



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Déardaoín, 2 Iúil 2026

Thursday, 2 July 2026

Chuaigh an Leas-Chathaoirleach i gceannas ar 9.30 a.m.

Machnamh agus Paidir.

Prayer and Reflection.

Gnó an tSeanaid - Business of Seanad

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

Senator Victor Boyhan - The need for the Taoiseach to make a statement on progress on the implementation of the Dublin city centre task force, in particular the role Dublin City Council and its elected members will have over its functions, policies and spending.

Senator Mike Kennelly - The need for the Minister for Housing, Local Government and Heritage to make a statement on the proposed extension of the retirement age for retained firefighters.

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 Maria Byrne - The need for the Minister for Health to make a statement on the issues facing clinically diagnosed type 1 diabetics accessing continuous glucose monitoring.

The matters raised by the Senators are suitable for discussion and they will be taken now.

Nithe i dtosach suíonna - Commencement Matters

Local Authorities

Senator Victor Boyhan: I thank the Cathaoirleach for accepting what I think is an exceptionally important Commencement matter, namely, the need for the Taoiseach to make a statement on progress on the implementation of the Dublin city centre task force and in particular the role Dublin City Council and its elected members will have over its functions, policies and spending. To set out why this was submitted to the Taoiseach's office, this is a task force established by the previous Taoiseach, who is currently Tánaiste. It did its work and

deliberations and the driving of all that was kept very much central to the Taoiseach's office, which sent a very clear message about the importance and significance of this. Dublin is of course our capital city and sometimes people forget that. There is a lot of commentary on Dublin city which is not always fair or accurate. I commend the chief executive of Dublin City Council, Richard Shakespeare, and the 63 democratically elected councillors who have our capital at the very heart of their work.

When we talk about a task force we need to understand how the work and the implementation is devolved. I am always conscious that our councillors, especially in Dublin city but all over the country, have a democratic mandate and any watering-down, attempted watering-down, or perceived watering-down of their powers and functions is something we must always guard against. I wish the task force well. It is important there is good collaboration on the task force and that it works. I understand the interim advisory board met in June. It is going to proceed with a special purpose vehicle to lead the Taoiseach's task force and that is important too. I understand Mr. Robert Watt has now assumed the role of head of Dublin City Council's newly-formed project management unit and CEO-designate of the council's proposed special purpose vehicle which, when constituted, will oversee and implement the Taoiseach's task force report. It is important we are ambitious. It matters that this project has, as I know it does, the full support of central government. Central government is assisting local government to prioritise the work, vision and future of our capital city. I wish the project well. It is important we fully understand the purpose of the special purpose vehicle when that is constituted. There are a number of elected members on the interim advisory board. I think in total the board has about 16. I wish them well. It is important we understand the functions, the policies and the oversight of the work of the task force, the spending and the budgetary constraints. Out of this it is important we clearly understand there is no diminution or watering-down of the power and functions of the chief executive and elected members of Dublin City Council.

I wish this project well, as I know everyone in the House does. The task force must get on with its work. I thank the Minister of State for coming to the House to share with us the response from the Taoiseach's office.

Minister of State at the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation (Deputy Frankie Feighan): I thank Senator Boyhan for raising this very important matter. As he knows, in May 2024 the Government appointed the Dublin city task force, chaired by David McRedmond, to take a holistic view of the measures required to rejuvenate Dublin city centre, north and south. The aim is to make Dublin city centre a more thriving, attractive and safe cityscape and a desirable location to live, work, do business and visit.

The Dublin city task force report published in October 2024 made a series of recommendations, known as the ten big moves, to improve the city centre's public realm, safety and experience. A roadmap for delivery of the task force report was published by Government in June 2025, following the work of an interdepartmental group, setting out a clear implementation plan. Central to delivery will be: a special purpose vehicle to drive delivery and support the specific capital developments relevant to the project, and Dublin City Council is progressing the establishment of this new legal entity; a ten-year integrated area strategy for Dublin city centre to optimise funding and investment and tackle vacancy and dereliction;

accelerated delivery of landmark capital projects in the city centre through additional funding in the URDF under the NDP review; and redevelopment of the GPO complex as an ambitious and historic flagship project.

An oversight board comprised of all the relevant Departments and agencies and chaired by the Department of the Taoiseach meets regularly to oversee and provide strategic direction for delivery of the task force report through the roadmap for delivery. Ultimately, responsibility for establishment of the special purpose vehicle lies with Dublin City Council and it will need to adhere to the relevant legislative requirements. The Government recently agreed the assignment of Mr. Robert Watt as CEO-designate, as the Senator said, of the body that will become the special purpose vehicle.

The newly appointed interim advisory board to the SPV met on 15 June and 16 representatives have been appointed to the advisory board, including chairperson, David McRedmond, who previously acted as the independent chair and member of the Dublin city task force. Dublin City Council has recruited staff for an interim programme management unit, which will drive delivery while the SPV is being set up.

The Department will work with all relevant parties through the oversight board to oversee delivery of the roadmap for the Dublin city task force report. For this to be successful, there needs to be a cross-departmental approach. The Government agreed the process to redevelop Dublin's iconic General Post Office complex last month. Its ownership will transfer to the Office of Public Works, OPW, from the Department of Culture, Communications and Sport. The OPW will prepare design proposals, which will be subject to Government approval. Before that happens, a wide-ranging public consultation process will gather the views of all stakeholders. As part of the process, a temporary meanwhile use proposal will be developed.

Implementation of the Dublin city task force report recommendations is being underpinned by national development plan, NDP, investment funding. The towns and cities regeneration investment fund is supporting a number of projects within the core area. Changes to the living city initiative, announced as part of budget 2026, will also support regeneration and efforts to tackle vacancy and dereliction. The roadmap creates an enabling environment designed to build confidence with business, landholders and investors to get involved in achieving a new vision for Dublin city centre and to drive private sector investment. There will be regular reports to Government on developments in delivery for the roadmap for the Dublin city task force report.

I was at the launch of the design proposals for the GPO. It is very significant. It is not just a building. It is actually a huge complex that is being put to many uses. I look forward to the process with all stakeholders and their views will be taken into consideration.

Senator Victor Boyhan: I thank the Minister of State very much. First, I want to thank the Taoiseach's office for preparing this speaking note. It is very comprehensive and deals with many of the issues. I thank the Minister of State for delivering it on behalf the Taoiseach's office. I acknowledge and thank the 63 elected members of Dublin City Council and its chief executive, Mr. Richard Shakespeare. This is an exciting time for the capital city of Ireland, Dublin city. I wish the project well. What is really interesting is the synergy and the importance of central government supporting local government, in this case for Dublin city, but there will be other similar possibilities for other parts of the country. It is a good model. It is clear now

where the roadmap is. I wish Mr. Robert Watt well with the implementation of this task force. What is more important than anything the Minister of State said is that there is now a mechanism, which has been clearly stated today, whereby there will be regular reporting back to the Taoiseach's office in relation to progress. I wish all stakeholders and the Department of Housing, Local Government and Heritage, as it is called now, all the very best with this really exciting project. It is important that we are ambitious for our cities and towns. I believe this is the beginning of something great for Dublin city.

Deputy Frankie Feighan: I thank Senator Boyhan for his measured and informed approach and observations and his support and desire to work together on the rejuvenation of Dublin city. This is where at all matters. The approach of the Dublin city task force on the roadmap for delivery provides a good example of how State agencies and key stakeholders can work together to try to plot a course for a major city's rejuvenation. We look forward to seeing progress and the establishment of a special purpose vehicle by Dublin City Council in the coming months. I can assure the House that there will be further intensive discussions on advancing work on the roadmap for the Dublin city task force report.

Senator Victor Boyhan: I thank the Minister of State.

Fire Service

An Leas-Chathaoirleach: Anois, an Seanadóir Kennelly. Before he begins, we are having a little trouble with the timer on the wall. We are watching the time on the desk, however, so I will give the Senator a little leeway on his time.

Senator Mike Kennelly: I thank the Leas-Chathaoirleach. I welcome the Minister of State this morning. I thank the Cathaoirleach of the Seanad for accepting this serious Commencement matter.

My ask this morning is for an extension of the retirement age for retained firefighters. I ask that we urgently amend the regulations governing the retirement age for retained firefighters across Ireland, allowing those who remain medically and physically fit to continue serving until the State pension age of 66. There are approximately 3,300 firefighters serving across Ireland, with more than 2,000 serving as retained firefighters. They staff the vast majority of our 217 fire stations and are the backbone of the fire service in rural and regional Ireland. They respond to fires, road traffic collisions, flooding and other emergencies, while balancing their roles with work and family commitments. They provide an invaluable front-line service to communities across the country.

Under the current regulations, retained firefighters can remain in service beyond the age of 55 if they pass annual medical and fitness assessments, but they must retire at 62. That means many are forced to leave up to four years before they qualify for the State pension. The Government acknowledged recently that there were challenges with recruitment and retention when it increased the retirement age from 60 to 62 in 2024. However, those challenges remain. Fire services, in particular in rural Ireland, continue to struggle to recruit and retain personnel. Requiring experienced firefighters to retire at 62 only makes that situation a lot worse. This proposal is not about lowering standards. Those wishing to remain in service already undergo

annual medical and fitness assessments and can only continue with the approval of their employing fire authority and local authority, for example, Kerry County Council and so forth. The safeguards are already there. The proposal simply extends the existing fitness-based approach to the State pension age of 66. There is also a clear issue of fairness. Retained firefighters can be required to retire up to four years before they qualify for the State pension despite being fit, capable and willing to continue serving. This gap has to be addressed. There is a real urgency here. Firefighters are approaching their 62nd birthdays in the coming weeks and months and face compulsory retirement under the current regulations. If the Government intends to make this change, it must act now.

I am asking for the Government to introduce an immediate pause or freeze on compulsory retirements at age 62 while the necessary regulatory changes are progressed. It would be deeply unfair if experienced firefighters were forced to retire only for the rules to change shortly afterwards. This is a very sensible and very practical reform. It would help retain experienced firefighters, strengthen emergency response, support rural fire services and align retirement with the State pension age, while maintaining the highest standards of safety through annual medical and fitness assessments, which are ongoing. I am asking the Minister of State today to commit to amending the regulations to allow retained firefighters to serve until the age of 66 where they continue to meet the required medical and fitness standards and to introduce an immediate freeze so that no firefighter is disadvantaged while this change is being considered. These men and women have dedicated their lives to protecting our communities and if they remain fit to serve, we should allow them to continue serving.

Deputy Frankie Feighan: I thank Senator Kennelly for instigating this discussion on the subject of the retirement age for retained firefighters. Many Members are dedicated advocates for the terms and conditions of retained firefighters and that advocacy and support is greatly appreciated.

I am very pleased to have the opportunity to address the House and update Members on progress to date on behalf of the Minister for Housing, Local Government and Heritage. Senator Kennelly raised the question of the retirement age of the retained firefighters. I want to address the specific changes the Government has introduced in that regard. Before I do, however, I want to first acknowledge the vital contribution these dedicated men and women make every day to public safety, community resilience and the protection of life and property.

In recent years, the Government has undertaken a comprehensive programme of reform aimed at strengthening the retained fire service. The focus has been on making the role more attractive and sustainable, supporting better work-life balance, increasing financial security and career opportunities and raising awareness and driving recruitment nationally.

Local authorities are now implementing the terms of a September 2023 Workplace Relations Commission agreement with retained firefighters, in conjunction with an accepted Labour Court recommendation of February 2025, on an uplift to the retainer payment made to retained firefighters, which now provides guaranteed fixed minimum earnings of approximately €25,000 for new recruits as of 1 June 2026.

That guaranteed payment is in addition to any operational activity-based earnings. Retained firefighters have secured improved work-life balance through a new model of service provision of structured time off with a 24-week-on, 24-week-flexible roster with four weeks' annual leave

per annum. This model provides for the option, while placing no obligation on retained firefighters, to attend incidents during their flexible weeks. This is equivalent to a 50% reduction in incident attendance obligations from the pre-WRC agreement position. A national standard level of 12 crew per retained fire station has been established. This rise in crewing numbers equates to an approximate increase of 20% in retained firefighter numbers from the pre-WRC agreement position.

The recruitment of additional retained firefighters is helping to build capacity and resilience in our retained fire service. These measures strengthen response capability and fire safety across the communities served by a network of 201 retained fire stations. In the period from the WRC agreement of September 2023 to May 2026, 716 new recruits successfully entered local authority fire services, showing the success of the revised terms and conditions in addressing retained fire service recruitment concerns.

Returning to the question of the retirement age of retained firefighters, in 2024 the Government extended the mandatory retirement age to 62 to further strengthen fire services. This was done through the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024. This Act amended, among other matters, the law in relation to the age at which certain public servants are required to retire. The former Minister for Housing, Local Government and Heritage made regulations in August 2024, with the consent of the then Minister for Public Expenditure, National Development Plan Delivery and Reform, raising the mandatory retirement age to 62. The move to 62 for retained firefighters aligns them with this broader approach and promotes standardisation. In practice, this means firefighters may retire at 55, but if they remain fit and pass the medical tests, they may remain in service until their 62nd birthday, at which point they must retire. This extension of the mandatory retirement age to 62 strengthens fire services through retention of long-serving personnel.

This is not answering the Deputy's question, I do not think, but he might get something in the conclusion.

Senator Mike Kennelly: I thank the Minister of State for his response. The good news is since 2024 the retirement age is up to 62, as he clearly stated. My ask is for the retirement age of 62 to be increased to the pension age of 66. I do not see an answer to my Commencement matter, as such. I ask the Minister of State to take back my seriousness on this matter. He outlined that many personnel have gone into the fire service since the introduction of the new work conditions, contracts and so forth, but my ask is to extend that 62 to 66, especially for people approaching 62, which is the age they are asked to finish at. Will the Minister of State take that back to the Department to see if that ask can be considered? It has to be considered.

Deputy Frankie Feighan: I thank Senator Kennelly for raising this important issue. It affects us in all our constituencies, towns, villages and cities. The focus has been on making the role more attractive and sustainable. We have done a lot for better work-life balance, have increased financial security and career opportunities and have raised awareness.

I thank the members for all their work. Retention and recruitment of personnel in the fire service remains a key priority. Supporting retained firefighters through appropriate policies, employer engagement and public awareness is essential to maintaining a strong and sustainable

service. There will be constructive dialogue. We need to continue to work together to ensure a safe, resilient and well-supported fire service for communities across the country.

I have heard what the Senator said and will bring it back to the Minister that there is a gap of four years and that it probably needs to be narrowed as much as possible. All stakeholders need to work together on coming up with a reasonable solution.

Control of Firearms

Senator P. J. Murphy: I welcome the Minister of State, Deputy Ardagh, to the House and take this opportunity to congratulate her on her recent appointment. I wish her all the best in her new role.

I raise an issue of significant concern to many law-abiding firearm licenceholders throughout rural Ireland. Ireland has approximately 150,000 firearm licenceholders, accounting for more than 210,000 licensed firearms. Firearms ownership is tightly regulated and Ireland's licensing regime is widely regarded as one of the most stringent in Europe. While many firearms certificates are processed efficiently, concerns continue to be reported across the country regarding inconsistencies in interpretation and implementation of the licensing system. These concerns include lost or misplaced applications; delays in processing; additional documentation requirements that go way beyond the published guidelines; applicants being told they own too many firearms, despite meeting the legal requirements; and the failure to provide formal refusal letters outlining the reasons for decisions. These inconsistencies undermine confidence in the system and create unnecessary uncertainty for responsible licenceholders who are simply seeking to comply with the law.

There are also concerns regarding the stakeholder engagement process established by the Department. At a recent meeting in Kilmainham, concerns relating to inconsistencies in firearms licensing were reportedly ruled out of order. If issues regarding the day-to-day operation of licensing systems cannot be discussed at the appropriate forum, it is difficult to know where they can be discussed, other than on the floor of this House. I understand a further phase of stakeholder engagement is planned for the coming months. Will the Minister of State confirm that concerns relating to inconsistencies in the interpretation and implementation of firearms licensing, which stakeholders report were ruled out of order during the first phase of engagement, will specifically be included in the next phase? I also ask her to review the structure of the forum. There remains uncertainty regarding its remit, membership and representation, and it appears many participants attend in an individual capacity rather than as representatives of recognised national organisations.

These concerns were reinforced at a recent briefing in the audiovisual room in Leinster House, hosted by the National Association of Regional Game Councils, NARGC, and the Firearms Users Representative Group, FURG, which was well attended by Members from across the political divide and from all parties. It provided an opportunity to hear directly from firearms users affected by these issues.

As the holder of a number of licensed firearms, a lover of rural pursuits and chairman of my local gun club, in Ardrahan, County Galway, I acknowledge the work of the NARGC, which is the umbrella body for all the small gun clubs right around the country, and FURG, both of which have consistently highlighted the concerns of licensed firearm users across Ireland.

I ask the Minister of State, as a matter of urgency, to meet representatives of FURG and the NARGC, the largest rural pursuits membership organisation in the country and the second-largest sports organisation in Ireland in terms of membership after the GAA, to hear directly from them regarding the challenges facing licensed firearms holders and to ensure their concerns are reflected in future policy decisions. The 150,000 licensed firearms holders in this country deserve a fair, consistent and transparent licensing system, meaningful engagement with the Government and a voice in decisions that may significantly affect their activities.

Minister of State at the Department of Justice, Home Affairs and Migration (Deputy Catherine Ardagh): I thank the Senator for his kind remarks at the outset. I thank him for raising the issue today. Firearms are now one of my delegated responsibilities. While the Department of Justice, Home Affairs and Migration is the competent authority for the importation and exportation of firearms and the licensing of firearms dealers, An Garda Síochána, as the Senator knows, has a range of functions with regard to the operation of firearms legislation, including the issuing of firearm certificates and authorisations, and is the competent authority for the licensing of firearms within the State.

The Firearms Acts 1925 to 2023 and the Firearms (Firearm Certificates for Non-Residents) Act 2000 both give the authority for granting licences to superintendents and chief superintendents of An Garda Síochána. Licensing officers, when considering firearms licence applications, are considered *personae designatae* and cannot have their decision-making fettered in any way. Neither the Department nor I have a role in the issuing, or otherwise, of firearms licences.

I note the Senator's comments on inconsistencies in the implementation and administration of firearms licensing. He mentioned a stakeholder engagement meeting where certain comments were out of order. I cannot confirm or deny that because I was not present at the meetings. Nevertheless, I am advised that reform of the firearms licensing system has been under consideration for a number of years, as the Senator well knows and has highlighted. Extensive consultation has been undertaken and is continuing, and there is regular and structured engagement between the Department of Justice, Home Affairs and Migration and firearms users.

I am informed that the most recent engagement took place on 28 April 2026, and more than 20 representatives of the firearms community and firearms stakeholder organisations attended a meeting with officials. This was the fourth in a series of meetings that have taken place since 18 September 2025. I understand there will be further engagement with me personally and the Department. The stakeholders attending these meetings include several from representative organisations, experts in technical areas of firearms and members of An Garda Síochána's firearms policy unit. I am informed that reform of the current licensing system is one of the issues being discussed at the meetings.

The administration surrounding firearms licensing is very complex, as the Senator is probably very well aware. It is governed by both national and European legislation to which each member state must adhere. Diligent consideration must be given to the potential ramifications of any contemplated change. Accordingly, this process is incremental.

It is intended to continue the proactive and open engagement that has taken place thus far. A consultation phase is due to commence in the coming months with official firearms

representative organisations to discuss the findings of recent engagements. I thank the Senator again and look forward to working with him on this matter going forward.

Senator P. J. Murphy: I thank the Minister of State very much for her answer. Although I take on board what the Minister of State has said, there is no doubt but that there are glaring inconsistencies right across the country, even from division to division and from station to station, in the implementation of the existing rules on the granting of firearms licences, particularly for young people who want to enter the sport. We have to tighten up regarding the inconsistencies. People need to know where they stand.

At the current talks in Kilmainham between the various stakeholders, the NARGC, the second-largest sports body in Ireland, does not have an official representative. What we have is the equivalent of a task force to discuss the future use of hurleys without an invitation to the GAA to attend. It is crazy. We need attendance in an official capacity by the second-largest sports body in Ireland, the NARGC. Although it has over 80,000 members, it does not have an official representative on the task force. It is bizarre to even comprehend the make-up of the task force. I urge the Minister of State to take this on board, and I look forward to working with her on this.

Deputy Catherine Ardagh: I am listening and the Senator's point is very well made. Officials from my Department intend to continue with the ongoing stakeholder engagement meetings and the proactive and open engagement that has taken place. I will pass on the point the Senator has made.

The objective of the meetings is to provide a mechanism for ongoing engagement with firearms stakeholders across a broad range of areas within the firearms community, ensuring their valuable insights in specific areas of firearms can be considered in any future policy or legislative changes that may and, it is safe to say, need to arise. Stakeholder organisations are encouraged to make submissions to the meetings, engage with other stakeholders and contribute. Any stakeholder organisation that would like to contribute is also welcome to engage with the Minister for Justice, Home Affairs and Migration on the matter.

I am sure the NARGC has contacted the Department.

Senator P. J. Murphy: Not in my jurisdiction.

Deputy Catherine Ardagh: Yes. Various stakeholders have expressed their appreciation and satisfaction as to how the series of meetings have progressed thus far. I am informed that they thanked the Department of Justice, Home Affairs and Migration for its willingness to initiate a programme for change and look forward to working positively with the Department in the future.

Medical Aids and Appliances

Senator Maria Byrne: I thank the Minister of State, Deputy Feighan, for coming here to discuss this all-important issue. Over 300,000 people in the State currently live with diabetes, including type 1 diabetes, and many of them are on continuous glucose monitoring, CGM. It

has been absolutely life-changing for people. People can lead a very healthy lifestyle with it. They are able to monitor their glucose levels and can tell if they are high or low, and they are able to administer whatever is needed, be it insulin or another medication, to themselves depending on the results. Also, healthcare professionals can monitor patients' glucose levels and outcomes, which is important, especially when patients are accessing their clinics. There are about 500 to 700 people who are not included in the CGM cohort. It is just that they may not have been insulin-dependent at the time of their diagnosis. That they do not have the machine is an oversight. I do not believe it was intentional; it was just that the patients were not insulin-dependent. Could the Minister for Health re-examine this and determine whether the 500 to 700 people who need to be included in the scheme can be included? If they can be, it will be life-changing. So many people are so dependent on monitoring their sugar levels. I look forward to the Minister of State's answer.

Deputy Frankie Feighan: I thank Senator Byrne for raising this important issue. I will be answering on behalf of the Minister for Health, Deputy Jennifer Carroll MacNeill.

The State acknowledges the importance of access to new and innovative medicines for patients and is acutely aware of the plight of patients diagnosed with diabetes. By way of background, CGM systems provide an alternative approach for self-monitoring of blood glucose. These CGM systems comprise sensors, transmitters and a mechanism to display results.

Under the Health Act 2007, HIQA has a statutory remit to evaluate the clinical and cost-effectiveness of health technologies and provide advice to the Minister for Health. HIQA conducts health technology assessments, HTAs, for programmes and services at the specific request of the HSE or the Department of Health, which may include medical devices.

The HSE has advised that HIQA's rapid HTA of CGM in adults with type 1 diabetes mellitus was published on 29 September 2023. The HTA recommended the establishment of a single managed access programme for all CGM systems for all individuals with type 1 diabetes mellitus regardless of age, noting that such a system would need clearly defined criteria for access.

Following on from the recommendations in this HTA, the HSE medicines management programme, in conjunction with the HSE primary care reimbursement system and with the support of the HSE chief clinical officer, introduced an online reimbursement application system for all CGM sensors on 1 December 2023. At this point in time, reimbursement support for CGM sensors is based on the HIQA HTA. By the end of 2025, over 27,000 patients in Ireland were approved for reimbursement support for CGM sensors. To date, a HTA of CGM sensors for people with type 2 diabetes mellitus or other types of diabetes has not been undertaken in Ireland. Therefore, there is limited information to support the extension of reimbursement to these patient groups. Such information would include a cost-effectiveness assessment and the budget impact of the measure. The HSE has identified preferred CGM products based on cost effectiveness to manage this expenditure. A second review of CGM sensors is taking place, which will include an update of the preferred CGM sensors evaluation.

On 21 May, the Minister for Health launched Diabetes Policy and Services Review: A Strategy for Better Care. This is Ireland's first national strategy for diabetes. It sets out recommendations for action in relation to type 1 diabetes, type 2 diabetes, diabetes in

pregnancy and paediatric diabetes. The strategy marks a major milestone in diabetes care in Ireland, representing the development of a unified approach to the delivery of diabetes care.

I again thank Senator Byrne for raising this very important issue today. I will bring her views, concerns and ideas back to the Minister for Health, Deputy Carroll MacNeill.

Senator Maria Byrne: I thank the Minister of State very much. It is wonderful that 27,000 people have been reimbursed. In the context of that 27,000, the figure of just over 500 who have fallen through the cracks is quite a small number. I request that the Minister carry out a review because these people, who are now insulin-dependent, should be included in the reimbursement programme. We have come a long way from the time when people had to prick their finger and test their blood to see what their levels were. It certainly has been life-changing. It is better for both those who have type 1 diabetes and those who have type 2. I certainly hope that review will lead to those who have type 2 diabetes, especially those at the higher end, being included.

Deputy Frankie Feighan: I will bring the Senator's views to the attention of the Minister, Deputy Carroll MacNeill. I assure her that the Minister for Health really appreciates the importance of ensuring that patients with diabetes in Ireland have access to the latest treatments. The Minister for Health met Diabetes Ireland in April of this year and attended its conference in May. She has been made aware of the group's perspectives on access to CGM sensor technology. As the Senator has outlined, there has been a significant shift in the quality and delivery of diabetes care in recent years. More patients are provided with care in the community at an earlier age. Research into the chronic disease management programme has shown that over 90% of patients with chronic diseases, including diabetes, are now successfully managing their conditions in community settings. As I stated earlier, building on the national framework for integrated prevention, the Minister launched Diabetes Policy and Services Review: A Strategy for Better Care in May of this year. This policy-associated report was developed in collaboration between the Department of Health, the HSE and Diabetes Ireland. It is Ireland's first national strategy for diabetes. It marks a major milestone in diabetes care in Ireland, representing the development of a unified approach to the delivery of diabetes care.

Cuireadh an Seanad ar fionraí ar 10.14 a.m. agus cuireadh tús leis arís ar 10.32 a.m.

Sitting suspended at 10.14 a.m. and resumed at 10.32 a.m.

An tOrd Gnó - Order of Business

Senator Fiona O'Loughlin: The Order of Business is No. 1, motion regarding appointment of member to the Committee of Selection, to be taken on conclusion of the Order of Business, without debate; No. 2, motion regarding appointment of member to the Committee on Parliamentary Privileges and Oversight, to be taken on conclusion of No. 1, without debate; No. 3, Finance Bill 2026 - Second Stage, to be taken at 11.30 a.m. or on conclusion of No. 2, whichever is the later, and to conclude after 75 minutes, if not previously concluded, with the time allocated to the opening remarks of the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes, all other Senators not to exceed four minutes and the Minister to be given no less than five minutes to reply to the debate; No. 4, National

Treasury Management Agency (Miscellaneous Provisions) Bill 2026 - Second Stage, to be taken on conclusion of No. 3 and to conclude after 75 minutes, if not previously concluded, with the time allocated to the opening remarks of the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes, all other Senators not to exceed four minutes and the Minister to be given no less than five minutes to reply to the debate; No. 5, motion regarding the Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026 – instruction to committee, to be taken at 1.30 p.m. or on the conclusion of No. 4, whichever is the later, and to conclude after 60 minutes, if not previously concluded, with the time allocated to the opening remarks of the Minister not to exceed five minutes, group spokespersons not to exceed five minutes, all other Senators not to exceed five minutes and the Minister to be given no less than five minutes to reply to the debate; and No. 6, Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026 - Report and Final Stages, to be taken on conclusion of No. 5, and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 6 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government.

Senator Mary Fitzpatrick: Yesterday, the jury in the case of the stabbing of the little girl on Parnell Square came back with a guilty verdict. I acknowledge the jury's work. I welcome the guilty verdict. In 15 seconds on 23 November 2023, the world changed for a little girl, her family and all of the community of Gaelscoil Choláiste Mhuire. It absolutely shook our community. The verdict will not turn back the clock but I really do hope it brings some sense of justice to the little girl's family and the whole community of Gaelscoil Choláiste Mhuire. I acknowledge the incredible bravery and courage of Leanne Flynn, Caio Benicio and others who intervened on the day. In the face of such savagery and depraved actions, they intervened and saved a little girl's life and other lives. They are to be commended. I think of them and the little girl and her family today and I thank those who served on the jury.

Yesterday in Dublin Castle, we had the opening ceremony for Ireland's Presidency of the Council of Europe. I congratulate everybody who participated. It was an excellent ceremony. We were graced with the incredible creative talent of musicians, actors, singers and dancers. We were also graced with the presence of President Zelenskyy and António Costa. It is a very important moment for Ireland. It is the eighth time we will take the Presidency of the European Union, a union of 450 million people. This is an incredibly important six months for our country and for Europe. I hope that all public representatives from all parties and none will work in support of the Government over the six months to ensure the Presidency is a success for all of the European Union.

This Saturday marks the 250th birthday of the United States of America. The US comes in for an awful lot of bad press an awful lot of the time. It does not help itself by bringing a lot of it on. I am somebody who at a point in my life was lucky enough to get a green card through a lottery to go to the United States, like many others. Independence Day on 4 July is an important day. It is important that we celebrate the good things. I wish every American everywhere a very happy Independence Day and a happy fourth of July.

Senator Manus Boyle: The Government has many initiatives in place, including Build Back Home, an initiative seeking skilled workers to return to Ireland. Skilled overseas workers are being invited back to apply their skills here in Ireland. Engineering, construction and health

care, to name but a few, are crying out for crucial skilled workers to take up positions immediately. I have been approached by many overseas representatives of the Donegal Association who have made it clear to me that people would like to return home to Ireland but face some negatives in their decision-making. Most people considering a move look at housing, healthcare, schools, childcare, climate and safety, to name but a few issues. However, they are totally unprepared for the driver licence laws that state if people have been out of the country for ten years or more, a driving test is mandatory. This can be a deal breaker in many cases, especially in counties such as Donegal and the more rural counties in Ireland, where transport infrastructure is not a solution when travelling to and from a workplace. Our tradesmen wishing to return and start a business immediately cannot get to work without their driving licence. I ask the Minister of State, Deputy Canney, to make an adjustment to these rules. Surely people who held a driving licence previously should not have to undergo this stressful obstacle, which is having a negative impact on them returning home. Surely a theory test and getting signed off on two or three lessons from a registered instructor would be sufficient. This would allow people to refresh on the rules of the road and the lessons would bring them up to safe practice. I believe this solution would be acceptable to people who wish to return home to Ireland.

I also make the point that tourists who visit our country do not hold a valid Irish licence. They can hire a car and drive freely throughout Ireland for the duration of their time here. I am not in any way suggesting this is wrong. I am just giving the example of the different rules for people visiting and the rule faced by people wishing to return to their homeland. I believe this rule is unfair. Maybe we could have a chat with the Minister about it.

Senator Rónán Mullen: I request an amendment to the Order of Business that No. 17 be taken before No. 1. This is for the purpose of introducing the Protection of Children (Online Age Verification) Bill 2026. This is a revised version of a Bill I introduced in this House two years ago, which was passed at the time subject to a timed amendment. It reflects the fact that while good work may be done by Coimisiún na Meán in the regulatory space and while the Government may have its own plans with regard to social media, pornography is a distinct problem, especially for young people and it is highly damaging to them. We need clear criminal law to set a parameter that if proper age verification is not carried out, subject to some reasonable defences, thus enabling an under-age person to access pornography, an offence will have been committed. We need that clarity in our primary legislation in this country. I thank Oisín Kennedy and his staff at the Bills Office for working at short notice to enable this to reach this point today. It is a busy time of the year for them and I appreciate their help and co-operation on this matter.

I ask for a debate on the recent report of the Oireachtas Joint Committee on Drugs Use on the decriminalisation of certain drugs and the repeal of section 3 of the Misuse of Drugs Act. I have been on the record expressing major concern about such a recommendation. I do not think this proposal will have many friends among the responsible medical experts and researchers on the impact of drugs in our society. I have been and am critical of the centrist parties for, to my mind, caving in to the left and being captured in some way on this issue. This is a permissive and dangerous approach to be taken. The committee noted that the small sample of jurisdictions where decriminalisation had already been implemented reported an increase in drug consumption in public areas. With the committee members believing that local authorities

should be required to discourage and reduce consumption in public areas, including through the use of local authority by-laws like those governing alcohol consumption, we need to get real. That is a complete dereliction of duty. Does anybody imagine that in some of these left-led councils we will have such by-laws?

What we need in this as in other areas is clear law that discourages certain forms of irresponsible behaviour. We have gotten to a stage where we do not want to expect people to be responsible as a matter of law for their own personal consumption habits. You hear stories, for example, of dinner parties in Dublin and people talking about the things you can order online, and we can also order this stuff. The law needs to have a clear view on that and to say this is wrong. I sometimes think that part of the dynamic behind this push for change is that some middle-class people do not want their little darlings to be on the wrong side of the law because of their personal drug consumption habits. The law needs to state this clearly. How you treat people who come before the law is where you can moderate your approach, give people a second chance and get them onto a so-called health-led approach. The term health-led is a euphemism for an abandonment of courage and principle. Of course you can have a health-led approach, but you can have an even more successful health-led approach if you back it up by clear law that prohibits having drugs for personal use, as does section 3 of the current Misuse of Drugs Act.

Senator Sharon Keogan: I second Senator Mullen's amendment to the Order of Business.

Senator Chris Andrews: Two weeks ago in this House, I stated that users of the website *dogs.ie* can be 99% sure that they are buying a puppy farm dog. I want to correct this previous statement. I clarify that there is only an alarmingly high probability they are buying a puppy farm dog. *Dogs.ie* is an American-based website that is central to the puppy farming we have in this country. It provides breeders and sellers an opaque online marketplace that allows them to easily turn a profit. Industrial-scale puppy farms clearly make huge profits from this platform. *Dogs.ie* states that it does not actively encourage puppy farming or exploitative breeding, but it is clear that it is more than happy to turn a blind eye to abusive practices if this means extracting a profit. These sorts of websites clearly incentivise and reward extractive breeding practices that can place profit over the well-being of dogs.

Dogs.ie openly told me via email that it takes no responsibility for the physical conditions at the establishments they facilitate. That to me is completely unacceptable and shows the urgent need for these websites to be further regulated and made liable for the breeders and sellers that they choose to platform. A casual browse of *dogs.ie* will show many dogs advertised for sale from puppy farms with 100, 200 and up to 300 breeding females on site. That is 300 dogs, excluding the puppies, at any given time locked up and used to pump out puppies. I would not even call that a puppy farm. I would call that a puppy factory. Many of these high-volume breeding establishments are well known to have atrocious animal welfare standards, yet they are able to make huge profits on *dogs.ie*. Allowing sellers such as these to use the site was a deliberate choice by *dogs.ie* to facilitate puppy farming and it is wrong.

It is my belief that people should adopt dogs from local shelters or purchase them directly from reputable breeding establishments that are visibly in compliance with strict animal welfare standards, rather than via online platforms that can be used by breeders who act in bad faith to hide abusive practices behind a polished advertisement. I welcome the Government's

upcoming legislation in this area. It will make a difference if enacted and properly enforced, but there are significant gaps. In particular, it is vital that this legislation caps the scale of breeding establishments to prevent industrial-scale breeding operations. The DSPCA and many other groups have recommended a cap of 30 breeding females, and I believe that the Minister, Deputy Heydon, and the Department of agriculture need to be willing to engage on this point.

Senator Rónán Mullen: Well said.

Senator Dee Ryan: Today I highlight a protest that happened in Limerick on Tuesday of this week. Nurses and midwives staged a lunchtime protest over what their union said are unsafe staffing levels at University Maternity Hospital Limerick. The INMO said between 30 and 35 front-line posts were cut at UMHL with the implementation of the pay and numbers strategy in 2023. That has left the hospital, which was already under significant pressure, in what they describe as a catastrophic state. Those are their words. They have told us the neonatal unit is beyond safe capacity in staffing and that the labour ward has deficits of midwives on duty. They have called for an expansion of the neonatal unit to meet demand.

Once again, I will highlight a healthcare issue in Limerick. Last week, I spoke about the consultant numbers there of 59 consultants per 100,000 population versus the national average of 82 per 100,000 population. The week before I highlighted the shortcomings in dental care through the school dental system. Only one in five eligible schoolchildren were called for the school dental programme in 2023. This week it is our nurses and midwives. We have a significant healthcare worker staffing crisis in the mid-west. I call on the Minister to come to the House to address this matter at her earliest opportunity. I also support the nurses and midwives in their protest, and I support their call for an expansion of the neonatal unit. I again ask if the Minister will please update us on what is happening with the proposed project board that is to be put in place to develop the site at Raheen for expansion of facilities at the regional hospital, which could potentially include new maternity hospital facilities in Limerick.

Senator Sharon Keogan: I speak today on a matter of urgent child protection and public expenditure.

I received a letter from the Children's Rights Alliance, CRA, expressing deep disappointment that Allpro Services had secured a contract to act as the official representative organisation for unaccompanied and separated children. These children are among the most traumatised individuals in the State. The Children's Rights Alliance has explicitly warned that these minors are extremely vulnerable to hypermobility, exploitation, trafficking and disappearing. Under section 50 of the International Protection Act, the appointed company must "represent, assist and act on behalf of the unaccompanied" child. They are tasked with navigating intense legal screenings and complex family tracing procedures, yet the State has outsourced this critical statutory duty to a commercial provider whose core business traditionally consists of cleaning, security, pest control and landscaping. As the CRA states, this company has no demonstrated expertise of the legal processes involved. This represents a staggering departure from child welfare standards. It is an absolute insult to the dedicated non-profits and childcare specialists across Ireland who have spent decades building expertise in this highly sensitive field.

However, to understand how we arrived at this point, we must look back no further than an article published by the *Business Post* in August of last year. This bizarre procurement decision shines a harsh light on a deeply broken international protection system. State inefficiency has turned a severe humanitarian crisis into an extraordinary corporate windfall. Corporate filings revealed that Allpro Services's after-tax profits surged eightfold to a staggering €10.6 million on the back of emergency State accommodation contracts, allowing the owners to extract a €5.6 million dividend payout.

This is not the first time this facilities firm has successfully expanded its corporate portfolio across the machinery of the State. The same article shows that they already hold a €5 million contract with the Department of agriculture, alongside a €290,000 contract with the Department of higher education. It is a devastating indictment of our current system when a single private entity can profit so dramatically from the misfortune of others, while also banking millions of euro from the Irish taxpayer due to a total lack of State planning, with no will to enforce a tough, fair and efficient migration system. We are now watching core child welfare functions being absorbed into the commercial facility.

An Leas-Chathaoirleach: Go raibh maith agat.

Senator Sharon Keogan: To be clear, I am not attacking any individual. I am questioning what all of this has to say about the state of our public procurement. Section 53(c) of the aforementioned Act requires this six-month pilot contract to be reviewed. I echo the CRA's demand that this evaluation must be conducted by an independent evaluator to ensure absolute transparency. We all will be watching this and we will not leave those vulnerable children to this company.

An Leas-Chathaoirleach: I welcome the officials from Revenue, who are guests of the superintendent's section in Leinster House. I hope they enjoy their visit.

Senator Margaret Murphy O'Mahony: I rise today to speak about the issue of road safety, particularly with regard to pedestrianisation. I do not notice it as much at home because the streets obviously are not as busy as they are in Dublin, but the few days I am in Dublin I walk around a lot and to see the lack of safety of people crossing the streets in Dublin is unreal. What is frightening is there are parents with young children who are not waiting, as we used say at home to my own boys, "for the man to turn green", and an example is being shown. Every day, I witness really close encounters and someday something big and awful is going to happen. I would like the Minister to come in to discuss road safety in general and specifically with regard to this, and maybe run a national campaign to go back to basics with the red man and the green man because I fear something big and awful is going to happen.

Senator Pauline Tully: Ireland has a good reputation for the production of high-quality food, achieved primarily on our family farms where there is traceability from farm to fork, but this is dependent on the continuation of the family farm. That is in danger because of the age profile of our farmers. I attended a briefing by Macra last week and some stark statistics were provided. Over one third of Irish farmers are over 65 years of age. Forty per cent have no identified successor, with 20% having no successor at all. Only 4.3% of our farmers are under

35 years of age. Macra is calling for a number of measures to address this, but one of them is a succession scheme. It has called for this for a long time. However, it wants one that works well and will encourage the farmer to pass on the farm to a family member or to enter into partnership. There is a partnership scheme where a farmer can pass on a farm to someone who is not related to him but Macra is calling for the removal of a three-year requirement for succession within that because it says it is acting as a barrier rather than an incentive. This is really important. We have to address it and it is not being addressed. I am aware it is an EU-wide issue as well. The age profile of farmers across the EU is quite high but in order to continue the production of high-quality food, we need to see the family farm thrive rather than going to corporate farming options.

Macra has called for other things, such as priority investment in targeted agricultural modernisation schemes, TAMS, 3 for young farmers because that will encourage efficiency, drive economic growth and create environmental benefits. They have many other asks to improve life in rural Ireland for young farmers. I have to say the president of Macra, Josephine O'Neill, is a very impressive young woman. We had a detailed conversation about all this. I would love to see a discussion with the Minister on the floor of the House about what we are going to do to address the age profile of the farmer in Ireland.

Senator Sarah O'Reilly: Yesterday, the Minister and Ministers of State for Transport announced additional funding for regional and local roads damaged during Storm Chandra. Monaghan was allocated €900,000, which is welcome, but I could not believe no funding was allocated for Cavan, which also had serious road flooding issues. In a statement, the Minister of State, Deputy Buttimer, said, "The funding made available today will ensure that priority work can be undertaken ... to restore our regional and local roads, keeping our rural communities and businesses connected and protected." This is all well-intentioned but the reality is our road network is far from being maintained and protected.

Only this week I received an email from Drung cycling club just outside Cootehill because one of its members came off her bike after hitting a massive pothole. The lady now has a broken arm, significant facial injuries and bruises because of a completely avoidable accident. Absolutely no one should suffer life-changing injuries because of a pothole that could have been repaired. Local authorities are doing their best but they cannot spend money they do not have and their calls for additional funding are not being heard.

The Minister, Deputy O'Brien, recently refused to meet with councillors to discuss roads funding because he had no time. However, he did have time for a photo op of him opening the N55. He then had the cheek to call councillors who boycotted the opening of this road "self-promoting". Councillors boycotted the event because they are not being listened to, because they want to stand up for their communities and because the Minister will not meet with them. Since getting elected, I have tried to get a debate with the Minister on this issue on countless occasions. The Minister has said that he likes to meet people and work with them. He has not demonstrated that to me. If the Minister is so happy to work with people, why will he not come into this Chamber to justify the lack of funding for Cavan County Council?

Senator Aubrey McCarthy: Just before I came up here, I had an interview on Ukraine's television equivalent of RTÉ. There was an overnight attack, which killed 17. I was asked about the European Presidency and Ireland taking up that Presidency, but the focus came back

to Aughinish and the alumina plant. I was sent a list of questions and that was not on it, but we cannot be seen to support Ukraine and support Ukraine's war, and also support Ukrainian citizens in Ireland, while at the same time allowing a firm deliver manufactured materials to Russia, which then attacks Ukraine. I know we have an investigation but it needs to be swift and transparent, and then we need to move on whatever the outcome is.

I also welcome the housing figures showing more than 7,800 homes were completed in the first quarter. That is an increase of 33%. Every new home is welcome. The Government is saying that we will have 40,000 houses built by the end of this year. However, the target is meant to be around 50,000. My fear is there is roughly a shortfall of 10,000. I do not want to take from the Minister for housing's progress in getting the numbers up but we still have to up our game. The Deputy Leader will be aware that I am involved with Tiglin and I have worked on homelessness for many years. I see that 17,500 people are now in emergency accommodation.

11 o'clock

Behind every one of those figures is a person. While I genuinely believe and welcome the figures, I see the number of planning applications that have gone through has decreased. We need to focus on how we can move to homelessness falling. Until fewer children are growing up in hotel rooms and fewer families are turning to organisations like mine, our work will be far from done in this House. We need to focus on getting the numbers to the Government target.

Senator Victor Boyhan: I spoke this morning on a Commencement matter about the Dublin task force and the Taoiseach's Department responded through one of the Ministers of State. Again, I welcome the plans for the Dublin task force. My concern earlier was about the roles of the task force and its interim group of 16 members. It is great to see there are elected members on it. That is positive and augurs well for a model of collaboration between local and central government. We have seen initiatives in Limerick city. People are sometimes cautious when central government is involved with local government, but they are always happy when the money from central government comes to local government. I warmly welcome the Dublin city task force. I wish Mr. Watt well in the specific task he has been tasked with. It is always important when there is a task force that people clearly understand their functions. There are 62 elected members on Dublin City Council and I wish them and their chief executive well in the work. I just wanted to say "Well done" on all that.

I am also highly impressed, from the bit I know and have seen, with the vision and plan for the GPO's transfer to the Office of Public Works, OPW. The OPW is an extraordinary organisation that sometimes comes in for a bit of bad press. However, I know a lot about its work. I have been to many of its sites. Many of us were at Dublin Castle, which is yet another site it beautifully maintains, so I wish it well.

Finally, I will ask the Deputy Leader again, as it would be helpful before the summer recess, if we can have some indication about the local government task force because Members across the House have advocated strongly for it. It would be a pity to go into a recess for two months without having an opportunity at some point to discuss its recommendations.

Senator Fiona O'Loughlin: I am still busy writing on the last issue. I thank all 13 Senators who contributed to the Order of Business this morning.

We started with Senator Fitzpatrick who spoke about the verdict of the jury in the case involving the awful stabbing at Parnell Square. Many of us were brought back to the day of 23 November 2023 when that awful tragedy happened and what ensued in Dublin after it. As the Senator said, much changed for that little girl, her family, the whole school community and the larger community. I listened to her mother speak yesterday. What an incredible woman. She is without bitterness and just wants to help her daughter to live the best life she can in a difficult situation. She is an incredible woman. As the Senator said, the verdict will not turn back the clock, but we saw true heroes in Leanne Flynn, Caio Benicio and others who assisted. They are incredible people so it is important to shine a light on them.

The opening ceremony, which many of us had the privilege of attending yesterday, was absolutely excellent. A huge "Well done" to all involved. The cultural programme was absolutely excellent. We were able to showcase the best of Irish talent and culture, a merging of the old and new. That is important in any celebration such as that. It is an important time for Ireland and Europe and the Senator is right to hope we can all work together to ensure the priorities of the EU Presidency, of competitiveness, values and security, are upheld right across Europe. In the multi-annual financial framework, MFF, and the negotiations, particularly around the Common Agricultural Policy, CAP, we need to ensure the Irish influence works in a positive way.

It is the 250th birthday of the USA. While the present presidential team is often criticised, and rightly so, we still have to celebrate all the positive aspects of the US and the many Americans who live here and the many Irish people who live in America. We wish all well, particularly all those who work for American companies in Ireland.

Senator Boyle spoke about Government initiatives to encourage skilled workers to come home. Some of the areas they focus on are housing, health and childcare, which are key issues for all of us when making decisions to come home. The Senator raised a valid point that the driving licence rules are quite draconian. People who have a licence here and then leave and spend more than ten years away have to sit a test again. The Senator suggested the possibility of requiring them to do a refresher course instead. We will certainly ask the Minister of State, Deputy Canney, to come for a debate on this. Once people have sat a test in this country and have driving experience elsewhere during the period of absence, it would make sense to do that. The insurance for those returning can be draconian as well, and that needs to be looked at.

I accept Senator Mullen's amendment. It is a well thought-out motion so I thank him for it. I note Senator Keogan seconded it.

We spent a little time on Thursday last week talking about the drugs use committee and I understand there will be a debate in both Houses, and rightly so, when its report has been laid. Senator Mullen focused on only one of 161 recommendations and it is the one that is getting all the attention. The report does not call for the legalisation of drugs. It calls for the decriminalisation of the individual, which is slightly different. We need to have a clear, health-led approach, but I agree that we need to have clear laws on drugs as well. It is a complex issue and without doubt, all Members, whatever seat they sit in, want to see a situation where we are

preventing addiction and helping those who have sadly fallen into addiction to recover their lives and taking the scourge of drug addiction off our streets. The consequences of crime and how families and communities are impacted are shocking. Drug selling, distribution and dealing would still be crimes under the recommendations, but they are just recommendations at this point. I agree we need to have a debate.

Senator Andrews spoke about puppy farms. He held a successful briefing in the audiovisual room yesterday. He spoke about the website *dogs.ie*, which takes no responsibility for the dogs it promotes. He is right that these websites should be regulated because, unfortunately, a lot of the dogs they are promoting are in high-volume breeding factories. We need strict compliance with high welfare standards. With the upcoming legislation, we will have the opportunity to debate that further.

Senator Dee Ryan has consistently highlighted health concerns in Limerick and the mid-west area. Today, she spoke about the protest in Limerick last Tuesday, which she attended with nurses and midwives who have huge concerns, as the INMO has, about the staffing at University Hospital Limerick, particularly in the neonatal unit, which is an important element of the hospital.

What is happening there at the moment in relation to staffing has been described as catastrophic by health professionals themselves. The Senator has also raised consultant numbers and dental appointments for young people before. We will ask the Minister to come in and address this and give an update on the new site at Limerick which will be really important for the mid-west area as well as the people of Limerick. A new neonatal clinic could go there.

Senator Keogan spoke about a report from the Children's Rights Alliance about vulnerable minors and particularly unaccompanied children who come to this country. She spoke of her concerns about private companies having the contracts to take these young children. My understanding is they are quite heavily regulated and rightly so. I know someone on an individual basis who happens to work with Tusla. I know from informal conversation that they are really involved in the placement of the unaccompanied minors and the monitoring of them. The Senator is right. It is a concern and we need to ensure the regulation is there and that we can support these young people who are very vulnerable in whatever way we can.

Senator Murphy O'Mahony spoke about road safety for pedestrians and particularly what they call jaywalking in America. There is such a difference when you walk on the streets here and in America where people will not jaywalk. They have such respect for the lights. As adults sometimes we are giving a bad example to children and schoolchildren when we decide we will take a chance and cross when there is a red light. We all have to reflect on our own behaviour. We will ask the Minister of State, Deputy Canney to come in and debate this and see if we can roll out an educational programme among young people and let them tell adults, if adults want to take that chance, that they are wrong. We have to empower them to be able to say that too.

Senator Pauline Tully spoke about her meeting with Macra na Feirme when it was here giving a briefing and about Ireland's really excellent reputation in food production. We are relying on our farmers for that. She raised the concern about the age profile of our farmers and that we need to have good succession plans. At the EU affairs committee about three months ago, the Commissioner for Agriculture and Food, Christophe Hansen, very clearly said that a

priority for him was encouraging younger farmers and succession within farming. All the EU Commissioners are meeting in Cork today, as they do at the start of any EU Presidency, in relation to the host country but we do need to see advances on that and we will look for a debate on that with the Minister for agriculture when we come back in September.

Senator Sarah O'Reilly spoke about funding for roads for Cavan and not for the first time. I noticed Cavan was left out; Kildare was left out too so I have questions about it as well. I know she has raised this before so I assume she has put in a Commencement matter specifically on roads for Cavan. She is nodding her head. I will take it up with the Minister to see if we can get some response on that because she has been very consistent in raising it.

Senator McCarthy spoke about Aughinish Alumnia in Limerick. I would make the point that 800 people work there. It is the biggest ratepayer in Limerick and the biggest user of Foynes Port. An investigation is going on to see where the finished product actually goes to and if it is used in war products in Russia. The EU rule on sanctions was very clear that sanctions would only come into place once the host country was not going to be overly disadvantaged by being sanctioned so we have a bit to go in relation to this. I agree we need to see the report come out. We must also be mindful of 800 people and their families who are relying on employment and who are very nervous about sanctions being imposed and their livelihoods.

Senator McCarthy also mentioned housing. He said the Minister, Deputy Browne, had made great progress but we need to see more. It was interesting at yesterday's ceremony to see António Costa mention affordable housing very specifically and how it is an issue right across Europe. We can tend to focus on how our communities are being impacted but it is across Europe. It was very clear from what he said that Europe needs to be able to step in and help and support where it can with progressive policies.

Senator Boyhan spoke of the plans for the Dublin task force and welcomed them. The new Lord Mayor, Daryl Barron, is very keen to make sure they are implemented. He also spoke about the transfer of the GPO to the OPW. It will be an incredible project and I am really looking forward to seeing that being advanced. I take the Senator's point about looking for an indication of the local democracy task force. We will ask the Minister if we can get some type of briefing before recess.

I thank all the Senators.

An Leas-Chathaoirleach: Senator Mullen has moved an amendment to the Order of Business, "That No. 17 be taken before No. 1." It has been seconded by Senator Keogan and the Deputy Leader has indicated she is prepared to accept the amendment. Is that agreed? Agreed.

Order of Business, as amended, agreed to.

Protection of Children (Online Age Verification) Bill 2026: First Stage

Senator Rónán Mullen: I move:

That leave be granted to introduce a Bill entitled an Act, in the interest of child protection, to require that access to pornographic content on the internet be subject to an age-verification requirement and to provide for related matters.

Question put and agreed.

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

Senator Rónán Mullen: Next Tuesday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Tuesday, 7 July 2026.

Committee of Selection: Motion

Senator Fiona O'Loughlin: I move:

That, in pursuance of Standing Order No. 109 of the Standing Orders relative to Public Business, Senator Cathal Byrne be appointed to the Committee of Selection.

Question put and agreed to.

Committee on Parliamentary Privileges and Oversight: Motion

Senator Fiona O'Loughlin: I move:

That, in pursuance of Standing Order No. 110 of the Standing Orders relative to Public Business, Senator Cathal Byrne be appointed to the Committee on Parliamentary Privileges and Oversight.

Question put and agreed to.

Cuireadh an Seanad ar fionraí ar 11.18 a.m. agus cuireadh tús leis arís ar 11.35 a.m.

Sitting suspended at 11.18 a.m. and resumed at 11.35 a.m.

Finance Bill 2026: Second Stage

An Cathaoirleach: The debate will follow the normal pattern. The Minister of State will speak for ten minutes, group spokespersons for eight minutes, all other Senators for four minutes and, with no other Senators offering, the Minister of State will conclude the debate. I welcome the Minister of State, Deputy Troy, to the House.

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

Minister of State at the Department of Finance (Deputy Robert Troy): I appreciate the opportunity to speak on the Bill on behalf of the Tánaiste and Minister for Finance. The Bill has been passed by the Dáil. It is relatively short and provides for some of the energy support measures introduced by Government in March and April to alleviate the impacts of energy price inflation owing to the disruption in the Middle East.

I will start by addressing the recent Government announcement to extend certain energy support measures, some of which are included in this Bill. As the House will be aware, on 30 June the Government announced an extension of the energy support measures, including reduced excise rates and increased repayment rate under the diesel rebate scheme. Committee Stage recommendations will be brought forward in this regard next week.

As we stated at the outset of our response in March, the Government is acutely aware of the impacts of energy price inflation on households and businesses. Our initial intervention was designed to provide immediate and substantive supports to households and businesses while providing time for ongoing monitoring of the situation and enabling us to adapt our response as needed. We have been agile in our response, intervening again in April to provide further temporary relief owing to the sustained impacts of the disruption in the Middle East on energy markets. We have continued this approach, actively monitoring developments and energy market activity before and since the agreement on the memorandum of understanding between the US and Iran. The agreement that has been reached between the United States and Iran to solidify their ceasefire and reopen the Strait of Hormuz is a very welcome development. Indeed, over recent weeks there has been a significant easing in wholesale energy prices, with spot prices for Brent crude oil currently standing at around \$73 a barrel. In the context of recent wholesale prices which had peaked at around \$120 a barrel in late April, this is a very welcome development. In terms of prices at the forecourts, there has been a steady decline in recent weeks, with current prices now, on average, around pre-conflict levels at around €1.76 per litre for both petrol and diesel. CSO figures show a tentative easing of inflation in June, with the headline rate of annual inflation moderating slightly to 3.3% and energy prices falling by 2% in the month. The Government expects a continued reduction in wholesale energy prices to pre-war levels to ultimately be reflected through lower fuel prices at the forecourts.

From a macroeconomic perspective, the Department of Finance identified three scenarios in its spring forecasts published in April; thankfully it appears that the risk of the most severe outcome is now receding. Of course, the situation remains uncertain and it is important to highlight we are very much aware of this. This is reflected in our policy approach which is providing for a cautious and gradual return to standard levels of fuel excise.

I will now speak to each section of the Finance Bill. The Finance Bill we are discussing today is the legislative basis for the tax elements of the energy support measures announced by Government to mitigate the most severe aspects of recent energy price inflation. Section 1 relates to the diesel rebate scheme. The diesel rebate scheme was introduced in 2013 to provide support for essential road users at times when the price of auto diesel was relatively high. The scheme provides qualifying road haulage and passenger transport operators with a partial repayment of mineral oil tax paid on auto diesel. In 2025, close to €39 million was paid out under the scheme, providing targeted support to the road haulage and passenger transport sectors. The diesel rebate scheme also provides support to the wider economy dependent on haulage as a distribution network. Households and other businesses benefit indirectly by virtue

of reduced distribution costs. The amendment we are speaking to today provides for an increase in the repayment cap from 7.5 cent per litre to 12 cent per litre on a temporary basis.

As I have referred earlier in my speech, the legislation before us currently provides for this temporary enhancement to apply for fuel purchased between 1 January and 30 June 2026. However, we will extend this to apply until the end of September when we introduce the Government's amendments next week.

Section 2 provides for the current excise reductions of 30 cent per litre for auto diesel, 25 cent per litre for petrol and 5.4 cent per litre for green diesel. Taking the 2 cent per litre NORA levy reduction into account this brings the total reduction to 32 cent per litre for auto diesel, 27 cent per litre for petrol and 7.4 cent per litre for green diesel. The current text of the Bill provides for these reductions to apply until 31 July 2026. As mentioned earlier, following review and monitoring of the situation, and noticing the significant reduction in global oil prices, as well as pump prices, the Government has decided to extend the fuel excise reduction until 31 August 2026.

From 1 September 2026, there will be a gradual phasing out in four phases. On 1 September, there will be an increase of 7 cent per litre for petrol and 8 cent per litre for diesel; on 1 October, there will be an increase of 8 cent per litre for petrol and diesel; on 1 November, there will be an increase of 5 cent per litre for petrol, 7 cent per litre for diesel and 2.7 cent for green diesel; and on 1 December, there will be a final restoration of 5 cent per litre for petrol, 7 cent per litre for diesel and 2.7 cent for green diesel.

Separately, the Minister for Climate, Energy and the Environment is also providing for the extension of the NORA levy reduction until 31 August. A restoration of 2 cent per litre of the NORA levy will apply on 1 September for affected fuels such as petrol, diesel, green diesel and kerosene.

Section 2 also provides for the deferral of the planned 1 May carbon tax increase on certain mineral oil fuels, including kerosene, heating oil and marked gas oil. Sections 3 and 4 also deal with the deferral of the carbon tax increase for natural gas and solid fuels.

The decision to defer the carbon tax increase was made in recognition of the sustained higher level of inflation that marked gas oil, MGO, and kerosene, in particular, faced earlier this year. Similar to the pump prices for diesel and petrol, both MGO and kerosene prices have also reduced in recent weeks with both currently around €1.20 per litre. The deferral of the carbon tax increase provides additional relief from price pressures to consumers of these fuels as well as consumers of natural gas and solid fuels.

The decision reflects the Government's continued commitment to balancing climate ambition with the need to mitigate the impacts on households and businesses from the energy price shock. The deferral of the carbon tax increase is a significant decision. This the first instance of such a delay since its multi-annual trajectory of carbon tax increases was introduced in the Finance Act 2020 and this decision was not taken lightly. Since the introduction of carbon tax increases in the Finance Act 2020, the Government has ensured that the revenues raised are purposefully recycled to fund the just transition measures. Accordingly, carbon tax revenues have been used to fund energy efficient upgrades in homes and communities, have supported decarbonisation across agriculture and transport and have underpinned measures such as the increases to the fuel allowance.

The reason we are all here today, to discuss these energy support measures, again underscores how important it is over the longer term that we transition away from fossil fuels. The Government is committed to supporting those most vulnerable to fuel poverty in the longer term by supporting the roll-out of a national retrofit programme. In budget 2026, the Government provided a record allocation of €640 million, of which €580 million is funded by the carbon tax, thus allowing us to target 73,000 home energy upgrades this year.

The latest data from the Sustainable Energy Authority of Ireland shows that we are delivering on this increased ambition. The data also shows that the retrofit sector is mobilising and responding to the growing interest in home energy upgrades underpinned by Government-funded SEAI grant support. The almost doubling of applications so far in 2026, year on year, means that the SEAI processed 29,000 applications from January to March. Among the most noteworthy increases are the more than 7,000 applications for window and door upgrades in a new grant that was introduced. There have been over 1,730 applicants for attic insulation, which is up 81% year on year; over 1,000 applicants for cavity wall insulation, which is up 62% year on year; and over 350 applicants for heat pump installations, which is up 95% year on year.

Since 2019, over 257,000 home energy upgrades have been delivered thanks to Government funding of over €1.7 billion. In total, €4.2 billion of carbon tax revenue has been allocated for expenditure on just transition and climate measures since 2020.

It is not possible to offset all of the increases in fuel prices that took place earlier this year using the tax system. These increases have been driven by market factors. Thankfully, these market factors have become more favourable in recent weeks. The measures which this Bill legislates for have provided significant mitigation support for households and businesses experiencing the most acute impacts of the increases in fuel prices earlier this year. Further mitigation has been provided through non-tax support such as the four-week extension of the fuel allowance scheme, which has benefited almost 500,000 households, and targeted schemes that support farmers, agricultural contractors, fishers, hauliers and coach operators.

As I said, this is a short but important Finance Bill. The Bill provides for a number of targeted tax changes and specific measures to support households and businesses. I am pleased to commend the Bill to the House.

An Cathaoirleach: Before I call on the first speaker, I welcome to the Gallery the former footballer, Gareth Farrelly. He played for Aston Villa FC, Everton FC and Bolton Wanderers FC. I thank him for coming here. As a guest of Senator Evanne Ní Chuilinn, he is most welcome to Seanad Éireann. I would love to hear his views on the World Cup and who we should back for the final.

Anois, an Seanadóir Pat Casey.

Senator Pat Casey: I welcome the Minister of State to the House this morning. I also welcome this opportunity to speak on the Finance Bill and its passage through the Senate.

The Finance Bill is important and practical legislation that gives full effect to the energy and cost-of-living measures already approved by Dáil Éireann. It forms part of the

Government's response to the significant pressures experienced by households, farmers and businesses as a result of the high energy costs.

The Government acted decisively when international energy markets became increasingly volatile. Excise duty was reduced on diesel by 32 cent per litre, on petrol by 27 cent per litre and the rate on marked gas oil or green diesel was also significantly reduced. In addition, the planned increase in carbon tax was deferred providing further relief for households and businesses. These measures are particularly important for working families who continue to face the pressure of household budgets.

While fuel prices have eased somewhat, many people remain concerned about the wider cost of living, including housing, transport and everyday expenses. In that context, the Government's intervention was both necessary and responsible.

The Finance Bill is important for key sectors of the economy like farmers, hauliers, contractors, bus operators and small businesses as all depend heavily on fuel. The temporary enactment of the diesel rebate scheme has provided important support to these sectors and helped to limit wider inflationary pressures.

The Government has also announced the extension of the temporary excise reduction and NORA levy reduction until the end of August, followed by a phased restoration of the rates between September and December. This is a balanced approach and avoids a sudden increase in cost while allowing supports to be withdrawn gradually as market conditions improve. Importantly, it provides certainty. Families and businesses can plan ahead knowing that a return to normal excise rates will be measured and predictable.

While energy prices have declined from their earlier peaks, international circumstances still remain uncertain. It is, therefore, prudent that the Government continues to closely monitor developments and respond when necessary. Overall this Bill represents a practical response to extraordinary global circumstances, supports families, protects jobs, assists vital sectors of the economy and helps to shield people from external energy shocks beyond their control. For those reasons, Fianna Fáil will be supporting this Bill.

Senator Victor Boyhan: I welcome the Minister of State to the House and take on board everything that Senator Casey has clearly said.

I welcome the clarity brought by the Bill. To be realistic, the Seanad is a revising Chamber but this Bill has been approved by Dáil Éireann and we know the arithmetic.

The Government said there would be no cliff edge and that is clearly not going to happen, which is good. I welcome that.

I do not want to take up all of my time. I flag agriculture. I sit on the Oireachtas Joint Committee on Agriculture and Food and am elected to the Agricultural Panel. I have an interest in the horticultural and forestry sectors, as well as the broader agricultural sector, but particularly the agrifood sector. The Minister of State knows, as do I and everyone else in the Chamber, that the agricultural sector is heavily reliant on green diesel and other forms of energy and diesel. Energy has a very significant role and I acknowledge the Government's support and commitment to the horticultural sector. It brought in particular measures to support the sector, particularly around energy. I am thinking in particular of mushroom production. We

have perhaps the finest production of mushrooms in Europe, if not the world. Our mushrooms are exported all over Europe. It is a time-sensitive fresh food product so it is critical there is no break or delay in the roll-over and turnover of production. We also have salad crops. We want to grow more food. It is part of the Bord Bia strategy, Food Vision 2030. It is also Government policy that we continue to expand the growth of salads, vegetables and fruit crops. We know that with our climate, there is a need to have a lot of this under cloches, tunnels and glass, etc. Energy is, therefore, critically important, particularly diesel, as it is to the forestry sector. That sector is reliant on it. We also have ambitious plans for forestry. We have ambitious plans for agriculture. Fuel is a critical component of that. The Minister of State will be aware of that significance. He will also be aware that the Irish Farmers Association, IFA, has issued a number of calls in recent days in commentary in relation to these supports.

All I am saying is that we must keep our antennae up. We must be responsive and the Government must be agile and flexible enough to be able to turn up or recalibrate the supports, particularly for the sector that I am speaking about. There is volatility out there. There is volatility and uncertainty in the world order and the impact on oil. That is important. What I am saying is that we must continue to be open to monitoring the situation and being responsive to the needs of this particular sector. People also want that in the private domestic home sector. That is important. The Minister of State mentioned retrofit, which is important. We need to expand our ambition for retrofitting, particularly in areas where there are carbon neutral alternatives.

Last night, at a meeting of the Committee on Agriculture and Food, attended by me and Senator Collins as members of the committee, we had a whole debate about hemp. Everybody there spoke about the ambition and the science of hemp in the context of insulating our homes. Oireachtas Members of all parties and none, and the Minister of State's party is well represented on the committee, were highly impressed at the possibilities and options for retrofitting our homes. We know that if our homes are properly retrofitted and the supports are put in place for that programme of retrofitting, we can reduce the consumption of fossil fuels and that has to be the ambition for all of us.

There are many strands to this. I thank the Minister of State for coming to the House today. I thank him for the clarity in the delivery of his message. The request is simple. I do not doubt the Government in this area but it is important to put on the record that we are agile, nimble and flexible in our responses, particularly for the agriculture, horticulture and food sectors, which are important. Agricultural contractors are also important.

Senator Joe O'Reilly: I am happy that the previous speaker remembered to mention his nominating base in his speech. I was afraid he might forget. He did it extremely well, to be fair.

I welcome the Minister of State to the House. I thank him for his opening remarks. A number of the general things he said at the end of his contribution are extremely important. It is not unnecessarily or unreasonably partisan for a Government speaker to say that we can be very proud of the way the economy was managed over recent years to create budget surpluses to give us the flexibility to respond to the situation we are in. That is a great achievement. Were it not for the prudent management of the economy by successive Governments recently,

we would not be in the position we are to be flexible and nimble. It is not an unreasonable thing to say. If the opposite were merited, we would be saying it equally loudly.

The Minister of State made a point that was echoed by my colleagues, Senators Boyhan and Casey, about the importance of the necessary transition from fossil fuels. I would like to hear the Minister of State respond at the end of the debate. We are doing a lot around wind energy, including offshore wind energy, and more needs to be done, but as a State and a Government, we seem to be shying away from wave energy, where there is huge potential. I know there are considerable capital outlays in that area. The Minister of State might respond on that point.

The Minister of State spoke about retrofitting and the good news from the SEAI about the number of applications. That is good. It is significant to see the increase in the number of applications to retrofit houses. That, in parallel with a switch at a broader level to green energy, is wonderful and I welcome it. That is good. I know the Minister of State is here to listen and he is a proactive Minister of State. He is here to pick up the useful things we want to tell him. One of the things I am picking up is that the SEAI grants are excellent and the SEAI personnel are excellent. I had interactions with them recently and found them to be brilliant. All of that is good, but there can be an unnecessary delay between the time of application and the payment of the grant. Perhaps that is improving. The Minister of State might speak to that, or at least check it out at Department level. I would be interested in that, as I think we all would be.

There is another issue that I am interested in. From the CSO figures that the Minister of State quoted, this is being well monitored but we need to monitor whether price decreases are being passed on to ensure there is no price gouging or bad practice in passing on decreases or reductions in prices. The Minister of State might speak to that too and the steps being taken to ensure there is tight policing there because consumers deserve that.

I welcome the opportunity to support and speak to the Bill. Fuel and energy costs continue to be one of the biggest concerns facing families, businesses and communities across Ireland. While prices have eased somewhat in recent months, they remain significantly higher than they were only a few years ago. That is particularly true for rural Ireland, where many people simply have no alternative but to travel by car. The car is important. Our businesses rely on transport, haulage, etc., and on cars to remain competitive and in business. I welcome the measures in the Bill. The increase in the diesel rebate for qualifying road transport operators is a practical measure that recognises the important role the haulage sector plays in keeping our economy moving. We responded well and flexibly in that regard. As the Minister of State knows, margins in the haulage sector are tight. There is now potential for much more pressure so the haulage sector needed that response, as did agricultural contractors.

There is an anomaly or lacuna. It would be relevant in the next budget to look at the price of kerosene. We extended the fuel allowance for a month, which was great, but there is a sector of people who are marginally above minimal income levels, etc., but are finding it very difficult to buy kerosene. That needs to be considered. People on specific payments, such as disability payments, etc., need to be looked after. I would like the Minister of State to speak to that issue in his response.

12 o'clock

Representing a county like Cavan, I know the sheer importance of rural transport and cars, lorries, tractors and all of that. We do not have a railway network in Cavan. Everyone will be

familiar, sadly, with the song, "No Train To Cavan". There were trains to Cavan, but they were lost. We have to get them back, and hopefully we will. The movement to get a train line to Navan is very welcome in this context.

At the same time, we remain committed to Ireland's climate objectives. However, climate action and affordability have to go together. The transition to a lower carbon economy will only succeed if it is practical, balanced and supported by the public. Measures such as these demonstrate that it is possible to provide targeted relief while continuing to move towards our long-term goals. The great thing about the carbon tax is that it is ring-fenced and the revenues are then used and targeted for retrofitting and to support energy initiatives and a lower dependence on fossil fuels. The strength and relevance of the carbon tax are that it is going where it should be going.

Ultimately, this Bill is about responding to current challenges in a sensible way. It supports transport operators, helps to ease the burden on families and businesses and recognises the unique challenges facing rural Ireland, while maintaining our commitment to responsible public finances. A great example of this is the amendment being brought in next week, which will ensure there will not be a cliff edge at the end of the supports and that they will be continued to cushion people in a graduated way.

The Bill will provide, and has provided, temporary reliefs from high energy costs. The support to the transport and haulage sector is important to the wider economy. All in all, the Bill is to be welcomed. We can be very proud of how we as a country were the best responders in western Europe to the crisis. That does not mean, however, that we should be complacent about the future; we are not.

Acting Chairperson (Senator Anne Rabbitte): I welcome visitors from the Lighthouse Project to the Gallery. I also welcome the Ballymun and Finglas youth groups. Everyone is very welcome. They are visitors of our esteemed Senator Aubrey McCarthy. It is good to see them and Councillor Gayle Ralph.

Senator Joanne Collins: I genuinely fear that we are facing into a winter of discontent due to the increase and the plans this Government has put forward. The decision to restore fuel excise duty increases from September onwards may be insignificant around the Cabinet table, but it is very significant in the parts of the country I represent and for the people I represent, the workers commuting every day, the parents dropping their children to school, families travelling to hospital appointments or just in general for people living in rural Ireland who simply have no alternative but to use their cars.

The period from September through to Christmas can be one of the most expensive times in households, especially for parents with children going back to school and having to buy school uniforms. It is also a time of colder weather, longer nights, higher electricity bills and a need for more heating oil in households. Home heating oil has never seen a cut. We also have the secondary school voluntary payments, which are anything but voluntary. Barnardos has repeatedly highlighted the enormous burden of back-to-school costs. It reckons that it costs €1,700 for a primary school student each year and up to €3,000 for a secondary school student. This imposes huge costs on families coming into this time of year.

There was another blow yesterday, with the introduction of the €3 charge on every parcel coming in from outside the EU. This disproportionately affects people in this country given the trade agreement we have with Britain. People trying to save a little bit by ordering online will have €3 added to every parcel. This is going to place a huge burden on families and households. Families are being squeezed in every direction, and the response we are getting from the Government is to increase the cost of filling a car. It is just not on. Families cannot afford it. The Government had choices. It could have protected ordinary people and looked elsewhere for this revenue. It could have tackled the sweetheart tax arrangements it has with the banks, under which they get to continue offsetting their losses from the financial crash against the enormous profits they are making today. Instead, once again, it is the easy option of making the working people pay for it.

The Government likes to boast about the €750 million package of supports announced after the protests. Do not get me wrong - the haulage sector, contractors and farming sector needed these supports, but the everyday person needed them too. I have met so many people I stood with in Foynes during the week of protests. They have told me they stood there for a week and then walked away completely deflated because their bosses got a rebate. They still have to drive to work at the yards to get into their trucks. Their wives, partners and children are still driving. They are driving to college and to take the kids to school. They did not get a rebate. That should have been taken off at the pump. The haulage sector is still giving out that it is three months down the line and it is still waiting for its rebates. Deputy Pearse Doherty has raised plenty of times in the Dáil that there are sectors not getting this support on time. If this had been done at the pumps, it would have been instant and would have benefited every single person as well as the haulage sector. No supports were provided for the healthcare assistants driving to work every day and none for the carers who have to drive between appointments. There were no supports for any ordinary families in this State. They were forgotten about. A direct reduction in costs at the pump would have delivered immediate help for all sectors.

We have also seen a lot of misinformation and lies over the last couple of months about carbon taxes. What is crucial here is that people understand the facts, and the fact is that carbon taxes are an ever-increasing tax on essentials. You cannot tax people into using public transport when it does not exist, and it does not exist. It might exist in Dublin, but I guarantee that when you go outside the M50, it does not exist to work for people who need it. You cannot tax people into buying electric vehicles that they cannot afford. You cannot tax people into heating their homes with different forms of heat when there is no realistic alternative. That is not climate action. That is simply making life harder for those already struggling.

These policies do not reduce emissions. What they do is to increase deprivation. They force families to keep the heating off. They force older people to sit in cold houses or to heat one room at a time and use that room day and night. They force parents to choose between filling an oil tank and paying other essential bills. A Government's priorities are revealed by the choices it makes. This Government has chosen to protect the banks while making families pay more. It has chosen complicated schemes instead of straightforward supports and headlines over help. The people paying the price are ordinary workers, families and rural communities, who deserve so much better.

For many people in Dublin, a car is a choice. Where I am from and for the people I represent, it is not a choice but a necessity. We do not have public transport. We do not have

trains or a Luas. We barely have taxis. This affects every single person in County Limerick when they put fuel in their car. I do not care if the Government is going to do this bit by bit. At the end of it, we are still going to be up at high costs. I hear the price of a barrel of oil has come down, but we do not see it here. Costs are the same as they were when excise duty was taken off and just before the war in Iran. If the Government puts the cost of fuel back up, we are not going to see a reduction if the price of a barrel of oil comes down. When the cost of a barrel of oil goes up, the price of fuel in this country goes up within an hour. When the cost of a barrel of oil goes down, it takes months for the price of fuel to come down.

Senator Sarah O'Reilly: I thank the Minister of State very much for coming into the House. I welcome the extension of the reduction in excise duty.

One of the fundamental problems in this country is that the Government is taxing fuel too heavily. While the Government has extended the reduction in excise rates, it has only kicked the can further down the road until 1 August. It still plans to increase excise duty on the cost of petrol and diesel five times before the end of the year. It should be telling people to enjoy the one-month extension because they will have to empty their pockets come wintertime.

The Government remains one of the biggest drivers of high prices. Diesel costs have risen dramatically over recent years and this has pushed up not just transport costs but the price of every item in our shops. Each family in the country is paying €3,000 more per year for exactly the same goods they were buying ten years ago. The price of 1 kg of chicken breasts was €5 in 2022 and is now €11. It has more than doubled in four years. That might not mean much to Ministers on €200,000 a year but for the average family it is an insurmountable increase. The Tánaiste said retailers should pass on lower wholesale prices to customers. That is unbelievable when this Government takes more than 50% in tax on fuel. A person filling their tank is spending more on tax than the cost of the fuel itself.

The answer to a cost-of-living crisis is not simply to collect more tax. This Government has shown it does not spend public money efficiently. Departmental budgets are routinely exceeded while there are waste overruns of hundreds of thousands, and sometimes millions, of euro. I will give an example. Years ago when I was raising four boys alone and working and running a car I begrudged every penny I gave over in taxes to the government. When you hear of waste and overruns you know would have spent that money really well and it is really hard to take. I have been there. I have been poor and I know what that frustration is like. This Government needs to do what the rest of the country does and learn to live within its means. The pain the people tried desperately to convey in the springtime has eased and the Minister of State must acknowledge that it has eased because of the measures the Government has taken, but it is going to systematically undo them before the end of the year. The frustration of the people was palpable. Let us admit fuel taxes imposed went way too far. Kerosene, petrol and diesel need to be affordable and I ask the Government to remember that in September. Carbon tax needs to be stopped and excise duty must be reduced. I advise the Government to listen to the people.

Acting Chairperson (Senator Anne Rabbitte): I call on the Minister of State to respond.

Minister of State at the Department of Finance (Deputy Robert Troy): I thank all Senators for their contributions. We can all agree on one issue, which is that there are high energy costs and we had to make interventions to ensure we could mitigate the most severe impacts of those costs. I will go back and maybe answer some of the questions that were raised. People are talking about increasing excise duty but it is a restoring of excise duty. This was a temporary measure and I suppose the unfortunate thing is when you introduce a temporary measure some members of the Opposition then begin to claim it as a permanent measure.

Senator Joanne Collins: We never did.

Deputy Robert Troy: It was a temporary measure that was introduced in response to an international energy crisis, which was one of the worst such crises since the 1970s. I am sorry but Senator Collins cannot have it both ways. She is giving out that excise is increasing and the awful impact that is going to have on families and in the same breath she is saying we did nothing by reducing it - that no family has benefited from the reduction that was introduced. Those do not align. If people did not get a benefit on day one how is it going to harm them the second day?

Senator Joanne Collins: No, I said they did not get anything from the €50 million package. You just heard it wrong.

Acting Chairperson (Senator Anne Rabbitte): Let the Minister of State respond.

Deputy Robert Troy: I am sorry but that is the point she made.

Senator Joanne Collins: I did not.

Deputy Robert Troy: She made the point that no-one benefited. She said the ordinary person pulling up at the forecourt did not benefit from the €750 million intervention the Government made but at the same time the restoration of the excise, which is in response to the fact international oil prices are dropping and the price of fuel at the pump is dropping, is going to have a detrimental impact. The Senator is contradicting herself with that point. When you add the two initial interventions and the interventions we will be bringing to this House next week to extend the reductions to August and then gradually restore the excise over a period of four months, they will cost almost €1 billion. That is the cost to the taxpayers, the people who are working, and it is right and proper it is done in a structured way when we see how international oil prices are. It would be wrong to simply say we can kick this on indefinitely, that there would be no cost to the Exchequer and to hell with the consequences. That would be wrong. Despite some people in the Opposition saying this was going to happen at the end of July and that nobody was listening, the Government has always maintained we would constantly monitor the situation and act accordingly and that is exactly what we are doing. We are acting in a responsible, prudent way in recognition of how international oil prices were.

On there being no supports, the Government has introduced free books, introduced free school meals and extended eligibility for the back-to-school clothing and footwear allowance so it can be availed of in respect of younger children. It would be great to have money to spend

on every single ask not just from the Opposition but from the Government and Government Members. However, we have to ensure we have a balanced budget and that we spend within our means. Senator Joe O'Reilly made the point that if we did not have balanced budgets and budget surpluses in the last number of years we would not have been able to make the interventions we were able to make. It was because of the prudent management of the economy over a number of years that we were able to make the interventions that went towards mitigating the severity of the crisis. It did not alleviate it and no one on this side of the House is claiming it did, but it went towards mitigating it. Interventions went in a targeted way to the haulage industry and the agriculture industry and to low-income families via the increase in the fuel allowance. I do not ever expect we will have agreement across all sides of the House but it would be nice to have it recognised that this was a serious intervention in financial terms that, all told, will be €1 billion. *Per capita* it is one of the best interventions of any country in Europe.

Question put and agreed to.

Acting Chairperson (Senator Anne Rabbitte): When is it proposed to take Committee Stage?

Senator Pat Casey: Next Tuesday.

Acting Chairperson (Senator Anne Rabbitte): Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 7 July 2026.

National Treasury Management Agency (Miscellaneous Provisions) Bill 2026: Second Stage

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

Minister of State at the Department of Finance (Deputy Robert Troy): I am pleased to introduce Second Stage of the National Treasury Management Agency (Miscellaneous Provisions) Bill 2026. This Bill represents an important and, in many ways, historic milestone. It provides for the final steps in bringing to a close two of the most significant Irish responses to the global financial crisis, namely, the National Asset Management Agency, NAMA, and the special liquidation of the Irish Bank Resolution Corporation, IBRC. Both NAMA and the IBRC have now substantially finished their work. This Bill is about bringing these long-running processes to an orderly conclusion, ensuring that what remains is managed effectively and in the best interests of the State. It is also about ensuring continuity and legal certainty and the appropriate stewardship of the small number of residual matters that remain outstanding.

The legislation provides for the dissolution of NAMA on a day to be appointed by the Minister for Finance. On that dissolution day, all remaining assets, liabilities, rights, obligations and records of NAMA will transfer to the National Treasury Management Agency, NTMA. The Bill also provides for the transfer of residual activity from the IBRC special liquidation to the NTMA, by way of a ministerial direction and a transfer agreement between the special liquidators and the NTMA. Once that transfer has taken place, the special

liquidators will be in a position to complete the final steps of the liquidation process in accordance with company law, including the dissolution of any remaining subsidiaries and the resolution of outstanding administrative and tax matters. Taken together, these provisions ensure that the State can close these complex and long-running processes in a structured manner.

Before turning to the detail of the Bill, it is important to reflect briefly on the scale of what has been achieved. NAMA was established in 2009 at a time of global economic crisis. It acquired loans with a par value of €74 billion for a consideration of €31.8 billion, including €5.6 billion in state aid to the participating institutions. Since then, NAMA has worked through an extremely complex portfolio, navigating market challenges, legal issues and fluctuating economic conditions. The results have been substantial. NAMA redeemed €30.2 billion in senior debt in 2017, three years ahead of schedule, removing a significant contingent liability from the State's balance sheet. It also fully repaid €1.6 billion in subordinated debt by 2020, leaving the agency debt-free.

Over its lifetime, NAMA has generated a contribution of €5.6 billion to the State. This includes €4.7 billion in cash returns, over €450 million in corporation tax, and the transfer of significant land and housing assets to the Land Development Agency. NAMA has also made a tangible contribution to housing supply. It facilitated the delivery of over 44,000 homes, including social housing. NAMA supported the regeneration of strategic areas, such as the Dublin docklands, where NAMA helped deliver over 4.2 million sq. ft of commercial space and 2,183 residential units. Today, the scale of remaining activity is minimal. The residual portfolio transferring to the NTMA is expected to be valued at less than €25 million.

Similarly, the special liquidation of IBRC represents one of the most complex liquidation exercises ever undertaken in the State. At the point of liquidation in February 2013, the institution held a loan portfolio of approximately €21 billion, involving over 15,000 borrower groups, with assets and legal issues spanning 22 jurisdictions. Over the intervening years, the special liquidators have resolved the overwhelming majority of these matters, including disposing of assets, concluding borrower relationships and managing complex cross-border matters. All unsecured creditors have been paid in full. Approximately €1.7 billion has been returned to the State, with €470 million distributed directly to the Exchequer and further distributions expected. What remains at this stage is typical of a liquidation of this scale, mainly residual litigation and associated matters which, by their nature, take time to conclude. The NTMA is well placed to assume responsibility for this final phase. Preparatory work has been undertaken in close co-ordination with NAMA, the special liquidators and the Department of Finance to ensure a smooth transition.

I acknowledge the considerable contribution made by all involved, including NAMA, the NTMA and the special liquidators, in reaching this point. The professionalism, dedication and expertise shown over many years have been central to delivering these outcomes for the State. While NAMA in particular became synonymous with our recovery from the financial crash and those difficult years, it is held in international regard as a positive example of how a bad bank can work.

Turning to the Bill itself, the legislation has three principal objectives. First, to provide for the dissolution of NAMA and the transfer of all remaining assets and obligations to the NTMA. Second, to enable the transfer of residual matters from the IBRC special liquidation to the

NTMA, or to a subsidiary of the NTMA, through a structured legal mechanism. Third, to confer on the NTMA the specific functions and powers required to manage these residual matters to completion. The Bill also makes necessary amendments to the NTMA Act 2014 and the IBRC Act 2013, and repeals the NAMA Act 2009. It includes a range of consequential amendments to ensure the Statute Book is updated appropriately.

In structural terms, the Bill is divided into four Parts and includes three Schedules. Part 1 includes sections 1 to 5, inclusive, which deal with standard preliminary matters such as commencement, interpretation and repeals.

Part 2 covers sections 6 to 16, inclusive, and provides the legal framework for the dissolution of NAMA. It sets out how property, rights and liabilities transfer to the NTMA, and ensures continuity of contracts, records and ongoing legal proceedings. Importantly, it provides that any actions or proceedings involving NAMA will continue seamlessly, with the NTMA standing in its place.

Part 3 deals with the IBRC special liquidation. It covers sections 17 to 20, inclusive, and amends the IBRC Act 2013. Together, these provisions enable the Minister to direct that residual matters be transferred to the NTMA through a transfer arrangement and provides for the NTMA to be substituted into any related legal proceedings. It also ensures that contractual arrangements continue without disruption.

Part 4 amends the NTMA Act 2014 by inserting sections 49B to 49AD into that Act. Together, these provisions equip the NTMA with the necessary functions and powers to manage these residual matters to be transferred from both NAMA and the IBRC special liquidation. These powers are carefully defined and limited. They mirror those previously available to NAMA, but only to the extent necessary to complete outstanding work. They cannot be used by the NTMA beyond that specific purpose, and I want to make that clear today. The overall approach is targeted and proportionate. It ensures that the NTMA has the tools it needs to complete the work, while maintaining clear boundaries around those powers.

In conclusion, this Bill is about bringing closure to a defining chapter in the State's economic history. It reflects the fact that the extraordinary interventions put in place during the global financial crisis have, for the most part, achieved their objectives. What remains is limited in scale but requires careful and professional management. This legislation ensures that those remaining matters can be brought to a proper conclusion in an orderly, efficient and legally robust manner. I commend the Bill to the House and look forward to engaging with Senators on its provisions.

Senator Pat Casey: I welcome the opportunity to contribute on this Bill and I am happy to support its passage through the House. There are not many Bills that allow us to draw a line under one of the most challenging periods in our State's economic history, but that is precisely what this legislation seeks to do. This is important legislation which brings closure to two significant institutions that were created in response to the financial crisis, namely, the National Asset Management Agency, and the Irish Banking Resolution Corporation. The Bill provides for the remaining residual activity to be transferred to the NTMA, ensuring that outstanding matters can be managed effectively and brought to proper conclusions.

When NAMA was established back in 2009, Ireland was facing the most serious economic and banking crisis in the history of the State. Extraordinary measures were required to restore confidence in our financial system and stabilise the economy. NAMA was tasked with acquiring and managing distressed properties and related loans in participating financial institutions and maximising the return to the taxpayer. With the benefit of hindsight, it is important to recognise the scale of that achievement. NAMA acquired loans to the par value of €74 billion, repaid all €32 billion in debt issued to acquire those loans and generated a lifetime contribution of approximately €5.6 billion for the Exchequer.

As the Minister of State has already pointed out, it has also been cited internationally as one of the most successful examples of a State-backed asset management agency established in response to a banking crisis. Its contribution went beyond the balance sheet. NAMA played a significant role in housing delivery, facilitating more than 44,000 homes and helping to provide almost 3,000 social homes. It also contributed to the wider regeneration of the Dublin docklands and supported wider economy recovery at a particularly difficult time in the country.

Likewise, the IRBC special liquidation has made substantial progress since 2013. The vast majority of its assets have now been released and significant distributions have been returned to the Exchequer. What remains is mainly related to litigation and related matters which, by their nature, may take time to conclude. The approach adopted in the Bill is, therefore, practical and sensible. Rather than maintaining separate organisations for a small number of remaining cases, responsibility will transfer to the NTMA, which has the expertise, governance structures and resources necessary to manage these matters to completion. There are also wider lessons in the legislation. The financial crisis imposed enormous hardship on families, businesses and communities throughout Ireland. While none of us would wish to relive that period, it is important that we acknowledge the role played by institutions such as NAMA in helping the State navigate those challenges and, ultimately, return to economic stability.

Reflecting on this period, and on a more personal note, it is right to remember the late Brian Lenihan, the then Minister for Finance, who bore the burden of steering the country through the financial crisis while battling a terminal illness. Whatever views people may hold on the decisions taken at the time, few would question his dedication, courage and sense of duty in continuing to serve the State under such extraordinarily difficult personal circumstances. The Bill, thankfully, represents the final stage in this process. It provides for orderly wind down, ensuring any remaining obligations continue to be properly managed and protecting the interests of the taxpayers. It is a fitting conclusion for structures established to deal with exceptional circumstances, which have now largely fulfilled their purpose. I think the Minister of State and all of the officials for bringing forward this legislation and we are pleased to support the Bill.

Senator Joe O'Reilly: I join in Senator Casey's recognition of the patriotism of the former Minister, Brian Lenihan, God rest him, who died so young. It was so sad that he passed away as such a young man. Undoubtedly, the stresses he operated under could not have been a help to him. His patriotism is unquestionable and I am very happy to associate myself with the remarks.

I welcome the opportunity to contribute to the National Treasury Management Agency (Miscellaneous Provisions) Bill 2026 and I am pleased to support the Bill on Second Stage. It

represents an important milestone in Ireland's economic recovery. NAMA was established during one of the most difficult periods in our country's history. It had a clear objective to stabilise the banking system, recover value for the taxpayer and help to restore confidence in the Irish economy following the financial crisis. I recognise the achievement in this context of €5.6 billion for the taxpayer and I agree with the Minister of State's summation of the success of NAMA as an institution. The return to the taxpayer is significant.

More than 15 years later, we are now in a position where the Government believes NAMA has fulfilled its purpose and its remaining function can be transferred to the National Treasury Management Agency. This is a positive reflection on how far Ireland has come since the exceptionally challenging years. However, it is also right that Members in the House ask questions about how the transition will take place. NAMA manages assets of enormous value on behalf of the State and as its functions are transferred to the NTMA, we must ensure there is complete transparency, proper accountability and continued protection of the public interest. Confidence in our public institutions depends not only on achieving results but also on maintaining public trust throughout.

Housing is a very important issue and the Minister of State cited the achievements of NAMA in this context. I ask the Minister of State specifically whether the remaining assets and loans that will go to the National Treasury Management Agency could be targeted, whereby acquired moneys could go to affordable housing and social housing and could be targeted in this area. This is something the public would reasonably want to see happen and I am interested in this. I know a lot of the loans and bad debt have been dealt with but a residual amount of money is going over and I would like to know whether it can be targeted.

Housing remains an important issue. While NAMA's purpose was financial stability rather than housing policy, many of the assets involved development land and development sites. Ireland today continues to face an acute housing shortage and young people are very concerned. As someone representing Cavan I see this in all of our towns and villages. We have too many people commuting because they come down the country to get affordable housing and then commute back to Dublin. This is very challenging in terms of quality of life.

I welcome the transfer of NAMA's remaining responsibilities to the NTMA. I hope that any remaining land and development opportunities continue to be managed with the wider public interest in mind, particularly where they can contribute housing delivery, as I have just said. Overall I believe the Bill provides a sensible framework for bringing the work of NAMA to a close while ensuring continuity through the NTMA. At the same time, we should recognise that the end of one chapter also presents an opportunity to focus on the challenges that remain. As I have said, my sole concern is with regard to affordable and social housing being developed insofar as we can do so. This focus needs to continue through the NTMA. I welcome the Bill and it is good that we are at this point. I recognise the achievement of NAMA and I hope we are embarking on a completely new chapter now, particularly for our young people who aspire to a bright future. There are also many young people abroad whom we want to attract back to our country.

Senator Pauline Tully: Sinn Féin will engage constructively with the Bill. We support the orderly winding down of NAMA, the completion of the IBRC process and the transfer of the remaining activities to the NTMA. However, let me clear that we will continue to demand

accountability for the failures of the banking collapse and for the deeply damaging and flawed political choices that followed. Those choices cost people their homes, their livelihoods and their futures. Accountability cannot be brushed aside simply because an agency is being wound down. The Government would like to portray this as the successful conclusion of a dark chapter in history but it is not a conclusion. Ordinary citizens of this State continue to be impacted to this day.

The NAMA fire sale of assets was the prequel to the current housing disaster, and yet again we see soaring housing lists, rising homelessness and rents going up and up. Members of the Government have, in the past, spoken confidently about the State recovering all moneys owed on these loans. This did not happen. Tens of billions of euro were not recovered for the taxpayer. NAMA sold assets instead of managing them, and did so at a time when it did not seek to maximise value.

That is the reality.

I would not describe NAMA as a success. It facilitated the fire sale of a massive volume of Irish assets to vulture funds. The Comptroller and Auditor General stated that NAMA failed to meet its own targets in social housing and land disposal, yet we still hear attempts to defend the fire sale approach. The CEO of NAMA stated in the Oireachtas that everything was done correctly, but the public deserves to see the full picture, warts and all. For this reason, an Teachta Doherty proposed a simple and reasonable amendment to this legislation. He asked for the production of a report on NAMA's performance, including whether higher rents could have been achieved had the property portfolio been managed for longer rather than sold off. That is all we asked for - transparency, accountability and a factual assessment of what happened. NAMA took on €74 billion in loans. It recovered €37 billion, less than half of that. That is a reality and it is why Sinn Féin pushed for a report. As NAMA is wound up, the public deserve to know how an agency that took on €74 billion in loans ended up recovering less than half of that. They deserve to know whether better management, longer term planning or a different strategy could have delivered higher returns for the State. They deserve to know whether the decisions made were in the public interest or in the interests of expediency.

The winding down of NAMA should not mean the winding down of accountability. The legacy of NAMA is the missed opportunities for social housing, the failure to use land strategically and the billions of euro lost to the taxpayer. It is the fact that public assets were sold off when they could have been used to deliver homes, communities and long-term public value. Sinn Féin will continue to demand answers and we will continue to challenge the narrative that NAMA was some kind of success story. It was not. It was a response to a crisis created by political choices and it was shaped by future political choices that did not serve the public well. As this Bill proceeds, Sinn Féin will engage constructively, but we will also be firm. The public deserves transparency and accountability.

Minister of State at the Department of Finance (Deputy Robert Troy): I thank the Senators for their contributions, which were all largely in support of the Bill, recognising that winding down NAMA is the right thing to do. Sinn Féin has been co-operating by putting forward amendments. We will not accept them and we have set out the rationale for our belief that they are not necessary. Over the lifetime of NAMA, there has been continuous monitoring, overview and oversight, which is right and proper, as other Senators have said. NAMA's

quarterly and annual accounts were laid before the Oireachtas and audited by the Comptroller and Auditor General. Statutory five-year reviews were conducted by the Department of Finance and the Comptroller and Auditor General has also undertaken reviews independently, the most recent of which was last month. In addition, the Fitzgerald review provided further independent assessment of NAMA's strategy and outcome and found that NAMA's approach was appropriate. For all those reasons, we have not been in a position to accept an Teachta Doherty's amendment.

Sometimes, when Sinn Féin portrays NAMA and the sale of assets, it compares today's economy with the economy at the time NAMA was set up when, in many instances, you could not give away property, let alone sell it. NAMA was set up to take the bad loans from the banks so that the banks could get back to lending and we could repair our economy. Our economy, thankfully, has been repaired and is functioning now. We have full employment and we are running budget surpluses. As a consequence, we have the resources necessary to make the interventions in housing, the area Senator O'Reilly alluded to. The largest number of social houses on record was provided last year. We have brought in new measures, such as the affordable purchase scheme. Senator Casey strongly advocated for affordable housing in our party, and that scheme was introduced a number of years ago. The shared equity scheme was introduced to help bridge the gap and the help to buy scheme, which was introduced by the previous Government, has continued in recent years.

In all of this, we recognise that more needs to be done to help people into housing, help them acquire their own house and help those who cannot acquire their own house to have access to a permanent house through the provision of social housing. One would wonder whether we would have been in position to do all of that were it not for the intervention and the correct and difficult decisions that were taken at the time. Sometimes people portray that time as if we were in isolation. There had been a global financial crash. The oldest banks in the world in America had failed. We were not alone, but we took the right decisions and because of those decisions, we are in a much better position today.

NAMA has provided benefits. It transferred €4.7 billion to the Exchequer and paid €440 million in corporation tax. Land with the potential to deliver 7,000 homes and 1,366 social homes was delivered to the Land Development Agency. In the overall scheme of things, we are drawing a line under what was a difficult time in our history and in the economy. We are now in a much better position thanks to the decisions taken at the time. I thank Senators for their support today and look forward to engaging with them further on Committee Stage and Report Stage next week.

Question put and agreed to.

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

Senator Pat Casey: Next Tuesday.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 7 July 2026.

Cuireadh an Seanad ar fionraí ar 12.47 p.m. agus cuireadh tús leis arís ar 1.30 p.m.

Sitting suspended at 12.47 p.m. and resumed at 1.30 p.m.

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

Senator Robbie Gallagher: I move:

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

- (i) Amending section 10 of the Misuse of Drugs Act 1984 to provide a statutory basis for the admissibility, in proceedings under section 3 of the Misuse of Drugs Act 1977, of certificate evidence relating to the results of applicable drug tests carried out by members of An Garda Síochána;
- (ii) Repealing Chapter 2 of Part 2 of the Criminal Law (Sexual Offences and Human Trafficking) Act 2024 consequential on the provisions of section 23 of the Bill and of the reformulated section which it is proposed, by way of a Government amendment, to substitute for the said section 23;
- (iii) Providing, on an enabling basis, for the electronic transmission of documents in certain court proceedings and for electronic statements of truth in such proceedings;
- (iv) Providing for the designation of intra EU flights within Ireland's Passenger Name Record ("PNR") Data regime, the transposition of EU Directive 2016/381 into primary law and revocation of the European Union (Passenger Name Record Data) Regulations 2018 (S.I. No. 177 of 2018) and the designation of an independent authority to approve the disclosure of PNR data held by the Irish Passenger Information Unit;
- (v) Amending the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 consequential on the aforementioned amendments relating to the use of electronic technology in certain court proceedings and to delete two inoperable provisions of that Act which provide that a court may specify the technology to be used in particular remote hearings; and
- (vi) Amending the Criminal Justice (Perjury and Related Offences) Act 2021 consequential on the amendments relating to the use of technology in certain court proceedings;

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

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I welcome the opportunity to discuss certain Government amendments to the Bill, which I have submitted ahead of Report Stage this afternoon. I look forward to hearing from Members. I am going to be brief in my opening remarks and talk about the substantive amendments.

The first substantive amendment is to amend the Misuse of Drugs Act 1984 to provide a statutory basis for the admissibility in proceedings of certificate evidence of the results of applicable drug tests carried out by Garda members. Gardaí have for many years been conducting presumptive drug testing on cannabis and cocaine. These tests are highly accurate. However, some District Courts accept them and others do not because of the absence of a statutory basis. What I am seeking to do here is to give them a statutory basis.

The next such amendment is to repeal section 14 of the sex offences Act 2024. That is the one that deals with character evidence. If you want to give a character reference or evidence in respect of somebody convicted of a sexual offence, you have to do it on oath or by affidavit. I am changing that so that it applies not just to sex offences but also to every indictable offence of which a person is convicted.

The next amendment is to insert a new Part providing a basis in criminal proceedings for the electronic transmission of documents and for electronic statements of truth. These amendments are modelled on equivalent provisions in civil proceedings in the miscellaneous provisions Act of 2020. It will be possible for such documents to be electronically generated and transmitted between the courts, which will make the system much more efficient. There are also a number of amendments consequential on the amendments I have just outlined. For instance, there are proposed amendments to the Criminal Justice (Perjury and Related Offences) Act 2021.

The final set of amendments, making up about two thirds of the pages of the Report Stage amendments, concern the new Part of the Bill in relation to passenger name record, PNR, data. That is the booking information provided by passengers and collected by airlines for commercial purposes. The collection and analysis of such data comprise a vital tool in investigating serious crime and preventing terrorism. It is used to identify suspects and dismantle networks involved in terrorism and drug trafficking.

In the EU, the use of PNR data for law enforcement is regulated through a directive that was transposed into Irish law by a regulation of 2018. The PNR directive automatically applies to extra-EU flights, that is, flights between EU and non-EU states. Logically too, the directive allows that it can also apply to flights within the EU. However, further legislation is required in Ireland to give effect to this, and Ireland is the only EU member state bound by the directive that does not apply it to intra-EU flights. That is the purpose of it.

It had originally been intended to bring the bulk of these provisions into effect by amending the 2018 regulations. However, the Attorney General advised that, in extending Ireland's PNR regime to intra-EU flights, the entire PNR regime should be put on a primary law footing. That is beneficial. This necessitated the inclusion of more extensive and consequential provisions.

The extension of Ireland's PNR regime has been specifically sought by the Garda Commissioner as a matter of urgency. By removing blind spots in our travel intelligence that can be exploited by criminals and others, these provisions will address a significant gap in Ireland's security architecture. I commend the motion to the House.

Senator Robbie Gallagher: I welcome the Minister back to the House this afternoon. I will be very brief. I am very happy to support this motion on the basis of the Minister's contribution. All the areas outlined by him need reform. I am very happy to proceed along those lines.

Senator Maria McCormack: I welcome the opportunity to contribute on this motion, but I am disappointed by the manner in which the legislation has been handled by the Government. The Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill before us is significantly different from the Bill that was first introduced in the Dáil. At every Stage of its fast passage, the Minister has brought forward substantial new amendments, including at this late stage of debate in the Seanad. These are not simply technical changes; they are significant legal and policy reforms that deserve proper debate and careful scrutiny by both Houses of the Oireachtas. Miscellaneous provisions Bills undoubtedly have their place but they should not become a catch-all mechanism for introducing major legislative changes with limited parliamentary oversight. Good legislation depends on good scrutiny and, unfortunately, this has not had the opportunity to happen here.

Having said that, there is one aspect that I warmly welcome, because it represents a genuine improvement to our justice system and demonstrates what can be achieved when victims' voices are listened to. I acknowledge the work of my colleague Deputy Matt Carthy, Sinn Féin justice spokesperson, who worked tirelessly to secure this important reform following sustained engagement with the Minister for justice. His amendment has been accepted and will significantly strengthen the law relating to character references in our courts.

For too long, victims and their families have spoken about the additional trauma caused by hearing glowing character references read out on behalf of offenders. In many cases, those giving the references were unaware of the full facts of the offence or even what the individual had pleaded guilty to. Those references could create a misleading impression before the court, while the voices of victims and the reality of the harm they suffered were overshadowed.

This amendment is not about preventing people from providing character references. Character references will continue to have a place within our justice system. What this reform does is introduce accountability. It ensures that anyone providing a character reference regarding an indictable offence must do so under oath or by affidavit. In other words, they must stand over what they are saying and appreciate the seriousness of the evidence they are giving before the court. That is common-sense reform. It improves transparency, strengthens confidence in our justice system and ensures that sentencing decisions are based on evidence that carries proper accountability.

This change came because victims and families had the courage to speak out about their experiences and people listened to them. I particularly acknowledge Karen Ryan, whose determination and persistence in highlighting this issue have been instrumental in bringing about this reform. Following the devastating loss of her father, she channelled her grief into campaigning for change so that other families would not have to endure the same additional trauma in court. She deserves enormous credit for refusing to let this issue be ignored. I commend Deputy Carthy on taking that experience, engaging directly with the Minister, drafting amendments and pursuing this issue at every opportunity through ministerial questions, the justice committee and the legislative process. This is an example of constructive opposition leading to meaningful legislative change.

No victim should ever leave a courtroom feeling that greater attention was paid to protecting the reputation of an offender than to acknowledging the harm that victim has suffered. Our courts must command public confidence, and victims must know that fairness and

accountability are at the heart of our justice system. This amendment is one of the most significant reforms to the law on character references in many years because it extends the requirement for sworn character references beyond sexual offence cases to all indictable offences.

This is a substantial improvement and one that Sinn Féin is very proud to have secured. While I welcome this important reform and the Minister's acceptance of the amendment, I hope the Government also reflects on the legislation process that has been brought before us here. Important reform deserves proper time, proper scrutiny and proper debate. That benefits legislators, the legal system and ultimately the public that we serve.

Sinn Féin will always support practical measures to strengthen our justice system, improve accountability and place the victims and their families at the centre of our laws. I welcome that the Minister accepted the amendment on character references submitted by Deputy Carthy. I hope in future he will be open to accepting further constructive Opposition amendments also.

Senator Alice-Mary Higgins: These amendments, or at least highlighting and flagging the issues in these amendments, should have been brought on Committee Stage. There is a problem with the practice of bringing a large number of significant, consequential amendments on Report Stage, the last Stage of a Seanad debate, having avoided full and proper pre-legislative scrutiny on the matters, and having bypassed proper and full debate in the Dáil. The Minister is bringing these as a motion rather than as something arising from Committee Stage debate because we were not even given the basic courtesy of these issues being properly flagged as part of that Committee Stage debate.

I believe there are 80 amendments. Presumably, they were in the drafting process last week when we were discussing this legislation. If they were, they should have been signalled and discussed as part of the discussion on Committee Stage and signalled properly at that point. Again, it is just poor practice. There are individual amendments which people may support and I may even support. There are other amendments about which I have significant concerns, ones that are concerning from a civil rights perspective in terms of the question of face coverings, which we know has been flagged as a particular concern for religious minorities, those with health issues and others.

There are concerns about measures that seem to contravene what the Government has previously said on section 3 and the fact that it is not planned to prosecute under it because it seems to engage with the process to significantly accelerate and increase prosecution and use of section 3 for minor drugs possession offences. There are many other issues. There may be merit in character references and so forth. The point is that none of it was teased out properly or went through the proper process.

At a time when the Minister is bringing very substantial changes through the system at a very rapid pace, a question of public confidence arises. This is the point I made on other legislation the Minister introduced, but it is worth reiterating. The Seanad has a mandate and the public has a right. It is not just our mandate, my mandate or what I get to say about or it. It is the mandate we were given. It is our obligation. It is what we are elected to do. It is our job.

The Minister is pushing through very significant changes in a way that inherently curtails debate because on Report Stage all of us will only have the opportunity to speak once. We will not get the opportunity to ask a question of the Minister, have the Minister reply to us and ask follow-up questions to tease out the detail on these changes. That will not be the prerogative we have. The Minister will propose the amendments, we will speak once, the Minister will say whatever he wishes to say and then we will move to a vote. That is what will happen with these amendments unless they are being recommitted to Committee Stage.

Acting Chairperson (Senator Pat Casey): Yes.

Senator Alice-Mary Higgins: They are, so perhaps we will have a chance for that debate. I am grateful for that. However, it is still an issue that in these last two weeks amendments are being introduced that are very substantive but have not been given pre-legislative or proper scrutiny. This is part of a suite of legislation to significantly increase the powers the Garda, the Defence Forces and many other entities of the State will have. It does not give great confidence in how they are to be used if they are being pushed through at the late stages of a discussion, without proper pre-legislative scrutiny or a proper opportunity for us to bring our own amendments to the amendments. If they had been brought on the formal Committee Stage, we would have had the opportunity to respond to the Government's amendments with our own amendments on Report Stage. That opportunity is not available to us.

Acting Chairperson (Senator Pat Casey): Before I call the Minister, I welcome Senator Maria McCormack's family members, her mother, Carmel, her uncle Paddy and her cousin Anna, to the Public Gallery. I hope they have an enjoyable visit.

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): I thank Senators for their contributions. I will start with the last point made by Senator Higgins. I hope Senators realise that I have great respect for the role and mandate of Seanad Éireann. I actually enjoy being here listening to Senators, and discussing and debating legislation. It is correct that a large number of amendments are coming on Report Stage but they relate predominantly to the passenger name records part of the legislation. It is a provision that already exists in regulations. The purpose of the amendments I am introducing and hoping to debate with the Seanad is to put the provisions into primary legislation. It is inherently more democratic that we have important provisions related to passenger name records in primary legislation as opposed to secondary legislation by a statutory instrument. I think it is a progressive move that we will be able to discuss and debate it here.

There are three other substantive areas to the amendments. The first relates to face coverings. It was indicated at the very early stage in Dáil Éireann that this would be coming. We will have a debate on this in due course this afternoon. It is not seeking to outlaw face coverings in respect of people who have health issues or religious observances that they want to comply with. It is seeking to give a power to An Garda Síochána to direct the removal of a face covering if a garda believes that has been done for the purpose of intimidating others.

Further to what Senator McCormack said, I am always happy to accept good amendments from the Opposition. I have done it before in respect of Senator Harmon. Deputy Carthy introduced an amendment on Committee Stage. I said I thought it was a good idea and agreed

to adopt it. I did adopt it on Report Stage in Dáil Éireann. Now I am bringing forward an amendment to it here just to tidy it up to ensure there is a consistent provision. We have taken out the provision in the sexual offences Act and now there will just be one provision, which states that anyone who wants to give character evidence on behalf of anyone convicted of an indictable offence will have to do it by way of oral evidence or an affidavit and can be subject to cross-examination. I think it is very good amendment and I am happy to support it. As I said, I have supported amendments from other Opposition Members and will do so again. There is also the issue of drug certification which we will come to discuss.

We have a good length of time here this afternoon and we will get through a lot of work. Again, I commend the Senators on their diligence and hard work when it comes to dealing with difficult legislation.

Acting Chairperson (Senator Pat Casey): Before I move on, I welcome guests of Senator Laura Harmon to the Public Gallery this afternoon. I hope they enjoy their visit.

Question put and agreed to.

Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026: Motion to Recommit

Senator Robbie Gallagher: I move:

That the Bill be recommitted in respect of amendments Nos. 1 to 5, inclusive, 25, 36 to 39, inclusive, 41, 60 to 97, inclusive, and 100 to 104, inclusive.

Question put and agreed to.

Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026: Report and Final Stages

Acting Chairperson (Senator Pat Casey): For the information of Members, please note that the House, by agreeing to the motion to recommit, allows for a Committee Stage-style discussion on amendments Nos. 1 to 5, inclusive, 25, 36 to 39, inclusive, 41, 60 to 97, inclusive, and 100 to 104, inclusive, and those amendments only. Members may speak more than once on each of those amendments. In respect of any other amendment, a Senator may only speak once on each amendment on Report Stage, except the proposer of an amendment, who may reply to discussion on that amendment. On Report Stage, each non-Government amendment must have a seconder.

Amendments Nos. 1, 3, 25 and 41 are related and may be discussed together by agreement. Is that agreed? Agreed.

Bill recommitted in respect of amendments Nos. 1 to 5, inclusive.

Government amendment No. 1:

In page 9, line 30, after “amend” to insert “the Misuse of Drugs Act 1984,”

Minister for Justice, Home Affairs and Migration (Deputy Jim O'Callaghan): Amendment No. 25 inserts a new section into the Bill to amend section 10 of the Misuse of Drugs Act 1984. It inserts new subsections (2) to (6) into section 10 to provide the statutory basis for the admissibility of certificates of results of Garda-administered presumptive drug testing, PDT. It introduces a legal presumption in favour of the evidential value of such certificates, subject to rebuttal evidence. PDT was introduced by Garda circular in 2011 with the agreement of the DPP. It is used to test cannabis, cannabis resin and cocaine seized in relation to the section 3 offence under the Misuse of Drugs Act. Forensic Science Ireland, FSI, provides oversight of the Garda PDT regime and is assured of the reliability of the results of Garda-administered PDT. A number of safeguards are built into the provision, reflecting current operational procedure. Subsection (2) limits the scope of the provision to the section 3 offence. The certificates must be completed by approved members of the Garda who have been certified under subsection (5) by the director of FSI following the completion of FSI-delivered training where they have demonstrated competency in administration of the tests. The PDT test kits used by members of the Garda must be approved by the director of FSI under subsection (4). The definition of "relevant controlled drug" limits the scope of the provision to cannabis, cannabis resin and cocaine. However, under subsection (3) there is a provision for me as Minister, having consulted with the director of FSI, to prescribe other controlled drugs should suitable test kits become available. Subsection (6) provides interpretation for the provision.

The amendment also amends subsection 10(1) of the 1984 Act, consequential on the inclusion in subsection (6) of the definition of "Forensic Science Ireland".

Amendment No. 41 inserts a new section into the Bill to amend section 144 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 to allow the director of FSI to delegate his or her functions under the amended section 10 of the 1984 Act to appropriate officers of FSI.

Amendments Nos. 1 and 3 amend the Long Title, consequential to addition of the amendment to the 1984 Act to the Bill and the consequential amendment of the 2014 Act.

Senator Alice-Mary Higgins: In amendment No. 25 and the associated set of amendments, the Minister is looking to expand Garda powers under the Misuse of Drugs Act 1977 by allowing members of An Garda Síochána to undertake examinations and inspections of controlled substances for the purposes, specifically, of section 3 in terms of prosecution for simple possession. Presently those tests can only be undertaken in a controlled laboratory environment by a suitably qualified member of FSI. While there may be an argument for facilitating drug testing at community level from a harm-reduction perspective or a medical perspective, it is equally important to maintain an appropriately high evidentiary threshold when it comes to criminal prosecution.

Earlier this week the Garda Commissioner referred to this. It came up again when my colleague, Senator Ruane, highlighted the issue with section 3. The Minister will be aware of the position taken by the drugs reform committee in respect of this. There has been a concern about section 3 and its operation. The Garda Commissioner has stated the organisation is not supportive of decriminalisation because the priority for the Government is disrupting production, supply and the organised drug market, and that the Garda does not target people

for small amounts of drugs. The message has been, "Don't worry about section 3 with its focus on possession because we don't really use section 3 very much and section 3 is not a focus for us." However, in what is being introduced now, the Minister is providing additional powers in respect of prosecution and, arguably, lowering or shifting the bar for a whole other strand of evidence that can be used. It is a wider standard - a lower standard, potentially - in terms of tests administered by the gardaí, in order to make prosecutions under section 3. If you are involved in the production or supply of large amounts of drugs, then the drugs used as evidence against you will be tested by FSI, whereas if you have a small amount of cannabis resin for possession, the standard used to prosecute you is lowered to a test administered by the gardaí. It is a lower bar for evidence in order to prosecute people for simple possession than for those who may be engaged in one of the more significant offences related to production or supply of drugs. I do not see how that gels with the message that we should not be worried about section 3 because that section is never the focus. Section 3 is directly the focus of this legislation and the measures being introduced by the Minister.

Will the Minister clarify why Garda powers to advance prosecutions and create a lower bar in terms of the evidence that can be used for prosecution of simple possession are being expanded when the Garda Commissioner is on the record suggesting - and this messaging has also come through from Government - possession is not the focus? The message has been that we are moving towards a harm-reduction and health-based approach to users of drugs or, in some cases, victims of drugs, rather than those involved in the industry.

The Citizens' Assembly on Drugs Use and the Joint Committee on Drugs Use - this is the citizens' assembly of the public and the cross-party Oireachtas joint committee - have both called for a shift to a comprehensive health-led approach to drug use and for a movement away from criminalisation and prosecution of small-scale possession for personal use as part of that. That is what the public called for and what the Oireachtas joint committee comprising members of all parties has called for, yet we have here a measure from the Minister seeking to escalate and accelerate prosecution. Otherwise, what is the delay? Why not use FSI unless the Minister anticipates such a volume that he will want to move through it quickly? It is hard to see why we would move away from the standard that is there in terms of using FSI for testing. An accelerated testing process is the only rationale I can imagine for wanting to introduce this testing by gardaí and for that testing to be used as evidence. That goes against the tide of what the public is telling us, what the Oireachtas joint committee after a year of detailed scrutiny has called for and what the Commissioner and Government have suggested.

2 o'clock

What the Minister is looking for is a new tool for the prosecution of section 3. With regard to the detail of the section, it is notable that there are measures to allow FSI and others to certify new kinds of drug tests. The Minister has to consult with FSI but ultimately still has the power to introduce new inspections or tests to be carried out on substances, where he or she is satisfied that it is appropriate to do so. There are powers for new tests to be added but I do not see powers for tests to be removed where it turns out that there are problems with them or where the director of FSI or the Minister points to issues with the quality of those tests. I do not see where tests that are of a poor standard can be removed and no longer used as evidence. Such a mechanism does not seem to be included. That may be a symptom of this being an amendment added in at the last minute.

Again, had this been subject to pre-legislative scrutiny, there would have been an opportunity to hear from scientific experts as to the difference between what FSI will do and what these kinds of tests that might be applied by individual gardaí might be. Others who have much greater expertise than me or others here might have had the opportunity to fully tease out these questions, to talk about them and to provide scientific evidence. When the Oireachtas Joint Committee on Drugs Use was given the mandate and authority to examine these issues in detail, it came out in favour of a health-led approach and a move away from a prosecutorial, criminal-based approach in relation to section 3. Those who had the opportunity to examine these issues gave a message that is directly contrary to the Minister's amendment. The Minister's amendment has never benefited from proper committee scrutiny with the benefit of expert witnesses. That is why I will not be able to support it.

Deputy Jim O'Callaghan: I thank Senator Higgins for her contribution. At the outset, I will identify the purpose of the amendment I am proposing on Report Stage. It is to facilitate, to speed up and to make more efficient prosecutions within our courts. For instance, if there is a prosecution relating to 10 g of cocaine, an issue to be determined by the court is whether the substance that is alleged to be cocaine is in fact cocaine or whether it is simply sugar or flour. For the purposes of that prosecution, it is obviously essential that there is objective evidence in respect of the substance to confirm whether it is a controlled drug under section 3 of the Misuse of Drugs Act. There are a number of ways of doing that. At present, An Garda Síochána operates presumptive drug testing, supervised by Forensic Science Ireland. This is effective and reliable. It is used in some District Court and Circuit Court proceedings at present. However, the Judiciary in some courts says that there is no statutory basis for the presumptive drug tests carried out by An Garda Síochána to be accorded the status of evidence within the prosecution of an offence. It is for that reason and that reason alone that this provision is being introduced. It will provide statutory recognition that the presumptive drug testing carried out by An Garda Síochána can be relied upon for the purposes of prosecution. Like all evidence advanced by the prosecution, it will be possible to rebut this evidence and it will be open to challenge by the accused. The reason this is advantageous is that it will free up a lot of time for Forensic Science Ireland with regard to prosecutions taking place under section 3 of the Misuse of Drugs Act. There is a benefit to recognising in statute the fact that presumptive drug testing by An Garda Síochána is acceptable in those types of prosecutions. That is the purpose of the statutory provision I am seeking to introduce here this afternoon.

Senator Higgins went on to discuss a related issue and asked why I am facilitating prosecutions under section 3 if it is the case that there is a consensus that we are now going to go with the recommendations of the Oireachtas Joint Committee on Drugs Use and no longer criminalise drugs under section 3 of the Misuse of Drugs Act. Last night, I had the opportunity to discuss the joint committee's report with the committee's Chairman, Deputy Gannon, in the Dáil when answering questions to the Minister for justice. I started by stating that I welcome the work that has been done by the committee. It made 161 recommendations. I agree with the vast majority of them. However, the issue that has got a lot of attention and the issue Deputy Gannon wanted my view on is what he described as the "central recommendation" of the Oireachtas committee, the decriminalisation of all drugs, that is, not just cannabis and cocaine but also heroin and synthetic drugs. Deputy Gannon has said this was the central recommendation of the Oireachtas committee. I indicated to the Deputy that, notwithstanding

the great respect I have for the committee and the work that has been done, I do not agree with that.

In her speech, the Senator has said that the public is telling us that the use of drugs should be decriminalised under section 3 of the Misuse of Drugs Act. These Houses are the public. It is the Dáil and the Seanad that determine what the law in this country should be. It is for that reason that we legitimately refer to ourselves as the elected representatives of the Irish people. We could have a lengthy debate here. I realise it is a legitimate policy position for people such as Senator Higgins, Senator Ruane or Deputy Gannon to put forward that we should decriminalise all drugs. That is not the----

Senator Alice-Mary Higgins: If I may make a point for accuracy, this is the second time the Minister has stated that. I was going to wait but, because the Minister has said this a second time, I will clarify that the recommendation was to decriminalise the possession of drugs for personal use. It is inaccurate for the Minister to say that the committee recommended the decriminalisation of all of these drugs, as he has now said for a second time. It is very important to be clear and accurate in respect of the committee's recommendations.

Deputy Jim O'Callaghan: I am happy to accept that point. I thought that was clearly the point I was making. However, as I said to Deputy Gannon last night, the reason I am opposed to this recommendation is the same reason that British Columbia, which introduced decriminalisation of drugs for personal use in 2021, and Oregon, which introduced it in 2020, are now reversing those measures. The reason these jurisdictions are now reversing those measures relates to a point the Oireachtas committee made in its report, which is that one of the consequences of decriminalising drugs for personal use is that you will see wider use of drugs in public places. In fairness to the Oireachtas committee, it said that. The report goes on to say that, in order to deal with that, local authorities need to play a role. However, as I mentioned last night, the effect of that policy would be that you would see more drug-taking in public. I have a responsibility not only to the people who are taking drugs, but also to the majority of the population who do not take drugs, particularly children. If it was the case that the law the Senator is advocating was introduced and if there were people taking heroin outside a school or snorting cocaine in a public park, there would be nothing gardaí could do about it. You could not go up to a person, tell them to move on and ask them not to take heroin outside of a primary school. There would be nothing gardaí could do. I have respect for what the Oireachtas committee has said but I did not want to fool Deputy Gannon or Senator Higgins as to my views, which are the views I expressed last night and that I am now expressing here. I am conscious that there is a much bigger debate to be had about the decriminalisation of drugs. I have no doubt that debate will be held in this House and the other House.

To return to the amendment, there is nothing in it that is inconsistent with the recommendation of the Oireachtas committee report, even if I did support it. This amendment seeks to give statutory recognition to the Garda presumptive drug testing that goes on at present and that operates in courts. If it is put on a statutory basis, the system will become more efficient.

Ultimately, while many people do plead guilty, if people are not pleading guilty, there needs to be some mechanism to determine what, in fact, the substance is.

Senator Alice-Mary Higgins: With respect, we are not debating a legislative proposal or changes in the legislation that may have been put forward by the committee after considerable consideration. What we are debating is the legislative proposal the Minister is putting forward. We are pointing out that it is moving in the opposite direction. The Minister gave his opinion in relation to decriminalisation. That is not what we are voting on here. What we are voting on is further criminalisation.

Deputy Jim O'Callaghan: We are not.

Senator Alice-Mary Higgins: Yes, we are. We are moving to a situation in respect of presumptive drug testing, which may have taken place and may not have had an evidentiary basis in courts, but may have had a health purpose. As regards that purpose, it is not simply that it is said it is a free-for-all and anything can be done. We can debate whether decriminalisation for possession, etc., will be part of it but what there has been is a very clear call for a health-led approach. We are now moving towards a situation whereby there will be greater apprehension about engaging with the Garda in terms of drug testing, even, potentially, for those who may have been drugged, because there is a question as regards possession if you are wondering and wanting to know. There is possession and there are issues and questions. There have been health-testing measures in the past where people were able to check and know what substances might be illegal. With all of those health-led measures, there is the creation of a further bar against the use. That is why, in my opening commentary, I said there is not necessarily opposition to community-based drugs testing on a presumptive basis because it can play a role in health-led interventions and a health-led approach to supporting people to move away from drug use. However, what the Minister is talking about is that the tests administered by gardaí would now become evidence. The language the Minister used was that this was to facilitate and speed up prosecutions.

The Minister said there must be a system. There is currently a system. The current system is that Forensic Science Ireland does the test. That is the bar that applies on personal possession and to a find of a supply worth €100,000. Forensic Science Ireland is mandated to do this. It has the expertise and conducts the test. What the Minister is now saying is that those who are apprehended for possession can be prosecuted on the basis of a Garda test, whereas those prosecuted for other offences will still be going through Forensic Science Ireland. That is a disjoin. The Garda presumptive testing can be used as evidence of possession and Forensic Science Ireland's testing can only be used in relation to a more serious drug offence.

It is not a case of saying there must be some system. There is a system. The Minister is trying to introduce a new, wider system and, to use his own language, it is to facilitate and speed up prosecutions for possession. That points to a signal not only that the Minister believes there is merit in retaining the offence under section 3, but that there is a desire to accelerate and increase prosecutions under it and freeze up a lot of time for Forensic Science Ireland. The message, we were told, is that we do not do an awful lot of prosecutions. Is Forensic Science Ireland so under-resourced that it cannot deal with that? Would it perhaps be a good approach to give an extra staff member to Forensic Science Ireland if the volume of prosecutions under section 3 is so huge? There are other approaches if the Minister is concerned about the capacity of Forensic Science Ireland, one of which is to increase its capacity.

The point is the Minister is introducing a new form of evidence that applies only to one form of drug offence and it happens to be the form of drug offence where there are concerns that its overuse has made it more difficult for a health-led approach to drug use. Many of us would want to see such an approach introduced so that people are facilitated to move away from drug use.

Deputy Jim O'Callaghan: The Government supports a health-led approach. A health-led approach, however, does not necessarily mean that there has to be decriminalisation of drugs for personal use. A lot of work is being done, along with my colleagues in the Department of Health, to ensure that health-led approach is central to how the State responds to the scourge of addiction. At the same time, we need to ensure that we have laws in place.

On section 3, I know there are other provisions to deal with the issue. However, we need to recognise that there are organised drugs gangs that are seeking to prey on people's vulnerabilities and addictions and that is something that cannot be omitted.

The fact of the matter is that in most cases involving drugs, there is a recognition that the drugs are cannabis, cocaine or heroin. What this is doing is it is giving statutory recognition to presumptive drug testing and if it is the case that somebody wants to challenge it, they can say they do not accept that presumption. The contrary can be proven. That is in the legislation as well. It is not as though, as a result of the certificate, it necessarily then becomes proven completely that that is the drug. If somebody disputes it and says the substance is not cocaine but flour, obviously that will still be established in the court.

Senator Alice-Mary Higgins: The Minister has not answered my question. Why is this being done solely in relation to section 3? I ask him to confirm that it is the case currently that there can be and are prosecutions under section 3 using the existing system with Forensic Science Ireland. The Minister may confirm that a mechanism for prosecution already exists.

Deputy Jim O'Callaghan: There is.

Senator Alice-Mary Higgins: The Minister might clarify why, specifically and solely in relation to this offence, he is looking to introduce this new evidentiary measure.

Deputy Jim O'Callaghan: It is because this offence is prosecuted and presumptive drug testing done by An Garda Síochána is used for these prosecutions. Some District Courts accept it, others do not and it is seen to be more appropriate that it is put on a legislative basis. That is why it is there in respect of section 3. I will look in due course to see whether it can or needs to be extended to other provisions within the Misuse of Drugs Acts, but that is the reason it is being used.

Senator Alice-Mary Higgins: I will conclude by noting that it is interesting the Minister is prioritising the use of this new measure for prosecutions for simple possession. It does not speak well to the health-led approach. I have been clear that I will be opposing the amendment.

Senator Laura Harmon: I want to speak briefly on this topic to put my thoughts on it on record. I have concerns about the increase in the number of criminal convictions we may see of people who will have drugs on them for personal use. I echo the comments of Senator Higgins in relation to the health-led approach. We need to take into account that many people have repeated convictions for drug use because they are stuck in a cycle of addiction. That is not of their own choice. If we are to repeatedly convict them, that will not contribute to a health-led approach to this issue. We need to be mindful of that. I have serious concerns about this measure as regards testing.

I acknowledge the point the Minister made in relation to drug use in public places. As part of the broader debate, I will put my thoughts on injection centres on record. We have the injection centre in Merchants Quay in Dublin. We need to see that replicated in other areas, such as Cork. These are places where drug use can happen in a safe environment. For example, alcohol is one of the most dangerous drugs in the world. We have places for the use of that. We need to look at how we deal with alcohol. For example, if somebody is obviously disorderly in public, they can be convicted. Is there an element of that when we are speaking about drug use?

I wanted to speak broadly on the health-led approach. We need to have a broader debate on that in the Oireachtas.

The Joint Committee on Drugs Use has done great work in relation to this. The Minister referenced British Columbia and Oregon in relation to these issues. I do not know if we have seen how the evidence there would apply to Ireland. There needs to be further debate on that. I know that is outside the scope of what we are discussing for this particular piece.

Amendment put and declared carried.

Acting Chairperson (Senator Pat Casey): Pursuant to Standing Order 165, it is reported to the Senate that the Long Title has been amended.

Government amendment No. 2:

In page 9, line 31, after “proceedings;” to insert the following:

“to repeal Chapter 3 of Part 2 of the Criminal Law (Sexual Offences and Human Trafficking) Act 2024 and to make provision in relation to evidence regarding the vouching of character of persons convicted of certain offences; to confer a power on members of An Garda Síochána to direct a person wearing a face covering to engage, or refrain from engaging, in certain matters in certain circumstances, to provide for an offence for failure to comply with such a direction and for those purposes to amend the Criminal Justice (Public Order) Act 1994;”.

Acting Chairperson (Senator Pat Casey): Amendments Nos. 2 and 36 to 39, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Deputy Jim O'Callaghan: Amendments Nos. 2 and 36 to 39, inclusive, are amendments relating to character evidence which were put forward by Deputy Carthy on Committee Stage in the Dáil and which I said I would consider. I did not accept them on Committee Stage. I

considered them and I accepted them on Report Stage. What happened on Report Stage is we have inserted, through Deputy Carthy's amendment, a new section into the Criminal Justice Act 1993 to provide that where a person is convicted of an indictable offence, character evidence for sentencing purposes must be given on oath or by affidavit. That amendment was included as section 23 of the Bill.

The purpose of amendments Nos. 36 to 38, inclusive, is to address a number of drafting and consequential matters identified arising from section 23. Amendment No. 36 deletes the existing section 23, with amendment No. 38 inserting in its place a new stand-alone provision of the Bill, which is substantively the same, but is more precisely drafted and contains a transitional provision. As it applies to all indictable offences, amendment No. 38 has the effect of superseding Chapter 3 of Part 2 of the sexual offences Act, which provides that character evidence for sentencing in indictable sexual offences shall be on oath or by affidavit. Amendment No. 37 therefore repeals that provision in order to prevent duplication on the Statute Book and to avoid confusion in practice.

I will now turn to the amendment of the public order Act. Amendment No. 39 inserts a new part into the Bill to amend the 1994 Act in order to address a specific public order issue, which is the deliberate use of face coverings for intimidatory purposes in public places, and particularly at protests. I stress that this is not a ban on face coverings or a ban on wearing face coverings at protests, and neither does it create a general power for members of An Garda to require a person wearing a face covering in public to remove it. Instead, it is a limited addition to the public order framework, which may be exercised only in specific circumstances and with statutory safeguards. The amendment provides that where a member of An Garda suspects, with reasonable cause, that a person is acting in circumstances that give rise to a reasonable apprehension for public safety or the maintenance of public peace, and that the person is wearing a face covering with the intention of intimidating another person or in a manner likely to intimidate another person, the garda may direct that person to desist from that conduct, remove the face covering and leave the vicinity.

Only where a person without lawful authority or reasonable excuse fails to comply with that lawful Garda direction does an offence arise. It is a very high statutory threshold. A garda must suspect that both statutory conditions are satisfied before any direction may be given. The requirement for reasonable cause is an established safeguard in criminal law, requiring objectively justifiable grounds that are capable of judicial scrutiny. The amendment deliberately does not confer statutory power on An Garda Síochána to forcibly remove a face covering. I concluded that a more appropriate and proportionate approach was to rely upon the established model of a lawful Garda direction, with an offence arising only where a person without lawful authority or reasonable excuse fails to comply. The 1994 Act already contains provisions under which gardaí may issue lawful directions in defined public order situations. This amendment follows that established legislative approach rather than creating a fundamentally new policing model.

I fully recognise that many people wear face coverings for entirely legitimate reasons. They may do so for medical reasons, religious observance or cultural practice or simply as a matter of personal choice. I am also aware that at protests people may want to wear face coverings to hide their identity, if they did not want, for instance, their employer to know that they were at a particular protest. Nothing in this amendment changes that position. The mere wearing of a

face covering does not in any way trigger the exercise of this power. It only arises when it is being worn for the purpose of seeking to intimidate another person.

I also recognise the constitutional importance of the rights to freedom of expression and peaceful assembly. Those rights are fundamental and nothing in the amendment interferes with that. Obviously, those constitutional rights must be exercised in a manner which respects the rights of others and the maintenance of public order. Where a face covering has been worn as part of intimidating conduct, in circumstances that threaten public peace or public safety, An Garda should have a clear statutory power to intervene before matters escalate further. Sometimes even Members of the Oireachtas can find themselves being intimidated by people who are wearing face coverings. In such circumstances, we should not say that the law has no remedy against that intimidation. The remedy I am proposing is that the gardaí should be able to direct the person to remove the face covering. If they do not remove it, that is an offence. It gives no power to An Garda to start forcibly removing it.

Amendment No. 2 amends the Long Title, consequential on these amendments. There are two amendments in this group, the first of which is Deputy Carthy's amendment that I was happy to accept. It will now mean that not just in the cases of serious sexual offences will character evidence have to be given on affidavit or in person; it will now apply to all indictable convictions. Second is the amendment to the public order legislation, which I believe is necessary. I want Senators to be aware that it is limited to the circumstances where a face covering is being worn for the purpose of intimidating others.

Senator Maria McCormack: I spoke on this already but I welcome the Government's acceptance of the amendment put forward by our justice spokesperson, Deputy Matt Carthy. It is an important amendment. It is an important reform that will strengthen fairness and accountability in the courts. That is what is really important here. As the Minister said, this amendment requires character references for all indictable offences to be given under oath or by affidavit. It extends protections that previously applied only in sexual offence cases. I am delighted. I hope that this can be a trend going forward that we can look for justice reform that comes from the Opposition in the best interest of the public.

Senator Alice-Mary Higgins: The indictable offences issue is constructive. It was good to see the accepting of amendments from the Opposition in that regard. I acknowledge that the Minister has engaged constructively with the Opposition in relation to proposals in both Houses in the past. However, it is not the case that these new proposals in respect of face coverings are only in situations where face coverings are worn for the purpose of intimidation. That is not what the legislation states. The legislation states "with intent to intimidate another person", or "in a manner that is likely to intimidate another person". There is no proof of intent in relation to this. There is simply the interpretation that a member of An Garda Síochána may make that a person wearing a face covering is something that could intimidate a person. That is the standard.

To be very clear, gardaí already have significant powers under the Criminal Justice (Public Order) Act 1994 to address threatening, intimidating or violent behaviour, as they should. I know there have been instances where intimidating behaviour should have been dealt with earlier in some cases. I can point to examples. They already have powers. If intimidation is taking place, if there is intimidating or violent behaviour or there are threats, the powers are

already there for prosecution under the Criminal Justice (Public Order) Act. What has been added here is a new offence of not removing a face mask when a garda tells a person to remove it because they believe it could intimidate another person.

It does not even have to intimidate a person; it just has to be considered likely to intimidate a person. That is the standard that is there. This comes in the context of wide powers in respect of facial recognition being introduced for biometric analysis, which we have discussed, and separate from the biometric identification which will only be in the case of the named individuals, of course. That is not, of course, what the EU directive says, but what the Minister has decided to narrow biometric identification to. In terms of biometric analysis, there will be the use, tracking and identification of individuals as the same individual from camera to camera. That is what we have discussed at length previously. It is happening in that context and there is not a proper recognition.

I am holding aloft one of my masks. I wore this mask for two years and took part in protests.

Deputy Jim O'Callaghan: And you still can.

Senator Alice-Mary Higgins: But can I? I wore this for two years and took part in protests. If a garda decides that I am wearing a face mask in a manner that is likely to intimidate another person, I can be required to remove it. That is not a power that previously existed. What if a person who is medically compromised wears his or her mask while on a protest? People who were medically compromised participated in the protests and protested about their rights and concerns in respect of Covid and took suitable care. What if somebody, as part of his or her religious belief, wears a mask?

Deputy Jim O'Callaghan: You still can.

Senator Alice-Mary Higgins: No. There is no protection in this in respect of circumstances where a mask is worn on medical grounds or for religious purposes. That is not in the Bill. The Minister is just telling us it will not get used for that. There is no carve-out for those circumstances. There is no carve-out for those who may be protesting. I have been to protests. I have seen protests where persons are very concerned about the safety of their families. I refer to those who were protesting, for example, about the situation in Afghanistan. They are very keen not to be recognised because they are conscious of the vulnerability of their family members who may still be in that country but they want to convey a message. Perhaps they send that message loudly. Maybe they are shouting or blocking a public road or something and, rather than prosecuting, if a garda believes they are intimidating, they can now be asked to remove their mask or facial covering because a garda decides that the fact the person is wearing that covering could intimidate another person. That means that some persons, including medically vulnerable persons, persons who belong to a religious minority and persons who may have particular exposures, could suddenly find themselves with an offence against them.

I ask the Minister to bear in mind that these are not people who are engaging in intimidation. If they were engaging in intimidation, the Garda already has an offence under which to prosecute them, namely, for engaging in intimidating behaviour. This relates to being likely to

intimidate a person. What we know about how these kinds of things get interpreted, and have been interpreted in other countries, is that often there is racial or religious profiling. We have all seen the videos where somebody on a plane says there is a Muslim on the plane and he or she does not feel safe. We have seen situations where people have been asked to leave because another person finds them unnerving or potentially intimidating.

Again, the bar now is not intimidation. The bar that the Minister is introducing is an opinion that the face covering is likely to intimidate another person. The Minister will say that, yes, it is where a person engages in such activities. Let us consider the activities. The amendment states: "without lawful authority or reasonable excuse, acting in a manner which consists of loitering in a public place in circumstances, which may include the company of other persons, that give rise to a reasonable apprehension for the safety of persons or the safety of property or for the maintenance of public peace". Again, if a person is participating, we have seen where far-right protests, directly designed to intimidate, have often not been in fact responded to. If a person is in one of the counter-protests, however, and protesting in respect of the rights of migrants and refugees, or is wearing a face covering for religious reasons, he or might be asked to remove the mask. The reference to it being for the reasons of public peace, does not mean that individual in question is the active disturber of the public peace. It is the fact that the person being there may provoke others to take violent or aggressive action, and that is considered as a risk to the public peace. There is a huge set of circumstances here.

My point is that the Minister already has the public order Act. He already has tools. There are already tools which can and should be used appropriately in respect of situations of intimidating behaviour. This is something extra. It comes alongside a whole new set of provisions in respect of the use of facial recognition technologies but without any protective measures, in this law put forward, in respect of religious observance, a medical condition or, indeed, personal safety. The Minister mentioned carve-outs and said, "I recognise this and I recognise that." The law does not recognise them. It does not even recognise them as a defence, if a person was later to be prosecuted for an offence as a result of failing to remove a facial covering when told to do so by a garda and the person might have not done it for those very good reasons. That is not even recognised as a defence in this piece. There is simply no protection for those vulnerable groups under the law being introduced by the Minister. There is also a huge new vulnerability which, again, is compounded by the unknown implications of facial recognition technologies and their more widespread use under other legislation put forward by the Minister.

Deputy Jim O'Callaghan: I thank Senator Higgins for her contribution. At the outset can I say that when it comes to the extension of a public order offence or, indeed, any offence, one of the things I must do, and indeed all legislators must do, is, on the one hand look at the position, as Senator Higgins has, of the alleged perpetrator - the person who may end up being prosecuted for this new offence. That certainly has to be taken into account. Similarly, I as Minister in particular, have to take into account a person who is affected at present by the fact that there is no such provision in our legal system.

I refer Senator Higgins to the protest that happened in Northern Ireland a number of weeks ago where racial minorities were targeted by mobs of people who went around wearing masks on their faces to disguise their identity. They were in the business of intimidating people because of their race. It was reprehensible activity. If something is happening in Northern

Ireland, it does not mean that it will not happen here. There is a prospect that it could happen. Whether it is intimidation from the far right, as was in the case of Northern Ireland, or intimidation from the far left is irrelevant. We need to recognise, regrettably, that there are people who will use face coverings for the purposes of trying to intimidate people and, as is required in this legislation, would "give rise to a reasonable apprehension" on the part of a garda that the "safety of persons or the safety of property or ... the maintenance of public peace" is compromised.

Senator Higgins mentioned a number of reasons people wear face coverings. As I said at the outset, of course people will still be entitled to wear face coverings. I do not need to put that in this legislation. There is not a provision in legislation which says what is permissible. All we do in legislation which prescribes criminal offences is set out the behaviour that is not permissible. It is clearly the case that anyone who wishes to wear a face covering for health reasons, religious observances or privacy reasons or, as I said to the Senator, because they are at a protest and they do not want their employer to know that they are at a protest, will be able to continue.

As I repeatedly say, when the courts come to interpret this provision, and it will be the court interpreting it, it will be the words that we have decided to put into the statutory provision that will be the sole mechanism of the courts in determining and interpreting the statute. In the first instance, there has to be a "reasonable apprehension for the safety of persons or the safety of property or for the maintenance of public peace". That has to be there as a *sine qua non*. There must also be the following. The person must be "wearing the face covering on his or her face ... with intent to intimidate another person, ... or in a manner that is likely to intimidate another person".

I do not see the types of issues the Senator has with this because of the language here. I will explain the reason the wording, "in a manner that is likely to intimidate another person", is there. If that provision was in existence in Northern Ireland, it might have been possible to say, in terms of when people went out on their race riots, that they acted with "intent to intimidate another person, or ... in a manner that is likely to intimidate another person". I believe both those aspects would be necessary to cover the type of racial intimidation operating then.

If people want to wear a face covering for health reasons, then they can, of course, continue to wear it because they are intimidating nobody. If people want to wear a face covering for religious observance reasons, then, of course, they are permitted to wear it because they are intimidating nobody. If people want to wear a face covering at a protest, because they do not want to be identified, they can, of course, still wear it. In fact, people can wear a face covering in any situation they want to, but if they are wearing a face covering and there is a "reasonable apprehension for the safety of persons or the safety of property or for the maintenance of public peace", and the face covering is being worn with the "intent to intimidate another person, or in a manner that is likely to intimidate another person", that triggers the offence.

One of the issues Senator Higgins raised with me was why I did not put into the legislation that it shall not be a criminal offence for somebody to wear a face covering for religious observance reasons, health reasons or to disguise their identity for legitimate reasons to do with their employment. I do not need to do that. If we start going into that type of statutory drafting, we will then have to cover every possible situation. We are not going to set out in law all the types of behaviour which are lawful. That is not the purpose of the criminal law. We proscribe

the behaviour that is unlawful, and that is what this provision does. I think it does it in a responsible way. Coming back to the point I started with, I commend Senator Higgins on taking into consideration the position of the alleged perpetrator who may be subject to prosecution, if the legislation is enacted, but I also have to take into account those people who are affected, the people who may be intimidated and the people who are intimidated by people wearing face coverings. I cannot ignore them.

Senator Michael McDowell: I was listening to the discussion on this amendment and I must say that there was an air of unreality to it in my view. Yes, Muslim women who wear particular face coverings are one category of society. So too, though, are people who congregate outside a Muslim person's house wearing face coverings in a manner threatening to that Muslim family. One only has to look, and this is what struck me, to what the Ku Klux Klan did in America. I do not think they were concerned about their health, their religious beliefs or any of those things. They wear those face coverings solely to intimidate and to frighten people who they intend to exclude or whose rights they intend to trample on.

The point I would make in favour of this amendment is, first, that a direction by a member of An Garda Síochána must be based on reasonable cause. In the absence of reasonable cause, any prosecution will fail. Second, we are faced with a situation where a person wearing the face covering should not have lawful authority for doing so or a reasonable excuse for doing so. Those are two things that I think will be very protective of people who want to simply remain anonymous on some occasion.

There is a fine line between 50 residents of Ranelagh standing outside a black person's house with face coverings, on the one hand, and a mixed group of people standing outside a large employer's premises protesting about something the large employer is supposed to have done, and seeking to remain anonymous. There is a fine line between the two situations. There is also the ingredient that there must also be a reasonable apprehension that the purpose of this behaviour is going to prejudice the safety of persons or the safety of property or the maintenance of public peace. I am on the Minister's side in relation to this matter. I do not think that anybody who has religious or health grounds has anything to worry about in relation to this matter. I do not think that people who want to maintain their anonymity and who are otherwise not behaving in a manner that is threatening the safety of others or the safety of property or the maintenance of public peace will have their rights intruded on either.

Although I presume that a garda can arrest somebody who does not comply with the direction, I do not know what happens when you arrive in the police station wearing your Ku Klux Klan hat, or hood, but there would have to be a removal of it at some stage to identify the person. I think that this measure is reasonable. I strongly think that people are missing the point, which is that if you are on the receiving end of mob violence or the threat of mob violence or intimidation from continuing to occupy your home or your residence by effectively a mass picket outside your house, as happened in Belfast, one of the things the Garda should be in a position to do is to be able to deal with people who do not appear to have a lawful excuse or reason for wearing face coverings and are behaving in a manner which gives rise to a reasonable apprehension for the safety of other persons. The gardaí should not simply be required to stand there, watch all these people and do nothing about it and not interfere in any way. That is my view about the matter.

Senator Sharon Keogan: I also support the Minister with this amendment. From my perspective, and I hear what Senator Higgins has outlined, anyone involved in antisocial behaviour where they are covering their faces needs to be dealt with. In my town of Duleek over recent weeks, many of the residents in our housing estates have been inundated with young gurrriers on scramblers going around, with balaclavas on them, ripping up their parks and recreational spaces. It has to stop. These are all teenagers. They are probably from the age of 13 upwards, so I support the Minister 100% on this amendment. I also sympathise with Senator Higgins's point, but, really, if people are not planning to break the law in any capacity at all, which is a totally different context, this amendment does not apply. This is to do with people acting inappropriately in public. They should be dealt with swiftly.

Senator Alice-Mary Higgins: In terms of acting in relation to mob intimidation, I do think there could be much stronger measures. I think use should have been made of the public order Act when there was intimidation of asylum seekers in our city centre, in Sandwith Street and in Lower Mount Street.

I look at the long-running attitude of seeing how things will play out in response to the intimidation of asylum-seekers. For far too long there was tolerance of extreme intimidation and threat. There was accommodation of the checking of buses by persons who were effectively vigilantes. That is not okay. We could be doing an awful lot more. We do not need to just look to Belfast. We also need to be much more careful about the dog whistles. I am not going to go into that now but I have heard them come through in subtle ways. There are references to demographic challenges and all the rest. These give a sense of vindication to those who seek to intimidate portions of the population. We should also look to some of the facts we see on the ground, namely, that there is racial profiling and unequal treatment on racial and ethnic bases in policing internationally that have been shown again and again. We went through them when we debated the facial recognition technologies that are going to be introduced and which have been shown to have far lower accuracy rates in these cases. There are issues with this. It is not defending the potential perpetrator, which almost presumes guilt. It is looking to that right to privacy. The Minister will be aware the Irish Human Rights and Equality Commission raised concerns about the rights to privacy and protest, as has the ICCL. It is not that you are allowed wear a mask because you have a health condition or are from a religious group. It is that you are allowed to wear a mask and be part of a protest-----

Deputy Jim O'Callaghan: You are.

Senator Alice-Mary Higgins: -----but that there is a particular vulnerability and there are persons for whom the application of this law will have a more negative impact.

I wish to address two factual things. If we had had this properly teased out maybe we could have resolved this. There may be forms of words that would have addressed it but as the Minister said there are not carve-outs or defences and that language Senator McDowell used of a "reasonable excuse" does not apply to the wearing of a face covering. The "reasonable excuse" applies to acting in a manner that gives rise to "reasonable apprehension". If there had been "reasonable excuse" clauses added in respect of the facial covering persons would be able to say they had a reasonable excuse for the face covering. That would not even have required the kind of explicit listing I was suggesting of categories which should be recognised.

Again, the bar is not the question of the intent to intimidate. If the Ku Klux Klan are standing outside your house or a bunch of people wearing masks are shouting "Immigrants out", or any other message, they are intimidating and they may be wearing masks with intent to intimidate but the bar here is "in a manner that is likely to intimidate another person". That is a bar that crosses the line to diminish privacy and the proper right to protest. Let us say there is an executive in a company and there is a big protest outside and everybody is shouting about, say, supplying minerals that allow the production of bombs. We know those example in Ireland right now. The executive says they are very intimidated or a garda says they believe this person may be intimidated by the fact there are persons outside who are shouting in protest and who could intimidate another person. Any other person could include a person who is legitimately being protested at, which is not intimidation of them because that would be covered under the proposed section 8C(b)(i). They are there not with the intent to intimidate but simply in a manner that a person could find intimidating and that is a very different thing. The Minister talked about the balancing of the powers and verbally recognised the things he is balancing but the section as introduced does not succeed in balancing those concerns. Again, it points to how it is a pity it is being introduced at this late Stage. There should have been better clarity about the "reasonable excuse". Maybe the paragraphs (i) and (ii) of the proposed section 8C(b) could have been looked at but I am not going to have the opportunity to try to amend the Minister's amendment because he has introduced it on Report Stage. If he had done so on Committee Stage then we would have a Report Stage debate in which I could come back and look for the nuance. I could suggest different wording. Maybe "reasonable excuse" should be applied to the wearing of the face mask as well. Maybe it should be in relation to intent to intimidate but not in relation to an interpretative "manner that is likely to intimidate". Maybe the balance could be got better in terms of those constitutional rights on protest on privacy, with of course the duty to protect and preserve public safety and the public. However, we will not get the chance to tweak this because of the manner in which the Minister has chosen to introduce it. That is part of the problem. That is why it is not as blunt as some people thinking everything goes and some people thinking we need to do something. It is not just what the Minister is doing but the way it is being done that is problematic and that is why I cannot support this amendment.

An Leas-Chathaoirleach: Does the Minister want to respond?

Deputy Jim O'Callaghan: No.

Amendment agreed to.

An Leas-Chathaoirleach: Pursuant to Standing Order 165 it is reported to the Seanad that the Long Title of the Bill has been amended.

Government amendment No. 3:

In page 10, line 12, after "that" to insert "and another".

Amendment agreed to.

An Leas-Chathaoirleach: Pursuant to Standing Order 165 it is reported to the Seanad that the Long Title of the Bill has been amended.

Amendment Nos. 4, 60 to 97, inclusive, and 102 to 104, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 4:

In page 10, line 21, after “activity;” to insert the following:

“to make provision for the use of electronic means, and the making of statements of truth, in certain proceedings; to give further effect to Directive (EU) 2016/681 on the use of passenger name record (“PNR”) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime; to provide for the continuation of the Passenger Information Unit and for the processing, including retention, of passenger name record data by that Unit and by competent authorities; to provide for the continued designation of intra-EU flights, and the designation of all extra-EU flights, for the purpose of the prevention, detection, investigation and prosecution of terrorist offences and serious crimes; to provide for the designation of an Independent Authority and the conferral of certain functions on that Authority, including the conduct of reviews of the process for the designation of intra-EU flights and the approval of applications for the transfer, to other Member States and third countries, of passenger name record data and for those purposes to provide for the revocation of the European Union (Passenger Name Record Data) Regulations 2018;”.

Deputy Jim O’Callaghan: I will briefly deal first with amendments Nos. 60 to 62, inclusive. They comprise a new Part 17 that concerns electronic technology in certain proceedings. Amendment No. 60 inserts a new section into the Bill to define the types of proceedings in question, including criminal proceedings and relevant proceedings under various international co-operation enactments. Amendments Nos. 61 and 62 insert new sections into the Bill to provide, respectively, that court rules may, in relation to such proceedings, make provision for the electronic transmission in documents in such proceedings and for electronic statements of truth in lieu of sworn declarations. These amendments are modelled on equivalent legislation that is already in place in civil proceedings. They have the potential to generate substantial time and cost savings and other efficiencies for court users generally but also for agencies such as the Prison Service or the Garda which at present must spend considerable amounts of time getting affidavits and declarations sworn and delivering documents to and collecting them from the courts. These may include charge sheets, bench warrants and committal warrants. Under these amendments it will be possible for such documents to be generated electronically and transmitted between the courts and other agencies in real time, thereby obviating the need for costly and time-consuming manual transmission, delivery, collection of documents and retranscription of data. This will have significant benefits also for data accuracy and security. These amendments will make our courts system much more efficient and will ensure gardaí and prison officers do not need to spend an inordinate amount of time generating documents and will now be able to transmit them electronically.

Amendments Nos. 63 to 97, inclusive, and Nos. 102 to 104, inclusive, make up the vast bulk of the Report Stage amendments. They relate to passenger name record data. I am proposing to insert a new Part 18 into the Bill. Passenger name record data, PNR, consists of booking information provided by passengers that is collected by airlines. It is used widely as a law-enforcement tool. There is a directive from 2016 which Ireland opted into to which we are

bound. That established a regime that mandated the transfer of PNR data by airlines to national passenger information units.

3 o'clock

They are the State agencies for which the acronym "PIUs" is sometimes used. The transferred PNR data is then compared by PIUs against watch lists, databases and other criteria before take-off and landing to detect suspicious travel patterns and identify serious criminals and terrorists. Where identification occurs, the related PNR data is referred on to the appropriate law enforcement authorities for further examination.

Ireland transposed the PNR directive in 2018 through the EU PNR data regulations, whereby a PIU was established in the Department of justice. The regulations apply the regime only to what are referred to as non-EU flights or extra-EU flights, as required by the directive. They are flights between Ireland and countries outside the EU. The directive allows member states, as an option, to apply the directive to intra-EU flights. Ireland is the only member state bound by the directive that does not yet apply its PNR regime to intra-EU flights. The purpose of these amendments is to put it on a statutory basis in the first instance. Previously, it was dealt with through secondary legislation, that is, statutory instrument. The second purpose is to apply the PNR regime to internal EU flights. This will plug a significant gap in our security infrastructure.

Amendments Nos. 63 to 67, inclusive, insert Chapter 1 of Part 18. These are standard legislative proceedings. They refer to a definitions section and other matters.

Amendments Nos. 68 to 73, inclusive, insert Chapter 2, which relates to the Irish passenger information unit, its director, protection officer and other staff and its obligations. They very much replicate what is in the 2018 PNR regulations while providing for the continuation of the PIU's current staff, notwithstanding the revocation of the 2018 regulations.

Amendments Nos. 74 to 76, inclusive, insert Chapter 3 of Part 18. Amendment No. 74 provides for the competent authorities designated under the 2018 regulations to remain so designated under this Part. They are the law enforcement agencies such as An Garda Síochána. Amendment No. 75 provides that the Minister may designate a person as the independent authority. The main function of the authority will be approving PNR requests. Amendment No. 76 sets out the Data Protection Commission's oversight function as regards this legislation.

Amendments Nos. 77 to 79, inclusive, insert Chapter 4 of Part 18. This chapter provides for the designation by the PIU of individual intra-EU flights, which will be encompassed by the State's PNR regime. An intra-EU flight can be designated for up to six months when considered necessary. Amendment No. 79 provides for a designation of all intra-EU flights unilaterally when the State is faced with a genuine present or foreseeable terrorist threat. That can only be done on approval by the High Court, which means there is judicial supervision of this statutory provision.

Amendments Nos. 80 to 88, inclusive, insert a new Chapter 5 in Part 18 dealing with the transfer and exchange of PNR data. Amendment No. 80 refers to airlines' obligations to transfer PNR data to the PIU a day before take-off and when doors shut in preparation for departure. Amendments Nos. 81 and 82 refer to the process undertaken by the PIU of assessing the transferred PNR data against serious crime or terrorism watch lists and predetermined criteria

to identify persons of interest due to take the flight or go on board. Amendments Nos. 83 to 88, inclusive, deal with requests for PNR data held by the PIU from competent authorities in the State, PIUs in other EU countries, Europol and third countries, as well as requests by the Irish PIU to a PIU of another member state.

Amendments Nos. 89 and 90 insert Chapter 6 of Part 18. It deals with the retention periods for PNR data and maintenance of documentation by the PIU. In line with the EU court judgment, PNR data transferred to the PIU from airlines can be retained for six months, after which the Irish PIU normally must delete it.

Amendments Nos. 91 to 97, inclusive, insert Chapter 7 of Part 18, which deals with transitional provisions. Collectively, the amendments ensure that various actions, processes and requests undertaken just before the coming into operation of the new Part will continue to have a lawful basis and can seamlessly transfer to the new provisions.

Amendments Nos. 102 to 104, inclusive, insert Schedules 2 to 4, inclusive, which relate to Part 18. Schedule 2 defines the data categories that make up PNR data, as set out in the EU PNR directive. Schedule 4 lists the offences under Irish law that meet the definition of "serious crime" in the PNR directive. The offences must fit a crime category prescribed by the directive and have a maximum prison sentence of at least three years. Schedule 3 lists the competent authorities in the State that can request PNR data. The Minister can add to Schedules 3 and 4 by way of order but only within the parameters of the definition of "competent authority" and "serious crime" in the EU directive.

Amendment No. 4 simply amends the Long Title consequential on these amendments.

Senator Michael McDowell: These amendments relate to data collection. While I disagreed with Senator Higgins about face coverings, I do not want it to be understood that I disagree with her in relation to the procedure we are following today. This particular set of very elaborate legislative measures being introduced by the Minister should not be introduced for debate on Report Stage in the Seanad in circumstances such as we have now, even if they have been recommitted for discussion.

I have some questions for the Minister on these provisions. We were told, whether it is true or not, that the perpetrator of the knife attack that happened in Belfast had travelled from Somalia or Sudan via Paris to Dublin and then onwards to Belfast. I was interested to see that this gave rise to some apprehension about closing the Border or having a closed Border, given that the Minister has stated that the great majority of the bogus asylum-seeking traffic seems to be going from the UK to Ireland via Belfast. Is it the case that airlines will have to keep a record of the passport of a person boarding an intra-EU flight? If somebody gets a flight from Paris to Dublin, will that person's photograph and identification document be recorded somewhere and be available to the Irish authorities to check? The point that occurred to me about that side issue in the Belfast disorder was whether there is some check at Dublin Airport where a person like that is flying from Africa to Paris to Dublin and intends to go to Belfast. Is there actually a record, or will there be under this regime, if implemented, including photographs or photocopies of passports, with a view to determining whether the person who has come to Ireland to go to the UK to claim asylum has travelled through a safe country? That is a question a lot of people wondered about in the aftermath of the Belfast disorder.

Deputy Jim O'Callaghan: I thank the Senator for his contribution. I take on board his comment that there are a lot of amendments in respect of the passenger name record data. I will make two points in my defence. First, many of the provisions being put forward on Report Stage simply replicate what is in the 2018 regulations. Passenger name records are not something new to Irish law. Provision for them has been in secondary legislation since 2018, applying as it does to extra-EU flights. I listened to the concerns expressed by Senators McDowell and Higgins about these provisions being introduced on Report Stage. However, this is not something that is desperately new. It has been there for the past eight years.

Second, it is preferable if rules relating to passenger name records are in primary legislation, as opposed to the secondary legislation - the statutory instrument - that has existed to date. Back in 2018 when the regulations were introduced, there was no debate in any House of the Oireachtas about it; it was just signed by the Minister of the day, so there is a benefit in having it in primary legislation. There has been some Oireachtas debate in respect of it, in contrast to it being by way of secondary legislation.

Senator McDowell asked questions in respect of the person who is being charged with an offence in Northern Ireland. This information was revealed at the time. The person had flown from Luxembourg or France – I think it was Luxembourg – on an internal EU flight from Luxembourg to Dublin where the person claimed asylum and the next day went to Northern Ireland and claimed asylum there. Senator McDowell raises this issue because he wonders, if after this legislation comes in and it applies to internal EU flights, we will then have a record of the data in respect of individuals such as the person who was highlighted in his example. The short answer is we will have the data but it will not be accessible because, as he will know in respect of passenger name record data, that can only be used for offences where people are on a watch list and – in respect of serious offences – where a penalty could potentially be imposed of up to three years or more. In the situation that arose, unless the person had been on a watch list and had previously committed a serious offence, then the information on the person would not be readily available. The information in passenger name record data cannot be used for the purpose of immigration offences. If an individual comes into Ireland and we have the PNR data - if they come in on an internal flight we will get that information in respect of the commission of serious offences, that is, if the person is on a watch list for serious offences - the data, however, will not be a tool that can be used for the purpose of identifying violations of our immigration laws because they do not meet the threshold of seriousness in terms of the penalty imposed to get them onto the PNR system.

Senator Michael McDowell: I am very grateful to the Minister for explaining that. I feel a sense of disappointment on hearing that the information is there but it cannot be used for immigration purposes or for the purposes of the verification of asylum claims. It is purely restricted to the particular cases mentioned. It strikes me that if the EU is serious – sometimes I wonder if it is – about asylum seeking as a mask for breaching immigration law right across the European Union, that in putting in the kind of safeguards the Minister has spoken about, such that everything has to be destroyed after six months, Ireland does not have access to what Luxair or whatever airline it was in the case of Luxembourg that the Minister outlined, saw and took a photocopy of and were required for some purposes to keep. We cannot say this individual claims he is from Somalia and that he came from England but we believe that the evidence is there to show that he came a totally different way and that he is not telling us the

truth. All of that is ignored and made unusable out of what I think is a false theory of keeping Big Brother under control.

We can go back to the hugely controversial issue that surrounded the Graham Dwyer trial. When I was Minister in the Department of justice, some gratuitous activist in the EU decided that it would be a great thing if all member states of the EU were obliged to keep phone records. That was fine. I would not mind that too much but then it was decided that as a countervailing provision for that, they were all obliged to get rid of them after two years. In those days, the Irish phone companies, because of the Statute of Limitations and because people could contest bills and dispute whether they were being charged correctly or incorrectly for use of telephone communications, kept their data for six years. Some bright spark in Europe decided if we are going to have a rule that everybody must do this – even though nearly everybody was doing it – we are going to say that as the countervailing protection for the privacy of individuals that after two years they must all be got rid of. What is the sense of that? If somebody can keep my phone data for two years, I do not see how my rights as a citizen to my good name, privacy or anything else are in any way advanced by requiring their destruction after two years and requiring that the law be changed to that effect. The funny thing is that we made the point at that time, through the then Attorney General – the late Rory Brady SC. He challenged this regulation as an unnecessary interference in our perfectly reasonable arrangements in Ireland and he was slapped down by the European Court of Justice. Later on, however, the same directive was invalidated by the same court because it was not sufficiently protective of people's privacy.

If you are coming into Ireland as an immigrant or if you are getting on an aeroplane, or a ferry for that matter, to come to Ireland, it is no great interference with your privacy rights that a record is kept of that event and is accessible to investigation at a later stage. The Minister has recently been made aware of a contract killer coming into Ireland, apparently with a view to killing somebody in Ireland. By a happy outcome, the same contract killer died in a motor crash before he could carry out his work. One would believe that he came from an EU country but we do not know that. I do not see how my privacy rights, my right to dignity as a human being or the power of Big Brother are in any way involved if they can prove that four years ago, I travelled to Warsaw because a record was made of it for immigration law purposes and nor do I believe that any asylum seeker has any legitimate reason not to have their means of access into this State easily verifiable by data that can exist for one purpose but cannot be used for another purpose.

I want to put on record my sense that the European Union is not serious – I am sorry to say this on the second day of our Presidency of the European Union – but it is not competent with a small "c", not a legal large "C" to deal with immigration and asylum seeking. It has made a mess of it and should return those competences to member states to take individually whatever measures they consider are necessary to protect the rights of real asylum seekers and to distinguish between bogus asylum seekers and economic migrants who are seeking to circumvent the law. The sooner that those changes are brought about the better.

Deputy Jim O'Callaghan: On my second day as chair of the Justice and Home Affairs Council of the European Union, I think the Senator is being slightly unfair to the European Union. Obviously, when it comes to passenger name record data, that information is not available for the purpose of immigration issues. There is a completely separate system,

however, that records details and information in respect of any person claiming international protection within the EU, and that is the Eurodac system. It is now much more advanced than it was when introduced in 2003. Anyone who applies for asylum in Ireland will have their fingerprints taken. They will have photographs taken. Biometric analysis is used for the purpose of identifying the persons concerned and there are provisions in the legislation that allow for the search of luggage for the purpose of establishing identity. A huge amount of information is available to the European Union in respect of persons coming to the Union claiming asylum. That is important to record.

Senator McDowell also spoke about data retention. A number of decisions of the CJEU have overturned the legal instruments in place for the purpose of data retention with the European Union. One of my ambitions as Ireland takes over the Presidency is to see if we can get another legal instrument put in place. Data retention, irrespective of your views, is essential for the purpose of investigating serious criminal activity.

Senator Michael McDowell: I will be brief because it is probably stretching things. It has been 22 years since I was chair of the Council of justice and home affairs ministers. I will say two things to the Minister. First, he should never underestimate the extent to which the other members of the council will agree with my point of view rather than the point of view of some people in the Berlaymont building. They are much more independent spirits. Second, the Eurodac procedure is very useful for identifying somebody who applies for asylum in one country and attempts to do the same in another country within the European Union. That is useful. However, somebody might fly from somewhere in north-eastern Africa to Luxembourg, a safe country where he could apply for asylum if he had a good case and decide to move on to Dublin where he will get off the plane and go to Belfast with all the consequences we heard about in Belfast. Eurodac does not have any function in those circumstances. Nobody in Luxembourg would ask whether he had any right to travel to Dublin, whether he had any legitimate cause to go to Dublin or whether he even had a visa that allowed him into Dublin. That person is effectively choosing Ireland from somewhere he booked his flights to start with, or where they were booked for him by people smugglers. That is effectively destination shopping among asylum seekers, which is totally at variance with the notion and proper interpretation of the international conventions. I may be being persecuted in Ireland, but that does not mean that I can ask myself where I would really like to live. It might be Australia or New Zealand or perhaps America. We accord to would-be asylum seekers the right to travel from the point at which they claim they were being persecuted to Luxembourg, then to Dublin without applying for asylum here, and then to Northern Ireland to apply within the United Kingdom for asylum. That is an absurd notion. This absurdity and all that follows in terms of the difficulty of controlling it flows from the inappropriate policies and procedures defended at European level and, unfortunately, upheld by the Court of Justice of the European Union to the point where, as things stand, unless the Minister's council takes a stance on the issue and does something about it, we have effectively little or no defence against bogus asylum seeking.

Amendment agreed to.

An Leas-Chathaoirleach: Pursuant to Standing Order 165, it is reported to the Seanad that the Long Title of the Bill has been amended.

Government amendment No. 5 arises out of recommittal proceedings. Amendments Nos. 5, 100 and 101 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 5:

In page 10, line 26, after “2015,” to insert the following:

“the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, the Criminal Justice (Perjury and Related Offences) Act 2021,”.

Deputy Jim O’Callaghan: Amendment No. 100 makes a number of technical amendments to the miscellaneous provisions Act 2020 that are consequential on or necessary to ensure consistency with amendments elsewhere relating to the use of electronic technology in certain court proceedings. It also repeals two redundant provisions of the 2020 Act. Those provisions are inoperable because in reality the Courts Service when sourcing any such equipment is bound by specific budgetary and procurement frameworks. A court can therefore only use such technology as is available to it on that basis.

Amendment No. 101 amends the criminal justice perjury Act. This is a purely consequential amendment to take account of the proposed insertion in this Bill of a provision for statements of truth in criminal and international co-operation proceedings.

Amendment No. 5 amends the Long Title, consequential on amendments Nos. 100 and 101.

Amendment agreed to.

An Leas-Chathaoirleach: Pursuant to Standing Order 165, it is reported to the Seanad that the Long Title of the Bill has been amended.

Bill reported with amendments.

An Leas-Chathaoirleach: In respect of the other amendments, I remind Senators that a Senator may speak only once on Report Stage, except for the proposer of an amendment, who may reply to the discussion of the amendment. Also, on Report Stage, each non-Government amendment must be seconded.

Government amendment No. 6 arises out of committee proceedings. Amendments Nos. 6, 7 and 99 are related and may be discussed together. Is that agreed? Agreed.

Government amendment No. 6:

In page 11, line 7, to delete “*Part*” and substitute the following:

“*subsection (1) and this subsection, sections 4(b)(i), 49, 75(b) (insofar as it relates to the Courts Service), 76 and 80 and Parts 3, 4 and*”.

Deputy Jim O’Callaghan: Amendments Nos. 6 and 7 amend section 14 of the Bill, which provides for the commencement. Amendments Nos. 6 and 7 amend section 14 to provide for the following provisions of the Bill to come into effect on enactment; subsections 1 and 4 of

section 1, section 4(b)(i), section 49, section 75 insofar as it relates to the Courts Service, section 76, section 80 and Parts 3, 4 and 5.

Amendment No. 99 relates to an amendment to Schedule 5 to the Social Welfare Consolidation Act 2005 to add the Courts Service to the Schedule. Other operational criminal justice agencies, such as the Irish Prison Service, the Probation Service and Forensic Science Ireland, being under the aegis of my Department, are already specified bodies under the Schedule. The Legal Aid Board is also a specified body. Amendment No. 99 proposes to further amend the Schedule by adding the Director of Public Prosecutions and to remove the current restriction on the Garda whereby the Garda is specified, but only in relation to its own members. The amendment will mean that all operational criminal justice agencies can, within the legal and governance parameters laid down in the 2005 Act, use PPSN in order to be sure of the identities of persons who are going through the criminal justice system or who are availing of services such as vetting and firearms licensing.

Critically, it will also facilitate the development of a unique identifier across the criminal justice system. Currently, most criminal justice agencies use their own separate identifiers. The lack of a single system-wide identifier makes the authentication of identities and records, and the collection and sharing of data, much more time and labour intensive. It also increases the possibility of misidentifications and other mistakes occurring. This amendment will therefore help to address the administrative and operational issues I have just mentioned while also supporting community safety. The development of a unique identifier for the criminal justice system is a programme for Government commitment following a thorough policy review and consultation with relevant stakeholders including victims' representatives and human rights organisations. It was determined that the PPSN would be the most reliable and secure basis for a unique identifier and would provide significant advantages for both the criminal justice system and its users. Criminal justice agencies already have the capacity to gather a significant amount of personal information for purposes of investigation and prosecution. Allowing them to access the PPSN will simply allow that information to be more accurately and easily transferred within compliant data sharing norms.

This is a significant amendment. I listened to Senators McDowell and Ruane when I was dealing with the Garda powers Bill to try to have a provision within that Bill that would require gardaí to record the nationality of individuals who come before An Garda Síochána or come within the criminal justice system. The advantage of this is that we will now get a significant amount of data that will enable us to do research, so the type of information that Senators McDowell and Ruane wanted will be readily available.

Senator Michael McDowell: I have two comments to make about that. First, the stop and search powers that we were concerned with are not ones where the unique identifier would come into place. Under the stop and search powers, where somebody is stopped and searched and found, for instance, not to have any specified articles in their possession, there is no criminal justice follow-on from that and, therefore, there is no record of them thereafter. I fully accept the Minister's point that it is desirable that, if a person is the subject of a prosecution, conviction or sentence, they be identifiable and traceable in a sensible way right across the criminal justice system at every level. I have no problem with that concept. However, it does not deal with the issue that Senator Ruane and I were dealing with, which is knowing how

many people are randomly, or near randomly, searched unsuccessfully on streets throughout the country, and what kind of people they are.

The PPS number or the criminal identifier will not supply the data in respect of them because there will be no need to do so unless we amend the law to say that we can stop somebody on Camden Street, search them for drugs, find they have no drugs, but also inquire of them what their PPS number is. That is never going to happen. As I said, the only PPS number of which I am aware is my VAT number, and if it were not for that, I would have no idea what my PPS number is.

Second, a lot of stuff is coming through now where, for instance, registers of people convicted of domestic abuse and the like are being created as a matter of law for the protection of innocent people who have to deal with people who have records in those areas. I consulted the procedure for changing your name. I discovered that it can be done very easily in the High Court by registering a deed poll of your intention to be known by a different name in the future. I consulted the publicly available register of name changes. I urge everyone in this House, if they have a spare half hour, to look at what is happening. There is a minority of people who are simply changing their name for reasons that I think are to do with gender issues, and changing from Patrick to Patricia, or whatever it may be, but they are a small minority. The great majority seem to be for other reasons, none of which are specified. Somebody consulting the register who sees a name change cannot be sure who they are dealing with because, on the publicly available register, they do not know the address or the antecedents of the person who is changing his or her name for whatever reason.

Members would be very surprised to see the number of people who are changing their names every month in Ireland. The alarm bells go off in my mind when I see some of them. Some I can understand completely. For example, on their birth certificate, they were registered as having somebody as their father, or maybe they were adopted or quasi-adopted by another family and want to be known by their second name. If the consequence of a name change in those circumstances is that somebody is entitled to have a passport in their chosen name, or if somebody who has been convicted of domestic abuse wants to avoid the consequence of being on the register, and socially just wants to change their name and sail under a different flag, there is very little that can be done about it.

I ask the Minister to take a long, hard look at the rules for name change as they exist in Ireland. They seem to reflect a very much more relaxed and 18th or 19th-century view of the entitlement to change your name. Given the consequences for dealings with the State and the like, at the very least, one would imagine that the published register of people who are changing their name would contain a PPS number as an identifier in the manner that the Minister is proposing for the criminal justice system generally, but we do not have that.

Those are the two points I would make on the matter. First, the stop and search powers are not really dealt with by a unique identifier because a criminal procedure must be initiated for them to come into question. Second, we have an unaddressed issue in relation to the capacity of people to conceal their former selves by changing their name. It is possible. Anybody can change their name. Somebody who has been convicted of a very serious offence sitting in Mountjoy can change their name. It is a ridiculous situation, and I ask the Minister to look at it.

Senator Alice-Mary Higgins: I want to reaffirm and agree with the amendments that my colleague, Senator Ruane, put forward previously in relation to stop and search. They are not addressed by this. They are not about documenting persons who are prosecuted, but about documenting patterns in how gardaí are deploying or using the powers that are being given to them. Monitoring who is stopped and who is searched is very different from tracking persons who may be moving through criminal prosecution. Of course, this is one of the issues with racial profiling, which we factually know to be an issue in nearly every jurisdiction where it has been examined, and we have seen those issues particularly in the UK, the United States and elsewhere. There is an issue with how stop and search is used, and there are concerns.

We in Ireland are in a position where we will not know if there are issues with the targeting of particular vulnerable individuals based on the colour of their skin or their ethnicity. We will not know that information because it is only in those cases where there is a prosecution that there will be monitoring. Again, even if we look at those figures, we will only have the figures for the prosecution, and it may well end up looking like more persons are being prosecuted for a particular offence without us knowing that a vastly disproportionate and far greater percentage of them are represented in the stop and search. We just do not know. If we are not monitoring that information, if the information is not being gathered and if the choice is being made to not know how stop and search is being deployed and used, then we are missing key information in terms of ensuring that we do not have inequality and either racial profiling or other profiling of particular cohorts and communities in the way that policing is done in Ireland.

With respect, I disagree with the Minister. I concur with Senator McDowell in saying that these amendments do not deal with the issue. The Minister suggested that this addresses these issues, but it does not.

Deputy Jim O'Callaghan: In fairness, this will be a positive development. I should not try to speak for other Senators but it is the case that, in the context of the Garda Síochána (Powers) Bill 2026, Senators wanted to see more information available within the criminal justice system so as we can identify information about people who are interacting with the criminal justice system and people who are convicted. The information that will now be generated as a result of adding the Garda and the Courts Service to Schedule 5 to the Social Welfare Consolidation Act will mean that all that information that the Garda and Courts Service have can be shared, for instance, with the Central Statistics Office, and information will become available in respect of individuals who are convicted, and, indeed, prosecuted, of certain criminal offences. That is a positive development. Maybe I am wrong but I think Senators welcome that.

The point here is, "Yes, but we want more." I had referred to the Garda Síochána (Powers) Bill. We have enough on our plate here dealing with the miscellaneous provisions Bill without me going down an avenue talking about the Garda Síochána (Powers) Bill but since Senator McDowell invited me down there, I will go down there briefly. In terms of the Garda Síochána (Powers) Bill, there is information that is recorded when gardaí stop and search a person, but if, after a stop and search, the garda is required to get information about the nationality or religion of an individual, it turns the whole process into something much more complex. However, we will return to that when we come back to the Garda Síochána (Powers) Bill.

Amendment agreed to.

Government amendment No. 7:

In page 11, line 7, to delete "and *section 75*".

Amendment agreed to.

Acting Chairperson (Senator Pat Casey): Amendment No. 8 is a Government amendment. Amendments Nos. 8 to 17, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 8:

In page 15, to delete lines 24 to 35, and in page 16, to delete lines 1 to 8 and substitute the following:

"Amendment of section 67 of Courts of Justice Act 1936

12.(1) Subject to *subsection (2)*, section 67 of the Act of 1936 is amended—

(a) in subsection (2), by the substitution of "8 nominated members" for "10 nominated members",

(b) in subsection (3)(a), by the deletion of the words "who shall be the chairperson of the Committee,"

(c) in subsection (4), by the substitution of the following paragraphs for paragraphs (a) and (aa):

"(a) 1 shall be an ordinary judge of the Supreme Court nominated by the Chief Justice;

(aa) 1 shall be an ordinary judge of the Court of Appeal nominated by the President of the Court of Appeal;"

(d) by the insertion of the following subsection after subsection (4):

"(4A) The Chief Justice shall be the chairperson of the Committee and—

(a) shall nominate another judge who is a member of the Committee to act as chairperson during the period a person is acting in his or her place as a member of the Committee under subsection (9), and

(b) may, at any other time, nominate another member of the Committee to act as chairperson during such period or on such occasion or occasions as are specified in the nomination concerned."

(e) in subsection (9), by the substitution of the following paragraph for paragraph (a):

"(a) in the case of the Chief Justice, an ordinary judge of the Supreme Court, Court of Appeal or High Court,"

and

(f) by the insertion of the following subsection after subsection (11):

"(12) The Chief Justice may revoke a nomination made by him or her under subsection (4A) at any time and, where that revocation relates to a nomination referred to in paragraph (a) of that subsection, the Chief Justice shall make another nomination under that paragraph if the revocation takes effect during the period referred to in that subsection."

(2) Notwithstanding the amendments to section 67 of the Act of 1936 effected by *subsection (1)(a) and (c)*, an ordinary judge of the Supreme Court or an ordinary judge of the Court of Appeal who is, immediately prior to the date of coming into operation of this section, a nominated member of the Superior Courts Rules Committee under subsection (4) of that section 67 shall, on and after that date, subject to subsection (5) of that section, remain a nominated member of that Committee.

(3) It is hereby confirmed that, on the date on which it came into operation, section 20 of the Civil Law (Miscellaneous Provisions) Act 2008, in amending section 67 of the Act of 1936, had the effect of inserting, after subsection (1) of that section, the relevant subsections in substitution for subsections (4), (7), (8), (9) and (10) of that section as it stood immediately before that date.

(4) In *subsection (3)*, "relevant subsections" means, in relation to the amendment of section 67 of the Act of 1936 by section 20 of the Civil Law (Miscellaneous Provisions) Act 2008, the subsections numbered (2) to (11) that are expressed by the said section 20 to be substituted for subsections (2) to (10) of that section of the Act of 1936.

(5) In this section, "Act of 1936" means the Courts of Justice Act 1936."

Deputy Jim O'Callaghan: Currently, section 12 of the Bill amends section 67 of the Courts of Justice Act 1936 which provides for the Superior Courts rules committee to allow the Chief Justice to nominate an ordinary judge of the Supreme Court, Court of Appeal or High Court to take his or her place on the committee. It also reduces the number of ordinary judges of the Supreme Court and Court of Appeal on the committee from two judges from each court to one. These changes are being introduced to try to reduce the very significant non-judicial workload of the Chief Justice. Amendment No. 8 proposes to substitute section 12 to, in addition to the matters I have set out, also provide that the Chief Justice may separately nominate another judge of the committee as chair of the Superior Courts rules committee and to provide that such nomination may be revoked at any time.

Amendments Nos. 9 to 17, inclusive, amend section 14 of the Bill, which itself amends sections 12 and 44 of the Judicial Council Act, which provide for membership of the board of the Judicial Council and the judicial conduct committee. Currently, section 14 amends the 2019 Act to provide that the Chief Justice may nominate another judge of the Supreme Court, Court of Appeal, High Court, Circuit Court or District Court to perform his or her functions as an *ex-officio* member of the board and of the judicial conduct committee rather than just a judge of the Supreme Court, as is currently the case. The proposed amendments provide for the revocation at any time of a nomination to act as chair of the board of the judicial conduct committee. They also substitute certain references to "nominate" with "nominate in writing" to align with existing provisions in the 2019 Act.

Senator Michael McDowell: I want to draw to the Minister's attention to the structures of the Judicial Council. In certain cases, there is provision for an elected member of the District Court and an elected member of the Circuit Court. It is also provided in law that at least one of them must be of the opposite gender to another. That means that if, for instance, the District Court elects a woman, the Circuit Court has to elect a man. That seems to be something that the Minister should reconsider. It is a bit intrusive to say to Circuit Court judges or to District Court judges that whosoever they elect will determine who the judges of the other court can elect for the purpose of gender balance on the whole board, and especially now that there are so many women judges doing such fine work as judges in our system. On the need for strict rules of that kind, which disqualify people on the basis of what other judicial electorates decide, it seems unnecessary and overly complex.

Deputy Jim O'Callaghan: I hear what Senator McDowell said.

Amendment agreed to.

Government amendment No. 9:

In page 17, line 1, to delete "nominate" and substitute "nominate in writing".

Amendment agreed to.

Government amendment No. 10:

In page 17, line 4, to delete "nominate" and substitute "nominate in writing".

Amendment agreed to.

Government amendment No. 11:

In page 17, line 6, to delete “,” and substitute the following:

“(2C) The Chief Justice may, at any time, revoke a nomination made under subsection (2B) and, where that revocation relates to a nomination referred to in paragraph (a) of that subsection, the Chief Justice shall make another nomination under that paragraph if the revocation takes effect during the period or on such occasion or occasions referred to in subsection (2A).”,.”.

Amendment agreed to.

Government amendment No. 12:

In page 17, to delete line 13 and substitute the following:

“(b) in section 13, by the insertion of the following subsection after subsection (1):

“(1A) A nomination under section 12(2A) shall—

(a) cease to have effect upon—

(i) the expiration of the period or the passing of the occasion or occasions, as the case may be, specified in the nomination, or

(ii) the revocation of the nomination by the Chief Justice,

(b) where the Chief Justice ceases to hold judicial office, cease to have effect upon such cessation,

(c) where the judge in respect of whom the nomination was made ceases to hold judicial office, cease to have effect upon such cessation, or

(d) where the judge, in respect of whom the nomination was made, by notice in writing given or sent to the Chief Justice indicates that he or she does not wish to continue to perform the functions concerned, cease to have effect upon the receipt of that notice by the Chief Justice.",

and".

Amendment agreed to.

Government amendment No. 13:

In page 17, line 32, to delete "nominate" and substitute "nominate in writing".

Amendment agreed to.

Government amendment No. 14:

In page 17, line 36, to delete "nominate" and substitute "nominate in writing".

Amendment agreed to.

Government amendment No. 15:

In page 17, line 39, to delete “,” and substitute the following:

“(2C) The Chief Justice may, at any time, revoke a nomination made under subsection (2B) and, where that revocation relates to a nomination referred to in paragraph (a) of that subsection, the Chief Justice shall make another nomination under that paragraph if the revocation takes effect during the period or on such occasion or occasions referred to in subsection (2A).”,.”.

Amendment agreed to.

Government amendment No. 16:

In page 18, line 5, to delete the period after “be,” ” and substitute a comma.

Amendment agreed to.

Government amendment No. 17:

In page 18, between lines 5 and 6, to insert the following:

“and

(c) in section 46, by the insertion of the following subsection after subsection (1):

"(1A) A nomination under section 44(2A) shall—

(a) cease to have effect upon—

- (i) the expiration of the period or the passing of the occasion or occasions, as the case may be, specified in the nomination, or
- (ii) the revocation of the nomination by the Chief Justice,
- (b) where the Chief Justice ceases to hold judicial office, cease to have effect upon such cessation,
- (c) where the judge in respect of whom the nomination was made ceases to hold judicial office, cease to have effect upon such cessation, or
- (d) where the judge, in respect of whom the nomination was made, by notice in writing given or sent to the Chief Justice indicates that he or she does not wish to continue to perform the functions concerned, cease to have effect upon the receipt of that notice by the Chief Justice."."

Amendment agreed to.

Acting Chairperson (Senator Pat Casey): If the question on amendment No. 18 is agreed, amendments Nos. 19 to 24, inclusive, cannot be moved. Amendments Nos. 18 to 24, inclusive, are related. Amendments Nos. 19 to 22, inclusive, are physical alternates to amendment No. 18. Amendments Nos. 18 to 24, inclusive, may be discussed together by agreement. Is that agreed? Agreed.

Senator Maria McCormack: I move amendment No. 18:

In page 19, to delete lines 9 to 25 and substitute the following:

"**40B.**Nothing in this Part shall be construed as conferring any new or additional power on the Minister to direct the deployment of members of the Defence Forces in aid of the civil power beyond those that exist apart from this Part."

Senator Pauline Tully: I second the amendment.

Senator Maria McCormack: I will discuss amendment No. 18 first. This amendment seeks to annul the provision in relation to aid to the civil power. Despite what the Minister said to me on Committee Stage as to the reasons for the inclusion of these provisions in this Bill, today we have no explanation whatsoever as to what prompted the Government to bring forward these provisions.

The Minister for foreign affairs and for Defence was completely evasive on this matter when this was discussed in the Dáil select committee. I looked back over the transcript from that committee from 19 May, which I have to hand, and it is not adding up. We do not know where the rationale for bringing forward these changes came from and why it is being done in such a rushed manner and as part of this miscellaneous provisions Bill, which, the Minister has already stated, already covers a wide range of, in my opinion, unrelated matters.

Sinn Féin has been clear that any expansion of Defence Forces powers must be grounded in transparency, democratic oversight and absolute respect for civil liberties. Whether the Minister accepts it or not, the fact is that the provisions on the aid to the civil power raise

concerns regarding the normalising of military involvement in policing, which should remain exceptional and limited. An Garda Síochána is the primary civilian policing authority and any Defence Forces support must remain exceptional, time bound and tightly controlled.

I am interested in the Minister's response here. I am not entirely satisfied. On the last occasion, the Minister told me that this has been used for a long time and is already in place. If this is already in place, why did this need to come forward now and as part of this miscellaneous provisions Bill? Why is it not getting a chance to go through the defence and foreign affairs committees? It seems to have been pushed through and added on here. This Bill already has many unrelated matters. The Minister for foreign affairs seemed to not really understand her reasons for bringing this forward right now.

I am hoping the Minister might be able to clarify it for me.

Senator Alice-Mary Higgins: I have a number of amendments to this section. When we were discussing this on Committee Stage, there was a strong push-back against the amendment we proposed at the time, which was the idea that there would a requirement for a motion to the Dáil or Seanad in respect of such deployments. It was argued that we already do it. We do it 240-something times in the year but, as was said, there is still that question that if we are already doing it and it is already in practice, then why are we adding this specific power now?

There is also the question of transparency and accountability because it is a significant thing for the Defence Forces to be deployed in a civil matter. That is why I have a set of amendments which are seeking to bring transparency to such measures as are proposed in the Bill. At the moment, the legislation speaks to the fact that the Minister for justice decides to request that the Minister for Defence would allow for the Defence Forces to be deployed and it may be subject to conditions, but which conditions?

Amendment No. 19 relates to when publishing is requested by a committee. This does not slow the Government down. This is not something that means the Government cannot act in this prompt way on those matters that are being put forward by the Minister in terms of a missing person, the clearing of the rhododendron, or whatever else the Defence Forces may have been deployed for. It reads:

When requested by a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, the Minister shall publish information in relation to the conditions attached to the approval of decisions under subsection (2).

I am going to pick one of the most harmless of the deployments, the removal of the rhododendron in a national park, which I certainly have no objection to, or we could look to the deployment of the Defence Forces in relation to the clearing of a public street. There are many different examples, but it is that the relevant committee can ask what conditions were attached when the Minister for Defence agreed that the Defence Forces would be allowed to act in this way, in the public space, in an area that would normally and properly be the remit of civil authority. It can ask what conditions were attached to the bringing in of the Army in these situations. That is an important piece because at the moment, it simply reads, "The Minister may, subject to such conditions as he or she may specify, give general approval". This is not just for individual instances but for a "class or classes of assistance".

We then come to our second amendment, amendment No. 20. It reads:

The Minister shall publish, on an annual basis, the class or classes of assistance as agreed with the Minister for Justice, Home Affairs and Migration, for which deployment of members of the Defence Forces in aid of the civil power has been approved.

All of that argument about how this will slow us down, etc., does not apply in these instances. These are instances around transparency and good governance. What are the class or classes of assistance? Is missing persons a class? The example given by Senator McDowell in the past was in the protection of the transfer of large amounts of money. Whatever they are, let us know what the classes are because at the moment the Bill allows for the Minister to come up with new classes, categories and types of things that the Army can come in for.

If the Minister for Defence and the Minister for justice agree - there is not a requirement to get their Cabinet on board but presumably they will seek to do so - they can use the Army for all kinds of things. The Minister may say that it is already used for those kinds of things but if they are reasonable kinds of things, there should not be an objection to publishing it and letting us know what the categories of action and situations are in which the public may expect to find the Army deployed within the civil space. Where they might have expected to find An Garda Síochána, they are finding the Army. Where they might have expected to find another member of the civil authority, the Army is suddenly involved. The public is entitled to know why and for what purposes, so that then there can be a little bit of an evaluation, at a minimum in the public space if not a requirement in the Oireachtas, as to whether it is an appropriate use of the Army. It at least allows for transparency so that we know and can have that discussion, even if my amendments do not create an obstacle to the allocation of such classes. They simply look for transparency in relation to them.

Amendment No. 21 proposes that Minister publishes the list of class or classes in aid of the civil power. It also proposes that "Where the Minister wishes to introduce a novel class of assistance", the published list would be updated. If the Government introduces a new category of situation, for example, surrounding data centres and the Critical Infrastructure Bill, or some other area is deemed as an area for the use of the Army, besides all of those uses that may be worthy that we have heard of in terms of explosives and missing persons, the Minister should publish that and it should be made clearly available. This is so that the public can at least know that the decision has been made and that there might, at least at a minimum, be political accountability in relation to that decision and its merits are debated.

Amendment No. 22 reads:

In page 19, between lines 17 and 18, to insert the following:

“(3) The Minister shall, in consultation with the Minister for Justice, Home Affairs and Migration, develop and publish guidelines for directions to deploy members of the Defence Forces in aid of the civil power under subsection (1).”.

With these amendments, I have gone directly back to things that are in the Minister's amendment and looked for the conditions and the classes of assistance to be transparent. Section 40B(4) of the Bill states, "The Chief of Staff shall, with the consent of the Minister, prepare and issue guidance to members of the Defence Forces deployed in aid of the civil power." Those guidelines should be published. That is a simple thing. If guidelines are given to the Defence Forces in respect of how they are meant to engage in an area that is not within their normal remit, which is an area of civil power and civil administration, and guidelines as

to what are appropriate or inappropriate actions in that context and the appropriate protocols safeguards they should be applying, the public should also be able to know those. When members of the public engage with An Garda Síochána, they know their rights and the mechanisms and guidelines that gardaí may be operating under to a degree. Most of the public do not have the experience of engaging with the Defence Forces. If we create the possibility for situations where members of the public find themselves engaging with members of the Defence Forces, who are asserting authority in a situation, it would be useful and proper that the public would know exactly what the guidelines and appropriate or inappropriate actions are in terms of how those members of the Army may behave in the engagement.

These are simple calls. They are not new mechanisms. They are not further safeguards. We have been through that debate on Committee Stage, and the proposal for a separate fail-safe mechanism was rejected. They are simply a requirement that the measures mentioned in the Bill are transparent, published and publicly available. It is a minimum requirement.

4 o'clock

Senator Sharon Keogan: My amendment No. 24 proposes to insert a three-year sunset clause and a mandatory operational review framework into Part IIIA of the Defence Act 1954, as inserted by section 9 of the Bill, directly addressing the State's expanding powers regarding the Defence Forces' deployment in aid of the civil power. Let me be clear. I support the broad principles of the Bill and I welcome the codification and modernisation of our defence protocols. However, this is a miscellaneous provisions Bill and, as such, it is not really the place to introduce broad and sweeping reforms. Nevertheless, just as we should not make the perfect the enemy of the good, we must never allow the good to become the enemy of the better.

I bring forward my amendment in the spirit of improving the Bill and, at a bare minimum, in order to have some constructive suggestions entered into the public record, which I hope the Minister will consider. In addition to adding a sunset clause, my amendment proposes a requirement for the Minister to bring forward a report. This is to ensure the legislation does not expire into a vacuum. The amendment also outlines the issues the report should consider. That will address what I consider to be a number of conflation and simplifications that arose during the previous debate.

One issue the report should consider is the classification of the different types of deployments of the Defence Forces in aid of the civil power. During debate on the preceding Stage, there was a conflation of all kinds of deployments. On the one hand, the Minister mentioned routine deployment such as the bomb disposal squad helping An Garda Síochána and armed escorts for cash transports. On the other hand, the example was given of the deployment against the fuel protests. That is not helpful. Attaching a section of soldiers to passively dissuade an attack on a cash transport is obviously different from a deployment of a whole company to clear protestors from the streets.

The amendment also suggests consideration of the threshold appropriate to the classifications. In defence of the deployment during the fuel protests, we were told the protestors were in breach of the law, had no right to block vital infrastructure and, therefore, we must send in the troops. That reflects a bizarre all-or-nothing dualism. Breaches of law must be treated with proportionality. Civil disobedience, by its nature, is about breaking the law in a non-violent manner. When climate protestors blocked O'Connell Bridge or when pro-

peace activists block Shannon Airport, is there any talk of deploying the Army? Of course there is not. Unless a violent mob were surging up Nassau Street or Grafton Street with clear intent to storm these buildings in order to violently overthrow the legitimate Government, the Army should not be deployed.

As a general principle, the Army should not be used for crowd control or dealing with protestors at all. That should be the sole remit of the Garda and it should be resourced accordingly. There is a tangible concern that the Army could slip into becoming a back-up riot squad, and that is not right. The Army is for the defence of the State, whether from external invasion or internal insurrection, not for deployment against protestors looking for a change of law or policy or even against vandals.

Then there is the consideration of the safeguards and oversight mechanism applicable to such deployments. In looking to check these powers of domestic military deployment, we have also seen evidence of another type of duality of thought, namely, that deployment in aid of the civil power should be either subject or not subject to the approval of both Houses of the Oireachtas. This is another unhelpful duality. As the Minister pointed out, it would be impractical given the urgent nature of most deployments. However, that does not mean we should give such a high level of discretion regarding serious deployments to two Ministers. There could be a requirement for Cabinet approval, for example, or approval by the Taoiseach and Tánaiste, with such approval conditioned on a State crisis check.

I do not have a fully formed solution but these are exactly the questions and discussions I would like my amendment to encourage. On the back of these discussions and considerations, a permanent law is to be drafted. If that is not yet ready and more time is needed to get it right, the amendment includes provision to extend the current legislation via a resolution passed by both Houses. Discussions and reforms along those lines will be vital as we go forward. We must face the sad reality that we are in an age of growing security needs and our Defence Forces will, I hope, grow and expand to meet the dangers the world faces. In that context, it is vital to look to appropriate reforms in matters of domestic deployment, including deployment in aid of the civil power. I commend my amendment to the House.

Deputy Jim O'Callaghan: I thank all the Senators for their contributions. Senator McCormack asked why this is being done now. There really is no surprise in the Bill's introduction. It has been proposed for some time. It is designed to ensure that the system in place at present, based on regulations that are approximately 60 years old, is modernised. As I said earlier in respect of another provision within this miscellaneous provisions Bill, it is preferable that details in terms of the exercise of important powers are set out in primary legislation. The Defence Act 1954 contains a section dealing with aid to the civil power. However, it is generally the regulations made under that provision that specify the associated functions in terms of An Garda Síochána and the Defence Forces.

Senator McCormack stated that the Bill includes a whole series of unrelated matters. That is the function of a miscellaneous provisions Bill. "Miscellaneous" means there are unrelated matters linked together. The Minister, Deputy McEntee, was very clear on Committee Stage in the Dáil that the purpose here is to set out in primary legislation, namely, the Defence Act, the circumstances under which An Garda Síochána or the Minister can request the assistance

of the Defence Forces and-or the Minister for Defence in aid of the civil power in respect of work that is done by gardaí.

As I said on Committee Stage in this House, the annual report of the Department of Defence and the Defence Forces sets out the aid-to-civil-power operations. It provides all the detail as to the numbers of requests made by An Garda Síochána and the type of activity requested. There is nothing sinister or unusual about it. I gave the figure for the requests last year, and it was a significant number. The report that comes out on an annual basis specifies the type of assistance given, including Garda air support unit missions, Central Bank patrols, airport security duties, explosives production security, Central Bank security, prisoner escorts, explosive ordnance disposal call-outs, explosive materials escorts, Naval Service diving operations, cash-in-transit escorts, hospital security, VIP visit security, search operations, and Air Corps and Naval Service support. That information is available. It is not being hidden.

At present, the way it happens is that a C70 form is sent by An Garda Síochána to the Defence Forces in circumstances where gardaí need the assistance of the Defence Forces. I gave the example on Committee Stage of how the search for the missing remains of Mike Gaine required the Garda to seek the assistance of the Defence Forces. That was a perfect example of where such a request was necessary.

In respect of amendment No. 18 from Senator McCormack and her colleagues, it is acknowledged that the regulations are in need of modernisation. Those provisions have been there for more than 60 years. What is being proposed in the new section 40B of the Defence Act 1954 is that the new section will provide for substantive change to the current legislative framework under which members of the Defence Forces may be deployed in aid of the civil power. This is necessary to ensure the provisions are appropriately set out within the Defence Act for this important role of the Defence Forces. It is beneficial to the public and to the Oireachtas that it is set out clearly what will be proposed in the future.

Amendment No. 18 provides that "[n]othing in this Part shall be construed as conferring any new or additional power on the Minister to direct the deployment of members of the Defence Forces in aid of the civil power". I have given a list of examples of deployments. Obviously, circumstances will change. I am sure that 15 or 20 years ago, a huge number of the requests were for cash-in-transit escorts. In 2024, there were only five such requests. As time progresses, the nature of threats changes and the number of threats increases, the circumstances of requests will vary as well.

That is why it would be inappropriate to state in a piece of legislation that the Act shall not "be construed as conferring any new or additional power on the Minister to direct the deployment of members of the Defence Forces in aid of the civil power beyond those that exist apart from this Part". Those are powers that exist at present. There may be other circumstances where the Garda requires the assistance of the Defence Forces and it should not be precluded from seeking that assistance simply because there is provision in legislation which states a list of things that can be done, such as I have read out, but not go any further. I will not be accepting amendment No. 18.

I will turn to amendments Nos. 19 to 22, inclusive, in the names of Senators Higgins and Ruane. These amendments also relate to the amendments of the Defence Act as set out in Part 5, specifically section 40B to which I referred. The amendments relate to the publication of

information relating to the aid of the civil power process. In that regard, statistical information in relation to the deployment of members of the Defence Forces in aid of the civil power is provided by the Department of Defence on an annual basis in the report to which I just referred. This report, which contains detailed information relating to the Department of Defence and the Defence Forces, is laid before the Houses of Oireachtas. All that information is there, setting out the details as to how many times the aid of civil power operations has been requested and granted, and is available to the Houses of the Oireachtas.

It is important to recall the definition of "aid of the civil power", which is set out in subsection (5) of the new section 40B. The definition refers to "assistance provided by the Defence Forces to An Garda Síochána under this section". This definition sets out the context in which deployments in aid of the civil power take place, which is that the requirement for assistance is identified by the Garda and a request is made for the assistance of the Defence Forces. The domestic internal security of the State is primarily the responsibility of my Department and the Garda. It is an operational matter, in the first instance, for the Garda to determine whether and in what context it would require assistance from the Defence Forces. The basis for the deployment of members of the Defence Forces in aid of the civil power is, therefore, clearly set out in the section and the question of the development and publication of guidelines in relation to deployment does not arise.

I will move to amendments Nos. 23 and 24 in the names of Sinn Féin Senators and Senator Keogan, respectively. They propose reviews of the operation of Part III of the Act. There is a requirement in the Standing Orders of Dáil Éireann for a post-enactment report, and indeed in the Standing Orders of Seanad Éireann. What these amendments seek to do is to place a statutory obligation on the Minister for Defence to produce a report within a year and to come back before the House. As Senators know, there is already that requirement to put a post-enactment report together and that is to be done within 12 months. Amendment No. 23 would provide that the new Part IIIA would cease to have effect after three years unless a resolution approving its continuation was passed. I have already stated the purpose of the new Part III and these reasons will still be valid in three years' time.

I do not think we should be fearful about the fact that since the State was established, the Garda has requested, and the Defence Forces have provided, assistance in aid of the civil power. I believe everyone here thinks that should continue. All we are doing here is to put it on a statutory basis so the public and Oireachtas are aware of how these powers are operating, as opposed to the rather archaic system set out pursuant to the Defence Act from the 1950s.

Senator Alice-Mary Higgins: The amendments that I put forward were simply looking for the public to know how these powers operate. The Minister said that this is a substantive change to the system. It is a new system. It is perfectly legitimate that we would ask about the new system. The Minister is leaning on the past but telling us there is a substantive change and the past system is outdated. If it is a substantive change, as the Minister described it, and a new system, it is legitimate that we would say we should make it transparent.

The Minister is saying that this measure is to put it on a statutory basis so that the public and the State know what is happening, but we will just know that the Minister will know things. We will not know the conditions that are attached to the approval of decisions. There is no guarantee of those being published or us knowing what they are. The case or classes of

assistance and statistic information that is produced by the Defence Forces may happen under the current "old" regime, to include the reasons why the C70 was issued and granted and so forth. If we have a new system that the Minister is putting in place, where the Minister is designating classes of assistance, why should the list of those classes of assistance not be published? The Minister tells us that the Defence Forces' report may include it. No, the Defence Forces' report included the old system, under the C70s. The Minister is introducing a new system with ministerial power to designate certain categories and classes of assistance where the Army may be deployed. We simply asked him to publish them. That is not something to which the Minister is agreeing.

Amendment No. 21 is similar. It proposes that if the Minister is introducing a new class of assistance, he should update and publish a list. The thing is that what people use armies for changes. The following is a slightly different example but it is a time I remember. We debated Operation Sophia in the Seanad. Government Member after Government Member stood to say they were proud of the Navy because of what it was doing on search and rescues. I am incredibly proud of the Navy because of what it does in search and rescue. However, what the Minister was saying was that the Navy was moving from a primarily humanitarian focus to a primarily security focus. What was happening was that we were being told to look at the past and all the great things we did, and making that the rationale for voting for the new power, but under the new system the Navy stopped doing search and rescue. It joined Operation Sophia and moved to a security function and the Navy started to be used primarily for security functions in the Mediterranean Sea rather than search and rescue. That is just an example. It is, I know, a different one, but it is an example that shows us that we need to look at what is in front of us and not lean on what was done in the past and all the wonderful examples of that. We need to look at the proper structure of accountability for the new, substantive changes to the system, as the Minister has described them.

That again brings us to the class or classes of assistance and the kinds of conditions that are attached. Most crucial, as I say, is the question of the guidelines for directions so there is an understanding for the public. The Minister says he is looking to provide transparency for the public but the public is being told that we are going to have guidelines; full stop. We are simply asking the Minister to publish the guidelines. Do not just develop guidelines but publish them. If it is the case that the Minister wants to put everything on a clearer basis, have more transparency and a statutory basis for all these things so we all know how and why they are happening, let us actually know how and why, and under what conditions and with what guidelines, they are happening. My three amendments straightforwardly looked for elements that are already going to happen under the new system, as the Minister has described it, to be published and to be publicly available information. I do not understand why those amendments are not being accepted.

Deputy Jim O'Callaghan: I thank the Senator. I will be succinct in response. To date, all that information is being published on an annual basis in the Department of Defence and Defence Forces report. I suspect that most people in the Houses of the Oireachtas, this House and the Lower House, were not aware of that report or the level of detail within it. That level of detail will continue and that is recognising the importance of giving this information to the public. It is in the public domain already in the regulations that are there at present. There is

nothing specifically about it having to be published. It will continue to be published into the future.

Senator Maria McCormack: I thank the Minister. I am still not entirely satisfied with the reasons for bringing in this measure. I understand he is saying that this legislation needed reform because it was over 60 years old. Why did it just happen at that time? It seems to be a strange coincidence that the exact wording in this new legislation seems to be the same wording that the Minister used when he was going to call in the Defence Forces.

The provision refers to "approval for the deployment of a member of the Defence Forces in aid of the civil power". Those are the exact words that the Minister used when he was going to deploy the Defence Forces during the fuel protests. I am alarmed by the fact that the Minister has said indicated that all of this is in place already and that the Defence Forces are deployed for many reasons, including locating missing persons. Everyone wants to see these powers being strengthened for those reasons, but they are already there and are already being used. Are we just supposed to accept that these powers can be used for any purpose? I accept that we need new legislation, particularly as the Defence Forces may need to be called in at any stage. However, we do not know what that need might be. Mary, Joe and Paddy could decide to have a protest outside the gate, but who decides that the Defence Forces need to be called in? Where does this begin and end?

Deputy Jim O'Callaghan: The Senator raised four points. First, the language that is used in respect of aid of the civil power is also used in section 90 of the 1954 Act. That is language that has been in place for over 60 years. Second, the reason new wording is being put in by way of legislation is to modernise it. The Defence Act 1954 is out of date. Everyone in the House will appreciate that there is a benefit in modernising a provision such as this.

Third, the Senator is trying to suggest, although she did not state it, that the reason for this statutory provision is as a result of the fuel protests. As I said before, and as is publicly provable, this was announced by the Minister, Deputy McEntee, and discussed in March, way before there were any fuel protests.

Fourth, we will use the protests as the example of when the provision was used. The Garda recognised that it did not have the vehicles necessary to remove the very large vehicles that were blocking critical infrastructure, including refineries. The Garda knew that the Defence Forces had the relevant equipment, namely large trucks. A chief superintendent in one region put in a request to the Defence Forces in another region seeking the use of those large trucks to remove vehicles. Subsequently, a response was received. That is how it operates. It operates on the basis of what is needed in the here and now. That is why a request for members of the Defence Forces to be present during the search for the remains of Michael Gaine was submitted.

What we do not want to happen, I am sure, is for Senators and Deputies to be the people deciding whether or not the Garda needs to request information. Gardaí make the requests. They decide in respect of which areas it needs to be requested. If that happens, it has a political consequence as well on certain occasions, and it can be announced.

This provision gives it even greater democratic legitimacy because it is elected and appointed Ministers and members of the Executive who will be involved. The section states

that the Minister for Defence may "give general approval for the deployment of a member of the Defence Forces in aid of the civil power for such class or classes of assistance as may be agreed with the Minister for Justice, Home Affairs and Migration." When looking at aid in terms of the type of classes, the information we see is readily available in terms of the four preceding years and will continue to be available.

Amendment put:

The Seanad divided: Tá, 12; Níl, 26.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Collins, Joanne.	Boyhan, Victor.
Flynn, Eileen.	Boyle, Manus.
Harmon, Laura.	Byrne, Cathal.
Higgins, Alice-Mary.	Casey, Pat.
Keogan, Sharon.	Clifford-Lee, Lorraine.
McCormack, Maria.	Comyn, Alison.
Mullen, Rónán.	Conway, Martin.
Murphy, Conor.	Crowe, Ollie.
O'Reilly, Sarah.	Curley, Shane.
Stephenson, Patricia.	Daly, Paul.
Tully, Pauline.	Duffy, Mark.
	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	McCarthy, Aubrey.
	McDowell, Michael.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Ní Chuilinn, Evanne.
	O'Reilly, Joe.
	Rabbitte, Anne.
	Scahill, Gareth.

Tellers: Tá, Senators Maria McCormack and Pauline Tully; Níl, Senators Cathal Byrne and Paul Daly..

Amendment declared lost.

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

In page 19, between lines 17 and 18, to insert the following:

"(3) When requested by a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, the Minister shall publish information in relation to the conditions attached to the approval of decisions under subsection (2).

Senator Eileen Flynn: I second the amendment.

Amendment put and declared lost.

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

In page 19, between lines 17 and 18, to insert the following:

“(3) The Minister shall publish, on an annual basis, the class or classes of assistance as agreed with the Minister for Justice, Home Affairs and Migration, for which deployment of members of the Defence Forces in aid of the civil power has been approved.”.

Senator Eileen Flynn: I second the amendment.

Amendment put and declared lost.

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

In page 19, between lines 17 and 18, to insert the following:

“(3) The Minister shall publish a list of the class or classes of assistance for which deployment of members of the Defence Forces in aid of the civil power may be approved under subsection (2).

(4) Where the Minister wishes to introduce a novel class of assistance, he or she shall update the list published under subsection (3).”.

Senator Eileen Flynn: I second the amendment.

Amendment put and declared lost.

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

In page 19, between lines 17 and 18, to insert the following:

“(3) The Minister shall, in consultation with the Minister for Justice, Home Affairs and Migration, develop and publish guidelines for directions to deploy members of the Defence Forces in aid of the civil power under subsection (1).”.

Senator Eileen Flynn: I second the amendment.

Amendment put and declared lost.

Senator Maria McCormack: I move amendment No. 23:

In page 19, after line 40, to insert the following:

“Review of operation of Part IIIA

40D.(1) The Minister shall carry out a review of the operation of this Part not later than 2 years after the commencement of this section.

(2) The Minister shall, following the review referred to in subsection (1), carry out further reviews of the operation of this Part at intervals not exceeding 5 years.

(3) A review under this section shall include an assessment of the exercise of powers under sections 40A, 40B and 40C, including the frequency and circumstances of their use.”.”.

Senator Joanne Collins: I second the amendment.

Amendment put and declared lost.

Senator Sharon Keogan: I move amendment No. 24:

In page 19, after line 40, to insert the following:

“Review and sunset of Part IIIA provisions

40D.(1) The provisions of Part IIIA shall cease to have effect 3 years after the commencement of this section unless continued in accordance with subsection (5).

(2) The Minister shall, not later than 2 years after the commencement of this section, conduct a review of the operation of Part IIIA and shall lay a report before each House of the Oireachtas.

(3) A report under subsection (2) shall include—

(a) an assessment of the use in practice of the powers conferred under Part IIIA,

(b) consideration of the classification of different types of deployment of the Defence Forces in aid of the civil power,

(c) consideration of the thresholds appropriate to such classifications,

(d) consideration of the safeguards and oversight mechanisms applicable to such deployments, including in situations involving public order, and (e) proposals for legislative or administrative reform.

(4) The Government shall, having considered the report, bring forward such legislative or other measures as it considers appropriate having regard to the findings and proposals contained in the report.

(5) The provisions of Part IIIA shall not continue in force beyond the period specified in subsection (1) unless a resolution approving their continuation has been passed by both Houses of the Oireachtas.”.”.

Senator Sarah O'Reilly: I second the amendment.

Amendment put and declared lost.

Bill recommitted in respect of amendment No. 25.

Government amendment No. 25:

In page 23, between lines 17 and 18, to insert the following:

“Amendment of section 10 of Misuse of Drugs Act 1984

22. Section 10 of the Misuse of Drugs Act 1984 is amended—

(a) in subsection (1), by the substitution of “FSI” for “Forensic Science Ireland of the Department of Justice”, and

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

“(2) In any proceedings for an offence under section 3 of the Principal Act, the production of a certificate—

(a) purporting to be signed by an approved member of An Garda Síochána,

(b) relating to an examination, inspection or test, as the case may be, by way of an approved category of applicable drug test, carried out by the member, of a relevant controlled drug or other substance, product or preparation, and

(c) specifying—

(i) the approved category of applicable drug test concerned, and

(ii) the relevant controlled drug or other substance, product or preparation concerned, shall, until the contrary is proved, be evidence of any fact thereby stated without proof of any signature thereon or that any such signature is that of the member.

(3) The Minister for Justice, Home Affairs and Migration, having consulted with the Director of FSI, may by order prescribe a controlled drug for the purposes of paragraph (d) of the definition of relevant controlled drug in subsection (6) where he or she is satisfied that it is appropriate to do so, having regard to—

(a) the availability of an examination, inspection or test that is capable of being carried out on a substance, product or preparation in a place other than a laboratory with the purpose of ascertaining whether the controlled drug is present in the substance, product or preparation, and

(b) the efficacy, accuracy, usability and safety of any such examination, inspection or test.

(4) The Director of FSI may, where he or she is satisfied that it is appropriate to do so, having regard to the efficacy, accuracy, usability and safety of a category of applicable drug test, certify, in writing, the category as an approved category of applicable drug test for the purposes of subsection (2).

(5) The Director of FSI may, where he or she is satisfied that a member of An Garda Síochána—

(a) has undertaken appropriate training, provided by FSI, on the administration of applicable drug tests, and

(b) is competent in such administration, certify, in writing, the member as an approved member of An Garda Síochána for the purposes of subsection (2).

(6) In this section—

‘applicable drug test’ means an examination, inspection or test that is capable of being carried out on a substance, product or preparation in a place other than a laboratory with the purpose of ascertaining whether a relevant controlled drug is present in the substance, product or preparation;

‘approved category of applicable drug test’ means an applicable drug test certified under subsection (4);

‘approved member of An Garda Síochána’ means a member of An Garda Síochána certified under subsection (5);

‘Director’, in relation to FSI, has the same meaning as it has in the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014; ‘FSI’ means Forensic Science Ireland of the Department of Justice, Home Affairs and Migration;

‘member’, in relation to An Garda Síochána, has the same meaning as it has in the Policing, Security and Community Safety Act 2024 (other than in Part 6 of that Act);

‘relevant controlled drug’ means—

(a) cannabis,

(b) cannabis resin,

(c) cocaine, or

(d) any other controlled drug prescribed under subsection (3) for the purposes of this definition.”.”.

Amendment agreed to.

Bill reported with amendment.

An Leas-Chathaoirleach: Amendments No. 26 to 35, inclusive, are related. Amendments Nos. 27 to 33, inclusive, are physical alternatives to amendment No. 26. Amendments Nos. 28 to 33, inclusive, are physical alternatives to amendment No. 27. Amendments Nos. 26 to 35, inclusive, may be discussed together by agreement. Is that agreed? Agreed.

Senator Maria McCormack: I move amendment No. 26:

In page 23, to delete lines 18 to 35, and to delete pages 24 to 27 and in page 28 to delete lines 1 to 3 and substitute the following:

“Amendment of section 19A of Criminal Evidence Act 1992

22. The Criminal Evidence Act 1992 is amended by the deletion of section 19A and the substitution of the following:

“19A.(1) In this section—

“competent person” means a person with relevant training, study or experience in counselling;

“counselling” means the provision of support, advice, therapy or treatment to a person;

“counselling record” means any record made by a competent person in connection with counselling provided to a complainant in a sexual offence case;

“court” means the Circuit Criminal Court or the Central Criminal Court;

“sexual offence” has the same meaning as in the Schedule to the Sex Offenders Act 2001.

(2) In proceedings for a sexual offence, counselling records shall be treated as hearsay, and any statement within them as an out-of-court statement tendered for its truth, regardless of form or expression.

(3) Notwithstanding any rule of law, counselling or therapeutic records relating to a complainant shall not be sought, inspected, disclosed, produced, or admitted in evidence in such proceedings.

(4) Subsection (3) applies to all records created in the course of counselling, psychotherapy, psychological support, mental health treatment, or related services.

(5) No application may be made to a court for the production, inspection, disclosure or admission of records to which subsection (3) applies, and any such application shall be void.

(6) No person shall request or seek such records, whether from a record holder, a complainant or otherwise, and no record holder shall comply with any such request or purported order.

(7) A court shall not order, direct or invite the production or disclosure of such records.

(8) Nothing in this section prevents a complainant from voluntarily disclosing their own records, provided such disclosure is not solicited by any party.”.

Senator Pauline Tully: I second the amendment.

Senator Maria McCormack: I listened back to the Minister's comments on counselling notes in last week's debate, and I listened again to the lived experiences of people who have given their testimonies. They have been read out throughout these debates in the Houses and in committee. Banning the disclosure of counselling notes is about recognising that they are hearsay evidence and rebalancing our justice system so that there is not only a fair trial but a fair justice system for victims and survivors. I welcome the victims and survivors to the Gallery today. We have heard of the additional trauma caused by the disclosure of counselling notes,

including from women who were asked about personal family matters totally unrelated to the case by lawyers for the defence. It was information they could only have obtained from the counselling notes. This is what I would like to focus on.

We have heard how the disclosure of counselling notes deters people from getting the counselling they need when they need it. What we have not heard, but what I have asked for, is evidence or examples of where counselling notes secured by the defence have materially impacted on court cases. I will read part of a letter I received from Paula Doyle, who is in the Chamber with us. She is a campaigner for a ban on the use of counselling notes:

My counselling was supposed to be my place where I could begin to heal my broken life, to process the trauma and, in my case, save my life. My four and a half years of sessions before trial were filled with flashbacks, triggers, suicidal thoughts and a time in my life where my nervous system was on constant high alert. During the investigation, it was found that the person who had been stalking me for three and a half years previously ended up being my rapist. It took so much of me to report this crime and I expected that the legal process might be hard, but cross-examination during the trial is horrendous. Instead, my counselling notes were taken and used in court. My healing journey and survival responses were presented in court by the defence as inconsistencies, unreliabilities and that I was unstable. The notes that were used were of no reference to the actual rape but were fragments of my new, broken existence that would be used by the defence to discredit me on the stand as a woman, a partner and a mother. I was asked by the defence what type of a mother I was. After replying that I felt I was a good mother to my five children, the defence barrister, before turning to the jury, said, "But you can't hug your children."

This was not the only incidence of the use of my counselling notes in court. See the violence didn't end with the assault. It continued when my counselling notes were used in the courtroom, ripped apart, stripped bare and I was mentally violated again, but this time by our Irish justice system. Not a lot has changed over the past decade for victims. The defence are playing clever now as they can't ask what the victim was wearing or his or her sexual history, so they now prowl through a victim's counselling notes for an assumption that by examining these her background, her behaviour, her traumatised and hijacked memory, that it will help them [prove] that she somehow implied consent. This is not just unfair. It is absolutely devastating, it is disgusting, it is extremely dangerous and it is psychological harm.

Those were words from Paula Doyle sent to all of us Members. The current updated provisions from the Minister do not introduce the statutory presumption of non-disclosure that was publicly promised. Instead, they create a two-stage gatekeeping test, which is a different and weaker legal mechanism. A presumption would have set the mandatory starting point and shifted the burden of proof, while a gatekeeping test merely filters the applications. Without an express presumption, the courts are not required to begin from a position of presumptive non-disclosure, which is what the Minister indicated he would deliver. I know Rape Crisis Ireland has engaged with the Minister on this matter and was of the view a commitment had been made that disclosure would only occur where there was a real risk of an unfair trial. This has not happened. Instead, we have the introduction of provisions in relation to the interest of justice. These need to be dropped. Amendment No. 34, tabled by Sinn Féin, would ban the disclosure of counselling notes. This is what is needed and what victims demand. This is the

Minister's final opportunity to introduce a ban on counselling notes and protect future victims. I urge the Minister to please accept amendment No. 34.

Senator Patricia Stephenson: I welcome the survivors and their supporters to the Chamber. They have been following this through the Dáil and the Seanad and will, I am sure, continue to follow this issue closely. The Labour amendment that was brought in last week and co-developed with the Dublin Rape Crisis Centre was a compromise but the Minister would not meet survivors and front-line response services halfway with that amendment. For that reason, I am supporting amendment No. 27 and the other amendments calling for an all-out ban. The Government is killing the only workable solution. I will not vote against stronger protections for survivors because the Government has chosen not to meet those survivors halfway.

I do not believe the provisions the Minister outlined in the Bill will do anything to protect survivors from the cruel and barbaric practice of their intimate counselling notes being weaponised against them at trial. I want to express my opposition and the emphatic opposition of the Social Democrats to the disclosure regime proposed in the Bill. It does not keep the promises or meet the commitments the Minister made in February of this year. Survivors deserve the strongest possible protection and the regime proposed does not provide it, simple as. Contrary to what the Minister has repeatedly promised to victims and survivors, the proposed regime is seriously flawed and will not prevent the practice of routine disclosure applications for counselling notes in sexual assault and abuse cases.

In Ireland, fewer than 5% of people who have experienced sexual violence ever report it to the Garda, which highlights a fundamental lack of trust in the system. It is for good reason that many survivors do not trust the system. Last week, the Central Statistics Office, CSO, published troubling new figures that show a 15% drop in the number of recorded sexual criminal incidents in the year to quarter 1 of 2026 compared with quarter 1 of 2025.

As the Dublin Rape Crisis Centre, DRCC, has noted, this extremely concerning trend suggests not that sexual violence rates are decreasing - we know that is not the case, and we have plenty of reports that contacts are up in the past year, which is deeply concerning in itself - but that people are becoming reluctant to seek justice. It is there in black and white. We are creating a system whereby people do not want to come forward. They are scared of doing so because they are scared of the implications.

While front-line organisations like the DRCC report an unprecedented surge in demand for services, including therapy services, the figures show that we are seeing a potential decline in the willingness of victims to report offences. The horrifying reality is that the adversarial justice system clearly does not command the confidence of sexual assault victims and clearly discourages them from seeking justice. We have a system within which the forced disclosure of deeply personal counselling notes is one of a litany of obstacles that survivors must face. No survivor of sexual assault, rape or sexual abuse who has had the courage to seek counselling should ever have to fear that their words could be twisted and used against them should they seek to pursue justice through the courts.

We know that for many survivors of rape and sexual violence, counselling is a crucial and essential part of their recovery. It is not optional; it is where they begin to process trauma, rebuild trust and regain control of their lives. How can we stand over a system where these notes can be weaponised, as they routinely are, not in the interests of a fair trial, but solely to

discredit the system? It is cruel and is symptomatic of an ingrained misogyny and a system that is stacked against sexual violence survivors every step of the way.

We have a situation whereby survivors of sexual violence are choosing not to seek counselling. They are choosing to opt out of therapy on foot of a fear that their most intimate discussions with a clinical therapist will be used against them. The DRCC has documented this. We are creating a dichotomy or a binary between getting therapy and getting justice. Getting justice is part of the therapeutic process as well. They are actually intertwined, so we cannot create a binary. For many people, if they have not gone through the justice process, if they have not held their perpetrator to account, then they cannot pursue the healing process fully. To see that person not face any retribution for the crime that was done against them, the trespass that was done against them, the physical trespass against their body, for example, can block their ability to pursue wellness in the future and develop their health again. We see that a lot in historical cases, where people go back decades later because they have not been able to move on without seeking that justice.

The idea that third-hand accounts written subjectively by a therapist, which are simply that therapist's interpretation of what the victim-survivor has recounted to them, can be used as some sort of legitimate form of evidence is mind-boggling. Counselling notes are an interpretation. They are recounting a horrendously traumatic event or events. There is a plethora of research that describes how trauma impacts memory, and in particular, body trauma, the physical trespass that has been done to someone's body. When somebody has been sexually abused or raped, body trauma has a specific impact on memory and timelines. Everyone here knows that. I am preaching to the converted. This practice of someone's therapeutic counselling notes, which are there as a tool to help them build and recover, being used as some form of evidence is nonsense. It is not a CCTV camera. It is not testimony by a witness. It is someone's personal, most intimate conversation with someone that is designed to support them. The Minister knows this. That is why it is so hard to understand why we have a situation where this legislation simply is not strong enough. The compromise that DRCC and Labour put together in the Dáil and Seanad has not been met. That was a compromise. Even with that, we are not there.

We will continue to see deeply retraumatising practices that have a chilling impact on victim-survivors and stop them from seeking justice. It is a genuine barrier to accessing justice for sexual violence survivors. It is also at odds with our obligations under the Istanbul Convention with regard to improving access to justice for survivors of domestic, sexual and gender-based violence. This will not be doing that. Because we have had this really important public debate in recent years and months, driven by survivors, I might add, and because of all the hard work that survivors have done, it is also now in the ether. People will be following this. They will be following the news that comes out of this debate and how this Bill goes. It is going to have an even more chilling impact on survivors who are fearful of coming forward. They will say that the State did not improve it. The State did not listen. They fought really hard. They bared themselves publicly, which no victim should have to do. It takes really strong people to come forward and share their most powerful personal testimonies on the public record at committees. These testimonies exist for all time. We see the bravery and strength that takes, but we still will not have done anything for them. We will not have improved the system in any meaningful way.

What message does that send to women and all survivors of sexual and gender-based violence? We heard you. We saw you cry. We saw you bare your souls. We are sorry. We cannot fix the system, or we will not fix it.

We saw a textbook example of how counselling notes are routinely deployed by defence teams to undermine the credibility of survivors of domestic, sexual and gender-based violence in the recent child sex abuse trial of Jeffrey Donaldson in the North. I acknowledge that it is a different jurisdiction, but it was a public case and is relevant to how the interpretation of memory is used to discredit victims. Complainant A in that trial had her counselling notes used against her when her counsellor had indicated in her notes that her memory was really poor or bad, as is the case with body trauma. The defence team cross-examined the victim-survivor and tried to undermine her testimony on the basis of the counselling notes. That is completely barbaric. In the end, as we know, this man was convicted of heinous crimes.

I would like to quote Paula. There will be a bit of repetition here, but I think it is important. She has given me permission to use her testimony. Paula said: “The notes that were used were of no reference to the actual rape but fragments of my new broken existence”. That is what happens to memory. That is what happens to identity and to the sense of self after something like that happens. They took those fragments and they were “used by the [defence team] to discredit me on the stand as a woman, a partner and a mother.” The following is one of the most chilling parts of Paula's testimony:

The violence I experienced didn't end with the assault. I was mentally violated against but this time by our Irish justice system. The government cannot claim to support mental health while allowing trauma symptoms to be weaponised.

Like it or dislike it. Disagree with me. Disagree with Paula. The facts are that people going through the courts will, after the enactment of this legislation, continue to have their counselling notes used as evidence of what happened to them, what horrific thing was done to their body, the violation and trespass against them and their physical personhood. We have to vote on that today. It is deeply uncomfortable for me that, after all of the public debate, we will still find that situation, and it will still go ahead. I cannot fathom how we can allow this to happen. I cannot fathom that when we talk about tackling gender-based violence and our zero-tolerance strategy, this will continue to prevent women and all victims of sexual violence from coming forward. They believe they do not have protection. They do not have the security and protection of knowing that their counselling notes will not be used. There is no guarantee.

Senator Pauline Tully: I want to speak in support of amendment No. 26 and any of the amendments that call for an outright ban on the use of counselling notes in cases of sexual violence and rape. If any of us knows a person who has been raped or sexually assaulted, they will know the life-changing and devastating impact it has. They will also know how vital counselling is in the context of trying to address the trauma, process what happened and put a devastated life back together. If these amendments are rejected, this legislation risks deterring survivors seeking counselling and therapy in circumstances where that help is much needed.

5 o'clock

The relationship between a therapist and a client should be confidential. What they discuss should be confidential. The relationship should be one of trust. It is not produced for the

purpose of evidence. It is not a verbatim account. They are clinical records that are disjointed. They show how a person is feeling at one point in time. They can and have been misinterpreted. They have been used to imply inconsistency. They have been misleading and used to undermine a victim or survivor. They have been taken out of context and tried to be used to imply consent.

I want to commend the survivors who are sitting with us in the Gallery today. As many have said, the violence is not just the act itself. The court process is so retraumatising, in particular where your notes - your own personal attempts to address what was done to you - are used against you to try to undermine you. It is just completely wrong. It is psychological harm. We have to protect victims and survivors. We have to ensure they are not harmed more than they have already been. The justice committee, which is a cross-party committee, advocated a complete and unconditional ban on the use of counselling notes and the Minister chose to ignore that. We know in cases where they are seldom used by the prosecution, they are used by the defence in an attempt to undermine the victim.

I am horrified that this practice was ever permitted but I cannot get past the fact that it may continue as well. We are just retraumatising survivors and it has to stop. If this was the Minister's relative - his daughter, sister or mother - would he want them to have to go through this? If this horrific event happened to them and they sought counselling to try to help to rebuild their lives and address their trauma, they should not have to listen to that in a courtroom. It is personal and private and it should not be used against them.

Senator Alice-Mary Higgins: I mentioned it on Committee Stage and I will mention it again because I think it is a fundamental issue here. The approach that the Government is taking here and that the Minister has chosen to take, despite the testimony he has heard from survivors, is not in the interests of justice in itself. When we talk about "in the interests of justice" - the phrase can and, I fear, will be abused as it is used in the Minister's legislative proposals - the crisis of justice we face and the Minister faces and presides over is a crisis of confidence in the justice system for a very good reason because of the experience of people. There is a crisis of confidence not just among those who have experienced violent or sexual assault or abuse, but also across the entire country among the public. We have heard the statistics. I referred to the 71% of victims who will not and do not report to the Garda. These are huge numbers. The vast majority - almost two thirds - will not and do not report violence they experience to the Garda in this area because of the system that is in place and because of the perception - this goes to the wider piece - of 76% of the public. It is not just survivors who feel that, as 76% or over three quarters of the general population believe that victims of sexual violence are going to get a hard time in a trial.

There is a problem in that the wide, general perception is that victims of sexual violence get a hard time in our trial system. A big part of that is the fact that the victims feel that they are going to be put on trial and dragged through the coals. That is the common understanding of the public and that feeds down to the fact that so few people who experience these assaults come forward. The Minister has a real problem when there is a very large area of criminal activity where the public does not have confidence in how the legal system will treat it and where victims do not have confidence. Of course, because these are predominantly women, this is a gender issue as well because you are looking at a huge part of the population that feels

that if violence is done to them in a sexual way, they are not confident in how they will be treated.

It can only add to that perception and experience when you see again the fact that, despite what the Minister has been told - the evidence and the testimonials - we are going to come out of this supposed process of potential reform with this situation regarding a person's most intimate and personal testimony. It is not even testimony but personal discussion. It is effectively hearsay. These are the notes, the discussions and the process of thinking things through that somebody does with a counsellor. Not only that; they are not even transcripts of that. They are the counsellors' interpretation of what they say. They are effectively hearsay on a very intimate and private conversation. The Minister gave the example of somebody wanting to demonstrate that they had raised an issue previously, but that is where the issue of it being solely with the consent of the person comes in. On the idea that that piece of conversation may be used, I refer to the process itself. We have this filter. At a minimum you know that your counselling notes will be given to a stranger to discuss and examine whether they, on balance, think it is a good idea that they should be used. The very fact of this filtering process already breaches that sense of the privacy and intimacy and the important dynamic of the conversations that are had.

There is also the problem of the damage that is done to people when they are made afraid to go to the Garda and the damage that is done to people when they are made afraid to seek counselling. There is also the damage that is done when ordinary people who have experienced horrendous things come forward to the political system to share their testimony and genuinely seek that it be reflected in legislation but they are seen to be not listened to. One of the things that comes up in that whole world around the idea of the propensity of sexual violence and violence against women is this thing of "believe women". What has been asked of the Minister is to believe women who have experienced sexual violence, who have told him the laws he is proposing will have a negative impact on them, and who made that clear when they talked to the committee. That was why it was reflected in what the committee recommended.

I refer to the compromise language around the presumptions of non-disclosure. I am supporting the amendments that will look for a full prohibition but the compromise language was not even listened to or engaged with. We have a dilution of a compromise put forward by the Government. The chilling effect on the seeking of healing, justice and engagement with processes of legislative change, all of that, is a really heavy piece to come out of this process with. The Minister said he is confident that this is going to solve it but people are telling him that it will not.

Where is the review clause? There is the statute, but what happens with the statistics? Is the Minister expecting that suddenly we are going to have 50% of people coming forward? There is that crisis, which is the Minister's responsibility to address, of the fact that the majority of people who experience sexual violence are not coming forward. That is going to be part of the test. It is not like prosecutions that we get or do not get. It will be the fact of people who choose to engage or not engage with the system. If the only thing the Minister can offer them is that we will have a new filtering system before their counselling records are used and if that is all he is offering, I do not see the 71% of people who do not report going down to 50% or 40% or 10% or the fact that 100% or 80% or 90% of all those who wish to and should feel confident in going into our legal system and seeking justice. There is not any other area of

offence where there are so few people who will report or engage. That is the challenge that was put. That is the challenge that is there in the interest of justice and for justice to be seen to be, understood to be and felt to be done in the State. What the Minister has offered does not deliver for that.

Our amendments are in respect of the prohibition, including, in amendment No. 27, a provision that "A counselling record shall not be disclosed in any criminal proceedings unless the complainant has consented to the disclosure". When we look at the issue of interest of justice, it is unclear. The Minister said that the interest of justice could be that this adds evidence for the prosecution. Let us talk about the person who has complained. If the Minister was accepting the amendments whereby it was done only where there is the consent of the complainant - and only in those circumstances and no other circumstances - then they would already have a recourse in relation to that matter. The interest of justice is very wide. It is not confined to being used solely by the complainant or the person on whom an assault is being prosecuted. It can be used in lots of contexts. Justice is exactly those things. Justice could be around creating an impression of consent and creating dilution. For example, there are incidents of persons who were abused as children have had the fact that they were abused as children used against them in the context of having experienced other assault. It was a case of people having been traumatised in the past and this was just them reiterating and replaying those traumas they had in the past. It is not confined to what did or did not happen at a particular time and particular date and some useful facts, which would never be fact, because they are hearsay that come through in counselling notes. It is always and often used in terms of creating a dilution as to credibility creating questions of reasonable doubt and creating an ambiguity on the issue of consent or in its worse instances, in attempting to abuse the character of a person who is seeking justice.

Those are the kinds of ways these things get used. Under the Minister's legislation, I am not confident that they will not be used in those ways in the future because the interest of justice is a very wide provision. That is why that as well as the amendment in relation to the prohibition, we also have an explicit amendment removing some of that language around "in the interest of justice" and confining these uses to the situations of an unfair trial, which of course, could be an unfair in either context.

Senator Aubrey McCarthy: I thank the Minister for being here. I welcome the opportunity to contribute to this important debate. At the heart of the legislation is a simple question. How do we protect the right to a fair trial while also protecting those who have already experienced trauma? There have been examples given. There are visitors in the Gallery and Paula's own story was given. The legislation must and can do both. Counselling is one of the few places where survivors of abuse, sexual violence and domestic violence get the opportunity to speak freely. It is where they begin to process fear, shame and trauma. They do so believing that what they are saying is confidential except in the most exceptional circumstances, which are provided for by the law. If people begin to fear that their counselling notes could routinely become part of a criminal trial, many then will simply stop talking. The Minister knows that I am involved in Tiglin. We have a women's refuge. Some of the women have told me that if this became the case, they would avoid counselling all together. It would involve censoring themselves. That would be a huge tragedy for themselves and not just for themselves for healing from the trauma but also for society.

Before entering politics, I spent 20 years working with men and women who have come from a traumatised background. Since this legislation came to public attention, I have been contacted by many women asking whether it will automatically mean that their counselling notes will be disclosed, whether, if I was in their shoes, I should stop going to counselling and whether what they tell their counsellor is really private. The fact that survivors are asking those questions should concern us all in this House. Counselling notes are not statements prepared for court. It is where somebody feels vulnerable enough to share what has happened to them. It is often the case that when people are vulnerable, they start questioning themselves and asking whether they led that person on, which would not be the case but people start to question in a very protected place with their counsellor. These should not be police reports or forensic reports. They are often a record of somebody's healing journey where memories are explored and emotions are expressed and then their trauma is processed. They are written strictly for therapeutic processes and not evidential ones.

Of course, the rights of an accused person are fundamental. Every person must be entitled to a fair trial. Nothing should diminish that. Victims, however, such as Paula who has been mentioned here, have the rights. They need the right to dignity and privacy and to recover from that trauma without fearing that the most intimate conversations that they have had with a professional counsellor may later be examined in an open court unless there is a compelling and clearly justified reason for doing so. That is why the threshold for disclosure must be exceptionally high. Applications should be based on genuine necessity and relevance, not speculation or used as fishing expeditions. Judges should continue to act as careful gatekeepers weighing the justice, of course, against the real risk of causing further harm to the victims, as Senator Stephenson said.

Over many years, we have encouraged survivors to come forward - that has progressed over recent years - to report abuse and seek counselling. We should not undermine all that progress. If we even have a small number of victims deciding not to help themselves because they fear that counselling records may be later exposed, then we fail and fail badly. This legislation is much more than about legal procedure, it is about trust. It is about trust in the justice system. It is trust that when somebody takes the brave step to ask for help that we protect their rights but we also protect their dignity. I hope that in this House we can continue to uphold the constitutional right to a fair trial but also the equally important principle that counselling must remain a place of safety, healing and hope.

Senator Laura Harmon: Cuirim fáilte roimh an Aire. As I am conscious that we may have a guillotine at 6 p.m., it is important that we try to get to all the amendments, if possible. I intend to move amendments Nos. 28 to 30, inclusive, and No. 32.

From the outset, I am proud of the Labour Party's efforts in relation to this and the counselling notes piece. Ultimately, personally and from a party perspective, we are against counselling notes being used in trials, as has been said by other Senators, survivors and the countless emails that we have received from professionals who are working in therapy and counselling. This is something that we are opposed to. We have put forward alternative mechanisms, which we wanted the Minister to consider.

We in the Labour Party have done everything we can from our point of view on this. We have really tried to make this Bill better by working with the DRCC as well and taking legal

advice in relation to that. I commend survivors on their bravery in speaking out and contacting us on this matter. There are people like Paula who have spoken out about their experiences. I cannot imagine how difficult that must be and it takes a lot of courage. I want to make the point that the justice system, I believe, is not doing right by survivors in the sense we already have low reporting rates. We already know there is a lot of retraumatisation that takes place when people do report. They seem to face barriers at every step along the way. This is something we need to address as a society. Counselling notes should not be used and weaponised against anybody and I am worried about any chilling effects as part of this.

I am also conscious the debate on this legislation has generated significant public interest and interest in the media. I would be very worried about the effects of this the debate and the messaging that is sent out to survivors and to those who are thinking of coming forward if they have experienced sexual violence and sexual assault. I hope there would not be a further chilling effect of people seeking counselling, therapy or support, or to report. I think it is really important. It is important to state as well the amazing work rape crisis centres do across the country and the likes of Women's Aid, the National Women's Council of Ireland and the many support groups that are there. There is support there for survivors but I believe that our justice system needs to do better for them.

From the outset, I will speak to a number of the amendments. We believe amendment No. 28 should be a straightforward, uncontroversial amendment. It asks the accused to genuinely make an effort to provide reasons that engage directly with the case at trial as to why the complainant's private records should be accessed. It does no more than this. The proposed criteria set out largely reflect the arbiter's statements in the Supreme Court AM case, which the Minister referred to on Committee Stage as having slightly alleviated the circumstances. In that case the Supreme Court described the operation of the section 19A process as profoundly problematic. Section 19A was not the issue being decided on in that case, however, and so the court's statements are not binding. It is incumbent now on the Oireachtas, as the legislator of the State, to enshrine the basic standards referred to in the AM case into the primary legislation that regulates these disclosure applications. Doing so sends out a clear message to accused persons and defence teams that it is not business as usual and applications to access the most intimate and private notes of complainants must be fully considered and reasoned before being made. Failing to introduce this minimum basic safeguard is incredibly difficult to understand.

In regard to amendment No. 29, as currently formulated the Government's proposal would allow the court to direct a record holder to furnish the DPP with the records sought, including counselling records, without survivor's consent and prior to the survivor even being notified of the fact of a disclosure application. This loose approach to the agency, autonomy and wishes of survivors is of grave concern and has been flagged repeatedly to the Minister since the introduction of this current proposal in May. We have provided an easy solution to this in our amendment No. 29 by removing counselling records from the relevant subsection.

Amendment No. 30 seeks to insert a stipulation that the court cannot order a disclosure of a record after a hearing unless it is satisfied the information contained in that counselling note could not be reasonably obtained by any other means. We believe this common sense safeguard would provide more protection for survivors by ensuring the bolstering of the presumption of non-disclosure that is contained elsewhere in our amendments.

Amendment No. 32 would increase the threshold for disclosure of counselling records to the accused to that of a real risk of an unfair trial standard. In the Government's proposal, counselling notes can be disclosed in the interests of justice. This is the same as the current threshold that applies. It is too low and its retention in respect of counselling notes will facilitate continued routine applications for disclosure in sexual assault cases. While there is reference in the proposed legislation to a real risk of an unfair trial, in substance this is superfluous where the interests of justice standard applies alongside it. Every case that meets the real risk of an unfair trial standard will also qualify for disclosure under the interests of justice standard. Simply put, the proposal should be read as enabling access to counselling records in the interests of justice, full stop. On Committee Stage, the Minister made reference to his reasoning for including the interests of justice threshold by explaining that there are many instances in which counselling notes are of benefit to the prosecution in a criminal trial. However, the legislation proposed does not limit reliance on the interests of justice standard to just the prosecution. The accused and the defence team can just as readily go to court to seek access to counselling notes on the basis they believe they should get access in the interests of justice. This can clearly arise even where there is no real risk of an unfair trial at play. If the Minister intends the accused should only access a complainant's counselling notes in cases where otherwise there would be a real risk of an unfair trial, then the lower standard of interests of justice must be removed in respect of counselling notes. The Minister stated on Committee Stage that his proposals will bring to an end the routine disclosure of counselling notes. How can this be the case if the test for disclosure is such a broad and weak threshold as interests of justice? I intend to move these amendments and again say that we have tried everything we can from a Labour Party perspective to ameliorate this legislation and protect survivors.

Senator Garret Kelleher: Ba mhaith liom ar dtús mo bhuíochas a ghabháil leis an Aire, an Teachta O'Callaghan, as ucht teacht isteach go dtí an Seanad tráthnóna chun an mBille a phlé agus chun éisteacht agus labhairt linn mar gheall air agus mar gheall ar na leasuithe éagsúla atá os ár gcomhair. Cuirim fáilte roimh Paula Doyle agus na feisirí feachtas eile atá inár measc, atá tar éis an-chuid oibre a dhéanamh chun an dlí a athrú. Cuirim fáilte rompu go léir.

Ó thaobh Cuid 8 den Bhille, agus go háirithe alt 22 atá os ár gcomhair, agus níos leithne fós mar gheall ar an mBille ar fad, níl aon amhras orm ach go bhfuil na Seanadóirí ar fad atá anseo agus an tAire atá ag labhairt faoi na leasuithe ag iarraidh dlí níos fearr a bhaint amach, agus a thuilleadh cosaintí agus tacaíochtaí a thabhairt d'íospartaigh éignithe agus ionsaithe gnéis, ach go háirithe mná agus cailíní.

I have no doubt but that everybody contributing to this afternoon's debate, and in particular this discussion about the use of counselling notes in criminal trials, does so in an effort to improve the law in a way that will better support survivors of horrendous crimes, and in particular of sexual violence and rape. The proposed section 22 seeks to rectify a flaw in the existing legislation under which a waiver relating to a restriction around the use of counselling notes has been used more extensively than had been initially envisaged. I thank the Minister for the time he has taken to discuss this matter with other Senators and me, in relation to the legislation we are discussing today. It is very important to point out, and is obvious from the contributions thus far, that there is still a feeling among victims and groups representing victims and survivors that our criminal justice system - the very system that is intended to protect and support our citizens - is failing survivors because of the retraumatisation and additional

suffering felt by victims due to the potential availability of personal sensitive information disclosed during counselling sessions to those accused of horrendous crimes against them and the legal defence teams representing them. The case of Paula Doyle has been mentioned on a number of occasions by various contributors to the debate so far. It is important to point out that Paula is a phenomenally courageous campaigner who seeks to improve the law, as we are all trying to do here today, so that what happened to her will not happen to victims in future years.

Our job is to try to make the legislation as robust as possible in that regard.

Senators McCormack and Stephenson made reference to the case of Ms Doyle. I will not go over what Senator McCormack said in detail but it was expressed articulately by Ms Doyle in her email to us all. In relation to that case, on 56 occasions during the course of counselling, Ms Doyle made reference that what happened to her was her fault. She now realises, having gone through the whole process of dealing with the trauma that resulted from her rape, that it was not her fault. Those 56 instances were still referenced by the legal team in defence of the man who was subsequently convicted of her rape. The character assassination and discrediting of rape victims through the use of counselling notes has been referenced. It is very important we do everything in our power to make that a thing of the past and to be as victim-centred in our approach as possible. Another thing put to Ms Doyle during what she described as her horrendous cross-examination was that she said she was no longer the woman her partner fell in love with. That again was used in an effort to discredit Ms Doyle and it was a horrendous experience for her to have to go through. That is something we have to make sure is in the past with the passing of the legislation today in how we deal with victims of sexual violence. We must make sure not just that the laws are about punishing those who have committed horrendous crimes, largely against women and girls, but also that the women and girls who have been subjected to these horrendous crimes receive the support they deserve. We must ensure our criminal justice system is compassionate in that regard.

I have discussed this with the Minister on a number of occasions. I have a concern about the specific reference to the presumption of non-disclosure. It is not implicit in the legislation before us. It is referenced in some of the amendments. I would like it to be given the consideration it deserves. Like others, I would be delighted if we could accept that counselling notes are a matter between an individual and the counsellor to whom they turn for help but as was referenced on previous Stages of this Bill, there is a fear there will be a legal challenge on the constitutionality. I accept that. It has also been accepted by the Labour Party and Dublin Rape Crisis Centre.

I will reference another case. I will not mention the person by name because I do not have her permission to do so. She is a victim of rape who appeared before the Joint Committee on Justice, Home Affairs and Migration. She said, and I am paraphrasing, that counselling saved her life but if she had been aware that the notes from her counselling sessions would be used against her in court, she would not have gone at all. Senator McCarthy made the valid point that counselling notes are not legal documents, nor are they written by legal professionals. They are an account of the intimate and personal conversations between victims of horrendous crimes and the professionals to whom they have turned in an effort to rebuild their lives. If it were possible and legally sound to completely ban the use of counselling notes in criminal trials, I would favour that. However, with respect to what has been said on previous Stages of

this legislation, that unfortunately is not the case. It is our job to make the legislation as robust as possible to ensure it is victim-centred.

A number of the concerns raised with me relate to how permission is obtained for counselling notes to be disclosed. It is my understanding that up until now, the DPP would via An Garda Síochána contact the victim to request the person's permission for counselling notes to be disclosed and consent would be given. In subsequent conversations I have had, there seems to be a question mark over whether that consent will continue to be requested and necessary. I ask the Minister to reference that point in his concluding remarks. In the event of the legislation passing, I ask the Minister to make reference to the intended review of the legislation and the likely possible timeline for revisiting the legislation in the event that it proves to be not as legally robust as intended, with specific reference to the presumption of non-disclosure.

Senator Chris Andrews: Victims and survivors like those here in the Gallery believed the justice system would protect them, expected they would get justice and thought justice would help them to heal. If their personal notes go to their abusers, they will be retraumatised and they will not get the justice they need and deserve. The example of Paula is a concrete example of where handing over notes to an abuser damages everybody - the justice system and victims and survivors. Survivors are now debating whether they choose between counselling or court because they do not believe they can do both. The Minister has the chance to change this and allow survivors to heal by doing counselling and going to court. It is really important to ensure counselling notes are not handed over, retraumatising survivors and victims. I support these amendments.

Deputy Jim O'Callaghan: I thank all Senators for the amendments. I acknowledge the extraordinarily powerful contributions I have just listened to. Sometimes Senators do not realise the impact of their speeches and the passion with which they speak. I want them to know I have been enormously impressed by it. I have listened carefully to what everyone has to say.

I also acknowledge in the Gallery Paula Doyle and other survivors. I want to say to Paula and other survivors that you probably are not aware of the extent of the impact you have on policymakers such as myself and lawmakers such as Members of the Seanad. The reason we have been having this debate for the past three years, being frank, or more is because of the advocacy of people such as Paula Doyle and other survivors of sexual abuse. The reason I was in this House a couple of days ago discussing the domestic violence register legislation going through the Houses of the Oireachtas is the impact of the death and murder of Jennifer Poole, another victim. Her memory and the impact of what happened to her is influencing policymakers. The reason we were discussing and debating the Guardianship of Infants and Child Care (Amendment) Bill 2026 yesterday in this Chamber is Valerie French and the influence her murder had on her family and on us as on policymakers to recognise that area of the law needed to change.

The reason we may later be discussing sex for rent legislation is because of the advocacy of Senator Harmon, who is advocating on behalf of other women who are the subject of what in effect is violence against them because of their gender. It is important for me, as Minister for justice, to state at the outset that victims and survivors such as Paula Doyle should not

underestimate the impact they have on policymakers. It is important we all acknowledge that, and it is apparent from the contributions of Senators that survivors have had an impact on them and on their advocacy during the course of this debate. It is an extremely difficult issue. The great advantage of being an advocate with the passion Senators have is that they know absolutely what they want to achieve, and they look at it from the perspective of the voice they believe should be given the greatest say. I recognise that and commend them.

From my point of view, I have to balance other factors as well. I will start by saying something I said on Committee Stage, and which is important to emphasise. I think everyone in this House acknowledges that the current statutory position is unacceptable. Senators gave examples of how Paula Doyle was treated during the prosecution of her rapist. We need to recognise that happened under the statutory regime that is there at present, or which existed prior to the 2017 amendment, which we thought was going to resolve the matter. One thing that is absolutely sure is that the current statutory regime is unacceptable. We cannot allow the current statutory regime to remain. This is a contentious political issue and there are different views on it. Sometimes the advice given to politicians or Ministers like me who ultimately are the ones who have to make the decision and will be held responsible and accountable is to ask if we really need to make a decision about that now. People advise me that I should steer clear of that or kick it to a committee, send it for further deliberations and not bother changing the law because I will be criticised for changing the law. They say I should let it go back to another committee to see what can be done. I was not prepared to do that. The reason I was not prepared to do that is because of the unacceptability of the current statutory regime. The type of cross-examination to which Paula Doyle was exposed is still permissible because we are operating under that same statutory regime. Senator Harmon mentioned the AM decision, which is a significant decision, but the decision is not in the context of the statutory regime, and the Oireachtas and all of us here who recognise the unfairness of what is happening have an obligation to ensure that this legislation is changed.

We thought in 2017, when I was also a Member of the Houses of the Oireachtas, that this issue had been resolved. Unfortunately, it became readily apparent that it has not been resolved. I want the Senators to know that as Minister for justice I am not prepared to let the situation continue whereby counselling notes are provided routinely to the accused in sexual assault or rape cases and then used against complainants. I am not prepared to let that continue. It is for that reason that I have brought forward the amending legislation that is before the House today. I will look in due course at the amendments put forward by Senators, but I ask them to be aware of the significant changes I have proposed in Part 8 of this miscellaneous provisions Bill, and which will significantly amend section 19A of the Criminal Evidence Act 1992.

I will not go through all of the detail because many people will have read it but one of the criticisms being made is to ask where the presumption of non-disclosure is. My answer is that it is in subsection (11) of the new section I am proposing to introduce. It is in subsection (11), which is on page 27 of the administrative reprint of the Bill. We know there is a procedure that will now have to be gone through. It is set out in the earlier sections of the Bill, "Where, in criminal proceedings for a sexual offence, the prosecutor or the accused is of the opinion that an applicable record ought to be disclosed ... the prosecutor or the accused ... shall make an application ... in writing, to the court setting out" the reasons. That is the first significant change that must happen. A written application has to be made to the court.

What will happen under the new system is that there must be a court hearing adjudicated by the High Court or Circuit Court judge to look at and determine whether there should be any disclosure of the applicable record, which includes the counselling notes. When it comes to that, the presumption is set out in subsection (11) on page 27, which says, "A court shall not". That is what the Attorney General advises me. As somebody who has worked as a lawyer, that is what the presumption is. The court is being told it shall not do something: "A court shall not, after the hearing referred to in subsection (8), order disclosure of the content of the applicable record concerned to the accused, and where applicable, the prosecutor". Any judge looking at this will know the Oireachtas has told them they are not to disclose the applicable record. The presumption is not to disclose this record. There is then the proviso "unless".

Before I come to the "unless", I will deal with the amendments, which Sinn Féin have advocated and others are supporting, out of the best intentions I know, that we should simply ban counselling notes. I cannot do that because I have received unambiguous legal advice from the Attorney General that to do so would be unconstitutional. If I were to bring in one of those provisions and introduced them, we know that within a short period it would be challenged in the courts by an individual who was either being prosecuted for a sexual offence or had been convicted of a sexual offence and they would claim that they could not get a fair trial because there was a category of evidence that they would say contained information that was relevant to their guilt or innocence and that the Oireachtas said they could not look at. I am enormously affected and influenced by what survivors say about the impact of this, but what would be worse for survivors would be if I introduced legislation that was ultimately declared to be unconstitutional because there is no category of evidence anywhere in our legal system where the law says you cannot look at that evidence. If you look at civil law, people take actions against people for being damaged through their rape or sexual assault. In the context of those civil proceedings, where the remedy is damages, there is a process called discovery. In the discovery process, if I claim I have suffered severe mental trauma as a result of the actions of the defendant in a case, the defendant is entitled in the civil system to say they want to see discovery of my medical records. That happens every day in personal injuries actions. I would then have to swear an affidavit of discovery, which would discover any counselling notes I have. It would be highly unusual if in the context of criminal proceedings we said that this category of evidence was never accessible and you could not look at it, whereas you can in the context of civil proceedings, where somebody's liberty is not at stake. I cannot ban counselling notes.

On the other issue raised in terms of presumption, when it comes to the direction to the court, you do not disclose them "unless". The "unless" is first that the record is likely to be relevant to an issue at trial. That is not enough in itself. It also goes on to say, "one or both of the following apply ... there would be a real risk of an unfair trial in the absence of such disclosure". A judge looking at this, who will have access to a piece of evidence that may be contained within an applicable record, will have to satisfy himself or herself that if that is not handed over, there is a real risk of an unfair trial.

That is a high threshold for any judge to have to overcome and is a high threshold in terms of what is in the content of the applicable record. Certainly, having listened to the examples of questions that were asked of Paula Doyle during her cross-examination, none of those questions would get over that hurdle. That is the first one about the risk of an unfair trial.

The other issue people asked me was about the clause "it is otherwise in the interests of justice to so order". It is obvious that the interests of justice are important in any case but the concern of this House is that is sort of vague and could be interpreted in a balancing way that would allow for notes to be disclosed, which are not probative as to the guilt or innocence of the accused but may be of some peripheral relevance. That is not how that will be interpreted. The way that will be interpreted and the reason the "interests of justice" are in is because, as Senator Harmon identified, there have been examples where counselling notes have been of use to the prosecution in criminal trials. They have been an advantage and used in terms of corroborating the account given by the survivor in a sexual offence trial. They also, I am aware, have been of use in terms of the counselling notes of an accused. So there can be disclosure of the counselling notes of the person being prosecuted where there are records corroborating that, in fact, he did tell his counsellor that he had sexually abused the woman concerned or had done something inconsistent with the narrative being advanced in the trial. That is why I say subsection (11) is a presumption against non-disclosure.

I am conscious people may wish to come in on this. Regarding what I have to do here, ultimately this is a balancing act between the right to privacy and the right to a fair trial. I do not want to see, as Senator Andrews said is happening, that women have to determine whether to go for counselling or go to court. That is not an acceptable choice. I want people to be able to do both. I believe both will be readily available as a result of the solution I am bringing here. I am considerably shifting the balance, which at present is with the right to a fair trial. I am moving it considerably over to the right to privacy. I am going as far as I can.

Sometimes when Ministers or politicians adopt a measure, they are uncertain of what the outcome will be. I am prepared to state publicly, and Senators will know in politics we are careful about saying things publicly, that I am very satisfied and believe that the statutory proposal and amendments I am introducing, along with the AM case in terms of what Mr. Justice Collins said at the Supreme Court, will resolve the issue that everyone in this House is concerned about. That issue is the routine disclosure of counselling notes to the accused in sexual offences trial and the unfair reliance upon them for the purpose of asking questions in respect of issues which are of no relevance to the underlying issue.

A final issue is that of the waiver and the consent of the survivor. The main problem with the 2017 resolution was that it provided for the waiver and it meant that people decided not to go through any hearing where the counselling notes could be looked at and appraised by a court and, instead, they were routinely handed over. That is the reason for the removal of the waiver. That is why it is important that in every case where there is any assessment of applicable records, not just counselling notes but all medical records as well, there will have to be a hearing where the court will look at them individually and say whether they should not be disclosed or that there is something in it that needs to be disclosed based on subsection (11) of what the Oireachtas said. I want to give people the opportunity to talk.

An Cathaoirleach: The only person allowed back in to talk now is a proposer of the amendment.

Senator Maria McCormack: There has been movement and I have to acknowledge that. I do appreciate the Minister's feedback. Once again, I have to commend Paula Doyle here in the Chamber with us and everybody who is with her and who has campaigned. Although she may

feel like it is not a win when it is not a full ban, there is movement here and the process going forward is not going to be as straightforward for people.

I thank the Minister but I do hope he will review this very carefully-----

Deputy Jim O'Callaghan: I will, 100%.

Senator Maria McCormack: -----given the information we have heard, everything that has come into the public domain and, as Senator Andrews noted, that victims and survivors are coming forward telling us they are having to choose between going to court or to counselling. We cannot have this situation and the mental health and impact of trauma this is having on society is detrimental. It is such a serious issue that I hope what the Minister is saying is correct and that this will start a reform of the justice system for victims and survivors.

Once again, I commend Paula on all her hard work. She is part of the change in this law, we all need to remember that, and it is very fitting that we give Paula a bualadh bos for all of her work on this issue.

An Cathaoirleach: I join the Senator, the Minister and all colleagues in thanking Paula for what she is doing on behalf of all the victims.

Amendment put:

The Seanad divided: Tá, 13; Níl, 24.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Boyhan, Victor.	Boyle, Manus.
Collins, Joanne.	Byrne, Cathal.
Flynn, Eileen.	Byrne, Maria.
Harmon, Laura.	Casey, Pat.
Higgins, Alice-Mary.	Clifford-Lee, Lorraine.
Keogan, Sharon.	Conway, Martin.
McCarthy, Aubrey.	Costello, Teresa.
McCormack, Maria.	Crowe, Ollie.
Murphy, Conor.	Curley, Shane.
O'Reilly, Sarah.	Daly, Paul.
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.
	Ní Chuilinn, Evanne.
	O'Reilly, Joe.
	Rabbitte, Anne.
	Scahill, Gareth.

Tellers: Tá, Senators Maria McCormack and Chris Andrews; Níl, Senators Cathal Byrne and Paul Daly.

Amendment declared lost.

An Cathaoirleach: As it is now after 6 p.m., I am required to put the following question in accordance with the Order of the Seanad of this day: "That the Government amendments undisposed of, including those in respect of which recommittal would in the normal course, be required, are hereby made to the Bill, that Fourth Stage is hereby completed and the Bill, as amended, is hereby received for final consideration and the Bill is hereby passed." Is that agreed?

Senator Maria McCormack: Not agreed.

Question put:

The Seanad divided: Tá, 27; Níl, 10.	
Tá	Níl
Ahearn, Garret.	Andrews, Chris.
Boyle, Manus.	Boyhan, Victor.
Byrne, Cathal.	Clonan, Tom.
Byrne, Maria.	Collins, Joanne.
Casey, Pat.	Keogan, Sharon.
Clifford-Lee, Lorraine.	McCarthy, Aubrey.
Comyn, Alison.	McCormack, Maria.
Conway, Martin.	Murphy, Conor.
Costello, Teresa.	O'Reilly, Sarah.
Crowe, Ollie.	Tully, Pauline.
Curley, Shane.	
Daly, Paul.	
Duffy, Mark.	
Fitzpatrick, Mary.	
Flaherty, Joe.	
Gallagher, Robbie.	
Harmon, Laura.	
Kelleher, Garret.	
Kennelly, Mike.	
Lynch, Eileen.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Ní Chuilinn, Evanne.	
O'Reilly, Joe.	
Rabbitte, Anne.	
Scahill, Gareth.	
Stephenson, Patricia.	

Tellers: Tá, Senators Cathal Byrne and Paul Daly; Níl, Senators Maria McCormack and Chris Andrews.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Garret Ahearn: Next Tuesday, at 12.30 p.m.

An Cathaoirleach: Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 6.20 p.m. go dtí 12.30 p.m., Dé Máirt, an 7 Iúil 2026.

The Seanad adjourned at 6.20 p.m. until 12.30 p.m. on Tuesday, 7 July 2026.