



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Dé Máirt, 30 Meitheamh 2026

Tuesday, 30 June 2026

Chuaigh an Cathaoirleach i gceannas ar 12.30 p.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 Aubrey McCarthy - The need for the Minister for Health to make a statement on steps to reduce waiting times for autism assessments and early intervention services.

Senator Margaret Murphy O'Mahony - The need for the Minister for Transport to make a statement on the regulation of the taxi sector to ensure there is an adequate taxi supply.

Senator P. J. Murphy - The need for the Minister for Justice, Home Affairs and Migration to provide an update on the licensing of firearms.

Senator Fiona O'Loughlin - The need for the Minister for Justice, Home Affairs and Migration to make a statement on initiatives to prevent antisocial behaviour in urban communities, in particular, initiatives to deal with antisocial behaviour in Newbridge.

Senator Joe O'Reilly - The need for the Minister for Education and Youth to make a statement on the reduction of the student to teacher ratio from 23:1 to 19:1.

Senator Shane Curley - The need for the Minister for Further and Higher Education, Research, Innovation and Science to make a statement on the health professions admission test exam for entrance to college courses in the medical field.

Senator Martin Conway - The need for the Minister for Health to make a statement on the establishment of a consultant-led air ambulance base to provide emergency cover for west Clare.

Senator Robbie Gallagher - The need for the Minister for Rural and Community Development and the Gaeltacht to make a statement on plans to provide supports to boost rural economies, including rural pubs.

The matters raised by the Senators are suitable for discussion and I have selected Senators McCarthy, Murphy O'Mahony, Murphy and O'Loughlin 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

Health Services Waiting Lists

An Cathaoirleach: I welcome the Minister of State, Deputy Emer Higgins, to the House. Before I call on Senator McCarthy, I welcome the new Deputy Lord Mayor of Dublin, Alison Field, to Seanad Éireann.

I thank her for being here and congratulate her on her election last night as Deputy Lord Mayor. I heard some of the speeches made about her and her fantastic work in her community and now for the city of Dublin. I thank her for being in Seanad Éireann today. She is most welcome.

Senator Aubrey McCarthy: I thank the Minister of State for being here today to discuss something that is very important, especially to the people in the Gallery. Both the Minister of State and I appreciate that across our health and disability services there are dedicated professionals working every day to support children and families with additional needs. My purpose today is not to criticise those front-line staff but to be constructive and ask what more the Government can do to ensure autistic children receive the timely assessments, therapists and school places that they deserve.

My question is as straightforward as I put it. What immediate actions are being taken to reduce waiting times for autism assessments, to ensure therapies are delivered without years of delay and to provide sufficient special school places for children who need them?

Over recent weeks I have been looking into this and have been contacted by various people and parents. Even though their stories are different, there is a common thread and the pattern is the same across the board. I work with a chap called Ger and his seven-year-old son, Ethan, has autism and global development delay. Although his assessment of need was completed over two years ago, he has only received a handful of speech and language therapy sessions and his family has worked constructively with the services. They have attended all the meetings and they have sought solutions but they are still waiting for the interventions that are recommended in Ethan's assessment. They are not looking for special treatment; they simply want the supports the State has identified as necessary.

Another parent, Samantha, who is present in the Gallery, told me she was advised to expect a two-year wait for her daughter, Eva. Out of desperation she went to Lithuania where her daughter was assessed within weeks and began receiving immediate intervention. When they returned to Ireland, they found themselves waiting once again. No family should have to leave their own country to access basic supports for their child.

The Cathaoirleach has welcomed our Deputy Lord Mayor, Alison Field, into the building. Alison's son, James, is 12 years old and is non-verbal. His family knew there was something wrong when he was two years old yet they waited almost two years for an assessment of need

instead of the six months required by law. After receiving that assessment, the early intervention service basically disappeared for them and James received just a handful of speech therapy sessions before being transferred to another team where, despite being non-verbal, he has received virtually no speech therapy for years. Alison has fought for a school place. In the early days she got 19 refusals before securing a place in an autism class. Now James is heading for secondary school but she has already received 18 refusals for an appropriate special school place this coming September.

What struck me most about Alison is that she went to the petitions committee, she was heard in Europe, and the NCSE here has known about James's predicament since he was five years old and knew he would need a secondary school place yet here we are going into July and there is none there. Families welcomed the introduction of the new national autism assessment protocol and it is a positive development. Protocols are great but they need to reduce the waiting lists. Children need clinicians, therapists and appropriate school places. It is not simply about the assessments. It is about the entire pathway and too often we are seeing children waiting years for an assessment across the board. The system seems to be fragmented and families are left trying to navigate it alone.

The parents - Alison and Samantha who are present and Ger who met me - are not asking for the impossible. They are asking for assessments of need to be completed within the legal timeframe of six months and timely access to therapies, respite supports when families need them and enough special school places so no child like James is left without an education. I look forward to hearing what measurable improvements we can bring and expect and when we can expect them.

Acting Chairperson (Senator Chris Andrews): Before the Minister of State replies, I remind Senators to be conscious when naming minors that it may or may not have implications in the future.

Senator Aubrey McCarthy: I was given permission, so I did check that.

Acting Chairperson (Senator Chris Andrews): I welcome Grace and Ciara from Mayo, who are the guests of Deputy Keira Keogh. I have no doubt Deputy Keogh is looking after them both. I also add my congratulations to Alison Field. It is a huge honour. I have no doubt she will represent Dublin with huge grace and determination. As the Cathaoirleach said, it is great to see her here.

Minister of State at the Department of Children, Disability and Equality (Deputy Emer Higgins): I also welcome Deputy Keira Keogh and her visitors, Ciara and Grace. I welcome Samanta Augulytė. I welcome and congratulate the new Deputy Lord Mayor of Dublin city and wish her a very successful year ahead.

I thank Senator McCarthy for raising this important issue. In many ways, what he has articulated here today is the need for different Departments to work collaboratively. He spoke about special education, health services, therapies and assessments of need through the Department of disability. I agree it is important that we break down silos and ensure that disability is a priority for every Department.

I am taking today's Commencement matter on behalf of the Minister for Health, Deputy Jennifer Carroll MacNeill. I thank the Senator for raising this and for giving me, as the Minister of State with responsibility for disability, the opportunity to respond. Too often, children and families can face duplication across waiting lists, whether that is through delays in access to therapy or delays while awaiting assessment. Our aim must be to ensure that these assessments support timely access to care, rather than becoming a barrier to it. The Government is committed to improving access to health services for children and families, and to ensuring that care is delivered as early as possible, as close to home as possible, in line with the principles and goals of Sláintecare.

In May 2026, just last month, the HSE launched its autism assessment and intervention pathways protocol, which aligns with the new single point of access model. In short, it is a streamlined referral pathway for children and youth mental health services, designed to help ensure that children and young people are directed to the right support at the right time through a single co-ordinated entry point. This is to be used and adopted right across the health services, whether it is through the CDNT team, primary care or CAMHS. It represents a milestone in improving services for children and families as it provides a more direct and clearer path for children and their families to autism assessment through existing services. Taken together, the protocol, the single point of access approach and the introduction of the community care record will help create a more joined-up and consistent experience for children and families accessing our health services, while improving clarity, co-ordination and speed of access to assessment and supports.

To support the implementation of the autism protocol and improve service integration, new in-reach teams are being established, with 11 to be established this year and nine further teams next year. Those 20 teams will operate in each of the 20 regions. Recruitment to these in-reach teams will commence in quarter 3 of this year. The teams will be tasked with building capacity within existing services, supporting integration and improving the flow of client care. They will work collaboratively with primary care, disability and mental health teams to undertake those assessments and interventions, as appropriate. They will also be used to help address the issue of children waiting for autism assessments across the multiple waiting lists.

We often get complaints from parents that children might be on a waiting list in primary care, CAMHS or a CDNT, but when they get to the top of the waiting list, somebody says they are on the wrong waiting list, and they go back to the start. This is aimed at stopping that from happening, ensuring there is no wrong door and that every point of access to the health service is co-ordinated. In particular for those seeking an assessment for autism, it will ensure they are looked at in this way. It will be very beneficial. I was at the launch. It is very exciting, and we really expect it to reap rewards.

Challenges remain, however. Waiting lists and access times are too long, in particular, timely access to services, such as CDNT and primary care therapies, which remain a challenge across the country. To address this, the Department of Health and the Department of disability are currently working with the HSE on a focused programmatic approach to therapy waiting lists. This aims to put in place considerable standardised infrastructure to support systematic responses to waiting lists across the country.

I am conscious of time but I will come back in again.

Senator Aubrey McCarthy: I thank the Minister of State. I see from her reply that she is in agreement that the length of time people are left to wait is not acceptable. I thank her for agreeing with that. I often think of "a stitch in time saves nine". We need to ensure that people are getting timely support, otherwise, it reduces the effect of the help when it is given.

If a key phase of development early on in a child's life is missed, that will have an impact later on. The brain is highly adaptable in the first years of life. Early support maximises a child's potential and can dramatically alter long-term development trajectories.

I gave the example of Ali's son, who is non-verbal. Early supports are essential there. It cannot be left with the parents for a number of years. I thank the Minister of State for saying what she said but I think we can do so much better in this area and her reply outlines that.

Deputy Emer Higgins: Absolutely. Not only can we do better, we must do better in this area. This is maybe an opportunity to reference and thank the Committee on Disability Matters for its assistance in pre-legislative scrutiny of new reforms that we will introduce from an assessments of need perspective. On top of this, we are also recruiting for therapists to ensure we have enough people to be able to deliver the care that children like Eva, James and Ger's son require.

This past year, we have seen a reduction in wait lists at our children's disability network teams, CDNTs. They reduced quite substantially last year and our aim is to reduce them again this year, while also dealing with the backlog of children who are waiting on assessments of need. The autism protocol is complementary to that and that is a specific pathway for children who may require an autism diagnosis. Some 40% of children who come through an assessment of need are being diagnosed as autistic. This is about responding to that, making sure there are multiple pathways for all of the challenges that are out there and to ensure we can deliver to children who need therapies and assessments in a more timely fashion.

Taxi Licences

Acting Chairperson (Senator Chris Andrews): The Minister of State, Deputy Buttimer is in next. Senator Murphy O'Mahony can fire away.

Senator Margaret Murphy O'Mahony: I thank the Minister of State for coming in today to take this Commencement matter. Being from Cork, I think he will agree with me about the shortage of taxis, particularly in big towns and cities.

I welcome the opportunity to raise the growing shortage of taxis across Ireland, a problem that is increasingly affecting public mobility, social inclusion, economic activity and accessibility in communities across the country. What was once an occasional inconvenience has become a persistent transport problem. Whether people are trying to attend a hospital appointment, get home from work, return safely after a night out or travel to a major event, they increasingly find that taxis are simply not available when they need them.

The figures are concerning. National Transport Authority data show that the number of taxi licences in operation fell from over 27,000 in 2019 to just over 26,000 in 2023, a reduction of more than 1,000 vehicles nationally. More significantly, licence numbers have fallen in 23 of

the Twenty-six Counties since 2019, with some counties experiencing particularly sharp declines. These figures do not simply represent vehicles disappearing from the road; they represent people being left stranded and high and dry.

Every weekend, constituents tell us the same story. After social events, sporting fixtures and nights out, they face long waits, repeated app rejections or no available taxis at all. This raises serious road safety concerns.

We rightly encourage people not to drink and drive, yet in many towns and rural communities there is no reliable way to get home safely at night. The problem is especially visible during major events. Anyone who attended Zach Bryan's concert in Cork or the ongoing concerts in Marlay Park or Malahide Castle will be familiar with the difficulties people face trying to get home afterwards. Concertgoers report long waits, extensive walks to find transport and exceptionally high fares driven by the scarcity of taxis. Some have even left events early due to concerns about being stranded. This is not just an inconvenience; it risks damaging Ireland's reputation as a destination for tourism and major events such as those big concerts.

The consequences are even more serious for older people, people with disabilities and those attending medical appointments. Many people rely on taxis to access healthcare, particularly where public transport options are limited. For someone attending a hospital appointment, cancer treatment or a dialysis session access to a taxi is not a luxury; it is a necessity.

The economic impact is significant too. Hospitality businesses, pubs, restaurants and tourism operators report that customers are choosing to stay at home because they cannot rely on getting transport home. Rural businesses are particularly affected where alternative transport options are limited or often do not exist.

This issue has moved far beyond being a major inconvenience. It affects people's ability to access healthcare, participate in social life, support local businesses and return home safely after events. It has a disproportionate impact on older people, people with disabilities, those living in rural communities and those without access to a private car.

I, therefore, ask the Minister of State to acknowledge that Ireland is facing a genuine taxi availability or non-availability crisis and to bring forward a comprehensive plan to increase taxi numbers nationwide. That plan should address barriers to entry for new drivers, incentives to attract and retain drivers, measures to improve rural coverage and solutions for major events where demand regularly overwhelms supply.

Acting Chairperson (Senator Chris Andrews): Before the Minister of State rises, I welcome Fr. Aquin Casey from Cobh and Sr. Carmel.

Deputy Jerry Buttimer: It is pronounced like "Aquinas".

Acting Chairperson (Senator Chris Andrews): Aquinas, that is right. I apologise to Fr. Casey for butchering his name. Fr. Casey and Sr. Carmel are guests of Deputy Noel McCarthy. I also welcome the members of the Ballyvolane Community Association group and Ballyphehane Day Care Centre, who are guests of Deputy Ken O'Flynn and the Taoiseach, Deputy Micheál Martin. They are all very welcome. I hope that they have a nice day.

Minister of State at the Department of Transport (Deputy Jerry Buttimer): I will have to bring the Acting Chair to Cork for some placename appreciation. I join with the Acting Chair in first welcoming Fr. Aquin Casey and Sr. Carmel. What the Acting Chair does not know is that Fr. Aquin was in my class in college. I also welcome the ladies from Ballyphehane Day Care Centre. It is a phenomenal centre in Cork city. It does huge work. I also welcome the ladies from Ballyvolane and the members from the Mayfield Chit Chat group. I have a number of past pupils in the group. All of the guests are very welcome - Corcaigh abú.

Acting Chairperson (Senator Chris Andrews): That is seeing as they are not playing football.

Deputy Jerry Buttimer: We will not mention football after last Saturday. We have the hurling next Sunday against Senator Murphy's team. I want to mention to Senator McCarthy to mind the front gate and keep it painted. It is very important. I welcome Fr. Aquin as well. He is a good friend of mine since 1984. It is a great day to be in the Seanad to welcome a great group from Cork. For anyone who has not been in Cork, the Ballyphehane Day Care Centre is a phenomenal place that does great work. As they also do in Mayfield. I taught in Ballyphehane and know the ladies well.

I thank the Senator for her very important topic. I am taking it on behalf of the Minister, Deputy O'Brien. As the Senator knows, there is a big issue regarding rural transport in terms of connectivity. As the Minister of State with responsibility for rural transport, I am acutely aware of the needs that the Senator highlighted and I thank her for raising the matter.

As she knows, the Minister does not have day-to-day responsibility for taxis. It is the National Transport Authority, NTA. While the NTA has statutory responsibility for the regulation, licensing and enforcement of the small public service vehicle, SPSV, industry, taxi drivers are self-employed.

The Senator, however, is correct. The number of licensed SPSV drivers declined during Covid-19.

However, in the two-year period up to 2026, the number of taxi drivers increased by 12%, or 3,096, to 28,327. Senator Murphy O'Mahony is right that driver numbers were at their lowest in May 2022, and this presents a difficulty.

The Department is working with the NTA to ensure we improve accessibility, which the Senator rightly highlighted, and we have been making changes. We have been examining how to make it easier to operate a licensed vehicle. I will not give the historical figures because they are not important in this discussion. What is important are the valid points the Senator made.

The NTA has taken steps to support taxi drivers nationwide and to increase the number taxis available. We have extended the period that licences can rest in inactive status, that is, expired, from 12 months to 24 months. That is now a permanent situation. In addition, we have introduced a 9% increase in the national maximum taxi fare, which took effect from 1 December 2024, and we have also introduced the 2024 fares order, which is currently under review. This includes a special rate for the weekend peak, from Friday night into Saturday morning and Saturday night into Sunday morning. In addition, there are also grants available

for SPSV operators looking to upgrade or purchase new vehicles. These are funded by the Department of Transport and administered by the NTA.

From a rural perspective, as the Senator correctly said, the NTA issues local area hackney, LAH, licences, where applicants can show there is a need, and this can be done as a part-time service. A resident of an area in respect of which the LAH licence is sought is not now required to undertake the industry knowledge or area knowledge tests that are normally required when applying for these licences. LAH drivers must be licensed but their vehicles, which are not required to be wheelchair accessible, must also be licensed and insured. In April of this year, we introduced new regulations to increase the uptake in this special licence category and to address a 2025 programme for Government commitment to collaborate with the NTA to improve local taxi service provision. There are new regulations allowing for up to five drivers to operate a licence. Second, licences will be granted where local communities can demonstrate a real need in transport that is not being adequately met. Also, the maximum licence period has been extended from three years to five years.

The Senator is right that there is a lacuna. We are working to address it and I look forward to working with her further to ensure we have more taxis and hackneys in rural areas in particular.

Senator Margaret Murphy O'Mahony: I thank the Minister of State for his reply. The old cliché "a lot done, a lot more to do" comes to mind. Will the Minister of State give me a rough timeframe for his plans going forward? I stress again the importance of people being able to get home. A lot of people are now suffering from mental health issues and they cannot even go on a night out, or even get into town to shop, because they are afraid of being stranded, particularly at night-time. While we encourage people not to drink and drive - obviously, it is not acceptable ever to do so - a lot of people are now walking home, which is very dangerous, especially on country roads. I would appreciate a timeframe.

Deputy Jerry Buttimer: In the context of a timeframe, the NTA is currently reviewing the dispatch licensing regulatory framework and it hopes to have new regulations prepared by quarter 4. As the Senator said, we have a lot done and we have more to do. We have given a variety of grants, through the NTA, to drivers looking to upgrade and purchase new vehicles. As I said on the local area hackney regulations, we have changed that model of delivery just this year. There is a whole new suite of proposals. We hope this will ensure more people will come into the industry and that we will have people being able to go to a concert or go out at night-time and avoid the temptation to drink and drive, which we cannot allow people to do.

We have seen an increase in the number of licences being granted and we are working to ensure the low numbers reached during Covid are increased. The bottom line is that it will take advocacy from people like the Senator, who has been a champion and leader in this area. It will take the Department, with the NTA, local councils and the hospitality sector, to drive this.

It is an important issue but we have made changes. It is also a business decision.

I hope we can get more people involved. I thank the Senator for raising the matter. I will work with her to ensure more road users avail of hackneys and taxis.

Acting Chairperson (Senator Chris Andrews): I welcome the Minister of State, Deputy Brophy. If Senator O'Loughlin is in agreement, we will take her Commencement matter in advance of that of Senator P. J. Murphy to allow the latter some time to prepare.

Senator Fiona O'Loughlin: That is no problem at all. I am happy to do it.

Acting Chairperson (Senator Chris Andrews): Is that agreed? Agreed. I thank the Senator for facilitating us.

Antisocial Behaviour

Senator Fiona O'Loughlin: I thank the Minister of State for coming to the House to take this Commencement matter. The issue I raise is occurring in Newbridge, which is the town I live in, but I am very appreciative that it is an issue not just there but in many large urban areas and, indeed, in other towns in County Kildare. I refer to the urgent issue of youth antisocial behaviour. In recent weeks and months, we have been subject to the actions of what I can only describe as a gang of marauding youths, some of whom are as young as ten. It is very concerning to see boys of that age, and they are all boys, being part of a peer group that is constantly engaged in behaviour that includes vandalism, intimidation, harassment, shoplifting and egging cars and buildings.

It is particularly difficult for women walking on their own. They are being targeted. In recent times a woman with a small baby was targeted. I am aware of instances where they have gone into shops. There is a new small business open on Station Road at The Nook. They have robbed from it and harassed the shopowner there in the first few weeks of the business opening. They have also targeted delivery drivers and specific estates, particularly new estates close to the railway station. They have thrown stones and kicked in doors. In one commercial premises there were only some young ladies inside and some of them tried to force open a door. It is incredibly concerning. It has been escalating. The Garda has been very good and I have been liaising with it quite a bit. Two gardaí have been put on the beat constantly. That is certainly helping but the Garda is concerned, with its resources, that it will not be able to keep that up. One of my asks is that we look at having gardaí constantly on the beat. We also need plainclothes gardaí in particular around the Whitewater Shopping Centre and some of those areas which are a constant draw for these groups.

Is obviously not just about the gardaí. There needs to be a societal and a business response. A lot of the businesses have joined together in setting up their own WhatsApp group so they alert one another when there is particular negative behaviour and engagements. That is good to get out ahead. They contact the Garda as well. We need to look more at why this is happening. I would say some of it is down to bad parenting but not all of it. We need to see where society can step in and help parents in that case. We also need more youth outreach. Kildare County Council bought a premises for young people as a drop-in centre. We need something that will engage, particularly between 3 p.m. and 7 p.m. when these young boys have left school and before they go home for dinner. We need a community-led response working with the local authorities and the Garda. I am interesting to hear what the Minister of State has to say about how we as a community can try to tackle this problem.

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Colm Brophy): I am here on behalf of the Minister, Deputy Jim O'Callaghan. I know the Senator has engaged directly with him on this issue. He is very aware of her concerns in this area. Unfortunately he cannot be here today.

The Government is committed to the principle that wherever they live in Ireland, people should feel safe. Building safe and secure communities across the country by investing in An Garda Síochána is a top priority for this Government. The Government wants every part of the country to be a safe space for people to live and work in. The Minister secured a record investment in budget 2026 of €2.74 billion for An Garda Síochána.

Antisocial behaviour is a broad term often used to describe a range of actions and behaviours that violate social norms in specific contexts. I am conscious of the very damaging impact, which the Senator clearly outlined in her contribution, it can have on our communities. Along with increased Garda recruitment and resources, the Government is taking a range of targeted and integrated measures to tackle crime and antisocial behaviour generally. They include introducing community safety partnerships around the country to develop community safety plans for every area, which touches on the point the Senator made about community involvement being central to tackling this. They also include continued expansion of youth justice and youth diversion measures to reduce youth offending and improve safety for everyone in the community. The budget allocation for youth justice measures has almost doubled from 2020 to 2026, with a significant allocation of €7.3 million in additional core Exchequer funding for youth justice measures announced as part of budget 2026, bringing the total allocation in this area to €43 million.

Strengthening the laws around antisocial behaviour orders enables swifter action by gardaí in such cases. The national roll-out and deployment of body-worn cameras for gardaí is also a very important part. Local community safety partnerships, LCSPs, bring together a broad range of relevant stakeholders, including local councillors, An Garda Síochána, local residents, community representatives, business and education representatives and a range of statutory agencies, including the HSE and Tusla in each local authority. The Minister recently appointed the membership of the final LCSP in Limerick on 9 June, meaning that all 36 of the partnerships are now formally established. Each LCSP will be required to develop and implement its own tailored community safety plan. The partnerships will take a strategic approach to their work, so that issues arising can be dealt with in a co-ordinated manner and addressed collectively by relevant service providers in partnership with the community.

While there has been an approximate 25% increase in the population of 12- to 17-year-olds over the past ten years, the number of children coming to the attention of the Garda national youth diversion bureau has remained steady, pointing to a reduction in youth offending. Between 2012 and 2022, there has been a drop in total criminal incidents involving children of 35%. There has been a reduction of 31% in the number of children in detention over the past ten years. With the official opening of the POINT youth diversion project in Tipperary on 18 June, youth diversion is available to all children and young people across the country. There are currently 92 youth diversion projects and 14 targeted youth diversion projects across the country. These are co-funded by the Department of justice and the European Union. With these funds, these projects employ dedicated youth justice workers who respond daily to the needs of young people across the country.

I appreciate that the Senator is talking specifically of the incidents she raised, but the national response is also being mirrored at local level. That is an indication of the seriousness with which this is taken by the Minister, Deputy O'Callaghan, and myself.

Senator Fiona O'Loughlin: I thank the Minister of State. I acknowledge that the Minister came down to Newbridge at my invitation and met with local business owners, not specifically in relation to this issue but other antisocial behaviour that was happening. As a result of that, we got extra gardaí, which was important. We need to have more. I will say two things: it is good that there generally is a reduction in harmful and aggressive behaviour by young people and this is a tiny percentage. Most of the young people we have are wonderful young people who are great ambassadors for their towns. There is a concern in Newbridge that if there is a group of young boys, people automatically think that they are part of this marauding group. There is a concern for those who are completely innocent of this behaviour. That is part of it.

I welcome the local community safety partnerships. Oireachtas Members are not on it and cannot be members of it. That is a shame because we were members of the preceding partnerships. That was really important. We certainly need to put more into our youth diversion projects and into In Sync, which does a really good job in Newbridge. I visited it relatively recently. We need to support our local authorities in having those drop-in centres for young people where they learn respect, positive behaviour and that this type of behaviour is simply not acceptable.

Deputy Colm Brophy: I thank the Senator very much. I totally agree with her. The key point she made was that not all young people are involved in antisocial behaviour. It is a minority of people who are involved in it. It is very much a matter of making sure that the resources are there from An Garda Síochána, the support services and the various stakeholders in the community to ensure that when this group, which is a small group, is committing the type of antisocial behaviour that can destroy a community a response is in place. The Senator said that the Minister was with her and down visiting.

The operational deployment of An Garda Síochána is a matter for the Garda Commissioner. I am, however, advised that at the end of May, from the latest data available, 533 gardaí of all ranks were assigned to the Carlow-Kildare division.

Of those, 435 were assigned to stations in County Kildare, with 59 members assigned to Newbridge station. The gardaí are supported by 64 civilian staff and 12 Garda reserves in this division. It should be noted that An Garda Síochána polices on a divisional basis rather than a station basis. The resources from across the division are utilised where required to provide a policing response. These resources are further supported by regional and national units, as required.

I will convey the Senator's remarks to the Minister, as I know the Senator will herself.

Cuireadh an Seanad ar fionraí ar 1.15 p.m. agus cuireadh tús leis arís ar 1.32 p.m.

Sitting suspended at 1.15 p.m. and resumed at 1.32 p.m.

An tOrd Gnó - Order of Business

Senator Garret Ahearn: The Order of Business is No. 1, motion regarding the proposed approval by Seanad Éireann of the Data Protection Act 2018 (section 51(3)) and (section 60(6)) (Commission of Investigation into the Handling of Historical Child Sexual Abuse in Day and Boarding Schools) Regulations 2026, to be taken on conclusion of the Order of Business, without debate; No. 2, motion regarding the proposed approval by Seanad Éireann of the opt-in to Council Decision (EU) 2023/1076 under Article 4 of Protocol 21 TFEU, to be taken on conclusion of No. 1, without debate; No. 3, Criminal Justice (Terrorist Offences) (Amendment) Bill 2025 - Order for Committee, Committee and Remaining Stages, to be taken at 2.45 p.m., to adjourn at 4 p.m. and to resume at 6 p.m., if not previously concluded; No. 70, motion 3, Private Members' business, regarding electricity supply, to be taken at 4 p.m., with the time allocated to the debate not to exceed two hours; and No. 4, Guardianship of Infants and Childcare (Amendment) Bill 2026 - Committee and Remaining Stages, to be taken at the conclusion of No. 3, or at 6 p.m., whichever is the later.

Senator Fiona O'Loughlin: It was wonderful to meet so many in Dublin at the Pride march on Saturday. It truly was a great reminder why community and visibility still matter. Showing up is always important and is a small way of saying that everyone deserves to belong.

As primary schools are winding down this week, I wish all of the students and, of course, their teachers, SNAs and support staff a very happy holiday. As we gear up towards September and the new budget, it is important that we support the INTO request for a reduction in class sizes. There is no doubt that this improves learning outcomes. It also helps to support inclusion and curriculum reform.

Class sizes here are among the highest in Europe. About 80% of our classes are above the EU average of 19.

We also need to look at better capitation grants, particularly for primary schools, and at leadership support. While many secondary schools benefit from additional deputy principals as their capacity and enrolment increases, and rightly so, primary schools remain limited in this regard. Many primary schools, particularly in areas of high population, have around 1,000 pupils or are heading there, yet they have a single principal and a single deputy principal to manage increasingly complex responsibilities. I would like a debate in the House on this.

The Alzheimer Society of Ireland gave a thought-provoking presentation last week in Buswells Hotel that many of us attended. Wayne, Gerry and Yvonne spoke of their experience of getting a dementia diagnosis, how they coped afterwards and why an organisation like ASI is so important. It is important in many ways, including giving dignity to people living with dementia and reducing pressure on families. We need, at a minimum, eight more dementia advisers. There is quite a long waiting list and people who feel, or whose family feel, they may have dementia face a long wait for a dementia adviser to come to their homes, talk to them and signpost the supports that are available. There needs to be better access to respite care and dedicated dementia supports in the community. We need at least five and we need to expand four others that have the capacity for more.

It is good news that from tomorrow the income disregard for carers will increase to €1,000 for a single income and €2,000 for a double income. That is a great help but we need to do more to support carers. I would like a debate on that.

Senator Manus Boyle: I congratulate our new Leader. I am sorry I was not here last week but it is great to see him here. There is a man in Bruckless delighted to see him in the chair. He and - God rest her - the Leader's mother were great friends and that friendship has kept up for years. He wanted to pass on his good wishes. That is my father, John Boyle. I wish the Leader the very best of luck.

I want to take up an issue I have raised on a couple of occasions. It is Dunkineely National School. The issue has been going on for the past three years. There have been near misses at the school. Cars have gone through the traffic lights. Transport Infrastructure Ireland, TII, needs to step up and we need to find out what will be done. Are the traffic-calming measures going ahead this year? When will they be done? This is the time of year, when the school is off, to do them. We cannot wait until there is an accident. Our children coming and going from school have to be the priority. I cannot for the life of me understand why it is taking so long.

Keelogs national school is just off the N56. It is a very busy road. The children have no problem being picked up and dropped off. The issue is when the cars come back up to exit onto the N56, which is a very busy road. We need to get signage up there to slow traffic down. People are taking their life into their hands, trying to cross a busy road to turn right.

Frosses National School is on the R262. We have problems there with traffic going through the village. We need signage up. TII has to stand up and get this stuff done for us as soon as possible and before it is too late.

Senator Gerard P. Craughwell: It is an honour for me to extend my congratulations to the 64th naval cadet class on their commissioning into the Naval Service. Their commissioning should be a moment of unambiguous pride for them, their families and the State they have chosen to serve. They have completed their demanding training, demonstrated discipline and leadership, and earned their place among the officers of Óglaigh na hÉireann. Each has joined the service with a proud and hard-earned reputation for professionalism, sacrifice and excellence in protecting Ireland's maritime interests.

This occasion was overshadowed, avoidably and significantly, by a failure of leadership at the highest levels of the Government. It is simply unacceptable that not one Minister or Minister of State of the 38 available was present to officiate at the commissioning of new officers into the Naval Service. I remind colleagues that this is not a minor diary clash or an administrative oversight; it is a profound signal of disregard for the State's most loyal servants. The commissioning of officers is the cornerstone moment in the life of the Defence Forces. It represents the State formally entrusting its citizens with authority, responsibility and, if necessary, the use of force in its name. To treat such an occasion as unworthy of a ministerial presence is to diminish that trust.

Even more troubling is what replaced that absence. The decision to have the Secretary General of the Department of Defence, a civil servant, however reputable, take the salute from

newly commissioned officers before handing them their commission represents a deeply inappropriate blurring of roles. Let us be clear. Civilian oversight of the military is essential in any democracy but oversight is not ceremony and governance is not command. Ceremonial acts, such as the receiving of a salute, carry profound symbolic meaning. The salute is an expression of the officer's respect for the State's authority, exercised through its elected leadership and its properly constituted military chain of command. For a civil servant, however senior, to assume the role is not just irregular; it is wrong. It sends a confused and troubling message about hierarchy, authority, respect and the place of the Defence Forces within our nation's life. This matters. It matters because symbols shape culture and men and women standing commissioned deserve to see clearly and without ambiguity that their service is recognised at the highest levels of the State. It further matters because erosion of standards, whether ceremonial or substantive, rarely stops where it begins.

Let me be absolutely clear. The failures that have occurred during the commissioning I am adverting to are not the responsibility of the newly commissioned officers. They belong entirely to those who should have known better and done better. Essentially, they rest with the Government and the responsible Minister.

I say to the 64th naval cadet class in their achievement that they remain significant, their commitment remains admirable and their future responsibilities remain vital. As commissioned officers of the Irish Naval Service, each will carry forward the honour of a proud Naval Service, regardless of its shortcomings, to which I have adverted. I call on each officer to serve with integrity, lead with courage, demand the standards from others that they have already demanded of themselves and, above all, never to forget the value of the uniform they now wear, even if others have failed to show that they understand its true value.

Perhaps we would have a Minister in at some stage to explain such a despicable snub.

Senator Joanne Collins: Many of us often raise issues with and concerns about our health system. I for one do not have high expectations when it comes to certain areas in health. We raise concerns, whether it is about cancer care or medications for rare diseases. Last Thursday, I had first-hand experience of the health system. On my way back from Dublin, my dad rang me and said he was not feeling great, his blood pressure had been over 220 all day and he needed to ring an ambulance. I told him I was still on the road and would not get to him on time. He said that was fine and he would ring an ambulance. I arrived close to 7 p.m., thinking he would not still be at home. A community first responder was there and did an amazing job. He continued to take my dad's vitals and rang the ambulance service four times while I was there. The ambulance was first called at 6.10 p.m. and it arrived at 8.30 p.m. Amazing paramedics in the ambulance crew took really good care of my dad and decided he needed to go into the hospital to be monitored because his blood pressure was still not coming down.

The paramedic in the ambulance asked to speak to me for a moment because he recognised who I was. He told me not to worry, it was not a medical issue and he just needed to have a word. He told me the call came in at 6.10 p.m. and it was now 8.30 p.m. He said the crew was not allowed to leave the ambulance base until a shift change had been completed as the crew coming out to us had to be the night shift. He said my father was a category 1, meaning it should take a maximum of 19 minutes for an ambulance to get to him. He said that if it had been a stroke or heart attack, my father would either be going out in a body bag or with

irreversible damage done. He said the system the staff work under is stopping them from doing their job correctly. That is what he asked me to raise - the systems staff are working under. The crew wanted to get to us and were ready to leave but they were not allowed to because of a shift change.

That is absolutely ridiculous. We were lucky that he was fine and it was not a heart attack or stroke, but what about the next person or neighbour down the road or somebody who is having a heart attack or stroke? To wait for more than two hours and 20 minutes for an ambulance is absolutely crazy when the ambulance station is 15 minutes away. People are sitting there, waiting. We need to have a serious conversation about what is happening and how the systems are preventing our paramedics and hospital staff from working. It is through no fault of their own. They are amazing workers. The treatment and care they give is out of this world, but the systems behind them are stopping them from doing the vital work they want to do.

An Cathaoirleach: I thank Senator Collins for raising that issue which happened to her father but is obviously something that can happen to anyone at any time, particularly in relation to a shift change issue. Time might be limited in terms of having a debate but the Senator may wish to put in a Commencement matter, work with the Seanad Office on the phrasing of it and ask the Minister for Health, Deputy Carroll MacNeill, to come to the Seanad for that particular topic.

Senator Alison Comyn: I do not want it to dominate my time but I cannot let today go by without congratulating the County Louth football team. We had an incredible 70 minutes of high-octane drama against County Monaghan in Croke Park on Sunday. We are now through to the all-Ireland semi-final. I cannot believe I am saying it. It is the first time since 1957, 69 years ago. I offer my congratulations to Gavin Devlin. It is hard to mention just one man but I will name Dara McDonnell, man of the match. I urge everyone in County Louth to paint the entire county red and white for 11 July. I have to give my condolences in advance to my colleague, Deputy Calleary. His county has waited 75 years to win an all-Ireland final but I am hoping the County Mayo curse will last one more year. I am sorry about that.

I was contacted by a member of the public in Drogheda about the hidden cost of getting older. There is room for a debate here about the hidden costs of getting older. This woman is renewing her driving licence. She is 75 years of age, going on 76. It is billed as a free service but it is only free until one has to provide a GP report and an eye test. It can cost between €65 and €100 for a free service and that might only cover one to three years. It might have to be renewed after that. I ask that we invite the Minister of State with responsibility for older people, Deputy O'Donnell, to the House to look at any other potential hidden costs that may exist. I noticed in the past couple of days that Louth County Council has had to put a freeze on housing adaptation grants for older and vulnerable people. It is oversubscribed for 2026 which means nobody else will get a grant until 2027. We really have to look to see if there are other hidden costs and have a debate on that.

For now, my final words are that, as I said, I hope the entirety of County Louth will be painted red and white and we will hopefully break our own curse ahead of the County Mayo curse.

An Cathaoirleach: Glaoim ar an Seanadóir Murphy. I make the point to the Senator that in relation to the Commencement matter this morning, we will be dealing with that issue. I apologise; that should never happen in the Seanad. Unfortunately, it will happen twice this year.

Senator P. J. Murphy: Gabhaim buíochas leis an gCathaoirleach. I wish to raise the matter of a fantastic email I got from a local group in my own hometown of Gort. Four campaigners, namely, Pat Flaherty, Ryan Smyth, Thomas Nash and Anne Mahon, facilitated by their supporting staff officer, Carol Arcos, call themselves the Gort Advocacy Corlann. They contacted me asking for my support in calling for the removal of online booking and seat reservation fees for free travel pass holders using Bus Éireann services. They mentioned that although many people are entitled to free travel, they are still being charged additional fees when booking seats online, particularly on busy or long-distance routes. For older people, passengers with disabilities, and those travelling for medical appointments or essential journeys, these charges are unnecessary financial accessibility barriers. The campaign is calling for Bus Éireann and the Government to remove all online booking and and seat reservation fees for free travel pass holders and to ensure free travel is genuinely free on all services.

It is also calling on the Government to make sure that everyone, including people who do not use computers, smartphones or online bookings, can use the service easily. This practical and achievable change would improve fairness, accessibility and dignity for many people who rely on public transport every day.

I call on the Bus Éireann CEO and the Minister for Transport to read carefully the email they will receive from the Gort Advocacy Corlann, to pay heed to it and to implement what these people are requesting.

Senator Sharon Keogan: I rise today to express my deep alarm at the legislative direction being pursued by this Government regarding reproductive leave and the eager applause it has received from the Opposition, including the Labour Party. While this conversation touches on areas of genuine human heartbreak, we are witnessing a highly cynical bipartisan race to the edge that completely abandons common sense. The primary responsibility of this misdirection lies squarely with the Government. In its rushed reported proposals it has chosen to intentionally intertwine two completely different human realities: the profound, devastating grief of a natural miscarriage and the provision of paid leave explicitly encompassing elective abortions.

To place these on the exact same statutory footing is profoundly insensitive to grieving families. A miscarriage is a tragic, unchosen bereavement. It leaves families shattered and our laws absolutely should offer them distinct compassionate support. Instead of protecting the unique nature of that grief, however, the Government has folded abortion provisions into the text. Rather than acting as a mature check on this extreme position, we see the Labour Party chide the Minister from the sidelines, not for blurring these moral lines but simply for not doing this fast enough. What we are witnessing is an echo chamber where the Government and the Opposition egg each other on into increasingly extreme positions. They are using the raw, universally understood pain of pregnancy loss as an emotional shield to normalise the State-subsidised ending of unborn life under the guise of workplace wellness. Straightforward laws

should derive from common sense and respect for human dignity. This Bill does neither. It blurs lines that should be treated with the utmost care. I urge the House to reject this cynical conflation and to protect the distinct, sacred nature of bereavement support.

Senator Diarmuid Wilson: I congratulate the new Leader of this House on his appointment by the Government as its representative in the House. I know he will do an excellent job and be balanced and fair at all times. I had the pleasure of meeting his family last week and I could see that his father, his wife and their two beautiful children were bursting with pride on his appointment. It is a great honour not only for him but for them and his supporters throughout the country. I wish him very well.

Senator Craughwell raised a very important issue that should not be ignored in relation to the 64th naval cadet class that graduated last Thursday, 25 June. Colleagues in this House are aware that all Defence Forces officers have their commissions signed by the President of this country. While the President is not available on all occasions to present those commissions to the graduating cadet classes, a Minister normally presides over such an event. While I appreciate the fact that the Minister, Deputy McEntee, may not have been available to take part in this very important ceremony for these cadets and their families, and for the Defence Forces because the graduation ceremony is a day of pride, it should have been ensured that some Minister or Minister of State was available. These were not certificates of attendance; they were hard-earned commissions.

These cadets should have been afforded the courtesy of a representative of the Government being present for their graduation rather than the Secretary General of the Department of Defence, who is a civil servant.

Senator Linda Nelson Murray: I will read a quote I have read here before: "There is a unique pain that comes from preparing a place in your heart for a child that never comes." I am chair of the cross-party group on pregnancy and infant loss, having taken over from Senator Nicole Ryan, who is on maternity leave. The cross-party group is made up of people from various parties who have come together because they appreciate the ache felt by the thousands of women across Ireland who experience miscarriage. Senators Tom Clonan and Evanne Ní Chuilinn are members of the group, along with Senator Ryan and myself.

Pregnancy loss, including miscarriage, is often not openly discussed due to a combination of factors, including societal discomfort, lack of language to express grief, fear of saying the wrong thing and the belief that sharing the news will somehow lessen the pain. One in four pregnancies ends in loss. The grieving process is completely different for everybody and affects people in completely different ways. At present, no leave is provided for under Irish law for those who suffer miscarriage. Instead, people use sick leave to take time off work. The Irish Government published a report on pregnancy loss in January 2024. This highlighted the prevalence of pregnancy loss under 24 weeks and noted that, as I said, pregnancy loss affects approximately one in four. It also noted that the majority of women of reproductive age are in paid employment. The report therefore emphasised the importance of the workplace in pregnancy loss experiences.

Over the last year, our cross-party group has worked really hard with organisations like the Pregnancy Loss Research Group and Féileacáin, and with the Department of enterprise and the

Minister, Deputy Peter Burke, to try to introduce pregnancy loss leave in the workplace. On behalf of our cross-party group, particularly Senator Nicole Ryan and myself, I am absolutely thrilled to be able to say that the Minister is bringing to Cabinet proposals on miscarriage leave for the women in Ireland who suffer miscarriages. Believe me, this has not come a day too soon. In fact, many women in Ireland have been looking for it for a very long time. It is very positive and welcome news. I really look forward to hearing how the proposals will proceed after being presented to Cabinet.

Senator Aubrey McCarthy: I will raise an issue regarding a census of women's refuges in Ireland. This showed that in the first six months of this year, approximately 1,900 women fleeing domestic abuse, and their children, were turned away from safe places because there was no room. That is 1,900 women who had the courage to flee violence only to be told to go back because there was no room for them. I have spoken about this issue in the House before because it is personal to me. I have spoken about my own childhood and my father. He was a respected businessman but when alcohol took hold, the home became a different place - a place of fear. I still remember his car pulling up on the gravel. My mother would gather the four of us, my siblings and I, into her car and bring us to Punchestown Racecourse, where we would wait until the early hours of the morning until it was safe to return home. In that case, the car became our refuge.

When women have the courage to seek professional help, they are far too often told that there is no space. In 2026, that is just unacceptable. Having worked in homelessness and housing for almost 20 years, I have learned that you cannot ask someone to leave an unsafe place unless you can offer them somewhere safer to go. This is no longer just an issue of domestic violence. It is an issue of housing, justice and health. Families remain in refuges longer because there is nowhere for them to transition to. People who are trying to flee violence do not have a place to go.

I acknowledge the remarkable work of the different refuges, including Women's Aid, Safe Ireland and countless front-line organisations. They are doing extraordinary work but, unfortunately, that does not create beds. As legislators, it should be our clear ambition for no woman or child seeking safety from violence to ever be turned away because Ireland has run out of refuge space. That is the standard we should look for.

Senator Robbie Gallagher: I also congratulate the Leader on his appointment. I wish him every success. I have no doubt that he will excel in the role. I also support the comments of Senators Craughwell and Wilson on the non-attendance of a Government Minister at the commissioning event last Thursday.

2 o'clock

I think that sends out totally the wrong message. Whatever error occurred in this particular instance, I sincerely hope that we learn from it and ensure this never happens again.

I am sure many of my colleagues present have often heard tell of the Kevin Bell Repatriation Trust. It is a truly remarkable organisation set up by back in 2013 by Colin and Eithne Bell. Over the past 13 years they have helped more than 2,500 families repatriate their loved ones who have passed away abroad. It really is a truly remarkable organisation.

It was established by Colin and Eithne Bell in 2013 after the tragic passing of their son, Kevin, in New York in tragic circumstances. From that experience they realised the cost and logistics of bringing Kevin's body home. They turned that incredible tragedy and the loss of their son, Kevin, into such a powerful resource that many other unfortunate families have benefited from over the past 13 years. They assisted grieving loved ones, thereby providing compassion and support in the darkest of times.

I have learnt this week that both Colin and Eithne are to step back from the day-to-day running of the Kevin Bell Repatriation Trust but am heartened to hear they will still be there and involved in the organisation. They have truly left an amazing legacy in their wake and can be proud of their achievements. I would be grateful if a few lines could be written to them on behalf, I am sure, of all Members of this House, to thank them sincerely for the huge work they have done, the legacy they have left in their wake and that the organisation will continue to help families in the darkest of hours.

Senator Sharon Keogan: Hear, hear.

An Cathaoirleach: I am sure the Leader and myself would be honoured on behalf of the Seanad to write to the Bell family who turned tragedy into something positive and have helped thousands of families in their darkest hours. Many Members of Seanad Éireann have turned to them at those times of tragedy in our own communities, when people have lost loved ones overseas and do not know who to turn to. Those in the Kevin Bell Repatriation Trust have been those people and have done extraordinary work. Their service was for the people of the whole island and another extraordinary aspect is that they served everybody with great distinction and great compassion. I call on Senator Tully.

Senator Pauline Tully: I was contacted recently by a person I have known for a long time but had not spoken to in some time. She was telling me how her husband has been diagnosed with dementia. It is progressing quite rapidly to the stage where she has realised she needs additional help to care for him. In the midst of this, her GP advised her to apply for the long-term illness card, which she did. However, she was refused because dementia is not included on the long-term illness scheme. It really should be. It is a life-long lasting condition, there is no cure and it is progressive. It can develop at quite an early age. People can develop early onset dementia even in their 50s.

We should contact the Minister and ask for this to be looked at. I do not think the list or scheme has been updated in some time and maybe it should be. While looking at this issue I came across something that says that in some circumstances, a person diagnosed with dementia may qualify for the long-term illness scheme. I cannot understand why it applies in some instances. It is either on the scheme or is not; we must not pick and choose between people. It should be clear-cut that it is included in the scheme so people can apply for it with the diagnosis and are given it.

I ask that we have a discussion on this and health in general in this Chamber, because we have not had one in a while. There is the issue of the long-term illness card, the issue Senator Collins raised around the ambulance service and other issues I raised around acute healthcare. There is a long list of issues on health we should debate.

Senator Joe Conway: I join Senators Wilson and Gallagher in congratulating our new Leader and wishing him all the very best.

I wish him very well. I have no doubt he will do extraordinary work for the effectiveness of the House.

Cuirfidh mé leis an méid a bhí á rá ag na Seanadóirí Gallagher agus Wilson faoi na coimisiúin a bhí a dtabhairt amach le déanaí don slua muirí. Ní mór dom a rá go bhfuil sé scannalach gan Aire a bheith ann chun an dualgas sin a chomhlíonadh. Tá drochbhail ar an scéal sin faoi na coimisiúin. Ba mhaith geallúint ón Rialtas nach dtarlódh an méid sin arís.

In my remaining time, I want to ask if it is possible to have laid before the House or presented to Members a response from the Government, and the Department of Finance in particular, to the details of the recent report by the European Court of Auditors, which stated that there are deep concerns about the way Ireland is responding to illegal and worrying cross-border action in tax avoidance schemes, money laundering and so on. Five states were indicated and, unfortunately, we are listed among the five laggards. I think it is less than we deserve, when people are up to all sorts of skulduggery and criminality in the border areas and around the country, that, through lack of diligence, we may be facilitating their profiteering at the risk of the goodwill of our society. Can we have a response? Can it be made available to all Members?

Senator Sarah O'Reilly: I raise the ongoing refusal of the National Driver Licence Service to accept cash payments from people. I simply cannot understand how a State agency can continue to ignore clear Government policy on this issue. Successive Ministers for Finance have made their position clear. Michael McGrath called on the NDLS to reverse its policy, and the national payment strategy of the Minister, Deputy Jack Chambers, reaffirmed that essential public services provided by the State, or on its behalf, should accept cash. Yet here we are, and nothing has changed.

The reality is that this is causing unnecessary inconvenience and discrimination. Some 350,000 people in Ireland do not have a bank account. Many more rely on cash because it helps them to budget, because they are not comfortable using digital technology or simply because that is what they choose to do with their money. Cash is the most inclusive form of payment that we have. It does not depend on having a smartphone, Internet access or even electricity. The Central Bank itself has pointed out that cash provides freedom and autonomy because it can be used without relying on a third party. We only have to remember the global IT outages of recent years to see how quickly digital payment systems can fail. Cash provides certainty for people. Elderly people find that cash helps them to maintain their independence and dignity. For victims of domestic abuse, it can provide a degree of financial privacy and security that electronic payments cannot.

If we are serious about protecting consumer choice, then that choice must include cash. Whether someone pays by card or cash should be their decision, not one that is imposed, in particular by a State agency. We should have a debate on the matter in the Chamber.

Senator Laura Harmon: I raise the issue of learning to drive and supporting approved driving instructors in this country. I was on the phone this morning to a driver instructor in

Cork. His name is Michael Kenrick, and he runs a page, Get Your Licence. He was updating me on some of the challenges that instructors are facing. First, they are not entitled to any grants for electric vehicles, whereas taxi drivers, for example, can avail of a grant of up to €25,000. I believe this needs to be reviewed. Driving instructors are often the first port of call when educating anyone on driving, and also introducing them to different vehicles. This is particularly important if it is a priority for the Government to promote electric vehicles. Driving instructors should also be supported to move in that direction. This needs to be reviewed.

Second, it was quite alarming to hear that approved driving instructors in Ireland, who have a stakeholder forum elected by them, have not been invited to the Road Safety Authority, RSA, conference. They do not get invited to the RSA conference on an annual basis. I would like to get clarity on that from the Minister because it is important they are involved in any discussions in relation to road safety.

We also need to look at further reducing the waiting times for driving tests in this country. Currently, in the Cork-Kerry area, you are looking at waiting anywhere between ten and 13 weeks for a driving test. That is still quite a long wait. We also need to look at the policies that are in place if you do not show up to your driving test or cancel it. You can currently cancel within ten days. You do not even have to inform them you are cancelling, and you will be put back to the start of the list again. That window should be closed to 72 hours, potentially, to put more impetus on people to give notice when they are cancelling. It is a common communication best practice that should be in place.

There are a number of areas that need to be looked at. I would welcome further discussion in this House on that whole area of learning to drive and supporting driving instructors and road safety. Writing to the Minister in relation to this issue would be appreciated.

Senator Garret Ahearn: I thank the Senators for their contributions. Senator Fiona O'Loughlin spoke about the Pride event last weekend. It was a very positive event that has garnered support through the years in increased numbers, which is very good to see. She also spoke about primary schools and the fact that the class size of 80% of our classrooms across this country is higher than the EU average. I know that something the Minister, Deputy Norma Foley, did when she was Minister for Education was reduce the numbers. We need to do more on that and it is a good opportunity to have a debate on it because the Irish National Teachers Organisation, INTO, is doing an awful lot of work. There are huge challenges for principals, year on year, that keep increasing. We will try to have a debate on that in the future. The Senator also spoke about Alzheimer's and the long waiting list for support, particularly for families who have a member with Alzheimer's, and more support for carers. There is a lot more we could do on that because whether it impacts family members or people close to us, we all know someone or some family dealing with that impact.

I thank Senator Manus Boyle for his congratulations. I thank him for his father's well wishes as well. They talk about the Boyle machine up in Donegal. They think it is the Senator and Michael but it is really John Boyle who is running that machine in Donegal. He was a real friend to my mother when she was a TD and that friendship has moved down another generation, which I am really delighted with. The Senator spoke about Dunkineely National School and traffic-calming measures. You would think this time of year would be the right

time to do it before school starts again in September. Those traffic-calming measures are really important, particularly in rural areas. I see it in Tipperary. Transport Infrastructure Ireland, TII, needs to step up and we, as the Senator does, need to highlight it more to make sure it does that.

Senator Gerard Craughwell spoke about the 64th naval cadet class. Senators Diarmuid Wilson and Robbie Gallagher also spoke in relation to it. It does seem unacceptable that there was not a Minister there, to be perfectly honest. I remember when I worked for Simon Coveney, the former Minister for Defence, that he was at almost every one of those graduations of navy officers. It is a really proud day for them and their families. I will try to find out the reason that happened. It would be very unusual, I suspect. I do not remember it happening when I was working with the former Minister Coveney. It is a proud day and as the Senator said himself, it is something the President signs off on. On behalf of the President, a member of Government needs to be there. I know it is a difficult time at the moment with us taking over the EU Presidency but, that said, we have a lot of Ministers. I will try to find out what happened.

Senator Joanne Collins spoke in relation to a very personal event that happened at the weekend, and she spoke so well on it. One could be emotional speaking about it but she held back fairly well.

It is unacceptable if an ambulance that is called at 6.10 p.m. does not arrive until 8.30 p.m., as it is to then find out that it is an administration issue, not even a problem but just an issue in terms of administration. It is utterly unacceptable that this can impact someone who is in a category one emergency when, as the Senator said, the ambulance should be there within 19 minutes. I canvassed in Galway for the by-election, and I came to the door of a young guy who worked in the ambulance service. He talked to me about issues like this; simple issues that can be solved. I know there have been discussions between the Minister and the ambulance service on pay, remuneration and service, but common sense also needs to be applied. Thankfully, the Senator's father is fine and healthy, but that might not be the case for someone else. We need to make sure we do everything we can to ensure that measures are put in place to prevent that as much as possible.

Senator Comyn spoke in relation to Louth GAA. Last week, I said that we should ban talk of the GAA as Tipperary are out of it, but that has not happened. I congratulate Louth GAA. Most people in the country will be supporting whoever comes through the Louth-Mayo game, considering they have waited so long for an all-Ireland. She also spoke about the hidden costs for older people, which is a real thing that people are challenged with, whether it is driving tests, housing grants or simple things like heating and the cost of living. These are a lot more challenging for older people, particularly those who live on their own. I will try to organise a debate on that.

Senator P.J. Murphy spoke about the advocacy of Corlann in Gort. It is a simple thing but it is really important. If we are talking about free travel, it should be fully free. It benefits Bus Éireann and every transport organisation if they know people are getting transport. If people book online it is much easier for that company to accommodate travel for them, but why should there be a cost for them to do that? That is something simple that Bus Éireann and others should be able to accommodate. It is a good suggestion and a good email that the advocates from Corlann in Gort will send to the Minister and the CEO of Bus Éireann.

Senator Keogan spoke about the reproductive leave Bill that will come to both Houses and be discussed. People have different views on these issues. Obviously, for people who have had miscarriages, it is very tragic and they grieve. As the Senator said, there are also people who have abortions that can be tragic and they grieve too for different reasons. It is not always the case that they do not. We will have a good opportunity to discuss it when the Bill comes before this House. There will be differing views, but it will be important that we do it. I know the Senator will certainly do that as well. However, the essence of it relates to bereavement leave for people who are struggling.

Senator Wilson spoke about the 64th national cadet class; I have responded to that. He also congratulated me and I thank him for that. He trained me well in his own way. I appreciate that.

Senator Nelson Murray also spoke about pregnancy loss, miscarriages and the announcement today. As I said, there will be differing views on this, but this about supporting people who are suffering from grief and have had challenges. It is also really important that there is a cross-party group working on this. Senator Nicole Ryan is the chair and Senator Nelson Murray is covering for her while she is on maternity leave. We look forward to Senator Ryan coming back. However, it is important that there is a cross-party group to work on how to do this and get it right. As Senator Nelson Murray said, people use sick leave and that is not a problem for a man. It is a problem for a woman in that she has to stay quiet about it. People have traditionally always stayed quiet about these things. We would be surprised at the number of people who have gone through this and never talked about it. They may be extremely close to someone but they do not feel that they can talk about it. If we can open up that debate and have it in this House, it will be welcomed, although I have no doubt that people will be on different sides.

Senator McCarthy spoke about the 1,900 women. It is terrible that when they looked for support, there was no room available for domestic violence victims. We had a debate about domestic violence in this House about six weeks ago and a number of people raised that issue. I have seen it in Tipperary in Cuan Saor where for the last four, five or six years, the number of people coming in looking for support, guidance and help has increased dramatically both during and after Covid-19.

The services just are not there. An awful lot of funding has been put in place and great work has been done by organisations, but women should not be refused space. Senator McCarthy knows that very well.

Senator Gallagher also spoke about the 64th naval cadet class, on which I have touched already. He spoke also of the amazing service the Bell family provide this country and the 2,500 people who have had the traumatic experience of someone passing away abroad, normally in tragic circumstances, and dealing with that process of repatriation to bring them home. The Bell family is stepping back and, as the Cathaoirleach said, it would appropriate if we wrote to them to thank them, on behalf of the people of Ireland, for the good work they have done.

Senator Tully spoke about dementia and long-time illness. I find that when the Senator brings up issues she always has constructive and good ideas about things that have just been missed. Certainly, when reviews have not been done for a long time, this is something we

could do. I was going to suggest she submit a Commencement matter but a number of Commencement matters have been submitted and Ministers from the Department of Health have not come in to the House to answer them. There is an opportunity to have an all-round debate on health but it will be difficult to have one before the recess because we have so much legislation coming through. I will try to have a debate at the earliest opportunity because there are a number of issues that the Senator and many other Senators have raised. As I said, Senator Tully made a very constructive suggestion, as she always does.

I thank Senator Joe Conway for his congratulations. He knows my wife is from Waterford, so he did well in congratulating me. On the European Court of Auditors and the report on cross-border tax avoidance, we have always known it has been happening to a certain extent. It has increased in recent years. I will speak with the Minister for Finance and see if we can get a reply from the Government to see what can be done or if it is possible to have a debate on the matter in the House.

Senator Sarah O'Reilly spoke about the driver's licence, noting that the NDLS does not accept cash. It seems strange that it is still not doing so given that former Ministers for Finance and the current Minister for public expenditure have called on it to do so. It should do it. As we said earlier, a lot of people who use the NDLA service are elderly people who usually deal in cash. By law, State agencies used to have to accept cash, or I always thought that was the case, but it seems it does not want to do it, probably because of the hassle of it. That is not acceptable.

Senator Harmon spoke about driving instructor challenges and had, again, a very good suggestion in terms of grants for electric vehicles. As an EV driver, I am convinced that, in time, everyone will be an EV driver, even those who are reluctantly denying they will end up being EV drivers. If we are going to have a lot of EV drivers, one would certainly think driving instructors would have the opportunity to buy EV cars and we would incentivise a few of them to do so. We should certainly try to incentivise the whole country to do it, including driving instructors. I will talk to the Minister about that.

Regarding driving instructors not being invited to the RSA conference, I do not see why they would not be. It seems very strange. It is certainly not for this House to decide who the RSA does or does not invite to its conference. The Committee on Transport is doing an awful lot of work on road safety, and Deputy Michael Murphy is being very vocal on it, but if the RSA wants to be serious about it, you would think, at the very least, driving instructors should be invited to that conference. I will organise a debate on the road safety as well because that is an important issue, but it will probably be after the recess.

Order of Business agreed to.

Approval of Draft Regulations: Motion

Senator Garret Ahearn: I move:

That Seanad Éireann approves the following Regulations in draft:

Data Protection Act 2018 (Section 51(3)) and (Section 60(6)) (Commission of Investigation into the Handling of Historical Child Sexual Abuse in Day and Boarding Schools) Regulations 2026,

copies of which were laid in draft before Seanad Éireann on 16th June, 2026.

Question put and agreed to.

Council Decision on Combating Violence against Women and Domestic Violence: Motion

Senator Garret Ahearn: I move:

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

Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial co-operation in criminal matters, asylum and non-refoulement,

a copy of which was laid before Seanad Éireann on 9th June, 2026.

Question put and agreed to.

Cuireadh an Seanad ar fionraí ar 2.25 p.m. agus cuireadh tús leis arís ar 2.48 p.m.

Sitting suspended at 2.25 p.m. and resumed at 2.48 p.m.

Criminal Justice (Terrorist Offences) (Amendment) Bill 2025: Order for Committee Stage

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Ardagh, and her officials.

Senator Robbie Gallagher: I move: "That Committee Stage be taken now."

Question put and agreed to.

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

Section 1 agreed to.

An Leas-Chathaoirleach: Amendments Nos. 1 to 6, inclusive, 8, and 15 to 18, inclusive, are related and may be discussed together. Is that agreed? Agreed. There is no Senator here to move Amendment No. 1.

Senator Alice-Mary Higgins: I wish to check the grouping.

An Leas-Chathaoirleach: That is not a problem: amendments Nos. 1 to 6, inclusive, 8, and 15 to 18, inclusive are related and may be discussed together.

Senator Alice-Mary Higgins: I just want to check in case I have some of that grouping.

An Leas-Chathaoirleach: Would any Member like to speak?

Amendment No. 1 not moved.

SECTION 2

Senator Conor Murphy: I move amendment No. 2:

In page 3, between lines 21 and 22, to insert the following:

“ ‘organising or facilitating travel for the purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F;”.

I was going to speak on a group of amendments.

An Leas-Chathaoirleach: I will just clarify, as the Senator was not here, that amendments Nos. 1 to 6, inclusive, 8, and 15 to 18, inclusive, are related and may be discussed together. That has been agreed, so the Senator is entitled to speak to the group.

Senator Alice-Mary Higgins: I was indicating.

An Leas-Chathaoirleach: Nobody moved amendment No. 1. That is why I asked the Senator to wait.

Senator Alice-Mary Higgins: We normally discuss all the amendments in a group and then put the questions at the end.

An Leas-Chathaoirleach: I will bring Senator Higgins in. I am just asking Senator Murphy to move his amendment first.

Senator Alice-Mary Higgins: I get that, but why would we have finished amendment No. 1? Normally we discuss them all.

An Leas-Chathaoirleach: There was nobody here to move amendment No. 1. It was not moved.

Senator Alice-Mary Higgins: Is it not included in the grouping?

An Leas-Chathaoirleach: I read out the group but there was nobody here to move amendment No. 1. None of the Senators listed as being behind it was here to move it.

Senator Alice-Mary Higgins: I get that, but because it was a grouping, I thought we would discuss them all and then the formal question would be put.

An Leas-Chathaoirleach: We normally do not go through them amendment by amendment.

Senator Alice-Mary Higgins: We do not normally put the question on the amendments until we finish the full discussion.

An Leas-Chathaoirleach: Since amendment No. 1 was not moved, we moved to the next amendment. We can discuss the amendments now. The Senator is welcome to come in on amendment No. 2 after Senator Murphy, if that is okay.

Senator Alice-Mary Higgins: Yes.

An Leas-Chathaoirleach: Great. Thank you, Senator.

Senator Conor Murphy: My apologies for being late. I accept responsibility for not having moved the first amendment. The series of amendments to this section, in my name and the names of my colleagues, is necessary to lay a foundation for later amendments to define circumstances in which it would be an offence to join, train or recruit for an armed force that is engaged in crimes against humanity, war crimes and genocide. This is not anything fanciful. The existing legislation ignores the greatest terrorism crimes of our time, which are the actions of the Israel Defense Forces in Palestine. The current laws that we have do not prevent people from joining a military engaged in genocide with gross human rights violations. While right now this arises in relation to the actions of the IDF, it may in future arise in relation to armed forces of other states engaged in war crimes that recruit what are in fact mercenaries. The IDF recruits foreign fighters, just as others do who are targets of this legislation.

The EU directive dates from a period when ISIS was at its peak and there was a significant problem with people travelling from Europe to join ISIS. While it is not the case that many Irish people join the IDF, it is important that, as a State, we make it clear that participating in the actions of armed forces in other states engaged in war crimes and genocide is unacceptable, and those who do so will be held accountable for their actions. The failure of the State to have any sanctions or restrictions against those travelling and participating in war crimes and genocide as part of an armed force leaves the State open to the allegation that we are complicit in this genocide. We have to remind ourselves of what we are dealing with. As a State, we cannot stand by and allow citizens to serve the IDF or any other armed forces engaged in war crimes.

Sinn Féin's amendments are designed to outlaw citizens of this State travelling or training to participate in genocide or war crimes. They also outlaw recruitment by the armed forces of such a state. Our amendments would have the effect of preventing the IDF or other armed forces engaged in genocide or war crimes from training with the Defence Forces. It was

previously revealed that IDF military personnel had trained in the Irish military college over the previous six years. This is something that would not be permitted under our amendments. The amendments I have tabled are no less important than the introduction of the occupied territories Bill in the stance that this State takes against genocide and war crimes. I ask the Minister of State to accept them all and for the Committee to support them.

Senator Alice-Mary Higgins: I indicate my support for this set of amendments. It is important. I refer to previous legislation.

I understand it was the case that participation in an armed force which is engaging in terrorist activity would have been included and was something that was identified. A shift has been taken to remove accountability for members of such armed forces in regard to terrorist offences in the Bill.

Reference was made to international humanitarian law and other structures in place regarding such offences. There is a significant concern, however, that that is not always applied and there is an inequality in the Bill to which we will come later. There are measures in the Bill which could lead to somebody who is taking action to prevent breaches of international law becoming, in effect, criminalised and committing criminal offences. I refer to those in breach of international law, the deepest essence of what we mean when we talk about terror and terrorism, who are instilling and dealing in terror and who have terror as their goal, strategy and *modus operandi* in terms of what they inflict on the civilian population in places like Gaza. They might fall outside the rubric of the Bill. However, a person who prevents to seek such action might come under it. That is a problem and needs to be addressed.

I will support the amendments put forward. This is not theoretical because we know Israeli armed forces have been trained in Ireland in the past. There are major concerns about whether we might find ourselves complicit and give the rubric of legitimacy to actions which are flagrantly in breach of international law, including the Genocide Convention, one of the greatest and strongest obligations on all states, which is to take all necessary steps in respect of crimes of genocide.

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Catherine Ardagh): I thank Senators who have contributed to the debate. I will address amendment No. 1, which I understand has not been moved. It provides interpretation in respect of the terms "crimes against humanity", "genocide" and "war crime" to be inserted into section 3 of the interpretation section of the principal Act, linking these terms to the definition in the statute of the International Criminal Court, which I take to refer to the Rome statute of the International Criminal Court.

Amendments Nos. 2 to 6, inclusive, and 8 provide for new terms to be included as part of the definition of terrorist-linked activity in the definitions section 4 of the principal Act. These new terms are further defined and expanded definitions to be inserted as proposed in amendments Nos. 15 to 18, inclusive, as discussed. They would insert a new section 4F into the principal Act. Combined, they create new terrorist offences in the engaging in terrorist-linked activity offence in section 6 of the principal Act. The effect is to criminalise as terrorism travel, organising travel, providing training, receiving training and recruitment for the purposes of serving in the armed forces of a state engaged in war crimes against humanity or genocide.

As explained, when the Bill was before the Dáil the Minister, Deputy O'Callaghan, understood the intention behind these amendments was to ensure that those who partake in or facilitate acts that contribute to the commission of breaches of international law, including war crimes, crimes against humanity and acts of genocide at the behest of a state via the armed forces, can be convicted of terrorist offences. I would like to condemn the actions of the IDF, the atrocities carried out in Palestine, the killing of innocent civilians and children and the starvation of a population, as well as the destruction of civilian infrastructure.

The principal Act does not exclude the activities of armed forces during an armed conflict and in the exercise of their official duties from being categorised as terrorist offences, insofar as those activities are governed by humanitarian or other rules of international law. This was a requirement of the original underlying EU measures underpinning the Bill, namely the 2002 EU Council framework decision on combating terrorism.

3 o'clock

That requirement remains in the 2017 EU directive on combating terrorism, and the primary Act, on foot of the Bill, will give effect to it. The aim of the Bill is to give full effect to that directive. Therefore, the proposed offences fall outside the scope of the Bill. This exclusion is not intended to allow armed forces to act with impunity. Rather, it reflects the importance of maintaining the distinct legal frameworks that govern armed conflict and terrorism.

International humanitarian law regulates the conduct of parties of law. While it allows certain acts of military violence may be lawful, it absolutely prohibits attacks against civilians. Such violations of international humanitarian law are war crimes. Acts of terrorism are always criminal offences and terrorists are criminals. There is no lawful terrorism.

I emphasise the commitment to the rule of international law is enshrined in our Constitution. This is one of the core principles of Irish foreign policy and includes customary international law as well as international agreements Ireland is party to. These include the Genocide Convention and the Geneva Conventions, which established international legal standards for humanitarian treatment in war.

In relation to international criminal law, most significantly Ireland gave effect to the Rome Statute of the International Criminal Court via the International Criminal Court Act 2006. This enables Irish courts to punish breaches of international law that fall within the jurisdiction of the International Criminal Court, namely, genocide, crimes against humanity and war crimes. It also makes it an offence to facilitate the commission of these offences, including aiding, abetting or otherwise assisting in their commission. It allows for the prosecution for such offences in Ireland while empowering authorities to assist the International Criminal Court in the investigation or prosecution of such offences.

The Act also provides for universal jurisdiction over war crimes constituting grave breaches of the Geneva Conventions. An individual accused of such crimes can be prosecuted in Ireland regardless of their nationality or where the offence occurred. A similar form of universal jurisdiction is provided for in respect of certain offences under the Geneva Conventions Act 1962, as amended by the Geneva Conventions (Amendment) Act 1998. Thus, violations of international humanitarian law by the armed forces of a state are already crimes in our domestic law. International humanitarian law already delineates the spectrum of lawful and unlawful conduct in war. Overlaying a terrorism label onto this framework where all acts of terrorism

are automatically illegal is redundant, disruptive and potentially dangerous. This is particularly the case where the armed forces or even the population of one side in a conflict is labelled as terrorist, as this can serve to circumvent the protections of international humanitarian law. For these reasons, I do not support the amendments.

An Leas-Chathaoirleach: Before I call an Seanadóir Murphy, I acknowledge the presence of the Park Community Centre, guests of the Minister of State, Deputy Higgins. There was a group in the Gallery who were guests of An Taoiseach and there were also some guests of Deputy Healy-Rae.

Senator Conor Murphy: I thank the Minister of State for her assurances that these matters are already covered. The experience in Europe, and these laws reflect European laws, is that there has been an unwillingness to do anything about the genocide and those involved in perpetrating it. Many of them come from European countries, join the IDF and go back home again. People with lead responsibility in the Israeli Government have travelled to European countries and there has been no follow-through on the legislation. If it is simply a matter of political will that the legislation will be followed through, Ireland needs to look carefully at whether this reflects that type of European legislation. There has been a distinct lack of action against any of the people involved in the genocide on the ground, and especially those who planned, led and advocated for it, in relation to their treatment in various European countries.

Senator Alice-Mary Higgins: I will make a similar point. We are not seeing international humanitarian law being upheld in its spirit or its letter. There should be consequences for those who have engaged in breaches of international humanitarian law. The Minister of State said there are domestic measures but I do not know what domestic measures there are.

It has now been moved but when the football match was due to be happening, there were discussions about what screening would take place in relation to potential war crimes and breaches by those who would have been attending. There was not a sense of a satisfactory system being in place in Ireland to meet our obligations under the International Criminal Court in respect of investigating those potential breaches.

There is a concern of international law not being upheld. We sadly see it, even in Ireland, in the dilution of the occupied territories Bill, we see it in the continued failure to actually examine what is moving through Shannon Airport and we see it in the failure to investigate and properly step up to the fact that we have had a sevenfold increase in the export of military technologies from Ireland to Israel that maps directly onto the assault on Gaza, which is that dual-use goods have had a sevenfold expansion that directly maps on to that period of time. There is a huge question of the eyes wide shut approach to potential areas of complicity. This was a good faith attempt to try to ensure that we would be marking and having a proper standard in relation at least to this kind of activity.

I appreciate the Minister of State's point that the labelling of things as "terrorist" can move them outside the international humanitarian law framework but that is a concern we are going to come to a little bit later. If states have huge powers to label things potentially as terrorist and move them outside of the international humanitarian law framework, yet actions and war crimes by those who may be members of state militaries are not getting captured, are not getting

properly sanctioned and are not getting dealt with systemically, we do create a danger of a two-tier system in terms of who is actually obliged to comply with laws or not, and who has the protections of international law and who does not. The Minister of State just made a point herself that there are question marks about some offences being labelled as terrorist and then being moved out of the protection of international humanitarian law. It is something I am sure we will come to on some of my later amendments.

Deputy Catherine Ardagh: I understand and appreciate the point the Senator has made and where these concerns come from. I note and reiterate that the current terrorism framework legislation before the House is not the correct law to address matters that have been raised today. Violations under international law, as outlined, by the armed forces of a state are already crimes in our domestic law. As was stated, the International Criminal Court Act 2006 sets out that in Ireland crimes against humanity, war crimes and genocide are criminal offences. It also makes it an offence to facilitate the commission of these offences, including aiding, abetting or otherwise assisting in their commission, which the acts of those amendments could be categorised as. I have nothing further to add.

An Leas-Chathaoirleach: I would like to acknowledge the Minister of State, Deputy Frankie Feighan, and his guests who are in the Gallery. You are all very welcome here today. Enjoy your visit to Leinster House.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 3:

In page 3, between lines 25 and 26, to insert the following:

“ ‘providing training in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F;”.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 4:

In page 3, between lines 27 and 28, to insert the following:

“ ‘receiving training in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F;”.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 5:

In page 3, between lines 27 and 28, to insert the following:

“ ‘recruitment for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F;”.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 6:

In page 3, between lines 27 and 28, to insert the following:

“ ‘travel for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F;”.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 7:

In page 5, to delete line 17.

This section raises very significant concerns. We only have to look to our near neighbours in Britain to see where issues have arisen with protests. Some time ago, the Minister of State spoke about her own views regarding some of what has been going on in the Middle East, Palestine and Lebanon and her opposition to all of that. We can see how the definition of "glorification of terrorism" has been open to abuse. In Britain, 3,500 people who have declared themselves in support of Palestine Action have been arrested in recent times. Some 80% of these are pensioners. Despite this, something like 35 people have been arrested as the result of race riots and racist violence. That shows how such laws are applied where a government wants to shut down protests it considers to be embarrassing in light of its international relationships. This has moved clearly and evidently towards something that is completely ludicrous. Elderly people who are genuinely, legitimately, deservedly and with some merit protesting against genocide are treated in such a way under laws that are not directly related to this one but that have a similar theme. There can be unintended consequences in how these things are interpreted and in how particular governments might propose to approach them.

A significant problem with this Bill is the widening of the definition of "provocation of terrorism" contained in section 3. We will be opposing this section. It is our view that this expansion of the definition is deeply problematic. We are yet to hear a credible rationale for this broadening. As I have said, it is a cause of serious concern, particularly in relation to the glorification of terrorism, but also as a result of its general vagueness and the broadness of the language, which will be wide open to misuse and to suppress freedom of speech.

The provisions are too broad and are open to abuse. Public provocation charges can be brought where no terrorist offence has been committed, with those charged facing up to ten years in prison. Again, the provisions are so broad that people could be found guilty of a terrorism offence in relation to provocation where they distribute or publish a message that could reasonably be construed as inciting terrorism or glorifying terrorist activity. That includes praise and celebration. As was said when this Bill was discussed previously in the Dáil, it is very probable that putting up a poster of Bobby Sands or Nelson Mandela in the 1980s could have been construed as glorifying terrorism. This legislation parrots some of the language of the far right, especially the language of the DUP in the North, in relation to the glorification of terrorism. We are led into territory where commemoration or celebration of the 1916 Rising, wearing a lily or the legitimate commemoration of loved ones killed during the conflict in the North could fall under the provisions of this Bill.

This takes place against the backdrop of debate across Britain, Europe and America regarding legislation against legitimate protest, including protest in relation to Palestine. We

cannot ignore that context. We have seen the figures in relation to some of the people who have been protesting. The assurances that the provisions will not be misused in any way do not really give me any confidence. While the Minister and her current partners in Government may be well intentioned, we have no sense of how these provisions will be used in future. We can see very clearly how such powers are being used in other countries. The section smacks of an attempt to crack down on freedom of speech rather than terrorist activities. That can be seen across Europe, particularly with regard to the Middle East, in the approach of states like Germany and France to legitimate protest as opposed to their approach to pursuing people on the far right who are creating difficulties. The section should be opposed. The provisions smack of authoritarianism. They are not called for and they are open to abuse.

Senator Alice-Mary Higgins: I have also proposed the deletion of this language, "public provocation to commit a terrorist offence", from the definition of "terrorist-linked activity".

My concerns are very similar. They relate to the very slippery slope that the provisions in this Bill set out. The Minister of State, Deputy Ardagh, stated on Committee Stage that "The offence of public provocation to commit a terrorist act seeks to target those who glorify and justify terrorism, or who disseminate messages or images online and offline ... as a way to gather support for terrorist causes".

Let us look at that language, as the Minister of State used it, and imagine how that can play out. She said to "justify terrorism". Take those who do not believe what the Government is labelling as terrorism is terrorism and who believe it is actions necessary under international law and they are within their rights. If they simply say they agree with that interpretation, which in some cases is still being teased out before the courts, or they agree with an interpretation that is different from a government's interpretation, where does that leave us if we follow that through? Then anything can be labelled as terrorism and anybody who suggests they do not agree with that label are themselves creating a new offence.

If we follow it through further, the Minister of State said, "terrorist causes". What are going to be terrorist causes? Mandela's push against apartheid was regarded as a terrorist cause in the South African State. There are certain states that are trying to get climate action labelled as terrorism. We see pushes and intents for that in the United States and elsewhere. Will climate action then be a terrorist cause for those who are literally trying to save all of our lives in relation to climate action? Does it mean that once that label has gone on it, you cannot even challenge it? Regardless of the offence, if someone has broken something and we are dealing with criminal damage, by labelling it "terrorist" the Government cuts off the ability of anybody to actually speak in support of, contextualise or talk to the wider context of what somebody has done. That is a massive piece.

The figures are there in terms of what we have seen unfolding in the United Kingdom. There were 63 arrests under the terrorist legislation. When they proscribed Palestine Action, there was a 2,608% increase in the arrests, with almost 2,000 people arrested. Of those arrested, 80% were women. A majority of them were over 60 years of age. They were not a threat to a population and not instilling terror but simply saying the illegal message, "I oppose genocide. I support Palestine Action." To have that image or sign on a T-shirt gets you arrested right now in the UK. If we bring in laws that allow the same thing to happen, whether or not the Minister of State tells us we are lovely and do not do terrible things with terrible laws, and if the

Government puts the toolbox in place that has allowed that to happen, it is creating a danger. We are going to come to this a little bit later on some of the other ways that comes in.

Let us get back to it again. The Minister of State said on Committee Stage:

It must be shown that he or she possessed the requisite intention of inciting persons to commit a terrorist activity when he or she distributed, published or had caused to be distributed or published a message. The message itself must have glorified, including by praise or celebration, a terrorist activity.

She also said, "The publication of the message must give rise to a reasonable apprehension that someone might, as a result of such a publication, commit a terrorist act". That sounds like a good safeguard but that is the same kind of safeguards the UK has. That is an entirely subjective test in terms of the reasonable apprehension.

There are judges in the United Kingdom who are looking at 80-year-olds in wheelchairs, holding a piece of paper with the words "I am against genocide", and saying they believe that person is a threat. It is a ludicrous situation, but it is deeply consequential.

As we are going to discuss with some of the later amendments, there is a significant issue about what is included in the definition of terrorist activity. In other jurisdictions, there is a shift whereby convictions that would normally be treated as criminal property damage are now being considered and prosecuted as terrorist offences. It may be right that something normally treated as criminal property damage is prosecuted and so forth. However, by labelling it as a terrorist offence, it is moved to a much more serious and intimidatory legal consequence for those engaged in it, and it also cuts off the sources of support. If somebody is engaging in the activity and then they say, "I do not like your climate policies" or "I do not want arms used in this way", they are not just getting done for criminal damage. They are now getting done for terrorism because there is a cause attached to it even if the cause, in some cases, such as climate and preventing genocide, is not a cause that is delivering terror. In fact, it is the opposite. It is a cause that is seeking to give hope and move us back towards a world in which people are not living in terror, either in terms of illegal military action or unliveable climate disaster.

Simply by labelling it in this way for these actions, which may well be correctly prosecuted as criminal damage, there is a levelling up where someone doing criminal damage is to be treated with much less severity than somebody who may have a belief attached to that, which happens to fall under the rubric of this Government or any other state. We will come back to this point because the Bill is setting us up to enforce what other states might consider to be an offence. Will it include people who graffiti a building? If somebody puts graffiti on a building and says they believe a state should or should not do something, will that not just be criminal damage but a terrorist offence? What is the threshold where property damage is going to become a terrorist offence? That is a very serious question in terms of how it will pan out.

The Bill, as drafted, also allows for the prosecution for terrorist-linked activity of people who praise the actions of protesters engaged in direct action in or outside the State, which may include damage to property or other offences. This includes those who are damaging weapons facilities to interrupt the supply of murderous technologies that are directly facilitating a genocide. We have heard about the Genocide Convention, which the Minister of State mentioned, and the obligation of states not to provide arms. We have heard calls at the United Nations for arms embargoes in respect of the provision of weapons for genocide. Where is the

threshold where somebody says, “I am glad they were not able to drop those bombs” or “I am glad they stopped those weapons systems from delivering the bombs they were due to drop on Gaza”? Is that person celebrating? Does that person now come under the criminal offences Act as well?

Under paragraph (b), the definition of terrorist activity includes “an act committed ... outside the State that, if committed in the State, would constitute an offence specified in Part 2 of Schedule 2”. What happens if those actions - we are coming to my set of amendments now - committed outside the State happened in an occupied territory? If these actions were committed in the State they would be criminal offences, but what happens if they were committed in an occupied territory?

If someone in an occupied portion of Ukraine taking action against the Russian military were to take a similar action here in our State, it would be an offence, but as it is taking place in an occupied territory, is it still an offence? The contexts are slightly different.

Another piece I am concerned about is that provision in regard to an act committed outside the State which, if committed in the State, would constitute an offence. I will let the Minister have the advice on this one and then I am going to come to it. In this scenario, where an act is committed outside the State that, if committed in the State, would constitute an offence, the emphasis is on the action, taking into account the wide range of actions, but if you had an action, for example, criminal damage of a piece of property, in support of a terrorist cause, whose definition of "cause" is it? Ireland is putting in place the same toolbox, or a very similar toolbox, to what we are seeing being applied in a very authoritarian way in the UK or what we see being deployed in Germany. We are putting in place the same toolbox with the same sets of offences, if we are taking that common set of offences. Will it be the case that we will have a law in another country that is very similar to the law here but who we consider to be proscribed or terrorist organisations may differ from country to country? We do not have such a proscription list in the same way others may have. Will we take the United States definition of terrorist organisations, and when we consider whether people should be prosecuted in Ireland, because of the fact we have a similar offence in our law as they have in their law, are we just going to be comparing action with action or will we be comparing action with action in terms of who it is?

In the UK and the US, in the move to proscribe, an ever-larger number of organisations are being defined as terrorist organisations. A swathe of those who wish for action in areas like Palestine, human rights or climate are being labelled as terrorist organisations. When we are considering whether it is a terrorist activity, how are we going to say that we do not believe it would be an offence in the State here? Will we be saying it is because it says the act is the same? If the act is the same but the entity doing it is one we might not have identified as a terrorist organisation, where does that come in? It is not clear to me, but as I read the law, it looks to me that the test is the act, not the nature of the organisation.

I have further concerns on this that I will return to on Report Stage relating to how offences are added to the list of offences that may be considered a terrorist activity in Part 1 of Schedule 2. The Bill allows for the adding of an offence to the Schedule in section 12 of this Bill. An offence under section 3 or 4 of the Criminal Justice (Offences Relating to Information Systems) Act 2017 is going to be added as an offence that may be considered terrorist activity. This relates to persons who damage, interrupt or render inaccessible the functioning of an

information system without lawful authority. The definition of an information system is extremely wide and, again, I am concerned about how that is going to be applied under the Bill. I am concerned about what that is actually going to mean in practice and how that may be applied.

Again, I am concerned about the procedures for how new offences are being added to the list in Part 1 of Schedule 2. I think there has to be special scrutiny and proper transparency in regard to those offences and clarity as to how they will be added.

That is my amendment No. 7. Have we come to amendments Nos. 9 to 14, inclusive, yet?

An Leas-Chathaoirleach: No, we have not.

Senator Alice-Mary Higgins: I will come back to them.

Deputy Catherine Ardagh: I thank the Senators who put this amendment before the House and made contributions today. I understand the genuine questions raised by Senator Higgins. Some were rhetorical and some were genuine, but I understand the point being made.

This amendment seeks to delete the phrase "public provocation to commit a terrorist offence" from the definition of terrorist-linked activity in section 2 of the Bill. The effect of this amendment would be to remove public provocation as an offence under the Bill. Noting the concerns around the public provocation offence, the Minister, Deputy O'Callaghan, committed to reflecting on the wording of this on Committee Stage in the Dáil and sought further advice from parliamentary counsel on the proposed changes.

Parliamentary counsel confirmed the necessity for the restructuring of this offence, both from a compliance perspective and to add greater safeguards as to its interpretation and use. The purpose of this legislation is to give full effect to the provisions of a 2017 EU directive on combating terrorism that are not already provided for in Irish law. Article 5 of the directive requires that public provocation to commit terrorism be criminalised.

As mentioned on previous Stages, the amendment of section 4A of the principal Act does not create a new or separate offence of public provocation by way of glorification, nor does it make unduly vague and expansive. Rather, the amendment clarifies that the scope of the public provocation offence is such that it can include public provocation by way of the glorification of terrorism. This clarification stems from the requirements of Article 5 of the 2017 EU directive. The clarification does not change the substantive offence and provocation by way of glorification is encompassed in the offence as it currently stands. Its explicit reference now in the amendment is an exercise in clarity and compliance.

Section 3 of the Bill also reformulates the wording of the offence provision more generally to give clarity to the elements necessary for a prosecution of public provocation. This serves to safeguard the offence from abuse and misuse. The current wording in the principal Act reads:

"4A. For the purposes of this Part, public provocation to commit a terrorist offence means the intentional distribution, or otherwise making available, by whatever means of

communication by a person of a message to the public, with the intent of encouraging, directly or indirectly, the commission by a person of a terrorist activity.”

The revised section 4A as proposed by this Bill provides:

“4A. For the purposes of this Part, a person publicly provokes the commission of a terrorist offence if—

(a) he or she, with the intention of inciting persons to commit a terrorist activity, distributes or publishes, or causes to be distributed or published, by any means (including via the internet) to the public or a section of the public a message—

(i) inciting, or that could reasonably be construed as inciting, persons to commit a terrorist activity, or

(ii) that glorifies (including by praise or celebration) a terrorist activity,

and

(b) such distribution or publication gives rise to the reasonable apprehension that the commission of a terrorist activity could thereby result.”.

Parliamentary counsel confirmed that the revised text affords greater protection to someone exercising their right to freedom of expression than the current section 4A. The current section 4A simply refers to the publication of a message. It does not say anything about the nature or content of the message. The only thing that makes the publication of the message criminal under the current section 4A is the intent of the publisher. Proof of that on its own will not be sufficient to secure a conviction under the reframed section 4A. Furthermore, the publisher of the message must not only intend to incite the commission of a terrorist offence, but the published material must give rise to a reasonable apprehension that a terrorist act could result. The latter element is also absent from the current section 4A.

In summary, the proposed new section 4A contains two new safeguards that are not present in the current version of section 4A: The message itself must reasonably constitute an incitement to commit a terrorist activity as defined in the Act, or to glorify a terrorist activity as defined in the Act when objectively tested. The publication of the message must give rise to a reasonable apprehension that someone might, as a result of such publication, commit a terrorist act. Paragraph (b) is also an objective test.

The use of a reasonableness test is an objective legal standard used in law to prevent arbitrary or irrational interpretation, assessing circumstances against a hypothetical reasonable person's response or action.

These ingredients serve to act as safeguards, ensuring that it is only those who set out deliberately to incite terrorist activity and it is reasonable to assume that a terrorist activity as defined in the Act would result are captured by this offence.

The high standard of proof contained within the reframed section 4A ensures that a person's fundamental rights such as freedom of expression and association - to be allowed carry a Bobby Sands banner - are protected, and situations do not arise where activities that are otherwise lawful are considered as falling within the scope of this section.

Senators Higgins and Murphy just raised a case that arose in the UK and the legislation in the UK. Thankfully, the law in England and Wales is different from ours. This legislation will be different. There is a marked difference between the two statutory provisions in question. In Ireland, we are proposing section 3 of the Bill, which reformulates the definition of public provocation offence and what exists under section 13 of the Terrorism Act in England and Wales. Under the legislation in England and Wales, there is no requirement for a person's act or behaviour to carry with it the intention of seeking to cause the committal of a terrorist offence. It is much broader than that, simply requiring that in a public place a person wears or displays an article that would arouse suspicion that the person is a supporter of a proscribed organisation. Let us contrast that with section 3 of this Bill, which carries a much higher burden of proof to bring about a successful prosecution for the offence of public provocation to commit a terrorist offence by glorification. It must be shown that the person possessed the requisite intention of inciting persons to commit a terrorist activity when he or she distributed, published or caused to be distributed or published a message inciting or glorifying, including by praise or celebration, a terrorist activity. It is also a requirement of the offence that such distribution or publication must give rise to the reasonable apprehension that the commission of a terrorist activity could thereby result. These additional elements serve to act as safeguards in ensuring it is only those who set about to deliberately set about to incite terrorist activity and, where it is reasonable, a terrorist activity would result, are captured by the offence. I cannot support the amendments.

An Leas-Chathaoirleach: Before I call Senator Murphy, I welcome guests of the Minister of State, Deputy Harkin. They are from the Sligo, Leitrim and South Donegal constituency. They are very welcome and I hope they enjoy their visit to Leinster House.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 8:

In page 5, between lines 21 and 22, to insert the following:

- “(j) organising or facilitating travel for the purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide,
- (k) providing training in the armed forces of a state engaged in war crimes, crimes against humanity or genocide,
- (l) receiving training in the armed forces of a state engaged in war crimes, crimes against humanity or genocide,
- (m) recruitment for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide, or
- (n) travel for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide;”, ”.

Amendment put and declared lost.

Section 2 agreed to.

SECTION 3

An Leas-Chathaoirleach: Amendment No. 11 is a physical alternative to amendment No. 10. Amendments Nos. 9 to 14, inclusive, and 19 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Sarah O'Reilly: I move amendment No. 9:

In page 5, to delete lines 32 and 33 and substitute the following:

“(i) inciting by its express terms, or that could reasonably be construed as inciting by its express terms, persons to commit a terrorist activity, or”.

I welcome the opportunity to speak to amendments Nos. 9 and 12. I begin by making one thing absolutely clear. These amendments are not about weakening our response to terrorism or making it harder to prosecute people who genuinely encourage or incite terrorist acts. Everyone in this House will agree that if someone sets out to incite terrorist activity, that person should be prosecuted. These amendments are focused on ensuring the legislation is precise and clear.

The Minister has previously said the Bill is intended to deal with genuine public provocation to commit terrorist offences, and I accept that.

The Minister has also said the Bill is not a response to the Mo Chara issue and is not intended to lead to prosecutions like those we have seen in Britain. While I accept the Minister's intentions, we do not legislate for one Minister or one Government but, rather, for the future. We make laws that may be interpreted years from now in very different political circumstances and by people who were never even aware of this debate.

My amendments do not fundamentally change what the Government is trying to achieve. They simply tighten the wording to require an expression of direct incitement to commit a terrorist activity. This raises the bar slightly but with good reason. Criminal law should punish people for what they intentionally encourage others to do, not for meanings that might later be read into words, that is, for an interpretation down the line. History shows us that opinions about conflicts and liberation movements and organisations can change over time. For example, Senator Higgins spoke about Nelson Mandela and our own 1916 leaders. We should be slow to create criminal offences that depend on what a publication could reasonably be construed to mean. It should be clear that the communication itself has expressly and directly incited terrorist activity.

We are back again to interpretation and that is why I want to tighten up what is set out in the legislation. I think it is reasonable to do so. There must be a clear line between expressing an opinion, however controversial, and actively encouraging others to commit an act of terrorism. The Bill is vague in this regard. As Senator Higgins said in the previous debate, it could have an unintended chilling effect, which we do not want to see. People should be free to express themselves. The Bill could lead to self-censoring, not because there is an intent to cause violence but because people cannot be sure how their words might later be interpreted. That is not healthy in a democratic society.

The more serious an offence, the more important it is that the boundaries of that offence are clear. These amendments do not prevent prosecution. They simply ensure that a

communication must expressly encourage terrorist activity before an individual can be charged. I ask the Minister of State to give consideration to the amendments.

Senator Alice-Mary Higgins: The Minister of State suggested that the Government had looked to introduce a few safeguards into the Bill. What she is seeing in these amendments are good-faith suggestions for further safeguards we believe are needed in terms of the risks associated with the language in the Bill. In responding to this group of amendments, she might also provide clarity on the issues I raised regarding offences committed inside versus outside the State and the question of a comparator Act. If there is a similar law in Germany to the law here, for instance, but a different construction of what constitutes terrorists and terrorist organisations, it is not clear to me where the law would stand on that. I ask the Minister of State to include a response on that point.

The previous speaker made the point very well that we are legislating for the future. If we create a toolbox that can be used in an authoritarian manner, we have a responsibility in terms of how it may be used. The question of who we think will use it and our presumption of best intent are not really our business as legislators. Our business is to consider what tools and safeguards we can put into play. With respect to the Minister of State, there is still a huge amount in the definitions that is open to dangerous and loose interpretation.

I note explicitly the safeguard the Minister of State mentioned, namely, "the reasonable apprehension that the commission of a terrorist activity could thereby result". It is not that it will result or is likely to result; it is that it could result. The reasonable apprehension is whether one can imagine a scenario whereby somebody could do a terrorist activity arising from the distribution or publication of materials. That is the big safeguard being put in place and it is pretty woolly - "could thereby result".

The other things the Minister of State mentioned are not "and" but are "or", which means it could be any one of these. It is not that it has to be inciting and glorifying and it has to be the intent. It could be inciting or it could be just glorifying. That is the piece I am concerned about. My amendment No. 10 acknowledges that even though we already have incitement to hatred legislation and so forth, we could look to mirror the incitement to hatred legislation, which is sometimes underused to a degree. On the incitement piece, if the incitement threshold is left in, that is, the phrase "inciting, or that could reasonably be construed as inciting," and then if the reasonable test is added, there are concerns but they are not as strong because it is about inciting a particular kind of action, plus the reasonable test that it is likely to have an effect. The amendment proposes to remove the much woollier and far more worrying phrase, "that glorifies (including by praise or celebration) a terrorist activity". I emphasise for the public and everybody to understand that right now it is "glorifies" in itself alongside that clause that "reasonable apprehension that the commission of a terrorist activity could thereby result". That is what public provocation counts as right now. The incitement in the proposed new section 4A(a)(i) is not a requirement at the moment for something to be prosecuted as public provocation. It can be just solely on the basis of the glorification. I have suggested removing the language in relation to glorification and if that is not possible, due to the EU directives and others, to at least remove the incredibly vague language of "including by praise or celebration".

I still have that question. What if you say, "I am glad they stopped those bombs" or "I am glad they destroyed those bombs and that they are not going to fall on children in Gaza"? If

people say that who had nothing to do with the activity - they had not done it, they are just people expressing their feeling and response to something that has been designated as a terrorist activity by praising it, are they made vulnerable now? Are they vulnerable as long a judge decides to state that you saying you are glad they did that could conceivably encourage others to do the same kind of thing? That is the reasonable apprehension that the commission of a terrorist activity could thereby result. You do not have to prove it is going to result; there is no direct or explicit piece that is in the other amendments. It is simply the fact that you have praised something and somebody says he or she believes an activity could conceivably happen out of it. That is the really muddy bit. We have seen the silencing of difference of opinion with governments internationally in relation not just to Gaza but to others who have taken stands on issues on human rights and other issues.

We have seen lots of governments that have taken actions in relation to that. Is it going to end up being an effective silencing of opposition? In a future government in Ireland, if Ireland gets rid of the triple lock, as has been proposed by some in government, and we find ourselves in wars and the population says that it does not love being part of an illegal war, for example, will those who comment in relation to that find themselves in a situation where they are suddenly being pulled up under this piece as well? Again, that is what has been the experience of others, such as those in the UK.

Amendment No. 10 seeks to delete the glorification line. Amendment No. 11 seeks to specifically remove that language around "praise or celebration" because it is so amorphous. It is the kind of thing that we can see being used against the most vulnerable or those who see themselves at the margins of society or young people who give an expression that can be construed as praise. I worry about who that will get used against. Will Elon Musk be getting prosecuted under this? I would put money on it that he will not. Will some 20-year-old who says, "I am glad that they took that climate action because I am terrified of climate change", get prosecuted? Maybe. That is what is happening in the UK and US. It is not a "it would never happen here" matter. We do not get to put in up-to-date modern authoritarian laws and then say "But we are so nice". We have to make sure our laws are full of safeguards if we want that "we are so nice" label still attached to us.

I have a lot of specifics on amendment Nos. 13, 14 and 15. One is, again, another safeguard, which if we put these in, it will be better because we will feel more reassured, which reads "for the avoidance of doubt, non-violent expressions of solidarity or support for actions that are taken in relation to matters of international law [I mentioned climate, which does quite come under that, and perhaps, it is something I can come back to, but regarding international law, for example, the Genocide Convention] shall not be construed as glorification for the purposes of this section". If the Minister of State is telling us that it is not needed, let us put it in for the avoidance of doubt. If somebody says they are glad that an action was taken to ensure a breach of international law did not take place, they should not be construed as glorifying if the expression of solidarity and support they are making is in relation to support for international law.

Amendment No. 14, which again is something that was raised by Senator Murphy, reads "for avoidance of doubt, the distribution or publication of materials in relation to historic or contemporary resistance to colonial occupation or exploitation, shall not be construed as glorification for the purposes of this section". Colonialism is not solely historic. We still have

situations, for example, the colonial exploitation of Western Sahara by Morocco. We have the issue of colonial occupation in relation to West Papua by Indonesia. We have a large number of our European colleagues who still have colonies around the world, many of whom are taking a very active interest in the extraction of resources and minerals from those colonies in a new period of time. Of course, we have the colonial occupation of Gaza, the West Bank, East Jerusalem and Crimea. Colonial occupation is still a very current piece. Historically, there are also a lot of people invoking in some cases, for example, in the Caribbean, where many countries have become republics, historic points of resistance as a catalyst to new political resistance. I am thinking of the example of Haiti whereby they were not allowed to have their football strip because it contained a picture of the battle to overthrow slavery.

That has obviously been construed as glorifying violence, even though it refers to events of the 1700s. Where is the bar in terms of colonialism and occupation and when the actions are being taken in relation to illegally occupied territory? I would like that to be not construed as "glorification", for the purposes of the section and clarity, where it is "in relation to historic or contemporary resistance to colonial occupation or exploitation".

Amendment No. 19 seeks to insert after "terrorist-linked activity" the following, "other than activity described in section 4A(a)(ii)".

I think I have everything covered here. We need to bear in mind that the sentences we are talking about here range from 12 months to up to ten years in prison. This is not a fine or a slap on the wrist. It can be up to ten years in prison for these offences. We can look at the recent prosecutions in the UK but also in Germany, which is transposing the same directive. Are they going to transpose it similarly, in terms of how the judicial systems in those countries are treating protest actions? We have the case of the Filton 4 in England and the Ulm 5 in Germany. In both instances, the cases against the activists link accusations of damage to property with terrorist activity. These alleged actions include damage to weapons factories that are providing weapons which are being used to commit genocide in flagrant and open violation of international law.

I will come back on some of these. Regarding conscientious motivation for actions, this is what Amnesty has said about the UK context:

... cases of criminal damage committed through direct action ... misconstrue activists' conscientious motivation for activism and instead consider them an aggravating factor to justify the use of terrorism sentencing powers.

For example, if somebody goes and smashes something or throws paint on a military system, they will get a conviction for criminal damage, which is only small. Somebody who does it, motivated by international law, will get a far harsher sentence and can spend up to ten years in prison. The person who just does the criminal damage is getting one sentence but the person who does the criminal damage for the purpose of ensuring a state's compliance with international law will get a higher sentence. Acting with conscience gets construed as acting for a cause and that cause gets translated as acting for the purposes of terrorism and with the motivation of bringing change of some kind.

Amendment No. 19 is more technical but it suggests that this should not be a ground for a person in terms of the offences.

Deputy Catherine Ardagh: Apologies for my voice. Please bear with me. I thank the Senators for their amendments and contributions. Unfortunately, I cannot accept Senator O'Reilly's amendment No. 9. The directive, under Article 5, requires that the public provocation offence encompass direct and indirect incitement. An example of indirect incitement might be how to build a bomb or other publications.

The amendments set down today seek to introduce various changes to section 3 of the Bill or to delete the proposed restructuring of this offence, as put forward in the Bill. Section 3 proposes a new form of words for the offence of public provocation to commit a terrorist offence in section 4A of the principal Act. As I said in my previous intervention, the Bill will improve and add additional safeguards to the public provocation offence in section 4A of the principal Act. I do not propose to repeat my earlier intervention but, for the reasons I have outlined already, I must oppose amendments Nos. 9 to 14, inclusive.

I note that in her amendments Senator Higgins gets quite prescriptive in terms of what she is seeking to exclude. I understand that but sometimes when we are so prescriptive it can be counterintuitive. I would like the Senator to know that a huge amount of work has been put in by the Department to ensure these safeguards are adequate. As Senators know, these safeguards have already been back before the House to ensure they will have full effect and will stand the test to ensure the legislation is properly utilised with these important safeguards.

I will now address amendment No. 19, proposed by Senator Higgins, which would amend the existing section 6(1)(a)(ii) of the principal Act.

4 o'clock

Acting Chairperson (Senator Shane Curley): We will resume this session at 6 p.m. I apologise to the Minister of State. We have to adjourn at 4 p.m. and move on to the next item.

Progress reported; Committee to sit again.

Electricity Supply: Motion

An Cathaoirleach: I welcome the Minister of State to the Chamber. The time limit for the proposer and seconder is 16 minutes. All other Senators have six minutes. The debate will follow the normal pattern. The Minister of State will be called on to contribute from the Government's side when he indicates and will have 15 minutes.

Senator Gareth Scahill: I move:

“That Seanad Éireann:

welcomes the:

- measures from Government on energy affordability, including the:
 - lowering and retention of the lower VAT rate on electricity and gas bills;
 - Household Benefits Package for all households of persons 70 years of age or older;

- reduction in excise duties on petrol, diesel and marked diesel;
- increase in the rate and duration of the National Fuel Allowance Scheme;
- expansion of the National Fuel Allowance Scheme to 50,000 more households;
- progress of the Security of Supply Programme introduced by the Government and managed by the Commission for Regulation of Utilities (CRU);
- additional connection of 38,000 new homes by ESB Networks in 2025, an increase of almost one-fifth on 2024;
- €18.9 billion investment by the Government in Ireland's electricity grid and distribution system to 2030, which will support the provision of 80 per cent of electricity generation through renewable sources;
- €3.5 billion portion of this investment being allocated by EirGrid and ESB Networks under the Price Review 6 Strategy, which is the largest ever individual investment in our electricity system;
- significant expansion in energy generated from renewable sources, including the milestone of Ireland having in excess of 8GW of onshore renewable energy installed;

notes:

- the All-Island Resources Adequacy Assessment from EirGrid on the supply and demand situation for electricity;
- the CRU's new Large Energy User Connection Policy;
- the establishment and work of the National Energy Affordability Taskforce;
- the posting of €636 million in profit by ESB Networks for 2025;
- the operation of the standing charge system with regard to electricity bills;
- the purpose of the standing charge to help maintain the electricity network and manage connections to the network;
- the increase in adverse weather events, such as Storm Éowyn, which leave more households without electricity for longer periods of time;
- the increase permitted by the CRU in standing charges last October;
- that the standing charge portion of an electricity supply bill for household can comprise up to €30 of a monthly bill's cost;

calls on the CRU to:

- direct electricity supply companies to design and implement a process under which households and businesses would be credited with a refund of the standing charge amount during periods of electricity supply disruption; and

- ensure that the credit system applies during electricity supply disruption caused by adverse weather conditions and breakdowns in transmission of electricity that are not the fault of householders or businesses.”

Senator P. J. Murphy: I second the motion.

An Cathaoirleach: Are the Senators sharing time?

Senator Gareth Scahill: Yes.

An Cathaoirleach: Is that agreed? Agreed.

Senator Gareth Scahill: I welcome the Minister of State, Deputy Brophy, to the House this afternoon. It is unfortunate that none of the Opposition are in attendance today.

An Cathaoirleach: As a general rule, we do not refer to the fact that people are not in the Chamber. It is just a general rule.

Senator Gareth Scahill: It is worth pointing out.

I am pleased to bring forward the motion because it deals with something that affects every household, farm, business and community in Ireland. Electricity is no longer simply another utility. It is a service that allows people to heat their homes, refrigerate food, milk cows, operate businesses, work remotely, communicate with loved ones and, increasingly, charge vehicles and power heat pumps. When electricity fails today, life almost comes to a standstill.

Before I go any further, I acknowledge what the Government has done. The Government has reduced the VAT on electricity and gas, locked in until December 2030; expanded the fuel allowance scheme and increased the household benefits package to €35 a month. It has invested billions of euro in strengthening our electricity network, with an €18.9 billion investment programme to 2030, representing the largest commitment ever made to Ireland's electricity infrastructure.

It will allow hundreds of thousands of new homes to connect to the grid, facilitate electric vehicles, support renewable energy and strengthen security of supply. These are investments that are very welcome.

Likewise, I acknowledge the outstanding work carried out by ESB Networks crews. Anyone who watched Storm Éowyn unfold last year knows the conditions these engineers had to work in. People were climbing poles in hurricane force winds, working around the clock and spending weeks away from their families to reconnect homes across the country. This motion is not a criticism of their work. They deserve enormous credit, but acknowledging the dedication of ESB staff should not prevent us from asking whether the system is fair for customers. Storm Éowyn was unlike anything Ireland has experienced before. At its peak, approximately 768,000 homes, farms and businesses were without electricity. That represents almost one in every five electricity customers in the country. After two nights, around 330,000 customers were still without power and, almost a week afterwards, approximately 77,000

customers remained disconnected. After ten days, around 39,000 customers still had no electricity. Some families, farms and businesses remained without power for more than two weeks. The final reconnections were not completed until 11 February almost three weeks after the storm.

Those numbers are extraordinary and they tell another story. While almost 70% of customers had power restored within 72 hours, thousands of families across counties like Roscommon, Galway, Mayo, Leitrim and Donegal experienced something entirely different. For them, this was not an inconvenience; it was a daily struggle. Families were throwing food away, older people were trying to stay warm. Farmers were relying on generators. Businesses were losing income. People could not charge devices for kids or mobile phones. Some people could not even access water because the pumps were dependent on electricity. Many had no broadband or mobile coverage either. Yet, every one of those households continued to pay their standing charge. That is what this motion seeks to address.

Let me be absolutely clear. This motion is not asking for electricity units to be refunded. If people are using electricity, they should obviously pay for it. Nor is it asking to undermine the investment programme that our network urgently needs. This is about one specific element of the bill - the standing charge. The standing charge exists to maintain and operate our network. That is understandable, but if the network is unavailable for prolonged periods through absolutely no fault of the customer, surely common sense tells us that people should not continue paying their charge during these outages. For many households today, the standing charge can account for around €30 per month. People accept paying it because they accept that maintaining a resilient electricity network costs money, but what people struggle to understand is why they continue paying exactly the same amount when the service simply is not there. If your broadband disappears for two weeks, most providers will provide some form of credit. If transport services fail repeatedly, compensation mechanisms increasingly exist. Why should electricity be any different?

We already recognise this principle in other ways. There is the network repair guarantee. Customers who experience prolonged outages caused by faults, not storms, can receive compensation. Therein lies the problem. The compensation scheme excludes precisely the circumstances that are becoming more and more common. Storms, extreme weather events and large-scale outages are no longer once-in-a-generation events. In fact, science will tell us that we can expect to see them far more frequently. Storm Éowyn may unfortunately represent the future rather than the exception and if that is the case, then surely our customer protection measures need to evolve as well. People understand that storms happen. What they do not understand is why the financial burden always seems to rest with the customers.

We also have to consider the rural dimension. Those living in cities generally experience shorter outages because of network design and population density. In counties like Roscommon, Mayo, Galway, Leitrim and Donegal, restoration can take considerably longer. Our geography makes repairs more difficult. Forestry creates additional challenges. Long rural lines increase vulnerabilities.

Those communities should not be financially disadvantaged because of where they live and where this happens. They already face greater disruption. They should not have to carry the cost.

I have spoken previously in the House about forestry management near electricity lines. That work remains essential. Tree corridors must be maintained properly. Investment in resilience must continue. Additional billions being invested through price review six are essential. Nobody disputes that, but investment alone is not enough. Public confidence matters and people will support investment when they believe the system is fair. Fairness builds trust. Trust builds public support. This proposal strengthens, not weakens, that relationship.

Some may argue that suppliers determine standing charges rather than the Government and that is true. That is what the Minister of State, Deputy Richmond, said to me when I raised this as a Commencement matter on the last Thursday before the Christmas holidays. Some may argue that the Commission for Regulation of Utilities, CRU, regulates the market independently and that is true. That is precisely why the motion calls on the CRU to direct customers to establish a consistent mechanism for automatically crediting customers during verified supply interruptions. It is not complicated or bureaucratic. It is simple and fair. Technology already tells ESB Networks exactly where customers lose supply and when it will be restored. Surely the same information can be used to automatically calculate the standing charge credit. Customers should not have to complete forms or fight for compensation. It should happen automatically. This is the direction in which modern regulation should move.

The motion is ultimately about recognising the lived experience of people across rural Ireland, the people who were without power last year following Storm Éowyn for two, three, five, ten and up to 14 days. These are people did everything right, paid every bill, supported the investment being made in the network and waited patiently while crews worked tirelessly, but still found themselves sitting in cold homes wondering why they continued paying for a service they simply did not have. No one expects perfection in this situation or for storms to disappear. No one expects miracles from ESB crews battling impossible conditions.

As we continue investing billions in Ireland's electricity future, let us also invest in public confidence. Let us show customers that when the network fails through no fault of their own, the system stands with them rather than bills them as though nothing had happened. It is a modest proposal, but it is one I hope the Minister of State will listen to.

Senator P. J. Murphy: I second the motion with great pleasure. I thank the Minister of State for coming to the House to discuss it. Since the early days of the State, electricity generation and the ESB, along with infrastructure such as Ardnacrusha, has been one of the great success stories of the State. We are almost unique in western Europe in that we as a State retain ownership of 97% of our national grid and in excess of 95% of our main electricity supply company. The ESB has been a shining light in terms of State companies since its establishment.

The Government has done fantastic work in making electricity more available and more affordable to people throughout the country, with the national fuel allowance scheme reaching up to 50,000 more households and an additional 38,000 new homes being connected by the ESB by 2025, which was an increase of almost one fifth on 2024. A further €18.9 billion investment by the Government in Ireland's electricity grid and distribution system between now and 2030 will support the provision of 80% of electricity generation through renewable sources.

We have to look at the last hundred years in order to think about where we are going to go in the future in terms of the national plan for delivering the power we need in our homes.

We have to look at the great engineering works done over the past century, like Ardnacrusha, which fundamentally changed our great waterway, and like what was done in Ballyshannon on the River Erne. Ulster's leading salmon fishery was altered, along with the upper and lower Lough Erne, to drain into the sea through Ballyshannon. Those fisheries were changed forever.

We must look at what we are doing now in terms of solar generation. Our greatest resource is our fertile land. In a country with an amazing climate for growing food, we are covering hundreds upon hundreds of acres with solar panels to produce green energy. We must have a conversation about where we are going with this in the long term.

As a nation, we have to be brave enough to bite the bullet and have an adult conversation about the feasibility of modular nuclear generators in substations around the country.

We have a proud history in western Europe of electricity generation and creation of networks and infrastructure. ESB workers went all over continental Europe, eastern Europe and Africa in the 1960s and 1970s as subcontractors, building grids for other countries. It is one of our great national banks of knowledge. We have to look forward with an open mind, to learn from the past and to have serious, adult conversations about the future of energy generation in this country.

Senator Fiona O'Loughlin: I commend my colleagues on bringing this motion forward. It is important we debate it. It is clear the proposer, Senator Scahill, has put a lot of thought into it. I commend him on that.

I come from a place in north-west Kildare that has suffered seriously on many occasions from a lack of electricity. I would say, on average, it has been nearly two or three times per week in the past year. I know the impact that has on families, farmers, those who are working, those with young families and older people. It has to be acknowledged and there has to be some way that can be managed through the existing system. It is a rural but quite large area outside Rathangan and into Lullymore, Allenwood, Kilmeage, Robertstown, Carbury, Derrinturn and all of that area. I have had a number of Commencement matters on it.

The motion is broadly in line with Government policy and Fianna Fáil policy, especially in seeking to increase the affordability of electricity for customers and to take into account the effect on customers of electricity supply disruption due to adverse weather conditions. Sometimes it happens without adverse weather conditions, particularly where there are many trees and there is ash dieback. It is becoming a huge problem.

There is widespread public concern around the country about the affordability of energy and electricity. The motion acknowledges Government action to address energy affordability but, crucially, calls for a system to be put in place whereby electricity consumers do not have to pay the standing charge element of their bill while their supply is interrupted due to adverse weather conditions. The Minister for Climate, Energy and the Environment, Deputy O'Brien, is of the opinion it is more important to minimise the extent to which customer supply is interrupted by adverse weather conditions, and he is absolutely right. We have to minimise that.

At the same time, I think it is important that there would be some acknowledgment, absolutely, that this is happening and that people feel compensated in principle, as well as just the financial element of it.

I commend the Minister on advancing the forestry corridors Bill to give the companies enhanced powers to clear trees around key electricity lines to reduce their vulnerability in storms. That is hugely important and we hope that this Bill will certainly will go through both Houses in an efficient manner. I also want to mention the price review 6, PR6, investment programme in grid infrastructure. That will lead to an unprecedented investment of €18.9 billion in the electricity grid. That is really important. To make this investment at the least cost to consumers the Government decided on an investment of €3.5 billion in their equity at the last budget. These actions certainly will minimise the extent of supply interruptions, which is more important for households and businesses than a relatively trivial reduction in one element of their electricity bill.

The electrification of the country was certainly one of the great enablers of this State and not just in terms of standards of living. Obviously, when people had the opportunity to get electricity into their homes, their standard of living improved at an incredible level, along with standards of education with the electrification of our schools. For ensuring job opportunities and industrialisation, this was absolutely the greatest thing that ever happened to this country. It is concerning that time after time we are now seeing interruptions in the system. It is important that this is acknowledged. Public confidence in our energy supply is important and building that trust between the supplier and the consumer is important. When that trust starts to go - and I have seen that around north-west Kildare - it is a problem that we have to address. Supporting this Bill is one way we can say "Look, hands up we are absolutely acknowledging that this is an issue". This is a principled response to helping to address that. Obviously, we want to get to a stage where we do not have any situation where we are going to have interruptions in energy. I support this motion on behalf of the Fianna Fáil party.

Senator Joanne Collins: Nobody disputes that when families or businesses lose power through no fault of their own they deserve fair treatment. If people are left without electricity for hours or even days, particularly following severe weather events, they should not be expected to pay standing charges for a service that they cannot use. While there is merit in ensuring consumers are compensated during outages, we must also be honest with people. Refunding a standing charge for a period without power is a very small measure in the context of the enormous energy costs households are facing every single month. For many families the standing charge is not the biggest problem. The real problem is that Ireland has some of the highest electricity prices in Europe. Families are struggling to pay bills month after month, businesses are struggling with soaring operating costs, and people are cutting back on essentials simply just to keep the lights on.

The Government wants to present this motion as an answer to energy affordability; it is not. At best it deals with a symptom. It does nothing to address the underlying cause of why electricity has become so unaffordable in the first place. Ordinary workers and families are being fleeced while energy companies are continuing to make enormous profits. Time and again this Government has claimed that these prices are simply unavoidable, as though nothing can be done. That simply is not true. These are political choices. The Government has repeatedly refused to support Sinn Féin legislation that would finally give the Commission for Regulation of Utilities, CRU, the powers that it needs to hold energy companies to account. Our proposals would require proper oversight of energy companies, priced-in practices and hedging strategies. They would give the regulator stronger powers to investigate and sanction

anti-competitive behaviour. They would require far greater transparency around how prices are set.

Crucially, they would place affordability at the heart of energy regulation rather than treating it as an afterthought. We have also brought forward legislation to regulate standing charges. At present, suppliers can impose these fixed charges with remarkably little scrutiny. Before a family even switches on a light or boils a kettle, they are already paying substantial fixed costs. That cannot go unchecked.

We also need to ask a fundamental question about fairness. Why are ordinary households paying higher network charges than some of the largest energy users in the State? Families are effectively subsidising a system where major data centres benefit from significantly lower network costs despite placing enormous demands on our electricity infrastructure. Households should not be paying six, seven and sometimes eight times more in network charges while multinational corporations receive preferential treatment. That is simply not fair.

The Government rightly points to investment in our electricity grid and renewable energy. Investment is necessary. Nobody disputes that but investment alone means little if ordinary people cannot afford to pay their bills. The long-term answer is to reduce our dependency on imported fossil fuels through faster delivery of renewable energy and greater public investment in our energy capacity. Ireland has enormous renewable potential but progress has been painfully slow. Delays every year mean that families are once again exposed to international conflicts and volatile global energy markets. The human consequences are impossible to ignore. Hundreds of thousands of households are now in energy debt. More families are falling into long-term arrears and the number of disconnections is increasing. Behind every one of those figures is a household forced to choose between heating, food and other basic necessities. That is the real energy crisis Ireland is facing today.

Yes, let us ensure that consumers receive refunds where they lose electricity supply through no fault of their own. I completely agree that the situation is totally unfair. However, let us not pretend that refunding a few euro in standing charges addresses a crisis where households are paying hundreds of euro more each year than families elsewhere in Europe. People deserve more than token gestures. They deserve an energy system that is fair, transparent and affordable. They deserve a regulator that has the power to tackle profiteering and price gouging. They deserve proper regulation of standing charges.

We support the motion, even though I have said it is a small thing. I will take the positivity sandwich approach. I started positive and then I gave the criticism. However, it is only a small thing. There is a huge issue when it comes to energy in this country. All you have to do is knock on a few doors and see people's bills. People are struggling. I would welcome this small move but I would love to see the Government bring in something big. Perhaps it could give those powers to the CRU so that it could do a deep dive and look into what these energy companies are making and how much the data centres are paying compared to households.

Senator Garret Ahearn: I acknowledge the good work my colleague, Senator Gareth Scahill, has done on this Private Members' motion on behalf of the Fine Gael Party, primarily because of what happened in his own constituency last year, the issues caused by Storm Éowyn and what seems to be an unfair charge when people are left without electricity for almost a month. This is about fairness and making sure that people receive what they pay for. When

people in Roscommon and in other counties are left without electricity for a period, they should not be paying for something they cannot use.

When Senator Scahill put this motion forward, I said to myself that there was no way anyone could be against this. How could anybody be against it? The comments from the Opposition side suggest Senator Collins is not against it but is reluctantly for it. I suppose that is the way to put it. I say that in jest but I noted the comment that the Government should do something big. This is one area in which we think people need to be supported. If the Senator wants to see something big, she should look to the package of €750 million we produced two months ago to support people.

I welcome the announcement from the Cabinet today on the continuation of that excise duty cut on petrol and diesel and for it to be phased out over a period of time rather than a cliff edge. If Members want to see big measures, that is what they would have seen when this Government introduced a support for electricity bills for a period of time. Again, that was voted against and not accepted because supposedly it was not enough but now people want it to be retained. The point is that we, as a Government, are always here to support the people of Ireland. These are difficult times at the moment, obviously. The cost of living is very challenging for people across the country. We also know, as a Government, that times could be worse in a number of months' time and we need to prepare for that.

However, there are things we can do, as Senator Scahill has pointed out, in terms of the standing charge that can be changed. I heard it said that it is only a small amount of money but in both Chambers we hear every week that €30 is a large amount of money and can be the difference between people buying food or people paying electricity costs. If someone has to pay an extra €30 for a standing charge they did not get to use, that is extra money they have and is important.

I commend Senator Scahill's work on this. In this House, the Fine Gael Party will always try to come up with proposals for the Minister of State and the Government that we think can be implemented, supported by Government and can support people in constituencies across the country.

Senator Mark Duffy: I welcome the Minister of State to the House. I compliment my colleagues, Senators Gareth Scahill and P.J. Murphy, for putting forward this very important Private Members' motion. While I agree that it is not a silver bullet in terms of addressing all costs for energy, I do think it is a matter of justice. I travel through the west of Ireland. I am from County Mayo, not far from Galway and Roscommon. I travelled through that area to get to this House during my Seanad campaign and drove through many countries, including those I have mentioned and Monaghan and Cavan. I will never forget the devastation I saw. I do not think it was fully understood at more senior levels, I would say politically, but within certain utility companies as well. The response was not satisfactory and we have reflected that quite clearly.

What I mean by "matter of justice" is that for families who felt isolated, disconnected, alone and vulnerable in conditions that were substandard, to think that a utility provider not providing any utility at that time was actually applying a standing charge is something that is more about injustice than a financial contribution. The financial benefit for people if we can get this fully

over the line will be a help and an acknowledgement, but it is about the justice in making sure that people are not out of pocket while also without electricity.

I am a member of the Oireachtas Joint Committee on Climate, Energy and the Environment. We are doing a lot in the space of trying to capitalise on different opportunities that can drive down the cost of electricity. The cost is only one element. If we have warmer homes that are retrofitted and grant-aided then the requirement for electricity will also reduce. That is something that Ireland has been very strong on in terms of the grants and supports that are there for the retrofitting of one's home. We need to take that in a full context when we think about electricity cost. There are other elements that can help improve taking the cost of electricity bills from those most affected and those most vulnerable. We know the benefit of solar and photovoltaic cells for homeowners. I refer to the battery storage and the potential that has to really be a next step forward.

In terms of homeowners reducing their bills, buying energy at night and releasing it by day is common sense. On foot of the price of batteries having reduced by 50% in recent years, there is a real opportunity that the next step to becoming a cleaner and greener country, while also reducing bills, will be the investment in battery storage at a residential level. This is something that I have articulated regularly at the committee. I also have raised it here a number of times and I hope that we can continue to pursue this initiative because, as I said, it can be transformative in terms how we interact.

My area has some of the largest wind farms in the country. At times, because of high wind levels, there is “dispatch down”, where the turbines are shut down. If we have a system in place and we deploy excess energy from the grid to battery storage at a residential level, we can give people free electricity for their batteries or to fill their tanks with hot water. I know EnergyCloud has done some work in this space. God forbid, if power is shut off during a storm, people's water tanks will be filled with hot water and their batteries will be powered up, which can help to mitigate some of the time lag between the power going and being restored.

To come back to the motion put forward by Senators Scahill and Murphy, there is currently an injustice. While not being a full financial solution to the cost of electricity bills, it is something that would help in a small way to benefit people financially and address what is currently an injustice when people without electricity are being charged. I compliment my colleagues and everyone in the House who spoke in support of it. I would like to see it introduced swiftly in order that the next time there are power outages, people do not receive the standing charge.

Senator Chris Andrews: I welcome the motion from the Government Senators and the recognition that energy affordability in Ireland is a complete disaster.

Senator Mark Duffy: No one is saying that.

Senator Chris Andrews: I am saying that. In effect, the Government Senators recognise there is so much more that can be done. It is hard not to be cynical when Fianna Fáil and Fine Gael put forward a motion in the Seanad on what the State should be doing, as though they were not the ones holding the reins of power in this State. The motion suggests that the CRU, a body that is responsible to a Fianna Fáil Minister, should try telling electricity companies to

treat consumers slightly better, and otherwise give the Government a pat on the back for supposedly doing a bang-up job in keeping electricity prices down. This is in spite of Ireland having the highest electricity prices in Europe and Dublin being the most expensive city in the EU for household electricity.

Some 300,000 households are struggling to pay their bills, which seem to be increasing every single month, but all we get from Fianna Fáil and Fine Gael are self-praise and temporary half-measures. The reality is that our electricity system is working just as intended. The energy companies are making record profits, and corporate interests, particularly data centres, get priority access to our grid. Skyrocketing bills for families and small businesses are a side effect of a system that prioritises profit over the public good.

More and more data centres are being built across the country, sucking up vast amounts of electricity and sending demand through the roof. The Government has been fighting tooth and nail against any criticism of these data centres or the right of tech companies to build them here in Ireland.

Heaven and earth has been moved by Fianna Fáil and Fine Gael to keep big tech happy but not a thought has been given to the effect these data centres have on ordinary people. They have been rolling out the red carpet for data centres, which are leading directly to higher energy costs for households, while only offering scraps to those who are paying the price.

If the Government is serious about protecting consumers from disruptions and price shocks in our electricity supply, it should be setting price caps preventing energy companies from charging households extortionate rates when there is market volatility. The companies have been making record profits year after year. They can afford to feel the pinch, unlike the rest of us. Since the Russian invasion of Ukraine sent energy costs through the roof back in 2022, their profits have only increased. It is standard practice by Fianna Fáil and Fine Gael that ordinary people are the first to bear the brunt of any crisis and corporations are the last. For decades, they declined to properly invest in renewable energy and building a resilient, self-sufficient system. Now, they expect the public to foot the bill for their failures.

Ordinary people did not create this energy crisis and they should not be forced to pay for the Government's failure to build a functional supply system. We need immediate action by this Government to bring household electricity prices down, including a reintroduction of energy tax credits and an extension of VAT cuts. More importantly, we need a complete change in course of direction when it comes to our energy system. The best pathway for Ireland's future is to achieve energy independence through renewable energy, particularly with wind energy, delivered for the public good and not for corporate profit.

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Colm Brophy): I thank the Senators for raising these important matters. I welcome this opportunity to discuss how to protect households and businesses that suffer a loss of electricity supply due to storms or other adverse weather events.

This motion calls for electricity suppliers to credit households and businesses with a refund of part of the standing charge amount of their electricity bills during the periods of electricity disruption. The context for this is the widespread concern about the cost of electricity to households and businesses. Before considering the specific proposal in the motion, I will recall

the comprehensive set of actions already taken to address affordability in energy, including electricity.

Before I do that, I am going to take a moment to address the ludicrous concept that data centres do not have a real economic benefit and impact on our country. Big tech - in case some people like to forget this - is actually a major employer. There are thousands of families the length and breadth of this country listening to this attack on their jobs-----

Senator Chris Andrews: Direct employment.

Deputy Colm Brophy: -----on a daily basis who cannot understand why people are so opposed to Ireland having a successful tech sector. Part of that is having data centres.

Senator Chris Andrews: We are not opposed to-----

Deputy Colm Brophy: I am sorry, I did not interrupt the Senator so please, a little courtesy.

As early as budget 2026, the Government has been putting in place measures to help households faced with increasing energy costs. The measures in the budget included an extension of the 9% VAT rate currently applied to gas and electricity saving households up to €100 per year. It is part of the Government recognising that we want to put permanent solutions in place, not gimmicks. The Opposition loves a bit of gimmickry but we want permanent solutions. There were also enhanced social protection payments, including an increase to the fuel allowance rate to €38 per week and an expansion in the eligibility rules, and a record allocation of €640 million for the Sustainable Energy Authority of Ireland, SEAI, retrofit schemes, allowing us to target 73,000 home energy upgrades this year. Being able to access this is really impacting households on a daily basis. It includes €340 million for the warmer homes scheme, which provides fully funded upgrades for those in energy poverty.

I also wish to note the range of protections in place for customers experiencing difficulties in paying their bills. Anyone who is struggling with their bill is strongly encouraged to engage with their supplier. Suppliers will not disconnect customers that engage with them. The Minister has engaged with the four biggest energy retailers in recent months to ensure that hardship funds and focused measures are in place for any customers in difficulty. In addition, the Department of Social Protection can provide support through the additional needs payment to help households meet expenses, including those who face difficulties with fuel bills.

I fully share the concerns of Senators about the problem of electricity supplies to households and businesses being interrupted by storms and other adverse weather events.

In January 2025, our electricity network suffered unprecedented levels of damage from Storm Éowyn. The electricity supply for thousands of homes and businesses was interrupted for periods ranging from hours to a week or more. This had significant negative impacts for these electricity users ranging from disruption and discomfort to hardship and significant risks to the most vulnerable customers, but thanks to the outstanding efforts of the grid companies, ESB Networks and EirGrid and a range of other public bodies, the supplies were restored quickly, and the effects of the interruptions were mitigated.

The Department of Climate, Energy and the Environment met regularly with the responders and took steps to ensure that lessons for the response to future storms would be identified and put into effect.

The network companies enhanced their winter preparedness plans for 2026 and beyond, developing contingency plans and stockpiling key supplies to respond to storms. A key risk from storms is that trees will fall and damage electricity lines. ESB Networks already takes preventative action by clearing corridors around lines when they pass through forests. The Minister, Deputy O'Brien, is bringing forward legislation to enhance their powers to clear these corridors through forests.

The Electricity (Supply) (Amendment) (No. 2) Bill is being progressed by the Department of Climate, Energy and the Environment as part of a wider programme of work to strengthen the resilience of Ireland's electricity network in the context of climate change and increasingly severe storm events. The overarching objective is to ensure that overhead electricity networks and forestry can coexist in a manner that delivers a secure, reliable and climate-resilient electricity supply for homes, businesses and communities across our country.

The price review 6 grid investment programme was approved by the Commission for Regulation of Utilities in December 2025. It approves an investment of up to €18.9 billion in our electricity grid over the coming five years. This represents the largest ever investment in our grid and includes significantly increased spending on asset management, underground cables and the replacement of ageing overhead lines and poles. This investment is critical in order that we can maintain a fit-for-purpose grid and have the strength to reduce the potential for outages.

Price review 6 approves nearly €990 million of investment to improve storm resilience, building on the winter 2025 grid resilience plan to implement lessons learned from Storm Éowyn. This will enable ESB Networks to improve the robustness of its network planning, customer service, vulnerable customer protection, organisational resilience and storm damage repair works. The Government is supporting the price review 6 investment programme by providing an unprecedented €3.5 billion equity investment in EirGrid and ESB. This will allow EirGrid and ESB to finance their €18.9 billion investment at the lowest possible cost.

I and my colleagues in government believe that this approach of minimising the extent of power outages as a result of storms by preparing better bases and investing in the resilience of the system is the best way to limit the negative effects on households and businesses.

The motion calls on electricity suppliers to mitigate the effect on households and businesses of supply interruptions by crediting affected customers for their standing charges during the period of supply interruption. The benefit for the affected customers would be relatively small. Standing charges for households are of the order of €250 per annum. In addition, the proposed change would require a completely new form of regulation in the electricity market.

The electricity and gas retail markets in Ireland operate within a European Union regulatory regime wherein electricity and gas markets are commercial and liberalised. Price setting by electricity suppliers, including standing charges, is a commercial and operational matter for the companies concerned. Each company has its own different approach to pricing decisions over time, in accordance with factors such as their overall company strategic direction and developments in their cost base.

The cost of investing in, maintaining and operating the grid is recovered through network charges levied by ESB Networks and EirGrid on electricity suppliers. These network charges are regulated by the Commission for Regulation of Utilities to ensure that they are as low as possible and represent value for money. Electricity suppliers recover the wholesale cost of electricity, network charges and other system and supply costs through their bills to electricity consumers. These bills often consist of a variable per unit element and a fixed standing charge. However, there is no requirement that the bills are structured in this way, or that any standing charge should have a fixed relationship to the network charges paid by an electricity supplier.

The system proposed by the motion would require extensive legal and regulatory change, including primary legislation. There are also significant practical and structural challenges that require consideration.

I wish to conclude by reiterating that this Government is aware that people are concerned about both energy security and energy costs at this unprecedented time. An important element of security is the continuity of supply of electricity in storms or other adverse weather events. This motion draws attention to this crucial issue. Having listened to the Senators today, they have made a really excellent case. I thank them and congratulate them for highlighting this important area. While I recognise the Department has a very strong position on this, what the Senators have outlined is important. Even if it is a relatively small thing, the significance of what it says to consumers is a very important message that needs to be sent out there to electricity customers. The Government fully agrees with this concern. It proposes that the current measures in place to prepare for future weather events; invest in the resilience of the grid to future weather events; and minimise the cost of electricity for consumers represent an excellent approach which the Government is taking.

Acting Chairperson (Senator Laura Harmon): I thank the Minister of State for joining us for this debate and for his remarks. I now call on Senator Scahill to reply to the debate.

Senator Gareth Scahill: I thank the Minister of State for his response. He has given us something to think about. He has given us direction as to how we might be able to proceed from here. I welcome that. I acknowledge all of the Senators who made a contribution today. Senators P.J. Murphy called for an adult conversation on the future of our energy generation in the country and welcomed the €18.9 billion investment in the infrastructure. I recognise and can relate to Senator O'Loughlin's stories about being in north-west Kildare and the regular outages. While I spoke in my statement about Storm Éowyn and how my own household was without power for 13 nights, I can still relate to the fact that we regularly have outages. As public representatives, we are constantly engaging with people in our communities on reporting outages, trying to address them as quickly as possible and making it as easy as possible for the ESB to address them by encouraging people to report them.

I welcome all of Senator Collins' remarks. I recognise her support for the motion. As my colleague says, it is potentially reluctant support but positive support all the same. If Senator Andrews was here for the full debate he would have got a better understanding rather than coming in with a prepared script from whoever gave it to him. Sinn Féin welcomed the household benefits package, a package that is equal to about €35. I was talking about 768,000 homes that were without power after Storm Éowyn, and another 39,000 that were still without power after ten days. The standing charge in rural areas, though not urban areas, would have

had a significant impact, almost equalling what they were getting with the household benefit package. This is about fairness, as I have said from the start. That is something we are trying to encourage.

We recognise the €18.9 billion. I also recognise the €3.5 billion portion of this investment being allocated to EirGrid and ESB Networks under price review 6, which is the largest ever individual investment in our electricity system. However, we all know that an awful lot of that investment has to go to capacity building in terms of housing and into the infrastructure, and some will be going to industry and business. I am talking about the 60-year-old, 65-year-old and 70-year-old ladies living on their own in rural areas whom I and, I am sure, many of my colleagues have visited, especially during these power outages, and how they were having to spend additional money. Even though they were not being charged for electricity during these outages, they were still having to spend additional money in order to bring in food, additional heating sources and additional ways of cooking. This would be a small little token along the way to try to make that system fair for them.

I also acknowledge fully the large energy user connection policy. Representatives of IBEC and Enterprise Ireland were before the artificial intelligence committee this morning to discuss the environment. That would have been the place for Senator Andrews to make any point he had to make, where it could have had an impact on a committee report. There were very interesting contributions by the witnesses from both organisations. They were some of the more positive contributions we have heard in relation to the environment. IBEC has been able to identify that certain investments by businesses in Ireland have gone to other countries because we were not in a position to give them the grid capacity and planning assurances they need at an early stage. The investments the Government had made and the commitments it has given between now and 2030 will ensure longevity, success and that such investment stays in Ireland and will protect Irish jobs and businesses as we move forward.

The whole purpose of this motion is about fairness and ensuring the investment going into the delivery of infrastructure around the country does not leave people in more rural areas behind. It is about ensuring that the energy companies see an impact on their bottom line by making sure the integrity of the system in rural Ireland is there to support them. As the Minister of State said, the measures currently in place are investing in the resilience of the grid in preparation for future weather events and seeking to minimise the cost of electricity for customers. We all agree on that end goal and we hope we can get there soon.

Acting Chairperson (Senator Laura Harmon): I welcome to the Gallery former Minister Tony Killeen and his guests. I also welcome the guests of Deputy Lahart.

Question put and agreed to.

Cuireadh an Seanad ar fionraí ar 4.58 p.m. agus cuireadh tús leis arís ar 6.04 p.m.

Sitting suspended at 4.58 p.m. and resumed at 6.04 p.m.

6 o'clock

**Criminal Justice (Terrorist Offences) (Amendment) Bill 2025: Committee Stage
(Resumed) and Remaining Stages**

Debate resumed on amendment No. 9:

In page 5, to delete lines 32 and 33 and substitute the following:

“(i) inciting by its express terms, or that could reasonably be construed as inciting by its express terms, persons to commit a terrorist activity, or”.

- (Senator Sarah O'Reilly).

An Cathaoirleach: I remind Members that amendments Nos. 9 to 14, inclusive, and 19 are related and the House agreed to discuss them together. Amendment No. 11 is a physical alternative to amendment No. 10. Does anybody wish to contribute?

Senator Alice-Mary Higgins: I believe the Minister of State was in possession.

An Cathaoirleach: We were discussing amendment No. 19 and the Minister's colleague, the Minister of State, Deputy Ardagh, was present. Does the Minister wish to comment on amendment No. 19?

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I have just come from a meeting of the Oireachtas committee on justice. These amendments, in particular amendment No. 19, seek to introduce various amendments to section 3 of the Bill. I will take the opportunity to address amendment No. 19, for which I thank Senator Higgins, which would amend the existing section 6(1)(a)(ii) of the principal Act. This subsection of the principal Act currently provides that a person is guilty of an offence under the Act if he or she attempts to engage in terrorist activity or terrorist-linked activity, other than public provocation to commit a terrorist offence. Thus, the Act as it stands does not allow for an attempt offence for public provocation. As mentioned, section 3 reformulates the definition of public provocation and provides in section 4A(a)(ii) that the publication or distribution of a message to the public that glorifies terrorist activity can, if other conditions are met, form part of the offence of public provocation. The inclusion of this provision was required to give effect to the directive. If I understand the intent of Senator Higgins's amendment correctly, it is to ensure that attempts to glorify terrorism are not offences under the Bill. If that is the case, I can assure the Senator that this amendment is unnecessary as this is not an offence under the Bill.

Section 4A(a)(ii) does not refer to an activity, much less an offence. It refers to the characteristic or nature of a message or the content of a message that may, subject to other conditions, form part of the offence of public provocation. The definition of public provocation to commit a terrorist offence in section 3 of the Bill includes the distribution or publication of a message that glorifies a terrorist activity. To meet the definition of the offence, such a message to the public would have had to be published or distributed with the intent of inciting a person to commit a terrorist activity and the message's "distribution or publication" would have to give rise "to the reasonable apprehension that the commission of a terrorist activity could thereby result." Thus, glorification is not of itself an activity or offence under the Bill; rather, it can be a relevant characteristic of a message published or distributed to the public

within the definition of public provocation. Further, section 2 of the Bill, which amends section 4 of the principal Act, provides that public provocation to commit a terrorist offence falls within the definition of terrorist-linked activity for the purposes of the Act.

Section 7 of the Bill amends section 6 of the principal Act by, among other things, introducing a new subparagraph (iia) under subsection (1). This new provision provides that attempts to engage in terrorist linked activity are offences under the Act other than "public provocation to commit a terrorist offence". Thus, as attempts to provoke the commission of a terrorist offence are not offences the Bill, so then attempts to glorify terrorism are not offences under the Bill. For these reasons, I cannot support the amendment.

Senator Alice-Mary Higgins: I appreciate the clarification in respect of amendment No. 16. I seek further clarification regarding the other amendments in this grouping. I think amendment No. 14 is included.

An Cathaoirleach: The grouping is amendments Nos. 9 to 14, inclusive, and amendment No. 19.

Senator Alice-Mary Higgins: In amendment No. 13, I suggest the insertion of, "For the avoidance of doubt, non-violent expressions of solidarity or support for actions taken in relation to matters of international law shall not be construed as glorification for the purposes of this section." Amendment No. 14 would insert, "for avoidance of doubt, the distribution or publication of materials in relation to historic or contemporary resistance to colonial occupation or exploitation, shall not be construed as glorification for the purposes of this section." The concern is with what may be construed. I use the example of people in an occupied territory who are taking action in respect of that, or people who find themselves in situations where their rights are being violated under international law and are taking direct action in respect of such violations. Those who might express support or solidarity with them, or give language that is seen to be encouraging, could indirectly be considered as inciting further such action.

I will provide a couple of examples in this regard. If someone has described themselves as anti-Zionist or if persons within an occupied Palestinian territory are taking direct action in relation to the taking of a home, land and so forth, does that mean that their actions may, according to the Israeli state, be considered as ones that "destabilise or destroy the fundamental political, constitutional or social structures of a [state]"? What about a context where someone is expressing support with persons who are taking actions in that regard? This is the question. If a person expresses support for people who are in an illegally occupied territory - it may be the occupied Palestinian territories or other illegally occupied territories, such as occupied Crimea, for example - and taking direct action, will those expressions of support, which may include criminal damage, constitute glorification?

The historic example of Nelson Mandela has been used a number of times in today's debate. The South African state regarded him as a terrorist and his actions as terroristic. As he was construed as such, would persons expressing support for his actions and encouraging the resistance to apartheid in that context be supporting terroristic activity and encouraging its further incidence?

We do not need to use historic examples; we can look to contemporary Afghanistan. The European Union recently met the Taliban. It is looking to normalise relations in that context. In Afghanistan, a huge section of the population is under gender apartheid and forbidden from basic participation. If women take direct action in respect of their rights under international law, and if the state of Afghanistan construes such action to be a terrorist activity, would those expressing support for it be glorifying, celebrating or praising terrorism?

Again, the legislation only requires that the language could give rise to further actions. There does not have to be any evidence that it has done so. These are the vulnerabilities we seek to address. That is what I am trying to come at with a couple of these amendments. If the Minister will not accept these amendments, I seek assurances as to how those kinds of circumstances will not arise because, on the face of it, they could. The caveats currently within the Bill are not enough to secure against them.

Deputy Jim O'Callaghan: I thank Senator Higgins for coming back in to talk about amendments Nos. 13 and 14. At the outset, I assure the Senator that the types of examples she gave on the floor of this House as potential prosecutable offences are not offences. I do not see any circumstance as to how they could apply or come within the terms of section 3 of the legislation. However, I have a problem with provisions going into criminal statutes that begin by stating, "For the avoidance of doubt", and then go on to specify what is not covered. It is bad drafting procedure to put into legislation, "For the avoidance of doubt, this is not covered", because it assumes that all that is not covered must be specified. There are many other things not covered by this legislation. I would be concerned if we started saying that X and Y are not covered because people might then say that Z must be covered because it is not expressly ruled out.

As the Senator will be aware, we have strong freedom of expression rules in this country based, in the first instance, on our Constitution and, in the second instance, on the European Convention on Human Rights, ECHR. They vigorously defend the right of people to express their opinions, such as the examples the Senator identified in her contribution.

Looking at section 3, the important part in order for this offence to be triggered is that there has to be the intention of inciting persons to commit terrorist activity. It only triggers if that occurs. It is important to note, in the context of the directive that is being transposed, that the types of events we are talking about here are those like that horrific attack in the Bataclan. If there were individuals who incited others - more naive people - to get involved in the commission of a terrorist act such as that, then those masterminds behind it, who may have been influential on impressionable people who came before them, should have a criminal liability. That is the purpose of section 3. The purpose of section 3 is not in any way to curtail freedom of expression in the circumstances and examples the Senator set out.

Senator Alice-Mary Higgins: The problem, which the Minister has still not answered, is with where the interpretations overlap. It is one thing to outline how the legislation is envisaged to be used, but the point is that the text continues to describe how it relates to incitement. The question as to actions that are offences will come up again. This is a direct question because I am genuinely not clear on this. I am absolutely open in this regard. As I read it, the legislation relates to not just actions in this State, but those in other states as well. For example, it relates to actions in other states that would, were they to take place in this State, be considered an

offence. However, that is focusing solely on the action. Criminal damage is one such example. If an action has taken place in an occupied territory against a state, which may be an occupying state, can we have absolute clarity that such actions would not be considered terrorist actions? I seek a direct answer in that regard. Even though the language in our laws and the act that took place in the other state align, the interpretation may differ.

We are talking about a list of actions that become terrorist almost by definition of intent under our law. In other countries, such actions may become terrorist because they are taken in support of a proscribed organisation. In some states, those proscribed organisations may include environmental activism and activism in respect of the Genocide Convention and protection of same.

In some countries, they may include activists in favour of gender equality. Whose definition of terrorist activity applies? The Bill refers to where the two acts are comparable, implying that if the act took place in Ireland, it would be an offence in another member state. If, for example, Germany decided to proscribe a number of Palestinian support organisations as terrorist organisations, what would occur? If Germany has a similar law on its books, because it would be derived from the same directive, does Ireland have to treat as an offence an act that would be an offence if it were carried out in Germany, even though those to whom the law would apply would be different in different places? That is a general question. Very specifically, what is the position where an occupied territory is involved? I want to know how these things link up. Positive intent is one thing, but I am wondering how this pans out. These are not very loose hypotheticals; they relate to the overinterpretation of these kinds of laws that we have seen in the UK, the US and also now, to a degree, in Germany. Therefore, it is extremely relevant to consider how this will pan out.

Deputy Jim O’Callaghan: In the first instance, we need to recognise that interpretation of this legislation when somebody is being prosecuted for an offence under section 4A of the principal Act is the function of the Judiciary. No matter what the Senator or I say, we are not the interpreters. However, I do have a responsibility to set out the clear intention of the legislation. When the court comes to examine the offence and consider the section, it will primarily rely upon the wording we have put into the legislation. The Senator mentioned in her introductory remarks the question of whether something could be considered to incite. There is a requirement that there be an intention on the part of the accused to incite persons to commit terrorist activities. Therefore, the fact that something could be considered inciting is not sufficient.

On the definition of terrorist activity, the Senator will see that the earlier part of the legislation, section 2 sets out the definition of terrorist activity. It is much more limited than the types of definitions that are included within legislation in Germany or indeed the UK. I am more confident talking about the legislation that operates in the UK than that in Germany. Section 13 of the UK's Terrorism Act 2000 is legislation I would not even attempt to introduce here. It is nowhere near the legislation that I propose to the Seanad today. That Act states that if you wear an emblem that can be seen as supportive of a proscribed organisation, you are committing an offence. It is an extraordinarily broad criminal Act that covers organisations that can be proscribed by a Minister just at the stroke of a pen. That is not what is envisaged here.

It is also important to point out that, under subsection 6(6) of the 2005 Act, where a person is charged with an offence that, in the opinion of the Attorney General, was committed in or outside the State with any of a listed set of intentions, the proceedings can proceed only with the consent of the Attorney General. That is another safety net.

To answer the Senator's queries briefly and respond to her concerns, there is nothing I see in what I am proposing in section 3 that could give rise to the type of prosecutions that concern her and that we have seen in the UK. Here, there must be an intention to incite a person to commit terrorist activity. Terrorist activity is very clearly defined in section 2.

Amendment put:

The Committee divided: Tá, 15; Níl, 31.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Collins, Joanne.	Blaney, Niall.
Conway, Joe.	Boyle, Manus.
Cosgrove, Nessa.	Byrne, Cathal.
Harmon, Laura.	Byrne, Maria.
Higgins, Alice-Mary.	Casey, Pat.
Keogan, Sharon.	Clifford-Lee, Lorraine.
McCarthy, Aubrey.	Comyn, Alison.
McCormack, Maria.	Conway, Martin.
Murphy, Conor.	Costello, Teresa.
Noonan, Malcolm.	Crowe, Ollie.
O'Reilly, Sarah.	Curley, Shane.
Ruane, Lynn.	Daly, Paul.
Stephenson, Patricia.	Davitt, Aidan.
Tully, Pauline.	Duffy, Mark.
	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	O'Reilly, Joe.
	Rabbitte, Anne.
	Ryan, Dee.
	Seahill, Gareth.
	Wilson, Diarmuid.

Tellers: Tá, Senators Sarah O'Reilly and Sharon Keogan; Níl, Senators Cathal Byrne and Paul Daly.

Amendment declared lost.

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

In page 5, to delete lines 34 and 35.

Amendment put:

The Committee divided: Tá, 15; Níl, 31.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Collins, Joanne.	Blaney, Niall.
Conway, Joe.	Boyle, Manus.
Cosgrove, Nessa.	Byrne, Cathal.
Harmon, Laura.	Byrne, Maria.
Higgins, Alice-Mary.	Casey, Pat.
Keogan, Sharon.	Clifford-Lee, Lorraine.
McCarthy, Aubrey.	Comyn, Alison.
McCormack, Maria.	Conway, Martin.
Murphy, Conor.	Costello, Teresa.
Noonan, Malcolm.	Crowe, Ollie.
O'Reilly, Sarah.	Curley, Shane.
Ruane, Lynn.	Daly, Paul.
Stephenson, Patricia.	Davitt, Aidan.
Tully, Pauline.	Duffy, Mark.
	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	O'Reilly, Joe.
	Rabbitte, Anne.
	Ryan, Dee.
	Scahill, Gareth.
	Wilson, Diarmuid.

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

Amendment declared lost.

An Cathaoirleach: I welcome Deputy Holly Cairns's dad to the Gallery. He is most welcome to Seanad Éireann. I was trying to do a bit of lip reading. I thank Deputy Cairns for bringing her dad to Seanad Éireann.

Senator Alice-Mary Higgins: I move amendment No. 11:

In page 5, line 34, to delete "(including by praise or celebration)".

Amendment put and declared lost.

Senator Sarah O'Reilly: I move amendment No. 12:

In page 6, to delete lines 1 to 3 and substitute the following:

"(b) such distribution or publication gives rise to the reasonable apprehension that the commission of a terrorist activity could thereby result by reason of the communication expressly and directly inciting the commission of such activity."."

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 13:

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

"(c) for the avoidance of doubt, non-violent expressions of solidarity or support for actions taken in relation to matters of international law shall not be construed as glorification for the purposes of this section."."

Amendment put and declared lost.

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

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

"(c) for avoidance of doubt, the distribution or publication of materials in relation to historic or contemporary resistance to colonial occupation or exploitation, shall not be construed as glorification for the purposes of this section."."

Amendment put and declared lost.

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

The Committee divided: Tá, 32; Níl, 15.	
Tá	Níl
Ahearn, Garret.	Andrews, Chris.
Blaney, Niall.	Collins, Joanne.
Boyle, Manus.	Conway, Joe.
Byrne, Cathal.	Cosgrove, Nessa.
Byrne, Maria.	Harmon, Laura.
Casey, Pat.	Higgins, Alice-Mary.
Clifford-Lee, Lorraine.	Keogan, Sharon.
Comyn, Alison.	McCarthy, Aubrey.

Conway, Martin.	McCormack, Maria.
Costello, Teresa	Murphy, Conor.
Crowe, Ollie.	Noonan, Malcolm.
Curley, Shane.	O'Reilly, Sarah.
Daly, Paul.	Ruane, Lynn.
Davitt, Aidan.	Stephenson, Patricia.
Duffy, Mark.	Tully, Pauline.
Fitzpatrick, Mary.	
Flaherty, Joe.	
Gallagher, Robbie.	
Kelleher, Garret.	
Kennelly, Mike.	
Lynch, Eileen.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
Rabbitte, Anne.	
Ryan, Dee.	
Scahill, Gareth.	
Wilson, Diarmuid.	

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

Question declared carried.

7 o'clock

An Cathaoirleach: As one Senator neglected to vote, the result has been amended accordingly.

Section 4 agreed to.

SECTION 5

Senator Conor Murphy: I move amendment No. 15:

In page 9, between lines 4 and 5, to insert the following:

“Training for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide

4F.(1) For the purposes of this Part, training in the armed forces of a state engaged in the commission of war crimes, crimes against humanity or genocide means intentionally providing instruction or training in the skills of—

(a) making or using, for the purpose of committing, or contributing to, the commission of war crimes, crimes against humanity or genocide—

(i) firearms or explosives,

(ii) nuclear material,

(iii) biological weapons, chemical weapons or prohibited weapons,

or

(iv) such other weapons, or noxious or hazardous substances, that may be used in the commission of war crimes, crimes against humanity or genocide as the Minister may prescribe,

or

(b) such other techniques or methods for the purpose of committing, or contributing to the commission of, war crimes, crimes against humanity or genocide as the Minister may prescribe, knowing or believing that it is likely that the skills provided are intended to be used by a person receiving the instruction or training for the purpose of committing, or contributing to the commission of, war crimes, crimes against humanity or genocide.

(2) The Minister may, if he or she considers it appropriate to do so, make regulations for the purposes of subsection (1) and he or she shall—

(a) before making such regulations, consult with the Minister for Foreign Affairs, the Minister for Defence, the Commissioner of An Garda Síochána, and such other Minister of the Government as the Minister considers appropriate having regard to the weapons, substances, techniques or methods concerned, and

(b) in making such regulations, have regard to the following:

(i) the capability of the weapon, substance, technique or method concerned to cause death or serious bodily injury to persons or substantial material damage to property;

(ii) the capacity of the weapon, substance, technique or method concerned to be used for the purposes of committing war crimes, crimes against humanity or genocide and the likelihood of it being so used;

(iii) the extent to which instruction or training—

(I) in the making or use of the weapon or substance concerned,

or

(II) in the use of the technique or method concerned, is required for the making or use, as the case may be, of that weapon, substance, technique or method for the purpose of committing, or contributing to the commission of, a war crime, a crime against humanity or genocide.”.”.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 16:

In page 9, between lines 4 and 5, to insert the following:

“Recruitment for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide

4F. For the purposes of this Part, recruitment for the purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide means the intentional recruitment of another person to serve in the armed forces of a state which is engaged in, or is reasonably suspected of having engaged in, a war crime, a crime against humanity or genocide.”.”.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 17:

In page 9, between lines 4 and 5, to insert the following:

“Travel for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide

4F. For the purposes of this Part, a person travels for the purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide if he or she travels from the State to a place other than the State for the purpose of participation in the armed forces of another state which is engaged in, or is reasonably suspected of having engaged in, genocide, crimes against humanity or war crimes.”.”.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 18:

In page 9, between lines 4 and 5, to insert the following:

“Organising or facilitating travel for purpose of participation in the armed forces of another state which is engaged in genocide, crimes against humanity or war crimes

4F. For the purposes of this Part, a person organises or facilitates travel for the purpose of participation in the armed forces of another state which is engaged in genocide, crimes against humanity or war crimes—

(a) if he or she—

(i) does any act—

(I) consisting of the making of an arrangement for the travel by any person to the State from a place other than the State, or

(II) that would facilitate the travel by any person to the State from a place other than the State,

or

(ii) causes any person to do such an act, knowing that such travel is for a purpose referred to in section 4F,

or

(b) if he or she—

(i) does any act—

(I) consisting of the making of an arrangement for the travel by any person from the State to a place other than the State, or

(II) that would facilitate the travel by any person from the State to a place other than the State,

or

(ii) causes any person to do such an act,

knowing that such travel is for a purpose referred to in section 4F.”.”.

Amendment put and declared lost.

Section 5 agreed to.

Section 6 agreed to.

SECTION 7

An Cathaoirleach: Amendment No. 19 was discussed with amendment No. 9.

Senator Alice-Mary Higgins: I move amendment No. 19:

In page 9, between lines 16 and 17, to insert the following:

“(i) the insertion, in subparagraph (ii) of paragraph (a), after “terrorist-linked activity”, to insert “, other than activity described in section 4A(a)(ii)”.”.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendments Nos. 20 to 24, inclusive, in the name of Senator Higgins are related and may be discussed together by agreement. Is that agreed? Agreed. I welcome the Minister back to the House.

Senator Alice-Mary Higgins: I move amendment No. 20:

In page 10, line 15, to delete “of itself”.

Amendments Nos. 20 to 24, inclusive, all relate to my concerns about how the Bill can impact the ability of people to freely protest. Amendment No. 20 seeks to strengthen the provisions that protect people involved in protest against prosecution for terrorist offences under section 6(5) of the 2005 Act by removing the words “of itself” so that the section would read that engagement in protest, advocacy or dissent, or in any strike, lockout or other industrial action, shall not constitute grounds for inferring that the person is doing an act with the

intention of seriously intimidating a population and so on, that is, the three grounds for intent set out in the Bill, namely, intimidation of the population, unduly compelling a government or international organisation to perform or abstain from performing an act or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a state or an international organisation. Engagement in protest, advocacy, dissent, strikes, lockouts or industrial actions should not constitute grounds. The term "of itself" implies that such actions may be considered as part of constituting grounds for inferring that a person is doing an act with a terrorist intent. The removal of those legitimate activities should be explicit and not partial or coming with a caveat.

Amendment No. 21 refers to the criticism of a state for breaching international law. I indicate that I may come back to this on Report Stage. International organisations can also breach international law. The amendment seeks to ensure that criticism of a state for breaching international law does not constitute grounds for inferring that a person is trying to seriously intimidate a population, unduly compel a government or international organisation or seriously destabilise the fundamental structures of a state. It is important that we are crystal clear that criticisms in respect of breaches of international law should never constitute grounds for inferring a terrorist intent.

Amendment No. 22 seeks to ensure that the opposition to illegal occupation does not constitute grounds for inferring that a person is trying to seriously intimidate a population. I am considering, for example, the actions of persons who are subject to illegal occupation. I am concerned that, for example, the opposition of Palestinians to the occupation of the West Bank may include a message that Israeli settlers should not be in the West Bank or East Jerusalem, and that could be construed as intimidating the population of settlers within an occupied territory. I have asked the Minister on a previous occasion about actions that take place in an occupied territory. I seek clarity on how that would relate to an occupied territory.

Amendment No. 23 seeks to ensure that it shall not be considered as unduly compelling a government or international body to perform, abstain or abstain from performing an action if that action is necessary to comply with international law. This refers to instances where actions are taken to ensure compliance with international law such as, for example, the blocking of the delivery of arms which have the known intent of being exercised in war crimes. In such circumstances, when compliance with international law is the intent then that should not be construed as part of a definition of terrorist intent.

Amendment No. 24 seeks to ensure that it should not be construed that a person is seeking to destabilise the fundamental structures of the state where that state is in breach of international law and thus destabilised through those violations already. For example, when actions are taken which have an economic impact in seeking to block or end economic activities that are in breach of international law, then that should not be construed as destabilising the economic or other structures of a state. If those economic structures are built on a breach of international law and an action, protest or intention is intended to stop them, that should not be regarded as destabilisation. The fact they have an economic structure which is premised on breaches of international law should be regarded as the destabilising factor.

I spoke on Second Stage about my concern around the language of unduly compelling a government to act a certain way. I am concerned that that is a very wide framing. What

constitutes "unduly"? When does advocating that a Government to take action on breaches of international law or illegal occupation cross the line into unduly compelling?

Do we stray into a space, as I have said before, where direct action or protest, which may involve an offence in terms of, for example, criminal damage, rather than being prosecuted as criminal damage, is now going to be prosecuted as a terrorist offence because it has a policy intent? In fact, somebody who is committing criminal damage in an act, for example, of direct action protest, rather than simply being prosecuted under direct action, may see the far more severe sentencing that is available under the terrorist legislation of, for example, up to ten years in prison for events or for an action, which would not normally attach to those things, because the person does so while expressing a view in relation to Government policy or action. Again, what does this mean in terms of people who are, for example, protesting the use of our airports for violation of international law? Will that sort of protest now come under a new rubric or be under a new threat of this far more severe set of penalties?

The Bill deletes the protection of the individual's right to protest and potentially conflates their actions with definitions of terrorism. That is a concern, and I highlighted in one of my earlier comments the comments from Amnesty International where it highlighted that a person who performs an action for reasons of conscience or for reasons of compliance with international law can face much higher penalties than a person who does so with a purely malicious intent. That seems to be an anomaly and a danger within the Bill.

Deputy Jim O'Callaghan: I thank Senator Higgins for her amendment. We are discussing amendments Nos. 20 to 24, inclusive, and the first, in particular, seeks to amend what is section 6(5) of the 2005 Act. The first amendment put forward by Senator Higgins is to remove the words "of itself" from the new definition going into subsection (5). It is important to point out that the new subsection (5) does not differ that much from the old subsection (5) in what is section 6 of the legislation, and if we look at what we are dealing with in terms of that subsection, it reads "the fact that a person engages in any protest, advocacy, or dissent, or engages in any strike, lockout or other industrial action, is not of itself a sufficient basis for inferring that the person is carrying out an act with the intention specified ... of terrorist activity". For 20 years we have had the term "of itself" contained within section 6(5) of the 2005 Act and it has not given rise to the issues the Senator is concerned about.

With the second issue the Senator raised in respect of amendment No. 19, she expressed concern about the reference to "unduly compelling." Again, it is important to note that in the 2005 legislation, the definition of "terrorist activity" means an act that is committed in or outside the State and is committed with the intention of "unduly compelling a Government or international organisation to perform or abstain from performing an act". Obviously the Senator is not precluded from raising issues of concern to her in respect of this legislation as it goes through the House, but it is instructive to note that those two terms, "of itself" and "unduly compelling", have been in our legislation for more than 20 years and they have not given rise to the issues of concern she has mentioned. The inclusion of "of itself" in the subsection I have referred to means that the specific act that a person has engaged in, whether protest, advocacy or dissent, when considered entirely on its own, is not grounds to infer intention to commit a terrorist act. However, if we were to remove "of itself", no doubt a smart and shrewd lawyer would be able to state that, if somebody was involved in strike action but also in quite clearly terrorist action, the provision could not apply because it says in the legislation that, if anyone

is involved in any strike action, that cannot constitute grounds for inferring they are doing terrorist activity. The reason we put in the words “of itself” is to ensure it is the specific act itself that recognises that they cannot be prosecuted because they are involved in that activity of itself. If they do something else, obviously that can be taken into account. I oppose amendment No. 19 because it would reduce that specificity and make the text less clear.

The Senator’s further amendments seek to introduce new subsections which would variously provide that criticism of a state that is breaching international law or opposition to the occupation by a state of a territory without legal basis cannot be construed as grounds for intent to commit a terrorist act, or intent to unduly compel a government to perform an act if that act is necessary to comply with international law, or cannot be construed as intent to destabilise the economic structures of a state where such destabilisation will arise from that state’s breaches of international law. I emphasise again the protections which exist in Ireland for freedom of expression, to which I referred previously in response to other amendments the Senator put forward. The “for the avoidance of doubt” provision within a statutory regime is inappropriate and confusing. Criticism of or opposition to a state for whatever reason is not evidence of intent to commit a terrorist act under this or any domestic legislation. People can continue to criticise or oppose a state and that is not going to be regarded as intention to commit a terrorist act. As such, these amendments are redundant and potentially not in compliance with the terrorist directive. Also, if we grant that there are legitimate concerns here that a person engaged in activity against an oppressive or tyrannical regime could be convicted under this legislation, which, as I say, I doubt is possible - in fact, I believe it is not possible - the provisions in section 6(6) of the principal Act address such concerns while allowing for the proper transposition of the directive. This provision, as I mentioned earlier, provides that the consent of the Attorney General is required in cases where a person:

...is charged with an offence ... in or outside the State with the intention of ... unduly compelling the government of a state ... to perform or abstain from performing an act, or ... seriously destabilising or destroying the ... political, constitutional, economic or social structures of such a state.

This provision was introduced to address precisely the issue the Senator’s amendments seek to tackle. It affords the only practical way to give effect and be faithful to the directive while at the same time avoiding the possibility that persons acting legitimately against a repressive state would be prosecuted in the courts in a manner repugnant to our values, which is to vest in the Attorney General the same function he or she exercised under the Official Secrets Act. The mechanism chosen in the principal Act, after months of debate in government and the Houses, was to give the Attorney General’s approval the status of a condition precedent to a prosecution going on under this legislation. I believe that is a better approach than the problematic statement that it would be a defence for anybody planning a terrorist act to show that the state against which he or she plotted was in breach of international law. We would not accept that a person accused of planning to set off a bomb in a public place in such a state would have a full defence in law because he or she persuaded the court that that state was in breach of international law. The Attorney General’s intervention represents the only plausible solution to this dilemma and, as such, I cannot accept these amendments.

Senator Alice-Mary Higgins: While the scenario the Minister gave is the intention to set off a bomb, which comes into the different question of there being a whole other set of offences

there in terms of intent to endanger life and so forth, the scenarios are things like criminal damage to property. Criminal damage to property is the kind of thing such as vandalism, which technically comes under criminal damage to property.

Of course, it is our duty in all our laws to protect life and so forth where there is a danger to a population or an intention to cause harm in that sense. However, criminal damage to property is an offence under this Bill where the criminal damage is attached to an attempt to unduly compel "a government or an international organisation to perform or abstain from performing an act". I am not fully assured as to what that actually means. Let us look back to the suffragettes. The suffragettes engaged in direct action protest in an attempt to compel the introduction of the right to vote. We commemorated them all a few years ago and marked that period of time. Is it the case that such activities by the suffragettes can be designated as terrorist activities and then attract penalties? I am not resisting the view that people would have penalties attached where they have damaged property and so forth, but these much more severe penalties are attached to when something is designated as a terrorist activity.

In terms of climate action, for example, this is an area where we have seen the proscribing of climate activity by groups. There has been a very strong push in the United States and elsewhere to criminalise those who are engaging in direct action in relation to the climate. It is a form of protest that comes with penalties and people often do not accept those penalties. Now, however, the penalty is being massively escalated. I am, therefore, concerned. I would like clarification on the criminal damage issue and how that is going to pan out.

With respect to the phrase "in itself", it should be removed. While it may have been in the previous legislation, we are in a climate now where we have seen extremely intense weaponisation of anti-terrorism laws in a number of states, including the UK and US as we have recorded, but it is a measure that has been used in many cases. I still do not know the exact position as regards how we relate to the question of something that is an offence here that is an offence in another country. The Minister said we have these sets of intents, but the intents he is going back to are all in relation to a terrorist offence. I am still not clear on the issue of actions being taken. The Minister said he did not want to make it a defence. I had considered that approach. I was trying to avoid doubt in the defence and, similarly, the Minister described how he had gone back and forth looking at different approaches to how we ensure the effect. I accept his bona fides that it is not his intention that this be used in relation to persons who are acting against repressive regimes or, indeed, illegal occupation, but I see in the Bill the potential for it to be used in such a way.

The thin layer we have of protection is the Attorney General. The Attorney General's advice is not available to Members of the Oireachtas. The Attorney General is only an adviser to Government. Attorneys General may be under a particular Government and under all kind of pressures, but they are effectively responsive to Government. There is, therefore, a danger of there being a lack of transparency in relation to those issues, for example, if there is a situation where there is significant pressure from the United States in relation to a matter or action or set of actions or an organisation or entities the United States wishes to see prosecuted in the terrorism frame. In such circumstances, we will not be privy to how those decisions are being weighed up by the Attorney General and the extent to which political pressure or influence may be being exercised in that weighing up by the Attorney General in respect of his advice to Cabinet because he is giving advice to Government, not us. That is a bit of an opaque solution

to a concern, which, as the Minister said, has been legitimately flagged the whole way through this process. As such, I wonder about the "in defence" piece as an approach. I would also like clarification from the Minister on the issue of criminal damage.

It is not the case, as the Minister described, that if we removed the words "of itself", somebody would say they were engaged in protest and, therefore, that they could not be prosecuted. I do not believe that is how the provision would then read. The Bill would state that these are not terrorist offences. While terrorist offences could still be looked at, it would mean that those elements and activities - participation in a strike, protest or advocacy - could not be used as evidence of terrorist activity. Now, the Bill states such activity "of itself" cannot be used, which means it could be part of evidence. It just states they cannot be used. It does not say that a person who does these things is immune from prosecution under the terrorist activities Act. That is not what it says. You can go ahead and use actual evidence of a person engaging in or promoting or inciting terrorist activity rather than saying this person was also on strike or took part in a union protest or did other things, and this builds the case of them having an intent to destabilise. That is why I am concerned about how that provision could be abused. The safer approach would be to remove the phrase "of itself".

Deputy Jim O'Callaghan: It is instructive to us to look at how the 2005 legislation has operated since it was commenced 20 years ago. Many of the issues the Senator highlighted are contained within the 2005 legislation and we have not seen the types of prosecutions the Senator is concerned about, and that neither she nor I wants to see.

The reason for her removing the words "of itself" must mean that she wants other factors to be permissible in terms of the actions of the person concerned. The whole purpose of section 6(5) is to set out that where people are engaged in "protest, advocacy or dissent, or in any strike, lockout or other industrial action", that type of behaviour is excluded from this legislation. That is the whole purpose of saying it. The reason we limit it to that is by the use of the words "of itself". I see no basis for the removal of the words "of itself" other than that the Senator wants other factors to be considered as not constituting terrorist activity as well.

The Senator also mentioned the issue of criminal damage. Obviously, criminal damage under section 2 of the Criminal Damage Act 1991 covers a range of offences. They can be extremely serious offences, particularly in relation to arson and where there is an intent to endanger life or recklessness as to such endangerment.

The Senator used the example of the suffragettes. Even if the suffragettes were involved today or people in a similar position were advocating an equally noble cause, that does not give them the entitlement, nor does it give them a defence, when it comes to criminal behaviour. I will use the example the Senator is concerned about in terms of, say, states that are a breach of international law. Two obvious states that come to mind are Israel and Russia. If somebody decides in Ireland to burn down a property because it is owned by the Russian Government or the Israeli Government, that is still a criminal offence. People cannot do that. They cannot engage in violence for the purpose of advancing their own political purposes. We have learned that in Ireland for many years now. We do not want to go back to a situation where people think it is permissible or acceptable to use violence or engage in terrorist activity for the purpose of achieving their own objective.

If we look at what the Senator is setting out in amendments Nos. 22, 23 and 24, all of them are unnecessary. It should not be the case that people are entitled to engage in terrorist activity if what they are doing is in opposition to a state that is intimidating a population, is in opposition or opposed to a state that is not complying with international law or the offences are against a country involved in war crimes. We cannot have a situation where people are permitted to engage in terrorist activities because they are against an entity that may have engaged in wrongdoing itself.

That is not permissible under our legal system.

I cannot accept the Senator's amendments. I also believe they are unnecessary. If we look at how the legislation has been operated to date in terms of the prosecutions, clearly it has been interpreted and applied in a very cautious and limited fashion. In terms of the new changes that are coming in, which are very similar, I believe they also will be interpreted and applied in a very careful and limited manner. This is not an attempt by the State to generate a whole series of new offences covered by what people are stating publicly or expressing their opinions. As I said to the Senator previously, all of them are protected by the Constitution, the convention and the charter. I cannot accept the amendments.

Senator Alice-Mary Higgins: There has been a quite a strong misrepresentation of my position, which I was actually quite clear on when I spoke. I would like that to be clarified. I did not suggest that people should be free to do whatever they want for these reasons. I was very clear that these are criminal offences, they should be prosecuted as criminal offences and persons who engage in them do so in the knowledge that they are committing a criminal offence that comes with the penalties that apply. I said that on about four occasions in my contribution. It is not the case that this is a get-out card where everything goes.

The question is whether this activity should be interpreted as terrorism. For example, people who have sought to disable a weapon or missile are committing criminal damage and they may be prosecuted for the offence of criminal damage, but the question is whether that should be interpreted as terrorism, which comes with a far greater set of penalties and where the person loses a number of the other protections. We are looking at situations that might ordinarily attract a penalty of one or two years suddenly attracting a penalty of up to ten years. It is about the attribution of terrorist intent, not the Schedule setting out the offences.

I am a little concerned about new offences and I would like clarity around the process. I note the offences in terms of data. It is not clear to me exactly what is meant by the data and information systems offence. I signal that I may come back on Report Stage to the question of how offences are added to the Schedule. It is not around the offences and the Schedule, and I should also signal that the question of the threat to commit is one issue that may require further clarification. The two issues here are the Schedule of offences and then whether they are just offences that can be prosecuted as offences or terrorist offences. That is where the test of the three intentions is applied. Is it the case that we have to say there is an intention to intimidate a population, an intention to force a government to take an action or not take an action, and an intention to destabilise the economic and social structures? Those are the intentions that are leading to these things being interpreted as terroristic.

It is not true and, in fact, it is somewhat disingenuous to say I am saying people should be able to do whatever they want because they have a cause. That is not the case. It is a matter

of whether certain causes should be defined as terrorist causes simply because the person wishes to force a state, or they have the intention of trying to compel a state, to take an action or not take an action. I am worried about how that might get interpreted.

Criminal damage can involve very serious things, and that is why it should be prosecuted. It can go all the way from graffiti through to arson. That is why I have not, at any point, argued against the prosecution of the offence of criminal damage. I am arguing against certain things, such as the spraying of graffiti or expressing a desire or demand for a government to take an action, being interpreted potentially as a terrorist intent. That is the issue. It is the intent. I was trying to amend that, which is why I was trying to clarify how it would be interpreted. The Minister came back and said that even if it is an oppressive regime, people still should not be allowed to do terrorist things. If it is an oppressive regime and you are a woman in Afghanistan or somebody supporting the women of Afghanistan, or if it is Iran and someone is graffitiing "Women, Life, Freedom" on a wall, or if you are committing criminal damage against an occupying power, do we believe that is terrorism? We might believe and agree that it is criminal damage but do we believe it is terrorism? Maybe not every form of opposition to a state or every attempt to compel it, even through direct action, should be interpreted as terrorism. That is my concern and it is what the Bill sets up to potentially happen in the case of direct action protests. Will the Minister clarify if he believes that forms of direct action protest that make demands of a state should be labelled as terrorism or should they instead be treated as grounds for criminal prosecution?

Deputy Jim O'Callaghan: Obviously, in order for anything to reach the threshold of terrorist activity, it has to come within the definition of what is terrorist activity. That is set out in section 2 of the Bill, which talks about if it is committed. Let us look at Part 1 of Schedule 2. The Senator highlighted criminal damage. We can see that the rest of the Schedule is focusing on very serious criminal offences and as regards criminal damage, which is what we are talking about, it is clearly considering issues such as arson and where property is seriously damaged. This is not going to happen on foot of minor offences or in terms of non-indictable offences. Even if it did, there are the other three requirements, one of which must be met. These are, first, seriously intimidating a population; second, unduly compelling a government or an international organisation to perform or abstain from performing an act, and it is not credible to suggest that graffiti on a wall suggesting that Israel should get out of the occupied territory is unduly compelling a government to perform an act; and, third, seriously destabilising or destroying the fundamental political constitution, economic or social structures of a state or an international organisation. We can see that the threshold in order for a criminal offence to be elevated into terrorist activity is particularly high, taking into account the definition set out there. I do not envisage any of the issues the Senator referred to. Whereby somebody putting graffiti on a wall, which is technically criminal damage, I do not envisage that person being prosecuted because the sign on the wall says that they want Israel to move out of the occupied territories. That is not going to happen. We need to live in the real world when it comes to the interpretation of this legislation. We have had 20 years of it being interpreted and applied in a very limiting way. There is no reason to think that this interpretation is going to change in the future, and particularly since, to use the Senator's example, criminal damage has been a scheduled offence in the legislation for many years.

Senator Alice-Mary Higgins: Let us not use the graffiti example. Let us use the examples that are in the courts at the moment in the UK and Germany, which relate to damage to a weapons system. If somebody damages a weapons system that is about to be used in violation of international law for the performance of war crimes, they may well be prosecuted because they have damaged property. Should they be labelled as terrorists because they have tried to take action to compel a state not to bomb and not to deliver arms? In the real world those are the two big cases in the news. One of them is the Filton 4 case. Those are the examples, the ones that are happening now.

Deputy Jim O'Callaghan: Is that in Germany?

Senator Alice-Mary Higgins: The cases are in Germany and the UK.

Deputy Jim O'Callaghan: In different legal systems, with different laws.

Senator Alice-Mary Higgins: Different legal systems, but I am saying, as the Minister described, they are cases of substantial criminal damage that are being done with an intention of compelling a government not to take an action, which is trying to compel governments not to allow arms to be used in a context of genocide. How does that not fit the kind of language the Minister is setting out here? Is there not a risk of that in that regard? I am not asking whether they should be prosecuted or whether these are offences. If they are being labelled and prosecuted as terrorist offences, which they are in the UK and another European state at the moment, that is the concern I have.

Deputy Jim O'Callaghan: I am not concerned about that. I am sorry, I am not going to repeat myself. I do not see that happening.

An Leas-Chathaoirleach: How stands amendment No. 20?

Senator Alice-Mary Higgins: I am pressing it.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 21:

In page 10, between lines 22 and 23, to insert the following:

“(c) the insertion of the following subsection after subsection (5):

“(5A) For the avoidance of doubt, criticism of a state that is breaching international law shall not be constitute grounds for inferring that the person is doing an act with the intention of—

(a) seriously intimidating a population,

(b) unduly compelling a government or an international organisation to perform or abstain from performing an act, or

(c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a state or an international organisation.”,”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 22:

In page 10, between lines 22 and 23, to insert the following:

“(c) the insertion of the following subsection after subsection (5):

“(5A) For the avoidance of doubt, opposition to the occupation by a state of a territory without legal basis shall not constitute grounds for inferring that the person is doing an act with the intention of seriously intimidating a population.”,”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 23:

In page 10, between lines 22 and 23, to insert the following:

“(c) the insertion of the following subsection after subsection (5):

“(5A) For the avoidance of doubt, it shall not be considered intent to unduly compel a government or an international organisation to perform or abstain from performing an act where such performing or abstaining from performing of the act is necessary to comply with international law.”,”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 24:

In page 10, between lines 22 and 23, to insert the following:

“(c) the insertion of the following subsection after subsection (5):

“(5A) For the avoidance of doubt, it shall not be construed as intent to destabilise the economic structures of a state where such destabilisation would arise from the fact of that state’s breaches of international law.”,”.

Amendment put and declared lost.

Section 7 agreed to.

Sections 8 to 11, inclusive, agreed to.

SECTION 12

Question proposed: "That section 12 stand part of the Bill."

Senator Alice-Mary Higgins: I would like clarity from the Minister on what is envisaged. This is a new offence of unlawful interference with information systems or data. I note that it does not specify public information systems or public data. Could that include interference with corporate information systems? It is a little bit vague what is envisaged by that. I may

suggest on Report Stage that there would be more of a clear process for when new offences are being added to the schedule.

Deputy Jim O'Callaghan: We live in a situation where information systems cyberattacks can be imposed upon countries as part of terrorist activities. It is that type of offence that is envisaged here.

Senator Alice-Mary Higgins: I was looking for that, because it did not include language on the public, so it was not clear to me exactly which component this was around in terms of public systems. I would always reiterate that if we are very serious in terms of digital interference in our democracy, we would be more robust in our regulation of major social media platforms which have played quite an active role in anti-democratic activity, but that is by the by. That is fine.

Question put and agreed to.

Section 13 agreed to.

Schedule agreed to.

Title agreed to.

Bill reported without amendment.

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

Senator Diarmuid Wilson: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Bill received for final consideration.

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

Senator Diarmuid Wilson: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

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

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I would like to thank Senators for their engagement on this legislation. We have had terrorist offences legislation in place since 2005. This is updating it to take into account the serious terrorist threat that the State can face. Fortunately it is not as significant as previously, but we need to ensure that our laws are up to date and vigilant. The primary purpose of this legislation is to transpose the new directive in respect of terrorist activities. Regrettably, we have seen some appalling terrorist activities in Europe over the past ten or 15 years, with the Bataclan being a prime example of a horrific terrorist attack. We regrettably continue to see it. It is extremely

important in this country that we are prepared for any such attacks. Regrettably we have seen one or two of them which are before the courts at present in Ireland, which are categorised or accused of being terrorist acts. It is important that our legislation is robust and well set up in order to respond to such a threat to the State and its citizens. I thank Senators for their contributions and amendments. I welcome the fact that this legislation has gone through both Houses of the Oireachtas. It will now go to the President for her consideration and will be promulgated if the President considers that it should be so signed. I thank everyone in the House for their co-operation.

Question put and agreed to.

Teachtaireacht ón Dáil - Message from Dáil

An Leas-Chathaoirleach: Dáil Éireann has passed the Development (Strategic Gas Reserve) Bill 2026 on 30 June 2026, to which the agreement of Seanad Éireann is desired.

Guardianship of Infants and Child Care (Amendment) Bill 2026: Committee and Remaining Stages

Sections 1 and 2 agreed to.

SECTION 3

An Leas-Chathaoirleach: Amendments Nos. 1, 3 to 5, inclusive, 7, and 16 to 19, inclusive, are related. Amendment No. 17 is a physical alternative to amendment No. 16. Amendments Nos. 1, 3 to 5, inclusive, 7, and 16 to 19, inclusive, may be discussed together by agreement of the House. Is that agreed? Agreed.

Senator Sharon Keogan: I move amendment No. 1:

In page 4, between lines 16 and 17, to insert the following:

“Provision for notification of relatives in guardianship proceedings

12BA.(1) Where—

(a) an application is made to the court under this Act for the restriction or removal of the guardianship of any person, or

(b) it becomes apparent that a child is to be left without any guardian, or with guardians who are unwilling or unable to act,

the applicant in the case of paragraph (a), or the Child and Family Agency in the case of paragraph (b), shall, in so far as is reasonably practicable, take active steps to identify and notify relatives of the child concerned.

(2) For the purposes of this section, and sections 12C, 12D, and 12DA, ‘relative’ means a person related to the child by blood, adoption, or affinity and includes—

(a) an adult sibling of the child,

- (b) a grandparent of the child,
- (c) an aunt or uncle of the child,
- (d) a great-aunt or great-uncle of the child,
- (e) an adult first cousin of the child,

and includes any other person who, in the opinion of the court, has a significant and ongoing familial relationship with the child.

(3) An applicant or the Child and Family Agency may request the assistance of An Garda Síochána, the General Register Office, or any other relevant public body to confirm the identity or contact details of relatives identified under subsection (2). Notwithstanding any enactment relating to the non-disclosure of information, such bodies may provide to the court, or to the Child and Family Agency, such limited and proportionate information as is strictly necessary to facilitate notification under this section, ensuring that any data processing complies with the principles of data protection law.

(4) Any relative notified under this section, or any relative who otherwise becomes aware of the situation or proceedings, shall have the right to apply to the court to be joined as a notice party and to make submissions in relation to the welfare, custody, or guardianship of the child.

(5) Before making a final order restricting or removing guardianship, or making alternative long-term care arrangements for a child under subsection (1)(b), the court must be satisfied that all reasonable steps have been taken to comply with the notification requirements of this section.”.

I rise today to find myself with the task of speaking on all my amendments at once; whether that is good or bad fortune I will allow the House to decide. It is certainly more efficient in a sense, and certainly appropriate as all my amendments are linked by common aims, namely, to check the role of the family and care agency, or Tusla, as we commonly know it, as the effective gatekeeper in the legislation, and to strengthen the role of other voices, particularly of the family and kin. Before I go any further, if the Leas-Chathaoirleach will permit, I would like to take a moment to recognise and praise the Trojan work done by David French and his family, again here today, and that of the Minister in bringing this legislation before us today. We should count ourselves lucky if, God forbid, we were to fall victim to such horrific circumstances as his sister Valerie and her children, that we should have siblings so dedicated to set things right. He has truly honoured his late sister's legacy and set an example of strength and power of familial love.

My first amendment seeks to create a system for notification of relatives in guardianship proceedings. This amendment seeks to change the principal guardianship Act of 1964 directly.

While I had initially considered a system for the notification of relatives only in the cases outlined in the Bill, I believe it is better to add in a broader umbrella amendment that would cover the cases outlined in the Bill because cases such as murder of one spouse by another will not be the only cases in which a child will be left without a guardian. Only adding a family notification requirement for cases outlined under Valerie's law would create an inequality

between cases. I recognise the 1964 Act contains numerous provisions to allow for a family to apply for guardianship.

The aim of this amendment is to make a relatively simple, but I believe quite fundamental, shift to an overall structure of guardianship law, which is to shift from passive to active family rights. This is because, put simply, it is all very well that an aunt or sibling of a child who finds themselves without a guardian can apply for guardianship according to the letter of the law. It is another matter to ensure the family member knows he or she can apply for guardianship. The simple fact is that a substantial number of people in this country never take advantage of their rights because they are simply not aware of them. This amendment seeks to rectify that. It is very easy to imagine a man or woman who is aware they have a nephew or niece who is to be without a guardian, either because their parents have passed away or are in fact unfit to be guardians, and that man or woman does nothing because he or she has no idea he or she might be entitled to apply for guardianship of that child or even to weigh in that child's guardianship proceedings. By ensuring that if any person were to receive a letter informing them of the situation of their nephew, niece, grandchild or so on, many of them would, at a minimum, get involved in the proceedings and give the court a broader perspective on the child's welfare. If many of them were informed in that letter that they have or may have a right to apply for guardianship, where that is the case then the State would find, more often than we think, a willing guardian. This is something which would not only relieve the strain on our social services but would very often find a more organic and healthy environment for the child concerned.

As I believe similar amendments to mine were tabled during the Dáil debates on this Bill and were rejected partly on the grounds that no definition of family was provided, in this amendment I have provided one. Before anyone argues this list of relatives is too exhaustive and will clog up the system with endless administration, let me point out the countermeasure. The phrase, "in so far as is reasonably practicable", contained in the proposed subsection (1) acts as a vital common-sense safety valve. It ensures that neither Tusla nor the applicant is forced to achieve the impossible. It means that while the readily available maternal grandmother, aunts or local adult siblings must be actively informed, the system will not be held up or paralysed by a mandatory hunt for a distant cousin who lives overseas and has no relationship with the child. Furthermore, the proposed subsection (5) places the ultimate discretion squarely where it belongs, that is, with the judge. The court must simply be satisfied that all reasonable steps have been taken. If Tusla demonstrates it has made an honest, practical effort to notify the child's known immediate family network, the judge has the full authority to rule that the statutory burden has been met and to proceed with the case.

This amendment does not create a heavy, unworkable checklist for social workers. Rather, it uses strict language to stop Tusla from completely shutting out a child's family, while providing the court with the necessary flexibility to ensure a speedy, efficient process that keeps the child's best interest paramount. Additionally, it empowers the applicant to make use of the other bodies in the State insofar as there is no breach of standing data law.

Moving further into section 3, we will come to my amendments Nos. 3 and 4, regarding the requirement of the court to seek and consider extended views. I have tabled these amendments as a staggered option for section 12C. Amendment No. 3 is my preferred, robust option. It makes the gathering of the views of family and others a firm statutory precondition. It states

the making a guardianship removal order shall be subject to the court making reasonable efforts to obtain the input of family members and independent professionals. We cannot allow life-altering decisions about a child's legal structure to occur behind closed doors with only the State, Tusla and the offender in the room.

However, if the Minister objects to that strict precondition on administrative grounds, I have provided amendment No. 4 as a flexible fallback option. This fallback option uses the phrase "where practicable" to grant the Judiciary immediate flexibility. It establishes a clear, positive mandate encouraging the court to look outside the institutional vacuum of Tusla and the convicted guardian, explicitly drawing on wider family networks and any appointed guardian *ad litem*.

Similarly, I have applied the exact same principle to section 12D under amendment No. 5, which deals with cases where a parent has survived a serious non-fatal assault. Here, the dynamic changes dramatically. The other guardian is very much alive but they are a recovering victim. My amendment explicitly hard-codes the victim guardian directly into the list of mandatory voices the court must seek out and listen to. It ensures a traumatised parent cannot be sidelined by Tusla's legal team while simultaneously mandating that the wider family and the independent professionals are engaged to build a comprehensive picture of the child's environment.

This brings me to what I believe is the most fundamental shift proposed in this package. Amendment No. 7 seeks to insert section 12DA, granting the family a direct right to apply for the removal or restriction of guardianship. As the Bill is currently drafted, Tusla virtually holds a total monopoly. If a parent kills the other parent, only Tusla can choose to initiate a case. If Tusla drops the ball, delays or forms a view that differs from the family, the victim's family is left entirely powerless. My amendments break that bottleneck. They allow a relative, be it a grandparent, aunt, uncle or adult sibling who has legitimate concerns for the child's safety to walk directly into a court and sue to strip the killer's guardianship rights. Crucially, the proposed subsection (8) explicitly states that this application can be made independently of, and notwithstanding any actions or inaction by Tusla. To prevent any malicious litigation, subsection (9) gives the judge full power to throw out any application that is frivolous or vexatious. Likewise, if there are multiple applications it gives the court the right to direct that those applications may be heard at the same time.

Overall, the principle of this amendment, as with most of them, is to involve family because I feel the bulk of the objections to these amendments will be that involving family, giving them rights of application and mandating they should be notified of proceedings will introduce too many variables into the court case. Yet I think this objection would be hypercritical, because on one hand we find that it is good enough for a family to take the initiative to alter our national statutory legislation, as David French and his family have bravely done, but on the other hand we do not think a family is good enough to apply for a guardianship removal. That is not consistent.

Furthermore, I want to draw the House's attention to the vital shield I have built into subsection (7) of amendment No. 7. Under our current flawed family law system, if a courageous grandmother, aunt or uncle tries to step in to protect a child, a high-earning defence solicitor representing the convicted killer can immediately turn around and drag that grieving family through the mud with retaliatory counter-suits for access or custody under the 1964 Act.

My amendments would put a definite stop to this legal harassment. They explicitly lock the abuser out from weaponising sections 6A or 8 against the family, thereby ensuring the court system can never be used as a tool of ongoing control and trauma from behind prison bars.

Finally, we must look at how these rules tie together procedurally under section 12I, which handles notice parties.

8 o'clock

I want to be entirely transparent with the House about how these final two amendments operate. Amendment No. 17 provides the necessary legal machinery for the family's right to apply. It mandates that if a relative launches a case independently under section 12DA, notice must be served on Tusla giving the agency an automatic right to apply to be joined to the proceedings. Therefore, amendment No. 17 relies entirely on the passage of amendment No. 7. If this House chooses to grant families the right to act, amendment No. 17 is the bridge that keeps Tusla involved as a supportive partner.

However, if the committee rejects that right and chooses to maintain Tusla's monopoly over initiating cases, I ask the Minister to look at amendment No. 18, which must be seen as our vital, stand-alone fallback. Even if the State refuses to let a grandmother launch a lawsuit, it is an absolute injustice to let Tusla run that lawsuit while leaving family members in the dark and, more accurately, even potentially leaving them in the dark, which would be a failure of good law. Amendment No. 18 does not rely on amendment No. 7. It stands completely on its own. It establishes a strict duty to notify, forcing Tusla, insofar as reasonably practicable, to actively track down and notify the next of kin or adult relatives whenever the State moves to restrict a killer's guardianship. Once more, I note that we are coming full circle, as, like my first amendment, it transforms what is currently a passive right to join a case into an active, informed safeguard to ensure that no family is left in the dark.

It is likely the Minister will tell this House that Tusla already involves extended families whenever it is appropriate to do so, but that is exactly the problem. Right now, the system relies entirely on Tusla's own discretion. It holds all the cards as an unaccountable gatekeeper. By shifting this requirement into a strict statutory mandate under amendments Nos. 1 and 7, and locking it in place with the notice machinery of amendments Nos. 17 and 18, we are using the power of primary legislation to force it to act against its own gatekeeping instincts. Under amendment No. 17, if a family initiates a case, Tusla is stripped of its powers to block it. It is legally brought in as a notification party to assist the family and not to command them. Under our fallback amendment No. 18, if Tusla tries to run a case in the shadows, it is statutorily compelled to actively notify the next of kin. We are stripping away its choice to ignore the family. With this complete framework, Tusla will no longer be the masters of who gets into the courtroom. It will be a legally compelled servant of the court and held directly accountable by judge.

When we evaluate this legislation package in its entirety, we are looking at the comprehensive, interlocking strategy to fundamentally rebalance Irish family law away from institutional monopoly and back towards family, kinship and care. By passing amendment No. 1, we shift the entire structural landscape of the 1964 Act from passive to active rights, creating an all-encompassing notification system that ensures aunts, uncles and grandparents are automatically invited to protect children in their darkest hours, completely protected by

common-sense administrative and GDPR safety valves. With amendments Nos. 3, 4 and 5, we shatter the glass door and the closed door court secrecy of Tusla-led prosecutions under Valerie's law and guarantee, through primary mandated and staggered fallbacks, that the voices of extended family, independent specialists and recovering victims' parents can never be sidelined by State attorneys. With amendment No. 7, supported by the notice machinery of amendments Nos. 17 and 18, we demolish Tusla's exclusive gatekeeping monopoly. We give blood relatives the legal autonomy to independently apply to remove an abuser's guardianship, armed with an iron-clad statutory shield that prevents the offender from launching retaliatory custody lawsuits against a grieving family. If this State truly believes in the power of the family network, if it truly intends to honour the legacy of Valerie French and the tireless campaigning of her kin, we must stop treating relatives as silent bystanders in State-controlled courtrooms. We must pass this full package, dismantle these artificial bureaucratic bottlenecks and transform the extended family into active, legal, protected partners in safeguarding Ireland's children. I commend these amendments to the House. I hope the Minister will consider accepting some of them. I do not want Tusla to be the final gatekeeper in this particular legislation.

Senator Maria McCormack: I welcome the Minister back to the Upper House for the final Stages of this debate. Once again, I welcome David French and his family to the Chamber. I will make a brief contribution because Senator Keogan has covered the issue in a lot of detail. I will discuss our amendments Nos. 16 and 19. Amendment No. 16 ensures that all relevant parties are notified of court applications affecting a child, including the next of kin of a deceased guardian. It is similar to Senator Keogan's amendments. It is important that the family of the guardian who has been killed is made a notice party to these proceedings. They have a clear and legitimate interest in the child's welfare and that role should be recognised, respected and reflected in this process. I ask that, in some form, the Minister looks to see if he can accept one of these amendments to help strengthen the role of the family.

On amendment No. 19, this section, as it stands, gives the Child and Family Agency full discretion in dealing with convictions that occurred before the Act commenced. Without strengthening this provision to include other parties, as my amendment seeks to do, there is a real risk that applications will not be brought. This amendment recognises that guardians *ad litem*, other guardians and relatives should have a role in prompting action where it is in the child's best interest. That aspect, that it is in the child's best interest, is most important. Given Tusla's concerns about resourcing and identifying historical cases, it is essential that those closest to the child can bring matters forward and ensure appropriate applications are made to the court. I ask the Minister to consider those amendments.

Senator Patricia Stephenson: I thank the Minister. I, too, acknowledge David French and his family, who have fought so hard in tragic circumstances for his sister, Valerie. No family should have to suffer like that and certainly no children should ever have to suffer like that.

I will speak specifically to amendment No. 19. It is designed to make sure that no child falls through the cracks and to provide a pathway for those closest to the child, their guardian *ad litem* or relative, to ask Tusla to look at the case because they believe action is needed. It does not force Tusla to make an application but it ensures that concerns can be raised and do not just disappear into the ether. It is asking that if Tusla decides not to proceed, it should be

required to explain why. It is about transparency and providing a platform for openness. Everyone in this space wants children's safeguarding to be transparent and open. We are all here to put the child's best interests at the centre of all decisions. Several of the amendments laid out in this grouping give a voice to those closest to the child without taking away the professional judgment of staff at Tusla. If Valerie's law is about putting children first, we should make sure that there is a clear way for those acting in the best interests of the child to be able to just knock on the door and ask the State to act and to have a clear pathway by which to do that. It might be that all that is required is for someone to be asking that question. This amendment makes sure that the question can be asked and the pathway is there. It is about strengthening the practical operation of the Bill by introducing an important safeguard to ensure no applications are missed in cases where a child's best interest may require court intervention.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I welcome David French and his family to the Gallery. Like colleagues, I commend them on their campaigning in this area. I also thank Senator Keogan for the amendments she has put down. It is obvious that a lot of work went into them and I commend her on that. I similarly commend Senator McCormack and Sinn Féin on their amendments.

I also thank Senator Stephenson for her contribution.

I recognise that all of the amendments being put down are motivated by what the Senators believe is in the best interests of the child concerned, taking into account the family. I will deal with the amendments individually. The system that operates at present is what is referred to as a public law response to a terrible event that happens. We are dealing with circumstances where one guardian parent has been convicted of the murder or manslaughter of another guardian parent. In those circumstances I think that requires a public law response. I do not think that it is a private family issue that the family should be forced to litigate to bring the issues before the court. It is for that reason the legislation is very much public law legislation. It gives responsibility to the Child and Family Agency to bring this application within six months where there has been a conviction for murder or manslaughter and the agency believes that such an application is in the best interests of the child. I am fully aware, and we are all fully aware, that when a tragic event happens, a murderous event like this, the family around the child are enormously supportive and important. Of course, one of the limitations of the legislation that we are introducing is that it is only triggered once there has been a conviction. Once there has been a conviction the time period starts to run. As I mentioned on the last occasion, however, there is the terrible day of the killing and the issue of what happens to the children. We know in most instances that it is the surviving family members, a brother or sister of the deceased guardian or parent, are the ones who actually just on a practical basis take over minding the very young children. If they are not available, obviously Tusla has to come and get involved and bring an application under the Child Care Act for the immediate care of the child.

It is important to note, however, that the legislation I am bringing before the House takes account of the very important role that families play in the lives of children such as the ones caught up in the type of scenario we are describing. Section 12I (1) of the Bill provides for notice parties to proceedings under this part. It states that when an application such as this is being made by Tusla the first persons it must notify are any guardians. Obviously that will include the convicted guardian but also any other guardians in existence should be notified as well. Section 12I (2) provides that a relative of the child concerned may seek leave to be joined

as a notice party to proceedings under this part. It defines "relative" as meaning a "grandparent, brother, sister, uncle or aunt ..." and it sets it out in detail there. The scenario that will arise is that if and when Tusla brings the application a relative can apply to be a notice party. I think that is appropriate because the District Court will decide whether it is appropriate for a notice party or relative to be made a notice party to the proceedings. Obviously, if a person is a notice party he or she will get to be heard in the proceedings and will play a role in it.

We also need to recognise the reality of the fact that families do not always come with one harmonious and homogeneous position. Let us consider the proposed definition of "relative" that is being put forward by Senator Keogan in her first amendment. Subsection (2) of the Senator's first amendment includes a grandparent of the child or an aunt or uncle of the child. To get into the reality of this, this will include the parents of the deceased and indeed the parents of the convicted person, or the siblings of the deceased and-or the siblings of the convicted person. The proceedings are about the protection of the children. That is my motivation and that is what motivated David French in seeking to change this law. It is all about what is in the best interests of the children. What I do not want to see happening is that an application before the District Court turns into a row between different sections of the family. That can happen and it is something that I have to ensure does not happen.

I will deal with amendment No. 1. As I mentioned, the Bill deals with how relatives can be made notice parties. I referred to section 12I. Another concern I have is with subsection (3) in amendment No. 1 from Senator Keogan. It would require An Garda Síochána, the General Register Office and any other public body to provide information notwithstanding any enactment that prevents its disclosure. That could raise a data protection issue. Section 12H of the Bill already allows the bodies named in it to share information but only where it is in accordance with law and is necessary and proportionate, and it provides for regulations and for measures to safeguard the rights of the people whose information is shared.

The last subsection of Senator Keogan's amendment has the potential to tie the hands of the court in making appropriate provision for the child. I do not want a situation where a child is in need of another guardian being appointed, or a care order to be made, and the court cannot do so because an administrative step of notifying a particular relative has not been taken. That is one of the consequences - I think of Senator McCormack's amendment - if there is the requirement to notify all next to kin, which is not defined, or relatives, which I know Senator Keogan has defined. If there is a requirement that the relatives must be notified, then the case cannot be heard until they are all notified and there are affidavits of service showing that the aunts, the uncles and the grandparents have been served and proof that they have been served, and then there is the issue of trying to determine their view in respect of it. I am being frank. I do not want the family to be the driving force in these applications because that is very much a private law response. We have to recognise that the family is not going to have, in many instances, a consistent view in respect of it.

On amendment No. 7, I appreciate the best of intentions of Senator Keogan to ensure that the relative who is concerned for the welfare of a child is able to act. What the Bill seeks to do is put in place a public law determination of what is in the best interests of the child. That is the paramount consideration. I would be concerned that if we were going to delegate responsibility to certain other family members or give them a say, that would make it a private law matter to be determined by the family. We need to recognise that this could put a lot of

pressure on the family as well, a family that has been through a terrible and appalling trauma when we consider that one parent of the remaining children has been convicted of killing the other parent of the remaining children. We need to ensure that this is done in a sensitive way that does not simply generate a row in the court. Amendment No. 7 would allow any relative to bring proceedings to restrict or remove a guardian, whether or not Tusla has done so. That is not a public law response: it is private litigation within the family. Such an application would not rest on any assessment by Tusla of the welfare of the child. It could be contested between family members. It could draw the surviving victim guardian back into proceedings brought by relatives. It could lead to competing applications about the same child. This is a very significant point because then we would have competing views presented in terms of the application by different members of the family. A relative who has concerns is not without a voice under the Bill. I refer to section 12I (2), which states that a family member can apply to be a notice party.

Amendment No. 17 serves only as a function if amendment No. 7 is accepted. I do not propose to accept amendment No. 7.

Amendments Nos. 3, 4 and 5 are two alternative versions of the same new subsection in section 12C. At most, one of them could be accepted. I note what is said but I do not intend to accept these amendments. I appreciate the intention behind them, which is that the court should hear from the child's family and from others close to the child before it makes an order. I have set out a procedure there which I think facilitates that. The amendment would invite argument about whether the court had consulted widely enough and it could delay the making of an order in the case where the safety or welfare of the child requires that the order be made without delay.

We want the court to be able to look at the totality of the circumstances and it is better, in my view, that it retains the discretion to do so, rather than being directed by statute as to whose views it must seek in every case.

Throughout the legislation, in the way it has been drafted, the best interests of the child are the primary purpose. In terms of hearing the voice of the child, section 12F applies Part VA of the Childcare Act 1991 to proceedings. This provides for the appointment of a guardian *ad litem* whose role is to ascertain the views and wishes of the child and to convey them to the court.

Section 12I requires that each guardian, including the guardian *ad litem*, be given notice and allows a relative, broadly defined, to seek to be joined as a notice party.

I will now deal with amendments Nos. 16 and 18. Senator Stephenson referred to amendment No. 19, which I will come to presently. I do not accept these amendments, which both aim to accomplish substantially the same result, namely, the notification or joining as notice parties of the next of kin. As I mentioned, next of kin could have no relationship with the deceased or their child and may, in some circumstances, be difficult to identify or locate. Again, I ask Senators to look at subsection 12I. I think that is a very appropriate one and it will allow the court to determine who should be joined as a notice party.

Amendment No. 19 is in the name of Senator McCormack and others. Senator Stephenson also spoke to it. The first part is fairly straightforward. It does not need to be made a statutory provision. It simply says where a guardian or relative of the child is of the opinion that an

application ought to be made and it is in the best interests of the child, they can request Tusla to do so. There is nothing stopping them; they do not need a law. If you are the brother, sister or parent of a deceased guardian, you can, of course, write to Tusla and say you would like it to invoke the provisions in respect of it. Where it does get difficult is in subsection (2), which is what Senator Stephenson spoke to, along with Senator McCormack, that there would be a requirement on Tusla to provide reasons. There could be very sensitive reasons, based on personal information related to the child or in respect of others, as to why the application is not being made. I would be concerned about that information just being able to be given out to individuals simply because they write - and it could be someone who does not have any connection with the child other than being a relative - and ask Tusla for the reasons it brought an application. It would be problematic to force Tusla to set out the reasons.

I very much appreciate the amendments that were put down. I know the desire of all three Senators who have spoken to this is to make this legislation as effective as possible. I commend them on their attempts to do so but once we go down the route of bringing in the family as the driving force, as the Senators will know themselves, problems are going to arise. Why not get the legislation enacted and up and running as it is? We can then see how Tusla performs in its functions. Fortunately, applications under this legislation will be few and far between, I hope. If there are many of them, it would be a sign that the horrific crime to which Valerie French was subjected has happened again. Fortunately, there will be very few of them. Let us see how the legislation progresses and let us not put responsibility on the families. The families have been through a lot already. Let us leave this as the State having a role to play and see how it progresses.

Senator Sharon Keogan: Will the Minister agree to review this legislation in, say, 18 months? I should have written that in as an amendment.

Deputy Jim O'Callaghan: Yes, absolutely. There is a requirement on me, as the Senator knows, to do a post-enactment report a year after enactment, I think. The Department of justice does that. I will certainly take it into account. The provisions in this are retrospective as well. It may be the case that there are family members who will contact Tusla to say they would like it to bring an application, notwithstanding the fact that the conviction predates the commencement of the legislation. That will all be part of the review. That will be information that will be available for the purpose of the review. It will be reviewed and kept under constant review.

An Cathaoirleach: Members will be aware of Standing Order 179 relating to having a post-enactment report a year after legislation is passed setting out the progress made.

Senator Patricia Stephenson: Going back to amendment No. 19 and the second part of it, which is around the request, the Minister said there would be circumstances where giving out the information that might be associated with someone making a request to understand why a case was not being brought forward would potentially put people at risk. Will he outline the procedures provided for under the Bill in that instance? The amendment refers to providing reasons for the decision to the person who made the request. I appreciate what the Minister said, that providing the rationale for any decision to any person who makes a request would be

open-ended. Are there changes that could be made to this amendment to provide for instances involving someone with a vested interest in the case? How can we bring transparency to this so that it is not simply a matter of "case closed", with Tusla choosing not to pursue the matter without saying why? Are there ways that process could be strengthened to have more transparency?

Deputy Jim O'Callaghan: I am sure if somebody writes to Tusla and says they would like it to bring an application in respect of a conviction which took place, either retrospectively or one which happens after the commencement of the Act, and asks for it to take an application, as they are entitled to, I would think that in most scenarios Tusla will write a reply and give an explanation. It may not be necessary for it to withhold information. However, there must unquestionably be times where Tusla, having considered what is in the best interests of the child, having received some information from a guardian *ad litem* in respect of the child or based on other factors which it has taken into account, might not do so. If there is a statutory obligation on it to provide reasons, it could be to provide reasons to the parents or siblings of the convicted guardian. There are sensitive reasons for not wanting to have a statutory obligation in place for that. Putting in a statutory obligation that Tusla has to provide reasons would be damaging to the legislation. Obviously if somebody brings an application and Tusla consistently says "No", they could seek a judicial review but they would want to be able to point out that there is an administrative or public law failing by Tusla in terms of not complying with the legislation.

We need to get this legislation in place and see how it operates in its early days. I have no doubt there will be a necessity to come back in due course and we will be able to improve it. However, if we start putting in a statutory obligation on Tusla to provide reasons to every relative, there will be relatives of the convicted parent and relatives of the murdered parent and they do not always get on. There will be different views as to how the kids should be brought up, how the guardianship of the kids should operate and who should have guardianship for them. The kids have been through an awful trauma as it is. The last thing we want to do is put them in the middle of a family law dispute, which, in effect, is what would happen if we have competing relatives arguing in front of a judge about what they say is the best interest of the child. They should not have the primary role. It should be about public law, Tusla coming in and having an opportunity for the voice of the child to be heard by the judge. The judge can hear applications from relatives to be joined as notice parties. The judge may say "I don't want to hear the notice parties; I'm going to go solely based on what is in the best interests of the child, as advocated to me by Tusla." Alternatively, and probably more likely, a judge will allow a relative to be joined. However, the last thing a judge wants is a representative of the murdered guardian on one side and the killer on the other side, with the kids stuck in the middle. That is why I think we need to leave this with public law, but I will certainly consider the matter in due course as the legislation goes on.

Senator Sharon Keogan: I have tabled a lot of amendments and my only issue is the one with Tusla, the State agency for the care of children. I just do not have faith in it, but I have faith in the Minister that, if Tusla is not doing its job or not doing it correctly, he will come back to this Chamber in a year's time and say that can be changed and perhaps another body can be found to take on the role.

I thank the Minister. I will not be pressing my amendments. I accept the Minister's reasoning.

Amendment, by leave, withdrawn.

Senator Maria McCormack: I move amendment No. 2:

In page 4, to delete lines 18 to 32 and substitute the following:

12C. (1) Where a person (in this section referred to as the 'convicted guardian') who is a guardian of a child is convicted in the State of the murder or manslaughter of a person who was, at the time of the commission of the offence concerned, another guardian of the child concerned the Child and Family Agency shall, as soon as practicable but not later than 3 months after the conviction or any extension of that period under subsection (2), apply to the court in that behalf for an order under subsection (3)."

This amendment seeks to strengthen section 12C by requiring the Child and Family Agency to apply to the courts in every case following conviction. I believe the Minister has covered this already. He answered everything in my head.

Deputy Jim O'Callaghan: I give a quick response if the Senator would like me to.

Senator Maria McCormack: We have gone back and forth on this and the Minister has given all the information. I still feel nervous about having to wait for Tusla, that it is not obliged to make an application, for transparency reasons. Tusla does not have to answer to anyone if it chooses not to come forward. As it currently stands, there is a discretionary test that could limit applications where reasonable cause is not established. I will let the Minister come back to me on it and I will not press the amendment.

Deputy Jim O'Callaghan: I thank the Senator. Senator McCormack's amendment proposes to do two things. One is to change the six-month period in the legislation to three months. That is not necessary because there is already a statutory provision in the Bill that requires an application to be made as soon as practicable. The Bill says "as soon as practicable but not later than 6 months after the conviction". Senator McCormack wants to reduce that to "not later than 3 months". My concern about changing it to three months is that it will take time to put the evidence together to go to the District Court. There will need to be reports and evidence on the voice of the child and how it is to be progressed. If we change it to three months, which is a short period for an application like this, what will happen is that Tusla will go in early and look for an extension of time and just extend and extend it. We do not want that to happen. We want Tusla to bring the application as it will have been given a decent period in which to do so.

The second significant part of the amendment is that Senator McCormack proposes to remove the requirement on Tusla to believe the convicted guardian has failed in his or her duty towards the child concerned to such an extent that the safety or welfare of the child is likely to be prejudicially affected. As I said earlier, that is a statutory test that can be overcome fairly easily. However, if it is not in the Bill, I am advised the legislation will be constitutionally frail

because people who are convicted guardians will argue this is all about adding on an additional penalty for them, that they have been convicted of murder or manslaughter, have been given their sentence and now an additional penalty is being put on them that they will automatically lose guardianship of their children. That is an argument they could make quite strongly if this provision, which says that Tusla must also be satisfied that the convicted guardian has failed in their duty towards the child, were not in the Bill.

I remember David French said publicly that of course it is a failing of duty to the child to kill the child's other guardian or parent. It is important to have it in the Bill because the last thing I want to happen is for this to be referred or for someone to challenge it. Let us be clear. People will challenge this because it is a significant measure to have guardianship rights removed or restricted, even if a person has been convicted of murder or manslaughter. People will fight this and we need to ensure it is rigorously constitutional. I believe this provision, which I want to retain, will ensure that.

An Cathaoirleach: Is the amendment being pressed?

Senator Maria McCormack: Yes.

Amendment put and declared lost.

Amendments Nos. 3 to 5, inclusive, not moved.

Senator Maria McCormack: I move amendment No. 6:

In page 8, between lines 8 and 9, to insert the following:

“(7A) (a) Notwithstanding subsections (1) to (7), this section shall not apply, or shall apply with such modifications as the court considers appropriate, in a case where the convicted guardian was convicted of manslaughter and the court is satisfied that—

(i) the act giving rise to the conviction was committed in self-defence, or

(ii) at the time of the commission of the offence, the convicted guardian had been subjected to domestic violence (within the meaning of the Domestic Violence Act 2018) by the deceased guardian, and the offence occurred in circumstances materially connected to that history of domestic violence.

(b) In determining whether paragraph (a) applies, the court shall have regard to—

(i) any findings of fact made in the criminal proceedings,

(ii) any evidence of domestic violence, including patterns of coercive control, and

(iii) the best interests of the child concerned.

(c) Where paragraph (a) applies, the Child and Family Agency shall not be required to make an application under subsection (1), unless the Agency is satisfied that, notwithstanding those circumstances, there is a risk to the safety or welfare of the child concerned.

(d) Nothing in this subsection shall prevent the court from making an order under subsection (3) where it is satisfied that such an order is necessary and proportionate to protect the safety or welfare of the child concerned.”.

An Cathaoirleach: Does the Senator want to speak about the amendment?

Senator Maria McCormack: No.

An Cathaoirleach: Is the amendment being pressed?

Senator Maria McCormack: Yes.

Amendment put and declared lost.

Amendment No. 7 not moved.

An Cathaoirleach: Amendments Nos. 8 to 12, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 8:

In page 9, line 11, to delete “references” and substitute “a reference”.

Deputy Jim O’Callaghan: The first four amendments in this grouping are minor drafting corrections to correct the wording in four places so the Bill reads consistently. They do not make any change to the substance or effect of the Bill.

The fifth amendment, amendment No. 12, is again a technical amendment. It is to ensure we apply the provisions of the Act of 1991 relating to the appointment of a guardian *ad litem* to proceedings heard under the new Part. The only substantive change is that the new drafting ensures a guardian *ad litem* can be re-appointed both where there is a review of an order as set out in the order itself, and where a review of the order takes place under the proposed new section 12E.

A guardian *ad litem* is an independent person appointed by the court to put the views and best interests of a child before the court. Under this Bill, the court may appoint a guardian *ad litem* for a child in proceedings to restrict or remove the guardianship of a convicted guardian. The guardian *ad litem* is to be drawn from the new guardian *ad litem* national service. The amendment applies the rules of that service to the new proceedings and makes clear how they work in this context. It provides for when a guardian *ad litem*’s appointment comes to an end and how a replacement is to be appointed. The aim is to ensure the child is independently represented throughout, that there is no gap in that representation if a replacement is needed and that there is full clarity on the role of the guardian *ad litem*.

The Child Care (Amendment) Act 2022 reformed the guardian *ad litem* system and provides for the new service, which commenced about a week ago. The Government is committed to a high quality, consistent, child-centred service that strengthens the voice of the child in care proceedings.

Amendment agreed to.

Government amendment No. 9:

In page 9, line 12, to delete “references” and substitute “a reference”.

Amendment agreed to.

Government amendment No. 10:

In page 9, line 15, to delete “references” and substitute “a reference”.

Amendment agreed to.

Government amendment No. 11:

In page 9, line 16, to delete “references” and substitute “a reference”.

Amendment agreed to.

Government amendment No. 12:

In page 9, to delete lines 18 to 40 and substitute the following:

“(c) section 35H of the Act of 1991 shall apply to the cessation of appointment and re-appointment of a guardian *ad litem* for the child concerned in proceedings under this Part as that section applies to the cessation of appointment and re-appointment of a guardian *ad litem* under section 35C(1) of that Act pursuant to an order under section 35B(3) of that Act, subject to the following modifications:

(i) in subsection (2), paragraph (a) shall not apply and a reference in any of paragraphs (b) to (f) of that subsection to the determination by the District Court of an application under that Act shall be construed as a reference to the determination by the court of an application under section 12C, 12D or 12E, as may be appropriate, of this Act, and

(ii) in subsection (3), the reference to an order made by a court under section 35B(3) of that Act directing that proceedings in which the order has been made are to be kept under review shall be construed as a reference to a condition for a review of the order concerned imposed by the court in an order made under section 12C or 12D, as the case may be;

(d) a reference in Part VA of the Act of 1991 to the performance by guardians *ad litem* of functions conferred on them by or under that Act shall be construed as including a reference to the performance by guardians *ad litem* of functions conferred on them under this Part or by or under Part VA of the Act of 1991 as applied by this section.”.

Amendment agreed to.

An Cathaoirleach: Amendments Nos. 13 to 15, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 13

In page 10, to delete lines 2 to 5 and substitute the following:

“12G. (1) The District Court and the Circuit Court, on appeal from the District Court, shall have jurisdiction to hear and determine proceedings under this Part.”.

Deputy Jim O’Callaghan: The purpose of these amendments is to set out which courts shall have responsibility for applications under this section. In particular, amendment No. 15 sets out under the new Family Courts Act, which District Court will have responsibility. It will be the family District Court and it applies to the other courts as well. It will apply to the Circuit Court, which is to be construed as a reference to the family Circuit Court and a judge of the District Court shall be a judge of the family District Court.

Senators will be aware that the Family Courts Act was enacted in 2024. I published an implementation plan. When this legislation is up and running and the Family Courts Act has commenced, we want to see those courts deal with this.

Obviously, in advance of the commencement of the family District Court, this legislation will still be operative and operational in the District Court.

Amendment agreed to.

Government amendment No. 14:

In page 10, lines 9 to 13, to delete all words from and including “or,” in line 9 down to and including line 13.

Amendment agreed to.

Government amendment No. 15:

In page 10, between lines 13 and 14, to insert the following:

“(3) On and after the commencement of section 73 of the Family Courts Act 2024, a reference in this section to—

- (a) the District Court shall be construed as a reference to the Family District Court,
- (b) the Circuit Court shall be construed as a reference to the Family Circuit Court,
- (c) a judge of the District Court shall be construed as a reference to a judge of the Family District Court, and
- (d) a District Court district shall be construed as a reference to a Family District Court district.”.

Amendment agreed to.

Senator Maria McCormack: I move amendment No. 16:

In page 11, to delete lines 29 to 32 and substitute the following:

“12I. (1) An application to the court for an order under this Part shall not be made in relation to the child concerned other than on notice to—

(a) each guardian of that child (including a victim guardian within the meaning of section 12D), and

(b) the next of kin of a deceased guardian of that child, where that deceased guardian died as a result of an offence referred to in section 12C(1)(a); provided that a person shall not be regarded as next of kin for the purposes of this paragraph if that person has been convicted of that offence.”.

Amendment put and declared lost.

Amendments Nos. 17 and 18 not moved.

Senator Maria McCormack: I move amendment No. 19:

In page 12, between lines 16 and 17, to insert the following:

“(1A) Where a guardian ad litem of the child, another guardian of the child, or a relative of the child (being a person who would be entitled to notice of proceedings under this Act) is of the opinion that an application under subsection (1) ought to be made in the best interests of the child, he or she may request the Child and Family Agency to make such an application.

(1B) The Child and Family Agency shall consider any request under subsection (1A) and, where it decides not to make an application under subsection (1), shall, on request, provide reasons for that decision to the person who made the request.”.

Amendment put and declared lost.

Section 3, as amended, agreed to.

Sections 4 to 6, inclusive, agreed to.

Title agreed to.

Bill reported with amendments.

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

Senator Robbie Gallagher: Now.

An Cathaoirleach: Is that agreed? Agreed.

Bill, as amended, received for final consideration.

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

Senator Robbie Gallagher: Now.

An Cathaoirleach: Is that agreed? Agreed.

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

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank all the Senators for their contributions and support. It is unusual in this business of politics to go into any House and receive universal support for a piece of legislation. I thank all Senators for their support. As they know, I have made a couple of amendments and, therefore, the Bill must go back to the Dáil. That will happen on the week beginning 13 July. Hopefully, the legislation will pass all Stages of the Houses by 15 July. Obviously, it will then go the President to be signed.

I commend David, Veronica and Suzette French on their presence here, particularly David for his campaigning in respect of this. The first time I encountered David French was on a television programme around January 2024. It was before the Government was announced. There was a question about what would be done in the area of familicide and when tragic events like that happen. David was in the audience and said that this legislation had been a recommendation of the familicide report. He was the one who stated that it is, clearly, abusive of children for one guardian to kill the child's other guardian. The presenter turned and asked me whether I would bring in this legislation if I were to become Minister of justice, and I said I would. It was hard to do. Not everyone was fully supportive of it, but it is important legislation that we will have in place to provide a public law response in this regard.

I commend David and his family on their campaigning on this matter. I thank Senators for their support. We will keep the legislation under review and see how it progresses. It is an important public law response to a appalling and tragic crime that takes place, and for which there needs to be a public law response.

Senator Robbie Gallagher: First, I commend David, Veronica and Suzette on their work in this area. I met David on a number of occasions. He has been a serious campaigner and advocate. For his family to go through what they have gone through and still campaign to change things, not just for themselves but for those who will come after them, we are all deeply indebted to them. Gabhaim buíochas leo go léir.

I thank the Senators who contributed this evening, all of whom did so in a constructive fashion and came forward with reasonable and good points. Finally, I thank the Minister, who acted on his word, as he outlined in his contribution, and has been proactive on this issue and across a wide range of issues. I thank him for his enthusiasm, endeavour and appetite for work. I salute him.

An Cathaoirleach: I thank Senators and the Minister. I thank David and his family for their presence on the occasion of the passing of this legislation. It will now move on to the Dáil. From there, it will go the President for signature.

Question put and agreed to.

An Cathaoirleach: When is it proposed to sit again?

Senator Robbie Gallagher: Tomorrow morning at 10.30 a.m.

An Cathaoirleach: Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 8.46 p.m. go dtí 10.30 a.m., Dé Céadaoin, an 1 Iúil 2026.

The Seanad adjourned at 8.46 p.m. until 10.30 a.m. on Wednesday, 1 July 2026.