



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Déardaoin, 9 Iúil 2026

Thursday, 9 July 2026

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

Machnamh agus Paidir.

Prayer and Reflection.

Teachtaireachtaí ón Dáil - Messages from Dáil

An Leas-Chathaoirleach: Dáil Éireann agreed on 8 July 2026 to the amendments made by Seanad Éireann to the Garda Síochána (Recording Devices) (Amendment) Bill 2025. Dáil Éireann agreed on 8 July 2026 to the recommendations made by Seanad Éireann to the Finance Bill 2026 and has made amendments in consequence to the Bill. Dáil Éireann passed the Housing and Residential Tenancies (Miscellaneous Provisions) Bill 2026 on 8 July 2026, to which the agreement of Seanad Éireann is desired. Dáil Éireann passed the Planning and Development (Amendment) Bill 2026 on 8 July 2026, to which the agreement of Seanad Éireann is desired.

Gnó an tSeanaid - Business of Seanad

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

Senator Maria Byrne - The need for the Minister for Social Protection to make a statement on the eligibility criteria for the living alone allowance.

Senator Sarah O'Reilly - The need for the Minister for Transport to make a statement on the funding allocated to Cavan as part of the additional funding for roads damaged during Storm Chandra.

Senator Alice-Mary Higgins - The need for the Minister for Foreign Affairs and Trade to make a statement on steps that Ireland has taken or will take during its Presidency of the European Council to ensure a thorough human rights review of Indonesia's record and actions in respect of West Papua before proceeding with the ratification of the EU-Indonesia Comprehensive Economic Partnership Agreement.

Senator Gareth Scahill - The need for the Tánaiste and Minister for Finance to make a statement on what measurable progress has been made in implementing the national financial literacy strategy.

Senator Patricia Stephenson - The need for the Minister for Health to provide an update on the timeline for the opening of the Carlow small injuries unit and to outline staffing plans.

Senator Aubrey McCarthy - To ask the Minister for Enterprise, Tourism and Employment to make a statement on the timeframe for the transposition of the platform work directive.

The matters raised by the Senators are suitable for discussion. The Cathaoirleach has selected those raised by Senators Maria Byrne, Sarah O'Reilly, Alice-Mary Higgins and Gareth Scahill and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Social Welfare Eligibility

Acting Chairperson (Senator Anne Rabbitte): I welcome the Minister of State, Deputy McConalogue, to the House.

Senator Maria Byrne: I thank the Minister of State for taking this Commencement matter on behalf of the Minister for Social Protection. I am grateful for the Minister's note to me to say he could not be here. I thank the Minister of State for taking his place.

There is an anomaly in the eligibility criteria for the living alone allowance. Retired teachers do not receive their pension from the Department of Social Protection. They have the same cost-of-living expenses we all face but they do not qualify for the living alone allowance because their pension is paid by the Department of education. That should be reviewed. Retired teachers still have their pension paid under the old Department of education contract. The fact they are not in receipt of a qualifying pension from the Department of Social Protection means they do not qualify for the allowance.

Many retired teachers live alone, with some being widows and others never having married. They gave the same service to the State as anybody else but the fact they do not have a qualifying pension from the Department of Social Protection makes them ineligible for the living alone allowance. I would like this to be reviewed.

Minister of State at the Department of Culture, Communications and Sport (Deputy Charlie McConalogue): I thank the Senator for raising this matter, which I am happy to take on behalf of the Minister for Social Protection, Deputy Calleary, who apologises for being unable to be here this morning to take it.

The living alone increase is a supplementary payment of €22 per week to those who are aged over 66, living alone and in receipt of a contributory or non-contributory State pension or a contributory bereaved partner's pension. It is also available to those aged over 66 who live alone and are in receipt of a bereaved partner's pension, an incapacity supplement under the

occupational injuries benefit scheme or deserted wife's benefit. It is also paid to people aged under 66 who live alone and are in receipt of a disability allowance, invalidity pension, incapacity supplement or blind pension. The living alone increase is not a stand-alone payment. It is only available to those in receipt of one of the specified payments.

Prior to 6 April 1995, civil and public servants, including teachers, did not have access to the full range of social insurance benefits as their terms of employment protected them against the main contingencies of illness and old age, and the risk of unemployment was not considered a factor due to the nature of their employment.

Consequently, such contributors pay less in social insurance contributions in return for fewer social insurance benefits. For example, class D contributors, which includes teachers who started work before 5 April 1995, pay a contribution at a rate of 1.1% on their weekly earnings up to €1,143 and 4.2% on weekly earnings over that amount. Their employers pay a contribution of 2.55% on all employee earnings.

Class D contributors are currently entitled to a bereaved partners' contributory pension, the guardian's contributory payment, occupational injuries benefits, parent's benefit and carer's benefit. Class D contributors are not reckonable for the purpose of entitlement to a State contributory state pension. As such, a retired teacher who paid class D PRSI for their entire working life does not qualify for a State contributory pension. Therefore, a retired teacher in receipt of an occupational pension and no primary payment from the Department of Social Protection does not qualify for the living alone allowance.

Teachers recruited from 6 April 1995 pay a class A social insurance contribution of 4.2% on their weekly earnings. Their employers pay a contribution of 9% where an employee's weekly earnings are €552 or less and 11.25% where their employees weekly earnings exceed that. Class A contributors have access to the full range of social insurance benefits, including the State contributory pension which is a qualifying payment for the living alone increase. The value of the State interview pension is integrated with the public service pension in the case of those recruited after 6 April 1995 and before 1 January 2013. Unlike those employed before April 1995, civil and public servants will receive their full pension entitlement under the public service pension.

There are no circumstances where the living alone increase can be paid to people who are not in receipt of a primary qualifying payment from the Department of Social protection or who do not meet the living alone eligibility criteria. Any change to the qualifying period for this payment will have to be considered in an overall policy and budgetary context. I thank the Senator.

Senator Maria Byrne: Teachers nowadays will qualify for the State pension, as we heard in the Minister of State's response, but there is a small anomaly. A small cohort are affected by the issue I have raised. They still face the same rising costs. They made lower PRSI contributions in the past. However, they are living alone. They still have heating and grocery bills and other bills coming in the door. There should be a review of the system. Perhaps exceptional circumstances could be examined for this small cohort. They have the same bills as everybody else, yet do not qualify for payments. I understand it is because they paid a lower rate of PRSI. However, given the cost of living and rising costs the policy should be reviewed. I would like the Minister of State to ask the Minister to look at reviewing it.

Deputy Charlie McConalogue: I thank Senator Byrne. I will pass on her logic and argument for the living alone allowance for those in receipt of a teacher's pension. In my response from the Minister I laid out the background. The level of cover one receives in respect of social insurance contributions is very much tied to the contributions made over the years.

In the case of those teachers employed prior to 1995, the level of contribution they made was much lower than those employed after 1995 and that is why those employed after 1995 can qualify for the living alone allowance but the other cohort cannot. It is based on the contributions they made.

It is important to point out that further supports are available to all pensioners which do not require a person to be in receipt of a pension payment or qualifying payment. For example, the fuel allowance scheme is means tested and assists pensioners and other welfare dependent households in meeting the cost of heating during the winter season. It is available to a person aged 66 or over who is in receipt of a social welfare payment and is retired. Public teachers, for example, can qualify for that. All persons over the age of 70 can receive the household benefits package. The Senator's point concerns the living alone allowance. I will inform the Minister of the case she has made.

Road Network

Senator Sarah O'Reilly: I thank the Minister of State for coming to the House. It is our second time to discuss roads in Cavan. I appreciate his dedication to the cause.

An announcement for additional funding was made last week due to damage caused by Storm Chandra in January 2026. Monaghan received €900,000, which is a good thing. Roads were severely affected and the funding is badly needed. However, I cannot understand why Cavan got nothing. Did Cavan County Council apply for funding? The storm did not stop at the border. The same rain fell in Cavan. The same flooding happened. Roads were washed away, collapsed or were closed for days. Communities were cut off. Farmers could not get around. Businesses suffered. In my area people took long detours for a week when the R191 Cootehill to Bailieborough road was closed. People had to take long detours just to get to school.

The Department said that inspections carried out in March 26 found around 130 roads needed complete reconstruction, 440 had significant damage and several bridges could no longer be used. I believe those figures cover the entire country. My question is simple. How were the decisions made? What criteria were used? If Monaghan qualified for funding, why did Cavan not qualify? The people in Cavan deserve an explanation for this.

I have taken information from the Northern Sound website. The R212 Ballyhaise Road was flooded and closed. The R191 road from Cootehill to Bailieborough was impassible, closed for four days and flooded in five sections. The R552 road from Elteen to Ballyhaise was closed. The R191 Bailieborough to Kells road was impassible. Some 120 ESB customers in Bailieborough and 1,429 in Cootehill were without power. There were 1,083 customers without power in Shercock and 717 people without power in Virginia. Darley school, St. Michael's school and St. Aidan's school were closed.

The Government often talks about preparing for more extreme weather but this is what preparation looks like. It means making sure that local authorities have the funding they need when the damage is done. It is about prevention. Once this happens it will continue to happen. We want to try to stop that from happening again.

I have tabled Commencements for the Minister for Transport and he has never once come to the Chamber. I have yet to see him here. I am not saying he has not been here, but I have yet to see him. I am beginning to think it was something I said and I would not like to think that because the people of Cavan deserve to have their questions answered by the Minister. Can the Minister of State explain the criteria used in March to assess the roads and how that will look in respect of the case for further funding for Cavan?

Deputy Charlie McConalogue: I thank Senator O'Reilly. I have to take this on behalf of the Minister for Transport. I believe he was taking business matters in the Seanad during the week.

I assure the Senator that the Government is strongly committed to protecting our existing road network. This is demonstrated through the Department of Transport's provision of regular grant funding to eligible local authorities. Most recently, it was demonstrated through the provision of an exceptional funding response to the damage caused by Storm Chandra in several counties. Local authorities are responsible by statute for the maintenance and improvement of regional and local roads in their respective areas of responsibility. Any work undertaken on these roads is funded by the resources of the local authority concerned and, where eligible, this is supplemented by the Department of Transport's regional and local roads grant programme.

The initial selection and prioritisation of work to be funded is a matter for the local authorities.

Regional and local roads play a critical role in supporting economic activity and community links. As a result, the regional and local roads grant programme is primarily targeted at the maintenance and renewal of our existing roads network, with the remainder invested in new roads, new bridges and road realignments. The funds available through this programme have been steadily increasing in recent years. For 2026, €718 million was made available, which will facilitate an increase of €26 million for road protection and renewal across the country.

The grant programme operated by the Department is focused on specific policy objectives. Restoration maintenance grants look to pavement sealing to protect the road surface from water damage. Restoration improvement grants look to road strengthening to lengthen the life of road pavements. The discretionary grants available allow for a range of activities, including pothole repair, edge strengthening, renewal of signs and lines, and winter maintenance. These three grant programmes account for most of the funding available.

The basis for determining the allocations for each local authority under this grant programme is related to the total number of kilometres of regional and local roads, which is held to be the most equitable method of distribution. For 2026, the allocations were notified to local authorities on 17 February. Cavan County Council was allocated over €19 million, with most of this funding directed towards protection and renewal. In addition, in previous

years, Cavan County Council received funding for several pilot projects relating to road materials.

It should be noted that Exchequer funding for regional and local roads is intended to supplement realistic contributions from local authorities' own resources. As the statutory road authorities for their areas, it is open to local authorities to prioritise own-resource investment towards regional and local roads.

Following consultation by the Department of Transport with each local authority, detailed applications were received by those authorities with severe weather road damage following Storm Chandra. No significant damage from Storm Chandra was identified and notified to the Department by Cavan County Council. Owing to the damage caused by Storm Chandra and remediation being beyond the ability of some local authorities to fund, on 1 July, the Minister for Transport announced the provision of €40 million in exceptional funding to those counties with the most significant storm damage.

Senator Sarah O'Reilly: I thank the Minister of State for his response, but he did not clarify what criteria were used. He said that no significant damage from Storm Chandra had been identified and notified to the Department. Was an application for funding made to the Department by Cavan County Council or was it just that the application was not strong enough? On the website, the Department of Transport says that it assessed the roads. Was it the council or the Department that assessed the roads?

I still do not believe that the people in Cavan understand why they were left out, because I do not understand it. They saw the roads. I saw the roads. Some were closed for days. People know that the damage was done. If the assessments suggest that Cavan does not qualify, people are entitled to know why. They are entitled to know what criteria were used and how these decisions were reached. This is not about taking funding away from any other county that is well deserving of funding. It is about why Cavan, which also suffered serious damage, was left with nothing.

I spoke about one of the main thoroughfares in the county, the road from Bailieborough to Cootehill. The road was impassable in five areas and had to be closed. In one of the places where there was a flooding incident, a sinkhole developed. It cost over €100,000 for the council to fix that, and the money had to be taken out of ordinary roads funding.

I cannot understand this. These roads do not fix themselves. The money has to come from somewhere and, usually, it comes from future road improvement funding. I believe we were badly treated.

Deputy Charlie McConalogue: The response that I am giving on behalf of the Department of Transport outlines that the Department opened up for detailed applications from local authorities with severe weather road damage following the storm, and no significant damage from Storm Chandra was identified and notified to the Department by Cavan County Council. That is the response and the detail that I have. Funding of €40 million was announced to support projects across the country where remediation proved beyond the ability of some local authorities to fund. In relation to the applications received, I can only imagine that the Department would have assessed them in detail as to the scale and impact, and whether the

capacity to fund the repair of that damage was beyond the councils within the other resources they had available to them.

I will ask the Department if there is further information on the nature of any notification from Cavan County Council, and whether it was the case that it did not meet the threshold of being significant in the context of considering it against other applications that were received, and also in the context of there being a certain envelope to address that issue. I am not sure if the Senator has any information on what applications may have been made by Cavan County Council or otherwise.

Senator Sarah O'Reilly: I understand that an application was made. That is why I am asking for the detail of the criteria, and what criteria were meant to be met. I ask the Minister of State to find out if the Department could look at this issue again.

Deputy Charlie McConalogue: I will inform the Department that the Senator is asking for more clarity on the nature of the application that was made and the criteria used to assess the funding allocations. I will ask the Department to revert to her on that.

Acting Chairperson (Senator Anne Rabbitte): The Minister of State is an expert on Cavan roads at this stage.

Human Rights

Senator Alice-Mary Higgins: In September 2025, the European Union signed the Comprehensive Economic Partnership Agreement with Indonesia. It is an agreement with an estimated value of €27 billion in trade between the European Union and Indonesia. I want to raise with the Minister of State a concern regarding the issue of West Papua. West Papua comprises the western half of the island of New Guinea, and it borders Papua New Guinea to the east. It has been governed by Indonesia since it was invaded in the 1960s, with over 500,000 people killed since then in military operations.

Since Indonesian control was established, there has been consistent and fierce resistance by the native population. The legitimacy of its rule is claimed by Indonesia through a widely condemned sham referendum, known as the Act of Free Choice, in 1969, where Indonesia itself selected over 1,000 voters and decided they would vote on the future of the entire territory, with the threat of force hanging over it. Since that sham referendum, human rights abuses in West Papua have been rampant, with the killing and torture of the civilian population, a crackdown on freedom of speech and expression, a complete lockdown on international journalists entering the territory, which is one of the reasons it gets so little attention, and the taking of political prisoners among those who show support for the West Papuan cause. The Indonesian army continues to act with impunity, denying civil liberties and respect for the indigenous peoples of West Papua.

Within the text of the Comprehensive Economic Partnership Agreement, there is language that reaffirms that the signatories of the agreement are obliged to be committed to human rights and have regard for the principles articulated in the Universal Declaration of Human Rights. However, the agreement does not set out any actionable or enforceable conditions tied to

market access to make sure that human rights abuses are not happening. Those abuses continue.

In 2022, a UN report indicated that between April and November 2021, allegations of several instances of extrajudicial killings, including of young children, enforced disappearance, torture and inhumane treatment and forced displacement of at least 5,000 indigenous Papuans by the security forces were received. The report in question estimates that the overall number of displaced individuals could range from 60,000 to 100,000 people. There is a very clear disconnect between what has been agreed by diplomats in the European Union and on the Indonesian side and what is actually taking place on the ground. As of June 2026, more than 125,000 people remain internally displaced in West Papua due to armed conflict and military operations. There are consistent reports. I get weekly updates on extrajudicial killings and the Indonesian security forces' active displacement of entire villages and populations in an effort to intimidate and silence any dissent, or even any reporting of what is happening in this territory.

The European Union is claiming that human rights are part of what it does. It is putting this language into its agreements. We know, sadly, that it is not delivering on that language in terms of Israel and Gaza, as we have seen. As a minimum, it should be learning that when it is bringing in new agreements, it should be a little more robust regarding how the human rights component will be addressed. I would ask that before this new agreement comes to be enacted, which is due to happen during Ireland's EU Presidency, for which we have claimed values will be a central pillar, for a comprehensive human rights review and audit into the situation in West Papua ahead of the scheduled ratification of this EU-Indonesia agreement in early 2027, when our Presidency comes to a close. We need to get ahead of these human rights issues and make sure that they are centrally audited and accounted for prior to tying ourselves into yet further complicity with human rights abuses.

Minister of State at the Department of Further and Higher Education, Research, Innovation and Science (Deputy Marian Harkin): I am responding on behalf of the Minister responsible for trade, Deputy McEntee, who is very supportive of free trade agreements, FTAs, and partnership agreements generally, particularly this one with Indonesia for the opportunity it presents to both sides to deepen our bilateral economic relationship, to which the Senator alluded. Indeed, at the most recent Government trade forum, the Minister specifically referenced the Indonesia agreement as one we would like to advance during our Presidency.

The EU-Indonesia Comprehensive Economic Partnership Agreement, CEPA, was concluded, as the Senator said, in September 2025 after nine years of negotiation. As we can see, there was comprehensive negotiation about that agreement for that period. As the Senator knows, the agreement requires consent from the European Parliament and ratification by both the Council of the EU and Indonesia's legislature before it can enter into force, targeted for 2027. I hear what she is saying and will relay the concerns she has articulated clearly.

It is important to say that in parallel to the negotiations, the Commission commissioned a sustainability impact assessment, SIA, of the CEPA between the EU and Indonesia. The SIA concluded that the EU-Indonesia agreement was expected to have positive impacts for both parties and their societies. In the context of the SIA and throughout the negotiations, the Commission provided the possibility for civil society organisations to have their voices heard,

ask questions and contribute to a sound, evidence-based and transparent societal debate, including through dedicated civil society dialogues, a workshop with local stakeholders in Indonesia, bilateral meetings, interviews and web-based surveys. Furthermore, during the negotiations - which, as I said, have been ongoing for nine years - and in line with its transparency policy the Commission has published on its website, and regularly updated, reports on the negotiating rounds, the text proposals, press releases, facts sheets and background information materials to ensure that the public is kept up to date on developments. If member states or EU civil society representatives consider that trade and sustainable development, TSD, commitments in trade agreements are being infringed, they may lodge a TSD complaint with the single entry point. The Commission services will examine the allegations and consider the most appropriate course of action in that respect. It will remain in close contact with the complainant throughout the process.

In 2022, the Commission presented updated operating guidelines for the single entry point, making it easier for civil society to lodge complaints regarding violations of sustainability commitments with timelines included. There are also domestic advisory groups, DAGs, which are civil society bodies advising on the implementation of trade agreements. Since 2011, every FTA signed by the EU with a partner country or group of countries establishes these DAGs.

I will continue my response in my next contribution.

Senator Alice-Mary Higgins: What is missing from the Minister of State's response, with respect, is any reference to West Papua. There was reference to NGOs. I have described the fact that this is a place where there is no journalism and where anybody who takes any political activism is killed or disappeared. They are not coming to meetings in Jakarta on human rights ideals or issues in Indonesia because Indonesia is occupying and repressing them. It is like putting it on Gazan NGOs. The obligation is not on civil societies to put in complaints. The obligation is on due diligence for those who are setting out to make the agreement. It is almost the same flip that they have tried to do on corporate sustainability, to make it the job of NGOs to do due diligence around corporate sustainability. There is a job of due diligence. As the Minister of State mentioned, the Council will be deciding on this during Ireland's Presidency. It is crucial that there is a focus on this. Those mechanisms are not mechanisms that work for persons who are repressed. We do not hear about West Papua, and there is a reason for that.

I have given the Minister of State details of the very few UN reports available. The UN has been trying to get access to West Papua. There is a report from 2021. During the nine years of negotiation, we have UN reports about extrajudicial killings. With respect, saying that we have a mechanism is not the same as saying that we are taking action. That is why if Ireland has a values-led Presidency of the European Union, it needs to do more than point arrows to different mechanisms. Ireland should be demanding proper action in respect of these issues. Ireland should be demanding human rights reviews and should be leading on this. I want to hear what Ireland is going to do.

Deputy Marian Harkin: Human rights are particularly important to Ireland, both at home and abroad. We consider human rights carefully when entering negotiations on new agreements. We have been carefully monitoring the human rights situation in West Papua and the Irish embassy in Jakarta engages on human rights in Indonesia both bilaterally and with the EU delegation to Indonesia and EU member states. The embassy works closely with the UN

and international NGOs. The embassy also actively engages with NGO partners, providing funding through Irish Aid to country micro project schemes.

I must say, and the Senator will accept, that human rights remain at the heart of our foreign policy. Ireland will continue to be a strong and consistent voice for human rights, inclusion and partnership. That does not negate what the Senator said. I have heard her comments and understand where they are coming from. I will bring them and her very strong concerns to the attention of the Minister.

Senator Alice-Mary Higgins: It would be much easier to take action now when a unanimous vote is required for this to pass. That is particularly the case when we consider the situation in which we find ourselves whereby we need a unanimous vote to get out of the agreement we have with Israel.

Let us get it right before we get into it. This is the point of leverage right now.

Departmental Strategies

Senator Gareth Scahill: The Minister of State, Deputy Harkin, is very welcome to the Chamber this morning.

I welcome Ireland's first national financial literacy strategy and the recent publication of the first annual review and action plan for the period 2026 to 2027. It is a comprehensive piece of work and demonstrates that the Government recognises that financial literacy is no longer simply about understanding money. It is about consumer protection, financial literacy and confidence throughout every stage of people's lives.

I also welcome the progress being made, as outlined in the review. More than 170,000 students have participated in financial literacy programmes. Financial literacy is now being embedded in the new primary mathematics curriculum, and the action plan rightly places increased emphasis on fraud awareness, pensions and financial well-being. Those are significant achievements and deserve to be recognised. However, one statistic in the strategy stood out to me more than any other: 43% of Irish adults do not meet the OECD minimum standard for financial literacy. Even more concerning, 44% do not meet the minimum standard for digital financial literacy. That means almost half of adults may not have the confidence or knowledge to safely navigate an increasingly digital financial world. While Ireland performs well internationally, those figures clearly show that there is still much work to be done.

As Fine Gael spokesperson on education and youth in the Seanad, I particularly welcome the strategy's recognition that financial literacy should begin early and that there are opportunities to strengthen it within the school curriculum, particularly through mathematics. We need to be ambitious about this. Every young person leaving secondary education should understand budgeting, taxation, savings, borrowing, mortgages, pensions, investing, consumer rights and, increasingly, how to recognise financial scams. While these may not be priorities for young people at this stage of their lives, they are life skills.

I have previously raised the issue of online fraud in this House. I believe the strategy can become one of the strongest tools in tackling it. Criminals are becoming more sophisticated every day. Artificial intelligence, cloned voices and highly convincing impersonation scams

are now part of everyday life and are affecting everybody. No amount of legislation will prevent every fraud and no bank will stop every scam, but every person who understands the warning signs before clicking a link, transferring money or sharing personal information is one less opportunity for fraudsters to succeed. Every person who becomes more financially literate is one less opportunity for unscrupulous individuals to exploit. That is why improving financial literacy is not simply an education policy or a consumer protection policy; it is also one of the most effective fraud-prevention measures available to us.

The foundations have now been put in place. We have the strategy and the action plan. We have more than 100 actions. There are governance structures and funding in place. The question now is not whether we have enough ideas; it is whether we can increase the pace of delivery. The strategy recognises that there are already 55 stakeholders delivering around 110 financial literacy initiatives across Ireland. Its purpose is to support, co-ordinate and build on that excellent work rather than duplicate it.

My ask today is a practical one. Will the Minister ensure that the financial literacy executive board, the steering group and the annual stakeholder forum will actively identify organisations already delivering successful financial literacy programmes, evaluate what is working, share best practice nationally and support those initiatives to reach more people more quickly? Rather than reinventing the wheel, let us harness the expertise that already exists. Let us bring together schools, credit unions, employers, community organisations and charities, identify what is working, avoid duplication and accelerate delivery. That is exactly the collaborative approach envisaged in the strategy itself.

Deputy Marian Harkin: I thank the Senator very much for raising this issue. Financial literacy is an essential life skill and an important component of financial consumer protection, as the Senator clearly outlined. It does not just mean that individuals have financial knowledge; it also means that they have the skills, attitudes and behaviours necessary to manage their money well.

The national financial literacy strategy, as the Senator knows, was launched in 2025. Its mission is to improve levels of financial literacy across Ireland and, by doing so, improve individual financial well-being and resilience. This is a five-year stakeholder-led strategy. It has the aim of working with Ireland's vibrant financial literacy ecosystem to improve co-ordination, collaboration and cohesion in delivery.

The Senator asked specifically about measurable progress in delivering on this vision. He mentioned figures of 44% and 43%. I had a quick look at the report and noted he is right about those. It is also true to say, however, that Ireland performs well when it comes to financial literacy. In fact, we are placed second among all the EU countries in the OECD report whose statistics the Senator mentioned. Of course, our level is not good enough and we have an awful lot more to do, but equally, and having regard to what our peers are doing, the figures show we are making genuine progress.

The Senator asked about the ongoing work to support financial literacy through the strategy. Last month, the strategy's 2025 review and action plan were published. They highlighted some of the successes that have taken place. For example, there were over 55,000 individual in-person engagements with financial literacy programmes by adults and nearly 170,000 individual engagements with financial literacy programmes by students.

Looking forward, there are more than 100 actions in the 2026-27 action plan. These cover areas such as digital financial literacy, understanding credit, managing debt, retail investor education, SME financial literacy and, as the Senator mentioned, fraud, including scams. On 10 June, the Tánaiste joined 65 stakeholders from across the financial literacy ecosystem to discuss how we could build on those successes and advance the strategy's mission. Among the building blocks is an initiative of the Competition and Consumer Protection Commission, CCPC, the statutory body with responsibility for financial education. It has developed and launched a new set of money tools on its website, providing free and impartial financial information to support consumers to compare financial products and make the best financial decisions for their needs. The Department of Social Protection has supported consumer and employer understanding of auto-enrolment through awareness-raising. The Money Advice and Budgeting Service, MABS, delivered 185 money-management education events right across Ireland, reaching almost 5,000 people. Investment education will be one of the focuses of the strategy for the next 18 months, alongside the development of the new investment account.

The Senator also mentioned fraud, including scams. Only in the last week, somebody I know very well came very close to having their accounts cleared. This is an intelligent person who has been using banking systems for a long time. Had that person been asked whether they would ever be caught, they would have said no. The telephone calls sounded so reasonable and so normal. When asked how the weather was in Dublin, the caller was actually able to respond, even though the call did not come from Dublin.

There is a lot of education needed, and individuals need to know that every single one of us, including the Senator and me, can be caught. Therefore, care is essential.

Senator Gareth Scahill: I thank the Minister of State for her detailed answer. I acknowledge the progress that has been made and our position in second place, but as she said herself, we need to avoid complacency. The Central Bank reported last year that €160 million worth of fraudulent payments were made in Ireland in 2024 alone.

That is a 24.5% increase on the previous year, while the volume of fraud increases by 40%. That message is replicated by what I hear from gardaí all across the country as well.

In my own county of Roscommon, a company called Linked Wellbeing has developed a financial well-being platform that improves financial confidence through education, practical budgeting tools and signposting of trusted public services. It is one example of the innovation that already exists in Ireland and demonstrates that many of the solutions we need are already being developed on the ground.

I agree with the Tánaiste's comments at the launch of the action plan that our ambition must be greater still. Our financial lives are changing faster than ever before. Auto-enrolment, as the Minister of State said herself, is transforming how people save for retirement. Banking is increasingly digital. Investment opportunities are becoming more accessible. Fraud is becoming more sophisticated. If those changes continue - and they will - then the need for financial literacy will only become greater. That is why I believe the pace of implementation should match the pace at which people's financial lives are changing, so that every person in Ireland has the confidence, knowledge and skills to make informed financial decisions throughout every stage of their lives.

Deputy Marian Harkin: I thank the Senator. I do not disagree with a word he said, in particular in respect of auto-enrolment. That is transforming retirement for many people in the future. It is a hugely important initiative. Equally, the Senator is talking about information when it comes to financial decisions that people make. He also mentioned there was €160 million in fraudulent payments last year and that is increasing.

This is not in my prepared reply but one of the ways we can perhaps try to manage that is to make sure there is enough publicity around the ways people can get into your mind. If you answer your phone and a person says someone is trying to use your card in Berlin, London, New York or Kilkenny to purchase an item, your automatic reaction is, "No, that is not me" and then you try to stop it with the person who is speaking to you, whereas the person who is speaking to you is almost certainly the person who is trying to defraud you. That kind of education is really important. Even people who think they know what they are dealing with still get caught time and time again. I know some of those people.

There is a lot of really good work going on in this area but, equally, we just need that little bit more so that people are not caught on the hop. People who think they know how to manage their financial affairs are sometimes the ones who are most vulnerable.

Cuireadh an Seanad ar fionraí ar 10.23 a.m. agus cuireadh tús leis arís ar 10.32 a.m.

Sitting suspended at 10.23 a.m. and resumed at 10.32 a.m.

An tOrd Gnó - Order of Business

An Leas-Chathaoirleach: Before I move to the Order of Business I welcome our guests in the Public Gallery, Senator Mary Daly, and Senator Michael Johnson and family, Deputy Malcolm Byrne and Seán Tierney, guests of the Minister, Deputy Jennifer Carroll MacNeill and guests of Deputy Aidan Farrelly. They are all very welcome.

Senator Anne Rabbitte: The Order of Business is No. 1, motion regarding Planning and Development (Exempted Development (Act of 2000)) Regulations 2026 – referral to joint committee, to be taken on conclusion of the Order of Business without debate; No. 2, motion regarding Planning and Development (Exempted Development (Act of 2000)) (No.2) Regulations 2026 – referral to joint committee, to be taken on conclusion of No. 1, without debate; No. 3, motion regarding Planning and Development (Exempted Development (Act of 2000)) (No.3) Regulations 2026 – referral to joint committee, to be taken on conclusion of No. 2, without debate; No. 4, motion regarding Planning and Development (Exempted Development (Act of 2000)) (No.4) Regulations 2026 – referral to joint committee, to be taken on conclusion of No. 3, without debate; No. 5, motion regarding Planning and Development (Exempted Development (Act of 2000)) (No.5) Regulations 2026 – referral to joint committee, to be taken on conclusion of No. 4, without debate; No. 6, motion regarding Planning and Development (Exempted Development (Act of 2000)) (No.6) Regulations 2026 – referral to joint committee, to be taken on conclusion of No. 5, without debate; No. 7, motion regarding Planning and Development (Exempted Development (Act of 2000)) (No.7) Regulations 2026 – referral to joint committee, to be taken on conclusion of No. 6, without debate; No. 8, motion regarding Planning and Development (Licensing of Outdoor Events) Regulations 2026 –

referral to joint committee, to be taken on conclusion of No. 7, without debate; No. 8a, Planning and Development (Amendment) Bill 2026 – Second Stage, to be taken at 11.30 a.m. and to conclude at 12.45 p.m., 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 ten minutes, and all other Senators not to exceed five minutes, time may be shared and the Minister to be given no less than ten minutes to reply to the debate; No. 9, Regulation of Artificial Intelligence Bill 2026 – Committee Stage, to be taken at 1 p.m. and to adjourn at 4 p.m., if not previously concluded; and No. 9a, Housing and Residential Tenancies (Miscellaneous Provisions) Bill 2026 – Second Stage, to be taken at 4 p.m, with the time allocated to the opening remarks of the Minister not to exceed ten minutes, group spokespersons not to exceed ten minutes, and all other Senators not to exceed five minutes, time may be shared and the Minister to be given no less than ten minutes to reply to the debate. On conclusion of business, the House shall adjourn to 12.30 p.m. on Tuesday, 14 July 2026.

Senator Margaret Murphy O'Mahony: I dtosach báire, déanaim comhghairdeas leis an Seanadóir Garret Ahearn mar Threoraí nua an tSeanaid agus leis an Seanadóir Cathal Byrne mar Príomh-Aoire an tSeanaid. Tá súil agam go mbeidh an t-ádh leo beirt.

Sport is very topical at the moment. There is a lot going on in the GAA and also in the world of soccer. Sport brings us all together. It alleviates stress and it is fun but, unfortunately, one team wins and the other team does not. You will notice I do not say "lose" because to me, anyone who puts themselves out there on the pitch is a winner. Unfortunately, the team that loses often gets severe abuse. The sacrifice these team members have made is not ever taken into consideration. They often miss social events and family events because of their training. No one goes out on a pitch to lose and the commentary, particularly on social media, is just shocking. In a world where you can be anything, be kind. These lads and lassies are feeling it already without people rubbing it in.

The weather is great at the moment and it is great to have such sunshine but along with that we all lose the run of ourselves a bit. I would like to highlight that we all should be more conscious of safety; in the water, on the roads, in the sun, and to just have a spark of sense through it all. Enjoy the weather but people should mind themselves and one another.

Tuesday is D-Day in regard to a decision on Skyclarys and the Acting Leader has been very involved in this issue. I hope and pray that the right decision is made. This is a life-changing drug and people deserve to get it. I hope and pray for it and we in the Fianna Fáil Party are really spurring it on. I thank the Acting Leader, Deputy Pádraig O'Sullivan, Senator Teresa Costello, Deputies Erin McGreehan and Martin Daly and the others involved in all of this.

Senator Michael McDowell: I want to make one point. It is a pity that running towards the end of this Oireachtas term, the usual thing is happening, which is the guillotine is being deployed with abandon. The length of time given to individual items in the proposed Order of Business today is inadequate.

An hour and a quarter is given to the Planning and Development (Amendment) Bill 2026, of which 20 minutes is given to the Minister. The remaining time is divided between the groups in this House, with ten minutes for each group and five minutes for each Senator. There are

six groups in the House, so there is not enough time. The planning and development Bill deserves a little bit more time than that.

The second thing I want to deal with is to say it is a sad day today because the very private funeral of Martin Naughton is taking place. I put on record my appreciation, which I am sure is shared by everyone here, of the immense contribution Martin Naughton has made to Ireland in so many different ways. He and his wonderful wife, Carmel, have been tremendous philanthropists. Quietly and effectively, they have endowed many institutions. They gave €25 million to Trinity College Dublin. They endowed Irish-language faculties in the University of Notre Dame in Indiana. They made a huge contribution towards the rebuilding of the Lyric Theatre in Belfast. Carmel has served as chair of the board of governors of the National Gallery of Ireland. The things they have done for education, for science and research and places such as Kylemore Abbey have supported so many good causes in Ireland. It is an endless list and I could not possibly do it justice here just from memory. Over and above all of that, Martin ran a very substantial business. He and Lochlann Quinn built it up to be a tremendous employer in the north-eastern region of this country. Martin did so with kindness, fairness, extremely hard work and business acumen which was a joy to behold. Martin was a totally decent, kind man. He was a pleasure to meet. He was a friend to me and my wife. He was such a generous host. He always thought the best of people with whom he dealt and, for all his wealth, which was significant, he was not spoiled by it in any way. Many people who accumulate huge amounts of wealth go off into the stratosphere and live a life unlike that of the rest of us, but he remained Martin Naughton; a thoroughly decent, kind and gentle man - humble in many ways but also realistic about the things he could do to benefit his country.

On my behalf, and I think I speak for everybody in this House, we send our deepest sympathy to his beloved and loving wife Carmel, to Fiona, Neil, Fergal and their partners, and to his grandchildren whom he loved so much on the loss of, not a patriarch, just the most decent man one could hope to meet.

Finally, if his death brings an end to all of the friendships he made, that is bad enough. However, his career, his kindness and his personality should never be forgotten and should be a model for everybody who has the luck and good fortune to be in a position to engage in patriotism on behalf of his country. He served on the Council of State when I was a member of that. I remember he was appointed to it by then President Mary McAleese and he was a really effective member of that body on the one occasion that I was there when constitutionality and the necessity for legislation was considered. In every sense, he was a true patriot and a real example for us all.

Senator Maria McCormack: The first issue I would like to raise is a matter of growing concern locally around the design of cycle lanes. The National Transport Authority's guidelines for councils need to be reviewed. Many residents, families and businesses in Graiguecullen are baffled by the proposed Church Street pedestrian and cycle scheme. I absolutely support investment in active travel, safer roads, better footpaths and cycling infrastructure where it is needed and where it is backed by evidence and by the local community. That is exactly the issue here. Many people living in Graiguecullen are asking the simple question, "What problem is this scheme actually trying to solve?" Residents are worried that a €3 million project could reduce road capacity, increase congestion around schools, make life more difficult for old people and people living with disabilities and negatively impact local businesses that rely

on customer access and parking. What is particularly concerning is that many parents believe the proposed cycle lane could actually make cycling less safe here for children. Due to the number of side roads, driveways and commercial entrances along Church Street, motorists would regularly have to cross the cycle lane, creating additional conflict points rather than reducing them. People are asking where the evidence is here. The Road Safety Authority collision data shows no recorded incidents involving cyclists on this stretch of road. Residents have not been shown the traffic studies, projected cycling numbers or cost-benefit analysis that would justify a project of this scale. Many local people believe there are higher priorities for investment, from road resurfacing and footpath repairs to progressing the long-awaited southern relief road, which they believe would genuinely reduce congestion while also providing opportunities for future active travel infrastructure. There are also legitimate concerns regarding the proximity of the proposed works to the historic Croppies Grave site, a site of immense historic importance that deserves the greatest level of archaeological protection and respect. We need a debate on cycle lanes and whether the NTA guidelines are sufficient. I urge the Minister to have a look at them to be sure these schemes work to improve active travel in communities rather than creating chaos. There is a petition locally with nearly 800 signatures from local residents in Graiguecullen which can be reviewed for evidence here. If active travel schemes are to succeed, they must bring communities with them and not divide them.

With the indulgence of the Cathaoirleach, I would like to take a moment to address another issue. We have had very sad news in my little town of Portlaoise this week with the tragic loss of Adina Constantin. More women have been killed in Ireland in 2026 than in the whole of last year, and it is only July. We cannot keep coming into this Chamber and expressing sympathies as one woman after another lose their lives, without asking what more we can do. I am very conscious that we are all going on recess very soon, but I would like a commitment from this House that this will be an urgent issue on which we can look to see - more than statements - what we can do to address this emergency, because that is what it is. Violence against women and the resulting deaths of women in our society has to be treated for the emergency that it is. My thoughts and prayers are with the family of Adina Constantin.

Senator Joe Flaherty: We are all excitedly looking forward to the opening of the sports capital grants. It is a very important scheme for sports clubs and organisations right across the county. Traditionally, in County Longford we have done very well out of this scheme. However, there is a note of caution in relation to this year's scheme because the Bishop of Ardagh and Clonmacnois recently issued a diktat that schools will not be allowed to make their grounds available to community groups to use outside of school hours. As my colleagues know, one of the conditions of the sports capital funding is that the facility needs to be open to other sports groups to use outside of school hours. Obviously, I am disappointed with the bishop's position on this. It is a retrograde decision from him. I am aware of many communities where people were hoping to put in applications on their school grounds, linking in with other community groups. They are in the shadow of curates, parochial houses and churches that were funded and built by the hard graft of our ancestors back in the 1920s and 1930s when we did not have a proverbial penny for the pot.

I do not think the bishop is for changing on this, and that is hugely disappointing. I ask the Minister not to penalise those groups that are at an advanced stage with their projects and ready to submit an application. Bishops come and go. I am not wishing any ill on the bishop and

maybe he will be promoted and we will have a new bishop. These projects normally take a number of years to get started and get to fruition. I hope that consideration and some concession can be given to the schools in County Longford and the wider Ardagh and Clonmacnois diocese. It would be extremely demoralising for these small rural schools and communities that are totally dependent on sports capital funding. I appeal directly to the Minister to make an exception for the Longford applicants.

I have one final point, if the House could facilitate me. I want to remember a young lady who passed away in the parish of my colleague Senator Brady this week. Máire Lillis was a 24-year-old young woman with a heart bigger than this House. She was a young woman who opened that heart to so many people and was involved in so many aspects of her community, most notably the Irish Girl Guides. She got a wonderful send-off by the good people of Drumlish and Ballinamuck yesterday in the glowing sunshine. It was a farewell befitting a young woman with such an enormous heart. My thoughts and my prayers are with her parents Mary and PJ, her brother Pádraig and her sister Niamh on what will be a difficult time ahead for them. On a day when the sun is shining brightly, no heart shone brighter than Máire Lillis's.

Senator Paraic Brady: I, too, would like to be associated with the thoughts for Máire Lillis. I thank Senator Flaherty for such kind words. I hope the Lillis family can find some comfort in the joy they had for the 24 years that Máire was on this earth.

Today, I rise to speak about the Longford Agricultural Show that was held last Sunday in Councillor Gerry Hagan's field. It was a spectacular show. I would like to wish Ballinamuck Olde Fair Day, which is taking place next Sunday in my own village of Ballinamuck, continued success. It is run by the locals and represents old traditions on old fair day. It has been very successful for the last number of years and I wish it well this year. It seems that the weather is going to hold up for people.

I also rise to welcome one of the largest rooftop solar projects to take place in County Cavan at the Mannok building, which was Seán Quinn's old site. The size of three football fields, it shows what can be done when people come together. I raise this issue because many solar farms are being fitted at this moment in time on agricultural land and we are losing land that is needed for food production. Given the amount of roof space that is available on all large buildings, including industrial ones, a discussion is needed regarding State intervention, with the ESB, so that we can come up with a State-led pilot project whereby we invest in solar panels on farm roof sheds and industrial roofs and envisage generating electricity without taking up good agricultural land. We have seen this all over Ireland. It galls me to say this but I unfortunately am trying to farm marginal, poor land in County Longford. However, the likes of Offaly, Meath and Kildare - this is no disrespect to counties down south - have lovely green fields that are taken up with these solar panels. Really and truly, it is not the space we need to be going to. We need to think outside the box. This is land that should be used for the production of food, whatever it may be, but when solar panels are put on it, it is gone for all time. There should be some discussion on the use of roofs and marginal areas. Anywhere we see good land, there should be no solar panels. That is my thinking about where we are going with this. I would welcome that discussion, which we need to have.

Senator Patricia Stephenson: I want to raise the issue of the number of women who have been killed since the beginning of this year. It is disturbing and devastating that eight women

have now been killed in Ireland, which is higher than the total number of women killed in 2025. Forty women have been killed in Ireland since the tragic killing of Ashling Murphy in 2022. Women do not feel that they can flee. There are no appropriate housing supports. We still have many counties without a refuge. Even when women are in a refuge, where is the long-term suitable accommodation for them? Accessing justice remains incredibly difficult. The challenge of the legal aid threshold is too high when financial abuse becomes part of domestic abuse. The specialist support services that are out there are stretched. How can we expect women, survivors and victims of domestic violence to flee to safety when the appropriate supports are simply not there? We need to explore giving An Garda Síochána the power to remove abusers from the home rather than the victim survivors. We talk about having a zero-tolerance approach to domestic, sexual and gender-based violence, but counselling notes will still be available in the courts. Toxic, misogynistic online culture is still rife, as are toxic algorithms, perpetuating a normalised culture of violence against women. That is where we are. Instead of going forward, we are going backwards.

I also want to raise the issue of a Palestinian doctor in Israeli detention who has been there for 559 days with no charges. "This is the last time you'll see me ... They brought me here to kill me ... This is the end." These are the words of Dr. Hussam Abu Safiya to his lawyer just days ago. He asked his lawyers to rouse the world, and many have. I am adding my voice here today. He was the director of Kamal Adwan Hospital and he is the doctor who refused to abandon his patients in Gaza while hospitals were under attack. Even after he lost his own son, he stayed because he believed his duty was to serve the sick and injured. His courage is a symbol of humanity in the darkest of times. Now, reports and videos show him in detention and they are really difficult to comprehend. He is completely unrecognisable, a man who has been beaten repeatedly - beaten with hammers and batons, and left with injuries across his face, head and body - and he is being denied medical care. He is so physically weakened that he struggles to breathe and is showing severe signs of trauma and psychological distress. He is being denied adequate food, clean water and medical attention. He now fears he is going to die in custody. It is just sadistic and unconscionable how he has been treated. No one should be subjected to torture or cruel, inhumane and degrading treatment, never mind a doctor who has dedicated himself to saving lives in the face of such human suffering. I would like us to appeal to the Department and Minister for foreign affairs to outline what diplomatic and urgent action Ireland can take to secure independent medical access for Dr. Abu Safiya, to press for accountability for these disturbing allegations and images we are seeing, to do everything in our power to ensure his release, and to advocate for all medical staff in a humanitarian context who are delivering crucial aid but are under huge attack. We have seen medical staff actively targeted and murdered in Gaza and it is just unfathomable that we can allow this to continue without adding our words to it.

Senator Gareth Scahill: The Minister for Transport, Deputy Darragh O'Brien, was in the House yesterday talking about the Dublin Airport (Passenger Capacity) Bill 2026. The discussion suggested that removing the cap for our national airport would have a detrimental effect on a lot of our regional airports. The Minister made a very good point that it would increase capacity in our areas and the numbers are showing that already, and hopefully will continue to do so.

While the Minister was in the Chamber, a press release came out that €2.3 million had been approved and spent through the Government's regional airports programme on the delivery of a state-of-the-art aerodrome for fire service training at Ireland West Airport Knock. It is an important investment in infrastructure in the west and a vote of confidence in that particular facility. I have often raised the issue of being proactive with our fire services. Recently, we had the housing infrastructure investment fund, which in all our counties was set to unlock between 700, 900 and 1,500 houses, yet we will wait for a lot of those houses to be delivered before we start reacting to what other services we need to deliver on the ground.

11 o'clock

I hope counties in the west of Ireland might be able to utilise the state-of-the-art training facility at Knock Airport to upskill the members of our fire services across the region. I also hope we will be proactive in the delivery of new fire services when it comes to both personnel and new fire stations. That includes restoring old fire stations which closed in the past. I refer to those stations in Acting Leader's area of Ballinasloe and my area of Castlerea. The opportunity is now. We are creating and unlocking the potential for housing, but we need to be a lot more proactive in the delivery of the supporting services.

Senator Chris Andrews: I again want to raise the shocking animal welfare and transparency concerns relating to the greyhound racing industry. Every year, the industry is handed millions of euro by the State. There is no expectation of accountability or efficiency in how that money is spent. It is handed to the industry on the assumption that it contributes to economic activity and that Greyhound Racing Ireland has a functioning system for protecting greyhounds. Unfortunately, the truth in that regard is far from clear-cut.

The greyhound industry has essentially been allowed to make up its own figures regarding its economic and financial importance. Unsurprisingly, it grossly overestimates its relevance. Analysis of the most recent figures from 2021 shows that the value of the industry was overstated by upwards of €60 million. This is as a result of dogs outside the State being included in the calculations, dead and exported dogs not being excluded, the career length of racing greyhounds being overestimated and hare coursing litters being included in the costings relating to the breeding and rearing of pups.

There is also the issue of the greyhound care homes set up by the industry. There was a commitment in 2021 for Greyhound Racing Ireland to open four care homes. However, only two such homes have opened to date. There is a shocking lack of value for money in these homes. They only manage to care for a tiny number of dogs in comparison with voluntary rescues and dog shelters despite having vastly more funding. When it does care to rehome rescues, it costs Greyhound Racing Ireland's care homes €6,000 per greyhound to do so.

What is worse than that, however, is the completely broken traceability system. Disgracefully, it cannot account for thousands of greyhounds and has failed to cut down on the hundreds of greyhounds dying as a result of racing every year. The current State policy of unconditional funding for the greyhound industry undermines efforts to improve transparency, welfare standards or value for money within this industry. I urge the Minister for agriculture, Deputy Heydon, to initiate an independent review of Greyhound Racing Ireland in order to assess its economic viability and record on animal welfare.

Senator Niall Blaney: I want to refer to the work of Horse Sport Ireland and to wish Team Ireland every success as it prepares for the world championships in Aachen, Germany, which commence on 11 August. Horse Sport Ireland is the national governing body for equestrian sport. It is responsible for every aspect of the sport, from riding centres where thousands learn to ride horses for the first time each year to Olympian and Paralympian teams competing in showjumping, eventing, dressage and para-dressage. These upcoming world championships offer the first opportunity for Ireland's equestrian athletes to qualify for the 2028 Olympic Games in Los Angeles. This is a significant milestone in the Olympic cycle. I extend my best wishes to our teams competing in showjumping, dressage, eventing and para-dressage. They will represent Ireland at the highest level in one of the world's primary equestrian competitions.

Equestrian sport is one of the few Olympic sports in which men and women compete together on equal terms and where athletes from across generations compete at the highest level. Ireland punches above its weight internationally in this regard, reflecting the quality of our athletes, horses, owners, breeders, coaches and support teams.

Horse Sport Ireland is one of the finest examples of practical, all-island co-operation in Irish sport. Working in partnership with Sport Ireland and Sport NI, it supports athletes from every part of the island, as well as Irish riders across the world, who come together proudly as Team Ireland. I particularly acknowledge Daniel and Jordan Coyle from Derry and international event rider, Susie Berry, from Down, who were all nominated in the world championships, as well as Jessica Kürten from Antrim, who leads a high-performance jumping programme. Together, they reflect the strength of our 32-county equestrian community and the international reach of Irish sport.

As Ireland holds the presidency of the Council of the European Union, Horse Sport Ireland will welcome international equestrian delegates to Dublin by hosting the European Equestrian Federation's general assembly in September and the World Breeding Federation for Sport Horses' general assembly in October. These events will bring leading organisations from across Europe and the world to Ireland, showcasing our international standing in equestrian sporting and breeding.

I recognise the commitment of the management, board and staff of Horse Sport Ireland. They work behind the scenes supporting athletes, developing high-performance programmes, administering breeding and coaching initiatives and a world-class studbook and promoting Irish equestrian sport nationally and internationally. They are fundamental to the success we see in the arena. I congratulate Horse Sport Ireland on all it continues to achieve. I wish the organisation every success with its upcoming international events. Above all, I wish Team Ireland every success in Germany as it begins its journey towards Los Angeles 2028.

Senator Linda Nelson Murray: Through our offices, we all have the lovely honour of helping and supporting older people in our communities, particularly when it comes to filling out forms, which is a bit part of what they have to do. At present, people over 65 years of age repeatedly have to ask their GPs to certify similar information for things such as medical cards, housing adaption grants, mobility or travel schemes, respite care applications, living alone allowance, household benefit packages and other disability or care supports. There are a lot of examples in this regard. Each application can require another GP appointment and another fee, which is stressful and takes up a lot of time. These appointments all ask the same questions,

however. I propose that we look at the possibility of an annual older person's health passport. A GP would complete one comprehensive assessment each year. Departments and local authorities could accept that certified assessment, rather than requiring new medical evidence every time someone applies for another support. Obviously, if information needs to be added to the passport in the event of an emergency situation, that is grand.

For older people, it would mean one medical assessment instead of several such appointments. There would be less stress and paperwork for them, as well as fewer GP appointments, resulting in lower costs where GP forms are charged and faster access to supports. For GPs, there would be less repetitive administrative work and more clinical time for patients. We desperately need this in County Meath. We have the fewest number of GPs *per capita* in the country. It is very hard to get an appointment. People have to wait two weeks. What I am proposing would help that situation.

For the Government, there would be reduced duplication across Departments, faster processing of applications, lower administrative costs and better consistency in medical assessments. For the local authorities, the housing adaption grants and older supports with which they deal could be processed way quicker.

This matters because Ireland has an ageing population. We often talk about helping people age with dignity within their homes, but we have to make the system easier to navigate. An 80-year old living alone should not have to complete five or six separate medical forms in a year, repeating the same information for different public bodies. One trusted annual health certification could reduce bureaucracy, save public money, free up GP time and make life considerably easier for older people and their families. I will bring this matter to the attention of the Minister for Health, Deputy Carroll MacNeill. I will push for this measure, but I ask the Acting Leader to request a debate or to write to the Minister informing her that the Seanad thinks it would be a great idea.

Senator Laura Harmon: I do not even know where to begin. I will start by saying that I am sick to the pit of my stomach at the decision this morning to grant planning for apartments on the Bessborough site. Approval has been given for the building of 106 apartments there. We absolutely need to oppose this. The Taoiseach needs to come out of the woodwork on this issue. He cannot hide behind a planning process any more. The State should step in to compulsorily purchase this site.

We are putting shame on top of shame when it comes to survivors and their families. The whole country colluded against these women. Some 19,000 women, babies and infants passed through this site and the country as a whole acted like shame was justice. The shame lies with the State, however. This is Micheál Martin's second time as Taoiseach. This is happening in his constituency of Cork South-Central. He needs to act on this issue. He needs to come out today and make a statement on the matter.

He needs to make a plan to compulsorily purchase this site. It should be in public ownership. It is a site of conscience, historical importance and education and, above all, it is a memorial place. We know there are remains of babies in this site. We cannot allow apartments to go ahead. Can Senators imagine if we built apartments over Tuam? We see what happened in Tuam and what was uncovered. Can Senators imagine if we had concreted over that? That is what we are looking at, potentially, in Bessborough.

I will stand with survivors. I will not stop campaigning in relation to this. Everybody in Ireland now needs to come out and support these women, their families, the survivors and those affected. We need a collective response. We need all eyes now on this. We need Senators to speak to their political parties in relation to it. We need cross-party support. We need the Taoiseach and Tánaiste to come out on this issue. They have both made statements on it in the past. We do not need words; we need action.

Senator Joe Conway: Chuala mé níos túisce ar maidin an Teachta Moynihan ag labhairt ar an raidió faoi chás na e-scooters agus an méid oibre atá déanta ag An Garda Síochána chun iad a bhaint de na sráideanna agus stop a chur leis an dainséar. It was a point very well made by Deputy Moynihan. I praise his initiative in gathering the statistics that highlight the very good work done by An Garda. As in all cases, there is much more to be done.

Practically every Member of this House spends a fair amount of time behind the wheel. In so doing, we probably come across in our day-to-day business much evidence of what can only be described as dangerous overtaking. Looking at the whole road safety argument and road safety question in Ireland, it seems to be ag dul in olcas at the moment. When we come back after the recess, we should have a comprehensive debate in this House with the Minister where we can ventilate our concerns about various road safety matters. I do not want to labour the point, but we can see that things are not getting better in relation to road safety. We need to have a good discussion here and a ventilation of the worries.

Senator Sarah O'Reilly: I, too, think today is a sad day. Yesterday, the Department of Health published its report on the abortion figures for 2025. There were 10,600 abortions last year - the highest yet since the eighth amendment was repealed. Since 2018, there have been 65,000 lives lost across this country to abortion. That number is equal to the entire population of Sligo. A few weeks ago, the Taoiseach and Tánaiste were pushing for and voted for removal of three-day wait. We were told about how women have made their minds up and do not need a paternalistic waiting period before having an abortion. A few weeks later, the Government proposed paid miscarriage and abortion leave. These are the same people who dismiss most abortion regret and trauma. The three-day wait could prevent a woman from experiencing that grief and ever needing abortion leave in the first place. It has to be said that miscarriage and abortion are not the same thing. A miscarriage is an unintentional and often unexpected loss. Abortion is a choice. In both cases a life has been lost, but the Government cannot have it both ways. It cannot acknowledge the emotional weight of a woman losing her baby, then, on the other hand, brush off the need for the waiting period that could have prevented that event.

The State's policy has made it difficult for people to have children or start their family. Due to tax individualisation, a dual-income household can earn more at a lower tax band than a one-income family. A parent might want to stay at home for a few years with their baby, but the Government has no interest in facilitating that. It will pay for the abortion, give the person a few days' leave and hope that they do not notice it has not removed any of the barriers to motherhood and parenting.

Senator Aubrey McCarthy: I wish to raise an issue that affects that town that I come from, namely, Naas. It is to do with St. Corban's National School. Earlier this year, following engagement with the Department of education, the school was encouraged to open a third junior

infant class. On that basis, 25 additional students were enrolled for this coming September. Parents accepted these places in good faith, believing that the necessary teaching resources that were promised would follow.

Now, just weeks before the new term begins, the Department has refused to allocate the additional teacher. It is not because the school failed to act. For four months, the principal, the board of management, the parents and the school's patron have all engaged and pursued every possible avenue, including an appeal to the primary staffing appeals board. They had a meeting with the Department's assistant secretary general. Every option has been exhausted but the request has been refused because of a technical staffing rule. The result is that one junior infant class in St. Corban's in Naas will have almost 40 children. These are four- and five-year-olds taking their first steps into education. We cannot say that we are committed to giving every child the best possible start in life when giving a pupil to teacher ratio of 1:40.

I acknowledge the professionalism of the principal, John Drewett, his staff and the board of management. They have gone out of their way and done everything possible to appease the situation and to manage an impossible situation. They have been clear that this is not an acceptable long-term solution. Sometimes common sense must take precedence over bureaucracy. I ask the Acting Leader to ask the Minister for education to urgently revisit this decision before the school year begins. These families acted in good faith. They had a promise and they acted on that. I sincerely hope that the Minister will do the right thing regarding St. Corban's.

Senator Martin Conway: I support Senator Harmon in her call and proposition regarding Bessborough. I did not realise that planning permission had been granted. It is horrendous. With all the land throughout the entire country, surely to God, we can deal with a housing crisis in a more humane and respectful way than granting planning permission on that site. I sincerely hope that this is rescinded and dealt with in an appropriate way.

We are about to experience a second period of fantastic weather. As Senators are all aware, I come from County Clare. I live near the beach. One thing that has always annoyed me is that there is no water safety training as a compulsory module in schools throughout the country. There is absolutely no reason that every young person should not receive basic water safety training before they leave school. If they did, I have no doubt it would raise awareness. It would develop a respect for the water and save many lives. I also believe every young person should undergo first aid training before they leave school. Again, it is not a difficult thing to provide. Our fire services and various other emergency services could easily go to schools and provide that. I know Water Safety Ireland would be more than happy to engage with the Department of education and come up a suitable programme to roll out water safety training to schools across this country.

I call for a debate on the specific issue of emergency awareness training for water safety and first aid for our second level students in the autumn. In the meantime, I call on people to be careful over the weekend, listen to lifeguards when they give them advice, do what they are told and, most important, enjoy this spell of fine weather.

Senator Victor Boyhan: Listening to some of the contributions today on planning - I welcome that we will be discussing planning later with the Minister - I was reminded of a really

good article published in *The Irish Times* during the week which had the subtitle, "Public participation and environmental scrutiny are not the enemies of progress [in the planning process]". I hope we will remember that today as we reflect on a number of issues.

I wish to raise the issue of items Nos. 1 to 7, inclusive, on the Order of Business.

They all relate to exempted development. One has to ask why they are being dealt with today. Why not three or four weeks ago? I support the referral of these motions to the committee for its consideration, but Members will or should be aware that these are a substantive part of the legislation we will be considering later today. Members will also be aware that this legislation was guillotined in the Dáil last night and of the limited amount of time we have to discuss this issue. It all might be very well at the moment because the odds are stacked against meaningful opposition and that is what we have to live with at the moment, but time moves and is cyclical in politics. There are people on one side of this House who will be on the other side after the next election, and there are others who may not be here at all. Time moves on, but planning is a long-term thing. I welcome the fact that the motions are being referred to the committee, albeit late. I will be revisiting this later during the debate on planning. I contacted both Ministers yesterday and informed them that if the public consultation in relation to these matters was not published today, I would submit to the Department a series of freedom of information requests that I drafted last week. The Ministers and their officials are aware of that.

This is important. We have to be clear about what we are doing. We are referring this to the Oireachtas joint committee and that is important, but it is a pity it has taken so long and it is particularly important and significant that it is happening today.

Senator Manus Boyle: I concur with my fellow Senators' comments on water safety. It is an important issue, especially in rural counties like my own county of Donegal. With the weather being so good, the beaches are going to be full this weekend. There will be large amounts of people at them. I ask people to be cautious and vigilant of what is going on. Before they go into the water, they should please check the life ring buoys are in place because, when accidents happen, it is the first bit of equipment that everybody needs to know where it is, that it is there and that it is not damaged or tampered with. If there are any problems with it, people should notify An Garda Síochána or Water Safety Ireland. If people see somebody in difficulty, they should ring 112 or 999 and ask for the Coast Guard.

We have beautiful beaches all over this country and they are going to be inundated for the next few days, so I am asking people to please be careful. They should check the tides and the currents. Make sure that the ring buoys are all there and working. They are the one piece of equipment that is there to save lives.

Senator Anne Rabbitte: I thank Senators for their sizeable contributions and attendance here this morning. It is greatly appreciated.

Senator Margaret Murphy O'Mahony spoke about sport and the values of sport. When we think about sport, not all of it is professional. There are a lot of amateur sports, particularly our national games. Nobody sets out to lose a game and everybody goes to participate. At the same time, we should be mindful that they are community men and women who are putting on

their county or parish colours to represent their parishes, counties and in some cases their country. Social media is no made for anybody to be taking short jibes at people whatsoever. I completely agree with the Senator.

She also went on to speak about water safety, as did a lot of other Senators. We are all conscious that we have good weather but we also sometimes, as the Senator said, lose the run of ourselves and maybe forget our safety checks. Senator Martin Conway spoke about including on the curriculum a course on how respond in an emergency. Whether that is a course delivered by Water Safety Ireland or learning first aid, it is so important.

I also thank Senator Murphy O'Mahony for her contribution on Skyclarys. Next Tuesday is decision day and hopefully a positive decision will be made for the 200 patients waiting for positive news on that drug.

Senator McDowell spoke about the guillotine and individual items. We have the guillotine every day, but on those days, we would perhaps like to have more time to have more opportunities to speak on items. He then went on to talk about an honest, decent, hard-working gentleman, the late Martin Naughton from Dundalk. He set up his Glen Dimplex factory in Dunleer and provided so much employment and opportunity. He was a leader in innovation through many years. As he made his money, he continued to share opportunities for young learners, innovators, educators and researchers. He did not keep it to the engineering side of the house. He allowed Carmel to spread a little bit of it as well in the fields of arts and culture. I know a little bit about the Naughton family. My late husband came from Dunleer and my late father-in-law worked in Glen Dimplex. The Naughtons, as the Senator said, are good, honest and decent people. Martin left a great example in how to support young people coming forward in research and innovation. The Senator also said, as did Senator Murphy O'Mahony, that if we can be anything in this world, we should be kind, and that is one thing Martin Naughton was, and it is one thing we should always remember. Ar dheis Dé go raibh a anam. We think of him today.

Senator McCormack raised the issue of active travel. She is not present to hear my response but it would be fitting for a Commencement matter to be raised on that because it is a specific issue in Graiguecullen that she wishes to discuss. She asked specific questions that are for Transport Infrastructure Ireland and the National Transport Authority to answer. She should puts down a Commencement matter with the Minister to get answers to those important questions.

She also mentioned the tragic loss of Ms Constantin, who is one of many victims of violence against women this week. It is a sad reflection on society that the first thing I saw on my paper's headline this morning was the news from the National Women's Council that more women have died by femicide so far this year than in the whole of 2025. It is staggering. I am glad to announce, and I thank the Leas-Chathaoirleach for sharing it with me, that when we return in September we will have an Oireachtas committee to discuss and address domestic violence as a stand-alone item. I welcome that news but there is still so much to be done in that area.

Senator Joe Flaherty raised the issue of sports capital grants and the instruction of the Bishop of Ardagh and Clonmacnois to schools that he is responsible for to not participate in the community element of the scheme. That is unfortunate. Where we have rural depopulation - and there are great reports coming from the GAA - the one thing we want to do is ensure a

sense of community. That sense of community circles around a few things. It can be the church, school, post office or the pub. That is what we have in rural Ireland and if we remove one of those centres, it leaves the young people, as well as the families coming into those communities, wondering how we can support our young people, particularly when there are so many distractions when it comes to online safety, and when we think about how young people need other diversions. The sports capital fund has been one of our best resources. The Minister of State, Deputy McConalogue, has travelled the country, as has the Minister, Deputy O'Donovan, to ensure that the best opportunities are taken for our sports capital. It is unfortunate, and I would not like to think that contagion would take place in relation to that.

Senator Flaherty remembered Ms Lillis, as did Senator Brady. I did not know the lady, but they both spoke so fondly of her and about the huge contribution she made. I think of her and her family who are grieving her loss. We hope the fond memories they carry will give them the strength to go forward.

Senator Brady complimented the shows in his area. Longford show took place last week and Ballinamuck fair day takes place this Sunday. We wish them all the best down in Drumlish. I want to compliment the Senator on his contribution in relation to the roof-top solar farms. It is time that we had a check of ourselves in this country as to how we are using arable land. We cannot be using good, arable land for solar farms. I come from Galway - some Members might not have realised that - and we have marginal land in a lot of it.

To put solar farms on good, arable land is absolutely disgraceful. We need to look at the alternative. The alternative needs to be - as the Senator put forward, and I would heartily support whatever debate or legislation we need to bring forward - to look to the UK. The UK is using grade 2 land. I thank the OPLA for helping me to draft legislation in this regard because we cannot compromise good, arable land for the sake of solar farms that will have 15 years of a lifespan. Food security needs to be our number one priority at all times. We need to be food secure. That would be a good discussion with whichever Minister wants to take responsibility and come here to talk to us. We certainly would welcome it.

Senator Stephenson has left but like Senator McCormack and all of us, also spoke on the amount of violence against women that has taken place since the start of the year, since the loss of Ashling Murphy but also in this particular week. We can all feel it. She asked whether we are going forward or backwards. It is very hard to feel as though we are making progress on this particular matter. I thank the Leas-Chathaoirleach for the welcome announcement that we will have an Oireachtas committee to address this. The Senator also spoke about Dr. Hussam Abu Safiya who has been held for 559 days as a medical prisoner of war. The Senator has asked the Minister, Deputy McEntee, to intervene and bring assistance. We will liaise and bring her words to the Minister.

I was wondering where Senator Scahill was going when he talked about Dublin Airport coming from Roscommon but I see exactly where he landed on that in respect of the €2.3 million that was put into regional airports and what has happened at Ireland West. His point that the skills of our retained firefighters - because there are very few professional firefighters in the entire country and we predominantly work with retained firemen - are equally as important and need to be upgraded on a regular basis is valid. Why would we not call for them to have access to what is the new intervention at Ireland West Airport? This would ensure that their skills are upgraded at all times. The Senator talked about investment, and he was right to

talk about our fire stations such as Ballinasloe and Castlereagh. They are finding it very hard to get up that ladder of elevation for support and intervention. They are the first line of defence when there is a fire that runs on oil or the hay-shed that could take off, God forbid, at this time of year. We are dependent on them having the best equipment so they can do their job.

When we look at some of our fire stations, women cannot be recruited as retained fire officers because there are no changing facilities for them. It is time we have a proper root and branch review of where our retained fire officers and fire services can work from. In Ballinasloe, we could not recruit a woman because the fire station there does not have changing facilities, and it is the same in Portumna. Those are only two places either side of where I live.

On the greyhound industry, Senator Andrews talked about the greyhounds and care homes and the industry not having what it signed up to, that is, a minimum of four care homes. He talked about adequacy in relation to what they provide for the greyhounds and of the industry's value being overestimated. I have no notes or anything else on it but it is a worthwhile debate. We saw last night there was a vote on hare coursing in the Dáil. At all times, when it comes to animal welfare, whether in relation to horse racing or other aspects, it is important that we have debates. We should respect both sides of the debate to have those conversations. If we do not have a conversation, we do not have awareness and we do not have an intervention. I thoroughly support the Senator on that.

Senator Blaney talked about the upcoming championships and Horse Sport Ireland. I wish all of the participants all the best in the various levels of equine sport. The championships are taking place in Germany. I compliment the fact that it is an all-Ireland body and Horse Sport Ireland works with equestrian sport North and South. It is hard to believe the organisation is on its first leg of the road to the Los Angeles summer games. We know the proud culture we have when it comes to equine affairs and the breeding and training of animals. We also know the investment that families have had. Senator Brady is aware of equine sports, as his young children participate a lot in them. The commitment that families instill in their children from an early age, through dressage for example, and the skill it takes is admirable.

The Senator mentioned the names of the people involved; they are recorded. I concur in thanking them for the work they do. I look forward to the various assemblies taking place under the European Presidency in September and October. If the Senator can organise that, some of us with a keen interest in equine matters could attend it. It would be absolutely fantastic because it is a really good part of our heritage and culture and for the various generations. I thank Senator Blaney for that.

Senator Nelson Murray proposed an older person passport. That is common sense when we think about it. GPs would be delighted. The local authority would be more efficient and most importantly, the older person would be at the centre of the proposal. Older people do not want to be going into the GP in October, November, January, or February, when the flu season is at its worst, but that is perhaps when their need is at its most. There are two relevant Departments here. The Minister for Health will certainly do her bit and I have no doubt but that the Minister for housing will do his. There has to be that recognition. We must tell the Departments this is how we are doing it going forward. A person will have a passport for 12 months or whatever time until change. We should certainly recommend that. As a nation that is getting older, we have to find more efficient ways of doing this. This cuts through some of that red tape that badly needs to be cut.

As Senator Harmon spoke, I absolutely could feel from her the upset that she is feeling about the granting of planning permission. When she compared it with Tuam, I knew exactly what she meant. No concrete is going to go on Tuam. It is going to be a memorial site and we will know our history. Painful as it might be, it is fitting. My father used to always say, "You never touch the dead", and in these instances, sometimes that is what we need to think of. I am not taking either side in relation to the local authority's decision but I would welcome commentary from our leaders on that. At the same time, it is a very sensitive subject and issue for Senator Harmon and for a lot of people who have family who went through Bessborough or are living in that area.

Senator Joe Conway spoke about e-scooters and Deputy Shane Moynihan. What would have been the Joe Duffy show that has been taken over by Kieran Cuddihy, spoke a lot about e-scooters as well this week. It is hard to believe that one e-scooter a commentator spoke about was going at 70 km/h. What chance do we have if we are buying e-scooters for kids and not regulating them? It is hard to believe 50% of the beds below on Temple Street are made up from the result of either a scrambler or e-scooter accident. These are not minor accidents. This is not a broken finger or elbow. They cause really life-altering conditions when a person comes off one of these scooters and has an accident. I also think of the poor, unfortunate person who is driving a car or is on another bike and who has that collision. They have to live with that accident as well. There is a comprehensive need for a debate when it comes to road safety. There is a deeper conversation around e-scooters and legislation, guidance and the filing and purchasing of them.

Senator O'Reilly spoke in relation to abortion and the 10,600 abortions which took place in 2025. She spoke as well on the recent vote that took place in the Dáil on the three-day waiting period, as well as the role of motherhood and the roles of mothers. Her viewpoint is there is an intertwined language concerning mums who lose their babies due to miscarriage, as opposed to the choice of an abortion. She does not view it as being equal.

I hope I am reflecting the Senator's viewpoint correctly.

Senator McCarthy spoke about St. Corban's National School. I recommend that the Senator put down a Commencement matter on that. We have a week left before the Seanad rises. If we were to have a Commencement debate with the Minister, the Senator could perhaps get a more direct response than I am able to provide today and would not be obliged to wait for the Minister to come before the House for a debate on education. A ratio of 1:40 is not what the INTO speaks about or what is in our programme for Government. I encourage the Senator to table a Commencement matter.

Senator Conway spoke about water safety. I covered that comprehensively already. The Senator also spoke about training for first aid. There is merit in that. There was a time when we did a lot of that in our education system. I believe that a lot of it is done as part of transition year programmes, but swimming also has to happen in national schools. There is no doubt about that.

Senator Boyhan raised a number of issues in relation to the running order for today. However, he also stated that he will be supporting today's proceedings.

Senator Boyle spoke about Irish Water. The Senator and Senator Blaney come from Donegal, which is surrounded by beautiful seas. Senator Boyle is dead right to raise this issue.

Anybody with access to a lake, a river or the sea should be vigilant. The issue relating to ring buoys is quite specific. In Galway, we lost a lot of ring buoys. We do need to have them. They are essential as a first means of intervention. Anybody who notices them missing, even a person out walking, should report it instantly. I fully concur with the Senator on that.

An Leas-Chathaoirleach: Before we move on, I wish to acknowledge Deputy Cahill and his guests in the Visitors Gallery and our colleague Senator McCarthy and his guests from Picker Pals TV Club and the Links Project. They are all very welcome. I hope they enjoy their visit to Leinster House today.

Order of Business agreed to.

Planning and Development (Exempted Development (Act of 2000)) Regulations 2026: Referral to Joint Committee

Senator Margaret Murphy O'Mahony: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development (Exempted Development (Act of 2000)) Regulations 2026, a copy of which was laid in draft form before Seanad Éireann on 2nd July, 2026, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with Standing Order 79(2)(b), which, not later than 15th July, 2026, shall send a message to the Seanad in the manner prescribed in Standing Order 84, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Planning and Development (Exempted Development (Act of 2000)) (No.2) Regulations 2026: Referral to Joint Committee

Senator Margaret Murphy O'Mahony: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development (Exempted Development (Act of 2000)) (No.2) Regulations 2026,

a copy of which was laid in draft form before Seanad Éireann on 2nd July, 2026, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with Standing Order 79(2)(b), which, not later than 15th July, 2026, shall send a message to the Seanad in the manner prescribed in Standing Order 84, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

**Planning and Development (Exempted Development (Act of 2000)) (No.3) Regulations
2026: Referral to Joint Committee**

Senator Margaret Murphy O'Mahony: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development (Exempted Development (Act of 2000)) (No.3) Regulations
2026,

a copy of which was laid in draft form before Seanad Éireann on 2nd July, 2026, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with Standing Order 79(2)(b), which, not later than 15th July, 2026, shall send a message to the Seanad in the manner prescribed in Standing Order 84, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

**Planning and Development (Exempted Development (Act of 2000)) (No.4) Regulations
2026: Referral to Joint Committee**

Senator Margaret Murphy O'Mahony: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development (Exempted Development (Act of 2000)) (No.4) Regulations
2026,

a copy of which was laid in draft form before Seanad Éireann on 2nd July, 2026, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with Standing Order 79(2)(b), which, not later than 15th July, 2026, shall send a message to the Seanad in the manner prescribed in Standing Order 84, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

**Planning and Development (Exempted Development (Act of 2000)) (No.5) Regulations
2026: Referral to Joint Committee**

Senator Margaret Murphy O'Mahony: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development (Exempted Development (Act of 2000)) (No.5) Regulations
2026,

a copy of which was laid in draft form before Seanad Éireann on 2nd July, 2026, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with

Standing Order 79(2)(b), which, not later than 15th July, 2026, shall send a message to the Seanad in the manner prescribed in Standing Order 84, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

**Planning and Development (Exempted Development (Act of 2000)) (No.6) Regulations
2026: Referral to Joint Committee**

Senator Margaret Murphy O'Mahony: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development (Exempted Development (Act of 2000)) (No.6) Regulations
2026,

a copy of which was laid in draft form before Seanad Éireann on 2nd July, 2026, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with Standing Order 79(2)(b), which, not later than 15th July, 2026, shall send a message to the Seanad in the manner prescribed in Standing Order 84, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

**Planning and Development (Exempted Development (Act of 2000)) (No.7) Regulations
2026: Referral to Joint Committee**

Senator Margaret Murphy O'Mahony: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development (Exempted Development (Act of 2000)) (No.7) Regulations
2026,

a copy of which was laid in draft form before Seanad Éireann on 2nd July, 2026, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with Standing Order 79(2)(b), which, not later than 15th July, 2026, shall send a message to the Seanad in the manner prescribed in Standing Order 84, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Planning and Development (Licensing of Outdoor Events) Regulations 2026: Referral to Joint Committee

Senator Margaret Murphy O'Mahony: I move:

That the proposal that Seanad Éireann approves the following Regulations in draft:

Planning and Development (Licensing of Outdoor Events) Regulations 2026 Regulations 2026,

a copy of which was laid in draft form before Seanad Éireann on 2nd July, 2026, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with Standing Order 79(2)(b), which, not later than 15th July, 2026, shall send a message to the Seanad in the manner prescribed in Standing Order 84, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Planning and Development (Amendment) Bill 2026: Second Stage

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

Acting Chairperson (Senator Nessa Cosgrove): Cuirim fáilte roimh an Aire Stáit.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy John Cummins): Following its successful passage through Dáil Éireann, I am pleased to bring the Planning and Development (Amendment) Bill 2026 before the Seanad. The main purpose of this important Bill is to support and facilitate the smooth commencement and implementation of the remaining provisions of the Planning and Development Act 2024. I anticipate that the remaining provisions of the Act of 2024 will be brought into effect later this year. Additional proposed provisions to this Bill intend to provide clarity and to introduce further policy direction to speed up the timely introduction of ten-year county and city development plans. Another aim of the Bill is to deploy the new procedural rules and parameters for planning judicial reviews sooner by applying them to acts done or decisions made under the Planning and Development Act 2000 and to facilitate the delivery of a number of actions contained in the 2025 accelerating infrastructure action plan to enhance the timely delivery of critical infrastructure projects.

Senators will no doubt recall the scale and vision of the Planning and Development Act 2024, which was signed into law by the President in October of 2024. That important body of legislation is the third largest piece of legislation to be enacted in the history of the State. Given the scale of the 2024 Act, it has been necessary and appropriate to commence and implement that Act on a phased basis to facilitate the gradual transition from the arrangements under the current legislative framework to those under the new Act.

The ongoing commencement and implementation of the 2024 Act remains a key priority for this Government, and a considerable volume of the legislation has already been brought into operation, with the remaining provisions on track to be commenced by the end of this year and

subsequent to the enactment of this Bill. In addition to this Bill, my Department is in the process of finalising the revised planning regulations that are to accompany the 2024 Act. My officials continue to work closely with local authorities and a range of other key stakeholders to help ensure the planning sector is ready for full implementation.

As already stated, the primary purpose of the Bill is to support the smooth commencement and implementation of the remaining provisions of the Planning and Development Act 2024, a process that is due to take place later this year. The proposed amendments in the Bill can be broken down into five key areas.

First, the Bill amends Part 3 of the Planning and Development Act 2024 to accelerate the move to plan making under the 2024 Act and to help ensure that necessary transitional measures already provided for will operate as originally intended in line with the hierarchy of plan-making. It is important to note that Part 3 of the 2024 Act was commenced last year and is already being operated by planning authorities.

I recognise that the ongoing practical implementation of the transition across the 2024 Act from the existing legislative framework does present a challenge for the current system from both a capacity and prioritisation perspective. The proposed amendments in this Bill provide clarity and further policy direction on a number of important matters, including the Government's expectations around the timely introduction of ten-year county and city development plans under the 2024 Act. The approach is being discussed in detail and worked through with all key stakeholders, including the Office of the Planning Regulator and representatives of planning authorities.

In the context of the proposed amendment to Part 3 of the 2024 Act, the Bill will ensure that the review of the three regional spatial and economic strategies are completed in a timely manner by introducing a deadline of 31 December 2027 for the completion of those reviews. This will allow planning authorities to amend the expiry dates of their current development plans for a defined maximum period to between February and December 2030.

This new expiry date will act as a trigger for the adoption of new ten-year development plans under the 2024 Act and will mean the planning authorities must begin the process of making their new plans under the 2024 Act beginning in July 2027 until July 2028 at the latest. It will also make it clear that since the commencement of Part 3 at the end of 2025, all development plan reviews must be carried out under the 2024 Act only.

The Bill extends and applies the judicial review provisions in Chapter 1 of Part 9 of the 2024 Act to acts done or decisions made under the Planning and Development Act 2000. We are all aware of the number of planning proposals that are delayed due to judicial review proceedings, which is why the changes to the judicial review process were introduced in the first place under the 2024 Act and subsequently brought into operation in August 2025. Given the lead-in time before there could be a formal decision made or an act done under the 2024 Act that could be subject to judicial review, it would likely be several months after the commencement of Part 4 of the 2024 Act before the new planning and judicial review rules would have an impact on proceedings. In order to further expedite judicial review processes, it is now proposed to extend the judicial review provisions in the 2024 Act to decisions made or acts done under the 2000 Act. This change will speed up the transition to the new rules and means that they will have an earlier impact in the second half of this year.

The process being updated includes the removal of the requirement to apply for leave to apply for judicial review proceedings, which reduces the time required for such proceedings, removes unnecessary additional legal costs to all parties and amends various procedural rules relating to such proceedings. These changes will mean that the expected benefits of the new judicial review process will have an earlier positive impact on the planning system. The judicial review procedures in the 2024 Act were subject to extensive engagement with the Office of the Attorney General during the drafting of the Act and were reviewed for compliance with all international obligations.

A range of measures in the Bill are proposed to enhance the delivery of critical infrastructure projects and complete several actions assigned to my Department in the 2025 accelerating infrastructure action plan. This includes the introduction of a definition of material contravention of the development plan, which should assist in the timely development of critical infrastructure and housing projects by providing clarity and certainty for the decision-making process and thereby helping to avoid the potential for a legal challenge. It also includes a number of other amendments to streamline certain application processes for critical infrastructure projects, including those carried out by or on behalf of statutory undertakers. In addition, the Bill also proposes to make amendments allowing for the modification of an existing permission in accordance with appropriate apartment design criteria. This is in direct response to the significant number of apartment developments that have received planning permission but have not yet commenced and will help to support the viability of the development of apartments in the immediate term.

Following a comprehensive internal review of the 2024 Act earlier this year, and engagement with the Office of Parliamentary Counsel on the drafting of corresponding provisions, a number of amendments are proposed to clarify screening obligations and processes for appropriate assessment and environmental impact assessment, such as clarification regarding competent authorities. The amendments have been drafted on a no policy change basis and will support the commencement and smooth implementation of the remaining provisions of the 2024 Act by ensuring that the relevant provisions operate as intended.

Finally, the Bill includes a large number of technical amendments that make up over 50% of the heads of the Bill. These are technical in nature and propose to correct cross-references and typographical errors, as well as to clarify the existing text without changing its intent. The Bill also includes amendments to provide for the formal repeal of the vacant sites provision in the Urban Regeneration and Housing Act 2015, as they have now been superseded by the residential zoned land tax. Amendments to the Housing Finance Agency Act 1981 are also proposed to increase the statutory borrowing limit of the Housing Finance Agency from €13.5 billion to €15 billion. The Housing Finance Agency provides low-cost finance to approved housing bodies, local authorities and higher education institutions for social, affordable and student housing. This amendment will enable the Housing Finance Agency to continue to fund social and affordable homes to June of next year and ensure there is no interruption to its housing pipeline.

I will conclude by emphasising that the proposed measures in the Bill intend to address a number of important and time-sensitive matters that are highly relevant to the planning system. As the House is aware, the ongoing commencement and implementation of the 2024 Act

remains a key priority for me and the Government and we want to ensure the remainder of the 2024 Act is commenced as soon as possible. With the continued support of both Houses, I hope to be in a position to enact the Bill before the summer recess. It provides legislative clarification and certainty for the planning sector, including for planning authorities and An Coimisiún Pleanála, so that they can finalise its preparations for implementation of Part 4 of the 2024 Act. I welcome further engagement on this important Bill and look forward to discussions on Committee Stage. I commend the Bill to the House.

Senator Eileen Lynch: I thank the Minister of State for coming to the House to present the Bill. I welcome the opportunity to contribute to Second Stage of the Planning and Development (Amendment) Bill 2026. As the Minister of State has outlined, the Bill implements the reforms agreed in 2024 which should accelerate the supply of housing. The housing crisis is the defining challenge facing this country and we all see the impacts in our constituencies. The Planning and Development Act 2024 was the largest reform of our planning legislation in a generation and it is vital that we expedite those changes.

The Bill contains a number of targeted amendments that will improve how our planning system operates. While many of the provisions are technical, they are important because they will help to provide greater certainty in planning, support housing delivery and improve the efficiency of the system. From the perspective of rural Ireland, these are incredibly welcome developments.

One of the provisions I particularly welcome is the move to ten-year county development plans. Local authorities make long-term decisions on housing, infrastructure, transport and economic development. Expanding the lifespan of county development plans provides greater stability for those decisions while reducing the frequency of full plan reviews. It allows local authorities to focus more on implementation, while still retaining mechanisms to review plans where circumstances change.

For rural counties where infrastructure projects and housing developments often take a number of years to progress, a longer planning horizon makes practical sense. It gives communities, businesses and developers a clear understanding of the direction of development over a longer period. I also believe a longer county development plan will give greater certainty to councillors. I would like to note that we need to give greater powers to local councillors. They work with people on the ground every day and know the challenges in their local area. For successive years, we have seen the continual erosion of their powers and have allowed this to happen.

In my time on Cork County Council, I found the county development plan process to be very frustrating and at times it was difficult for councillors to have any meaningful impact. There was also a disregard for the consideration of social infrastructure in the context of increased housing infrastructure and this needs to change.

I would very much like to welcome the increase in the statutory borrowing limit for the Housing Finance Agency outlined in the Bill. The Housing Finance Agency has become an increasingly important source of finance for local authorities and approved housing bodies. As housing output continues to increase, it is important that the agency has the capacity to continue supporting new delivery. This is relevant in every part of the country, including rural Ireland. Housing need is in no way confined to our cities. Smaller towns and villages are experiencing

massive shortages of affordable and private housing. If we want people to continue living and working in rural communities, we need a consistent pipeline of housing delivery, and ensuring appropriate financing is available is an important part of that.

I would like to welcome the publication last week of the rural housing guidelines. Coming from the rural village of Aghabullogue in Cork north-west, I know these guidelines can make a real difference to the provision of rural housing, making the system less bureaucratic and decreasing the subjectivity and differing opinions of different planners. These guidelines will allow for uniformity.

I urge the Minister of State to ensure that the guidelines are implemented as soon as possible. I note they may not be adopted until early next year. I also note the comments of the Minister, Deputy Browne, that he hopes local authorities will bear the new guidelines in mind going forward, even before they are formally adopted. I was incredibly disappointed to be advised by a councillor from Cork that a planner had told them that they would not implement the guidelines until they were adopted and did not believe they would make any difference.

12 o'clock

We need local authorities - that is, the chief executive and personnel - to support these fully. I have yet to speak to a councillor across the country who disagrees with them, so we need to ensure that executives are on board with this.

I welcome the reforms relating to judicial review. Judicial review, as we all know, performs an important function within our planning system and our Judiciary. It ensures that decisions are made lawfully and fairly, and that principle has to remain protected. However, it is also important that the process operates as efficiently as possible and that judicial review does not lead to delays. Delays can have significant consequences for housing delivery and essential infrastructure projects. The changes proposed in the Bill seek to make the judicial review process more efficient while maintaining these appropriate legal safeguards, and that balance is important. We need a planning system that protects people's rights but also provides timely decisions and greater certainty for those delivering housing and public infrastructure.

More broadly, this Bill reflects the need to continually improve our planning system as demand for it evolves. The system has to be capable of supporting housing growth, balanced regional development and investment in infrastructure, while continuing to uphold proper planning principles and environmental standards. The Bill will not address every issue within the planning system, nor is it intended to. However, the measures before us represent sensible improvements that should make the system more effective and provide greater certainty for local authorities and those seeking to deliver housing.

For those reasons, I am happy to support the Bill and I look forward to its continued progress through the House.

Acting Chairperson (Senator Nessa Cosgrove): Gabhaim buíochas leis an Seanadóir. Before I call an Seanadóir Boyhan, I want to give a warm welcome to the Kingswood-Kilnarnagh Active Age Men's Group, guests of Deputy John Lahart.

Senator Victor Boyhan: I welcome the Minister of State and his officials. I thank his officials for arranging a briefing earlier in the week. I found it exceptionally helpful, particularly the clarity. I thank them for the memo I received this morning in relation to the material contravention of the development plan and the importance of the clarity around what factors determined when a material contravention process was invoked in assessing and determining a planning application. That was questioned by An Coimisiún Pleanála. It was an issue that was raised with the Office of the Planning Regulator. It was raised by a number of directors of planning across our 31 local authorities. That sort of clarity is to be welcomed and I reiterate my thanks to the officials for their engagement with the process.

It occurs to me was that here we are tidying up or organising the elements of the Planning and Development Act 2024. I looked this morning at the record of the House and the debates on that Act as the Planning and Development Bill 2023. The Bill was guillotined in this House but we had a very long engagement on it. The Bill was approved in the Dáil, of course, despite all the setbacks and the debate about timing and processing, but that is not the substantive issue I am going to talk about here. The Bill was voted on by Seanad Éireann; there was a division on Wednesday, 25 September 2024. I think that is an important point.

I want to give my apologies in advance. I have a meeting with the Bar Council at 12 noon. It is now after 12 noon but I want to say that, out of no discourtesy to the Minister of State, I will unfortunately have to leave after I make my contribution. However, I am committed to engaging with this process for as long as it goes on.

We know that the main purpose of the Planning and Development (Amendment) Bill 2026 is to support the transition of the remaining provisions of the Planning and Development Act 2024 and the introduction of ten-year county development plans. We had some debate about that. I had concerns at the time but I am not using the ten minutes I have to revisit those issues. That is in the legislation. At the very kernel of all of this is that we have the timely delivery of critical infrastructure. We know that progress has been made and subgroups have been dealing with it. Indeed, the Minister, Deputy Jack Chambers, has driven this whole area of infrastructure and all of that.

I wish to raise a few issues, not necessarily in the order of how they come in the Bill, but they are issues that have come to my attention because I have engaged with our city and county councillors in relation to this process today. I have tried to ascertain from them some of their concerns because I see myself very much as a conduit for them on the floor of the Seanad. Regarding the Office of the Planning Regulator, a review was carried out. It has been completed, and it is important that we publish it as soon as possible. There were learnings. It was always anticipated that there would be learnings in the process of establishing a new Office of the Planning Regulator. I want to put on record my thanks to the Planning Regulator. One of the things that keeps coming back to me from city and county councillors and the Association of Irish Local Government, AILG, is the very positive engagement with the Planning Regulator in regard to the modular training and stuff it organises for councillors in conjunction with the AILG. It is very helpful for members.

City and county councillors are not planners, architects or engineers but they are fiercely committed on the ground in regard to the delivery of proper planning and sustainable development for their communities. The Minister of State will understand that very well as someone who was a councillor for many years, and he will understand this process. I wanted

to make that point to acknowledge the significance of the Office of the Planning Regulator and support it. I note the references in the legislation to the office. I fully support the accelerating infrastructure report and action plan. The definition of the material contravention was really important.

I want to spend a little bit of time on public participation in environmental scrutiny and planning processes, which is not an enemy of progress. I think that is an important point to get across here. There needs to be a greater focus in government, as the Minister of State and everyone knows, on converting existing planning permissions and commencements into completed homes. Now, that is a loaded sentence. There needs to be a greater emphasis on the many thousands - it is estimated to be over 100,000 - empty or derelict properties across this country. It was covered extensively in the *Sunday Independent* last Sunday. Efforts are being made but a lot more has to be done.

Public infrastructure is, of course, critical to the importance of delivering houses and I fully accept that. In relation to the rural housing guidelines, I am delighted that they have come about but the passage of time seems to be a bit long. There will be a requirement for an environmental impact assessment, EIA, and an environmental impact statement, EIS. All of that is important. I ask again, as I have always asked and argued, that there be a statutory public consultation because we need to get it right. I could paper the walls of this House with all the letters telling me that these guidelines will be published six weeks later. Failure to facilitate meaningful public participation is a great concern to me. We are conscious, as the Minister of State is, of the Aarhus Convention, the protocols and the strategic environmental assessment requirements. I ask that this be the centre of all of our planning going forward, with open engagement. When I talk about open engagement, I am talking about engagement that permits and is capable of allowing our citizens to influence policy and choice before decisions are effectively made and taken out of their hands. Predetermining outcomes in relation to proper planning and sustainable development is not and should not be the way we proceed.

Local authority planning functions are important. The Minister of State knows, as I do, the importance of our elected members. I know the difference between a reserve function and an executive function, and where our members have reserve functions, they must be supported in doing them. As I have said time and again, councillors are not planners and engineers but they are clearly interested and focused on protecting the sustainable, progressive future of their communities.

We also need to give our councillors and our planning and housing authorities locally, of which there are 31, the ability to take into account planning that is agile enough to have regard to the housing assessment. That is important. Subsidiarity is at the very core of the principle of planning, or it should be. It is certainly one espoused by the European Union and our Houses, so it is important that we give discretion to our planning authorities and local democracy. Local administration, at best, is what it is at the moment but that will, I hope, change over time. As elected representatives in their communities, they need to be able to determine the outcome and a local response to a local need in respect of planning and housing, which is all central to this.

I referred to the Office of the Planning Regulator. I have talked about An Coimisiún Pleanála.

That body is up and running and it has had issues. We need fully to embrace technology and innovation. People all over the country should be able to engage in the planning process online, if they are able to do so. Certainly, there should be one-stop shops or hubs in public libraries and public buildings to assist people to avail of that technology if they wish to pursue it.

There are still shortcomings in An Comisiún Pleanála. A developer who is building houses told me recently that there is a fear on the part of an comisiún to engage with him. This is a person who has extant permission to build homes and has built numerous very successful complexes. The ability of An Comisiún Pleanála to disengage with developers and home builders is a bit of a problem. The Minister of State and his officials, outside the context of this legislation, might look at what is going on in terms of that type of break in engagement.

I have some concerns about the judicial review process. I will not elaborate on them today because we will have an opportunity to discuss this on Committee Stage. It is really important that participation be at the very core of our approach.

I signal now to the Minister of State that I will oppose the proposals in the Bill in relation to apartments. I do not support one-size single-aspect apartments. The temperature in my south-facing office in Leinster House, which has no air conditioning, has been above 30°C for the past two weeks. It occurred to me that the same could be the case with a studio apartment. I am against the modification of apartment standards. I understand there can be smart moves taken in this regard but I am opposed to plans for single-aspect apartments.

The Land Development Agency was the subject of some negative commentary in the *Irish Independent* this morning. I hold great hope and ambition for the agency. We need a Housing Agency that drives State housing programmes in partnership with the private sector. That very much must be part of a slicker, more efficient planning process.

I wish the Minister of State well. I acknowledge what he is seeking to do. There are some modifications at best but, given the timeframe on this legislation, I do not anticipate that he will be taking on board any amendments. We are all realists in this House. It is important that he listens, takes note of Members' concerns and, where possible, incorporates them into meaningful dialogue with the various authorities around planning.

Senator Joe Flaherty: The Minister of State is very welcome to the House. He, Senator Boyhan and I have lived a long time with this Bill. We spent the bulk of the term of the previous Government working on it down in the committee rooms. I have empathy with his officials, some of whom were with us on that journey and are back with us again.

This is very important legislation. At its core is a genuine and heartfelt effort to resolve some of the barriers affecting delivery of housing in this country. The main purpose of the Bill is to support the smooth commencement later this year of the remaining provisions of the 2024 Act. It will speed up the implementation of the new procedural rules for planning judicial review that were introduced in the 2024 legislation. The Bill will apply the measures to any remaining Acts or decisions made under that legislation. The changes in the Bill will fast-track the reforms necessary to speed up the planning process and will help us to deliver more homes in a timely manner.

The Bill seeks to provide clarity and further policy direction on a number of matters relating to plan-making, including the timely introduction of a ten-year development plan for all local

authorities. The Bill also seeks to address actions assigned to the Department of Housing, Local Government and Heritage under the accelerating infrastructure task force report and action plan 2025 to enhance the timely delivery of critical infrastructural plans. Both the Minister of State and the Minister, Deputy Browne, have been clear that the changes in the Bill will fast-track the necessary reforms in our planning system to speed up the process and help to deliver more housing more quickly.

I will focus on three aspects of the Bill. The first is the provision regarding judicial review. It is critical and long overdue that the Bill will speed up the implementation of the new procedural rules for planning judicial reviews introduced under the 2024 Act. The Bill will apply the measures to any remaining Acts or decisions made under that legislation. This includes beneficial measures such as the removal of the requirement to apply for leave to apply for judicial review proceedings. This will enable a case to be remitted back to the point at which a procedural breach may have occurred, as an alternative to the whole case having to be quashed, and will remove the possibility of further legal appeal to the Court of Appeal. All of this reduces the time taken and removes unnecessary additional legal costs for all parties. That must be welcomed. The introduction of these measures at an earlier date is intended to result in a reduction in unnecessary delays and to accelerate the delivery of critical decisions, ultimately speeding up housing delivery. We all must welcome that.

A key plank of the legislation is the provision for the new ten-year development plans. The Bill seeks to provide clarity and further policy direction on a number of matters that have already commenced under Part 3 of the 2024 Act relating to plan-making, including the timely introduction of the long-awaited ten-year development plans. The Bill amends Part 3 to provide a deadline for the making of three regional, spatial and economic strategies, RSEs, under the 2024 Act and to allow planning authorities to amend the duration of their current development plans for a defined maximum period, where necessary. These amendments will speed up the move to plan-making under the 2024 Act and ensure the transitional measures already provided for will operate as originally intended in line with the hierarchy of plan-making.

One of the biggest barriers to the delivery of housing is lack of infrastructure. Addressing that is now a critical action for the Government. We have a task force led by the Minister, Deputy Chambers. It is critical and welcome that this Bill will seek to address a number of actions that were assigned to the Department of housing following Government approval of the accelerating infrastructure task force report and action plan 2025 to enhance the timely delivery of critical infrastructure projects. This is a very important and much-needed development.

I have engaged with this Bill for a number of years. I see the value in it and I see how important it is that we get it over the line. I commend the Minister of State on his work on it to date.

Senator Maria McCormack: I thank the Minister of State for coming to the House. This Bill comprises a long, technical and complex series of amendments to the Planning and Development Act 2024. It is unfortunate that it is being rushed through the Houses at breakneck speed and without proper scrutiny. It is a really bad way to make planning law and

it likely will lead to errors, unintended consequences, legal challenges and delays to much-needed infrastructure, housing and public services.

There are aspects of the Bill to which Sinn Féin is not opposed but we have concerns about other aspects. It is genuinely regrettable that the Dáil and Seanad have not been given the appropriate time and space to properly scrutinise the legislation or hear from professional planners and public and private sector utilities and developers. This is the second time we are amending the planning legislation, despite being told that the 2024 Act was a once-in-a-generation measure that would sort all planning issues for the future.

We support the move towards greater plan-making but the Minister should address the need for significant extra staffing for planning authorities. At the moment, the numbers just are not adequate.

We support increasing the lending limit of the Housing Finance Agency but it needs to be accompanied by reform of the funding mechanisms for the approved housing body, AHB, sector. People in that sector are telling us this is the real issue. We must be sure financing does not restrict the ability of AHBs to get on with the provision of housing.

There are real concerns that the changes to the judicial review process will lead to increased legal challenges and development delays. I hope that is not the case. It would have been better to be able to scrutinise the Bill properly in both Houses to try to work through those concerns. It is baffling that the proposal to create a new legal definition of material contravention has not been subject to any scrutiny by groups representing planners, such as the Irish Planning Institute or the local government sector.

Sinn Féin cannot support the proposal to allow developers to amend their apartment planning permissions in line with new inferior apartment design standards. Simply put, the Government is supporting developers to make more profit. The Minister can talk about viability all he wants but, really, all he is doing is making these developments more profitable while reducing living standards.

It will not help to increase supply or bring down prices. It is typical of a developer-led, private-market-led approach from Fine Gael and Fianna Fáil, which, as we all know, is making this housing crisis worse.

I want to make a final point about planning in general. The same issues arise time and again all over the country with every new development, especially in Laois. Housing estates are built, families move in and then there is a realisation that there is a deficit of services in the area. The population of Laois has increased significantly in recent years. Portlaoise is one of the fastest growing towns in the country. There has been a lot of private housing development, mostly concentrated in Portlaoise, but not enough planning around the delivery of sports and community facilities, especially for teenagers and families. The same applies to school places. We need to ensure that we are not just piling people into new houses and creating estates on the edges of towns with growing populations and not enough services. We have a GP shortage in Portlaoise. You simply cannot get a GP. We need good planning that encourages social and affordable homes. At the moment, the biggest issue is the lack of affordable housing in larger towns such as Portlaoise, but also in smaller rural towns.

That brings me to my next point. While we see private estates popping up in larger towns such as Portlaoise, we also see how more rural towns and villages in Laois are being forgotten. They are not seeing enough development and they are dying. Shops and pubs are closing every week.

We hear from the GAA, including at our committee, about how the imbalance in planning and development means that GAA clubs, and no doubt other sports clubs, do not have enough players or finances to keep going. A small rural village in Laois, The Swan, has a national school that is on the verge of closing because it just does not have enough pupils. In one part of Laois, the towns are being built up increasingly, while in the small rural villages GAA clubs are having to merge because they do not have enough players to keep going.

The lack of proper planning for counties and towns around infrastructure and public services such as schools, playgrounds, health facilities and transport, and all of the things that make towns sustainable, needs to be given serious consideration. This would really help. We need to ensure that addressing these kinds of things is not an afterthought. What I have described is how things are done. It leads to great frustration in communities. When we talk about planning, we need to focus on balanced development. It is crucial to the survival of rural and country towns.

Acting Chairperson (Senator Nessa Cosgrove): I want to give a big welcome to the guests who came on the Culture Bus from Dunlavin. They are here as guests of Deputy Edward Timmins.

I also welcome Jordan and Cian Adams, the FTD Brothers, who are guests of Deputy Carrigy. I do not know whether they have gone but they are very welcome. They are with Helen Jolly, and I am sure their mother, Geraldine, was very proud of them.

Senator Alice-Mary Higgins: We can know it is July and nearly the end of term because we are seeing a planning and development Bill rushed through. It happens every single year. Others have spoken about how this is a bad way to produce legislation and how proper scrutiny is needed. Every time, we hear it is time-sensitive and urgent. It is not, because this happens every single year. It is because I had the feeling that I have been here every July looking at a massive planning Bill being pushed through that I went back and checked. Over the past ten years, of 11 planning and development Bills, ten have been rushed through at the end of July or the end of December. Only one Bill was not pushed through in December or in the final week of July.

I should also note that there have been more planning and development Bills passed by Fine Gael-led Governments since 2011 than in the previous 50 years, and the entire situation has just been getting worse. If there were an epitome of failing to plan and planning to fail, it would be this. Either the Government intentionally plans every single year not to allow enough time to scrutinise planning and development legislation properly, so that it has to be rushed through, or it is failing to plan and inadvertently ending up in the same situation every year. It is literally a case of planning to fail or failing to plan.

As well as this rushed process being bad for democracy and bad for scrutiny, it leads to endless mistakes, amendments, adjustments, backtracking, fixes and attempted fixes, rolling

around and moves, because the measures do not work, often do not add up and do not deliver what they promise. An example is the fact that in this legislation, and indeed in a previous Bill, it is stated that one of the proposed new sections, which is undermining apartment standards yet again, has regard to the acute shortage of residential accommodation in the State, the rise in homelessness in the State and the rise in the cost of residential rental accommodation and house and apartment purchase prices in the State. Let us think about that. This is our national planning and development legislation. It is meant to provide for planning and development. Not only is the Government failing to address the increases in homelessness, the cost of rental accommodation and the cost of houses and apartments, it is also putting these acute rises into legislation as matters to which regard must be had as if they were permanent facts like the weather, mountains or rivers. What an admission of failure it is to insert this.

When can we anticipate a planning and development Act that removes the statements of the assumed facts that there are a shortage of residential accommodation and a rise in homelessness? Does the Minister of State believe these assumed facts can be removed in planning legislation in 2027, 2028 and 2029? It is so extraordinary that these statements have been included. They are being inserted alongside more of the approach that has been tried time and again, namely to give developers anything they can dream of. That approach has failed to deliver.

For years, we had special measures such as capital gains tax waivers and strategic housing developments. It was always about how to fast-track and how to tie the hands of the public and concerned citizens further behind their backs so that they could not challenge decisions and so bringing judicial reviews would become impossible for them, though not for developers, who, by the way, take 40% of judicial reviews.

There is a little reveal in the new legislation because it mentions the significant number of apartments that have received planning permission but have not been commenced. The fact is that they are not delayed because of planning issues or because of judicial reviews. The fact is that there is a huge amount of residential development and apartment construction with planning permission that has not commenced. Those developments are under no pressure to proceed because the Government has, again and again, declined to insert use-it-or-lose-it clauses into planning law and to ensure that the many fast-track processes actually result in delivery. That is what we looked for when strategic housing developments were permitted but were not getting built.

In the 2025 Act, passed a year ago and in which apartment sizes were first reduced, the language used was that the relevant section was "to facilitate and encourage expedited construction of greater numbers of dwellings in apartment complexes than permitted under permissions already granted".

Now, the language in this Bill is that the purpose is "to enable the construction of greater numbers of dwellings". The word "expedited" is gone. That is because it does not expedite it. The Government's lowering of the standards has, in fact, encouraged delays in the system. If somebody had planning permission for 40 apartments and the standards were lowered, and then there is a new planning process for maybe 55 one-bedroom apartments with a single aspect, or for studios, the person would be able to squeeze that bit more in.

Often, people just keep selling it on because it is now a planning permission that is worth more. With some of these planning permissions, the Government is creating things that can be sold as speculative products without ever being built. Why would developers build when they know that if they wait just one year until the following July, the Government will come along again and give them something else? Wait another year and it will lower the standards more. Wait another year and it will remove another piece of that process. Wait another year and it will chip away at something else and give developers another little percentage of profit. That is what happens every July.

I would like to get the figures from the Minister of State on the number of planning permissions for apartments and other large residential developments that have not been commenced. We should be putting that on the record. I also note that in those statements, the rise in homelessness, the rise in the cost to the State and the acute shortage of residential accommodation in the State are seen as core assumptions, and they are treated as fact in this Bill. There is actually a question mark about some of that. We know there are hundreds of thousands of unused spaces. Reports show that up to 75% of short-term lets are lying empty most of the time. There are 17,000 people in emergency accommodation, and there were 4.2 million bed spaces available last January, with fewer than 200,000 of them being used. Therefore, we have unused spaces.

I also have questions about some of the removals with regard to the vacant sites Act. We need to ensure that any existing liabilities of those who should have paid but did not pay, or who should have been fined but were not fined, would still stand. I would appreciate it if the Minister of State elaborated on that.

We have a massive problem with vacancy. Back in 2017, with Civil Engagement Group colleagues, including Grace O'Sullivan from the Green Party, we tried to get the Government to clamp down on vacant sites. That was almost nine years ago. It has been slow, slow, slow crawling towards doing anything meaningful in terms of a hard measure against vacancy. Similarly, we asked the Government to put “use it or lose it” on planning permissions for these large and mega projects, but it did not. That is why we have all of these planning permissions that have not commenced.

We have all listened to the extensive demonising of anybody who takes a judicial review, including communities and residents. From the other side, I want to acknowledge something that everybody is concerned about, which is the erosion of the powers of city councils and county councils. Councillors' powers have been chipped away. We are told that they are the problem or that others are the problem. There is the occasional dog whistle that tries to use demographics as the problem. At some point, we need to think that maybe Fine Gael's approach to housing is the problem, and that it needs to try to listen to some of the better ideas that are coming through, not just bring us back every single July, with the same story writ again.

Senator Niall Blaney: I welcome the Minister of State. I will address a few of the issues raised by other speakers, although perhaps not the last one, because I did not hear any ideas in that speech.

I very much welcome the national planning strategy and what is contained in this Bill. As someone from rural Ireland and a coastal region, I believe the ideas behind this Bill are very welcome and will help to sustain rural Ireland.

I listened to the Sinn Féin representative talk about the GAA and rural housing. I have never heard Sinn Féin welcome the national planning strategy. I was in the Chamber a number of months ago when Senator McCormack asked the Minister, Deputy Calleary, not to work with Tata Consultancy Services in relation to the auto-enrolment scheme, which I thought was disgraceful. It has created and supports 1,000 jobs in Donegal. Many of those workers are from rural Ireland. Many of those workers are in the GAA. If we really want to support rural Ireland, we need to get real about what we need to support and want to support.

There are two issues that I want to address with the Minister of State in the short time that I have. I have been harping on about these two issues for some time, but I feel they can and should be addressed, and that it is in our interest to address them. The first concerns national secondary roads. For planning purposes, I accept it cannot be addressed under this Bill, but it is work that the Department and the Minister, Deputy Browne, need to look at.

National secondary routes are treated the same as national primary routes from the point of view of planning and the restrictions that are applied. Many of our national secondary routes have a lower annual average of daily traffic than some of our regional routes. I ask that we examine the top five or ten routes. The local authorities have the daily traffic data for all of these other regional routes. If we take the top five or ten regional routes, get the annual average for daily traffic and set it as a bar, we can compare that with the national secondary routes that drop below that bar. The N56 runs from Letterkenny to Creeslough and on to Donegal town. The N59 starts in Sligo and runs through Mayo before coming into Galway. There are many parts of those routes that have low average traffic. We should allow planning to take place on those routes. That is the avenue to do it. It is a safe way of doing it, and it needs to be done.

The second issue concerns wastewater systems. When we go to an architect or engineer and ask them to design a new house to build, we trust the architect or engineer to design the house. More recently, we have given them powers to ensure that vision lines are sufficient. Moreover, the architect has to sign off on the development, sign off on the vision lines and ensure the building is done according to what was in their plans. Otherwise, their reputation comes into question.

We need to deal with that issue regarding wastewater systems. Local authorities are spending too much time dealing with them. We need to start giving authority to the professionals - the engineers and the architects. When they design a system, rather than having this decided by people in planning offices who are not qualified to say "Yes" or "No", we should put the onus back on the engineers. They are designing the system to the standards set down. We are putting our trust in them. When they sign off on a house, they are signing off on the system and the vision lines. The responsibility lies with them. That is what their insurance covers them for. That is the way to approach this because it will safeguard us in relation to wastewater systems into the future, whether they are Puraflo or septic tank systems. I believe that would be the smart way forward.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy John Cummins): I thank Senators for their engagement with the Bill. As I said in the Dáil Chamber, it is not lost on me that people have made the criticism that there is not sufficient time, yet the only people I am speaking to in this Chamber are members of the Government, and there is no Opposition present. It is a fair observation to say that at the outset.

The provisions referred to in my opening contribution are there to help accelerate the implementation of the 2024 Act, which is of the utmost importance.

Regarding the comments about not getting this Bill passed before the summer recess, the implication of that is that I will not be able to get the full implementation of the 2024 Act completed before the end of this year. It is in the interests of everyone who interacts with the planning system for the 2024 Act to be commenced and in operation by the end of the year. Most of this Bill is made up of transitional provisions to ensure that takes place. It includes the provisions around the regional economic and spatial strategies and putting a hard deadline of 31 December 2027 in place in respect of those. It also makes provision for the ten-year county and city development plans, which, as most Senators have acknowledged, is a positive development. It will ensure their timely review comes into place between July of next year and July 2030 in order to ensure that they conclude their processes by between February and December 2030.

We had many debates on the provisions around judicial review that were introduced in the 2024 Act. The Bill merely takes what has already been implemented in the 2024 Act and applies it to decisions made under the 2000 Act. This is to try to expedite judicial reviews. Regardless of who takes a judicial review, we can all agree that streamlining and expediting the process is sure to be a positive thing for the entire system.

The Bill also includes measures around critical infrastructure in the context of the accelerating infrastructure action plan. As stated, about 50% of the Bill comprises technical amendments and corrections of typographical errors.

I will now address some of the specific points made by Senators. A number of Senators welcomed the provision in respect of increasing the upper threshold for the Housing Finance Agency from €13.5 billion to €15 billion. I agree that this is a positive measure. It will ensure certainty through the middle of next year regarding the continued funding of social, affordable and student rental accommodation.

The ten-year development plans are all about ensuring that we have stability and that what is proposed will be implemented on a longer horizon, as Senator Lynch rightly pointed out. This is a positive for the entire system, and I concur with the sentiments of Senators in relation to local democracy and powers for local councillors. This is why I appointed the local democracy task force, which reported in November. I will be bringing an implementation plan in terms of the review that has been carried out to Cabinet very shortly. I believe in local democracy, as I know all Senators do.

Regarding engagement, I assure Senators that there has been extensive dialogue with local authorities, An Coimisiún Pleanála and all stakeholders in the system in order to ensure that we have a timely and practical implementation of the Act. There have been extensive working groups that my officials have been working with. I note the timing of things. There is a huge body of work on which many of my officials, the same people, have been working. We have regulations on exempted developments that are before the Oireachtas, others that were been before it in December and more that will be dealt with next week and in the autumn. There is a huge body of work involved, and everybody is working exceptionally hard. There has been major dialogue with the Office of the Attorney General and the drafters about the Bill. That takes a considerable time. It was not possible to bring the Bill before the Houses prior to the

past couple of weeks. I would appreciate the co-operation of everyone to ensure its timely passage through the House.

I will address a couple of other points that were raised. We will talk about the question of viability of apartments more on Committee Stage. Viability is intrinsically linked to deliverability. Therefore, it is intrinsically linked to homelessness and the provision of accommodation. The Government and I are in the business of ensuring that we have, in this Bill, a time-bound measure of two years to ensure that we can alter existing planning permissions for residential developments and alter the internal envelope in that regard to ensure that it will be more viable for the sector to deliver them. The alternative is that we tie up local authority staff - the very staff that people have just said need more resources - in dealing with more planning applications that date right back to the start of the planning process. What I am trying to introduce here is a time-bound, common-sense measure that will allow for improved viability. If that has an impact of bringing any developments on stream, then it will be a positive measure. Senator McCormack stated that this will not increase supply. If supply is delivered, I hope the record of the House will be corrected.

Regarding Senator Blaney's reference to rural planning, as he will appreciate, it is not connected to this Bill. We did publish the national planning statement. That has to go through strategic environmental assessment. There are references to national secondary roads as part of it. Everything the Minister and I are trying to do is about streamlining the planning process to ensure exactly what Senator Lynch said, namely that we have consistency and clarity across the board, whether that is for large-scale residential development or one-off rural housing. The measures in the Bill will have a positive impact regarding the implementation of the third-largest piece of legislation in the history of the State. I commend the Bill to the House.

Acting Chairperson (Senator Nessa Cosgrove): I welcome Deputy Brian Brennan and his guests to the Gallery.

Question put and agreed to.

Acting Chairperson (Senator Nessa Cosgrove): When is it proposed to take Committee Stage?

Senator Eileen Lynch: Next Tuesday.

Acting Chairperson (Senator Nessa Cosgrove): Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 14 July 2026.

Cuireadh an Seanad ar athló ar 12.49 p.m. agus cuireadh tús leis arís ar 1.03 p.m.

Sitting suspended at 12.49 p.m. and resumed at 1.03 p.m.

1 o'clock

Regulation of Artificial Intelligence Bill 2026: Committee Stage

An Cathaoirleach: Cuirim fáilte roimh an Aire Stáit. The Minister of State is most welcome to Seanad Éireann. I thank her for being here today.

Section 1 agreed to.

SECTION 2

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

In page 10, between lines 7 and 8, to insert the following:

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

This amendment seeks to insert a definition of biometric identification in the Bill, using the same language that is used in the AI Act. The use and deployment of biometric identification is very relevant to this legislation. Again, it is a high-risk activity and identified as such within the AI Act. The Minister has stated that the purpose of the Bill was to establish the national supervisory and enforcement framework through which compliance with obligations contained in the AI Act can be monitored and enforced. Our intention is to ensure that this is done effectively. We also need effective harmonisation between the AI Act and our national legislation. That means we need to be working off the same definitions. However, this has been utterly and unnecessarily complicated by the recent legislation introduced by the Minister for justice, Deputy Jim O'Callaghan, who introduced legislation outlining the practice of "biometric analysis", which is a novel term not reflected in the AI Act. Despite labelling it by using a different term, it is clear that the processes which are described in biometric analysis do in fact involve biometric identification and they match the description of biometric identification in the AI Act. In the definition of biometric analysis, they include the line "this is not biometric identification", which by the way is not a way to clarify something – it is to simply say it is not that thing that it obviously looks like it is. The Minister for justice introduced his own definition of "biometric identification". As well as the novel, newly made up concept of biometric analysis, he has also introduced his own definition of biometric identification, which does not match the definition of biometric identification in the AI Act.

The Minister of State has outlined that the purpose of this Bill is to ensure that we have the supervisory and enforcement framework to ensure compliance with the obligations that already exist under the AI Act, but we have a definition of biometric identification going into a separate item of Government legislation which does not match the AI Act. We are concerned that the use of the novel terms like biometric analysis and a direct difference in definitions could allow concerned technologies to escape proper enforcement mechanisms that are in this Bill, and the safeguards that are provided for under the AI Act.

During the Committee Stage debate of the Garda Síochána (Recording Devices) (Amendment) Bill 2025, where the novel term of biometric analysis was introduced, the Minister for justice stated, "When it comes to domestic Irish legislation we are perfectly entitled to use our own definitions and our own interpretations or interpretation and that is what has been done in this legislation." We clearly have concerns as to how that legislation is going to interact with the enforcement provisions that are in the AI Act. We have one Minister saying

we can do as we wish with our concept of it and then another Minister of State who has acknowledged our points in her engagement on Second Stage. We pointed to many of the safeguards we would like to see in national legislation. We were consistently told not to worry because they are there in the AI Act, and this Bill is simply a mechanism for enforcing and applying the AI Act. However, that does not deal with the fact that there are different interpretations that directly conflict.

I should clarify what the clash is in that regard as well. In the case of the Minister for justice, his new definition of biometric identification completely changes what it means. The AI Act is what we have here, which is why at a minimum we should ensure that this legislation has the correct definition of biometric identification so that we can point to that and that at least it is clearly identified here. Biometric identification under the AI Act just means the automated recognition of physical, physiological, behavioural, psychological, human features for the purposes of establishing the identity of a natural person by comparing biometric data of that individual with biometric data of individuals stored in a database. What the Minister, Deputy Jim O'Callaghan, has proposed to do in his definition is to take that obligation under the AI Act, where the definition would seem to make sense, and refer to comparing biometric data of an individual to biometric data of named individuals in a database. Names are not biometric. That is not an appropriate filter and by putting in the requirement that it can only be biometric identification when it is being compared with a database of named individuals, many of the clearly planned for, anticipated and proper applications and understandings of biometric identification under the AI Act, along with the safeguards that are attached to that issue in the Act, do not come into effect.

There is a bit of a crisis in terms of this issue.

The Minister of State has stated very clearly her intentions. I hope that we can move towards there being a correct definition and operation of biometric identification so that we can ensure that Ireland delivers on what she has said is her goal, which is a Bill, mechanism, and natural supervisory and enforcement framework that monitors and enforces compliance with the obligations of the AI Act. This is in the Minister of State's correspondence engaging with us. I thank her for her engagement with Second Stage concerns. She noted that the Act imposed extensive obligations on defined high-risk AI systems, including law enforcement and the administration of justice, and that these systems were considered high risk precisely because of their potential impact on people's rights, opportunities and life chances. She notes that providers must meet stringent requirements related to risk management, data quality, transparency, human oversight, accuracy, robustness and cybersecurity. These are the Minister of State's words. I take her bona fides in relation to this intent. She was correctly naming and identifying law enforcement and the administration of justice as high-risk AI systems that were clearly defined as creating obligations for very good reasons due to how impactful they could be. Alongside that, we have a Minister saying on the same issue that we are perfectly entitled to use our own definitions and interpretation and that is what we are doing. It does not align.

Biometric identification and biometric categorisation are described as high-risk AI systems in the AI Act. Biometric analysis does not feature in that Act. This Bill contains some provisions to enforce obligations that are outlined in the AI Act regarding high-risk AI systems. I wish to ask the Minister of State two things. The first is on the question of getting a correct definition of biometric identification, but the second is on biometric analysis. Biometric

analysis is clearly a high-risk system. The description of it matches what is defined as high-risk systems in law enforcement where the Minister of State has stated the importance of having proper safeguards and obligations, given the impact on people's rights, opportunities and life chances. The Minister of State talked about the importance of those stringent requirements. Will biometric analysis be captured under those stringent conditions and proper scrutiny and enforcement? This is the novel concept introduced by the Minister, Deputy O'Callaghan, but its description and the actions within it include recognition of physical, physiological and behavioural features matching those with data from other sources. They match the same activities. They are clearly high risk for the same reasons, and they also fall into that area of law enforcement. My two questions to the Minister of State are on the definition and on how biometric analysis is going to be properly captured and administered.

I can come back on some additional points. I can go into further detail, but perhaps it is not useful. The safeguards contained in the Garda Síochána (Recording Devices) (Amendment) Bill are significantly less secure than those contained in the AI Act. There is a difference. For example, Article 26.10 states:

... in the framework of an investigation for the targeted search of a person suspected or convicted of having committed a criminal offence, the deployer of a high-risk AI system for post-remote biometric identification shall request an authorisation ... without undue delay and no later than 48 hours, by a judicial authority or an administrative authority ...

In the AI Act, we are doing these exact same kinds of thing. It recognises the need of urgency. It can say within 48 hours. It gives that 48-hour window that one can act in and ensure that one has the proper paperwork to authorise that. In the Minister for justice's Bill, the use of biometric analysis simply requires the approval of any two gardaí, not two qualified gardaí or not a senior garda. Any two gardaí can use biometric analysis. A garda can ask any other garda and then it is ready to go. There is such a wild disparity between that and the language on safeguarding, obligations and recognition of high risk, yet the same actions are being described. I ask the Minister of State to address both of those issues.

Minister of State at the Department of Enterprise, Tourism and Employment (Deputy Niamh Smyth): I thank my colleagues very much for their deep interest in this. To some of the Senators, we have had an opportunity and taken notes from the previous day. Some of the Senators, if not all, will have detailed responses to some of their queries.

I take Senator Higgins's point. I thank her and Senator Ruane for this amendment on biometric analysis and biometric identification. At this point, though, they are matters for the Minister for justice. As the Senator said, that terminology has been created in legislation that he has introduced. Under the Bill that we have deliberately drafted, the terms and expressions used in the EU AI Act have the same meaning in domestic legislation. This came up in places in the previous debate. Section 2(3) expressly provides: "A word or expression used in this [Bill] that is also used in the Artificial Intelligence Regulation has, unless the context otherwise requires, the same meaning in this [Bill] it has in that Regulation." The proposed definition is already provided for in Article 3(35) of the AI Act.

We are talking about high risk. It is important to note that, before placing high-risk AI systems on the EU market or putting them into services, providers must ensure that the system complies with the requirements set out in the AI Act. One of those key obligations is that

providers must carry out conformity assessment to demonstrate compliance with the AI Act. This includes risk management, data governance, technical documentation, record-keeping transparency, provision of information to deployers, human oversight, accuracy, robustness and cybersecurity. Following the assessment, providers should draw up EU declarations of conformity and mark compliance with conformity. The assessment must be repeated where the system or its intended purpose is substantially modified. Risk management and data governance providers must implement risk management systems and ensure that training, validation and testing data are appropriate, relevant and sufficiently represented.

Regarding human oversight, accuracy and cybersecurity, high-risk AI systems must be designed to allow effective human oversight and meet minimum standards of accuracy, robustness and cybersecurity.

On what the Senator said around biometric analysis and biometric identification, the two terms that she questions, we will speak with the Minister for justice. I am happy to discuss it with him. I will ask my officials to engage further on the issues that the Senator has raised today.

Senator Alice-Mary Higgins: I am glad that the Minister of State will engage because, with respect, this cannot be left to that Minister. She is the Minister of State with responsibility for this. This is the AI Act. That definition should be included and made explicit in this legislation. If it is not in this national legislation, it shall be interpreted as matching the EU definition except for where there is another context, then we have the diluted idea about if the context has been that the Minister for justice does not want to.

We will come to other issues relating to public confidence later, but for public confidence in the regulation of AI, it is vital that Government Departments do not appear to be taking an *à la carte* approach to it. Under the definition, names are not biometric data. Inserting names as a filter to narrow the application of the biometric identification piece is a significant step that is directly at odds with the EU AI Act. It cannot be left like that. I would, with absolute respect, suggest that a path needs to be made for inserting a correct definition, ideally including the word "notwithstanding". The definition that was inserted into the recording devices Act must be amended because it is inaccurate and directly flouts the AI Act before we even begin monitoring and supervision.

I thank the Minister of State for her engagement. I cannot emphasise enough that this is not a matter that should be left to discretion. She is the Minister of State in this area, and if this law is to be the foundational law in respect of how this is implemented and enacted in Ireland, it needs solidity from the beginning and cannot have a contradiction at its starting point.

Deputy Niamh Smyth: I will expressly commit to further discussions with the Minister for justice, and I will ask my officials to do that, on the Senator's valid points. On this occasion, I cannot accept the amendment.

An Cathaoirleach: Is the amendment being pressed?

Senator Alice-Mary Higgins: I will withdraw it. I will re-enter it on Report Stage. Is this Committee and Report Stage or just Committee Stage?

An Cathaoirleach: It is Committee Stage.

Senator Alice-Mary Higgins: I will be returning on Report Stage with that amendment.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendments Nos. 2, 8 to 12, inclusive, 15 and 17 are related. Amendment No. 9 is a physical alternative to amendment No. 8. Amendments Nos. 11 and 12 are physical alternatives to amendment No. 10. Amendment No. 12 is a physical alternative to amendment No. 11. Amendments Nos. 2, 8 to 12, inclusive, 15 and 17 may be discussed together, by agreement. Is that agreed? Agreed.

Senator Patricia Stephenson: I move amendment No. 2:

In page 11, between lines 15 and 16, to insert the following:

" "Service" means the Public Appointments Service;".

My amendments within this group largely deal with the establishment of the board. The Minister of State will have seen these amendments when my colleague, Deputy Gibney, submitted them in the Dáil. They are about governance and trying to strengthen the governance of the AI office to ensure its independence. Under the current drafting of this legislation, I do not think there is independence. We talked about this issue last week and the Minister of State talked about it in her response. However, I do not believe that we have sufficient protections and safeguards around the independence of the office. There are multiple areas where the independence is undermined in the legislation.

Amendment No. 2 relates to the Public Appointments Service, PAS. Setting a high standard includes using the PAS as a tool for hiring and making sure that it is distinct from the Department itself. That is currently not guaranteed within the existing legislation. This amendment would ensure that no appointments are made at the behest of any one Minister and ensures transparency. I do not think that having direct appointments in any situation is tantamount to good managerial or governance practices.

The Minister's ability to give written direction to the office as it currently stands is a violation of the independence of the office. The idea is that the office will take action via ministerial direction and I would like to ensure that is not possible. I know that within the legislation there is a carve-out to state that the Minister cannot provide direction specifically when it comes to regulation, but that protection does not exist when it comes to the issues of literacy, innovation and all the other functions that the office carries out. That undermines the independence piece. If the Minister is able to write to the office providing guidance on direction of travel, I do not know how we can say that is normal and leads to the independence of an independent State body.

We have models where it works. We have the Irish Human Rights and Equality Commission, IHREC, Coimisiún na Meán and the Data Protection Commission, DPC. They are independent in how they were created for good reason and we are just not doing that here and I do not know why.

When it comes to the establishment of the board, amendment No. 8 is around restructuring board appointments to give better independence to ensure it is not within the gift of any one Minister to appoint the first board or to appoint the first CEO with the normal process and oversight for a full CEO and board term. I do not know why the process for appointments is not currently grounded in the legislation. These amendments are all about grounding that in the legislation as it stands because it has not been written that way.

Senator Alice-Mary Higgins: I am going to speak to amendments Nos. 8, 11 and 15 in this group. Amendments Nos. 8 and 11 seek to remove the provisions in the Bill regarding the establishment of the board, and appointments to the board, of the AI office and replace them with more suitable provisions. As was outlined by Senator Stephenson, they are in place for other statutory bodies. The amendments take the format from the IHREC and adapt it for appropriate use in the case of the AI office. This is an established way of working and operating. We know it can work. It also addresses some of the concerns we have around the provisions in the Bill.

The Minister of State has said that both the first CEO and the first board members are being recruited through open PAS competitions, but those appointments are not happening under the provisions of this Bill. As such, we do not know what selection criteria and procedures were followed in this process and the provisions of the Bill as drafted in section 13(3), that "the Minister shall agree with the Public Appointments Service the selection criteria", is, presumably, not implemented, given that the section is not in effect. The Minister of State might clarify the criteria and procedures in place for the selection process for the first CEO and board. We have been told they are going to come into effect immediately but this is putting the cart before the horse. We have been told that their selection is already under way even though the Bill has not passed.

An important feature of our amendments is the requirement that the prospective candidates appointed to the PAS for involvement in the selection process to recommend an appointment would also have relevant expertise in areas that are important to ensure that appropriate appointments are made. Those areas include human rights, equality matters, climate, digital rights and digital privacy. We want persons with understanding of those issues to be the persons in a position to oversee the selection process and make recommendations to the Government.

AI is rippling through many facets of our lives. It is an extraordinarily impactful, volatile and, in many senses, dangerous edifice. Even this first CEO and board matter. We are facing into a period when we know that AI has considerable question marks over its viability, financial viability and environmental impacts. The speed at which it is moving and the level of risk associated with it at every level - social, environmental, financial, fiscal, economic and ever other level - is so high that this first CEO and board matter.

The Minister of State might say that, down the line, we can apply selection criteria and procedures for any new CEOs and board members, and will reference the tight timeline. The issue remains that the first CEO and board will not be appointed through the procedures outlined in the Bill. There is a lack of transparency about those appointments as CEO and to the board. They will be making such crucial early decisions.

Our amendments seek to ensure the selection processes are applied from the first instances, approaching the appointment of the first CEO and board with more transparency from a

governance perspective. Amendment No. 15 also inserts a new provision that would preclude an individual from becoming a member of the board of the AI office or disqualify them from acting as a member of the board in circumstances where that person has a material conflict of interest that undermines his or her ability to perform the functions expected of board members. This amendment seeks to strengthen the independence, integrity and public credibility of a key part of Ireland's AI governance framework.

AI regulation will involve oversight of very powerful commercial actors whose financial interest may be impacted directly by regulatory decisions.

When a prospective board member has a commercial, financial or professional holding that is a conflict of interest, and where there is a risk that those decisions made at board level could be influenced or even perceived to have been influenced by those interests over the public good, that is a concern. Even the appearance of undue influence reduces and undermines public confidence in this new regulator in this crucial area.

By explicitly legislating in respect of a person who has a material conflict of interest that compromises their ability to act or can be seen as compromising their ability to act independently and impartially, the amendment establishes an important safeguard against regulatory capture, ensuring those with important roles in the governance of the oversight of AI regulation do so free from competing interests. That is our amendment No. 15, which is part of the same grouping.

Senator Aubrey McCarthy: I want to speak in support of amendment No. 9. It proposes that at least two members of the AI office board possess significant experience in AI development, commercialisation and digital innovation or, in other words, recognised industry representation. It is a modest but important amendment, and it strengthens the governance of the AI office and ensures that its decisions are informed by real-world experience.

The AI office will make decisions that will affect every business across every sector in the economy and it will shape how AI is regulated, guidance is issued and compliance is supported. For that reason, it is essential that the board includes members who understand how AI is developed, deployed and adopted in practice.

The amendment is not about representing specific sectional interests; it is about broadening expertise, industry experience and technical expertise that will hopefully lead to better-informed and more balanced decision-making. Recognised industry associations engage daily with businesses of all sizes, particularly SMEs, which I have spoken about many times in this House, and they understand the practical challenges we face when implementing new regulatory obligations or adopting emerging technologies. Including board members with such experience will ensure that the office's work is grounded in the realities of what we are experiencing in SMEs, not just in theory or policy.

Members with industry backgrounds can provide valuable insight into how codes of practice, guidance and regulatory initiatives will operate on the ground. They can also anticipate unintended consequences and ensure that regulatory measures are proportionate and workable in practice. That practical perspective will improve the quality, credibility and effectiveness of the office's output.

This proposal is entirely consistent with the principle that innovation and business adoption should remain central considerations alongside our regulatory objectives. It does not create an industry majority. It does not compromise the independence of the board. It simply ensures that business experience sits alongside other forms of expertise within a balanced governance structure. Good governance benefits from diversity of experience, and complex AI issues require perspectives from regulators, lawyers, academics and technologists who understand exactly how businesses deploy AI systems.

If the AI office is going to be effective, its board must reflect the breadth of Ireland's AI ecosystem. Including members with recognised industry experience will strengthen the office's credibility. It will improve engagement and it will also ensure that regulation remains practical, proportionate and also supportive of responsible innovation. That is what I hope to achieve with amendment No. 9.

Senator Conor Murphy: I want to begin by acknowledging the letter from the Minister of State in relation to some of the points that I raised on Second Stage. I note the time pressure in relation to this so that it can take effect by 2 August. I also take some heart from her comments that there will be a phased approach to the implementation of the AI Act, and that it will be open to further measures as part of this work.

The number of amendments we are dealing with today highlights that there is a lot of work to be done in relation to this, even with the timeframe. I do not believe that we, as Senators, are getting sufficient opportunity to go through this in detail, to scrutinise and to try to bring some more issues to bear in relation to the Bill. That is always a danger when legislation is pressurised and rushed through so quickly, particularly in an area of such importance, one that has significant implications for people, as well as the running of this State and the various devices that the Government will use. The implications of the issues around the Minister, ministerial directions and the independence of a board still leave us with significant concerns.

We submitted amendment No. 12 to try to strengthen the calibre of the people on the board, and I have no doubt that good people will be sought for it. However, in relation to things like human rights, equality law, trade unions, workers' rights, consumer protection and civil society, we want to ensure there is a broad representation on the board. That is essential both to ensure the genuine independence of the new AI office and effective regulation. It is an amendment aimed at strengthening the board. Our concerns remain about the relationship between the Minister and the board and the sense of genuine independence.

We want effective measures in place. There are enormous opportunities with AI, but there are also enormous challenges and potential difficulties. We need to ensure that this country is not just a centre of tech companies but also a centre of regulation to ensure that we lead from the front in this regard. Our amendment is an attempt to strengthen that position in relation to the board.

Deputy Niamh Smyth: Gabhaim buíochas to all of the Senators who raised some of the issues that we spoke about the last day and continue to debate.

I understand people's concerns about us doing this at pace but I am at pains to express the genuine concern I have about leaving it any longer. As Senator Murphy said, we have a

deadline of 2 August. There is no getting away from that. Equally, this legislation will deal with tech that is moving very quickly and we have to react and respond. This is not legislation that is going to sit on a shelf for 20 years, as lots of legislation does because it can and stands the test of time. This is legislation that has to respond to technology and therefore it will be something that we will have to come back to as the technology develops. We will have to react and respond quickly and be as agile as we possibly can.

It is not me, it is the wonderful officials the Members see here and the great team that is working incredibly fast to get the AI office up and running and to get the legislation through. In relation to the director of the AI office, that job has been advertised publicly through PAS and is available for everyone to see. I will get a little bit more into that as I get into the individual amendments.

I thank Senator Stephenson for her amendment. However, I do not consider it necessary to introduce a definition of "service" for the purpose of this Bill. The references to the Public Appointments Service in the Bill are limited in number and are clear and unambiguous in their context. The provisions concerning the appointment of members to the board expressly refer to the Public Appointments Service and there is no difficulty in understanding those references as drafted. As a general principal of legislative drafting, defined terms should be used only when they are necessary to assist the interpretation or operation of legislation. In this instance, to introduce a definition of "service" would not materially improve the readability or operation of the Bill. For those reasons, I do not consider the amendment necessary and therefore cannot accept it.

On amendments Nos. 8 to 12, inclusive I thank Senators Murphy, Stephenson, Higgins and McCarthy. While they differ in their detail, there is a common objective in them all, that is, to ensure a transparent and merit-based appointments process, a broad range of expertise on the board and governance arrangements that support the effective discharge of the office's functions. I agree entirely with these objectives. Indeed, they are objectives that are already reflected in the Bill.

Taken together, these amendments would substantially alter the governance and appointments framework of the board.

Amendment No. 8, to which Senator Higgins spoke, would replace section 12 with a detailed statutory framework governing the size and composition of the board, gender balance requirements, terms of office, reappointment arrangements and other operational matters.

Amendments Nos. 10 and 11 would replace section 13 with a significantly more prescriptive appointments framework. They would require a detailed Public Appointments Service competition process to be set out in primary legislation, prescribe expertise requirements for selection panels and place additional constraints on the appointments process.

Amendments Nos. 9 and 12 would require specific categories of expertise to be represented on the board, including expertise related to AI, business and enterprise, human rights, equality, consumer protection, trade union and worker's rights issues and civil society engagement. While I understand the intention behind these proposals, I do not consider it necessary or appropriate to prescribe these matters in such detail in primary legislation. The Bill already provides for a Public Appointments Service process and requires both the initial and future appointments to be made having regard to the expertise and capacity of prospective members

in matters connected to the functions of the office. Section 13(3) of the Bill specifically provides:

The Minister shall agree with the Public Appointments Service the selection criteria and procedures that are to apply ... having regard to the desirability that the members of the Board will have experience of, and shown capacity in, matters connected with the functions of the Office.

Accordingly, the Bill already provides a mechanism for ensuring that board members possess relevant expertise and experience.

Many of the procedural requirements contained in these amendments are already reflected in the Government's guidelines on the appointments to State boards. Those guidelines require open advertising of vacancies, publication of appointment criteria, an independent assessment process conducted by the Public Appointments Service, and consideration of diversity and skills requirements. I do not, therefore, consider it necessary to replicate these operational arrangements in the primary legislation. I consider the existing provisions provide the appropriate degree of flexibility for a newly established organisation.

The office is being created in the context of an entirely new regulatory framework under the EU AI Act and in a rapidly evolving technological environment. In addition, access to independent technical expertise will be available through the structures established at EU level, including the EU scientific panel. It is important that the appointments process can evolve in response to the practical needs of the organisation as it develops. I do not consider it appropriate at this stage to prescribe in primary legislation detailed requirements in relation to appointment procedures, selection panels or particular categories of expertise.

In response to amendments Nos. 9 and 12, I agree with the sentiments underlying these amendments. It is important that the board collectively possesses a broad range of expertise and perspectives. However, I do not agree that a prescriptive, statutory requirement for particular categories of board members is necessary.

The functions of the office are wide ranging and will continue to evolve. As the AI governance framework develops, the expertise required by the board may, likewise, change over time. The Bill already contains a mechanism for ensuring that the board members possess appropriate expertise in matters connected to the office's functions. I feel like I am repeating myself but I do have to try to respond to each of the amendments. I am satisfied this is already catered for in the wide range of relevant expertise and diversity within the composition of the board.

I recognise the objective behind amendments Nos. 10 and 11, namely, to establish a highly transparent and independent appointments framework. However, many of the detailed procedural requirements proposed are already provided for under existing Government policies and administrative arrangements. The Bill strikes the correct balance between the role of the Public Appointments Service in identifying suitable qualified candidates and the Government's role in making appointments to State bodies. For that reason, I do not consider it necessary to replace section 13 with a more prescriptive statutory framework.

I have spoken to amendment No. 11, which proposes introducing a definition of "Service". A general principle of legislative drafting is that defined terms should be used only where they

assist in the interpretation or operation of the legislation. In this case, introducing the definition of "Service" would not materially improve the readability or operation of the Bill.

For the present, I am satisfied the Bill strikes the right balance between transparency, accountability, expertise and flexibility. I am satisfied that the Bill already provides for a merit-based appointments process, caters for a wide range of relevant expertise and diversity within the composition of the board, and provides the flexibility appropriate for a newly established organisation operating in a rapidly evolving regulatory environment. For those reasons, I cannot accept amendments Nos. 8 to 12, inclusive.

Senator Patricia Stephenson: The Minister of State brought up the August deadline. We have actually had two years to transpose the directive, so we are now on a deadline, but the Bill could have been introduced earlier. I know that the two-year period was for officials to work on transposing the legislation, but the problem is that if we only get the legislation delivered at the end of term weeks before the transposition deadline, it makes matters difficult. I know that the officials do huge amounts of work in all Departments when it comes to the transposition of complex EU directives, but it is our job as elected representatives and parliamentarians to scrutinise legislation. This point is not unique to this directive, as it happens all of the time, but we cannot play our constitutional role as elected parliamentarians properly when we have limited time to scrutinise legislation. I know that we are near the deadline, but if we could in future put in a time buffer to permit us to scrutinise legislation properly, then it would be much easier.

Senator Alice-Mary Higgins: I will be brief on that same point. The Seanad has the EU scrutiny committee to try to ensure that statutory instruments are published six months in advance so that there can be an input process. Similarly, we should be looking at this legislation many more months in advance so that we can have the best process. When we are putting in place something so new, it is extra important to have that done. There is a level of poor timing, whereby it is coming at such a late stage. I appreciate that the Minister of State is dealing with a new area but it is a pattern, unfortunately. I spoke earlier about how ten out of the previous 11 Planning and Development Acts have arrived in the last two weeks of July or the last week of December. We have always been told that, unfortunately, the Government cannot take on amendments because we are moving at this pace. It is not unique to the Minister of State, but as a Government practice, it needs improvement.

We may disagree on some of the amendments but that is fine. We can proceed to the vote and so forth.

Deputy Niamh Smyth: Just to respond to that point, I am sympathetic to the intentions behind the amendments. I know that the Senators are all coming from a very good place with their amendments. However, I cannot accept them.

As to the pace of Bills coming to the end of term, I will relay Senator Higgins's sentiments to the Chief Whip.

Amendment put and declared lost.

Question, "That section 2 stand part of the Bill", put and declared carried.

Sections 3 to 8, inclusive, agreed to.

SECTION 9

An Cathaoirleach: Amendments Nos. 3 to 7, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Patricia Stephenson: I move amendment No. 3:

In page 13, line 34, after “foster” to insert “ethical and responsible”.

My colleagues' amendment No. 4 is the same. The Bill includes the word "foster" and we would like it to include "ethical and responsible". The Minister of State will be familiar with this amendment from the Dáil because my colleague, Deputy Gibney, tabled it.

I do not know why we are not pursuing it. This seems like a straightforward amendment. It seeks to strengthen the Bill such that when we talk about fostering AI innovation and literacy, we are talking about fostering ethical and responsible AI innovation and literacy. The Minister of State might outline why she does not think it is appropriate to talk about ethical and responsible AI innovation and literacy. Surely, it is a given that we include that kind of language because of the scale of the danger AI poses and the concerns to which it gives rise.

The Minister of State said that "promoting and fostering AI innovation and literacy" is sufficiently broad and that the wider framework of the AI Act already ensures that "innovation is pursued in a manner that is human-centric, trustworthy and [proactive] of fundamental rights". I got that quote from the Official Report of the proceedings of the Dáil. I do not necessarily agree with the Minister of State. If we want to emphasise the role of the regulatory framework as protecting fundamental rights, then it must be spelt out within the legislation and explicitly defined in the remit of the office to which this Bill relates. Talking about an ethical responsibility is crucial when we want to frame the role and responsibility of that office as human rights-centric.

In the Dáil, the Minister of State said that there are no definitions of the terms "ethics" and "responsibility" in the legislation. However, the word "ethics" is used five times and the word "responsible" is used twice. Therefore, we use those terms in other areas of this legislation. It is not really about those definitions because we use them in other aspects of the Bill. That argument does not hold water.

I do not understand why we are not including the phrase "fostering ethical and responsible AI innovation and literacy". That seems fundamental to the role and responsibility of the office. I find it hard to understand why that commitment is not included so that we are pursuing reasonable, balanced AI regulation that focuses on human rights.

Senator Alice-Mary Higgins: We tabled a similar amendment. I definitely support the ethical and responsible approach set out by Senator Stephenson. We put forward an amendment with a slightly different wording. The Minister of State spoke in the Dáil about terms being undefined, but the term "ethical" should be a standard that can be operated. The term "sustainable" is defined across multiple items of legislation. That is why our amendment, that

is, amendment No. 4, seeks to amend section 9 and ensure that the functions of the AI office promote AI innovation that is ethical and sustainable.

There is an unusual disjoint, one we have never seen before, with this legislation that is very concerning. The AI office is being given two potentially conflicting briefs. On the one hand, it is to function as the regulator of AI while, on the other, it is supposed to promote AI innovation. That is not the standard or the norm. Coimisiún na Meán does not promote or push media production; it is there to regulate. The position is the same in any of these areas. There is no drive on the part of the Data Protection Commissioner to push data products or commercial innovation in the area of data. The commissioner does not have that remit. There is, therefore, real tension in this regard that has the potential to cause dysfunction because two very different roles are being given to the same body.

If we look at how the current regulatory approach is framed, there is significant concern about how this conflict might manifest. Concerns have been expressed in respect of areas like data protection, where Ireland has been perceived internationally as having failed to always act solely in the context of the regulatory imperative. There has been concern that Ireland's economic interests may have influenced the context of Ireland's data protection. That concern was publicly and widely expressed across Europe.

The establishment of the AI office will replace the AI and digital regulation unit that currently sits within the Department of enterprise. In that unit's correspondence to the enterprise committee on the general scheme of this Bill, when outlining the importance of the legislation and looking for it to be pushed through in that speedy way we have spoken about, the unit stated, "Maintaining Ireland's position as the location of choice for technology companies in the EU is an overarching national imperative." To say that it is an overarching national imperative is huge language. What does it arch over? Does it arch over our social responsibilities? Is it overarching our environmental responsibilities or climate obligations? Does it surpass everything? That seems to be the case at the moment when we see ourselves as wild outliers when it comes to data centres and their consumption of electricity. We are far outstripping anyone in terms of the amount of our national and collective resources we are allowing to be absorbed by data centres. There is concern regarding that regulatory function.

The Minister will understand that is why we need to see some kind of countervailing language. The current AI regulation unit, which will become this new body, stated that this is a national imperative. It also stated that encouraging and incentivising AI companies to locate here is a comprehensive, all-encompassing and critical aim. Essentially, with this language, especially the term "national imperative", it is saying that it is essential to the survival of the State. Therefore, we are a bit worried that this new body will forget to focus on ethics and sustainability but, rather, solely focus on making AI happen.

We know Ireland is one of the jurisdictions internationally that are trying to make AI happen. There are a lot of people trying to make AI happen. On a straightforward financial perspective, however, it is not. There is a huge drive to make AI delivery happen. That drive could, in fact, lead to the neglect of ethical and sustainability concerns, as well as other imperatives. If this new AI office will be picking up where the AI and digital regulation unit has left off, what will the balance and trade-offs be? This is a question regarding the AI office's role in the promotion of innovation and its role in enforcing safeguards that may curb dangerous excesses of that innovation.

We must also bear in mind that the sector we are talking about very proudly had the credo for many years of, “Move fast and break things”. That was the sector’s philosophy. We know that a lot of things have been broken. The same body is being given the job of making AI innovation move fast while trying to ensure it does not break things. In essence, that is what is being asked of this AI body. It must regulate so that things are not broken, but it must also move fast so there is quicker innovation. That will result in tension.

We cannot simply say that there is no doubt that the intention in this regard is for good innovation and literacy that is empowering, rather than it simply being a matter of pawning it off to people who will have to expect their data to be used. I am passionate about digital empowerment and that literacy piece. When the Minister, Deputy Calleary, held a related role to the one the Minister of State, Deputy Smyth, currently holds, I engaged with him about the idea of digital empowerment funds that would come from the State rather than companies. Those funds would be related to giving people control on the future and a voice in shaping it.

When the AI office has this driver piece, it makes it critically important that such promotion is done ethically and sustainably.

2 o'clock

I would like the Minister of State to accept our amendment. I think she should. She will find future issues that arise in relation to the operations of this body easier if she is able to point to a mandate it may have in terms of ethics and sustainability. If the Minister of State will not accept the amendment, will she outline how the strong regulatory framework will be established while pursuing that overarching national imperative frame and using that language of innovation at all costs, effectively?

Amendment No. 7, in this same grouping, proposes that the new artificial intelligence office should have due regard in the performance of its functions to the work of the Oireachtas Joint Committee on Artificial Intelligence. My colleague, Senator Ruane, may come back in on this in a reply. As drafted, the Bill proposes that the office should have due regard to the policies and objectives of the Government and any Minister of the Government, but the Minister of State will be aware that a special committee has been established and a number of interim reports have already been produced. When substituting for my colleague on that committee, Senator Ruane, on a number of occasions, very important issues and concerns were brought to light from a wide range of sources. These are concerns from young people affected by artificial intelligence, older people affected by artificial intelligence, from the very serious lacuna and gap we have in terms of security, defence and military uses such as autonomous weapons in relation to artificial intelligence and from the environmental impacts of artificial intelligence. There is a wide range of in-depth concerns that have been flagged and have been teased out by experts speaking at that committee. I suggest that office should look to engage with the work of that committee and the interim reports to date. My colleague may come back further on this.

While the committee makes its recommendations to Government, this amendment would ensure the artificial intelligence office would also be paying due regard directly to those, rather than solely if the Minister chooses to draw its attention to what the committee may recommend. It is important because it is a diverse committee. It is a cross-party committee. It allows for a nuanced approach in what might be put forward. There is a value in the office considering the policies of the Government. The office is not there to serve the Government and it will have a

responsibility that is wider than any one particular government at one particular time. It should, therefore, be drawing on the widest possible expertise from civil society, from academia and from right across our Parliament.

Senator Aubrey McCarthy: I wish to speak in support of amendment No. 6, which seeks to expand the statutory functions of the State's AI office, so that it becomes, not only a regulator but also a genuine centre of excellence for guidance, practical support and training. If we want the AI regulation to succeed, then businesses must understand what is expected of them. Regulation works best when compliance is enabled. At the moment, even on the enterprise committee, I think compliance is feared - certainly among SMEs. As drafted, the Bill contains extensive provisions on investigations, sanctions and enforcement. Of course these are necessary, but what is missing here is the equivalent emphasis on helping businesses, particularly SMEs, as I have mentioned. It is a new territory and they could be helped to navigate this complex regulatory landscape. Most Irish organisations that are going to be affected by the AI Act will not be large multinational technology companies that have a lot of staff and armies of lawyers and engineers. They will be small and medium-sized enterprises, often with limited in-house expertise. They will need clear guidance, a practical code of practice, training and technical assistance if they are to comply with the new legislation and do that confidently. My amendment rebalances the Bill by placing compliance support alongside enforcement. It does not weaken the standard; it strengthens it. Prevention is always more effective and far less costly than enforcement after the fact. By empowering the AI office to develop and disseminate guidance to facilitate training programmes and provide technical assistance, we will ensure businesses will receive help before any problems arise. Crucially, the amendment also enhances legal certainty. Many organisations are eager to adopt AI, but many remain unsure how the Act will apply to them in practice. We need clear guidance to reduce that uncertainty and encourage responsible investment and innovation. When businesses know the rules they are more likely to follow them. The amendment also strengthens the feedback loop between businesses, regulators and government. The AI office will be uniquely placed to advise the Minister on emerging implementation challenges, and that will ensure the policy will evolve in line with real-world experience. That is how good regulation works; not in isolation but in partnerships with all of us who must comply. Ultimately, success should not be measured by the number of investigations conducted or number of sanctions imposed. Success needs to be measured by how many businesses understand the rules and comply with them, and confidently adopt trustworthy AI. Amendment No. 6, which I have tabled, helps to achieve that goal. It ensures Ireland is not only a leader in regulating AI but a leader in enabling its responsible and innovative use.

Senator Patricia Stephenson: I also wanted to speak to amendment No. 5. I apologise, I had not realised it was in this grouping. This is for the regulator to be able to publish its reports publicly. I think the Minister of State mentioned in the Dáil that the Bill already considers a number of provisions designed to ensure transparency and accountability in the performance of the office's function, including requirements to prepare a strategy statement and an annual report, both of which would be published. That is great but having a publishing function for all types of reports that the office would be looking into is not exactly the same as publishing the annual report and the strategy statement. That is different. If the office is doing reports into specific cases or specific regulation issues more broadly, providing that evidence and the

detail of the report it had looked into to parliamentarians, advocacy groups and citizens would be really important.

We talked a bit last week about enterprise versus rights and the Minister of State has talked about the AI Act adopting a rights-based model, which is true. While the Act may have identified protections, we do not see that laid out when it comes to the functions of the office. In many ways, some of those protections have been left out. Say, for the regulatory matters that are prescribed in the AI Act itself, the office does not seem to serve the same rights-based model, quite frankly. That is why having things like "ethical and responsible" and "ethical and sustainable" in amendments Nos. 3 and 4 are really important for bringing that to the fore.

Deputy Niamh Smyth: I thank colleagues for their amendments. I will speak to amendment No. 3 first and thank Senator Stephenson for it.

The purpose of section 9(1)(c) in the Bill is to provide a broad statement of the function of the office to promote and foster AI innovation and literacy. The Bill is intended to give effect to the EU AI Act, and in doing so it is important that the language used in the Bill remains consistent with the terminology and objectives of the underlying regulation. Article 1 of the EU AI Act states that its purpose is "to improve the functioning of the internal market and promote the uptake of human-centric and trustworthy artificial intelligence (AI), while ensuring a high level of protection of health, safety,[and] fundamental rights" while supporting innovation. The regulation, therefore, already embodies the principles that the amendment seeks to advance. In addition, neither "ethical" nor "responsible" is defined in the AI Act or in this Bill. Introducing those terms in a single provision without definition and without corresponding usage elsewhere in the legislative framework could create uncertainty as to whether a different or additional standard is intended to apply to the function of the office. I consider that the existing reference to promoting and fostering AI innovation and literacy is sufficiently broad, and that the wider framework of the AI Act already ensures the innovation is pursued in a manner that is human-centric, trustworthy and protective of fundamental rights. Accordingly, I do not consider the amendment necessary and will not be accepting it.

On amendment No. 4, in much of Senator Higgins's contribution she said that this AI office was not to serve the Government. She is right. It is to serve citizens.

I again thank Senators for their amendments here today and reiterate the purpose of section 9(1)(c) in the Bill is to provide a broad statement of the office's functions. I do not want to be repeating myself, but Article 1 in EU AI Act states that its purpose is "to improve the functioning of the internal market and promote the uptake of human-centric and trustworthy artificial intelligence (AI), while ensuring a high level of protection of health, safety,[and] fundamental rights".

Sustainability in the development of AI is a key focus of the AI Act. The Act already provides for sustainable AI by mandating energy consumption documentation for general purpose AI, promoting energy efficiency standards and utilising AI regulatory sandboxes to develop eco-friendly algorithmics safely. Furthermore, these provisions integrate with the broader EU AI Act strategy to ensure long-term environmental responsibility. The Act also encourages the development of common benchmarks and methodologies to measure and minimise the energy and other resources of AI models throughout the entire life cycle.

The Act requires providers of general purpose AI models to document the known and estimated energy consumption of their models as part of their technical documentation obligations under Annex XI of the AI Act. To support this, the European Commission is currently undertaking a piece of work to develop a robust and practical framework for measuring AI energy and consumption efficiency.

Furthermore, the Bill requires that the office has regard to the policies and objectives of the Government and any Minister of the Government insofar as the policies and objectives may affect or relate to the functions of the office. This provision is broad and captures wider Government policies, including environmental policies. The Act is clear and strong on its emphasis on application in accordance with the values of the Union as enshrined in the Charter, facilitating the protection of natural persons undertaking democracy, the rule of law and environmental protection in the uptake of trustworthy AI. The Government is conscious that the functions of the office may evolve over time but it is important to avoid unnecessary duplication in relation to its functions. The amendment is, therefore, unnecessary and I cannot accept it.

On amendment No. 5, the Bill already contains a number of provisions designed to ensure transparency and accountability in the performance of the office's functions, including requirements to prepare a statutory statement and annual report, both of which must be published. In addition, section 9(4) provides that the office shall have all such powers as are necessary for the performance of its functions. Where research, analysis or the publication of reports is required to support the exercise of those functions the office would already be able to undertake such activities. The proposed amendment would introduce a broad, stand-alone function to prepare and publish reports on research undertaken, sponsored, commissioned or assisted by the office. It is not clear what additional legal effect this would have, particularly as the office would already be capable of publishing research or reports where these support the performance of its statutory functions, including its function to promote AI innovation, literacy and enhanced public awareness. I consider the Bill already provides the appropriate framework and therefore the amendment is not necessary.

On amendment No.6, I acknowledge that Senator McCarthy feels very passionately about the SME sector and how it is implicated in all of this. In my view and in my humble opinion, this is why that effort has been made to have this one-stop shop. With regard to the regulatory framework there is no extra bureaucratic burden. The sandbox is there to ensure the adoption of AI and to allow SMEs comply in an easy way. That will be one of the advantages of having the AI office as the one-stop shop as the regulatory adviser. Businesses in the SME sector will be dealing the regulatory bodies they are used to dealing with in respect of the market surveillance and the competent authorities. That is very much taken into account in the establishment of the AI office. On the amendment's reasoning, section 9(1)(c) of the Bill provides that the office shall promote and foster AI innovation and literacy, which the Senator spoke to. Section 9(1)(d) provides that it shall enhance public awareness in relation to the use of AI systems and the rights and obligations under the artificial intelligence regulation. These functions complement the range of supports that are provided for in the AI Act at an EU level, including guidelines, codes of practice and a service desk, which are intended to support and reinforce a consistent implementation of harmonised rules across the EU. I am satisfied that these provisions already capture what is proposed in paragraphs (h), (i) and (j), and re-stating

them in granular subparagraphs would result in legislative duplication without adding any substantive legal effect.

The Bill, through section 46, provides for the establishment of one or more regulatory sandboxes, in accordance with Article 57 of the EU AI Act, with priority access for the SME sector and startups free of charge as mandated by Article 62 of the regulation. This sandbox function is the primary structural vehicle through which the office will support the SME compliance and reduce regulatory barriers in the adoption of AI. The proposed paragraph (k) duplicates what is already embedded in the sandbox and real-world testing frame provided for in Part 3, Chapter 3 of the Bill.

Section 9(1)(f) already requires the office to provide advice to the Minister on matters relating to its function. The proposed paragraph (j) requires the office to provide advice and technical assistance to the Minister, competent authorities, businesses and organisations. It is a repetition of its existing function.

Section 10 of the Bill confers on the Minister the power to assign additional functions to the office by ministerial order, following consultation with the office and relevant Ministers. This ensures that the office's functions can evolve responsibly to alignment with the wider national policy priorities. That is all I have to say for the moment.

Senator Alice-Mary Higgins: With respect, the language the Minister of State was using from AI Act such as "human-centric" and "high level of protection" and all of that, is not in here either. The Government has taken the innovation piece and chose to put that in. The Government could have just said "a body to comply with the AI Act" but it has chosen to specify "promote and foster AI innovation" and to say it as something without the caveats that were in it. It is interesting that even within the AI Act they insert "human-centric and trustworthy ... AI, while ensuring a high level of protection" and all of that language. They did not just say "innovation": they put caveats on it but the Government is choosing to put the innovation language in without the human-centred bit. If the Government did not like the language that Senator Stephenson and I suggested to put in, a very obvious solution would be to put in the language that is in the AI Act. It must be seen as a signal that you have an AI Act that applies and you choose to pick out one aspect of it such as "innovation" and copper-fasten it under a section listed as "Functions of Office". Arguably, it is a promotion and fostering role of AI innovation. This is a complicated thing: a promotional role while at the same time the office is meant to have a regulatory role. The Government should have put in the other language as well or else leave that out and just have the functions of the office being information sharing between relevant offices, enhancing public awareness about the AI Act, dealing with competent authorities, and performing the functions and all of that. If you pick out one of the things, however, and say that the office has got to do this and then not add the other language, then there is a problem. There is a perception, matched up by the kind of language we have seen from the AI unit within the Department with its language of overarching national imperative - which is wild language - that because you put that in and because section (9)(1)(c) exists, you need to put in something else, but the Government does not want to put in "ethical". I think we could probably risk letting that be defined and letting the body define it and look to it. At least it would be looked at. We do have precedents in how it is defined. On "sustainable" we certainly have precedents in how that is defined in other legislation.

In fact, there are a couple of definitions. I have argued with this definition because I do not think it is strong enough. A lot of recent legislation goes back to a definition of sustainable as being the idea that this is something which can be managed in such a way that the resources are not depleted for the next generation. I have argued for a version of sustainable in which the current generation should not be using more than our fair share. It is not actually okay that we just manage to be sustainable for the next generation in Ireland if people in Malawi and elsewhere are getting completely hit by the bad decisions we make. I have argued for a stronger definition of sustainable. However, my point is, even using the existing definition of sustainable, there are multiple precedents. I have spent hours in the definitions sections of Bills talking about this because I would like to strengthen that definition. I do not accept there is not a definition and we do not know what we would mean by it. The Minister of State said sustainable AI is in the AI Act. As there is a reference to sustainable there, what is the problem in putting it here?

Presumably, the assumption is that sustainable in the functions of the office would be done in a way that reflects the way it is spoken about in the AI Act. The point is, there are things which have been chosen to be placed as front and centre that are not just about the enforcement and transposition but are specific responsibilities and the choice was made not to include human-centred or sustainability and not to place that within the functions of the body and the office; an office which already has a torn double-function.

I want to establish two other points. It is notable in the section on performing its functions that the office "shall have regard to ... the objective of providing a coherent, harmonised and effective approach". This is provided for in its functions and goes back to our earlier point on biometric identification because it would immediately have on its desk a first problem. It has regard to the objective of providing a coherent, harmonised approach to the implementation of the AI regulation in the State by competent authorities, as well as the need to ensure consistent and effective governance and implementation of the AI regulation in the State. However, as we have just told the Minister of State, the Department of justice is not planning to be coherent or consistent so that will be something on the desk of this body as soon as it starts.

The Minister of State has to hear the concern - and I have sat in the AI committee on numerous occasions. Maybe the idea of that committee was that it was meant to be a place where everybody says AI is amazing and it did this and that and it is so great and wonderful and look at all the money somebody is making, but actually, what is happening is that people are coming with really serious environmental, social, financial, regulatory and employment concerns. If this new body the Department is setting up is meant to be for the people, it needs to send a signal that it is going to care about those things and not just about driving innovation.

The last thing I will say is the Minister has the power under section 10 to confer additional functions. If the Minister of State is not accepting our amendments today, though I will be pressing them, I want to know whether the Minister will be using his powers under conferring of additional functions to add additional functions, and if the Government wants to use that language of human-centred and everything else from the AI Act directly, that it will do so to ensure that from the get-go, this body is serving people and not just money. I say this in absolute honesty and respect. I would like to hear how the Minister of State plans to use section 10 to address the massive lacuna in the functions of the office as it is set out, because I know she is rushing the legislation through.

Deputy Niamh Smyth: I know the Senator's sentiments are heartfelt, and there has been a very conscious effort to get the balance she has spoken about with AI of creativity and innovation, but also being human-centric and trustworthy. It is not for one moment the case that both are not taken into account. It is important that while we have our market surveillance and competent authorities, we also have our fundamental rights authorities which are there to advise, support and ensure that citizens' rights are considered. The feedback of Coimisiún na Meán, the Data Protection Commission, the Environmental Protection Agency, the Financial Services and Pensions Ombudsman, the Irish Human Rights and Equality Commission, the Ombudsman for Children's Office, and the Office of the Ombudsman for the Defence Forces has been taken into consideration in order that the Bill is rounded, and is not just a one-size-fits-all or is all about innovation and creativity. I will leave it at that.

Senator Alice-Mary Higgins: I am disappointed that the Minister of State has not indicated her intention in using section 10. That would have been a good signal. It is woefully unacceptable to say "but there are all of these other bodies." If people go to the Department and say they have concerns in relation to AI ethical or AI sustainable issues, will they have to go to IHREC for that? They will have to go round the houses. They will have to go to the Data Protection Commission only to come back. If the Department is setting up the regulatory authority, the Minister of State has literally told us these bodies should not come to it with their problems. They should go to one of the other authorities which are set up properly. Is it or is it not part of that regulatory authority architecture that the Minister of State has just described? Is it going to function like Coimisiún na Meán? Is it going to function like any of these other bodies, and have that actual component? Are people still expected to go with their ethical concerns about AI to these other bodies? Why is there not a signal for this? I am actually surprised. I could understand if it had, as an oversight, or poor decision-making within the Department been left out, but I genuinely, fundamentally asked that this be addressed, if not by our amendments, by the functions and powers the Minister has. That is there under section 10, and as for simply saying they will go somewhere else, will they go somewhere else because human rights are not going to be in the mix for this body when it does its job? Can the Minister of State confirm whether section 15 of the climate Act will apply to this body and its operations? That relates to my question on sustainability.

Deputy Niamh Smyth: I meant to say in my first contribution that I give the Senator my assurances that my officials will speak with the Minister for justice on the issues she raised earlier today.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 4:

In page 13, line 34, after "foster" to insert "ethical and sustainable"

Amendment put:

The Committee divided: Tá, 16; Níl, 24.	
Tá	Níl
Boyhan, Victor.	Blaney, Niall.
Collins, Joanne.	Boyle, Manus.

Conway, Joe.	Brady, Paraic.
Cosgrove, Nessa.	Casey, Pat.
Harmon, Laura.	Clifford-Lee, Lorraine.
Higgins, Alice-Mary.	Conway, Martin.
Keogan, Sharon.	Costello, Teresa.
McCarthy, Aubrey.	Crowe, Ollie.
McCormack, Maria.	Curley, Shane.
McDowell, Michael.	Daly, Paul.
Mullen, Rónán.	Davitt, Aidan.
Murphy, Conor.	Flaherty, Joe.
O'Reilly, Sarah.	Gallagher, Robbie.
Ruane, Lynn.	Kelleher, Garret.
Stephenson, Patricia.	Kennelly, Mike.
Tully, Pauline.	Lynch, Eileen.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Reilly, Joe.
	Rabbitte, Anne.
	Ryan, Dee.
	Scahill, Gareth.
	Wilson, Diarmuid.

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

Amendment declared lost.

Senator Patricia Stephenson: I move amendment No. 5:

In page 14, between lines 2 and 3, to insert the following:

“(f) prepare and publish, in such manner as it sees fit, reports including reports on any research undertaken, sponsored, commissioned or assisted by it,”.

Amendment put and declared lost.

Senator Aubrey McCarthy: I move amendment No. 6:

In page 14, between lines 6 and 7, to insert the following:

“(h) develop, publish and disseminate guidance, codes of practice and other informational materials to assist businesses, public bodies and other persons in understanding and complying with the Artificial Intelligence Regulation and any enactments relating to the development, placing on the market, putting into service, deployment or use of AI systems;

(i) facilitate, promote and support access to training, educational programmes, workshops and other initiatives designed to enhance awareness, capability and compliance among

businesses, public bodies and other persons in relation to AI systems and the Artificial Intelligence Regulation;

(j) provide advice, guidance and technical assistance to the Minister, relevant competent authorities, businesses and other organisations in relation to the interpretation, implementation and practical application of the Artificial Intelligence Regulation and related enactments, with a view to promoting compliance, legal certainty and the responsible adoption of AI systems;

(k) advise the Minister on policies, measures and initiatives to facilitate and accelerate the adoption, deployment and commercialisation of AI technologies by businesses, particularly small and medium-sized enterprises, to support innovation, productivity and competitiveness, reduce barriers to compliance, and strengthen the State's position as a leading location for the development and responsible use of AI technologies.”.

Amendment, by leave, withdrawn.

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

In page 14, between lines 10 and 11, to insert the following:

“(b) the work of the Joint Oireachtas Committee on Artificial Intelligence, including recommendations made by the Joint Committee in any interim and final reports;”.

Amendment put and declared lost.

Section 9 agreed to.

Section 10 agreed to.

Question: "That section 11 stand part of the Bill", put and declared carried.

NEW SECTION

Senator Patricia Stephenson: I move amendment No. 8:

In page 15, between lines 11 and 12, to insert the following:

“Establishment and membership of Board

12.(1) The Board shall consist of such and so many members (not being more than 11 and less than 7) as the Government determines.

(2) Of the members of the Board, not less than 3 of them shall be men and not less than 3 of them shall be women, and in a case where there are 10 or more members, not less than 5 of them shall be men and not less than 5 of them shall be women.

(3) Each member of the Board shall be appointed by the Government, in accordance with section 13, and shall hold office for such period not exceeding 5 years, as the Government may determine when appointing him or her.

(4) Each member of the Board shall hold his or her office on such terms and conditions as are determined by the Government at the time of his or her appointment and shall,

subject to *subsection (8)*, be eligible for re-appointment for a further term not exceeding 4 years.

(5) The Board may act notwithstanding any vacancy among its members (including one or more vacancies that result in *subsection (1)* or *(2)* not being complied with).

(6) Of the persons who on establishment day are to comprise the members of the Board—

(a) one less than half of such members shall be appointed for a term of 3 years, and

(b) the remainder of such members, including the Chairperson, shall be appointed for a term of 4 years.

(7) Subject to *subsection (8)*, a member of the Board whose term of office expires with the passage of time shall be eligible for re-appointment to the Board.

(8) A person who is reappointed to be a member of the Board in accordance with *subsection (7)* shall not hold office for more than 2 consecutive terms and, in any event, may not hold office for periods the aggregate of which exceeds 8 years.

(9) Where it is proposed to reappoint a person as a member of the Board in accordance with *subsection (3)*, it shall not be necessary for the person to participate in a further selection process undertaken by the Public Appointments Service under *section 13* or to be recommended for reappointment by the Public Appointments Service.

(10) Subject to *sections 17* and *18*, a member of the Board shall hold office on such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, determines.”.

Amendment put:

The Committee divided: Tá, 14; Níl, 24.	
Tá	Níl
Collins, Joanne.	Blaney, Niall.
Conway, Joe.	Boyle, Manus.
Cosgrove, Nessa.	Brady, Paraic.
Harmon, Laura.	Casey, Pat.
Higgins, Alice-Mary.	Clifford-Lee, Lorraine.
Keogan, Sharon.	Conway, Martin.
McCarthy, Aubrey.	Costello, Teresa.
McCormack, Maria.	Crowe, Ollie.
Mullen, Rónán.	Curley, Shane.
Murphy, Conor.	Daly, Paul.
O'Reilly, Sarah.	Davitt, Aidan.
Ruane, Lynn.	Flaherty, Joe.
Stephenson, Patricia.	Gallagher, Robbie.
Tully, Pauline.	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.

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

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

Amendment declared lost.

SECTION 12

Senator Aubrey McCarthy: I move amendment No. 9:

In page 15, between lines 21 and 22, to insert the following:

“(5) In making appointments under this section, the Minister shall ensure that not fewer than 2 members of the Board possess significant knowledge of, and experience in, the development, deployment or commercialisation of AI technologies, digital innovation, entrepreneurship or business representation, including experience gained through service with a recognised representative body of enterprises or industry sectors.”.

Amendment put and declared lost.

Section 12 agreed to.

NEW SECTIONS

Senator Patricia Stephenson: I move amendment No. 10:

In page 16, between lines 1 and 2, to insert the following:

“Recommendations for appointment of members of Board

13. (1) A member of the Board shall be appointed by the Government.

(2) Where a vacancy arises, or is anticipated will arise, on the Board, the Government shall, for the purposes of identifying persons and making recommendations to the Government in respect of those persons for appointment as members of the Board, invite the Service to undertake a selection competition.

(3) The Service shall appoint the members of the selection panel from amongst persons who, in the opinion of the Service, have relevant experience of, and expertise in relation to, matters connected with any or all of the following:

- (a) human rights matters or human rights law;
- (b) equality matters or equality law;
- (c) public sector administration and reform;
- (d) board management and corporate governance;

(e) industrial relations;

(f) climate or energy systems.

(4) The Minister shall agree with the Service the selection criteria and process to be implemented in respect of the filling of any vacancy on the Board.

(5) A vacancy on the Board shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of the filling of that vacancy.

(6) The Service may adopt such procedures as it thinks fit to carry out its functions under this section.

(7) A person shall not be recommended for appointment by the Government under this section unless the person is, in the opinion of the Service and the Government agrees, suitably qualified for such appointment by reason of his or her possessing such relevant experience, training or expertise as is appropriate having regard in particular to the functions conferred on the Board by or under this Act.

(8) The Service shall provide the Government with particulars of experience, training and expertise of the person whom it recommends under this section.

(9) Where the Service makes a recommendation for the appointment of a person to the Board, the Government shall accept that recommendation.

(10) In exceptional circumstances, where the Government, for substantial and stated reasons, is unable to accept the recommendation by the Service of a particular person, it shall inform the Service of that fact and the reasons for it and shall request the Service to make another recommendation in respect of the vacancy and, the Service shall—

(a) consider the Government's reasons, and

(b) unless the Service disagrees with the reasons and wishes to make representations to the Government in that behalf, make another recommendation for appointment to the Board.”.

Amendment put and declared lost.

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

In page 16, between lines 1 and 2, to insert the following:

“Recommendations for appointment of members of Board

13.(1) A member of the Board shall be appointed by the Government.

(2) Where a vacancy arises, or is anticipated will arise, on the Board, the Government shall, for the purposes of identifying persons and making recommendations to the Government in respect of those persons for appointment as members of the Board, invite the Service to undertake a selection competition.

(3) The Service shall appoint the members of the selection panel from amongst persons who, in the opinion of the Service, have relevant experience of, and expertise in relation to, matters connected with at least two or all of the following—

- (a) human rights matters or human rights law;
- (b) equality matters or equality law;
- (c) public sector administration and reform;
- (d) board management and corporate governance;
- (e) industrial relations;
- (f) climate or energy systems;
- (g) digital rights or technology law;
- (h) data privacy and the General Data Protection Regulation.

(4) The Minister shall agree with the Service the selection criteria and process to be implemented in respect of the filling of any vacancy on the Board.

(5) A vacancy on the Board shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of the filling of that vacancy.

(6) The Service may adopt such procedures as it thinks fit to carry out its functions under this section.

(7) A person shall not be recommended for appointment by the Government under this section unless the person is, in the opinion of the Service and the Government agrees, suitably qualified for such appointment by reason of his or her possessing such relevant experience, training or expertise as is appropriate having regard in particular to the functions conferred on the Board by or under this Act.

(8) The Service shall provide the Government with particulars of experience, training and expertise of the person whom it recommends under this section.

(9) Where the Service makes a recommendation for the appointment of a person to the Board, the Government shall accept that recommendation.

(10) In exceptional circumstances, where the Government, for substantial and stated reasons, is unable to accept the recommendation by the Service of a particular person, it shall inform the Service of that fact and the reasons for it and shall request the Service to make another recommendation in respect of the vacancy and, the Service shall—

- (a) consider the Government's reasons, and
- (b) unless the Service disagrees with the reasons and wishes to make representations to the Government on that behalf, make another recommendation for appointment to the Board.

(11) In this section, "Service" means the Public Appointments Service."

Amendment put and declared lost.

SECTION 13

Amendment put and declared lost.

Section 13 agreed to.

NEW SECTION

An Leas-Chathaoirleach: Amendments Nos. 13, 14, 16, 18 to 26, inclusive, 29 to 31, inclusive, 33, 46, 74, 75 and 89 to 91, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Patricia Stephenson: I move amendment No. 13:

In page [16, between lines 17 and 18, to insert the following:]

“Conditions of office of membership of Board

14.(1) A member of the Board may at any time by notice in writing to the Government—

(a) resign from the Board, or

(b) in the case of the chairperson, with or without resigning from the Board, resign from the office of chairperson.

(2) A resignation under *subsection (1)* takes effect on the date specified in the notice to the Government, or on the date on which the Government receives the notice, whichever is the later.”.

All the amendments in this grouping are to do with good governance and creating more transparency and accountability so that everything is not in the hands of one individual or Department. Some of the amendments are consequential, so all of them would need to be included for them to function. I know a few of them have been debated in the Dáil as well.

The Minister may remove a member of the board from office if he or she does something wrong. I am substituting that with "the Government" may remove. It is just about creating more accountability and ensuring that more people are involved in these processes. Critically, it is exactly the same process that exists for Irish Human Rights and Equality Commission, the Data Protection Commission and Coimisiún na Meán. We have these independent State bodies already. We have processes for independent State bodies. They are functioning well and instead of copying that, we are doing something different with this legislation. I do not understand why. That is why so many organisations, advocacy groups and parliamentarians are concerned that this office is, for some reason, having different standards and procedures applied that do not match the model that works and functions properly. Perhaps the Minister of State will explain why we have created a system here that is somehow different from the operating models we already have.

Deputy Niamh Smyth: In relation to amendment No. 13, this amendment appears to replace part of section 14 with what is effectively the existing section 15, dealing with resignation of

members of the board, but changes the recipient of the resignation from the Minister to the Government.

3 o'clock

I thank Senator Stephenson for her amendment. However, I do not consider it necessary. The matters addressed in the amendment are already provided for in the Bill. Section 15 sets out the procedure by which a member of the board, including the chairperson, may resign from office and specifies when such a resignation takes effect. The only substantive change proposed by the amendment is to require resignations to be submitted to the Government rather than to the Minister. I do not consider that this would provide any additional safeguard or governance benefit. The Bill consistently assigns responsibility for board-related matters to the Minister, providing a clear line of accountability and administration. Accordingly, as the matter is already addressed in the Bill and the proposed change would merely substitute the Government for the Minister without materially altering the operation of the provision, I do not propose to accept the amendment.

Senator Patricia Stephenson: Maybe the Minister of State could speak to why we have chosen to pursue a different process from that for other independent State bodies, such as the Irish Human Rights and Equality Commission, IHREC, the Data Protection Commission, DPC, and Coimisiún na Meán in this. I was speaking to amendment No. 13 but, actually, all the amendments in that list - amendments Nos. 14, 16, 18 to 26, inclusive, 29 to 31, inclusive, 33, 46, 74, 75 and 89 to 91, inclusive - relate basically to the same concepts of making sure the processes we are following for this independent body are exactly the same and that the model is the same as the other one. Perhaps the Minister of State could speak broadly to that. She does not need to speak to every single amendment since some of them are basically the same in different parts in the legislation, but why are we not matching and replicating the models that exist and function well?

Deputy Niamh Smyth: I again thank the Senator for her contribution and her amendments. The Bill already contains a clear and workable mechanism for filling casual vacancies on the board. Where a vacancy arises, the Minister is required to appoint a replacement in accordance with the Public Appointments Service process provided for in the Bill. The principal effect of the amendment would be to transfer this function from the Minister to the Government. For the reasons I have outlined in relation to earlier amendments, I do not consider that such a transfer would provide any additional safeguards or governance benefit. The existing approach provides a clear line of responsibility and accountability through the responsible Minister while maintaining the integrity of the Public Appointments Service process. The amendment would also remove the flexibility contained in the Bill regarding the term of office of a replacement member. The current provision allows an appropriate degree of flexibility in managing board succession and maintaining continuity in the governance of the office while ensuring that the term limit remains in place. While I appreciate Senator Stephenson's intention of promoting consistency across the appointments framework, I am satisfied that existing provision already provides a transparent, accountable, effective mechanism for filling vacancies on the board. Accordingly, I do not propose to accept the amendment.

I do not accept that amendment No. 16 would transfer the power to remove a member of the board from the Minister to the Government. The Bill already places significant safeguards

around the removal of board members, including statutory grounds for removal, notice requirements, an opportunity to make representations and consideration of the views of the board. I am satisfied that these protections provide an appropriate balance between the board's independence and ministerial accountability. The transfer of the removal function from the Minister to the Government would not materially strengthen those safeguards. The Bill adopts the standard governance models used for many statutory bodies whereby the responsibility for the appointment or removal of board members rests with the Minister, who is accountable to the Oireachtas for those decisions. The existing provisions strike an appropriate balance between accountability, due process and effective governance. For that reason, I do not propose to accept the amendment.

I am taking amendments Nos. 18 to 25 together. I do not propose to accept these amendments. The Government's model adopted in the Bill is consistent with that used for many statutory bodies. As I said, the Minister is accountable to the Oireachtas for the performance of the office and exercises a range of governance functions in relation to the board and the office. Section 19 already contains significant safeguards including specified grounds for removal, notice requirements, an opportunity for representations, consideration of the board's view and adherence to the principles of natural justice. Transferring these functions from the Minister to the Government would be inconsistent with the broader governance framework of the Bill, under which board members are appointed by the Minister and most Government functions relating to the board are exercised by the Minister. The amendments would introduce an additional layer of decision-making without providing any additional procedural safeguards. They would also increase administrative overheads in circumstances where timely action may be required to address issues relating to board membership. The existing provision strikes an appropriate balance between accountability, due process and effective governance. I am satisfied that no policy justification has been identified for requiring Government approval for individual board removal decisions. Accordingly, I do not propose to accept the amendments.

I do not propose to accept amendment No. 26. The Bill provides that the chief executive officer is to be recruited in accordance with the Civil Service Regulations Act and the Public Service Management (Recruitment and Appointments) Act 2004 and appointed by the board with the consent of the Minister. This reflects established governance arrangements in statutory bodies and provides an appropriate balance between the board's role in selecting the chief executive officer and the ministerial accountability for the operation of the statutory body. Transferring this function from the Minister to the Government would not materially strengthen the independence of the office. The CEO is responsible for the management and administration of the office and is accountable to the board for the performance of its functions. The Bill, therefore, places operational responsibility with the CEO and governance responsibilities with the board while maintaining appropriate ministerial accountability. The Bill already contains appropriate safeguards in relation to the CEO including recruitment through the established public appointments process, accountability to the board, statutory grounds and procedures for removal from office and restrictions on holding other offices or employment without consent. These measures provide robust governance safeguards while supporting the effective establishment and operation of the office. Therefore, I do not propose to accept the amendment.

I do not propose to accept amendments Nos. 29 to 31, inclusive. They would replace the Minister with the Government in a number of provisions relating to the chief executive officer.

The governance framework in the Bill is based on the principle that responsibility for oversight of the office rests with the Minister, who is accountable to the Oireachtas for the operation of the legislative framework. The Bill, therefore, assigns a number of governance functions relating to the CEO and the Minister. This is consistent with the approach adopted throughout the Bill and with the governance arrangements that apply to many statutory bodies. The CEO is accountable to the board for the management and administration of the office, while the Minister retains responsibility for certain oversight functions within the statutory framework. Replacing the Minister with the Government in provisions would not provide any additional safeguard or strengthen the independence of the office. I am satisfied that the existing provisions strike the appropriate balance between operational independence, effective governance and democratic accountability and I do not propose to accept the amendments.

Amendment No. 33 would transfer the power relating to the removal of the chief executive from the Minister to the Government. The Bill already provides a comprehensive framework governing appointment accountability and removal of the CEO. The governance model adopted in the Bill is that the Minister exercises certain oversight functions in relation to the office while remaining accountable to the Oireachtas for the operation of the statutory framework. The removal of the CEO is a significant step and the Bill already contains appropriate safeguards and procedural protections in this regard. Replacing the Minister with the Government would not provide any additional protection or strengthen the independence of the office. Rather, it would introduce an additional layer of decision-making that is not reflected elsewhere in the governance arrangements established in the Bill. The existing approach is consistent with the governance arrangements that apply to many statutory bodies and ensures a clear line of responsibility and accountability. I am satisfied that the existing provision is appropriate and I do not propose to accept the amendment.

On amendment No. 46, again, I thank Senator Stephenson for the amendment, which would transfer the relevant function under section 44 from the Minister to the Government. Again, the governance framework established by the Bill consistently assigns oversight and administrative functions relating to the office to the responsible Minister, who is accountable to the Oireachtas for the operation of the statutory framework. The existing provision reflects the governance model and provides a clear line of accountability and responsibility. I do not consider that transferring this function to the Government would improve transparency, accountability or the operation of the AI register. Rather, it would introduce an additional layer of administration that would be inconsistent with the broader approach adopted through the Bill. The Government does not generally exercise direct responsibility for the detailed administration of statutory schemes of this nature, which are typically entrusted to the relevant Minister.

I am satisfied that the existing provisions strike the appropriate balance between accountability and efficient administration. Therefore, I do not propose to accept the amendment.

I will speak to amendments Nos. 74 and 75. Again, I thank Senator Stephenson for the amendments. The amendments would replace reference to the Minister and any other Minister with relevance to the Government. The purpose of this section is to facilitate co-operation and co-ordination between Ministers whose areas of responsibility may be affected by the implementation of the AI Act and the operation of the national regulatory framework. The

existing provision recognises the responsibility. The AI regulation may intersect with a number of ministerial portfolios and provide the practical mechanism for co-operation between relevant Ministers. I do not consider it appropriate or necessary to require Government approval or involvement, in each instance, where such co-operation may be required. The Bill consistently assigns responsibility for oversight of the office and operation of the statutory framework to the responsible Minister while recognising that engagement with other Ministers may be required from time to time. Replacing references to Ministers with the Government would introduce an additional of administrative process without providing any additional safeguard or governance benefit. It would also reduce flexibility and responsiveness in circumstances where timely co-operation between Ministers may be required. I am satisfied that the existing provision provides an appropriate and practical framework for interdepartmental co-operation and co-ordination. Therefore, I do not propose to accept the amendments.

I will speak to amendments Nos. 89 to 91, inclusive. Again, I thank Senator Stephenson for the amendments. These amendments would replace references to "Minister" with a reference to "Government" in a number of provisions relating to adjudicators. The Bill adopts a governance model whereby the responsible Minister exercises certain administrative and oversight functions while remaining accountable to the Oireachtas for the operational statutory framework. The provisions relating to adjudicators are consistent with this approach. The independence of adjudicators does not derive from whether they are appointed by the Minister or the Government rather it derives from statutory safeguards contained in the Bill, including provisions governing their appointment, qualifications, tenure and independent exercise of their functions. I do not consider that the transfer of these functions from Minister to Government would strengthen the independence of adjudicators or improve the operation of the adjudication system. Instead, it would introduce an additional layer of administration and would be inconsistent with the broader governance framework established by the Bill. The Government does not ordinarily exercise a direct role in the routine administration of the statutory adjudication systems of this nature. I am satisfied that the existing provisions strike the appropriate balance between independence, efficiency and accountability. Therefore, I do not propose to accept the amendments.

Senator Patricia Stephenson: In answer to one of the points made by the Minister of State, I still do not understand why we would not follow models like IHREC and the DPC. The Minister of State has not answered the rationale. I appreciate that some bodies might operate with this model but the Minister of State has not explained the rationale for not copying the model for those important regulatory bodies that we have in Ireland like Coimisiún na Meán, the DPC and IHREC. I do not understand why a different process is being chosen here. I do not conceptually understand why. To what purpose? For what end?

The Minister of State made the point that it is not the responsibility of the Government to deal with terminations or the removal of people from office because it is the Minister who appoints them. As I will discuss later, I do not think that it should be the Minister who appoints the CEO. I do not think that is appropriate. I do not think it provides the necessary independence. It should be a completely separate system. One of the rationales given was that it is the Minister who makes these appointments. I do not think that the Minister should make those appointments so that rationale does not stick.

I ask the Minister of State to speak more broadly as to why the Minister of State has chosen this approach when so many of the other bodies take a different approach and have more independence.

Deputy Niamh Smyth: Again, I thank the Senator for her thoughts and observations. Again, I am satisfied that all the required provisions are within the Bill.

An Cathaoirleach: Is the amendment being pressed?

Senator Patricia Stephenson: Yes.

Amendment put and declared lost.

Section 14 agreed to.

Question, “That section 15 stand part of the Bill”, put and declared carried.

NEW SECTION

Senator Patricia Stephenson: I move amendment No. 14:

In page 17, between lines 8 and 9, to insert the following:

“Casual vacancies in membership of Board

16.(1) If a member of the Board resigns, dies or ceases to hold office (otherwise than by effluxion of time), the Government shall, as soon as practicable, appoint a person from among such persons as are recommended by the Public Appointments Service in 6 in accordance with section 13# to be a member of the Board to fill the casual vacancy so occasioned.

(2) A person appointed under subsection (1) shall hold office for the unexpired period of his or her predecessor’s term of office, as the Government may determine.

(3) A person appointed under subsection (1) is eligible for reappointment to the Board on the expiry of the unexpired period but shall not hold office for more than 2 further consecutive terms and in any event shall not hold office for periods the aggregate of which exceeds 8 years.”.

Amendment put and declared lost.

Section 16 agreed to.

Section 17 agreed to.

SECTION 18

Senator Patricia Stephenson: I move amendment No. 15:

In page 18, between lines 12 and 13, to insert the following:

“(e) has a material conflict of interest of such significance that the person’s ability to perform their functions in an independent and impartial manner is undermined;”.

Amendment put and declared lost.

Section 18 agreed to.

SECTION 19

Senator Patricia Stephenson: I move amendment No. 16:

In page 18, line 25, to delete “The Minister may remove a member of the Board from office if he or she is” and substitute “The Government may remove a member of the Board from office if they are”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 17:

In page 18, to delete lines 34 and 35.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 18:

In page 19, line 1, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 19:

In page 19, line 2, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 20:

In page 19, line 8, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 21:

In page 19, line 11, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 22:

In page 19, line 14, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 23:

In page 19, line 18, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 24:

In page 19, line 19, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 25:

In page 19, line 20, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Section 19 agreed to.

Sections 20 to 23, inclusive, agreed to.

SECTION 24

Senator Patricia Stephenson: I move amendment No. 26:

In page 22, line 20, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

An Cathaoirleach: Amendments Nos. 27, 28, 32 and 34 are related. Amendment No. 28 is a physical alternative to amendment No. 27. Amendments Nos. 27, 28, 32 and 34 may be discussed together by agreement. Is that agreed? Agreed.

Senator Patricia Stephenson: I move amendment No. 27:

In page 22, to delete lines 25 to 30.

Amendment No. 27 seeks to remove the part, as I have mentioned, that allows the Minister to appoint the first CEO and for them to have a full five-year term. I do not agree with that and I have said it before. I do not think it provides good governance. I do not think it provides the correct independence from the Department as is needed.

If someone is the direct line manager, effectively, in appointing someone who is supposed to provide guidance but also provide a critique on policy decisions that are being made, what are the power dynamics within that which would allow someone to do their job independently? I know the Minister of State is not going to accept the amendment. However, along with all the other amendments, it is about seeking good governance and good structures.

Amendment No. 32 mirrors the language in the section on the board being removed in the case of conflicts of interest. The Bill currently contains conflict of interest provisions for the board members, but not for the CEO. That seems like a mistake. I do not know why we would not have this consistent across both.

Amendment No. 34 seeks to ensure that a statement is laid before both Houses of the Oireachtas as soon as is practicable, which reflects the language of the IHREC Act. Instead of

going through the Minister for the report, the report would come straight to the Houses of the Oireachtas. This emphasises, once again, the independence of the office. We do not believe it should be in the Minister's gift to deliver that report to us should he or she wish.

Senator Lynn Ruane: Amendment No. 28 imposes an obligation on the Minister and the Government to have due regard to the need for the CEO of the artificial intelligence office to possess specific professional experience in fields relevant to the work of the office. As drafted, the Bill does not include any provisions relating to the expertise or experience expected of the CEO of the office. The amendment specifies that the CEO should have expertise across at least two of the following fields: data protection and GDPR; human and fundamental rights; digital rights or technology law; equality law and policy; climate or energy systems; public administration and governance; and civil society engagement.

The amendment would encourage the appointment of a well-rounded, public interest-focused leadership within the office's executive, ensuring that it does not become dominated by a technical or commercial perspective. Achieving a balance between public interest protections and innovation at the level of the chief executive would promote greater independence, credibility and public confidence in the work of the office. The amendment is particularly important in circumstances where the Minister designates a person as the first CEO of the office, as the Minister is empowered to do under the Bill. Significant concern has been expressed about this provision across civil society and academia. There are fears that the designation of a CEO for a period of five years undermines the office's independence from the Government and the Department from the outset. The danger of the provisions of section 24, as drafted, is that a person designated as CEO could effectively be a political appointee handpicked by the Government to promote AI innovation at the expense of developing robust regulatory safeguards to prevent the potential social, cultural and environmental harm caused by AI in contemporary society.

Deputy Niamh Smyth: I propose to take amendments Nos. 27, 28, 32 and 34 together.

Amendment No. 27 would delete the provisions that allow the Minister, before the establishment date, to designate a person as the first CEO, who would automatically stand appointed by the establishment of the office. The provisions allowing the Minister to designate the first CEO before the establishment of the office are intended to facilitate the timely and orderly establishment of the office. As Senator Stephenson will be aware, the recruitment process for the CEO has already been undertaken and is under way through the Public Appointments Service. Removing these provisions would prevent the advancement of the CEO on the establishment day. It could risk delays in operationalising the office and carrying out its statutory functions. It would undermine the objective of ensuring that the office is operational as quickly as possible following the commencement of the legislation. The designation mechanism is limited to the first chief executive officer only, and is intended to ensure that the leadership is in place in a timely manner to support the establishment of the organisation. I am satisfied that the provision is necessary to facilitate the effective establishment of the office. Therefore, I do not accept the amendment.

On amendment No. 28, while I agree with the sentiment and that the areas identified are important, the Bill already provides sufficient flexibility to ensure that the most suitable candidates can be appointed as CEO, having regard to the full range of skills, experience and

leadership qualities required for the role, without the need to prescribe a statutory list of qualifying fields. Section 24 of the Bill provides that the CEO must be recruited in accordance with the Civil Service Regulation Acts and the Public Service Management Act 2004, ensuring that the appointments are made through a merit-based and transparent process. I am satisfied that the Bill already provides sufficient flexibility, and that relevant experience and expertise will be considered without the need for additional statutory prescription. In fact, many of the matters identified in the proposed amendments were already recognised as important competencies in the recruitment process for the inaugural CEO. The candidate information booklets and recruitment materials for that competition specifically identified a range of related knowledge, experience and expertise requirements, including the ones suggested by the amendment. I believe the flexibility provided in the Bill allows the board and the Minister to assess candidates holistically and to appoint the individual best placed to provide strategic leadership to the office in light of evolving regulatory and operational needs.

I thank Senator Stephenson for amendment No. 32, but I do not propose to accept it. The Bill already contains a comprehensive framework governing conflicts of interest on the part of the CEO. The CEO is subject to statutory obligations regarding the disclosure of interests and must comply with the governance and ethics requirements applicable to officeholders in public bodies. The Bill also contains provisions governing the circumstances in which the CEO may be removed from office, including where he or she has become incapable of effectively performing the functions of the office and has committed stated wrongdoing. The amendment would introduce a new and potentially subjective ground for removal based on the board's view that a conflict of interest is of sufficient significance to warrant the CEO ceasing to hold the office. I am concerned that such a provision could create uncertainty as to the applicable threshold and could overlap with the existing governance and ethics framework. Where a conflict of interest arises, there are already established mechanisms to require disclosure, manage the conflict appropriately and ensure that decisions are taken in accordance with the public sector governance standards. I am satisfied that the existing provisions provide appropriate safeguards and that the additional removal grounds proposed in the amendment are not necessary.

I do not propose to accept amendment No. 34 at this time. The amendment would remove the requirement for the office to furnish the relevant statement to the Minister and would instead place a direct obligation on the office to ensure that the statement is laid before both Houses of the Oireachtas. The Bill adopts the standard approach used for many statutory bodies, whereby reports and statements are submitted to the responsible Minister, who then arranges for them to be laid before the Houses of the Oireachtas. This approach reflects the Minister's accountability to the Oireachtas for the legislative framework and for the overall governance arrangements applying to the office. The existing provision does not restrict publication or transparency. Rather, it provides a clear and established mechanism through which documents are formally presented to the Oireachtas. Retaining the Minister's role also ensures consistency with other reporting and accountability provisions throughout the Bill. I am not satisfied that the amendment would provide any additional transparency or accountability beyond that already provided for under the existing provision. Therefore, I do not propose to accept the amendment.

Amendment put and declared lost.

Senator Lynn Ruane: I move amendment 28:

In page 22, between lines 26 and 27, to insert the following:

“(4) In making an appointment or designation under subsections (2) and (3), the Board and Minister shall have due regard of the need for the Chief Executive Officer to have relevant experience of, and expertise in relation to, matters connected with at least two of the following—

- (a) digital rights or technology law;
- (b) data privacy and the General Data Protection Regulation;
- (c) human and fundamental rights matters or human rights law;
- (d) equality matters or equality law;
- (e) climate or energy systems;
- (f) public administration and governance;
- (g) civil society.”.

Amendment put:

The Committee divided: Tá, 14; Níl, 24.	
Tá	Níl
Boyhan, Victor.	Blaney, Niall.
Collins, Joanne.	Boyle, Manus.
Cosgrove, Nessa.	Brady, Paraic.
Harmon, Laura.	Casey, Pat.
Higgins, Alice-Mary.	Clifford-Lee, Lorraine.
Keogan, Sharon.	Conway, Martin.
McCarthy, Aubrey.	Costello, Teresa.
McCormack, Maria.	Crowe, Ollie.
Mullen, Rónán.	Curley, Shane.
Murphy, Conor.	Daly, Paul.
O'Reilly, Sarah.	Davitt, Aidan.
Ruane, Lynn.	Flaherty, Joe.
Stephenson, Patricia.	Gallagher, Robbie.
Tully, Pauline.	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Reilly, Joe.
	Rabbitte, Anne.
	Ryan, Dee.
	Scahill, Gareth.
	Wilson, Diarmuid.

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

Amendment declared lost.

Senator Patricia Stephenson: I move amendment No. 29:

In page 22, line 34, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 30:

In page 22, line 37, to delete “Minister” and substitute “Government”.

Amendment put and declared lost

Senator Patricia Stephenson: I move amendment No. 31:

In page 22, line 41, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Section 24 agreed to.

Sections 25 to 27, inclusive, agreed to.

SECTION 28

Senator Patricia Stephenson: I move amendment No. 32:

In page 24, between lines 10 and 11, to insert the following:

“(d) the Chief Executive Officer has, in the view of the Board, a conflict of interest of such significance that the Chief Executive Officer should cease to hold office.”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 33:

In page 24, line 28, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 34:

In page 24, lines 37 to 39, to delete all words from and including “furnish” in line 37 down to and including line 39 and substitute the following:

“ensure that the statement is laid before both Houses of the Oireachtas as soon as practicable.”.

Amendment put and declared lost.

Section 28 agreed to.

Sections 29 to 31, inclusive, agreed to.

SECTION 32

An Cathaoirleach: Amendment Nos. 35 and 36 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 35:

In page 26, to delete lines 30 to 32.

I will be very brief. Amendments Nos. 35 and 36 delete the provision in sections 32 and 33, which prevents the CEO of the AI office from expressing an opinion or questioning the merit of any policy of the Government or the objectives of such a policy in front of Oireachtas committees. This is another feature of this Bill which calls into question the assertion of the independence of the AI office. How can the office be truly independent of Government if the CEO cannot question the substance or objective of a Government policy?

The Bill allows the Minister to issue directions to the CEO regarding policy and then precludes the CEO from making any public comments about those policies. This is not independence and, regardless of that, it is also not good practice. Bringing people in to work on a body and in an office that will gain such insight and expertise, which will constantly have eyes on what is happening in AI, and for that expert in the room - the CEO - to then not be able to question policy is authoritarian. This completely removes any sort of transparency in the expert of an AI office being able to question Government policy that could be terrible and could have a massive public impact on society. We are effectively covering the mouth of that person to question the policy.

If we were comfortable enough as Departments, the Government and politicians, we would not feel the need to effectively gag a CEO on challenging policy. As we know, AI is moving at a rapid rate and we have acknowledged many times throughout the Houses that politicians and policymakers are struggling to keep up with how quick it is moving. To have a CEO not be able to raise any sort of alarm with Government policy that could be way behind, or lacking in ethics, sustainability and all the stuff we mentioned, is a very bad move for any country. It is not allowing a CEO of a so-called independent body to challenge, speak to or criticise Government policy.

Senator Patricia Stephenson: I agree with Senator Ruane. Under the current provisions, the Government has created a system where the CEO cannot comment on Government policy in the public accounts committee or in any other committee. They are effectively curtailed from doing their job, which is to regulate and to challenge the Government. That is why the independence piece we have been banging on about for the duration of this debate is so important. They have to be able to challenge the Government.

We have a right, a responsibility and a constitutional role to play in this as parliamentarians, and this is stopping them from speaking to us. It is very unusual for this to be permitted. The CEO should be able to make an assessment, good or bad, on Government policy and decisions

because they are there to provide expertise and guidance on the use of AI, and to protect citizens and their rights when it comes to AI. I find it extraordinary that the CEO would be gagged from providing evidence in our Oireachtas and Parliament, and that they are effectively not allowed to have opinions on Government policy. I really do not agree with this in any way and it is an awful precedent to set.

Deputy Niamh Smyth: I thank the Senators for their amendments. As both amendments address the same underlying issue, namely, the role of the CEO when appearing before Oireachtas committees, I will address them together.

Amendment No. 35 would delete section 32(2), which provides that when appearing before the public accounts committee, the "Chief Executive Officer shall not question or express an opinion on the merits of any policy of the Government" or "the objectives of such a policy". Amendment No. 36 would delete section 33(7), which applies the same principle when the CEO is appearing before other Oireachtas committees. The effect of these amendments would be that the CEO would no longer be expressly prohibited from commenting on, questioning or expressing views on the merits of Government policy while giving evidence before Oireachtas committees. I do not propose to accept these amendments. Sections 32 and 33 reflect the long-established distinction between the respective roles of the Ministers and senior public officials appearing before Oireachtas committees. The CEO is accountable for the administration, management and operation of the office. Ministers, in turn, are accountable to the Oireachtas for the Government, policy and the objectives of that policy.

The purpose of sections 32(2) and 33(7) is to preserve the distinction and ensure clarity in lines of accountability. The role of the PAC is to examine expenditure, governance, financial management and value for money; it is not to examine the merits of Government policy decisions. Section 32, therefore, ensures that when appearing before the PAC, the CEO can fully account for the use of public funds and the performance of that office while avoiding being drawn into debates regarding the merits of Government policy. The CEO will remain fully accountable to PAC for matters relating to administration, governance, financial management, efficiencies and effectiveness. Similarly, section 33 reflects the long-established distinction between policy responsibility and administrative responsibility in appearances before Oireachtas committees generally. The provision ensures that the CEO can account for the discharge of the office's functions and the operation of the organisation while the Ministers remain accountable for Government policy and policy objectives.

The CEO will remain fully accountable to the Oireachtas for administration, governance and operation of the office. However, responsibility for Government policy properly rests with Ministers. Sections 32(2) and 33(7) preserve that important distinction and support clear lines and accountability. For that reason, I do not consider the amendments necessary, and I do not propose to accept amendment Nos. 35 or 36.

Senator Patricia Stephenson: Yes, policy development rests with Ministers, but it is normal for State bodies to come in and present their opinion on policy and how it impacts their ability to do their jobs. That is linked. They are not separate things. I do not get it. What the Minister of State said about going to PAC and talking about the accounting, budgeting and books is fine. However, poor policy often leads to wasteful spending. We often hear those discussions coming out in PAC in various areas because, again, they are inextricably linked. We cannot

say that witnesses are just going to come in to talk about the books or their overspending or underspending and the nuts and bolts of financial management. That is linked to the policy delivery. Again, I do not understand it. It is a bad precedent to be setting. They are responsible for making assessments as well, presumably. If we are talking about innovation and literacy, those things are linked. The responsibility of the office is linked to those things. It feels like we are trying to reduce accountability and transparency, which is the opposite. That is not good practice.

Deputy Niamh Smyth: I thank the Senator. I chaired a committee in the previous Oireachtas. It is very clear. It is not a new precedent. It has always been the case. Ministers like myself and many others come in and answer to the Oireachtas and to the Senator and everybody else at the committee in relation to Government policy. Members can tear us apart if that is what is required, but that is the Minister's job to come in. It is incredibly important that we do not blur lines. We are not creating a new precedent. That has always been the case. I do take exception to the use of the word "gagged". There is no attempt in this legislation to gag a CEO of a new AI office.

Senator Patricia Stephenson: The Irish Human Rights and Equality Commission, IHREC, comes in. It is an independent State body. It comes in all the time. Again, I do not see why it is different for one State body versus the other. That is the point. It feels like we are creating a complete distinction in process specifically for this AI office.

An Cathaoirleach: I welcome guests of the Minister of State, Deputy Harkin, who I guess are from County Sligo. They are most welcome to Seanad Éireann.

Senator Lynn Ruane: It is gagged. People might not like the language sometimes when we take it out of diplomatic speech in saying somebody cannot come in front of a committee and speak or somebody cannot have an opinion on Government policy. When we frame it in political language, it does not land as hard. When we strip it away and call it what it is, which is "gagged", it causes a reaction. That is reaction is welcome. When we look and break down language, what it means and what underpins the language we use to make something not seem as bad as it is and we strip it away and use the raw word, then it evokes the real reaction and the response is that nobody is gagging or wants to gag anyone else. It is not the intent to gag, but we wrap it up in something else and pretend that is not what it is. We have the Secretary General of the Irish Prison Service who comes into the justice committee, who is not even independent of the Department. We have lots of other spaces where this happens and bodies come in.

It does gag. If we have a Department and a junior ministry as part of that Department and a committee cannot question the CEO of that body - and that is a committee that will have the most work to do in this country in relation to examining AI - that is effectively gagged. If they are not allowed to talk in a committee, they are not going to be allowed to talk on the news without a political line or a brief being given to them or being told, "This is the policy. If you go off the policy, then that is not in line." I am glad the Minister of State had a reaction to the word "gagged". When we take language and give it what it is, it has the intended purpose. If

we silence people from criticising Government policy or attending a committee, that is effectively gagging for all intents and purposes from a political perspective.

Senator Alice-Mary Higgins: If we look at this combined with section 11 - that is why we opposed section 11 - whereby the Minister in relation to the AI office can "give a direction in writing to the Office requiring it to comply with such policies of the Government relating to AI" and it must comply with it. The Minister can write and say, "Here is the Government policy, you need to do it." However, if that CEO comes into an Oireachtas committee and things go wrong and the committee members are rightly asking what happened and why things are going wrong, they cannot say that they followed a policy and this is the consequence of the policy. The consequence is the problem. They are being gagged and silenced in terms of being able to give honest answers to committees when they seek to respond to issues which may very well arise in an area riddled with high risk or an area that has subcategories of high risk. If there is so much risk, the more information, the better and the more transparency, the better. At the moment, the Minister can tell them do something that is Government policy. They come into a committee to talk about what has happened and they are not allowed to say, "We feel it may have been mistake. This has had an inadvertent consequence. Here is something which has arisen since we changed the policy last June from what we had in May." They are really consequential things and they are not going to be able to speak about it. There is no other word for that other than being gagged. They are going to sit there and say that they cannot comment. How useful is that to the body politic if it tries to deal with problems that arise?

Senator Patricia Stephenson: The Minister of State said that it is an independent body. She said she previously experienced being a committee chair and Ministers coming in and speaking about their Department because that it is their brief. At the same time, she is telling us that this other body is independent but it cannot speak for itself. Does this body sit under the Department? I know it is housed within, but will it be independent? What the Minister of State has just presented is that the Minister will come into committees and speak for it. She said that the standard practice is for the Minister to come in. I said it is okay for heads of State bodies to come in and that they do it is all the time. I am trying to point out that there is a contradiction in what the Minister of State presented.

4 o'clock

The Minister comes in and speaks about the Department and its responsibilities and remit. If the AI office is an independent office, which the Minister of State presents that it is-----

An Cathaoirleach: I thank the Senator.

Senator Patricia Stephenson: We will pick it up next week.

Progress reported; Committee to sit again.

Housing and Residential Tenancies (Miscellaneous Provisions) Bill 2026: Second Stage

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

Acting Chairperson (Senator Shane Curley): The Minister is welcome to the House.

Minister for Housing, Local Government and Heritage (Deputy James Browne): I am pleased to bring the Housing and Residential Tenancies (Miscellaneous Provisions) Bill 2026 before the House. This Bill is structured in five Parts. Part 2 deals with amendments to the Housing Act 1988, while Part 3 deals with amendments to the Housing (Miscellaneous Provisions) Act 2009 around the eligibility for social housing. Part 4 deals with amendments to the Housing (Miscellaneous Provisions) Act 2014, while Part 5 deals with a number of amendments to the Residential Tenancies Act 2004.

Amendments to the homelessness-related provisions in the 1988 Act have been brought forward in the context of the considerable changes in the nature of homelessness that have occurred since the Housing Act 1988 was enacted and will provide greater clarity on the issue of eligibility for homeless services and expand the powers of local authorities to withdraw the provision of homeless accommodation in limited circumstances. The amendments also update the 1988 Act with regard to the recognition of children.

Part 3 inserts two new sections into the Housing (Miscellaneous Provisions) Act 2009. The first inserts a new section 20A that puts on a statutory footing residency requirements for social housing eligibility. The second inserts a new section 20B that provides for a new statutory appeals process for decisions relating to eligibility for social housing, including those relating to residency. There is currently no provision in the Housing Acts requiring residency as an eligibility criteria for social housing support. The policy and guidance on this matter are provided in Department Circular 41/12. This Bill will put these eligibility requirements for accessing social housing supports on a statutory footing by amending the relevant provisions of the Housing (Miscellaneous Provisions) Act 2009 consistent with the existing policy included in the relevant circular. The Bill introduces clear legal requirements that all applicants must be lawfully resident and be habitually resident in the State. These legislative reforms are building on existing policy and procedures which, in the first instance, define social housing as a long-term housing support and, therefore, successful applicants must be in a position to demonstrate that they have a long-term entitlement to reside in the State, that is, that their permission to reside here is not temporary or short term.

I will now outline the broad thrust of the Bill. The Bill contains five Parts comprising 61 sections. Part 1 contains the standard preliminary and general provisions, Part 2 relates to amendments to the Housing Act 1988, Part 3 relates to amendments to the Housing (Miscellaneous Provisions) Act 2009, Part 4 relates to amendments to the Housing (Miscellaneous Provisions) Act 2014, and Part 5 relates to amendments to the Residential Tenancies Act 2004.

Part 2, which amends the Housing Act 1988, comprises sections 4 to 7, inclusive, which deal with homelessness-related amendments to the Housing Act 1988. Sections 4 and 5 are technical amendments to the 1988 Act to accommodate these policy changes, while sections 6 and 7, respectively, amend section 10 of the 1988 Act and add two new sections to that Act in order to implement the policy changes mentioned earlier. In line with amendments to eligibility for social housing support, lawful residency and habitual residency as eligibility criteria for accessing homeless supports are being put on a statutory footing. This will ensure that the State is operating a harmonised and consistent approach to the provision of social entitlements in

general. These eligibility criteria specifically relate to an individual's connection to the State and not to the individual's established connection to a specific local authority. Until such time as a definitive determination on eligibility has been made and any appeal of that determination has been concluded, a local authority may provide homeless supports and accommodation under section 10(1) in the normal course to the person.

To guard against an increase in rough sleeping, a safety net service has been introduced to allow local authorities to provide emergency accommodation to a person deemed ineligible for homeless supports and services. Provision of this service is confined to circumstances in which a person has received a determination from a local authority that he or she is ineligible for homeless supports by virtue of his or her residency status.

This safety net provision is to be provided by the local authority on a night-to-night basis. This is to allow local authorities to reassess the circumstances each day to determine that the safety net should still be provided. The safety net will be provided in circumstances where a household is ineligible and that household is seeking alternative assistance or accommodation but does not have such available. The local authority can continue to provide the safety net service for as long as those circumstances exist.

The inclusion of the specific hours of 8 p.m. to 8 a.m. rather than referring to singular nights of accommodation is to make it clear that the sleeping hours provision should be available all year round and should not be curtailed in the summer months where night could be interpreted as a shorter period. Clear guidance will be provided to local authorities to ensure that this provision is applied as the minimum statutory requirement. This change to the set time period is on the advice of the Office of the Parliamentary Counsel, OPC.

The circumstances in which local authorities can withdraw the provision of homeless accommodation will be expanded to include the refusal of a reasonable offer of social housing made by a local authority and circumstances where a person engages in behaviour causing, or intended to cause, serious harm or death to another user or staff member of the emergency accommodation. With regard to the first of these circumstances, a reasonable offer of social housing is the pathway out of homeless accommodation and this measure is being introduced to ensure that no individual or family will remain in homeless accommodation any longer than is absolutely necessary. With regard to the second of these circumstances, the measure is being introduced to ensure the protection of the health and safety of users and staff of homeless accommodation. A definition of the term "serious harm" has been introduced for the purpose of implementing this measure. Given the gravity of a decision to withdraw the provision of homeless accommodation, it is considered essential that a mechanism to appeal such a decision be provided for. Consequently, a further amendment will introduce a mechanism of appeal against decisions made by local authorities in relation to the withdrawal of the provision of homeless accommodation.

The insertion of a new subsection (12) to section 10 of the 1988 Act introduces an obligation on local authorities to have regard to the best interests of children when making decisions on the available accommodation to be provided to a family with children who have been assessed as homeless. As a complement to this measure, an amendment to section 38(8) of the Housing (Miscellaneous Provisions) Act 2009 will include the Child and Family Agency as a mandatory member of each joint homelessness consultative forum across the country. A definition of a "child" as a person under the age of 18 years has been added to the 1988 Act.

Section 20B provides for the appeal of social housing assessment decisions by housing authority decision makers. A household may make an appeal against a determination made by a housing authority that the household is not qualified, no longer qualified, or a particular form of social housing support is the appropriate form of support. Section 4 deals with the grounds for appeal on the decision relating to eligibility. Section 5 deals with the form of support, while sections 6, 7 and 8 provide for how an appeal is made. Sections 9, 10 and 11 provide for provisions related to the appeals officer and the duties and obligations placed on them.

Part 5 of the Bill technically amends the Residential Tenancies Act, RTA, 2004 to 2026 to enhance its implementation and the outcomes thereunder, with greater efficiencies for stakeholders including the Residential Tenancies Board, RTB, and the courts. The key provisions of Part 5 are to increase the penalties for an offence under the RTA and extend the timeframe to institute a prosecution from one year to three years after the date of the offence; streamline the court enforcement of RTB determination orders; provide for the modification of the use of the “slip rule” and remedial notice of termination provisions; and empower the RTB to enter into and inspect a premises, including a private dwelling, for the purposes of ascertaining details of a rented dwelling, the registration requirements, the particulars to be specified in any registration application or the correctness of any particular specified in an application.

Part 5 will also allow members of An Garda Síochána and officers of a housing authority, if required, to provide evidence in certain RTB dispute resolution cases, for example, where antisocial behaviour arises or there is danger posed to a dwelling, and it will empower the RTB to issue a warning notice and 28-day fixed payment notices for certain offences to provide the opportunity for the offender to avoid prosecution and to speed up compliance with the RTA. Part 5 will clearly provide for public RTB hearings in the context of adjudication, tribunal and sanctioning cases and disapply the RTA with respect to detached auxiliary dwellings that are developed as exempted development under forthcoming amendments to the planning and development regulations 2001. I commend this Bill to the House.

Acting Chairperson (Senator Shane Curley): I welcome guests of the Leas-Cathaoirleach, Senator Maria Byrne. We have Joy Neville, George Clancy and Eoghan Cross, who are all elite Irish international rugby referees. I do a bit of GAA refereeing, so I know the pain. They are all very welcome.

Senator Joe Flaherty: I extend a warm welcome to our visitors. The Minister is welcome back to the Chamber. He is almost as frequent a visitor as the Minister for justice. It is indicative of the level of work that he is getting through and the many challenges he faces. This particular piece of legislation is long overdue and it brings much-needed clarity to an often times contentious area. It clearly sets out people’s entitlements to social housing support and introduces clear legal requirements that applicants must be lawfully resident and habitually resident in the State

Residency requirements already exist in practice but it has been a grey area for many local authorities. We now finally see them being placed on a firm statutory basis. However, underpinning the policy on statutory footing brings clarity to the eligibility for social housing supports for all applicants and will ensure consistency with immigration policy. The new habitual residency requirement will ensure that all social housing applicants have a close link

to the State and have made Ireland their home. These legislative reforms build on existing policy and procedures which define social housing as a long-term housing support and therefore successful applicants must demonstrate a long-term right to reside in the State and similarly have a long-term intention to remain. Putting these requirements on a statutory footing ensures there is a robust statutory and regulatory framework in an area of increasing demand and likewise public and political scrutiny. Ultimately, the intention is to protect the State's efforts and resources in the area of social housing and to focus on the provision of supports for those who meet these eligibility requirements, thus eliminating ambiguity.

The general scheme of the Bill was approved by the Government in January 2024. This was followed by pre-legislative scrutiny in April 2024 with the publication of the Oireachtas committee report in May 2024. Following on from that report and a detailed submission from the Irish Human Rights and Equality Commission, IHREC, further advices were sought from the Attorney General. Following these advices, the Government approved further amendments to the general scheme in July 2025.

It is important to point out that significant consultation and engagement has taken place between the Department of Housing, Local Government and Heritage and the Department of Justice, Home Affairs and Migration in relation to the complex interaction of the immigration system and local authority decision-making. This interaction is long overdue and it is good to see to it. It gives clarity to the workers in our local authorities, who are the people on the front line and have been dealing with this contentious issue for several years.

In parallel, a number of meaningful policy and legislative changes have been initiated in this area since the general scheme was drafted. These include the enactment of the International Protection Act and related implementation of the EU asylum and immigration pact; changes to family reunification arrangements both for beneficiaries of international protection and economic migrants; planned legislative changes to the Irish Nationality and Citizenship Act 1956; and plans for the ending of temporary protection.

The Department of housing, in consultation with the Department of justice, has worked to ensure the Bill aligns with existing social housing policy. The drafting and the provisions relating to the eligibility of non-EEA citizens in particular are robust but flexible in order to allow the Minister to respond to the practical realities of the immigration challenge and permissions system, where the Minister for justice has powers to grant permissions, stamps, and set conditions which can and do change over time. What is also positive about this latest legislation from the Department of housing is that it provides a clear outline of social housing assessment and how people can appeal decisions they are unhappy with. The Bill puts in place a new statutory appeals mechanism for local authority decisions relating to social housing eligibility and assessment.

In October 2025, the Government approved amendments to the general scheme to provide for an appeals process for decisions relating to assessment for social housing. The detailed provisions are incorporated into section 20B of the Bill. An appeal shall be in writing and should be made with 14 days of notification to the household of the original decision. Thereupon, there is an onus on the chief executive of the local authority to appoint an appeals officer who was not involved in the making of the original decision concerned and who is in a more senior role. The appeals officer should be independent in the performance of his or her functions. They must decide the appeal within 28 days of receipt of the appeal.

They can confirm the original determination, vary the original determination or set aside the determination and, where the appeals officer considers it appropriate, make an alternative determination.

There are a number of technical amendments to the Residential Tenancies Acts, which are provided to enhance their implementation and the outcomes thereunder, with greater efficiencies for stakeholders, including the RTB and the courts. Some of the key provisions included are to: streamline the enforcement of RTB determination orders through the courts; allow members of An Garda Síochána and officers of a housing authority, if required, to provide evidence in certain RTB dispute resolution cases, for example, where antisocial behaviour arises or there is danger posed to a dwelling; empower the RTB to issue 28-day fixed payment notices for certain offences to provide the opportunity for the offender to avoid prosecution and to speed up compliance with the Residential Tenancies Acts; and provide for RTB hearings in the context of adjudication, tribunal and sanctioning cases to be held in public.

Some obvious questions arise. For example, what does "lawfully resident" mean for the purposes of social housing support? These legislative reforms build on existing policy and procedures that define social housing as a long-term housing support and, therefore, successful applicants must demonstrate a long-term right to reside in the State and, similarly, have a long-term intention to remain in Ireland as their home.

What we have here are clear and obvious fixes that we needed over time. I appreciate that it is a very complex area involving a large amount of work and co-operation with the Department of Justice. Housing departments the length and breadth of the country will welcome this legislation, as it brings much-needed clarity to what has been a grey area for far too long.

Senator Eileen Lynch: I thank the Minister for being here with us today. I welcome the opportunity to speak on this Bill. It is a very practical Bill that seeks to improve the operation of both our social housing system and our residential tenancies framework. While it will not solve the wider housing crisis, it contains a number of measures that will improve consistency, provide greater legal clarity and strengthen confidence in the way the system operates.

As has been outlined, one of the most significant aspects of the Bill is the introduction of a statutory habitual residence and legal residence requirement for access to social housing supports. Habitual residence is already a well-established principle across a range of social protection schemes but this Bill provides greater legal certainty by placing that requirement on a statutory footing for housing supports. It also clarifies the application of habitual residence in relation to emergency accommodation and access to homelessness services.

I come from a rural constituency and I regularly hear concerns from constituents who feel that people arriving in Ireland receive preferential treatment when it comes to housing supports ahead of those who have lived and worked in their communities for many years. It is important that we have legislation that clearly sets out the eligibility criteria so that everyone understands the basis on which housing support is provided. Whether these concerns are based on individual experiences or broader perceptions, they should not simply be dismissed, as they affect public confidence in the housing system. Public confidence in the housing system depends on people understanding that there are clear rules that are applied fairly and consistently.

The legislation makes it clear that eligibility for social housing and certain homelessness supports is subject to the habitual residence condition as well as lawful residence, while also ensuring that Ireland continues to meet its legal obligations to those who are entitled to protection under Irish and European law. The Bill rightly brings consistency to how these rules are applied nationally by local authorities. At present, there can be differences in interpretation between local authorities. That is not in anyone's interest. A person should not receive a different assessment merely because of the fact that they live in a different county to somebody else. Having a consistent national framework gives certainty to applicants, assists housing officials in their decision-making and helps strengthen public confidence in the overall system. I would, however, encourage the Minister to review the operation of these provisions after 12 months. I believe that a review should examine whether the habitual and legal residence provisions are being applied consistently across all local authorities, whether decisions are being made in a timely manner, and whether the legislation is achieving the intended policy objectives. If adjustments are needed, we should be prepared to make them.

I would also like to comment on the welcome reforms to the Residential Tenancies Acts. In particular, I welcome the changes that will make it easier for evidence to be presented in cases involving antisocial behaviour. Allowing An Garda Síochána and housing authorities to provide evidence in proceedings before the RTB should assist in addressing some of the difficulties that have previously existed where landlords or neighbours may have been reluctant to come forward.

As we all know, antisocial behaviour can have a devastating impact, particularly in smaller towns and rural communities where neighbours know one another and persistent problems can affect an entire estate or village. Those who engage in serious antisocial behaviour should not be allowed to hide behind procedural barriers that make it difficult to resolve cases. While these changes are a positive step, I am not sure if they go far enough. In recent years, I have dealt with a number of landlords who have found themselves in extremely difficult situations after their properties were seriously damaged by tenants or where antisocial behaviour continued over prolonged periods. Many of those landlords have told me that the process through the RTB is slow, complex and can often be disconnected from the realities they face. Having dealt with the RTB when I was practising as a solicitor, that is an experience I echo.

There also appears to be a lack of effective communication between the RTB and local authorities in circumstances where information could assist in resolving cases more quickly. Greater co-operation is needed. I am aware of one case in particular where the RTB refused to progress an eviction action because it could not serve the tenant despite the landlord providing the address of the tenant to the RTB from the council, as the tenant was in receipt of HAP from the local authority. The local authority had the information but the RTB was not willing to pursue it.

Equally, landlords who have invested in providing rental accommodation need confidence that when serious problems arise, the system will respond in a timely and proportionate manner. We need stronger mechanisms for information sharing while fully respecting due process and data protection requirements. I am not saying that there are not rogue landlords but there are also rogue tenants, and we cannot have an RTB that is one sided. If we want more people to provide homes in the private rental sector, they need confidence that the regulatory framework works for responsible landlords as well as protecting responsible tenants.

There is potential scope to examine the overall accountability of the RTB. While it performs an important statutory role, it must also be responsive to those who rely on its services. A more transparent relationship between the RTB, local authorities and other relevant agencies would benefit everyone involved.

While I fully support the measures contained in this Bill, we should recognise that legislation is only one part of the solution. The biggest challenge we face remains increasing our housing supply. We need more affordable homes, more social homes and more private homes. We need planning and infrastructure that support sustainable growth, particularly in rural Ireland where many people simply want the opportunity to remain in their own communities. I hope that the rural planning guidelines, which were published last week, will have a big impact in that regard.

This Bill improves the administration of the housing system. It provides greater consistency, strengthens the legal basis for eligibility decisions and introduces sensible reforms to the residential tenancies system. For those reasons, I am very happy to support the Bill on Second Stage. I hope that the Minister will commit to reviewing its operation after 12 months and that he will remain open to further reforms, should they be necessary.

Senator Maria McCormack: I thank the Minister for coming in. I note that the aim of this Bill is to take the current eligibility criteria for social housing and put them on a statutory footing, and to create a new appeals mechanism for those refused access to social housing. Sinn Féin is not against this Bill in principle, but it must be said that the Minister has made a bit of a mess of this legislation and, on that basis, we cannot support it.

The Bill does not adequately address the challenges facing returning Irish migrants. We are concerned that they may be refused access to social housing. The Minister should find a way to ensure that young people and their families returning to Ireland, who once lived here, are not punished by this legislation. This is really concerning.

Another issue is that the appeals mechanism is not independent. Given the complex legal issues involved in appeals such as legal residency, habitual residency and social housing support, it would have been better to have a single, independent appeals office located in the Housing Agency similar to how social welfare appeals operate.

On Report Stage in the Dáil, the Minister also introduced significant changes to the Housing Act 1988 related to homelessness with virtually no scrutiny. It is not the right way to do things. Homelessness NGOs and human rights organisations have expressed serious concerns regarding these last-minute changes, saying they could lead to an increase in rough sleeping. Sinn Féin is also concerned that people who may have had an entitlement to emergency accommodation could be wrongly denied it and will not be afforded the right to appeal.

I want to discuss the impact this will have for people living in County Laois, in particular, the issues relating to homeless accommodation. County Laois has very little homeless accommodation, particularly for families. Every week, I talk to women and couples who have been sent with their children to counties Carlow or Tipperary to access emergency accommodation. They have to travel back to Laois every morning for school, to attend doctor appointments or to carry out their normal daily activities. If transport is not available, they are sent miles away from any supports they have in their community. It is causing a huge amount

of additional stress on top of the fact that they are already homeless and completely stressed. It causes isolation and can have a detrimental impact on the mental health of parents and older children who are homeless. It is particularly difficult for young children, who cannot integrate into after-school activities, such as GAA activities and so on. I ask the Minister if Laois can be considered for funding for homeless hubs in the near future or, at the very least, if Laois County Council can be provided with funding to acquire additional properties for homeless accommodation in the county. It is scandalous that families have to go through this.

The late Stage amendments in the Dáil also included changes to the Residential Tenancies Board to remove tenancy rights from people renting freestanding residential extensions in back gardens. While Sinn Féin wants flexibility in the planning rules to allow families to provide freestanding extensions in back gardens for family members, we do not support allowing these structures to be rented out, nor do we support denying people tenancy rights and protections when they are renting them out. I know, from talking to families in Laois, that they are just waiting for the green light to put a cabin in their back garden for their adult children to have space and independent living. This will be very welcome in rural Ireland. However, we need to be sure that what was intended to be a helpful solution for families does not turn into a crisis of exploitation of vulnerable tenants by landlords, who will do whatever they can to make a extra few bob at the expense of people in desperate need of accommodation. I ask the Minister to consider the issue of tenancy rights. If that were included, it would make it a very different situation because landlords could not exploit this rule.

I wish the Minister would take the time to listen to the NGOs, housing charities and groups and their concerns before rushing through legislation on such an important issue. I refer especially to those organisations that have the legal expertise to tease out some of the complexities of the interaction of immigration and housing law, which have been ignored. It is not right.

For the reasons I have mentioned, we cannot support the Bill. However, if the Minister can come back and review those issues regarding better safeguards for tenancies, we might be in a different position.

Senator Laura Harmon: Fáilte roimh an Aire. It is long overdue for the Government to enact changes to ensure that the implementation and enforcement of relevant Department circulars are put on a statutory footing, so some elements of this Bill are tentatively welcome. However, we have significant concerns that the legislation may make it more difficult for those who are entitled to access social housing to access it, by increasing and complicating the criteria they have to meet. Most concerningly, the amendments rushed through the Dáil last night codify the strict, arbitrary rules on eligibility and access to emergency accommodation. Vulnerable people will no longer have access to the safety net used by local authorities before these changes to protect them from rough sleeping. Instead, the previous rules will be replaced with a highly restrictive statutory safety net that caps night-time shelter at only two nights. This is a blatant and shameful attempt to massage down the homeless figures by driving up rough sleeping.

The Bill, as a whole, is a disaster on homelessness. It is critical that we enable those in urgent need to acquire the social housing or emergency accommodation they desperately require. The Bill makes it more difficult on both counts. We have seen a 50% increase in

tenancy termination notices, and homelessness figures have risen to over 17,000. That number will continue to rise. We know it is not the full figure, as it does not include people who are rough sleeping, couch surfing or in refuges. To pull away the very last resort for so many vulnerable people - access to emergency accommodation - is sickening. I believe it is wrong.

This is the latest misstep in a long line of disastrous policies from this Minister. Whether it is the botched rental rules, the abandonment of annual targets or last night's amendments, it is clear that the Government is flailing around, with no idea of how to tackle this housing crisis. I share the concerns of the Irish Human Rights and Equality Commission, which wrote to the Minister this week. I also share the concerns of many NGOs and organisations that have contacted me directly, including the Free Legal Advice Centre and Focus Ireland, to name but two. What assessments have been conducted in this regard? Will the Department implement the Irish Human Rights and Equality Commission's recommendation to consider the human rights and equality implications of this change to legislation? I encourage the Minister to engage with these groups.

It is a significant expansion of the proposed requirements applying to those seeking emergency accommodation. Vulnerable groups and those who are already at risk of homelessness will be more at risk. We are talking, for example, of the Traveller community and the Roma community, those who are victims of trafficking, survivors of domestic violence and those who might be leaving institutional settings. We believe they will be more at risk because of this. The appeal process is very short, at 14 days, and there is the absence of an entitlement to an oral hearing. These are issues that have been highlighted as concerns by the Irish Human Rights and Equality Commission. There is also the entitlement to the legal advice provisions as part of this.

This is something that comes up with me all of the time when I am speaking with people in Cork, in particular, in Cork South-Central. We have already talked about the increased number of evictions and termination notices that we have seen because of the changes to the rental tenancy rules earlier this year. It is very concerning. It is of concern not just to those renting, but also to many landlords in the market, in particular, small landlords, who are pulling out of the market as a result. That legislation has doubled down on homelessness, and this Bill is also incredibly worrying. It is also worrying that all members of particular households are taken into consideration together, so if there is an issue with one member not being eligible, it can affect an entire household. That is extremely problematic, and I would like a response from the Minister on that.

I echo what other Senators have said regarding more support for local authorities to tackle housing, emergency accommodation, homelessness and dereliction, and to have the ability to build and acquire more housing. The Government needs to work more closely with the local authorities in this regard.

Ultimately, we have more concerns about this legislation than points to welcome. We will seek to make amendments on Committee Stage. While the Minister is in the Chamber, I will take the opportunity to put on record that I am deeply concerned with the decision on the granting of planning for the building of apartments on the Bessborough mother and baby home site. It is national breaking news today that planning has been granted for 106 apartments.

This was Cork City Council's planning decision. It was not voted on by the elected councillors. I believe it is the wrong decision. A lot of social housing has been approved in that area and there is more to come. The Labour Party has supported the rezoning of land for appropriate social housing and infrastructure. This particular planning decision is incredibly worrying. I wanted to state that on the record. I ask the Minister to indicate whether he will intervene and provide the local authority with the funding to purchase this site. A compulsory purchase order needs to be initiated by the State in relation to this. This is a site of conscience, history, education and, most importantly, memory for the survivors, their families and those concerned who were affected by this. Imagine if we had built apartments on the land in Tuam, considering what we are uncovering on that site. It is a disgrace that this is being applied to Bessborough. I am grateful for being given the liberty to highlight this. I would greatly appreciate a response from the Minister.

Senator Alice-Mary Higgins: I echo the point the Senator made about Bessborough. We introduced legislation to try to ensure that the definition of "unsuitable burial place" was widened to include Bessborough. On the same day, the initial planning decision came through. It is a disgrace. Other mechanisms need to be looked at to ensure that a great damage is not done to those who suffered so much in a place with over 70% mortality rates for children, within the grounds of that space.

The Minister spoke about social housing but one of the key concerns here is about emergency accommodation. There are very significant changes in terms of emergency accommodation for the very large numbers of homeless people in the State, of whom there are almost 18,000 currently. This figure has grown year on year. Rather than having a massive acceleration of supports, and notwithstanding all the "go fast" talk we are hearing from other parts of the Government on different measures - critical infrastructure, data centres and all the rest - it seems that the measures are designed to push down the numbers in the system, not by providing people with safe and secure housing but by messing with the eligibility standards. That is a concerning provision.

I will get to my core concern in a moment. There are a few changes to emergency accommodation. For example, one measure will allow housing authorities to require persons to vacate emergency accommodation when they have refused offers of rental social housing accommodation. This is a very concerning provision when we consider, for example, families, mothers and their children and others who may be offered unsuitable rental accommodation as a social housing support and may, for good reason, refuse such an offer. They could now find themselves in a situation where they are no longer even being given emergency accommodation. Again, the provisions of the Bill allow for a family to be removed from emergency accommodation where they have refused offers of rental social housing accommodation.

I will go to the core issue, which is the amendments that were added in, thereby avoiding proper scrutiny and the testimony and analysis of experts that should have taken place as part of pre-legislative scrutiny. That is why we have legal experts, housing charities and homelessness services writing to us expressing very significant and clear concerns about section 7. This section inserts a new section 10A into the Housing Act in relation to the residency requirements for access to emergency homelessness support. This is not the social housing piece and the residency. There are question marks around how that is applied as well,

which I am sure we will come to. This is around emergency homelessness supports and the safety net provided by emergency housing. This new section would mean that housing authorities do not have to provide access to their emergency housing or homelessness supports to applicants under the International Protection Act 2026 who are homeless, to people who are here for short-term work or on student or tourist visas, who may have experienced an issue of any kind, and many other classes of refugees that the Minister deems not to be entitled to that basic level of emergency homelessness support. Instead of providing access to proper homelessness supports, there will now be a potential new mechanism of night-to-night accommodation, for one night at a time, where individuals seek accommodation arrangements. Then, the following night, under subsections (3) and (4) of section 10A, accommodation will only be provided between the hours of 8 p.m. and 8 a.m. This is the language in the Bill. The Minister suggested it was because some people were interpreting "night" as very long. There is almost a suggestion we are trying to make sure people get to come in at 8 a.m. or 8 p.m. As well as it being only that a housing authority "may" make arrangements for that person on the one night, that they only "may" do so between the hours of 8 p.m. and 8 a.m. on the date immediately following that date. It is saying that a local authority will be in a position to say that it was told not to give homelessness supports to someone and the legislation only provides that it is allowed to give that person support or housing between the hours of 8 p.m. and 8 a.m. That is as the section is drafted.

There are really concerning provisions here that allow - I will come to more of them in a moment - local authorities to refuse to make accommodation arrangements if the person seeking them has refused accommodation even once in the two years previously. If, on one occasion, a person declines emergency accommodation, for two years nobody has to offer that person anything at all. There are many reasonable explanations for why people might refuse accommodation support, particularly where they have experienced trauma, are distressed or are concerned about the implications if they are on a student visa or a short-term work visa. There may be people who may wish to try to find an alternative way of dealing with a situation and may find themselves afraid of the emergency accommodation being provided. There are many other reasons persons may decline in one instance. Doing so will now result in them being denied any of that minimal, night-by-night accommodation for two years.

Much of the emergency accommodation being offered to people who are homeless is not suitable for them. That is the kind of thing that a state with resources and revenue could be addressing. To preclude someone who is homeless from any emergency support because they previously declined unsuitable accommodation or accommodation, which they felt to be unsafe, is exclusionary and unfair. What does the Minister envisage happening when people are refused emergency accommodation support and are taken out of the housing support? The numbers involved may not necessarily be large but people become very visible when they have nowhere to go. Will they be turned out into the street? I say this because in the recent past there was low-key dog-whistling about the housing crisis.

I have heard all of the excuses over the past decade when the Government has completely failed to address the situation. It was all about planning, planning objections, and terrible communities and environmentalists taking judicial reviews, and that is why there was not planning and enough housing for everybody. Then it was all about the councillors - those councillors with their parochial approach, who were refusing to properly engage. They were the problem. It was all of these problems, even though we know there is a lot of land hoarding

and planning permissions that are not activated. Those issues are not being addressed but that is a slightly wider issue.

The key thing is the language we now see is about demographics, as if the housing and homelessness crises we have do not relate to clearly signalled concerns and problems with Government policies, housing supply and other measures where there has been a call for action. It has landed on us somehow with words like "demographics". This contributes to that because it is kind of saying that we are addressing that big problem whereby people who do not have residency are taking accommodation. That is not true. When the Government responded to the far-right push against housing refugees and asylum seekers and forced them to sleep rough on the street just a couple of summers ago, that fuelled more far-right rhetoric because then people were visible, and the visible homelessness problem becomes a problem that particularly affects very vulnerable people such as migrants and others.

Acting Chairperson (Senator Shane Curley): Gabhaim buíochas leis an Seanadóir.

Senator Alice-Mary Higgins: By creating new visible links - this is the last thing I will say - there are questions about how this is going to intersect with the new powers being given to the Garda to force people to enter reception centres.

Acting Chairperson (Senator Shane Curley): Okay.

Senator Alice-Mary Higgins: Will we end up with a criminalised vagrancy, as we saw with the vagrancy Acts, where you basically force people to have nowhere to go and then you criminalise them for having nowhere to go? I am deeply concerned and will be opposing all these sections of the Bill.

Senator Patricia Stephenson: No one is disputing that states - any state or this State - can establish criteria for social housing but I think it is important that when we are legislating in an area that directly affects the right to adequate housing, we have a duty to ensure that those criteria are fair, proportionate and fully consistent with human rights and equality obligations. Housing is more than bricks and mortar. It is about safety and dignity. It is about whether a child has somewhere to sleep, whether a woman escaping abuse can rebuild her life or whether a person with a disability has the stability everyone deserves. This is why the legislation before us really needs careful scrutiny.

The Irish Human Rights and Equality Commission, IHREC, has warned that this Bill risks excluding some of the most vulnerable people in our society from accessing social housing support, including victims and survivors of domestic and gender-based violence, people who have experienced trafficking and members of the migrant community. These concerns have been echoed by the Free Legal Advice Centres, FLAC, the Irish Refugee Council and many others working day to day with people who already face significant barriers in finding a safe and secure home. They are not asking for special treatment; they are asking to ensure that the law does not create new barriers for people who are already incredibly vulnerable.

Every good legislation should recognise the human story behind it that it is trying to fix. That might include violence and hardships. When we have a legal test on paper, it might look

straightforward but it can have really profound consequences in a person's life if it is applied without sufficient safeguards. Is the Minister confident that this legislation meets our duty and obligations under our IHREC legislation?

Dublin Simon Community has said that access to emergency accommodation should always be led by need and not by entitlement. We should not place ourselves in a position where people who are lawfully living in communities, contributing to our society and trying to rebuild lives are left without the possibility of securing a home because our legislation fails to reflect the realities they face. The habitual residence requirement might appear straightforward but the lived reality is often anything but that. Laws that appear neutral on the face of it can have very different effects for different groups of people on the ground. Was an equality and human rights impact assessment carried out before the provisions were drafted? The Minister might answer that specifically. How was the impact on people experiencing multiple and overlapping forms of disadvantage assessed within that as well? Inequality is rarely experienced through one single characteristic. It tends to be very intersectional. The public sector equality and human rights duty, which I am sure the Minister is very familiar with, demands that public bodies do not simply treat everyone the same but that they consider whether apparently neutral policies might have unequal impacts on different groups of people. That is what we are trying to get to the nub of here today.

If this Bill is to place social housing and emergency accommodation eligibility on a statutory footing, then we should be satisfied that it is designed with equality and human rights at its core. I am currently not satisfied that has happened but the Minister can tell us what assessments have taken place. We should know that the impacts have been assessed and that unintended consequences have been properly considered because we risk having legislation that is going to create additional barriers when our housing system is surely there to protect people.

Minister for Housing, Local Government and Heritage (Deputy James Browne): I thank Senators for their contributions. I will address some of the issues that have been raised.

In relation to Senator McCormack, it is very disappointing that the Sinn Féin spokesperson, or any Sinn Féin Senator, did not remain for the answers, but anyway. Irish migrants returning are not affected by this legislation. It reflects current rules. For Irish migrants returning, it would be very straightforward for them to establish habitual residence. They would, of course, already have a legal entitlement to be here.

On the appeals mechanism within the local authority, it is independent within that local authority and the local authority is the best body to hear those appeals.

There has been significant scrutiny of this legislation, as is happening at the moment. I do not expect any increase in the numbers sleeping rough as a result of decisions in this legislation. There is no reason for any increase in rough sleeping as a result of the decisions here. There is a codification of existing rules.

In regard to County Laois, I fully encourage Laois to apply for further funding. We have provided over €500 million for homeless accommodation and supports this year and there is a significant amount of funding there for that.

The Senator also raised the issue of back gardens in the legislation, which is addressed in other legislation but is also touched on here. These are people's private homes and while I understand the call for tenants' rights, these are non-connecting extensions put onto people's principal private residences - their own private homes - and it would not be appropriate to treat somebody renting out a room or a modular home on the principal private residence, where they are sharing entrances and services, with the same level of position.

In relation to Senator Harmon's points, the night shelters are not capped at two nights. It is night by night. It is two nights for the first time and then night by night after that, as long as necessary. There is no cap on it. This requires legal and habitual residency to be entitled to social housing. Anybody at risk of rough sleeping will be provided with accommodation.

The tenancy rules were increased. Tenants' rights were increased to be the strongest in the history of the State, which, of course, the Labour Party voted against. We have momentum now in the delivery of homes across this country, and in the delivery of social homes. We have seen drawdowns by first-time mortgage applicants increase. We have seen commencements and planning increase as well.

In regard to landlords pulling out, we saw an increase last year in the number of landlords and tenancies as well, so I think that is a reflection of that. It does not affect anybody who is an international protection applicant because they were provided with accommodation through the International Protection Accommodation Services, IPAS, process. Anybody else who is here in the short term and who does not meet the other requirements will be provided with night-to-night accommodation as necessary if they are at risk of rough sleeping.

On the eight to eight, it is not only eight to eight. The guidance to local authorities is that it is very much a minimum. If it was simply to use the word "night", in the summer months, that would only be a matter of a few hours. We decided to put in a minimum time limit there to ensure that people would, particularly in the summer hours, get a minimum provision in relation to it. That was very important.

5 o'clock

On addressing homelessness, the Government last year delivered 9,089 new-build social homes, the highest number in the history of the State. The reality is the last time the Labour Party was in government it built 75. They ignored the warnings of Sister Stanislaus, God rest her soul. They belittled Father Peter McVerry when he warned there was a homelessness crisis coming. They just pretended and did not want to address the issue. Driving down delivery to that level has meant the curve going back up has taken a significant amount of time. Remember that number - 75 social homes. That is what the Labour Party delivered the last time it was in government.

Senator Laura Harmon: We were presiding over what the previous Government had done throughout the country.

Deputy James Browne: They were left with a housing crisis of too many homes, which they turned into a housing crisis of too few. In four and a half years they built 75 homes.

Senator Laura Harmon: Deputy Browne is the Minister for housing.

Deputy James Browne: If they had actually put policies in to address the homelessness crisis at that time-----

Senator Laura Harmon: He is the Minister for housing.

Deputy James Browne: I know, and I am taking responsibility-----

Senator Laura Harmon: We have the highest levels of homelessness on record.

Deputy James Browne: -----for what I am doing. Those in the Labour Party should take responsibility for what it did in government the last time.

Acting Chairperson (Senator Shane Curley): The Minister without interruption.

Deputy James Browne: On Senator Higgins's point, children are exempted from lawful residency requirements. We are not just worried about social housing numbers. We will increase the social housing limits, which will increase the number of people under social housing limits. Any suggestion that we are doing this to somehow reduce the number of people on the social housing lists will be proven incorrect when we increase the social housing limits, which in turn will increase the number of people on the social housing lists. I am always concerned about anybody having to wait for a home, but what that number is in the context of some reputational issue is not something that bothers me at all. I want people to get access to the housing they need. It is also not any offer. It refers to refusal of a reasonable offer. The words "any", "not any" or "allowed" are not in the legislation in that matter.

I turn to Senator Stephenson. There is no change for survivors of domestic, sexual and gender-based violence, people who are victims of human trafficking or the Traveller community in this legislation. I am also satisfied that there are no additional barriers for any of those vulnerable groups who will continue to be supported. Last week I brought in new rules allowing survivors of domestic, sexual and gender-based violence to bring time served on a local authority list into another local authority as they leave. That is something that should have been brought in before, but I was glad to get this in. Domestic, sexual and gender-based violence is an important part of the housing plan I brought in. I am subject to correction, but I thank it is the first time it has ever been part of a housing plan. These rules are mainly the codification of existing rules. There are requirements for legal and habitual residence, which again are relatively straightforward. It is just to demonstrate that it is somebody's intention to make this their home. There are also safety nets in place to ensure that nobody has to sleep rough.

Question put and agreed to.

Acting Chairperson (Senator Shane Curley): When is it proposed to take Committee Stage?

Senator Eileen Lynch: Next Tuesday.

Acting Chairperson (Senator Shane Curley): Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 14 July 2026.

Acting Chairperson (Senator Shane Curley): When is it proposed to sit again?

Senator Eileen Lynch: Next Tuesday at 12.30 p.m.

Acting Chairperson (Senator Shane Curley): Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 5.03 p.m. go dtí 12.30 p.m., Dé Máirt, an 14 Iúil 2026.

The Seanad adjourned at 5.03 p.m. until 12.30 p.m. on Tuesday, 14 July 2026.