 posts for intellectual disabilities. Their funding is ring-fenced and recurring, and they have to be recruited. I have monthly meetings with the HSE and the Department to make sure this happens. I break my back to get as much funding as I can. I have increased the budget for mental health by 60% in the past six years. It is difficult when it comes to recruitment but I have not had push-back from any of the regional executive officers when they are told they have this ring-fenced funding to recruit. They can do more under their own budgets and we have seen that in areas.

I am aware, especially in relation children with intellectual disabilities, that we are trying to smooth the pathway for children. Whether they belong in a CAMHS team, a children's disability network team, CDNT, primary care psychology or the National Educational Psychological Service, NEPS, they are being pushed from Billy to Jack. I accept that 100%. That is an area we have a strong focus on. All that parents want, whether for an adult child or a younger child who is dependent on them, is for them to get the services. I will do more in next year's budget and I will make sure that those 15 posts are recruited this year. I thank the Senator for his advocacy.

Education and Training Provision

Senator Nessa Cosgrove: Cuirim fáilte roimh an Aire Stáit, an Teachta Dillon. Youthreach and community training centres, CTCs, provide educational opportunities for young people when mainstream education fails to meet their learning needs or is not suited to those needs. These learners often come from hard-to-reach communities and communities that are excluded and often live with disadvantage. In Youthreach and CTC programmes, learners aged between 15 and 21 work towards achieving Quality and Qualifications Ireland, QQI, levels 3 and 4 qualifications, which are equivalent to junior cert and leaving cert applied.

Students in Sligo and Leitrim CTC have the opportunity to study computers, catering, hairdressing, sports and recreation, and car maintenance. A major part of these courses is the linked work experience, which can lead to full-time employment or an apprenticeship. This is down to not only the active engagement of the learners but also to the staff - the adult educators and resource people who deliver the training and learning on a daily basis.

These critical workers have been underpaid for many years. I know this having worked very closely with them. There are other factors, including the failure of the Department to correct disparities in the academic calendar which mean that these resource teachers often feel undervalued compared with mainstream educators.

Most secondary school teachers accept that while these educators deliver education differently and in a different environment, they are very much equals as professionals. In many cases, however, they face a tougher job than a lot of mainstream school teachers. They possess a unique set of attributes and skills which meet the holistic needs of young people who they work with every day. However, educators employed by community training centres are employed with less pay and weaker terms and conditions not only to mainstream secondary teachers but also to their Youthreach counterparts. Historically, there was a pay alignment between Youthreach and those employed by the CTCs. This parity lapsed some years ago. It is the restoration of that parity which is the subject of the dispute that CTC staff are currently engaged in.

SOLAS, the Irish Association of Community Training Organisations, IACTO, the education and training boards, ETBs, and SIPTU, their trade union, all met and agreed to a pay rise of 9.25% with the Department of further and higher education. The Department sought funding from Department of public expenditure and reform. However, the latter came back with a disappointing offer of 7% to be paid over 18 months which SIPTU, correctly, deemed unacceptable. This resulted in the balloting of SIPTU members, who voted 98% in favour of industrial action. Unless the situation is de-escalated immediately by the Government, this industrial action could lead to all-out strike action. The last thing these dedicated educators want to do is to disrupt the learning of a group who are among the most vulnerable learners and who depend on stability and predictability. However, the lack of regard that has been shown to resource tutors and adult educators is such that they now feel they have no option but to press ahead with industrial action. Such action will cause severe disruption. The responsibility lies with the Government to ensure that industrial peace is maintained and that the dedicated education professionals are kept in the classroom where they belong and where they want to be, working with the vulnerable learners who they support so much.

The agreement with the Department of further education, and negotiated by Kevin Duffy, for an increase of 9.25% was not over-generous; it was fair. I hope the Government will honour it, but there seems to be an unwillingness to do this. From where does that unwillingness come? The Department of further and higher education has stated that it has sought the money but that the Department of Finance is unwilling to provide it.

Minister of State at the Department of Enterprise, Tourism and Employment (Deputy Alan Dillon): I welcome the opportunity to address this important issue. I thank Senator Cosgrove for raising it. I am taking this matter on behalf of the Minister for Further and Higher Education Research, Innovation and Science. I want to begin by acknowledging the vital work carried out by the staff in our community training centres. These staff play a critical role in respect of some of the most vulnerable young people in our communities, including early school leavers and those at risk of disengagement from education. I have visited many of the centres across Mayo, and their contribution is very much recognised, valued and deeply appreciated.

It is important to set out the context. Community training centres are independent, non-profit organisations that are grant funded by education and training boards. They operate with their own boards of directors as employers. The Department is not the direct employer of staff in the CTCs, and pay matters arise within the employer-employee relationship. I am aware that there is an ongoing pay dispute, which is something the Government regrets. SIPTU is seeking a 9.25% pay increase which aligns with the Workplace Relations Commission, WRC, agreement relating to section 39 organisations. While the Department, through SOLAS, has supported an offer of 7%, following budget 2026, with funding ring-fenced for that purpose, agreement has not yet been reached and members have been balloted for industrial action. The Department and the Government have engaged extensively with stakeholders, including IACTO, as their employer body, SOLAS, as their funder, and SIPTU representatives. It is important that matters progress through the industrial relations machinery of the State and, specifically, the WRC, with conciliation under way.

The Senator raising the issue here today is import and timely. The Government strongly supports reaching a resolution through the established industrial relations mechanism. We hope the issue will be resolved in a swift manner.

Acting Chairperson (Senator Anne Rabbitte): Before I call on the Senator to respond, I welcome Fódhla Dunne from Tramore to the Gallery. She is here as a guest of Senator Joe Conway.

Senator Nessa Cosgrove: I thank the Minister of State for his response, which is very disappointing. It is an insult, and 7% is an insult. Section 56, section 10 and section 39 workers, Tús workers and Citizens Information employees all got the settlement of 9.25%. The latter are funded organisations as well, but the Government is saying that 7% is acceptable. The WRC ruled in favour of SIPTU in respect of the claim of 9.25%. It is very insulting that the Government has gone back to say that the workers should accept 7% when the WRC has issued a ruling in respect of the 9.25%. It is insulting to the people they are working with that their work is not appreciated. In comparison with secondary school teachers, there can be a discrepancy of €11,500, even though they are supporting the same young people and the same

cohort. No one wants to go on strike, but 98% of CTC employees have balloted in favour of industrial action. The Government needs to start treating them with respect. What they are looking for is what those in similar groups that are funded by Departments - these are not directly employed staff - have received. It is imperative that the Government take this very seriously, because no one wants to go on strike.

Deputy Alan Dillon: The Government supports and recognises the work of these educators. Notwithstanding that, this is a complex industrial relations matter involving independent employers, trade unions and funders. The Senator has to recognise that. It must also be recognised that the Department is not the direct employer here. A funder offer has been made, which is also important to recognise, and the dispute has been progressed to the WRC. Our priority in this House and in the Dáil is fairness and for a sustainable resolution to be arrived at. There is an offer on the table.

Again, I want to recognise the contribution of all the staff who operate within available resources. I acknowledge the work they do to avoid disruption to any of the learners. It is important that we see a resolution. I would very much support that.

Sports Funding

Senator Mark Duffy: I welcome the Minister of State. The immigrant investment programme, IIP, was launched in 2012. This programme benefited organisations and communities across the country to the tune of €1.25 billion following its introduction. It was closed in 2023. I understand that there are a range of issues pertaining to the closure and winding down of the scheme. We have seen a real impact on investment in County Mayo in particular. Westport United received €2.8 million in 2023.

As the Minister of State will be well aware, Islandeady GAA received €3.6 million, while Knockmore GAA received €2 million. These are substantial investments in sporting organisations, at a level and scale that no other State agency or body can match. It is really transformative for sports organisations and clubs.

I understand that there have been issues in terms of certain loopholes that may have been exploited. It is fair to highlight that, but what I am calling for is the reintroduction of the scheme in a way that benefits sports clubs and organisations and would not expose Ireland or allow loopholes for bad-faith actors. If we are smart in our policymaking and legislation, we can achieve that, but it requires political will to make it happen.

Deputy Alan Dillon: I thank Senator Mark Duffy for raising this important matter, which I am taking on behalf of the Minister for justice, Deputy Jim O'Callaghan.

As the Senator stated, the immigrant investor fund was introduced by the Government in 2012, when the struggling Irish economy needed investment to create business and employment opportunities across the State. During its operation, it generated over €1.2 billion in investment for projects right across the country.

The programme fulfilled its purpose and, as the Senator will be aware, the Government agreed to close the IIP to further applications on 15 February 2023. The decision to close the

programme followed a comprehensive review and reflected wider policy considerations, including recommendations at European level regarding investor residence schemes. Appropriate arrangements in relation to the orderly winding down of the programme were also put in place.

The closing of the IIP did not affect already approved applicants and projects under the programme. The programme is fundamentally one for investors, not for projects or funders. The investor is the primary applicant and makes an application for an immigration permission, and nominates a proposed project as part of that application.

The Department of Justice, Home Affairs and Migration has continued to process applications for immigration permissions in respect of approved investments, that is, investments applied for prior to the closure of the programme that have been approved by the IIP evaluation committee. The IIP unit within the Department is committed to ensuring that all current applications will be examined on their merits and will endeavour to conclude all decisions in a timely manner.

The IIP unit also communicates with projects seeking to benefit from investments made in connection with an IIP application, more specifically in relation to how the terms of the programme apply to a particular project. The unit also engages with projects and monitors them for compliance with IIP requirements.

The Government remains committed to attracting foreign direct investment and supporting economic development right across the country. Ireland's approach, however, is focused on sustainable investment, job creation and enterprise development through a range of established channels, including the work of agencies such as IDA Ireland and Enterprise Ireland.

At present, there are no plans to reintroduce the IIP or to establish a scheme to replace it. That said, the Government continually reviews how best to support investment, innovation and economic growth. As part of that ongoing work, we remain open to examining measures that can encourage investment in Ireland while also ensuring that our immigration system retains its integrity.

Senator Mark Duffy: I thank the Minister of State for the reply. I am aware that he is here on behalf of the Minister for justice today, but the reply is disappointing, specifically because there is nothing comparable in terms of funding for sporting organisations, clubs or community groups at present. It is not as if the Irish State can match the programme or put something else in its place.

We had the begging bowl out and had the programme as an incentive for people to invest and engage in Ireland when we were under economic and financial pressure. The minute there was any improvement in that, the programme was wound up. The point I have made is that there are ways and means of doing this in a way that is constructive, protects our values and means no exploitation of loopholes or bad-faith actors. A blanket decision to keep the programme closed is not wise, considering the impact it has made. The projects are transformative, once-in-a-generation projects for clubs and organisations across the country, with programme funding provided at a scale that the State is not willing even to entertain.

I ask the Minister of State, using whatever influence he may have, to relay my point to the Minister for justice and the Government more broadly. This would be much appreciated. All

of us, including the Minister of State, can see the direct impact of investment under the programme in clubs and communities across Ireland.

Deputy Alan Dillon: Again, I thank Senator Duffy for raising this important issue and acknowledge his contribution in seeking investment into Mayo.

The IIP, as outlined, was successful in its time. When the Irish economy had hit rock bottom, it generated significant investment when most needed, to the tune of over €1.2 billion. However, it has fulfilled its purpose, notwithstanding the recent announcements on Knockmore GAA, Westport United and, more locally to me, the Islandeady community development committee, which received €3.6 million. That is reflective of the amount of work they have put in.

The Minister for justice has outlined that there are no plans to reintroduce the scheme or replace it. Thankfully, the Minister for sport, Deputy Patrick O'Donovan, will soon launch the sports capital programme. A sum to the tune of over €250 million was allocated in the last round. We would hope a lot of that will be directed into sports facilities. The large-scale and regional sports programmes are very important. Our focus now is on ensuring sustainable investment in every parish, community, town and village right across the country. This can support communities and enterprise, create jobs and ensure our long-term economic growth.

Tax Reliefs

Senator Maria Byrne: I thank the Minister of State, Deputy Troy, for coming to the House to discuss this important issue. I am asking him to make a statement on the issue of inheritance tax.

When a parent dies, he or she can leave up to €400,000 to any of his or her children. For those who are married but who may not have children, however, the threshold from sibling to sibling is €40,000. Many people who do not have children feel very disenfranchised in that they feel they have paid their taxes. Whoever they are going to leave their inheritance to is often put to the pin of their collar to pay the inheritance tax. Many people end up having to sell the family home or shares, for example, just to pay the tax due.

An issue also arises where couples who are not married buy a house together. If, before getting married or where there is no marriage, one partner dies, the other can inherit only €20,000. In many cases, the surviving partner might have to sell the house that they bought together just to pay the inheritance tax.

There seems to be a huge anomaly in this regard. It is very unfair that someone who has paid their taxes and wishes to leave what they have to a loved one, be it a relative, niece, nephew, cousin or other individual, is disenfranchised.

I would love to hear what the Minister of State has to say about it, and if a review is being carried out in this whole area. It is an issue we need to look at seriously.

Minister of State at the Department of Finance (Deputy Robert Troy): I thank the Senator for raising this matter. It is quite popular currently, largely due to the work of the end tax

discrimination group. The group is contacting us all and I acknowledge that it is doing great advocacy work, as the Senator is herself. She has raised this before in the Seanad.

The capital acquisitions tax, CAT, is a beneficiary-orientated tax that is payable by the recipient of a gift or inheritance as opposed to the person providing that gift or inheritance. CAT plays an important role in ensuring that we maintain a broad tax base and raised €854 million in 2024 and €1.12 billion in 2025, so it is not an insignificant sum of money.

For CAT purposes, the relationship between the person giving the gift or inheritance and the person receiving it determines the maximum amount, known as the group threshold, below which CAT does not arise. The Finance Act 2024 increased each threshold by approximately 20%, with an estimated cost of €88 million. The group A threshold, which in general applies where the beneficiary is a child of the disponer, increased to €400,000 from €335,000. It is useful to note that the definition of "children" for capital acquisitions tax purposes includes any stepchildren, adopted children or certain foster children. All can avail of the group A threshold in respect of gifts and inheritance received from the disponer. The group B threshold increased to €40,000 from €32,500. This threshold applies where the beneficiary is a brother, sister, nephew, niece or linear ancestor or descendant such as a grandchild of the disponer. The group C threshold increased to €20,000 from €16,250, with this threshold applying in all other cases.

It should be borne in mind that where a person receives a gift or inheritance that is in excess of the relevant tax-free threshold, CAT at a rate of 33% applies on all excess benefits.

It is important to be aware that there are significant costs associated with increasing the existing thresholds. For instance, an increase in threshold A to €500,000 would cost in the region of €86.6 million, while an increase in threshold B to €60,000 would cost approximately €70 million. In relation to the idea of combining thresholds A and B and bringing relatives such as nephews, nieces, brothers and sisters within the scope of the higher threshold, the Senator should note that Department of Finance officials reviewed this matter last year in the CAT tax strategy group paper. As part of this exercise, Revenue estimated that the cost of merging groups A and B to be in the region of €305 million. These costs have been updated recently, and it is estimated that such a change could now cost in the region of €350 million. It is fair to say this is a significant sum of money, and while I appreciate the Senator's sentiment toward the issue, it is not an easy undertaking from a budgetary perspective.

The tax strategy group paper was published in advance of the budget and is the best means of considering issues such as inheritance tax in an analytical and transparent way. The group is not a decision-making body and the papers produced by the Department of Finance are simply a list of options and issues to be considered in the budgetary process. Officials included a further update on this matter in this year's tax strategy group papers, which will be published shortly.

I assure the Senator that the Tánaiste is conscious of the burden of capital taxation and continues to engage with his officials on these matters. He also met with the End Discrimination in Inheritance Tax group and I understand that further engagement with it is going to take place. As with all taxation matters, this will form part of the budgetary consideration, which has started for next year's budget. I welcome that there is updated data in the tax strategy group's papers this year that will help inform the decisions and considerations

that the Tánaiste and the wider Government will have to make in advance of the upcoming budget.

Acting Chairperson (Senator Anne Rabbitte): Before the Senator's response, I welcome the Meath opportunities for training, MOT, group from Navan, County Meath, and Ashbourne Women's Shed to the Public Gallery. I understand that they are guests of Deputy O'Rourke. They are welcome and I hope they have a lovely day.

Senator Maria Byrne: I thank the Minister of State for his response. I understand that a significant amount of money comes from the inheritance tax. It is almost like a form or double taxation. The people who earn the money have already paid tax on it, and now the person who is going to inherit it has to pay tax on top of it again. While I understand that a change would cost a lot of money, I pay tribute to the End Discrimination in Inheritance Tax group, which has been thorough in setting out the issues that people, especially childless couples, are facing and the predicament they are in. I am glad to note that figures will be published shortly, and I will be looking at them carefully. I understand that there has to be a balanced budget, but tax has been paid on this money already and that is something that really needs to be looked at. I think we need to do some sort of major reform in that area, and I would appreciate if the Minister of State would take that message back to the Department.

Deputy Robert Troy: The Senator can be guaranteed that I will bring her message back loud and clear. I have no doubt that she is using her own offices and her direct contact with the senior Minister in the Department to make her views known. As I have said, €350 million is a significant amount of money. I am sure the Senator has been in Buswells many days in the past few weeks when various advocacy groups are coming to put forward proposals on the need for additional resources to keep critical services going and to support people in our communities.

The Senator is right. People who are leaving money in a will have worked hard to accumulate that money. They have paid taxes on their work. They have done the right thing and put money away, but it is not they who are paying the tax. It is the beneficiary who is paying the tax, and that is a bit of a difference. At a time when the Tánaiste and I are advocating that people take out a new investment account and are encouraging them to invest and save their money in a different way from next year, there is maybe a recognition and a timeframe that something can be done in this area. Maybe it is for a special niece or nephew and to acknowledge people who are childless. However, to be fair, there are many families where nieces and nephews would maybe need introductions to some of their aunts and uncles.

Maybe we have to be imaginative in how we do it. The critical thing is that the tax strategy group papers are going to give updated information. That data will help to inform the Tánaiste in his consideration before any decision is taken at a wider Government level.

I will certainly relay back to him the strong message the Senator has raised with me this morning.

Senator Maria Byrne: I thank the Minister of State for his personal interest in the area.

Cuireadh an Seanad ar fionraí ar 11.19 a.m. agus cuireadh tús leis arís ar 11.33 a.m.

Sitting suspended at 11.19 a.m. and resumed at 11.33 a.m.

An tOrd Gnó - Order of Business

Senator Garret Ahearn: The Order of Business is No. 1, the Guardianship of Infants and Child Care (Amendment) Bill 2026, changed from, Guardianship of Infants (Amendment) Bill 2026 - Second Stage, to be taken at 12.45 p.m. and to conclude no later than 2.15 p.m., with the time allocated to 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 no less than ten minutes to reply to the debate; No. 2, the Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026 – Second Stage, to be taken at 2.15 p.m. or on the conclusion of No. 1, whichever is earlier, and to be brought to a conclusion after 90 minutes, with the time allocated to 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 no less than ten minutes to reply to the debate; No. 3, motion *re* the Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026, instruction to committee, to be taken on the conclusion of No. 2, with the time allocated to the opening remarks of the Minister not to exceed four minutes, all Senators not to exceed four minutes each and the Minister to be given no less than four minutes to reply to the debate; No. 4, the Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026 - Committee Stage, to be taken on the conclusion of No. 3 and to adjourn at 6 p.m. if not previously concluded; No. 5, Insurance (Disregard of Certain Medical History and Miscellaneous Provisions) Bill 2025 - Second Stage, to be taken at 6 p.m. and to conclude at 7.15 p.m., with the time allocated to the opening remarks of the Minister not to exceed eight minutes, all Senators not to exceed six minutes each and the Minister to be given no less than six minutes to reply to the debate; and No. 67, motion 3, Private Member's motion *re* visitor levy on paid overnight accommodation, to be taken at 7.15 p.m., with the time allocated to the debate not to exceed two hours.

Senator Dee Ryan: I reiterate a call I made in the House last month for a dental tax credit to be made available in this year's budget to parents of primary school children. I propose a €200 dental tax credit for parents to help to cover the cost of routine dental treatment, because delays in the school dental screening programme are causing additional cost-of-living pressures for families. The report by colleagues on the Oireachtas Joint Committee on Health laid bare that just over half of eligible children nationwide received school dental screening in 2023. They are supposed to receive screening in second class, fourth class and sixth class, yet I have been contacted by parents in Limerick whose children are leaving the primary school system without ever having been seen by a dentist.

I acknowledge the significant steps that have been taken by the Government to improve the situation with dental care. My colleague, the Minister, Deputy Lawless, has increased the number of third level dentistry places. In time and with the new intake of 70 students to the Royal College of Surgeons in Ireland, RCSI, in Sandyford last September, this will increase the number of practising dentists available to us. However, I have spoken to the Irish Dental Association. A number of challenges remain for dentists and the association is calling for reform of the medical card dental scheme, including measures to simplify it. It talks about the

introduction of a voucher-based approach in its pre-budget submission, which I support. I ask the Leader to bring this call for a dental tax credit for working families who are dipping into their savings and their pockets to put their children's healthcare requirements first, as we all do as parents. We could introduce a practical, targeted measure to assist them as a cost-of-living measure in the upcoming budget in addition to the longer term reforms the Minister is making. She is bringing forward work on this.

Sticking with the theme of health, I sought an update from the Minister for Health two weeks ago on the appointment of a project board to oversee the delivery of something that is badly needed in the mid-west, namely, new acute model four hospital beds. I understand the Minister is still working on that. We eagerly await the appointment of that board. I reiterate calls by clinicians and consultants in the mid-west for a step to be taken in the meantime, that is, to increase the number of consultants in the mid-west. Unfortunately, in the mid-west, we have the lowest number of consultants per head of population, with just 59 consultants per 100,000 people versus the national average of 82 per 100,000 people. It is part of the ongoing problem in the mid-west and I urge the Minister to address that issue immediately.

Senator Gareth Scahill: I support Senator Ryan's call on dental care. I would go a step further. I have called in this House previously to expand the role of hygienist to potentially increase capacity in the system. I would appreciate it if we could have a further discussion on that in the House.

Today, I acknowledge the report just published by the Oireachtas Joint Committee on Drugs Use. It put nine months of extensive work into the report and I look forward to reading the recommendations. From what I have read so far, the committee took a health-led approach to this. I heard Deputy Gannon on RTÉ this morning saying it was up to the Government to enact and fund this because the costings for implementing the report had not been done.

Quite often, I have spoken in this House about resourcing the services that we have at the moment. I have regularly called for more Garda resources in my own region, a region that has not got an allocation in the five previous passings out from Templemore. The right approach to this not a complete U-turn on how we deal with it, but an attempt to resource the gardaí that we have on the ground and give them the opportunity to enforce the law in this regard.

I have often spoken with constituents who feel that drug use is out of control in parts of rural Ireland. Everyone has heard stories that if drug tests were done in some sports clubs at weekends, we would be surprised at the findings. We have all heard stories of knocks on the door after bereavements in areas and people calling in debts that the particular individual who passed away supposedly owed to these individuals.

We have to take a closer look at resourcing the Garda to deal with this problem. We should go a step further and take a closer look at resourcing Customs and Excise as well. I was at a pier on the west coast recently enough. I saw that the drugs strategy on the pier was a sign stapled to the wall telling people to ring a number if they noticed any unusual activity. If that is the sum total of what we are trying to do to prevent drugs coming into some of these rural ports, we need to have a look at that.

I would welcome the opportunity for the House to discuss the current strategy and have a good, heated conversation about what we think could better resolve matters and resource what we have on the ground already.

Senator Sharon Keogan: I would like to reference a case we heard of over the weekend where an elected representative faces personal legal exposure arising from what was described as a routine constituency representation. I will not go into the specifics, but I highlight it because whatever the outcome of that specific case, it broadens the discussion to a more structural problem that we cannot ignore. Put simply, we have a situation where institutions are protected from certain legal actions but elected individuals are not. Local authorities have insurance and legal backing. County councillors have insurance for statutory roles, but not representational roles. The councillor or TD may be left personally exposed, even when they believe that they are acting in good faith. I do not believe that is in the public interest. The reality is that the job of a public representative is, by its very nature, highly blurred, confused and often opaque. Representatives deal daily with sensitive personal issues such as housing, welfare and planning, often on the basis of incomplete information and under significant time pressure. They are expected to navigate complex legal frameworks, including data protection law, without the benefit of legal training or consistent clarity. Without addressing this gap, we face a real danger. We risk chilling or even paralysing representatives from doing their job in advocating, intervening and assisting constituents for fear that one mistake could result in serious personal legal and financial consequences.

There is also a deeper issue. If exposure to liability becomes too great, we risk politics, even local politics, becoming a rich man's game, where only those with the financial means to absorb that risk are willing to serve. In cases where the consequences of a mistake can be so severe, we risk something even more troubling - creating a situation where, if a representative finds themselves already in breach of one rule, the incentive to fully comply going forward is weakened.

Of course, we must acknowledge limits. We cannot protect against everything, nor should we. There must be accountability where wrongdoing occurs. Otherwise, what is the point of fines or legal consequences? However, just because an issue is complex does not mean we should avoid it. It means that we should be willing to go in and bring clarity where confusion currently exists.

What is needed is a serious and structured conversation with the Minister about solutions. These may include a dedicated insurance product available to all elected representatives or a State-backed framework to support representatives acting in good faith within their role. At present, we have a patchwork system. That is evidenced by the fact that, even today, I could not find a central database on how much money the State has lost in legal actions from outside bodies regarding fines. Local authorities can be fined by outside bodies.

A lot of people may not be aware of this issues but it is important for all elected representatives. Currently, if a legal case is taken against a local authority or a member of a local authority, particularly with a local authority, their legal fees are paid but the fines in relation to that case must be met by the local authority or the public body. Our system is unclear, inconsistent and exposed. That must change and we must begin that work today. I

just want to alert all representatives to this. It is a serious issue and the loophole needs to be closed.

An Cathaoirleach: I thank the Senator. She may submit it as a Commencement matter. Anois, an Seanadóir Maria McCormack.

Senator Maria McCormack: What I have in my hand is the new Women's Aid report. It is fairly stark reading. I did not have a stapler big enough to staple it together. It is 160 pages long. This is just for 2025 and things are getting so much worse. I am calling for an urgent debate on domestic abuse and what we can do. This report is really frightening. It is the lived reality of women and children in Ireland today, but what is more frightening than what is in the report is that these are just the disclosed cases. We know that the statistics are much worse. Many more women do not feel safe to come forward or get to this stage.

Women's Aid's front-line services were contacted 37,790 times, the highest number ever recorded. A total of 62,275 closures of abuse against women and children were made. Women disclosed being assaulted, raped, stalked, strangled, inappropriately monitored, humiliated, controlled and terrorised. They disclosed financial abuse, coercive control, threats to kill, threats to take their children and abuse that continued even after relationships had ended. There were 1,321 threats to kill, 512 disclosures of non-fatal strangulation, 906 disclosures of stalking, 381 disclosures of rape and 1,500 disclosures of abuse during pregnancy or after giving birth. Women in Ireland in 2026 are being terrorised in their own homes by men who are supposed to love them. Children are growing up in homes where fear is normal, control is constant and safety does not exist.

I am asking for an urgent debate on violence against women because we cannot continue to treat this like a side issue. This is a national emergency. I say "national" because this is across the island of Ireland. Although this report is just for the Twenty-six Counties, this is an all-Ireland problem and we need an all-Ireland approach.

In that context, I welcome the important progress made yesterday by my colleague, Deputy Matt Carthy, when his Victims of Sexual Violence Civil Protection Orders Bill passed Committee Stage. This is important legislation because it will allow courts at the time of sentencing to put protection orders against abusers in place that remain in force after the sentence ends. A prison sentence does not automatically mean safety for these women. Survivors deserve protection that does not stop at the prison gate. They deserve not to live in fear of when their abusers will be released. I commend Deputy Carthy on driving his legislation forward. I also acknowledge the incredible women, survivors and campaigners, who have helped bring it to this point.

Their courage, advocacy and refusal to stay silent has pushed this onto the agenda.

Senator Nessa Cosgrove: I echo Senator McCormack's request for a full debate in this House on domestic and gender-based violence. Such a debate is long overdue.

I want to talk about a different issue. Last week, I had the privilege of welcoming a group of learners from the Sligo and Leitrim community training centres to Leinster House. There are more than 31 community training centres across the country. They cater for young people

whose needs were not met in school or else school was unsuitable for their needs. These learners engaged actively when they came here on an educational tour. I commend the staff of Leinster House on the brilliant job they always do in making people feel so welcome. These young people, along with others, engage in different forms of education in training centres and via Youthreach and similar programmes. Traditional schools did not meet their needs, including their material needs. The payment of a training allowance of up to €250 a week, plus additional money for accommodation or travel, is a major incentive for young people who wish to continue with their education.

Upon graduation at level 3, which is equivalent to the junior certificate, or level 4, which is equivalent to the junior certificate applied, many students want to progress to a level 5 or level 6 qualification at a PLC college. However, because many of them are still under the age of 16, they find themselves cut off from this level of support and are unable to access social welfare supports such as jobseeker's allowance, which would alleviate their financial position. Instead, they find themselves reduced to an under-18 level of payment of around €45 a week or they have to apply for a SUSI grant, which is much less generous in its monetary value. Even at its highest rate, it is just €7,936 per year, which is €152 a week - a significant drop from a training allowance. Who would be able to cope with the loss of that income, especially in families where the parents might not be able to provide additional support to students at home?

What often happens is that when students finish their level 3 or level 4 qualification they want to stay in education because they are getting the training allowance but they are not able to progress to level 5 because they would lose a significant amount of money. It is hard for young people to get meaningful work at the moment. We want to keep people in education for as long as we can.

The Sligo Community Training Centre has recommended that a different option would be available that is also available in the Cavan Institute. I refer to a PLC access programme. Instead of going around in circles doing a level 3 course and then a level 4 course within the same training centre, they could do an access course for one or two years that would help them to transition to a PLC course. That would not only address their learning needs and be specifically tailored to them but it would also help with their financial situation.

Senator Frances Black: I want to draw the attention of the House to a significant report that was published earlier. I refer to the final report of the Joint Committee on Drugs Use. This is a landmark piece of work. I acknowledge the outstanding contribution of all the Senators who are on the committee, namely Senators Ruane, Fitzpatrick, Ní Chuilinn, Costello and Nicole Ryan. I also commend Deputy Gannon, the chair, and all the other members of the committee. The briefing earlier this morning was wonderful. I want to say a special word about my colleague and good friend Senator Ruane. She has dedicated her life to this issue. It is the reason she came into politics in the first place. Her passion, lived experience and moral clarity have been a driving force in bringing us to this point. This report bears her fingerprints, and the people most affected by addiction in the country are better served because of her work. I just wanted to say that.

As founder and CEO of the RISE Foundation, which has spent more than 17 years supporting families impacted by loved ones' addictions, I have first-hand knowledge of how devastating and isolating it can be for families to watch a loved one struggle with substance

misuse disorders. Families often feel completely alone and without support. They are forgotten in the conversation. They often frequently carry enormous anxiety and worry. They are without adequate support and have nowhere to turn. Therefore, I am particularly heartened that the committee's final report devotes such serious attention to family and community supports in particular. It recognises that substance misuse rarely exists in isolation, that it is bound up with the huge trauma and poverty, mental health and housing issues people experience and that our response must address all of these together.

What strikes me most about the report is how deeply person-centred it is. It places the individual at the heart of everything, recognising that people living with substance misuse problems are not individuals to be managed or criminals to be punished. That is really important. They are human beings who deserve dignity, compassion and access to the right supports at the right time. That is a crucial shift in how we think about this issue. It is long overdue. No child grows up saying that they want to be somebody with a substance misuse disorder.

The report also calls for the establishment of a permanent Oireachtas joint committee on drugs use and for its recommendations to be incorporated into the forthcoming national drugs strategy. Both of these asks are crucial. I call on the Government to take this report seriously and to act on its recommendations without delay. For too long, Ireland's response to addiction has been shaped by stigma and a criminal justice lens that has not reduced harm and has caused enormous damage to individuals, families and communities. This report offers a clear evidence-based and humane path forward. This is a report on which we should have a debate. I would like to see a debate on this issue. I again commend the committee on its report and my colleague Senator Ruane on the great work she has done.

Senator Alison Comyn: I support what Senator McCormack said about the horrific Women's Aid statistics published earlier. Domestic violence in this country has reached epidemic proportions. I remind the House that we had an extensive debate on the matter with the Minister for justice on 12 May but I agree with the Senator that we must do anything we can to stop the violence.

Last week, I made an impassioned plea regarding the proposed closure of the 14 step-down beds at the Cottage Hospital in Drogheda, saying that it must not happen. Following extensive meetings with management over the week and intervention by the Minister of State, Deputy Murnane O'Connor, and others, we have a stay of execution in respect of those beds. I cannot overstate how vital this service is. It frees up beds in Our Lady of Lourdes Hospital, which is already under severe pressure. This is a service for elderly and vulnerable people and to remove it from the town is unthinkable.

I attended a very busy protest rally on Monday. There were so many people there. I started a petition, and we have almost 1,100 signatures on it. This is not going to happen, but at the same time it is only just a review that is taking place at the moment so I have to keep the pressure on. We have to make sure that HSE management and the Minister for Health are aware of this. This is not just happening in Drogheda but right across the country. Our smaller grassroots healthcare is being downgraded when we need it to be upgraded, especially in large towns and emerging cities like Drogheda.

If the Cathaoirleach will indulge me, I want to comment on the fact that we have what I suppose passes for a heatwave in Ireland at the moment. We are experiencing very high temperatures, and young people want to go out, swim and have fun. Without wanting to spoil any fun and games, I urge Members to please speak to their children. Let them know that if they are not particularly strong swimmers or if they are swimming in a dangerous area where there are no lifeguards, they should take care. We do not want to have any more statistics with regard to the loss of young people.

An Cathaoirleach: Before I call on the next speaker I welcome guests of Deputy Lahart to the Gallery. They are most welcome to Seanad Éireann.

Senator Noel O'Donovan: I want to share in what my colleagues have said and welcome the report of the drugs committee. Our colleagues in the Seanad have put such vital work into it. I agree with the call that it should be a permanent committee. We should have a debate in this House on drugs use, drugs policy and what we are doing as a State. I honestly admit that I have reservations about the decriminalisation of drug use, but that is my personal view. It obviously cannot just be the criminal justice system that is involved in this issue because it has to be about much more than that. We must support family resource centres and youth centres, which we are not supporting well enough. I visit many of them and they do not know where to go for funding. They are not getting a solid line of funding.

12 o'clock

We are not doing enough at a societal level for a health-led approach to prevent drug use. Senator Scahill outlined that An Garda Síochána was not being resourced. We have talked time after time about putting more gardaí into rural Ireland. We need more there. We need more drug units in rural Ireland to prevent the criminals in the system who are bringing illegal substances in for sale and supply. We are not doing enough to deter and catch these people, and we need more resources there. Revenue definitely needs more. I welcome the work of the committee. We need a debate on this matter and we need action, because this is affecting every townland, parish and part of our society. We need change.

Ironically, the next matter I want to talk about is supporting our rural pubs, which I would see as a vital asset in rural Ireland. These are community centres, not just places where they sell alcohol and other substances, which I suppose can cause desperate effects. We need to support rural pubs, which provide a vital service in our countryside. Over 2,000 pubs have closed in recent years. The Vintners Federation of Ireland has a solid proposal of a tax rebate scheme from the Government. We need to act before it is too late and we lose our pubs. I see that the incoming British Prime Minister is talking about supporting pubs in the UK. I am not saying we need to look across the water for best practice, but we need to act before it is too late for our rural pubs.

Senator Pauline Tully: Ní raibh mé anseo inné. Déanaim comhghairdeas leis an Seanadóir Ahearn as a bheith ceaptha ina Cheannaire ar an Seanad.

I want to raise the issue of dental services. My colleagues in the Dáil had a motion on this yesterday and discussed it in detail. I welcome the fact that the Government did not oppose it.

Senator Ryan has raised the matter today as well. However, there needs to be more done than just not opposing a motion. There needs to be actual planning and investment in services.

We have 11,000 people on waiting lists for some form of dental care, be it orthodontics, including braces, or routine surgery, and 8,000 of those have been waiting over a year. Some 40% of our children are waiting more than two years for services. One parent was in contact with me. She has 11-year-old twins who have never had any sort of access to a dentist within the public system. She cannot afford to pay privately. She had to for an emergency once for one of her children, but she is working part-time, her husband is unwell and they are depending on the working family payment, so it is not possible for them to afford proper dental care.

Another parent told me that her daughter had been called for a hygienist appointment but was sick on the day and could not attend. She sent her apologies, but the child has been waiting 18 months to get another appointment with the hygienist.

A third person told me that her son had been on a list for years for orthodontic treatment. He has now turned 18 and has been told he will be taken off the list. He does not know where he is going to go to get this orthodontic treatment. There needs to be a pathway from child to adult services.

We need to hear a plan from the Minister on the Government is going to address this. We have the lowest number of dentists per head of population in all of the EU, at nearly half the EU average. Only one third of dentists are providing care under the public dental treatment services scheme, which is quite outdated and needs to be updated. Only one in ten dentists works for the HSE. We need to look at some way of tying in dental services with the GP visit card, for example, so that people can get dental care based on need rather than ability to pay.

An Cathaoirleach: I welcome Ms Aileen Whelan from Play Activity and Leisure Ireland to the Public Gallery. She is a guest of Senator Linda Nelson Murray.

Senator Anne Rabbitte: I wish the very best of luck and good wishes to Senator Ahearn in his role as Leader of the Seanad.

Today, I remember the heavenly birthday of Rory Coady, the son of Craig Coady, who has been a campaigner on Friedreich's ataxia. He, along with 200 other families, are campaigning for a drug approval. They have now been waiting over 840 days for that drug to come through the assessment criteria. The drug company has submitted all of the most up-to-date information required by the HSE.

The Minister for Health has done phenomenal work in engaging in the launch of the review into the drug reimbursement scheme, as well as the review of the whole process. We are total laggards when it comes to how long it takes for a drug to be approved. It should be 180 days, but these families have waited 840 days so far. Time is muscle. Every day we are waiting, families can see their loved ones, their most precious, deteriorate. They do not know what the next day brings.

While it might not be perfect, we know that this drug has a 55% success rate and can hold the condition where it is at. It can prevent that child, who currently has the ability to walk,

from progressing to a wheelchair. It means that the person who is in college can continue to live an independent life.

I know that people met the Taoiseach and that there was a commitment to have a decision at the end of June or the first week of July. I am calling for those dates to be held to and for the HSE to be put under pressure to deliver on this drug. A success rate of 55% is a hell of a lot better than no success.

Senator Linda Nelson Murray: Sometimes, I believe that things happen for a reason. On my way to Leinster House today, I spoke to a friend of mine who talked about the struggles of dealing with a parent with Alzheimer's disease and how difficult it was for the family and, obviously, the person with dementia, who had worked all their lives, to adjust to the situation.

This morning, the Alzheimer Society of Ireland gave a fantastic presentation over in Buswell's Hotel on what it was looking for in the budget. I was drawn to the fact it was looking to expand capacity at existing day care centres. One such centre that badly needs extra resources and money is the Alzheimer's day care centre in Navan, in Whistlemount on the Kells Road. An increase of just €100,000 in the budget will help three day care centres across Ireland. These are the centres in Cork, Navan and Carlow, which are seeing the biggest increases in Alzheimer's cases. Senator Rabbitte would know all about this from her time working in disability services.

The organisation has big asks in what it is looking for in the budget, and I encourage the Leader to write to the Minister to express that the amount of cases each year is growing by 3%. In many cases, Alzheimer's and other forms of dementia are linked to Parkinson's, in which respect we spoke last week about the need for an increased budget. Will the Leader write a letter to the Minister for Health about this matter to see what we can do to help, particularly the Whistlemount Day Care Centre in Navan, County Meath?

Senator Chris Andrews: I agree with the comments on the Committee on Drugs Use's report. I acknowledge the work that everyone has done on that. As Senator Black said, Senator Ruane's fingerprints are all over it, and it is the better for that. It is important to ensure that we have a health-led drugs policy.

On Monday, the housing Minister, Deputy Browne, made particularly bleak commentary on the housing issue. He said he had no idea when homeless numbers might finally begin to fall. He also said that he did not know if the Government's housing policies were doing anything to get people out of homelessness. That was a pretty bleak statement to make. He also admitted that the number of people was still increasing and, at best, would only stagnate in the near future rather than decrease. This is an acknowledgement of failure by the Government, yet there is no sense that there will be any change to the plan and process. In many ways, it is normalising failure around housing and effectively throwing in the towel. When you think about it, there are 18,000 people on the homeless list in what is a wealthy country. That is shameful, and we need to do better. How many times have Fianna Fáil and Fine Gael claimed that they will solve the housing crisis? The Minister has effectively thrown in the towel and acknowledged that he will not be able to solve the housing crisis. How many times have Fianna Fáil and Fine Gael housing Ministers stood up and said that they will make progress on ending

homelessness and bring down housing waiting lists? There are nearly 18,000 homeless people in this State, and that number is increasing every single month.

It is shameful. We need the Minister to come to the House and explain how he is going to change policy in order to make a difference to people's lives and end homelessness.

Senator Mark Duffy: I will take the opportunity to highlight the commemoration celebrations of the birth of Admiral William Brown from Foxford, County Mayo. Members may be interested to know that he was the founder of the Argentinian navy. He was born in 1777 in Foxford and led an incredible life. He was very much inspired by the opportunity to help to achieve independence for Argentina, having left Ireland, which was under much oppression and political, economical and societal strife at the time. The impact he made is incredible. The weekend celebration was the 249th anniversary of his birth. There was a Mass in Foxford church and a march through the street by the Foxford Brass Band, which is celebrating its 130th anniversary. This was followed by speeches at the walkway by the River Moy and a get-together in the Admiral Brown Memorial Hall.

The committee is gearing up for the 250th celebrations next year. I am asking for the support of the House to make sure that the Government and all key stakeholders in the Irish Embassy in Argentina and indeed the Argentinian Embassy here support the committee's efforts to make sure we put on a show and a real celebration of the ties that link both countries, in particular the Admiral William Brown connection in Foxford. A play is being launched later this year called *Liam*. I met some of its producers at the weekend. They are enthusiastic. It was great to see the number of Argentinians, members of their diaspora here, celebrating the exploits of the Argentinian team over the past two games in the World Cup. They are passionate about the strong values and ties that connect both countries. I acknowledge Margaret Reilly, chair of the committee, who is doing brilliant work. We want as much support as possible for the committee ahead of the 250th celebrations next year, including the naval ship from Argentina, the *Libertad*. Hopefully, it will dock in Dublin and around Kilcummin Bay.

Senator Lynn Ruane: I thank my colleagues from across the House who were part of the Committee on Drugs Use. We will get into a more detailed debate when the report comes before the Houses. This week has been quite emotional for me as we acknowledge the work of citizens' assemblies, politicians and Departments. The only reason I am in politics is to achieve decriminalisation. If anybody wants to get rid of me from politics just give me decriminalisation and I will be gone. Decriminalisation of the person who uses drugs is not about a substance. A substance does not go to a jail cell, a substance does not die or sit in its room lonely. People do that. It is not about substances; it is about the person. When decriminalising drugs, we should consider not the drugs but the person. We are decriminalising the person for something that they are experiencing.

The weather is warm at the moment. One of the reasons I have my full arms on display today is to remind myself that every flower on my arms represents a friend of mine who has gone, either directly from overdose or from drug-related issues. Every flower represents the month they died, with the month that flower blooms. While we recognise the international evidence, I acknowledge the promise I made each and every time I kissed each one of them goodbye on the head as they lay in the funeral home, that one day they will not be a criminal purely because they experienced addiction or because they used drugs. I ask as we move

forward to consider that report, that we remember it is not about substances, it is about people. It is about how we treat people and how we create every opportunity not to compound that harm for people who are already experiencing some of the greatest vulnerabilities and complexities in their lives. I want to remember my friends today and to mark their lives as being part of the journey that I will continue on, as this report is given more life. I thank everyone here who has supported the work to date.

An Cathaoirleach: I thank Senator Ruane for her work in championing that committee and the report and for bringing the experience of people she knew to the Seanad and to the committee.

Senator Sarah O'Reilly: In just over three weeks' time TDs and Ministers will go on holiday. They will not be back in the Chamber until the middle of September. That is not news to anyone but what will surprise people is that on 31 July, while they are all away and the Dáil is in recess, the Government will restore excise duties on petrol and diesel. Last week the Government voted to increase the cost of fuel by 27 cent on petrol and 32 cent on diesel. This will place immense pressure on households that are already struggling to get by. Prices in Ireland are 36% above the EU average and the Governor of the Central Bank of Ireland has warned that the inflation shock will worsen in the coming months because of the war in Iran.

Budget 2027 must be revolutionary because every time the Government talks about disability support, fuel price reduction or the cost of living it tells us to wait and see what the budget will bring. From what I can see, the Government likes to get a nice headline for introducing temporary financial support and then when people have received the tiniest bit of breathing space, it pulls the rug from under them. This cannot be allowed to happen. It is not a coincidence that ahead of the vote on excise duties and increasing carbon taxes in October, both the Taoiseach and the Tánaiste came out in support of removing the three-day wait. I feel it was a "look over there" move while they do this. The story on fuel prices being increased was buried under articles of backbenchers being unhappy with the Taoiseach and speculation on who in Fine Gael would follow the Tánaiste's lead. The timing of the Tánaiste and the Taoiseach having this epiphany is questionable. It is insincere of the Government to impose an increase in fuel prices while they are off on holidays and cannot be held to account by the public. Restoring excise duties and increasing carbon tax is wrong. I ask that we have statements in this House on that matter.

Senator Aubrey McCarthy: I commend my colleague, Senator Ruane, on the work she has done in the area and on the report that was launched today. She was also talking from personal experience. I know, even in my own family, what addiction can be like.

I also want to speak today about a place I visited that is inspiring young people to engage with science, technology, engineering and mathematics called Explorium, which is in Sandyford. I visited it recently and was impressed not only by the scale but the vision and the innovation behind it.

For over 20 years the Government has discussed creating a national children's science campus. Reports have been written, proposals developed and great plans made but yet today, that ambition remains unrealised. What struck me on my visit to Sandyford was that we may

already have what we are looking for. I never came across it before. I saw an email on LinkedIn and said I would visit this place. It is a discovery centre with hundreds of interactive exhibits, where children learn by doing. They are not simply reading about science. They are experimenting, discovering and developing curiosity in a way that brings the learning to life.

We pride ourselves on being global leaders in technology, engineering and innovation but the next generation of scientists, engineers and innovators are sitting in the classrooms today. If we want to remain competitive then we need to nurture them at a young age. From what I was shown I believe it is a value for money question that deserves consideration. We hear discussions about investing tens of millions of euro in a national centre, but perhaps we already have one within 10 km of Dublin. As legislators, we have a responsibility to ask whether it makes more sense to build something new or actually to develop an existing national asset.

I commend the team at Explorium on what has been achieved. It demonstrates what is possible when you put your mind to it. If we are serious about preparing an Ireland for the future, we must not only invest in buildings but in curiosity, opportunity and young minds.

Explorium is exactly that.

Senator Victor Boyhan: First, I thank Senator Ruane for her contribution here today regarding her own experience and that of her friends, colleagues and associates in relation to addiction. One of the great things about Seanad Éireann is the intimacy of this place as a Chamber and how each and every Member on all sides of this House brings their personal experience to their parliamentary work. There is nothing to beat personal experience, the lived experience. I acknowledge and thank Senator Ruane for sharing. It is never easy to talk about your own personal sets of circumstances. Politicians are great at talking about everybody else and the problem here, there and yonder, but when it comes right to the core of the person, it exposes a vulnerability about him or her. When we are vulnerable, I think we are at our strongest. I really believe that in connection with anything important. That authenticity makes us real and makes us connect emotionally. That is really important. Few people have that gift and Senator Ruane is one of them and I thank her for that. I thank her for that openness that she brings and that empathy about her own life experience in her parliamentary business. It makes her a very special person. I am so glad, and I think we all are, that Senator Ruane is a Member of this diverse House. That is the other great thing; we are diverse.

I have only one question to ask the Leader. Tonight there will be a very interesting Private Members' motion before us, which I do not intend to go into now, in the name of Fianna Fáil. I welcome that healthy debate about it, but it occurred to me that it all goes back to that issue of core funding for local government. We have in this country, at best, local administration. We do not have a comprehensive local government model such as there is across Europe. Today I looked at the chamber of commerce's submission to the local democracy task force consultation, dated August 2025. Will the Leader facilitate a letter to or communication with the Minister of State, Deputy Cummins, and the principal Minister, Deputy James Browne, on when the Government intends to publish the local government task force final report and recommendations? I ask that that would happen before the summer recess. It is important. The councillors of all parties and none now expect its publication. It is timely, essential and important. Will the Leader facilitate the request? That is all I am asking.

Senator Eileen Lynch: I wish all the Senators a happy St. John's Day. St. John's Day is a religious festival which we celebrate quite strongly at home in Aghinagh. There will be a mass celebrated at St. John's Well tonight at 8 p.m. and following that, there will be a platform dance on the Mushera platform on Mushera mountain between Aghinagh and Millstreet at 8.45 p.m. RTÉ will be there also, briefly, to do a clip, because it is doing a piece on traditions in the area. I wish well everyone who is attending it and the group behind the Mushera Platform dance and the maintenance of St. John's Well.

I want to speak about another local issue, but one which I am sure affects constituencies all across the country, and that is the rise we are seeing in rural crime. Over the past few weeks, in my own area of mid-Cork, across Dripsey, Aghabullogue and Rylane, we are seeing a spate of car thefts late at night in rural country yards but also in village housing estates. We need, I believe, a cross-departmental approach to dealing with this. It is a Department of justice issue but it is also a Department of rural affairs and community development issue. There is a rural safety plan, which was published in 2025, but we need to take more measures. We need to give more supports to groups, such as Muintir na Tíre and Community Alert. We need to provide more information and awareness to residents in rural areas as to how they can make their property more safe at night and how they can protect themselves.

A larger problem in this regard is rural isolation, that communities are probably not as strong or as close as they once were and, therefore, it is difficult for communities to work together against these kind of things. We are seeing that Community Alert groups and Muintir na Tíre groups, while still a big part of rural life and rural Ireland, are not as strong as they once were. I am calling for us to have the Minister for justice in here to discuss this issue, not so much for statements but on how we tackle it and what we can do to prevent it, for example, whether we need to look at stronger sentencing and better community awareness and to discuss the rural safety plan of 2025.

Senator Garret Ahearn: I thank the 18 Senators for their contributions. Senator Dee Ryan spoke about the dental scheme and simplifying it. As well as outlining an issue with dental care and access for children needing dental care, the Senator outlined a solution or a measure that could possibly help, which is the €200 tax credit. Obviously, we have a budget in September. I know the Senator will use her powers of persuasion within her own party - I am sure we will too - to try to convince the Minister. We have done a lot in the health service, particularly for children and young children under the age of eight, especially, but dental care is critical. It is not something we have done as much as we have done in other areas. When you are talking about targeted costs for cost of living, dental care is key to someone's health for life and particularly at an early stage.

The Senator also spoke about the new acute model for beds but, obviously, an increase in consultants across the mid-west is something that has been called for for quite some time by the Senator and many others. It is one of the reasons healthcare in the mid-west has been on the news and has been criticised or people in this Chamber and the Lower Chamber have been critical of it. I will ask the Minister to respond to that.

Senators Scahill, O'Donovan, Black, Andrews and Ruane spoke about the report from the drugs committee. This is one of the reasons it is positive we set up a drugs committee for people who have very different political views but who can come together to a consensus on

what needs to be done. Taking all the contributions into account today, obviously, if we knew it was that easy to get Senator Ruane out of this Chamber, she has strengthened the case for doing it - I am only joking. On a serious note, people come with experience and have different perspectives on it. We all respect that. We obviously respect the Senator's view that this needs to be a health-led approach, but also we have people, such as Senator O'Donovan, who comes from the other side of it in terms of gardaí and the lack of resources they have. There are different perspectives on it. We have seen successes in other countries where a health-led approach has been beneficial, and not taking away from the fact that we certainly need to invest more in the Garda, resources and education on that, this report starts that conversation. It is to be hoped it will come to this House to be fully debated. I commend the Members on that committee, as Senator Black said, on the work they have done. Senator Scahill also called for a debate in the House. I will write to the Minister to see if we can have a debate on that in the House. I suspect it will come anyway but I will write to the Minister to see if that is possible.

Senator Keogan spoke about legal costs for public representatives. It would be a huge barrier for people to being able to do their jobs if they feared that the costs would come back on them. It is not something that I am aware has happened to anyone I know, but if it happens to one, it gets talked about and it puts fear into other public representatives about what they can and cannot do for fear of a financial impact on them. It is worth having that discussion on it. I do not know if a Commencement matter is the best way to approach it with the Minister. Certainly we need to make sure, if we want to encourage people, especially local representatives, to get in politics and play a role, that they need not be fearful of repercussions when they are simply trying to work with, as the Senator said, complex issues. I will talk to the Minister on that.

Senator McCormack spoke about the Women's Aid report. Senator Comyn raised it as well. We had a debate on this last month. Even though it is an incredibly important issue, I am not sure it is credible to go to the Minister to say that we need to have another debate within three or four weeks of having had a debate. I will look at doing something on it, perhaps some time in the future, because it is a very serious issue. The Minister, Deputy Jim O'Callaghan, has done a lot of work on it. I know the Minister, Deputy McEntee, has been criticised by the other side of the House for a lot of things but certainly, I refer to the issue of domestic violence.

On foot of the spike in domestic violence, particularly during and after Covid, the funding for community groups that deal with the consequences of such violence increased dramatically, but the number of people seeking support has also increased dramatically. We will see if we can have a debate on the matter. Sinn Féin Members have a Private Members' slot before the end of term. If they want to do so, they could table a motion. It is not for me to tell them what to do.

Senator Nessa Cosgrove spoke about the really good work that community training centres do. She spoke about the challenge of going from level 3 to level 5 and the drop in financial support. I suspect that a Commencement matter is the best way for the Senator to go on that one. It is important to acknowledge that they do incredible work.

Senator Frances Black spoke about the final report of the drugs committee. We will try to get an opportunity to speak about it in this House.

Senator Alison Comyn spoke about the 14 step-down beds in Drogheda. It is very welcome that there has been a stay of execution in that regard. I know the Senator has done an awful lot of work in highlighting this matter. Sometimes when you highlight things, you get a stay of execution. That is a win, but you have to make sure that stay of execution becomes permanent. The first win is actually stopping those beds being taken away. It is one of the hurdles crossed, and I know the Senator will continue to work hard to ensure that those beds are retained, particularly as they are vital for towns such as Drogheda.

Senator Noel O'Donovan also spoke about the report of the drugs committee. The Senator raised the issue of rural pubs. Senator Mike Kennelly spoke about that as well. It is hugely important that those pubs are supported. Yesterday, the vintners made a submission outlining the kinds of supports they need and the challenges they face. The Senator's area in west Cork is a very popular destination during the summer months. There are awful lot of wet pubs there that do extremely well in summertime but that need supports for the rest of the year.

Like Senator Dee Ryan, Senator Pauline Tully referred to dental services. Senator Tully outlined some of the challenges involved. Senator Ryan made a very good proposal. It would be good to a debate on the matter. I will try to contact the Minister to see if that would be possible.

Senator Anne Rabbitte referred to Rory Coady's birthday. The wait for approval for the medication relating to Friedreich's ataxia is very frustrating for families. The Minister has outlined the challenges with getting approval. Sometimes the drug companies do not contact the Government to get approval. They go to other countries first, and sometimes Ireland has to reach out to these drug companies to tell them to submit applications. Sometimes that takes longer than people might think. Once an application is in, the HSE tries to make a decision as quickly as possible. If it has committed to the end of June or the first week in July, that commitment needs to be followed through on for these families.

Senator Linda Nelson Murray raised the issue of Alzheimer's disease and the capacity in daycare centres. Most people here would have some family connection in that regard. I know someone who suffered with Alzheimer's. I have a number of aunts and uncles who were affected by it. Daycare centres provide a major service for those suffering with the disease. Senator Nelson Murray particularly asked about Navan daycare centre. Because of the increase in the number of cases in that Navan and in other areas across the country, there is a need for them to be prioritised. I will write to the Minister on the Senator's behalf. I know she will work on it herself, as she always does for services in Navan.

Senator Chris Andrews spoke about the report of the drugs committee. He also referred to James Browne and the homeless figures. Obviously, those figures are not where we wanted them to be. We have taken a lot of measures in housing which have been successful. We can only solve this problem by building more houses and the figures have been good for 2025. The figures for the first quarter of 2026 are exceptionally good and we need that to continue. That is because of measures introduced by this Government and because of increased funding brought in by this Government. That does not take away from the fact that we still have people, including families with young kids, who are homeless. Those families need to be prioritised. I respect the Senator's view that. We can always have a debate on the matter in the House if needs be.

Senator Mark Duffy spoke about events in Foxford and the celebrations relating to the 249th anniversary of Admiral Brown's birth. He acknowledged the work of Margaret Reilly, chair of the committee. It is important to connect various towns to other areas across the world. In Tipperary, we have a connection with Argentina. In the 1900s, Paddy McCarthy from Cashel went over and started a small football team with a few people who were living there. That club became Boca Juniors. Cashel has a huge connection with the Boca Juniors club. We always say that is why that club's players wear the blue and yellow of Tipperary. It is important especially when it will celebrate the 250th anniversary next year. I suggest the Senator should work with the embassy. It should be possible to get some high-level government people to come over to celebrate that. Mayo is used to welcoming high-level government people. I have no doubt that Senator Duffy can bring a high-level person from Argentina to Mayo.

Senator Lynn Ruane also referred to the final report of the drugs committee. I acknowledge her powerful and emotional contribution. She has an awful lot of qualities, and certainly knows and is passionate about this matter in particular.

Senator Sarah O'Reilly spoke about the excise duty on petrol and diesel. I would be more than happy to have a debate on that. I think most people on this side of the House would welcome a debate on that. We immediately brought in a package of €750 million when the war in Iran started. That has been hugely beneficial to people right across the country. The Taoiseach and the Tánaiste have always said that these measures are flexible in terms of decisions that can be made. We know the winter has the potential to be difficult and we need to keep money aside for that. That is what a reasonable Government would do. When we see that a deal has not been agreed on Iran, even though it was promised last Friday, we know that there will be challenges for us later in the year. As a result of decisions made in recent years, the Government has funding in place to allow it to support our people through the winter period. That is what we will do. If the Senator wants a debate on the matter, I am sure everyone in this House, particularly on the Government side, would be more than happy to have it.

Senator Aubrey McCarthy referred to Explorium in Sandyford. I have been looking to bring my kids to it but have not done so yet. It looks amazing. When talking about the national science centre, this is exactly what they have been talking about. I know what he is saying about not doubling up. I am hoping to bring my kids up during the summer months. It is a great facility that opens up the minds of young kids into science and the world of wonder.

Senator Chris Andrews: And old people-----

Senator Garret Ahearn: And old people as well.

Senator Chris Andrews: -----like me.

Senator Garret Ahearn: I am sure the Senator is talking about himself, not me. The facility is wonderful. It would be great for the Senators to go and see what has been done out in Sandyford.

Senator Victor Boyhan spoke about the Fianna Fáil Private Members' motion. The local government task force has been brought up a number of times by Senators Davitt and Boyhan. I have contacted the Minister's office to make sure that the task force's final report is published.

When it is, it is important that the House has a debate on it. We speak to councillors quite regularly and they are concerned. They want it published and they want to know what is going to be in it so we will make sure that is done.

Senator Eileen Lynch raised the issue of rural crime, which is a real challenge and which has increased in recent years. She is probably right that it is not just a justice issue and the Department of rural affairs can play a role in terms of working with local communities. We obviously need more gardaí, particularly in rural areas, but we cannot just rely on that. The communities that need support need to play their part as well. They want to do so, and that is what we will do. I will ask for a debate with the Minister for justice on that. We will see if it will be possible to have such a debate.

Order of Business agreed to.

Cuireadh an Seanad ar fionraí ar 12.39 p.m. agus cuireadh tús leis arís ar 12.46 p.m.

Sitting suspended at 12.39 p.m. and resumed at 12.46 p.m.

Guardianship of Infants and Child Care (Amendment) Bill 2026: Second Stage

An Leas-Chathaoirleach: I welcome the Minister, Deputy Jim O'Callaghan. His officials are on the way. We now move to the Guardianship of Infants and Child Care (Amendment) Bill 2026, which was changed from Guardianship of Infants (Amendment) Bill 2026.

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

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I am pleased to introduce the Bill to the Seanad this afternoon. This Bill upholds a fundamental principle that those convicted of the most serious crimes should not retain automatic legal authority over the children left behind. The Bill delivers on the programme for Government commitment to examine proposals to remove guardianship rights from those convicted of killing their partners or a parent of their child. As I said in the Dáil, the Bill is not about additional punishment for a crime, rather it is about the welfare and protection of children. It is intended to protect vulnerable children from further trauma, provide clarity for surviving family members, and prevent perpetrators from maintaining control over the lives of their children.

I welcome to the Public Gallery in the Seanad David French and his sister Veronica, who have campaigned tirelessly for a change to the law in memory of their sister, Valerie, who was murdered by her husband seven years ago. Valerie's husband still retains all guardianship rights over their three children. I supported Mr. French in his campaign and, since becoming Minister for justice, I have worked to change the law. There are other families in the same terrible situation. This Bill acknowledges their circumstances and, I hope, in some way ameliorates their difficulties.

This important Bill will give the State the necessary power to ensure the safety and welfare of the children left behind by such horrendous crimes are protected. It will do so in a manner that ensures their voices are heard and that their best interests are the paramount consideration at all times. The State must play a role here. Guardianship when one guardian kills another

should not be regarded as a matter of private law to be determined between the families concerned, but must be regarded as a child protection and welfare issue.

As I said earlier, this Bill delivers on the programme for Government commitment. It is part of the ongoing work to implement appropriate recommendations from the independent study on familicide published in May 2023. The study was commissioned by my Department to analyse and present recommendations on how the State's response could be more effective, in terms of response after an incident occurs and how systems can be put in place to learn lessons with a view to reducing future incidence of domestic homicides insofar as this may be possible.

The Bill ensures that, following the conviction of a parent or guardian of a child for the murder or manslaughter of another parent or guardian of that child, the Child and Family Agency will make an application to the courts. Tusla will be required to make an application as soon as practicable for an order that may remove or restrict the guardianship rights of the convicted guardian. My Department has worked with the Department of Children, Equality, and Disability to ensure the Bill is focused on child welfare. The role of Tusla in making these applications recognises its important role as the State agency with primary responsibility for promoting the safety and well-being of children.

Given the tragic and serious circumstances being addressed by this Bill, Tusla will in many cases already be involved in providing support to the children and their caregivers. In some cases, Tusla may be making use of its powers under the Child Care Act 1991 to safeguard the safety and welfare of the child in the immediate aftermath of the crime.

The Bill is a concise one but it deals with fundamental rights under our Constitution, including Article 42A, which provides that the State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as possible, by its laws protect and vindicate those rights. The Bill will apply to both married and unmarried guardians. Children will have a voice in proceedings and the courts will ensure that the child's best interests are balanced against the rights of a guardian who has failed in his or her duty towards that child by his or her horrific crime of killing that child's other parent. Importantly, the provisions of this Bill will apply also to cases where one guardian killed another before the commencement of the legislation. This is an essential element to ensure that Tusla has the power, where it considers it necessary in the best interests of the child, to make an application to restrict or remove guardianship in the circumstances.

The Guardianship of Infants and Child Care (Amendment) Bill contains six sections. Section 1 provides for the Short Title, collective citation and commencement of the Bill. Section 2 provides for definitions defining "the Act of 1964" as the Guardianship of Infants Act of that year and the "Act of 1991" as the Child Care Act of that year. Section 3 inserts a new Part IIA into the Guardianship of Infants Act 1964. That part gives effect to the programme for Government commitment to remove or restrict guardianship rights from those convicted of killing their partners or a parent of their child. The new part contains nine sections. The first of these, section 12B, defines terms that are used. Section 12C is the principal operative provision of the Bill. Tusla must apply to the District Court within six months of the conviction of a guardian for the murder or manslaughter of another guardian of the child. This application must be made where the agency has reasonable cause to believe that the convicted guardian has failed in his or her parental duty to such extent that the child's safety or welfare is likely to

be prejudicially affected. An order may be made by the court that will be suspended and take effect once an alternative arrangement is in place, either a care order under the 1991 Act or that another guardian is already in place. The court must consider both the failure of duty and the best interests of the child before making such an order. An order may either restrict the convicted guardian's powers and duties or remove completely the convicted guardian from office as a guardian. The court may impose such conditions as it considers necessary in the best interests of the child.

It is important here to emphasise that Tusla is required in these circumstances to make an application. However, it will be a matter for the court to determine the form of the order to be made, considering the best interests of the child. Section 12D provides for the same procedure and powers on the part of Tusla and the court in circumstances where the other guardian of the child has been a victim of a serious offence but has not been killed. A serious offence is defined as an offence causing serious harm, which carries at least a penalty of ten years imprisonment. In these circumstances Tusla may apply to the court for an order removing or restricting guardianship of the guardian who has been convicted of a serious offence. Tusla may make such an application where there has been a failure of parental duty, as in section 12C, and there has been a change in the care arrangements or guardianship of the child as a result of the serious offence. Unlike section 12C regarding murder and manslaughter, the provision here will be a discretionary power for Tusla, that is, the power to ensure that guardianship of the convicted only can still be removed or restricted in situations where the victim guardian has not been killed but is not in a position to exercise their guardianship.

Section 12E provides for the procedures for a review of court orders under this Part. Section 12F provides for the appointment of a guardian *ad litem* to represent the voice of the child in proceedings under this Part. This section applies the relevant provisions of the 1991 Act, as amended by the Child Care Act 2022. This includes a requirement for the court to appoint a guardian *ad litem* unless it is satisfied that the best interests of the child can be determined without such an appointment. Where a court has decided not to appoint a guardian *ad litem*, it will be required to give reasons for its decisions in writing. Section 12G provides for jurisdiction and the conduct of proceedings under this Part, which will be heard in the District Court and in the family District Court on commencement of the Family Courts Act 2024. Section 12H provides for the necessary safeguards in relation to data protection and data sharing. Consultation has been undertaken with the Data Protection Commission in developing these provisions. They will provide the necessary legal basis to permit Tusla to share and receive data with relevant bodies to enable it to perform its functions under this Part.

Section 12I provides for individuals to be made notice parties to proceedings. Any guardian of the child must be made a notice party to the proceedings. Any relative of the child may seek leave to be joined as a notice party and this is broadly defined. This section implements a request of stakeholders and a recommendation of the Oireachtas joint committee that family members be in a position to be made notice parties to proceedings. Section 12J provides for the retrospective application of this Part to cases where a conviction pre-dates the commencement of the provisions of this Bill.

Section 4 is a technical amendment to section 8A of the 1964 Act and Part 3 of the Bill, comprising sections 5 and 6, provides for a short set of technical amendments to the provision for guardians *ad litem* in Part VA of the Child Care Act 1991. These amendments are included

at the request of Deputy Foley, the Minister for Children, Disability and Equality. They ensure that the policy intent in respect of the appointment of guardians *ad litem* and the provision to them of legal advice and legal representation under the guardian *ad litem* national service, which is in operation as of yesterday, is set out clearly in the legislation for the avoidance of any doubt. Where the guardian *ad litem* appointed for a child is no longer available or suitable to act for the child, in order to continue to meet the requirements of the court order concerned, it is an administrative necessity to provide in legislation for a replacement guardian *ad litem* for the child.

In terms of other amendments, I intend to bring on Committee Stage some technical amendments of a drafting nature to provide for cases under these provisions to be heard in the family District Court on commencement of the 2024 Act and a technical amendment to section 6C of the 1964 Act to account for the insertion by this Bill of the new Part 2A. Many details will merit debate, and I look forward to contributions from Senators.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire ar ais go dtí an Teach inniu. The Minister is welcome back to the House this afternoon. I also welcome David and Veronica to the Visitor's Gallery. On behalf of Fianna Fáil I welcome and support this Bill. As the Minister outlined, the Bill progresses a legislative change to allow for the removal of guardianship rights from a person who has been convicted of killing their partner or the other parent of the child or both. The Bill is a programme for Government commitment to examine proposals to remove guardianship rights from those convicted of killing their partner or a parent of their child as part of the ongoing work to implement appropriate recommendations from the study of familicide and domestic and family violence death reviews.

These are grave offences. Killing the guardian of a child raises concerns for the safety and welfare of that child. Legislative changes are required to address this troubled issue, and I commend the Minister on moving swiftly in this area. The Bill is fundamentally about ensuring the best interests of the child as a paramount consideration with respect to guardianship. We believe these issues should not be regarded as a matter of private law to be determined between the families concerned but instead should be regarded as a child protection and welfare issue arising in the area of public law.

The legislation is to be known as Valerie's law, in honour of Valerie French, who was killed in June 2019, by her husband James Kilroy. On behalf of Fianna Fáil I thank David French for his advocacy in this area and in honour of his dear sister, Valerie. I know he has been a champion in that area, and the change has come along. He can be proud of that, and I am sure it is an emotional day for him and his family. I thank him for that. Today we are thinking of his family and the painful journey it has had to navigate.

The Bill is about putting children first in situations where one parent has killed or seriously harmed the other parent. It implements recommendations from the study of familicide and domestic and family violence death reviews. It recognises that these cases are not simply private family matters, but issues of child protection and welfare. The Bill ensures that a parent convicted of murder or manslaughter of the other parent of their child does not automatically retain guardianship rights. Instead, Tusla will be required to bring the matter before the District Court, which can restrict or remove those guardianship rights where it is in the child's best interest.

1 o'clock

The Bill also applies in certain cases where a parent has seriously injured the other parent, resulting in changes to the child's care arrangements. Throughout the process, the welfare and best interests of the child remain the paramount consideration. Importantly, the legislation strengthens the voice of the child by providing for the appointment of a guardian *ad litem* and allows family members to participate in proceedings where appropriate.

This Bill represents an important reform that places child welfare at the centre of decision-making, strengthens protections for vulnerable children and responds directly to lessons learned from tragic cases of domestic and family violence.

Senator Sharon Keogan: The Minister is welcome to the Chamber. I welcome the opportunity to speak on this Bill. I approach the Bill with a great degree of caution and circumspection, as it warrants. I have substantial personal experience in helping children from troubled homes and situations. I recognise the great difficulty and complexity that comes with such issues, especially in how we legislate on them. In this case, there are a number of tensions that merit consideration as it progresses to Committee Stage.

First is the role of the wider family, particularly kinship care. As a State, we should look to models that recognise children are best supported, where possible, within their extended family networks. Grandparents and relatives often provide stability in the most difficult cases. Under this Bill, even where a child is being cared for by grandparents or close relatives, those carers cannot initiate or trigger an application for guardianship. It appears they are entirely dependent on Tusla choosing to act. This means the people most directly responsible for the child's day-to-day welfare will often have no formal role in the legal process governing the child's future. That creates a clear disconnect. I would like to see greater support for kinship care. Law should reflect it not by displacing the State but by recognising that those closest to the child may have a legitimate role in protecting them. There is scope to consider a more balanced model that allows some structured role for family members.

Second is the constitutional dimension. The Bill allows for restriction and, in some cases, removal of guardianship. That is understandable but even in the most extreme cases the individual remains the parent of the child. A criminal conviction does not dissolve that relationship. It does not dissolve the unconditional love that child has for that parent, despite the most heinous crime that parent may have done. Our constitutional framework treats the parent-child relationship with particular weight. We are not simply removing administrative rights; we are intervening in one of the most fundamental legal relationships we recognise. In some cases, circumstances may change, convictions may be overturned and children as they grow may form their own views about contact. The safeguards in the Bill are important but there is room to further ground the legislation in proportionality and to check its constitutionality, ensuring we protect children while still recognising the enduring nature of that relationship.

Third is the role of Tusla. As drafted, Tusla is effectively the gatekeeper. The process begins only if the agency acts. In some cases, it depends on a reasonable cause threshold; in others, it is simply that the agency considers it appropriate. If Tusla does not act, the legislation is never triggered. That is a significant concentration of power and must be viewed in light of current realities. Public confidence in Tusla is not where it needs to be. That is reflected in a number

of serious, well-documented cases. We have seen, for example, the murder of the poor Ukrainian boy under Tusla care and the case in Citywest where the ten-year-old victim of the alleged sexual assault had been missing from Tusla supervision for over 24 hours. We have seen repeated judicial criticisms and findings that Tusla failed to comply with hundreds of court directions affecting hundreds of children. A High Court description of its approach to court orders is "wholly unsatisfactory". A District Court found its conduct was "shocking and appalling", including cases where children were left without allocated social workers, despite court orders. These are not abstract concerns; these are findings from our courts about the performance of the body to which the Bill assigns decisive gatekeeping power. This is not about individual social workers either, who often work under immense pressure but it raises a legitimate question: is it appropriate to place such a high level of discretion in a single agency without additional safeguards, balance or alternative pathways? If the intention is that these serious concerns should come before the courts, then we should be cautious about a system where the outcome depends entirely on an internal decision within Tusla. For that reason, I intend to table amendments on Committee Stage to look at these issues. If we are serious about protecting children, the system must be robust not only in principle but in practice. We must ensure no single point of failure can prevent the law operating as intended.

Senator Garret Kelleher: I dtosach báire, cuirim fáilte roimh an Aire, an Teachta O'Callaghan, as ucht teacht isteach arís chun déileáil leis an mBille. Is céim thábhachtach í an Bille seo chun ár ndlíthe a bhaineann le cosaint leanaí a neartú, go háirithe i gcásanna foréigean baile nó foréigean teaghlaigh ina ndúnmharaíonn tuismitheoir amháin an tuismitheoir eile agus na himpleachtaí atá aige seo ar chearta an tuismitheora sin a mhaireann maidir le caomhnóireacht na leanaí a mhaireann.

They had an argument, she went out to buy groceries while he said he had a few drinks. When she came home later he murdered her and then abandoned the children.

These are the words spoken by David French in relation to the brutal murder of his sister, Valerie, by her husband, James Kilroy, in 2019. As the Minister stated, Mr. Kilroy still retains all guardianship rights over his and Valerie's three children. Like the Minister and other Senators, I welcome David and his sister Veronica to the Visitors Gallery. I acknowledge the huge amount of work David and his family have done over the past seven years in campaigning for the law to be changed to improve safeguards and protections for Irish children and families.

I welcome the Bill for the reasons outlined in detail by the Minister. It is an important step forward in the area of child protection and is the legislative follow-up to the commitment made in the programme for Government. It is right the conviction of a person in our courts for the murder of their partner, their fellow parent or the guardian of their children should automatically preclude that person from full guardianship rights of the surviving children. The safeguarding and protection of surviving children must always supersede all other considerations. We welcome the promotion and safeguarding of the best interests of the child through the statutory scheme, which requires the expertise of Tusla - the Child and Family Agency in child protection and welfare, as the Minister outlined. The passage of this legislation will ensure future cases of this nature will be regarded as child protection and welfare issues and not as matters of private law.

On behalf of the Fine Gael group, I commend the Minister, the Joint Committee on Justice, Home Affairs and Migration and all involved in the drafting of this legislation, which has our full support.

An Leas-Chathaoirleach: Next are Senators McCormack and Tully. I understand they are sharing time. Is that agreed? Agreed.

Senator Maria McCormack: Sinn Féin welcomes the progression of this legislation. We are eager to work with the Minister to ensure it is as robust as possible.

I want to start by paying tribute to Valerie, a woman who should have been turning 49 this year. As other Senators have mentioned, she was violently killed by her husband in 2019 when she was 41 years old.

Valerie was a mother of three children, a caregiver and a professional therapist. My thoughts are with her children and all of her devastated family as we debate the various Stages of this legislation. I acknowledge Valerie's brother, David French, who is in the Gallery with Veronica today. David has worked tirelessly to highlight that the current legislation allows for people who kill their partners to retain guardianship of shared children. He and his family have fought tirelessly for seven years for change here and in so doing he has done society a huge service. He must be commended for his work, perseverance and determination.

I thank all the campaign and advocacy groups for their amazing work on the ground with victims, survivors and families in the area of domestic abuse. I acknowledge Jason Poole and his family for fighting to create a domestic violence register, another important Bill, known as Jennie's law, coming through the Seanad at the moment. I would also like to mention a group - Victims' Voices - with which Deputy Matt Carthy and I have been working to bring forward the Victims of Sexual Violence Civil Protection Orders Bill. There are so many gaps in legislation which fail to protect mostly women, but not all women and children, in domestic violence situations. I am glad that some of these gaps are now finally being addressed.

The legislation before us today will be known as Valerie's law. I gladly support the Bill but I feel there is still work to be done. The least we can do is make sure that we get it right. A number of issues were raised by David French during pre-legislative scrutiny. As we know, this has already been debated in the Dáil. We will be tabling those amendments again on Committee Stage. I hope the Minister will reconsider some of the Sinn Féin amendments, which were voted against in the Dáil and work with us on them in this Chamber.

Although not necessarily part of this Bill, I would like to take the opportunity to raise another concern that I have relating to the newly established guardian *ad litem* national service announced yesterday. This will affect children who we are trying to protect in the legislation today. My colleague, Deputy Claire Kerrane, has been raising for months the removal of the guaranteed legal representation for guardians *ad litem*, GALs, who are the voice of children in child care court proceedings. Nobody to date, including the Minister who is bringing forward this change via amendment today, can say why this is being done. Deputy Kerrane has engaged extensively with the Association of Guardians ad Litem in Ireland, AGALI, the representative organisation for the majority of practising GALs in the State. They are extremely concerned about the removal of guaranteed legal representation.

Picture a courtroom, with a GAL, the voice of the child, who may never have stood in a courtroom in his or her life, a parent with his or her legal representation, and Tusla, with its legal representation. How is it in the best interests of the child if the GAL is without legal representation? This move is not in the best interests of the child at the centre of these court proceedings and I believe that this move will do untold damage. I hope the Minister might be able to answer this for me.

Senator Pauline Tully: I also welcome this Bill. It is important legislation that will see the partner of a person who murders, kills or seriously injures another parent of his or her child either lose or have his or her guardianship rights restricted, which is absolutely called for. I acknowledge David French for his advocacy on this issue and welcome him and his sister, Veronica, into the Chamber today. There are so many cases like Valerie's where children have been bereaved. He is right; it is abuse of children.

I am concerned about the time between a crime being committed and sentencing, which can sometimes be considerable. It can take up to a year for a case to come to court. Children are already being abused. It is quite common that children will already have been subjected to serious abuse or witnessed abuse within the home for many years, leading up to the murder of their parent. Then, we have a time-lapse between when the crime was carried out and the sentencing. What is the situation there? It is an interim period. Children are grieving for the loss of their parent and if the perpetrator of the crime is out on bail, which will often not be the case because it is such a serious offence, are the children left in the custody of that parent?

We need to better hear the voice of the child. We need to have experts who recognise and can understand children because we know children can be pressured, coerced or even, from fear, say something that is not what they actually feel. I talk to parents all the time who have separated from their partner because of violence, yet there is a court order for access to the children. The children are crying. They do not want to go to see, in most cases, the father. If the mother does not compel them to go and she does not want to because they are fearful and in tears, she is the one in breach of a court order. There needs to be a better understanding of the rights of the child here. If children do not want access to one of their parents because of what they witnessed in the home, then they need to be listened to. Take into account that coercion and pressure can be put on children to say one thing. When we have experts in the field, they should be able to interpret that.

The Bill provides that Tusla be given the responsibility to apply for this order within six months of the conviction but Tusla, as we know, is not properly resourced as it is. It is under pressure to meet demands and people are falling through the cracks. We have children being left for far too long in the care of families where they have been abused or neglected. We have an insufficient number of foster families. We need far more. We have ended up with children being put into precarious care arrangements. We also have a lack of aftercare support, and I have come across several people who have left the foster care situation and are not receiving the support they require to navigate their lives. One in five complaints that the Ombudsman for Children's office received were about Tusla. I am not running down Tusla. I am just saying it is an under-resourced organisation and if we are giving Tusla even more powers and responsibilities to act in these situations, then it needs the resources to enable it to do so within the six months in a timely fashion.

When a person is convicted of the manslaughter of his or her partner but was acting in self-defence, where domestic violence has been prevalent for many years, that should be taken into account. Such parents may have lost their lives defending themselves and their children from a violent situation, so they should not be subjected to this. I acknowledge that John O'Dowd, my colleague in the North, is introducing similar legislation, so we will have an island-led approach to this.

Senator Nessa Cosgrove: The Labour Party wholeheartedly welcomes this legislation. It is a testament to the bravery and resilience of the French family, who have campaigned so strongly for this absolutely necessary legislation. Their advocacy for Valerie's legacy and for her children has been powerful and moving to see. I thank David and Veronica, who are in the Gallery. We hope to see this Bill being progressed quickly. We also need to make sure that this legislation is watertight. It is vital that we get this right. With this in mind, I want to raise a few questions for the Minister to address.

There have been some reports that Tusla has expressed some concerns about its level of resourcing when it comes to implementing the measures in the Bill. We are all aware of some of the issues that Tusla has faced in recent times and we need to see reassurance that it will be properly equipped to carry out the duties assigned to it under this Bill. There are also constitutional questions about the legislation. Article 42A of Bunreacht na hÉireann allows for the State to take on a guardianship role where a parent has failed in his or her duty towards a child to such an extent that the safety or welfare of the child is likely to be prejudicially affected. The wording of that constitutional test is embedded in this Bill, which is welcome, and we think it is sufficient, but we ask the Minister to assure us that this Bill's provisions are constitutionally watertight and will not be open to any challenge on the ground.

The question of timescales is also important. The Bill's only time limit is a six-month deadline after conviction, during which Tusla can apply for a restriction or removal of guardianship rights. This means the child would likely remain under the guardianship of his or her parent's killer for many months. There are no easy answers here but this needs to be looked at. Is this Bill doing all it can to protect the safety and well-being of the children or child during that interim period?

Finally, we want to raise the issue of guardians *ad litem*. I know the Minister amended the Bill in the Dáil, but we are still looking for a guarantee that the GALs will have legal representation in all cases.

On the whole, we want to support this important Bill. It definitely will close an existing gap to keep some of our most vulnerable children in some of the most horrific circumstances safer than they currently are under the law. That is why we appreciate the opportunity to speak about it here today. I wholeheartedly welcome the Bill.

Senator Sarah O'Reilly: We in Aontú welcome the Bill and the protections it seeks to put in place for children who have already endured unimaginable trauma. The level of cross-party support for this legislation speaks to the shared goal of putting children's interests and well-being first. I particularly acknowledge the tireless work of David French, along with that of his sister, Veronica. David's advocacy following the murder of his sister, Valerie, has helped bring us to this point. No child or relative should have to face the additional burden of a parent

retaining guardianship rights after murdering the other parent. David deserves enormous credit for ensuring that these children's voices are heard.

This debate comes at a time when domestic violence continues to cast a long shadow over our society. A report released today from Women's Aid shows that disclosures of abuse have risen by a third since last year. It estimates that one in three women in Ireland are abused by their partner. For many women and their children, home is not the safe place it should be. While legislation is important, we must also ask whether we are doing enough to prevent violence in the first place. Has the Minister examined further education programmes within An Garda Síochána and our schools? We need to teach young people about healthy relationships, respect and consent long before problems arise.

I also welcome the Minister's stated intention to tackle violent pornography. However, I ask him to go further and consider stronger measures to prevent children from accessing pornography altogether. While not all pornography involves threats with knives, strangulation or explicit violence, even more mainstream content contains misogyny and aggression and presents women as less than human. It is not healthy for boys or girls to grow up consuming this material and believing that aggression, humiliation or domination are normal parts of sex or relationships. If we are serious about tackling violence against women and girls, then we must also be serious about addressing the messages young people are absorbing online every day. I welcome the Minister's thoughts in that regard. I thank him for his work on this Bill. It must be noted.

Senator Tom Clonan: I thank the Minister for being here today. I echo the support that my colleagues have expressed regarding this legislation. I also welcome our guests here today. Unfortunately, having grown up in Finglas, I am sadly acquainted with the horror of murder within the family unit and the profound violation it is of all that we hold to be the social and ethical contract between people, especially its impact on children, who are the most vulnerable. Given the issues we have on this island with violence against women, gender-based violence and domestic violence, it strikes me that we have a very high rate of incidence. Often, the perpetrator is an intimate partner of the person who is targeted in this way. It reminds me of that expression – I do not mean to be trite or facile – that we are taught to be afraid of the monster under the bed when, in fact, we should be thinking of the monster in the bed beside us.

This Bill is a great step forward and I welcome it. However, I echo what Senator McCormack said because it is a good point. We are taking one step forward but at the same time, we are taking a step backwards. I raise concerns about this new scheme for the appointment of guardians *ad litem*. The Association of Guardians ad Litem in Ireland, which represents 96% of those guardians, has expressed grave concerns and challenged this new scheme in the High Court. Previously, it is my understanding – the Minister must forgive my layperson understanding of this – that it was the court that appointed a guardian *ad litem* to the child. Under these changes, it is now proposed, that contrary to the Constitution, the first-named defendant is inserted as a third party in between the previously direct relationship between the court that appoints a guardian *ad litem* and the guardian *ad litem*. It provides for a legal structure whereby a guardian *ad litem* serves at the pleasure of the first-named defendant, rather than the court hearing the application. There are several other grave concerns raised in this case but I do not intend to go through them all. As a layperson, it seems

extraordinary and perverse that the Minister for children would appoint a guardian *ad litem*, rather than the court. In my amateur interpretation of it, I question whether this violates the separation of powers between the State and the Judiciary, or the Executive and the Judiciary. The State, against which a complaint has been made, then has the right to decide whether that plaintiff should have legal representation and who their guardian *ad litem* should be.

It is also my understanding that this new national guardian service is about to appoint 65 full-time guardians *ad litem*, many of whom have come straight from Tusla. To me, as a layperson, it seems to be a kind of a power grab or attempt to capture and control the capacity of guardians *ad litem* to fully and freely advocate for a child, given that they serve at the pleasure of the defendant who can withdraw their guardianship at any given moment. As a layperson, I am disturbed by this. I imagine it is not in the interests of the legal profession either. I am sure there must be some considerable concern about this among the legal profession. If the Minister could address that in any way, I would be appreciative.

Senator Noel O'Donovan: I too welcome David and Veronica to the Gallery on what is an important and emotional day for the French family. As someone who comes from west Cork, I am not too far from Leap. The French family has had widespread support from the people of west Cork in their campaign since the brutal murder of their sister. I genuinely thank the Minister for his work on this Bill. I know that David, whom I have met on a number of occasions, expresses deep gratitude for the Minister's work on this. I acknowledge that.

There is further work to be done in this area, as the Minister knows well, in terms of other legislation. There are other advocates who see other parts of legislation that need to be worked on. The job cannot stop today. I welcome this, however. I pay particular credit to the French family for enduring what they had to do during the criminal process and continuing their campaign to bring today about.

I commend An Garda Síochána on its work in the area of domestic and sexual violence and the progression it has made in recent years. I worked closely with the protective services unit in Wexford dealing with victims and I can see real progression in this regard. The Minister knows that, as an organisation, it has progressed. The French family would have received deep support from the family liaison unit in An Garda Síochána as well, and that must be recognised.

As a State, at times, our organs and institutions can be slow to move but this is good politics today. The Bill has cross-party and broad support. There is further work to be done in other areas, however. I genuinely thank the Minister for his personal work on this and for the help and support he gave to the French family. We will continue our work, as legislators, to ensure that victims of crime and their families are supported and that those who commit crimes are dealt with properly by the organs and institutions of our State.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senators for their considered contributions. I thank all those Senators who welcomed the Bill, which I think was universally the case. I will take on board the suggestions that were advanced. Senator Gallagher welcomed the Bill. He, like everyone else, echoed the legitimate and genuine recognition that everyone in this House and the other House wants to give to the French family for the work they have done, particularly David French. I wish to start my comments by echoing that.

Senator Keogan said that, like all legislation, we should approach it with a great degree of caution. Any time we are legislating, we have to consider it very carefully. That is why I very much welcome the contributors in Seanad Éireann because we get a cautious response and one that seeks to interrogate the legislation.

One of the points raised by Senator Keogan she felt merited attention was kinship care in circumstances where the legislation does not provide a mechanism for, say, grandparents or another family member to bring the application. This was related to a point another Senator discussed as well. In general, what happens when a tragic event like this occurs - and regrettably it is generally the case a mother has been killed by the father - is somebody needs to look after the children on the evening of the fatality. Usually grandparents, a sister of the deceased or a close relative will step in. If there is no available relative, Tusla will step in and bring an application under the Child Care Act 1991. As such, it is important to recognise there is an immediate response, as is necessary in the tragic circumstances where one guardian is murdered on a particular day and there are children there. Somebody needs to mind the children and there are arrangements put in place for that. Senator Keogan's concern is why there is not a provision in the legislation to allow for a family member, such as a grandparent, to bring an application under this procedure. As she will be aware from the legislation I am introducing, only Tusla can bring the application. I gave careful consideration to that. If we think about it, it is going to mean there could be conflicting interests and conflicting applications being made. You could have, for instance, parents of the deceased bringing an application while at the same time the parents of the convicted person are bringing an application, or siblings from different sides of the family. It could create a very tense situation because families do not, as we all know, think in a homogenous way and family members will have different perspectives on what should happen. Consequently, I took on board the recommendation from the justice committee and accordingly, Tusla will bring the application but family members - and it is a very broad definition of family - can apply to be notice parties to the application. Thus, in the situation Senator Keogan is concerned about, grandparents may apply to the court once Tusla brings the application for the purpose of seeking to ensure they are notice parties and their concerns can be heard.

The Senator also raised the constitutionality of the Bill. Removing guardianship is a very significant step. Notwithstanding that, what is premising this Bill is concern for child's welfare. Protection of the child is the primary focus of this legislation. There are very many measures put in place where custody of children is taken off parents because they simply cannot care for the kids and that is something regarded as constitutional. It is also important to point out it is not interfering with or seeking to interfere with parenthood. The parents remain the same no matter what. This is about guardianship.

Senator Keogan also spoke about Tusla and concern about how it carries out its functions. No statutory body has a more difficult job than Tusla.

Senator Sharon Keogan: I agree.

Deputy Jim O'Callaghan: I know Senator Keogan agrees with that; it is an extremely difficult job. It is the statutory agency responsible for the care of children. There is no other agency it would be appropriate to give this function to. It is also appropriate to place such a high level of discretion in Tusla. One of the arguments raised in the Dáil was Tusla must bring

an application within six months if it is satisfied it is in the best interests of the child. That second hurdle will be easily overcome. Obviously there is nothing to stop family members from writing to Tusla or asking it to bring an application but it is better to have the application process controlled by one statutory agency as opposed to family members having the burden of bringing it forward.

Ba mhaith liom mo bhuíochas a ghabháil leis an Seanadóir Kelleher freisin. Bhí mé ag éisteacht go cúramach lena óráid. He spoke about the importance of child protection being at the heart of this.

I also listened to Senators McCormack and Tully. Senator McCormack referred to very many gaps in legislation. There are, but I am trying to address them. It is important also in these Houses that we listen to other Members and if they bring forward proposals I think are good I will try to adopt them or else they can be issued by way of a Private Members' Bill. I think Senator McCormack also referred to the issue of the application process being brought by Tusla and I answered that a few moments ago.

Senator Tully asked what happens in the time between a crime being committed and sentencing. I sort of answered that a few moments ago in response to Senator Keogan. Obviously measures have to be put in place immediately. You cannot just wait for a person to be convicted. What happens in that interim period is the day a mother is killed, somebody has to step in to the position of minding the children, especially if it is the case the father has been arrested and remanded in custody. The child care order issue between Tusla and the family can also be dealt with in the unusual circumstances of a guardian being remanded on bail if they are charged with murder. The Senator also spoke about hearing the voice of the child. Section 12F of the legislation provides a mechanism for the voice of the child to be heard. I am also bringing forward a policy proposal to ensure the voice of the child is properly heard in all forms of proceeding. Senator Tully asked about what happens in circumstances where somebody is convicted of manslaughter but it was self-defence. That was in an amendment put forward by Deputy Carthy in the Dáil. The better way to deal with that is how it is dealt with in the legislation at present, that is, Tusla decides to bring the application but it must bring it if it is for the benefit of the protection of the child. Let us take the example of a mother who in self-defence committed a criminal act. In such circumstances Tusla could decide not to bring the application. There are issues with the amendment put forward by Sinn Féin in the Dáil that would make it impossible to navigate in terms of how it is presented. If you are convicted of manslaughter this arises but generally if it is self-defence you get acquitted. Self-defence is a defence and people are acquitted, so it is not going to arise if somebody is acquitted but if somebody is convicted of manslaughter it will have to be considered.

I thank Senator Cosgrove for her support. She asked me whether the Bill's provisions are constitutionally watertight and I believe they are. She asked me if they will not be subject to challenge but I cannot guarantee that. People are entitled to challenge legislation and when you think of the powers we are taking away from people here - the right to guardianship is a significant statutory and moral responsibility people have - I suspect it will be challenged. However, we should not shy away from introducing legislation just because people may challenge it in future. I believe it will withstand that challenge.

I thank Senator O'Reilly for her comments. I agree with what she was saying about violent pornography. I spoke about that this morning at the Women's Aid report launch. It is having a

very distorting impact on the development of young people's sexuality and we need to ensure people realise relationships should be healthy relationships.

I hear what Senator Clonan said as well and echo what is contained in the Women's Aid report. It recognises the overwhelming majority of violence done to women is done by people they are in a relationship with and that while stranger violence can happen, violence is typically inflicted on women by those they are or were in a relationship with.

I thank Senator O'Donovan for his contribution as well. He mentioned west Cork and I am conscious one of the big stains on the character of justice in the country is the fact no-one has ever been brought to justice for the murder of Sophie Toscan du Plantier. As the Minister for justice that is embarrassing to me, as I am aware it is to people in this House. I hope that heinous crime can be resolved.

As a final point, I am not trying to shy away from this but I am not the Minister for children, even though the legislation I am bringing forward is to do with the Guardianship of Infants Act. I am informed in terms of the issues about legal representation. Where the guardian *ad litem* needs legal representation, this will be provided. However, it must be acknowledged legal representation is not always required by the guardian *ad litem*. I do not want to start speaking on areas of policy that are not my responsibility. The Minister, Deputy Foley, has spoken on this before and with the permission of the Seanad I will evade that question and let her deal with it.

Question put and agreed to.

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

Senator Robbie Gallagher: Next Tuesday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 30 June 2026.

Criminal Justice (International Cooperation on Electronic Evidence and Other Matters) Bill 2026: Second Stage

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

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I welcome this opportunity to introduce the Criminal Justice (International cooperation on Electronic Evidence and Other Matters) Bill. It recently passed all stages in the Dáil.

Electronic evidence is central to almost every modern criminal investigation. Data now moves rapidly across the globe. As a consequence, the investigation of crime in one member state is often dependent on evidence located in another member state. Electronic data is inherently volatile. It is easily deleted, altered or moved. Of course, the emergence of cloud computing, where the exact physical location of data is transitory and dynamic, brings further jurisdictional difficulties. Law enforcement has increasingly become reliant on voluntary co-

operation with service providers. However, this approach lacks enforcement power, does not adequately protect fundamental rights and leaves it up to service providers to determine the legitimacy of requests.

The Bill delivers on the programme for Government commitment to implement the EU e-evidence package. That package provides a clear, legally certain and efficient process for law enforcement in one member state to directly request electronic evidence from service providers established in another member state, while protecting fundamental rights. Ireland's role is central to the implementation of the e-evidence package. It is expected that up to 600 service providers could designate their “addressee” in the State. To date, Department officials have identified over 400 service providers subject to the package. It is important legislation from Ireland’s perspective.

The EU e-evidence package is comprised of two separate but interdependent legislative instruments: the e-evidence regulation and the e-evidence directive. The regulation, which the Oireachtas agreed to opt into in 2018, has direct effect, while the directive is an internal market instrument that is binding on Ireland. The regulation imposes an obligation upon service providers to preserve or produce electronic evidence at the request of a judicial authority of another member state, imposing a legal obligation upon them to do so. The directive requires that member states ensure service providers offering services in the EU designate an addressee to process incoming orders. Both the regulation and the directive require that penalty provisions be put in place to address issues of non-compliance as and when they arise.

Unfortunately, and notwithstanding the significant efforts of both my officials and the Office of the Parliamentary Counsel, the transposition deadline for the e-evidence directive of 18 February 2026 could not be met. It is, therefore, important to enact this and transpose the directive as soon as possible. The e-evidence regulation applies from 18 August next.

The Bill comprises five Parts and a Schedule. Part 1 is comprised of standard provisions concerning the Short Title, commencement and expenses, and the definition of key words. It also addresses matters relating to the designation of the director as the competent authority under Article 12(1)(b) of the terrorist regulation. Section 1 of the Bill provides for the Short Title and commencement. Section 2 provides for the definition of terms. Section 3 is a standard provision regarding expenses. Section 4 provides for the designation of the director of criminal justice international co-operation as the competent authority for the purposes of Article 12(1)(b) of the terrorist content regulation. Section 5 is a necessary companion to section 4. Section 6 provides for the service of notices or other documents under this Bill, including by electronic means. Section 7 is a standard provision relating to regulations.

Part 2 of the Bill comprises sections 8 to 22, inclusive. Section 8 provides for the establishment of *oifig an stiúirthóra um chomhar idirnáisiúnta ceartais choiriúil*, or the office of director of criminal justice international co-operation. The holder of this office shall be known as the director of criminal justice international co-operation, and is referred to in the Bill as “the Director.” Section 8 also provides that the Schedule to the Bill shall have effect in relation to the director. The Schedule details the provisions applicable to the director, providing that the director will be a corporation sole with perpetual succession and official seal, and the power to sue and be sued.

Section 9 provides for the appointment of the director, while section 10 sets out the circumstances in which a person is not eligible or is disqualified. Section 11 is a standard provision providing that a person cannot simultaneously hold office as both the director and as an elected Member of the Oireachtas, the European Parliament or a local authority. Section 12 provides for the resignation and removal of the director. The appointment of members of staff is provided for in section 13, while section 14 provides for the appointment by the director of a deputy director. Section 15 provides that the director may engage consultants. Section 16 provides that the director will be indemnified against legal actions. Section 17 outlines the various functions of the director. Section 18 is a standard provision providing for the delegation of functions. Section 19 provides that the director may enter into an information sharing arrangement. Section 20 provides that the director shall submit an annual report. Section 21 sets out the statistical information that the director must collect. Section 22 provides that the director may issue guidance notes.

Part 3, comprising sections 23 and 24, provides for the designation of the director as the enforcement authority and central authority, respectively, for the purposes of the e-evidence regulation.

Part 4, comprising sections 25 to 30, provides for the designation of the director as the central authority for the e-evidence directive. Section 25 is a standard provision providing for definitions. Section 26 designates the director as the central authority. Section 27 provides that service providers must designate a designated establishment or a legal representative for the receipt of, compliance with and enforcement of decisions. Section 28 acts as a companion provision. Section 29 provides that service providers must notify the director of the addresses and contact details of their designated establishments. Section 30 provides that service providers and their designated establishments or legal representatives shall be jointly and severally liable.

Part 5 comprises sections 31 to 70. Section 31 provides for the definition of terms used in Part 5 of the Bill. Section 32 is a standard provision intended to protect legal privilege. Section 33 creates an offence if certain persons, including staff, make an unauthorised disclosure. Section 34 creates an offence of giving false information. Section 35 provides for the appointment of authorised officers, while section 36 provides for the powers of those officers. Section 37 provides that a judge of the District Court may issue a search warrant. Section 38 provides that the director may request that a service provider provide a compliance report to enable the director to confirm that the service provider is complying. Section 39 provides that the director may either enter into an agreement with the service provider in respect of an alleged contravention or cause a directed investigation to start. Section 40 provides that the director may enter into a written agreement with a service provider. Section 41 provides for definitions of terms used in Chapter 4. Section 42 provides that the director may direct an authorised officer to undertake a directed investigation. Section 43 provides that an authorised officer shall submit a copy of a completed report to the director. Section 44 sets out the actions that may be taken by the director.

Section 45 provides for the definition of terms used in Chapter 5 of Part 5. Section 46 provides that, for the purpose of an undertaking, the chief adjudication officer shall assign an adjudication officer to conduct the adjudication. Section 47 provides that service providers shall not be liable to be penalised twice. Section 48 sets out the actions an adjudication officer

shall take. Section 49 provides that an adjudication officer shall make a decision on the balance of probabilities. Section 50 sets out that the maximum financial penalty that can be imposed on a service provider can be no greater than 2% of the total world annual turnover of the service provider in the preceding financial year. Section 51 provides that an adjudication officer must send the director and the service provider concerned a written notice of decision to impose a penalty. Section 52 sets out the circumstances in which a decision of a financial penalty takes effect. Section 53 provides that a service provider may appeal. Section 54 provides that, where no appeal is made, the director shall make an application in a summary manner to the Circuit Court, and section 55 sets out procedural and other matters concerning that.

Section 56 provides that an adjudication officer may, before making a decision as to a contravention or the imposition of a financial penalty under section 49, refer a question of law to the High Court. Section 57 provides that an adjudication officer may award the costs of proceedings against the service provider or director. Section 58 provides that the Minister may make regulations relating to the conduct of proceedings. Section 59 provides that a payment made by a service provider goes to the Exchequer. Section 60 sets out the circumstances in which a person is not eligible for appointment or disqualified from holding office as an adjudication officer. Section 61 provides that a person cannot also be a Member of the Oireachtas or the local authority. Section 62 provides for the nomination by the director of persons for appointment as adjudication officers. Section 63 provides for the appointment by the Minister of adjudication officers. Section 64 provides that an adjudication officer is independent.

Section 65 provides that the Minister can make regulations. Section 66 provides that the director may require staff to assist adjudication officers. Section 67 provides that summary proceedings for an offence may be brought and prosecuted by the director. Section 68 provides that summary proceedings for an offence under this Bill may be instituted at any time within two years. Section 69 provides for liability for a body corporate. Section 70 provides that, where a person is convicted of an offence, the court shall order the person to pay the director any costs incurred.

The provisions of the Bill have been carefully drafted. It is important to enhance Ireland's position as a European hub for digital regulation and as a trusted partner in international justice. Data protection rules and principles will apply to the mechanism of European production orders. The regulation reiterates the requirement of necessity and proportionality, setting out the key safeguards in this area. I look forward to listening to Senators' contributions.

Senator Robbie Gallagher: On behalf of my party, I welcome and support this Bill, which will establish a new office of director of criminal justice international co-operation to allow Ireland to meet the requirement of the EU e-evidence package. This package will make it faster and easier for law enforcement and judicial authorities across the EU to obtain electronic evidence from service providers as part of criminal investigations. The establishment of the office of director of criminal justice international co-operation will provide a cohesive approach to digital regulation in the criminal justice space. It will centralise the necessary skills and expertise, providing a single point of contact for cross-border judicial co-operation on e-evidence and ensuring a streamlined regulatory framework. It will also enhance Ireland's ability to ensure effective access to digital evidence in tracking serious crime.

The use of online services to facilitate and perpetuate criminal activity does not respect geographical borders, as we all know. While data flows globally, law enforcement authorities across Europe are often in need of foreign-held evidence for domestic cases, including data held by service providers in this jurisdiction. The existing means of legal co-operation between countries can be slow and complex. As a result, law enforcement and judicial authorities often experience difficulties in accessing electronic evidence relevant to an investigation, rendering prosecutions ineffective. It is to address these deficiencies that the Minister is introducing this Bill, and I welcome that.

The Bill is designed to implement the EU e-evidence package in Ireland and to ensure that the State is prepared for the application of the EU e-evidence regulation from 18 August next. The EU e-evidence package introduces a new framework that allows law enforcement and judicial authorities in one EU member state to obtain electronic evidence directly from service providers located in another member state. It does this through two new legal instruments, European production orders, which require the production of electronic evidence, and European participation orders, which require data to be preserved for future investigations. The objective is to make access to electronic evidence faster and more effective. Under the new system, service providers will generally be required to respond within ten days or within eight hours in emergency situations.

This Bill provides for the establishment of the office of the director of criminal justice international co-operation and the appointment of a director to oversee Ireland's implementation of the e-evidence framework. The director will be responsible for monitoring compliance, enforcing obligations on service providers and administering penalties where necessary. This Bill will require service providers operating within the scope of the legislation to designate and addressee to receive and respond to electronic evidence orders. This is intended to ensure that authorities have a clear point of contact and that the providers can comply effectively with their obligations. In addition, the Bill assigns to the director responsibility for the scrutiny of certain cross-border removal orders under EU terrorist content online regulations, ensuring that such orders comply with EU law and the fundamental right to protection.

Implementation of the e-evidence package is important for Ireland's criminal justice system and for its position as a major European centre for technology and digital regulation. It is anticipated that a significant number of service providers will fall within the scope of this framework and that large volumes of electronic evidence requests will be processed through Ireland each year.

Ireland is obliged to implement both the directive and the regulations. Timely enactment of this legislation is necessary to fulfil those obligations and support effective cross-border co-operation in criminal investigations. I look forward to this legislation passing through the Oireachtas.

Senator Garret Kelleher: Thar ceann Fhine Gael, cuirim fáilte roimh an mBille um Cheartas Coiriúil (Comhar Idirnáisiúnta maidir le Fianaise Leictreonach agus Nithe Eile), 2026. Mar atá léirithe ag an Aire, is céim dhualgais í seo chun Treoir 2023/1544 ó Pharlaimint na hEorpa a chur i bhfeidhm. As has been referenced by both the Minister and Senator Gallagher, the enactment of this Bill will fulfil the commitment made in the programme for Government to

implement the e-evidence package in line with Directive 2023/1544. One of the most important provisions of the Bill as outlined by the Minister is the establishment of the office of the director of criminal justice international co-operation and the appointment of the director of criminal justice international co-operation. This is another example of international co-operation in line with EU directives to strengthen the laws and protections that apply in Ireland. On behalf of the Fine Gael Group, I welcome the Bill.

Senator Conor Murphy: I welcome the opportunity to discuss the EU e-evidence package and this legislation, which seeks to transpose the package into Irish law. We support the basic tenets of the Bill, which seeks to make cross-border requests for electronic evidence such as social media posts and emails more efficient. We live in an increasingly globalised and digitalised world. As we know on this island, crime does not respect borders. I understand the necessity of this type of legislation. I support the sharing of e-evidence in the appropriate circumstances, while also respecting people's right to privacy.

There is a number of difficulties with this Bill, one of which has arisen from the manner in which the Minister is seeking to enact it. The rushed nature of the Bill's passage through the Dáil leaves a lot to be desired. The deadline for Dáil Committee Stage amendments was prior to the Bill's Second Stage Reading. That is fairly bad practice and completely undermines the democratic scrutiny function of the Oireachtas. The Minister stated that the date for transposition was 18 February. Despite the significant efforts of his officials and the Office of Parliamentary Counsel, the deadline could not be met. We are not sure what the exact fault or hold-up was in that regard. We are now faced with the Bill be steamrolled through the Oireachtas in order to try and meet the relevant deadlines. Some explanation of that would be welcome.

There are a number of other concerns. It is significant legislation. The Department of justice has acknowledged that there is no existing criminal justice body equipped to deal with the tasks required by the e-evidence package. Thus, a new office for international co-operation must be established. As the Minister indicated, Ireland is a significant European headquarters for a considerable number of social media platforms, digital companies and regulatory functions. Clearly, he has estimated that, as a consequence of this, the number of requests made to Ireland to deal with this could be in the hundreds of thousands annually.

There are no details provided, apart from the office set-up costs in relation to the office or its ongoing functions beyond the €2.8 million identified. There are projections of up to 150 staff required for that. The Minister has quite rightly said that this will enhance Ireland's reputation, but only if we have sufficient resources to carry out the functions that are being demanded of us. When Department officials appeared before the committee, they were completely unable to outline what the costs of dealing with the majority of requests may come to. No clarity was provided. That is further compounded by indications from Department officials that it is intended that additional roles will be ascribed to the office such as in European investigation orders. There is no real clarity in relation to that.

The Bill will allow foreign authorities to obtain identifying data from Irish-based companies at speed. As the Minister said, Ireland could be processing hundreds of thousands of requests every year. Will he outline what the impact will be on the Garda and the courts? Will they require additional resources, given that we will be the focus of most of the activities relating to

this in Europe? While the Government indicated that the impact on the Courts Service, which is already under significant pressure, in the context of dealing with excessive backlogs will be minimal, in reality, the Courts Service has been far more circumspect in its analysis of what this might mean for it. As stated, the service is already stretched beyond capacity.

2 o'clock

Additional clarity is also required on safeguards in place to protect citizens' rights. Digital Rights Ireland has described the e-evidence package as having minimal fundamental rights safeguards. Will the Minister outline the safeguards which exist in relation to data requests from member states which have lower democratic protections than those in operation here?

In respect of small businesses, we are concerned about the administrative burden this legislation may introduce. While we welcome the creation of the decentralised IT system to facilitate engagement and reporting by SMEs, will the Minister clarify the status of this and if it will be live by the August compliance deadline?

The proposed legislation is rushed with many questions remaining in terms of key provisions, particularly in terms of sovereignty, safeguards and rule of law and, as such, we will be unable to support the Bill at this Stage.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senators for their contributions, which I have listened to carefully.

Senator Gallagher spoke about how this legislation is very important for Ireland's reputation and the position we have as a major European centre for the tech sector. That is correct and it is important that we try to transpose the directive as soon as possible. As we know, the regulation comes into effect from the middle of August, so it is important for Ireland's reputation. When you look at it objectively, very many other countries in the European Union would give a huge amount to be in Ireland's position of attracting very large multinational tech companies to the country. We have them here, which is something we should, and I know we do, value. It is something that generates challenges but is a huge advantage for the country, the economy and the taxes we generate from it as well as the services we can support through the taxation that comes with it.

Gabhaim buíochas leis an Seanadóir Kelleher arís as a óráid. Bhí mé ag éisteacht go cúramach.

Senator Murphy also raised a number of points. It is fair to say we are under pressure here with the timeline. There is a legitimate criticism to what he said, that it should have been enacted sooner. He asked why it is being rushed. Part of the reason is because my priority has been other domestic legislation, much of which we saw earlier such as the guardianship of infants legislation or the domestic register of judgements legislation. I will not claim all responsibility for the delay but it is important that we get it enacted. I agree with the Senator that it would be preferable that, when it comes to the transposition of directives, we try to transpose them in a more timely and expedient fashion.

Senator Murphy mentioned that the number of requests to Ireland could be very high. They could be, and the reason for that is because we have so many large tech companies here. The purpose of this is for other member states to request e-evidence, evidence that is relevant to

criminal offences in their jurisdiction. Obviously, a lot of tech companies that list their address as Ireland will be the entities that will be subject to those requests and they will come to the new statutory office we are setting up.

Senator Murphy also asked about resources in respect of it. The set-up costs are around €2.8 million, but we believe, in terms of what we are facing from the outset, that we will have enough resources to deal with it. If we need further resources, we are fortunate to be in a financial position where we can devote further resources to it, but we believe the calculation that is given to it at present is sufficient. Senator Murphy is correct in noting there will also be additional roles given to the new statutory agency in respect of European investigation orders.

Senator Murphy also inquired about what will be the impact on the workload on the courts. I am ensuring the courts are resourced fully to administer justice efficiently and effectively. This year saw funding increase by 8% to €216 million. The judges are well resourced. I am introducing further judicial posts, so I believe there will be sufficient judicial resources to deal with this, and that is also the case with An Garda Síochána. However, it is true to say when you are setting up a new statutory entity and it will be reliant on requests coming from other countries, there will be a certain amount of uncertainty as to the level of workload. It is something that will have to be kept under constant review.

Senator Murphy raised the issue of the protection of fundamental rights. I am satisfied fundamental rights are protected in respect of this. There has to be reciprocity in terms of criminality. It is not like we can receive a request for something that is not a crime in Ireland. When you look at all European Union directives and regulations, we will all still be subject to GDPR and the fundamental rights set out in the charter, so I am satisfied that fundamental rights will be protected.

Question put and declared carried.

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

Senator Robbie Gallagher: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 30 June 2026.

An Cathaoirleach: Before we go to the next item of business, I welcome William C Davis, Professor of History and director of Virginia Tech civil war institute as well as John Dooley and his wife, Lisa. John was vice president of Virginia Tech and CEO of the Virginia Tech Foundation. He is since retired but I am sure it is an active retirement. I also welcome Greg and Susan Beato, Pete D'Amore, Jeanne Stosser and Elizabeth McClanahan. I welcome them and thank them for being in Seanad Éireann. I think William is the author of nearly 20 books on the civil war. I congratulate him. That is a lot of knowledge gathered onto paper, which is more important now than ever.

Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026: Instruction to Committee

Senator Garret Kelleher: I move:

That, in accordance with Standing Order 201(2), in relation to the Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026, it be an instruction to the Committee of the whole Seanad that the Committee has the power to make amendments to the Bill which are not relevant to the subject matter of the Bill, for the purpose of:

(i) amending the Wireless Telegraphy Act 1926 to ensure that the general prohibition on the possession of wireless telegraphy apparatus without a licence from the Commission for Communications Regulation does not apply to a radio frequency jammer kept by An Garda Síochána for the purpose of working or using it to interfere with an unmanned aircraft system where it is reasonably believed to be necessary to carry out its policing and security function under the Policing, Security and Community Safety Act 2024;

(ii) further amending the Wireless Telegraphy Act 1926 to oblige An Garda Síochána and the Commission for Communications Regulation to agree a memorandum of understanding to support the sharing of information on the use of radio frequency jammers for counter- unmanned aircraft systems purposes;

(iii) further amending the Wireless Telegraphy Act 1926 to ensure that offences included in the Act to prohibit interference with wireless telegraphy apparatus do not apply to the use of a radio frequency jammer kept by An Garda Síochána for the purpose of working or using it to interfere with an unmanned aircraft system where it is reasonably believed to be necessary to carry out its policing and security function under the Policing, Security and Community Safety Act 2024;

and to change the long title to reflect the content of the Bill; and to make other consequential amendments required to take account of such amendments.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank the Seanad for welcoming me to the Seanad this afternoon to debate the proposed amendments to the Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026. I appreciate the engagement that Senators have had with the Bill to date, as evidenced by the amendments which various Senators have put forward, and I look forward to constructive discussion on those amendments along with those I am moving on behalf of the Government.

Before we debate the proposed amendments, with the Cathaoirleach's permission, I wish to briefly signal a number of other amendments which are currently at an advanced stage of drafting in the Office of Parliamentary Counsel which I intend to bring forward on Report Stage. These include the insertion of a new Part into the Bill to provide an enabling basis for remote hearings and the use of electronic documents in criminal proceedings and international co-operation proceedings, and to make consequential amendments to the Criminal Evidence Act 1992, the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, and the Criminal Justice (Perjury and Related Offences) Act 2021.

They also include the insertion of a new Part into the Bill to extend the State's passenger name record data regime to intra-EU flights to align the law in this area with a recent judgement of the CJEU and to provide for the designation of an independent authority to approve the disclosure of PNR data held by the Irish passenger information unit and to revoke the European Union (Passenger Name Record Data) Regulations 2018.

I will also introduce an amendment of the Misuse of Drugs Act 1984 to provide a statutory basis for the admissibility as certificate evidence in criminal proceedings of the results of presumptive drug tests administered by members of the Garda and a consequential amendment to the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.

I will introduce an amendment to the Criminal Justice (Public Order) Act to empower members of the Garda to require a person to remove a face covering in particular circumstances where the person is wearing a face covering to evade liability or identification for the purpose of having committed a criminal offence and an amendment of section 14 of the Bill which provides for commencement of the Bill to enable certain provisions to commence on enactment rather than by ministerial order.

As mentioned previously in the Dáil, I have been giving consideration to commencement. I intend to amend section 1(4) to enable further provisions in the Bill to come into operation on enactment rather than by order.

I will introduce an amendment to replace the current section 6, which amends section 67 of the Courts of Justice Act 1936, to address an issue with the provision whereby it does not take account of certain previous amendments to section 67 of the Act. I will also introduce an amendment to replace the current section 17, which amends the Criminal Evidence Act 1992, to provide that where a person is convicted of any indictable offence, character evidence for sentencing purposes must be given on oath or by affidavit. This is to address a number of drafting issues with the current provision.

I will introduce an amendment to remove section 44, which provides that more than one DNA profile may be generated in relation to missing persons, unknown persons and unknown deceased persons. I have been advised that section 44 is unnecessary because it is permissible to generate more than one profile in such cases without explicit provision being made. I will also introduce an amendment to section 69, which adds the Courts Service to schedule 5 to the Social Welfare Consolidation Act 2005, to add the Office of the Director of Public Prosecutions, DPP, to the schedule, thereby making it a specified body for the purposes of sections 262 to 270, inclusive. I also propose to add An Garda Síochána, which at present is a specified body but only in relation to staff. I propose to remove that reference being restricted to staff.

There are a number of technical amendments to Part 15, which provides for the disregard scheme that we discussed previously, to address a procedural lacuna arising in the context of the provisions of sections 60 and 61, which relate to the revoking of a disregard.

Senator Garret Kelleher: As stated on Second Stage on Thursday of last week, we welcome the provisions of the Bill. The Bill has the wholehearted support of our group. There were some very interesting discussions in the Chamber last week. I again commend the Minister on his continued co-operation and engagement.

Senator Alice-Mary Higgins: Will we be going straight to the Bill subsequent to this?

An Cathaoirleach: Yes.

Senator Alice-Mary Higgins: To clarify, these are additional Committee Stage amendments that are being added after the piece. We have not had sight of them before now. Can I confirm that we will have Report Stage of this legislation at a later date and that there will be no guillotine applied in respect of the Report Stage debate? Of course, we have not had the opportunity to look at and respond to these amendments, which we are only hearing about now.

An Cathaoirleach: That is a matter for the Leader to deal with in the context of the Order of Business of the day. I do not think anyone here can-----

Senator Alice-Mary Higgins: When there is a large volume of legislation coming from the same Department and when changes are coming at such short notice, it is more difficult to have the proper engagement.

An Cathaoirleach: As no other Senators are offering, I call the Minister to conclude. Is he happy?

Deputy Jim O'Callaghan: I have nothing further to add.

Question put and agreed to.

Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026: Committee Stage

Sections 1 to 3, inclusive, agreed to.

SECTION 4

An Cathaoirleach: Amendments Nos. 1 to 3, inclusive, and 10 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 1:

In page 9, to delete lines 15 to 18.

Amendments Nos. 1 to 3, inclusive - are being considered together because they relate to the deletion of all sections of the Bill that provide for the introduction of the use of incapacitant spray, or pepper spray, by members of the Irish Prison Service, IPS. In that context, I take this opportunity to indicate our opposition to section 5. We believe this is a retrograde and counterproductive step that is likely to negatively impact relations between prison staff and those in custody in Irish prisons, destabilising and undermining relationships that rely on trust and harmony. Ireland is one of a handful of European countries where prison officers are not currently equipped with these sprays, or, indeed, with other weapons, relying instead on their

capacity to manage and de-escalate conflict without the use of force or violence. This is much like the majority of gardaí not being equipped with weapons or pepper spray. Ireland's model of policing is by consent, and we should strive to protect that.

While the assumed intention behind the introduction of incapacitant sprays is to promote greater safety in our prisons, it is clear from examining the findings in other jurisdictions that the introduction does not positively impact levels of violence in prisons and, in actual fact, can have the opposite effect. Looking to the UK, studies have demonstrated that the disproportionate use of PAVA, a type of incapacitant spray, against minority communities in prisons in the UK, including black, Muslim and disabled prisoners, has the effect of normalising the use of violence against particular groups within the prison environment. Being within the prison environment negatively impacts the health and well-being of those in custody, especially when the environment is as chronically overcrowded to the extent that the Irish prisons are at the moment. Adding chemical irritants into mix is a cause for grave concern, given that the chemical irritants can lead to severe health consequences, including death. It is essential to consider the vulnerability of specific individuals to these chemicals especially in enclosed and overcrowded spaces.

The future prison capacity working group report, published in July last year, highlighted compromised safety and security in Irish prisons, primarily as a result of chronic overcrowding. Irish prisons are severely overcrowded, routinely operating at 120%, or higher, of the network's capacity. Significant numbers of people in custody are sleeping on cell floors. This is in contravention of both IPS and Council of Europe committee for the prevention of torture safe standards and best practice.

Looking again at the UK, research undertaken in England and Wales by the Ministry of Justice has highlighted the link between overcrowding and a rise in prisoner-on-prisoner assaults, with prisoners in overcrowded cells being 19% more likely to be involved in an assault. The most recent data on the rates of violent incidents and assaults released by the IPS highlights notable fluctuations during 2023 and 2024. The data demonstrate that there has been a reported 3% decrease in direct physical assaults by prisoners on prison staff, while aggressive and threatening incidents have fallen by 8%. Physical interventions in prisons, where staff must intervene physically, are down by 25%. These figures suggest some improvement in the safety of the prison environment for staff.

There has been a concerning 31% increase in the number of direct physical assaults by prisoners on other prisoners over the same period, which is a significant rise. Upon closer examination of the data, it becomes evident that the trends are firmly established in Irish prisons. Figures released by the IPS in 2023 indicated a 14% reduction in the number of physical assaults by prisoners on staff between 2022 and 2023 but, conversely, a significant rise in prisoner-on-prisoner assaults was observed, with an increase of 74%.

The 31% increase in prison-on-prisoner assaults in Ireland in 2024 further underscores the correlation between overcrowding and rising violence in the Irish context. How incapacitant sprays will positively interrupt this trend is entirely unclear. Indeed, even the Department of justice in its own policy paper acknowledges the fact that international evidence demonstrates that the introduction of incapacitant sprays in custodial sentences is likely to cause an increase in the number of use-of-force events in Irish prisons.

In this context, we fundamentally disagree with the introduction of incapacitant sprays in custodial settings and are therefore seeking the outright deletion of the relevant sections, as was sought by the justice committee. It is important. I regard the Minister as quite a logical man. Overcrowding is the reason we may see an increase in prisoner-on-prisoner violence. The response is to introduce another layer of violence, that is, incapacitant sprays, into the mix rather than reducing the number of people who are in prison.

When we reduce the number of prisoners in prison settings, violence decreases. The most logical thing to do would be to ensure the large number of people currently in prisons for minor convictions - up to 70% of prisoners are sent to prison for minor convictions - would not be in prison for those convictions. Can the House imagine that we only have 30% of prison space left for more serious crimes? If we freed up the rest of the space, we would not be talking about introducing incapacitant sprays or weapons or anything like that which can be used. We would be looking at more positive interventions.

Rather than thinking of it as a safety concern and deciding that because of overcrowding or prisoner-on-prisoner violence we need incapacitant sprays, I ask the Minister to consider that the answer is to reduce the number of people in prisons so that the relationship between prison officers and prisoners can be further enhanced. The success of an institution like a prison is based on how you build relationships; it is relationship-based. When there is a potential threat between a prison officer and a person incarcerated in prison, the idea that somebody could reach for incapacitant spray interrupts the potential relationships that could be built between prison officers and those in prison. We could do things that would have a much longer and more sustainable impact on how people and prison officers experience their time in prison, and on how people integrate back into society. If you have endured incapacitant spray within prison, you will have even less trust for authority than you had when you went in.

I ask the Minister to consider whether these are logical, evidence-based responses to the issues of overcrowding and over-use of short sentences within the Irish prison system.

Senator Sarah O'Reilly: Is amendment No. 10 grouped with amendments Nos. 1 to 3?

An Cathaoirleach: Yes. Does the Senator wish to speak on amendment No. 10?

Senator Sarah O'Reilly: Yes. I welcome the opportunity to speak on this amendment. I agree with Senator Ruane. My amendment is pretty straightforward. It seeks to ensure that the Minister will, within 12 months of the commencement of this legislation, report to the Houses of the Oireachtas on "the operation [and impact] of the provisions relating to ... incapacitant spray" in prisons. Prison officers have an extremely difficult job and they must have the ability to protect themselves. When I raised this issue on Second Stage, the Minister said that he wants to protect prison officers. Nobody disputes that they must have that protection. However, I am concerned this measure risks treating the symptom rather than addressing the underlying problem.

We know our prisons are under enormous pressure. We have heard recent reports of more than 500 prisoners sleeping on mattresses on floors. The Prison Officers Association has described the situation as a "national scandal", and has warned that overcrowding is contributing to increased violence. If you add more violence to violence, are you increasing

that risk? Does violence breed more violence, intimidation and tension within prisons? Is it wise to introduce incapacitant spray in this context? It seems more like putting a band-aid on the issue instead of addressing the root cause of these incidents.

Under budget 2026, the Minister announced €495 million for prison infrastructure, including a new prison in Cork, as well as additional accommodation in Wheatfield, Midlands, Castlerea, Mountjoy, Cloverhill, Portlaoise, Limerick and Dóchas prisons, as well as the commencement of construction at Thornton Hall. I would welcome an update from the Minister on these projects and how they are progressing, as well as details of when the additional capacity will come on stream.

I note the provisions in section 15 encouraging greater consideration of community service orders. While community service can be appropriate and beneficial in many cases, particularly in supporting rehabilitation, custodial sentences remain necessary for serious and violent offences. The amendment simply asks that we measure the impact of this legislation and determine whether it genuinely improves the functioning and safety of our prison services.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senators for the amendments they put down on Committee Stage, for which I am here today and back again tomorrow. I thank Senator Ruane for her amendments Nos. 1, 2 and 3, which seek to amend section 4 of the Bill by deleting the amendments I am proposing to the Firearms Act, which refer to the use and capacity of the Irish prison service to have incapacitant spray.

At the outset, I acknowledge that Senator Ruane has consistently displayed an interest in penal matters and has very good knowledge of the pressures our prisons are under. She has worked very well in the area of penal reform. Since I became Minister, I have visited every prison in the country, except the Midlands Prison. I have visited 12 of the 13 prisons, and I am going to go back to start visiting them again. Every time I go, I meet the staff and the governors and I always make sure I also meet the prisoners. As the Senator knows, there is a lot of good work going on in Irish prisons at present. It is not a simple narrative because, unquestionably, there is overcrowding in Irish prisons. I am responsible for ending that and seeking to reduce it. Last year, I got authority from the Government to invest up to €500 million in further prison construction. I do not believe all our solutions involve building more prisons. However, when you look at how our population has risen in the last ten to 15 years, it is clear that our prison capacity has not increased correspondingly. The main reason we have overcrowding today is because we never increased capacity. Work being done on estates by the Irish Prison Service is done very quickly and professionally. Recently, I went to Castlerea where I saw the new buildings that have already been built in the grove with the money I got authority for in May 2025. It is a small development but it has been constructed within one year. There will be further construction starting in Cloverhill soon. I believe we will see an increase in the prison estate and its capacity. That is essential to ensure prisoners are not exposed to overcrowding.

The amendments that have been put down by Senator Ruane - amendments Nos. 1, 2 and 3 - seek to stop the legislation that I am introducing from enabling prison officers to have incapacitant spray. I am not going to agree to the amendments because I believe it is necessary and appropriate that prison officers should have access to mechanisms for defending themselves. I say that notwithstanding the fact that when I have gone to all the prisons, one of the things that does not surprise me but is very noticeable is the very good relationship that

exists between prisoners and prison officers. People who have not been into prisons may be surprised by that, but there is an excellent relationship that is predominantly one of trust and engagement between prisoners, prison officers and prison staff. We do not see many attacks on prison officers by prisoners. Regrettably, since I have become Minister, there have been attacks upon them. It is essential that prison officers are properly equipped to protect themselves, their colleagues and, of course, the prisoners in their care from serious and potentially lethal violence. To that end, I believe it is necessary for prison officers to be able to use incapacitant sprays in appropriate circumstances where the situation may demand it. It does not mean that once this law is enacted, or if this law is enacted, prison officers will start going around using incapacitant spray with reckless abandon.

It is important to point out that Ireland is one of a tiny number of European states whose prison officers are not currently allowed to use this protection in any circumstances.

The vast majority of other European jurisdictions have long since determined incapacitant spray to be an essential item in this regard. The evidence shows that such sprays do not cause long-term health effects and that, used appropriately, they can prevent or minimise incidents of serious prison violence and indeed reduce the need for more forceful and potentially injurious physical interventions by prison officers. Because of the professionalism of Irish prison officers, if this law is enacted I believe we will not see any significant change. We will not see prison officers reaching for pepper spray in an immediate response to a circumstance which otherwise they could resolve.

It is important to point out what the Bill does and does not do in relation to incapacitant sprays. It does not authorise unconditional possession or deployment. Rather, it removes what is currently an outright prohibition on prison officers possessing, using or carrying such sprays in the course of their duties. The Bill provides that such sprays will be permitted only in accordance with such further provisions as may be made by me under the prison rules. The use of such sprays will be further underpinned by mandatory policies and operating procedures and by bespoke training for prison officers to ensure that these devices are used appropriately and in line with all applicable health and safety and human rights considerations. The sprays will also be piloted in selected locations before any wider roll-out. Consequently, I cannot accept amendments Nos. 1, 2 or 3.

I thank Senator O'Reilly for her amendment No. 10. It proposes to insert a new section 6 into the Bill providing for a review of operation of the provisions relating to the possession, use and carriage of incapacitant spray. The review would be carried out by the Minister no later than 12 months after commencement and would examine the operation and practice of the provisions enabling prison officers to possess, use and carrying incapacitant spray. The measures to be considered in the review are set out in paragraphs (a) to (f).

I share the objective of keeping legislation under review. However, Senators will be aware, and Senator McDowell and I discussed this recently, that under Dáil Standing Order 204 there must be a post-enactment report in respect of all Acts enacted. I believe there is a similar provision in the Seanad Standing Orders. That report is to be prepared by the Minister responsible for implementation 12 months after enactment and provides a review of the functioning of the Act to date. These reports are laid in the Oireachtas Library. The review the Senator proposes would, in practice, substantially duplicate the post-enactment report process that already applies to this Bill on commencement. Indeed, having this obligation in the

Standing Orders rather than scattered across various pieces of legislation ensures consistency in the manner and timing of reviews of new legislation. For those reasons I do not consider a statutory review provision of the kind proposed as necessary. Therefore, I will not be accepting the amendment.

Senator Lynn Ruane: I thank the Minister for his comprehensive contribution. I disagree with some parts in relation to focusing only on an increase in population as a cause for overcrowding. The Minister's Department is going to support policies and changes which he has announced in relation to community sanctions, which acknowledges that prison is overused. In certain years, between 68% to 75% of people in prison are there for minor convictions. In terms of overcrowding, a greater cause for concern than the population rise is the overuse of sentences of less than 12 months. Nobody receives an intervention in less than 12 months in Irish prisons, regardless of how much work is happening in the prison. Addiction waiting lists are extremely long. A person will not see a psychologist within that 12 months. Whatever the Minister's comments on the rise in population being the reason, I cannot allow that alone to stand as the reason. It would be good for the Minister to acknowledge that we can also reduce the prison population through how we actually do justice in relation to those community sanction pieces. That would drastically reduce overcrowding, regardless of whether I agree with more infrastructure. My goal would obviously be a world where we do not need prisons at all. While I am not completely naive, I do not support such numbers of people receiving prison sentences for relatively minor convictions where they will not actually receive any sort of rehabilitative measures within that year. If anything, it grows their criminality because people and young people are exposed to all sorts of people from other communities. People often say when they come out of prison from shorter sentences that their engagement in criminality begins again and that they have made wider connections. It is no use. I would like that point to exist there.

Not to undermine the professionalism of prison officers but I am not sure whether the Minister is aware - he probably is - of the recent report from the Council of Europe's committee for the prevention of torture, which raised serious concerns around the under-development of training of Irish prison officers in relation to physical restraint, that is, without a weapon or incapacitant spray. The committee for the prevention of torture has already stated that our prison officers are not trained properly on the use of force. I am not saying that is the fault of the prison officers, whether it is down to the training or how people are taught, I do not know the answer to that. That fact exists that we are now going to layer on an incapacitant spray without addressing what the Council of Europe's committee stated, which was that there is a serious concern in how Irish prison officers currently use restraint. We would probably be better off investing in how we adequately train prison officers in de-escalation and safer restraint as a first step before we consider incapacitant sprays. At this stage, I am not going to convince the Minister to change or review his opinion on the amendments. However, I would like the Minister to acknowledge that population increase is not the primary or only cause of overcrowding in the Prison Service.

Senator Michael McDowell: I listened carefully to what Senators O'Reilly and Ruane have said. I share their view that prison should be a punishment of last resort rather than in any circumstance a punishment that is handed down, particularly in the District Court, with a view to seeming to take a severe stance in the hope that the Circuit Court will some time later take

a more moderate view of the offence. Quite often in these Houses we hear earnest demands for mandatory prison sentences for assaulting emergency workers, gardaí and so on. At the same time the catastrophic consequences of sending a young person, nearly always a young man, to prison for an assault in those circumstances, is not taken into account by those who demand such measures be brought into law.

The second thing is that we are not dealing here with Tasers being used in prisons. We are just talking about incapacitant sprays. I share the view that we do not want to normalise their use. I remember when I was where the Minister is, being worried by the use of cells for the detention of prisoners who get overly het up. They were put into rubber-lined cells in total darkness as a fairly frequent event in terms of prison discipline, which I considered unacceptable. We dealt with that issue by ending the previous practice and bringing in a far more humane system of isolation cells for people who are a danger to themselves or to others. I am glad that change was made.

Nonetheless, I take the view that we are in a situation where our prison system is in crisis. It is not in the Minister's interest to unduly dwell on this fact but it is in crisis because over-occupancy has risen to very serious proportions.

That is in the context where we had one quarter remission for good behaviour back in the days when I was the Minister for justice. It is now one third remission. It is not as if the system has not attempted to cope with the situation that now exists.

In the context of how we deal with this problem, it is true that it is not solely related to the growth in population, but it is equally naive to believe that social attitudes to the criminal justice system exist in total isolation from the question of sentencing policy. My view is that those who demand severe penalties, even in a context where there is one third rather than one quarter remission, are, in fact, demanding the need for extra prison spaces when those penalties are being imposed.

With an increasing population, particularly where demographic increases are taking place, namely in the age groups where criminality is more located and more likely to occur, from a statistical point of view, the simple fact is that at the very least we need the number of prison spaces that exist at present. In addition, those prison spaces need to be allocated on a humane basis. We are putting two or three people in a cell - two on bunks and one on a rubber mattress on the floor. The Chief Inspector of Prisons has commented on this situation, as has the UN committee. How can anybody think that situation can possibly be reconciled with an overall political mandate to engage in rehabilitation of prisoners? How can somebody who has existed for months or years in such circumstances really be expected to emerge out of prison as an improved citizen determined to spend the rest of his or her life obedient to the law? The reality is that massive overcrowding gives rise to major problems in terms of interpersonal relations between prisoners and between prison officers and prisoners. That carries with it the whole question of keeping prisoners safe, which we, as a society, have an obligation to do.

This brings me to the point that we were about to build Thornton Hall in 2007. The purpose of that campus was not simply to have a super-prison near Dublin. It was to have sufficient space available on a prison campus for different kinds of units, with different regimes in them, with facilities for sport and outdoor activities, and the capacity to have people properly housed in decent circumstances as opposed to overcrowded conditions.

I am strongly of the view that successive governors of Mountjoy Prison, especially since my time as Minister, have made huge efforts to-----

An Cathaoirleach: I know we are on Committee Stage, but-----

Senator Michael McDowell: I am going to finish this point.

An Cathaoirleach: It is not quite on the amendment.

Senator Michael McDowell: I am not trying to delay things. I do, however, want to put something on record. We are not going to deal with the issues that have been raised unless we have decent, civilised circumstances. We are not going to deal with it. The Minister was asked by Senator O'Reilly to talk about Thornton Hall. He did talk about what he has done in two other locations, and that is good news. It concerned what the Minister has done in Castlerea and what he is planning to do in Clover Hill. What is needed now is for the Minister's colleagues in government to make an absolutely firm commitment to start building the facility at Thornton Hall, including the various units to which I refer, and to make use of the significant investment that has already gone into that place to end overcrowding. That is the point I want to make. It is the only point I want to make.

I do not believe there is anything inherently wrong with using incapacitant sprays in disorderly situations of a certain kind, but they cannot be made routine. I presume that the rules the Minister has in mind for them will have similar requirements as apply to gardaí, who are even required to report on the use of a baton and the like. Senator Ruane said that perhaps the Minister thinks she is being naive in some of the things she said. Many of the points she is making are correct. The answer, though, is not to leave Irish prison officers in a situation where they have to use excessive force, in excess of what would be achieved by an incapacitant spray, to subdue riotous and disorderly behaviour. In the end, this is not merely a threat to the prison officers themselves, but, very frequently, a threat to other prisoners, for whom we all have a collective duty to keep safe.

Deputy Jim O'Callaghan: I agree with Senator Ruane. I accept that the increase in population is not the only reason why there has been an increase in the prison population. However, it is not inconsistent of me to say that prison capacity should have kept in line with the population increase. The Senator is, of course, correct in recognising, as I do, that there are other reasons why our prison population has increased. First, new laws are being created. We are the people who make the new laws. We are the people who say whether or not a prison sentence is necessary. I am pleased to say that one of the new offences I am introducing under this Bill is sex for rent. When we look at this provision, we will notice that there is no possibility of a prison sentence being imposed for that offence. It is solely a fine. We really need to look at ourselves as legislators when it comes to legislation. Do we always need to include a term of imprisonment as a penalty provision? It is hard for us to criticise judges who impose prison sentences when the Oireachtas has said that penalty is available to them.

Senator Ruane also spoke about the training of prison officers. I was given an exhibition by prison officers down in Castlerea as to how they deal with the unusual but dangerous situation that can arise when there is a violent, aggressive prisoner. It is a very harrowing and

difficult process to deal with. My view is that I thought, from my experience and knowledge, that the prison officers were very professionally trained and qualified to do so. It is an extremely difficult task. Something like an incapacitant spray could be a more effective way of dealing with that kind of situation, in the unusual circumstances where the need to use it arises.

Thornton Hall was mentioned by Senators O'Reilly and McDowell. They will know that money is allocated in the national development plan, in its latter part, for Thornton Hall. It is part of my plan, and that of the Government, to build a new prison at Thornton Hall. That is the proposal.

We need to recognise that when it comes to the prison population, people are going to prison now who would not have done so 40 years ago. In some respects, that is a good thing. If we look at sexual offences, men got away with violence, rape and sexual assault years ago. There were no consequences. Now, these offences are prosecuted much more vigorously, including for historical offences, and this is going to result in more people being in prison. Indeed, this will mean more elderly people will be in prison. That is also a discussion we need to have at some stage.

We also need to reflect on situations where it is the instinctive response of the Oireachtas to criminalise certain human activities, and then to impose a penal sanction along with it. We need to reflect on this aspect. Maybe we are criminalising too much human behaviour. I will not start naming proposals now, but there are some out there concerning banning certain things. Are these really things that we need to designate breaches of the criminal law, for which, necessarily, there may perhaps be criminal sanction?

An Cathaoirleach: Is the amendment being pressed?

Senator Lynn Ruane: I agree with fewer prison sentences for fewer crimes. Yes, I am.

Amendment put:

The Committee divided: Tá, 9; Níl, 30.	
Tá	Níl
Black, Frances.	Ahearn, Garret.
Cosgrove, Nessa.	Brady, Paraic.
Harmon, Laura.	Byrne, Maria.
Higgins, Alice-Mary.	Comyn, Alison.
McCormack, Maria.	Conway, Joe.
Murphy, Conor.	Conway, Martin.
O'Reilly, Sarah.	Costello, Teresa.
Ruane, Lynn.	Crowe, Ollie.
Tully, Pauline.	Curley, Shane.
	Daly, Paul.
	Duffy, Mark.
	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.

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

Tellers: Tá, Senators Lynn Ruane and Alice-Mary Higgins; Níl, Senators Gareth Scahill and Paul Daly.

Amendment declared lost.

3 o'clock

An Cathaoirleach: I welcome guests of Senator Joe Conway to the Gallery - Councillor Joe Kelly and his wife Frances, along with Councillor Declan Barry and Sally, as well as Councillor Sandra Conway. They are most welcome to Seanad Éireann. I thank them for being here today.

There was an amendment to the vote as one Senator inadvertently voted the wrong way.

Senator Lynn Ruane: I move amendment No. 2:

In page 9, to delete lines 23 to 27.

Amendment put:

The Committee divided: Tá, 10; Níl, 28.	
Tá	Níl
Black, Frances.	Ahearn, Garret.
Clonan, Tom.	Brady, Paraic.
Cosgrove, Nessa.	Comyn, Alison.
Harmon, Laura.	Conway, Martin.
Higgins, Alice-Mary.	Costello, Teresa.
McCormack, Maria.	Crowe, Ollie.
Murphy, Conor.	Curley, Shane.
O'Reilly, Sarah.	Daly, Paul.
Ruane, Lynn.	Davitt, Aidan.
Tully, Pauline.	Duffy, Mark.
	Fitzpatrick, Mary.
	Flaherty, Joe.

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

Tellers: Tá, Senators Lynn Ruane and Alice-Mary Higgins; Níl, Senators Gareth Scahill and Paul Daly.

Amendment declared lost.

Senator Lynn Ruane: I move amendment No. 3:

In page 10, to delete lines 34 to 41, and in page 11, to delete lines 1 to 4.

Amendment put:

The Committee divided: Tá, 11; Níl, 28.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Brady, Paraic.
Clonan, Tom.	Comyn, Alison.
Cosgrove, Nessa.	Conway, Martin.
Harmon, Laura.	Costello, Teresa.
Higgins, Alice-Mary.	Crowe, Ollie.
McCormack, Maria.	Curley, Shane.
Murphy, Conor.	Daly, Paul.
O'Reilly, Sarah.	Davitt, Aidan.
Ruane, Lynn.	Duffy, Mark.
Tully, Pauline.	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Keogan, Sharon.
	McCarthy, Aubrey.
	McDowell, Michael.
	Murphy, P. J.

	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	Rabbitte, Anne.
	Ryan, Dee.
	Scahill, Gareth.
	Wilson, Diarmuid.

Tellers: Tá, Senators Lynn Ruane and Alice-Mary Higgins; Níl, Senators Gareth Scahill and Paul Daly.

Amendment declared lost.

Section 4 agreed to.

Section 5 agreed to.

NEW SECTIONS

An Leas-Chathaoirleach: Amendments Nos. 4 to 9, inclusive, and amendment No. 34 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 4:

In page 11, between lines 9 and 10, to insert the following:

"PART 3

AMENDMENT OF WIRELESS TELEGRAPHY ACT 1926

Definition (Part 3)

6.In this Part, "Act of 1926" means the Wireless Telegraphy Act 1926."

Deputy Jim O'Callaghan: These are essential measures to clarify the authority of the Garda to deploy radio frequency jammers to counter drones, or what are technically referred to as unmanned aircraft systems, where required as part of carrying out its statutory functions under the Policing, Security and Community Safety Act 2024.

I will briefly give Senators the background. Drones have increased significantly in prevalence and capability over the past decade. Improvements in accessibility, affordability and ease of operation have resulted in their widespread use. They also present distinct and evolving security risks. This may include threats to life or property, threats to public safety or State security, criminal activity, intimidation or harassment. The growing risks and awareness of illicit drone activity from a security and defence perspective have also been identified at EU level in an action plan on drone and counter-drone security. I am advised that there is a need for legal amendments to confirm that the Garda has legal powers where necessary and proportionate to deal with dangerous or hostile drone activity through the use of what are called

radio frequency jammers. This is particularly the case in the context of our forthcoming Presidency of the Council of the European Union.

I am informed that radio frequency jammers can be used to provide a localised source of radio noise that is intended to disrupt wireless communications to illicit or dangerous drone activity. The relevant equipment can be used to detect the presence of a drone or can interfere with it to such an extent that the jammer sends it back to the pilot or makes it land in a safe drone zone. Depending on the equipment used, the effect of using a jammer could extend in a specific localised area beyond the specific radio frequency channels used by a drone to other frequencies to potentially impact other radio frequency users, such as mobile and radio networks and emergency call systems. For this reason, international communications standards suggest that the use of jamming equipment should generally be prohibited but without prejudice to the general need for an exemption to apply where the intended purpose is for security or defence purposes.

Amendments Nos. 4 and 5 are technical in nature and simply deal with reference to the Wireless Telegraphy Act 1926 and the Policing, Security and Community Safety Act 2024. The 1926 Act is the legislation which sets out the current legal regime relating to wireless telegraphy, a term which includes a radio frequency jammer. The Commission for Communications Regulation, ComReg, is the State's regulator in this space and it operates a licensing regime for the use of wireless telegraphy apparatus. The 2024 Act is the overarching legislation which governs the operation of An Garda Síochána.

With amendment No. 6 I am proposing to amend section 3(6) of the Wireless Telegraphy Act 1926 to ensure that the general prohibition on the possession of wireless telegraphy apparatus without a licence from ComReg does not apply to a radio frequency jammer kept by An Garda Síochána for the purpose of working or using it in accordance with the proposed new section, 12(1B) and 12B(1B) of the 1926 Act. This refers to amendments Nos. 8 and 9. In plain language, it refers to An Garda using a radio frequency jammer to interfere with a drone where it is reasonably believed to be necessary to carry out its function under the 2024 Act. Under the current section 3(6) of the 1926 Act An Garda would require a licence from ComReg for the possession of a radio frequency jammer. My concern with this position is that requiring An Garda to operate under licensing conditions set by another State body for the possession and use of equipment would not be appropriate as An Garda cannot cede its policing and security functions in this area to another State body that does not have such functions.

However, this amendment needs to be read in conjunction with amendment No. 7. That amendment has been drawn up following extensive contact between officials from my Department, An Garda, the Department of Culture, Communications, and Sport and ComReg. This amendment inserts a new section, 3B into the 1926 Act which obliges An Garda and ComReg to agree a memorandum of understanding to support the sharing of information on the use of radio frequency jammers for counter-drone purposes. This would cover sharing of information on issues such as maintenance, frequencies used, standard operating procedures and instances of equipment use. It will ensure that An Garda is in a position to maintain the capability for the use of this equipment and avail of ComReg expertise, while ComReg will be informed of all relevant aspects of the use of this equipment.

Amendments Nos. 8 and 9 are consequential in nature. At present, section 12 and section 12B of the 1926 Act provide for offences and monetary penalties for the use of wireless

telegraphy apparatus to interfere with other such apparatus, which will at present apply to An Garda if it used this equipment. This is one example of where the law in this area is not entirely consistent. Under a separate statutory instrument made in 2011 under the Wireless Telegraphy Act 1972, there is a general prohibition on the sale, hire, manufacture or importation of wireless telegraphy interference apparatus, which would include a radio frequency jammer. There is also a clear exemption in the order, which confirms that it does not apply to the importation or manufacture of such equipment by An Garda, the Defence Forces or the Prison Service. Therefore, at present, it is lawful for An Garda to manufacture or import a radio frequency jammer but the law contains inconsistency thereafter with regard to its use. Amendments Nos. 8 and 9 amend sections 12 and 12B of the 1926 Act to provide that the offences on the use of wireless telegraphy apparatus to interfere with such other apparatus do not apply to the use of radio frequency jammers by An Garda, for counter-drone activity. This is modelled on previous such amendments introduced to these sections in 2023 in respect of the Dublin Airport Authority.

Amendment No. 34 is technical in nature and simply amends the Long Title of the Bill to reference the amendments to the Wireless Telegraphy Act 1926, as proposed in amendments Nos. 4 to 9, inclusive.

I am satisfied that these amendments are necessary to ensure An Garda is in a position to carry out its policing and security functions and deal with the threats posed to our security by illicit and unlawful drone activity. I should add that my officials are continuing to engage with the Attorney General's Office to ensure consistency of the proposals with EU communications legislation and I will advise Senators on Report Stage should any issues arise.

An Leas-Chathaoirleach: To clarify, amendments Nos. 4 to 9, inclusive, are grouped.

Amendment agreed to.

Government amendment No. 5:

In page 11, between lines 9 and 10, to insert the following:

“Amendment of section 2 of Act of 1926

7. Section 2 of the Act of 1926 is amended by the insertion of the following definition:

“ ‘Act of 2024’ means the [Policing, Security and Community Safety Act] [2024;]”.

Amendment agreed to.

Government amendment No. 6:

In page 11, between lines 9 and 10, to insert the following:

“Amendment of section 3(6) of Act of 1926

8. Section 3(6) of the Act of 1926 is amended by the insertion of the following paragraph after paragraph (a):

“(aa) a radio frequency jammer kept by or in the possession of An Garda Síochána or a member of An Garda Síochána for the purposes of working or of using such radio frequency jammer in accordance with section 12(1B) and 12B(1B),”.”.

Amendment agreed to.

Government amendment No. 7:

In page 11, between lines 9 and 10, to insert the following:

“Commission and An Garda Síochána to agree memorandum of understanding on information sharing

9.The Act of 1926 is amended by the insertion of the following section after section 3:

“3B. (1) The Commission, having regard to its function under section 10(1)(b) of the [Communications Regulation Act 2002,] and the Garda Commissioner, having regard to the function of An Garda Síochána referred to in section 9 of the Act of 2024, may agree a memorandum of understanding concerning the sharing between them of information on radio frequency jammers—

(a) kept by, or in the possession of, An Garda Síochána or a member of An Garda Síochána, and

(b) worked or used by a member of An Garda Síochána to interfere with the working of or otherwise injuriously affect any UAS.

(2) Without prejudice to the generality of subsection (1), the Commission and the Garda Commissioner may agree that the memorandum of understanding referred to in that subsection provide for the sharing between them of information relating to any of the following:

(a) the procurement, storage, calibration, testing and maintenance of radio frequency jammers by An Garda Síochána;

(b) standard operating procedures internal to An Garda Síochána relating to the use of radio frequency jammers;

(c) the types of radio frequency jammers kept or used by An Garda Síochána, including the radio frequencies used by the radio frequency jammers and the power limits of the radio frequency jammers;

(d) instances of the use of radio frequency jammers by An Garda Síochána.

(3) Without prejudice to subsection (1), the Commission and the Garda Commissioner shall agree a memorandum of understanding referred to in that subsection within the period of two months beginning on the date on which this section comes into operation.

(4) Where a memorandum of understanding is not agreed in accordance with subsection (3)—

(a) the Commission shall notify the Minister for Culture, Communications and Sport, and

(b) the Garda Commissioner shall notify the Minister for Justice, Home Affairs and Migration,

of that fact.

(5) The Commission and the Garda Commissioner shall keep under review the operation of a memorandum of understanding agreed under this section and may agree such amendments to, or revocations of, the memorandum as appear to them to be necessary or desirable.”.”.

Amendment agreed to.

Government amendment No. 8:

In page 11, between lines 9 and 10, to insert the following:

“Amendment of section 12 of Act of 1926

10.Section 12 of the Act of 1926 is amended—

(a) in subsection (1), by the substitution of “Subject to subsections (1A) and (1B)” for “Subject to subsection (1A)”, and

(b) by the insertion of the following subsection after subsection (1A):

“(1B) It shall be lawful for a member of An Garda Síochána to work or use a radio frequency jammer to interfere with the working of or otherwise injuriously affect any UAS where the member reasonably believes such work or use to be necessary for the purposes of carrying out the function of An Garda Síochána referred to in section 9 of the Act of 2024.”.”.

Amendment agreed to.

Government amendment No. 9:

In page 11, between lines 9 and 10, to insert the following:

“Amendment of section 12B of Act of 1926

11.Section 12B of the Act of 1926 is amended—

(a) in subsection (1), by the substitution of “Subject to subsections (1A) and (1B)” for “Subject to subsection (1A)”, and

(b) by the insertion of the following subsection after subsection (1A):

“(1B) Subsection (1) shall not apply to the use by a member of An Garda Síochána of a radio frequency jammer for the purpose of interfering with a UAS where that member reasonably believes such use to be necessary for the purposes of carrying out the function of An Garda Síochána referred to in section 9 of the Act of 2024.”.”.

Amendment agreed to.

Amendment No. 10 not moved.

Sections 6 to 8, inclusive, agreed to.

SECTION 9

An Leas-Chathaoirleach: Amendments Nos. 11 to 13, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Maria McCormack: I move amendment No. 11:

In page 15, to delete lines 1 to 8.

These amendments relate to the civil power. What is important here is that in April 2026 the Minister said that the Defence Forces should be deployed to assist An Garda Síochána removing the fuel protest blockades. There was uproar in the country about this. This was a serious escalation at a time when the Government should have been focused on de-escalation. This is where there are serious concerns in the community. A few weeks later, out of the blue, we get these amendments to expand the deployment of the Defence Forces in aid to civil power being brought forward by the Minister. I want to get an explanation around this so that we have clear understanding. I was on the picket line at these protests. These were peaceful protests. People have the right to protest, but to send in the Army at that time was not appropriate. I hope that the reason behind bringing in these powers is not to do with that. Sinn Féin has been clear that any expansion of Defence Forces powers must be grounded in transparency, democratic oversight and absolute respect for civil liberties. The provisions on aid to civil power raise concerns regarding the normalising of military involvement in policing, which should remain exceptional and limited. I will be interested to hear what the Minister has to say on that.

Amendment No. 11 proposes to delete the provision regarding aid to civil power from this Bill. If they are needed, let the Minister come back with a stand-alone Bill to the House when the Government is in a position to explain what is behind these proposals. I want to get my head around this.

Amendment No. 13 requires an annual report - that is all - to review these sanctions in the event that amendment No. 11 is not accepted. However, I am hopeful that the Minister will accept both of these amendments.

Senator Alice-Mary Higgins: We are proposing amendment No. 12 in relation to this but I also want to indicate that amendments Nos. 11 and 13 have merit also.

This is particularly the case as they would be added as a very serious component of the legislation before us, which was not subject to pre-legislative scrutiny and did not have the same examination. It is a very significant proposal that would allow for the armed forces - not just the armed force because, when you look to the Bill, it is clear that it refers to the armed forces with everything that brings - to be applied in civil situations. In situations where you have issues within civil society and the civil space, we will now be looking to the addition of the armed forces. When we talk about deployment of members of the armed forces, subsection (3) of the new section the Minister is going to introduce proposes that the members of the

Defence Forces who are "deployed in aid of the civil power may use such force as is reasonable, proportionate and necessary". The force available to a member of the armed forces is considerably different. Even with the necessity and proportionality attachment, you are still talking about a level of potential force applied within situations that is far different from the level of potential force that is going to be applied within civil policing. You are talking about a significant change in circumstances when you have an issue of civil unrest and you are bringing in military-style responses with the military checks and balances rather than the civil checks and balances.

That is a really serious thing to do. At a minimum, that is why I would support amendment No. 11 from the Sinn Féin Senators. If the Minister is bringing this proposal forward, it is one that merits scrutiny not just by the justice committee but also by the defence committee. It should have the opportunity for pre-legislative scrutiny on the proposal for a very different kind of use of our armed forces, including the implications for the armed forces and their relationships with society as well. I would also support the idea that in each instance where this is deployed, we should be having a review and reporting in relation to it. Again, I hope it would be rare, but wherever it is occurring, it should be studied as part of very significant scrutiny.

I say this in the context of looking internationally. We all know this. Anybody who has served with the Organization for Security and Co-operation in Europe, OSCE, or worked on any of the other pieces sees that there is always a delicate balance internationally between armed forces and the civilian power. When you blur that line, you are creating a vulnerability in regard to the sense of democratic accountability within the state. We have seen in Korea a huge reaction against something that was obviously far more, but it was an attempt to bring martial power to bear. There was an extremely strong reaction from the public in Korea to those attempts by the political or civil powers to bring martial law to bear.

This is obviously not declaring martial law; it is simply deploying the armed forces for particular instances but there are serious concerns attached that have not been properly scrutinised and that should be examined. Our amendment is actually very minimal compared to amendments Nos. 11 and 13, which I would also support. We simply say that as a basic bar, when this is happening the seriousness of it should be recognised by a requirement for a resolution passed by both Houses of the Oireachtas. Our amendment is perhaps too mild in this regard and in this context, given the potential seriousness of what happens when you place armed members of the Defence Forces on public streets in situations of civil unrest. Let us think about how that looks and feels. I think that as a minimum, there should at least be an opportunity for both Houses of the Oireachtas to have an input into that decision. That would be appropriate to the seriousness of such a decision.

An Leas-Chathaoirleach: Before I call on the next speaker, I welcome the group from Our Lady's Island-Tacumshane Senior Citizens from Wexford. They are guests of the Ceann Comhairle, Deputy Verona Murphy. They are very welcome here today and I hope they enjoy their visit. I call Senator Black.

Senator Frances Black: Amendment No. 12 is about democratic accountability. What we are asking for is fairly straightforward. We are proposing that any order made under section 9, which relates to calling out the Defence Forces in aid of the civil power, should require a

resolution passed by both Houses of the Oireachtas. I do not think the Minister should be able to take a decision of that weight alone. Section 9 deals with the deployment of the Defence Forces domestically, which is not a minor or routine matter. It is an exceptional measure. Exceptional measures require exceptional oversight. I do not believe the decision to deploy military personnel in support of civil authorities should rest with the Minister alone.

We in the Seanad have a role to play in scrutinising and checking executive power. This amendment does not prevent the Minister from acting. It simply requires that both Houses of the Oireachtas are brought into the decision. That is not an obstacle to good governance; it is actually good governance.

I want to be clear about what this amendment is not. It is not an attempt to obstruct legitimate security operations. In urgent circumstances, the Minister retains the power to act and this amendment ensures that such actions are subsequently accountable to this Parliament and the Oireachtas. That balance between executive flexibility and democratic oversight is exactly what the Oireachtas should be insisting on. It is a measured, proportionate amendment and it asks only that decisions of real constitutional weight are subject to parliamentary approval.

Senator Michael McDowell: A number of things occur to me in this context. The first is that we should not suffer from collective amnesia. It is a long time ago, but not that long ago, that Don Tidey, a supermarket executive, was the subject of a kidnapping. The Provisional IRA, at that stage, looked for £5 million ransom for his return. He was hidden in a number of places but eventually in County Leitrim, in the custody of the Provisional IRA. Extensive searches were authorised by the Government at the time to find and release him and return him to his family.

Let us be clear about one thing. In those circumstances, we cannot have meetings of the Dáil and Seanad to work out whether the Army, which was in the end deployed extensively to find and rescue Don Tidey, should or should not be deployed. You cannot do that in an orderly fashion. You could not say that when Tiede Herrema was the subject of a kidnapping in County Laois, you would want to have a meeting of the Dáil and Seanad to decide whether members of An Garda Síochána should be assisted by members of the Army in confronting that situation. It is worthwhile reminding ourselves that Galen Weston, another executive, was the subject of an elaborate attempt to kidnap him, and the late Ben Dunne was the object of similar activity.

What happened in the case of Don Tidey was shocking. A member of the Defence Forces, Private Patrick Kelly, was murdered. Recruit Garda Gary Sheehan, for whom there is a medal every year now in Templemore, was murdered.

Let us remember that there are occasions when the Defence Forces must be deployed in order to vindicate the rights of citizens. Those events are by no means unique. Those of us who have been around slightly longer than others will remember with crystal clarity when the movement of cash in this State had to be done in the presence of trucks full of soldiers. We saw what happened when that did not happen in Adare, County Limerick. Members of An Garda Síochána were machine-gunned by people intent on stealing money for the Provisional IRA.

We cannot have a situation where Dáil Éireann and Seanad Éireann have to approve resolutions in all circumstances where events such as those arise. Was it wrong to deploy armed

members of the Defence Forces and gardaí in the searches across the country to rescue Don Tidey? If someone is of the view that it was wrong for the Defence Forces to assist An Garda Síochána in that regard, that is fine. However, would anyone who does not share that view seriously suggest that if the Government deployed the Defence Forces in such circumstances, it would not be open to any Member of the Oireachtas who thought there was something wrong with what had happened to seek an early meeting of the Houses to determine whether such powers were properly deployed? In the real world, powers of this kind cannot be contingent on debates in Dáil Éireann.

In the past, the Defence Forces have acted in aid of the civil power. I did it myself on one occasion. On a number of occasions, I ended up in a ditch on the Concession Road outside Castleblayney with my worthy Gustav submachine gun. I was there to protect gardaí from being murdered by people, whether loyalists or our own republican paramilitaries, who were trying to challenge the authority of the Irish State. This has happened before. The real question is what is the appropriate mechanism. Is there a statutory basis for it? I cannot remember - and I do not remember sitting in that ditch either - whether there was, in fact, a statutory basis for what was done previously. I do not remember whether anybody at the time of the Tidey kidnapping and the murders of Patrick Kelly and Gary Sheehan queried whether it was appropriate for the Army to be involved. I doubt that they did because, at the time, it was generally assumed that the Government of the day could call on An Garda Síochána and the Army to act jointly to confront serious situations where necessary. If the current Attorney General and Minister for justice believe that a statutory basis is needed for this, it is our duty to assist them in that regard rather than telling them that we must make provision in law that, before anything is done, both Houses of the Oireachtas must be convened and their authority sought to conduct a search for Don Tidey or that Private Patrick Kelly should not be allowed help An Garda Síochána, laying down his life, without a resolution of both Houses of the Oireachtas.

The recent fuel protests probably gave rise to further consideration of these matters. It is not coincidence that this section is being put in place. It is proposed that the Minister for Defence should, following a request from the Minister for justice, have the right to direct the deployment of member of the Defence Forces in aid of the civil power to do what they have unfortunately done very regularly in the past. It is proposed that deployment would be conditional on a request from one Minister to the other that the Army should be so deployed. This puts what happened in the past on a lawful basis.

The reference to the Minister is a reference to the Minister for Defence. We now have two Ministers for finance and two Ministers for education. We have a Minister for children and Ministers for a whole load of other things. There was a time when most schoolchildren could tell you the names of the Ministers running different Departments but now you would need to have an expert memory to work out the exact jurisdiction of the various Ministers of the Cabinet. I am not going to speak on something irrelevant but I will strongly make the point that we need a full-time Minister for Defence because what has happened to the Defence Forces over the last 20 years has been nothing short of scandalous. They have been run down to a very low state. We can deal with that later.

Let us be clear. Nobody in this community has the right to blockade fuel depots with a view to bringing the country to its knees. It is unlawful and criminal. It is a criminal conspiracy. I

will repeat what I have said before in this House; you may not do that. It is not legitimate to do that. It is wrong to do it. It is a breach of the criminal law to do it. There is no right to organise a blockade of fuel depots with a view to bringing the Government to its knees. Nobody has the right to do that, no matter how strongly they feel about taxes on petrol or diesel or whatever. I share many of their views about some of our fossil fuel taxation policies but nobody has the right to bring society to its knees. In those circumstances, if it were necessary to shift trucks and obstacles and if the only group with the equipment to do so was the Army, it would be absurd for those resources not to be available in some shape or form to ensure the lifeblood of the country continued to flow.

I reject the idea that anybody has ever suggested that the Army get involved in batoning civilians on protest lines or anything of that kind. I know full well that what is in mind is tow trucks to open up access to vital fuel arteries to keep this country going. If a group of citizens thinks they have the right to say to Government and the community at large that they will bring Government to its knees unlawfully and in breach of the criminal law, that nobody will stop them and that, if gardaí and squad cars cannot stop them, that will be the end of the matter and the Government will surrender, it does not matter how many people support them, that is a huge mistake.

4 o'clock

At the time, I did not want to add fuel to the flames, if I may use that analogy.

It was perfectly proper for the Minister who is with us today to seek the assistance of the Army in deploying trucks to remove other trucks, the purpose of which was to choke off the economic life of the country and bring the economy to its knees. If we do not understand that, we have a really big problem. The idea that both Houses of the Oireachtas would have had to be convened before the Army was sent to rescue Don Tidey is ridiculous. The executive power of the State is lodged in the Government; it is not lodged in these Houses. There are occasions when the executive power of the State requires instant and effective action. These Houses can convene thereafter and say that something was excessive or that something else should not have happened, but the notion that they should be consulted in advance before any of those kind of situations come into play is, frankly, ridiculous.

We have to stand by the rule of law. There are occasions when challenges to the rule of law, as we saw recently, can become so severe that the economic and social damage to the State and its international reputation would be colossal if the Government cannot act effectively. There is ample precedent over the 100 years or so since the foundation of the State for the deployment of the Army and the Defence Forces in aid of the civil power. If the Attorney General is advising the Government that there ought to be or that it is preferable that there should be a statutory basis for this, I am in favour of that. I say most emphatically that, subject to my remark to the effect that we need a full-time rather than a part-time Minister for Defence, what is proposed is not merely sensible but also necessary in support of democracy.

An Cathaoirleach: Before I call Senator Higgins, I welcome Brian Sheehan, Kieran Rose and Karl Hayden, who are here as guests of Senator Harmon, to the Gallery.

Senator Alice-Mary Higgins: I will be brief. In the examples the former Minister described, the Army was deployed. This Bill did not exist, and the Army was deployed. We have had discussions about missing persons and other incidents. Let us have legislation on a statutory basis to address such incidents, including kidnapping and so forth. However, the Bill is a very wide rather than a nuanced instrument in the context of such incidents. All of the examples mentioned were instances where the Army had already been deployed. There are circumstances where other mechanisms have been found to ensure the Army's deployment. There are many circumstances where that happens.

What we are being asked to agree with here is a very wide categorisation of aid to the civil power that does not refer to extreme circumstances, provide caveats in service of democracy or state that we know only trucks will be sent. The Bill does not state any of those things. It simply states that the Minister for Defence, when asked to do so by the Minister for Justice, can allow the deployment of the Defence Forces.

In democracies internationally, there are always very careful safeguards in place between civilian authority and the use of military power. That is because, for many centuries, military power was predominant. There is a reason why, normally, there are extra safeguards. The Minister may not like the safeguard we have suggested in respect of a very simple matter. If he wanted to introduce a time limit, he could do so. The idea of saying that it is preposterous that the Dáil or Seanad would be involved is not true. In a time-bound situation, we can look to the kind of measures used in certain European legislation. It could be the case that in order for an exercise to continue beyond 48 hours or for there to be a time-limited action, that would be subject to review and approval for continuation by the Oireachtas. Many nuances can be put on that. The amendment is an attempt to have a structure of accountability regarding what is not currently even the subject of a discussion at Cabinet; it is the subject of a discussion between the Ministers for Justice and Defence.

The Bill does not categorise circumstances where this would be the only approach or where other measures might be looked. It simply refers to "such class or classes of assistance as may be agreed". There are two Ministers who can say that the Army can be used for whatever classes of assistance they decide they want to use it for and that this will be subject to "such conditions as he or she may specify". The Minister for Defence may set out some conditions, but we will not know what they are. We will not even know what kind of conditions they are.

I am sure we can come up with historical and projected future examples where there may be circumstances where the Army may be needed to support the civil power. Sinn Féin, which opposes the Bill completely, is not against that idea but would like it to be teased out properly by the Defence and Justice committees. We should be wary of a kind of blank-cheque measure which simply states that two Ministers can decide when to use the Army to provide whatever kind of assistance they believe they want.

There may be conditions that the Minister may specify. Will these be made public? Members of the public know their rights when gardaí engage with them. Will they know their rights in regard to engagement with the armed forces? Will that be a clearly known fact? If a person is approached by a member of the Defence Forces, will they know their rights and responsibilities and will they know how to respond? Where is the transparency around the conditions and circumstances? That is important in light of the effect on public confidence and democracy when the Army is on the streets.

I am not saying that there are no circumstances in which the Army should be on the streets, but we should be clear about the circumstances and conditions and when and how that would be done properly. There is nothing to stop the Minister coming back on Report Stage with a commitment to produce and publish regulations in respect of the use of the Army in support of the civil power. There could be public regulations we could all read. We could know that in any given circumstance where there is organised crime or where it is believed that there is a level of violence and risk involved, certain urgent action can be taken. We need things that are clear which we can all look at and know why something is happening, rather than somebody on the street seeing the Army being brought in and knowing that the Minister for justice asked the Minister for Defence to send it in without knowing what that means.

Again, there is nothing to prevent transparency. The Minister might clarify if he intends to publish conditions or to seek that the Minister for Defence do so. There is no provision in the legislation around regulations on the use of the Army. The Minister could think about producing a schedule - this could be added to - in respect of what classes of assistance the Army might be used for.

Will there be safeguards whereby the Army only gets brought in when it has been shown that civil power alone is not enough? For example, was civil power not enough in relation to the arrests of individuals in certain circumstances? Was civil power not enough in relation to perhaps the seizure or impoundment of vehicles, if that is the issue that is being talked about? Were those powers deployed? Why are we moving to the Army without having exhausted the civil powers? It is not a matter of simply saying here is a bigger hammer that I would like to use. It is a matter of whether the tools at hand within our civil authorities have been used and whether the use of this new tool has been justified at this new time. All people are looking for is transparency and clarity. If the Government does not like the time delay, I believe that our Legislature makes capable and good decisions quickly in emergencies and let us see what the other safeguards are.

However, right now, it is a conversation between two Ministers. It has a huge issue of opacity, and it will damage the confidence in both civil authorities and our armed forces unless it is clarified and confidence can be restored.

Deputy Jim O'Callaghan: I thank the Senators for putting forward the amendments and all Senators for their contributions. Just so everyone is aware, we are discussing proposed amendments to section 9 of the Bill and that is the section that seeks to put in a new provision into the Defence Act 1954 to ensure that there is an updated statutory mechanism in respect of members of the Defence Forces being deployed in aid of the civil power.

At the outset, it is important to be aware of, note and record that, at present, there is ongoing assistance provided by the Defence Forces to An Garda Síochána and that is something that has happened consistently over the past 40 or 50 years.

Senator McDowell referred to the kidnapping of Don Tidey and, of course, the campaign of violence waged by the Provisional IRA on this island for a period of 25 or 30 years, which tragically resulted in the murder of Private Patrick Kelly, a member of Óglaigh na hÉireann, by the Provisional IRA. It is also important to point out that even back in the 1970s and 1980s, the Army provided assistance to An Garda Síochána and there was a mechanism by which that was done and I will refer to that presently. It continued during the times when we had serious

organised crime. The Garda frequently requested the assistance of the Army and Defence Forces for the purpose of accompanying and guarding large transits of cash during the course of bank deliveries.

Fortunately, that type of criminal activity has now ceased. After many years, the Provisional IRA realised the futility of its campaign and organised criminals as well now recognise that trying to rob large amounts of cash is fruitless, particularly since that does not happen with the same frequency now.

Nonetheless, it is still the case that An Garda Síochána requests the assistance of the Defence Forces in aid of the civil power on a regular basis and that assistance is granted. An Garda Síochána issues what is referred to as a C70 document. It is a form that a chief superintendent or someone higher will issue to the Defence Forces in a region for the purpose of getting its assistance. It may arise in circumstances where there is concern about an explosive device. Great expertise exists within the Defence Forces in respect of explosive devices and ensuring that they are made safe. An Garda Síochána frequently requests that.

It also happened last year in respect of the death of the unfortunate Mike Gaine. As the Cathaoirleach will know, Mike Gaine was a farmer in south Kerry. There was an investigation on his land to look for his remains. An Garda Síochána requested the assistance of the Army for the purpose of that search and it was granted. That is an example of a perfectly legitimate and understandable request from An Garda Síochána to the Defence Forces under the C70 system.

In fact, there were 144 requests from An Garda Síochána by way of C70s to the Defence Forces last year, so this is something that continues on a frequent basis. It does not result in armed officers of the Defence Forces being seen on the street, but it is something that is necessary and appropriate. As I announced earlier this year, An Garda Síochána requested the Defence Forces to come in to provide assistance to remove large trucks. This is the type of request that is standard and acceptable. I agree with Senator McDowell that it is not something that requires a vote in both Houses of the Oireachtas before that can be granted.

It is, however, probably worth setting out the current legislative framework relating to the aid of the civil power. There are relevant provisions relating to aid of civil power currently set within the Defence Act 1954, in regulations made under the Defence Act 1954 and in various other enactments. Section 90 of the 1954 Act provides for the calling out in certain circumstances of reservists in aid of the civil power. In addition, other enactments provide for the manner in which members of the Defence Forces provide assistance to the Garda and other State bodies in relation to specific matters. There are also regulations made under the Defence Act 1954 in relation to the provision of aid to the civil power. The regulations in question are entitled Defence Forces Regulation CS1 (Employment of Troops in Aid of the Civil Power 1967).

It should also be noted that there is case law to support the current provisions relating to aid of the civil power. It is acknowledged that the regulations that have been in existence for almost 60 years are in need of modernisation, and the provisions relating to the use of force that are currently set out in the regulations are more appropriately situated within the relevant primary legislation that is the Defence Act 1954.

It should also be pointed that the approval of the Government to draft an amendment to the Defence Acts was obtained on 9 March 2026, way before the protests that occurred. It was suggested by Senator McCormack that this amendment was introduced out of the blue after the protests. That is not correct. The approval of the Government was obtained on 9 March 2026, and the relevant draft head was published on the website of the Department of Defence in March 2026.

In summary, the new section 40B does not provide for a substantive change to the current legislative framework under which members of the Defence Forces may be deployed in aid of the civil power. However, it is necessary as it ensures that provision is appropriately set out within the Defence Acts for this important role of the Defence Forces and, accordingly, I do not propose to accept amendment No. 11.

That brings me to amendment No. 12, which relates to the provisions in Part 4 of the Bill concerning, again, the long-standing role of the Defence Forces in aid of civil power. This amendment would appear to require that any deployment of members of the Defence Forces in aid of the civil power would require a resolution to be passed by both Houses of the Oireachtas. Can we just pause and think about that in the context of the assistance that was provided by the Defence Forces to An Garda Síochána in the search for the remains of Mike Gaine? Is it seriously suggested that when the gardaí down in south Kerry decided that they needed assistance to look for the unfortunate man's mortal remains that they would have had to hold on until they got a resolution signed by both Houses of the Oireachtas, which would have taken a week or so? Also, what expertise does this House have when it comes to assisting or directing An Garda Síochána as to what assistance it needs for the purpose of carrying out their functions? Similarly, if there was an explosive device found somewhere down the country and An Garda Síochána needed to call in the explosives section of the Defence Forces in order to defuse it, are we seriously suggesting that there has to be a motion brought before both Houses of the Oireachtas requiring that a resolution be passed to permit it? That provision would be impractical and excessive in view of the nature and volume of the deployments.