



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Dé Máirt, 14 Iúil 2026

Tuesday, 14 July 2026

Chuaigh an Cathaoirleach i gceannas ar 12.30 p.m.

Machnamh agus Paidir.

Prayer and Reflection.

Gnó an tSeanaid - Business of Seanad

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

Senator Sharon Keogan - The need for the Minister for Social Protection to make a statement on the expansion of the free travel scheme to Northern Ireland.

Senator Joanne Collins - The need for the Minister for Education and Youth to make a statement on school transport and in particular the need for increased capacity in County Limerick.

Senator Mark Duffy - The need for the Minister for Children, Disability and Equality to make a statement on the development of a new Mayo headquarters for Tusla on Moneen Road, Castlebar.

Senator Shane Curley - The need for the Minister for Health to make a statement on the need for a health technology assessment for the use of continuous glucose monitors by patients with type 2 diabetes.

Senator Dee Ryan - The need for the Minister for Transport to make a statement on the provision of funding to deliver the Limerick BusConnects programme.

Senator Gareth Scahill - The need for the Minister for Children, Disability and Equality to make a statement on the measures being taken to improve accessibility for people with disabilities within our towns and villages.

Senator Laura Harmon - The need for the Minister for Education and Youth to make a statement on the establishment of a dedicated school support dog grant scheme to support the placement of highly trained school support dogs in schools.

Senator Tom Clonan - The need for the Minister for Health to make a statement on the clinical pathways for young adults with spinal and urological surgical needs who migrate from child to adult services.

Senator Mary Fitzpatrick - The need for the Minister for Housing, Local Government and Heritage to provide an update on the Government's response to the recommendations from the local democracy task force final report, in particular the local electoral boundary review.

Senator Nessa Cosgrove - The need for the Minister for Transport to make a statement on the approval of tender documents for the construction of the eastern Garvoge bridge and approach roads in Sligo.

Senator Victor Boyhan - The Minister for Agriculture, Food and the Marine to make a statement on the AshforFuture research project on ash dieback.

Senator Mike Kennelly - The need for the Minister for Transport to make a statement on funding to ensure adequate transport is provided for supporters travelling to national sporting events.

Senator Robbie Gallagher - The need for the Minister for Climate, Energy and the Environment to make a statement on the roll-out of a nationwide DNA dog testing trial.

The matters raised by the Senators are suitable for discussion. I have selected Senators Sharon Keogan, Joanne Collins, Mark Duffy and Shane Curley and they will be taken now. The other Senators may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Social Welfare Schemes

Senator Sharon Keogan: The Minister, Deputy Calleary, is welcome to the House. I rise to focus the attention of the House on a vital public service that sits at the very heart of social inclusion on this island, the free travel scheme. Specifically, I am calling on the Minister for Social Protection to investigate a comprehensive, seamless expansion of this scheme into Northern Ireland. The free travel scheme is a lifeline, providing dignity, independence and mobility to all our older citizens, full-time carers and people with disabilities, yet when an eligible pass holder reaches the Border, that independence is abruptly halted by an invisible wall of administrative bureaucracy.

I want to pre-empt what I expect the Minister is going to argue today. The Department will likely argue that a system already exists. It will point to the senior pass scheme, where a resident here can apply for a separate concessionary card to travel into the North. Let us be completely honest with ourselves. Forcing a 75-year-old pensioner or a vulnerable citizen to fill out a separate cross-Border application form, jump through bureaucratic hoops and wait weeks for a second piece of plastic is not a true all-Ireland strategy. It is a barrier. It is an administrative deterrent. It is also a scheme that leaves out those with disabilities and full-time carers.

We must recognise that the communities near the Border do not see their lives in two separate halves. For them, the Border is a line on a map, not a barrier to daily life. Families, social lives and basic daily activities span both sides of that line fluidly. When a pensioner or disabled person wants to visit a grandchild, go to the shop or attend a community event just a few miles away, they should not have to navigate a maze of international paperwork just to use a local bus. The current clunky separation of transport passes ignores the lived reality of these tight-knit cross-Border communities.

Let us be clear. A truly seamless, integrated system is a win-win that delivers massive practical benefits to residents of Northern Ireland as well. Northern seniors holding a senior smart pass love visiting the South, but the moment they cross the Border, their younger disabled neighbours and full-time carers are left completely stranded and forced to pay full adult fares. By working with the Northern authorities, Stormont and Westminster to recognise reciprocal rights seamlessly, we open up transit opportunities for all vulnerable Northern citizens, allowing them to travel, spend and visit family in the Republic without facing a financial or administrative wall.

The true value of an all-island approach is that it replaces confusion with total coherence. Right now, we have a messy, unequal patchwork of rules. A disabled citizen in the South gets 100% free travel, but across the Border, a disabled person only gets a half-fare pass, and a full-time carer gets absolutely nothing at all. This is a significant human rights gap on a single island. Sitting down with Stormont to deliver a single unified rule book for free travel means we lift everyone to the same high standards of dignity and mobility, ensuring that a person's vulnerability is not penalised simply because of the jurisdiction they happen to live in.

As a more general point, we must stop planning public transport inside geographic silos and start looking at our transit networks on a real, logical all-Ireland basis. To take the north west as an example, the city of Derry is a natural economic and transit hub for the vast majority of County Donegal. For citizens living in Donegal or Monaghan, it is frequently much faster and more practical to transit directly across Tyrone or Fermanagh to reach another part of the Republic than it is to navigate their way into Connacht. If our transport geometry is inherently cross-Border, our ticketing and free travel system must be exactly the same.

If the Government is genuinely committed to shared island initiatives, we must move past these clunky, outdated systems. An all-Ireland approach should be a default setting for public services, not an afterthought. We need a modern, integrated framework, where a free travel pass issued in Cork, Galway or Dublin can be tapped in Dublin on a train or bus ready for Belfast, Derry or Enniskillen. There should be no separate applications, additional passes or bureaucratic headaches. I urge the Minister to demonstrate real leadership and to initiate immediate feasibility talks on the matter.

Acting Chairperson (Senator Chris Andrews): Before the Minister rises, I want to welcome the members of the IFA's national ready to lead group, who are guests of the Ceann Comhairle, Deputy Verona Murphy. She is obviously keeping them on a tight schedule.

Minister for Social Protection (Deputy Dara Calleary): Gabhaim buíochas leis an gCathaoirleach agus leis an Seanadóir Keogan as an ábhar seo a ardú. There is not much that

I disagree with the Senator on but, as she knows, there are considerable practicalities in much of this, which I will go through.

The free travel scheme provides free travel on the main public and private transport services in this State for those eligible. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as the Luas and additional services provided by over 70 private transport operators.

The all-Ireland free travel scheme is a reciprocal agreement between the Department of Social Protection and the Department for Infrastructure in Northern Ireland. It represents an agreement under which institutions in this State and in Northern Ireland recognise free travel arrangements for older people in each jurisdiction as equivalent arrangements.

The all-Island free travel scheme became operational in April 2007. The scheme enables those aged 66 and over and resident in the Republic to travel free of charge on all bus and rail services in Northern Ireland. Likewise, seniors in Northern Ireland travel free of charge on bus, rail and ferry services participating in the free travel scheme in this State.

As part of the agreement, the Northern Ireland authorities require that customers here wishing to avail of free travel in the North should do so using a senior smartpass as used for free travel by their Northern Ireland counterparts. This senior smartpass is compatible with electronic card readers used on Northern Ireland services. People from Northern Ireland can just present the senior smartpass to the operators in the free travel scheme here, and they will be issued with a ticket for travel.

Under the arrangements, the Northern authorities pay for travel undertaken within Northern Ireland by senior smartpass holders resident here, and Department of Social Protection pays for travel undertaken here by senior smartpass holders resident in Northern Ireland. As the Senator said, a separate application is required to receive a senior smartpass. However, this is not an overly burdensome process.

The Department has no objection to the Senator's proposal, and I will ask my officials to work on examining options with the relevant Northern Ireland authorities to facilitate more seamless cross-Border travel. However, there are a number of practical issues that we also have to table.

Removing the need for separate applications or additional travel passes would require agreement, as well as integrated IT systems that would be able to accept and identify when the various travel passes are used to ensure proper remuneration to those who provide the travel service.

The various integrated ticketing systems that are used by transport providers are not funded by the Department of Social Protection, and the Department has no role in the provision or funding of such systems or instructing transport providers to invest in them.

My Department is, of course, available to help any free travel pass holder with their application for a senior smartpass, and I will look at promoting that service. As well as that, I will ask the officials to engage with my colleague, the Minister, Deputy O'Brien, around what else we can do to expand and make this service easier.

I must also point out that through the shared island fund, the Government is making significant investment in travel infrastructure in Northern Ireland in road, rail, bus and public transport. We want to continue to do that.

While the Senator raised a solid issue, the practicalities are immense. I am happy to examine how we can address those.

Senator Sharon Keogan: I thank the Minister, Deputy Calleary, and I appreciate that he will engage with the Minister, Deputy O'Brien, on this.

We live in the land of technology. We are told that we are a tech nation and the idea that it would require an agreement and would be a little bit difficult to have this IT system put in place quickly seems a little bit ridiculous. It is something that can be overcome easily.

The reality on the ground is that a partnership should not require an older person to fill out an entire separate cross-Border application form, submit a passport photograph and wait for weeks just to get a separate piece of plastic. If the technology exists to recognise contactless bank cards instantly across Europe, our transport networks can absolutely recognise a single public service card across our one island. The current set-up is a bureaucratic hurdle, not a solution. A solution could be found to this quite easily and I hope the Minister will engage with the Minister, Deputy O'Brien, to find that. I thank the Minister for coming in today.

Deputy Dara Calleary: I thank the Senator. Technology is absolutely very much part of our lives but it does, as the Senator will always point out in debates, need guardrails. We have to protect the data of those who use our passes on both sides of the Border. That is important. While we have no objection, and I will ask my officials to examine all the options and bring the Senator's issue to the attention of the Minister, Deputy O'Brien, any changes will require cross-Border agreement, as well as integrated IT systems. Bearing in mind that there are 70 private operators on top of the public operators, this is not an easy task. However, the free travel scheme is now benefiting over 1.17 million people who have direct benefit to the pass. When we look at the companion pass, which we extended last year, and spousal passes, over 2 million people are benefiting from the scheme. The scheme is meeting its objective of ensuring older people and people with disabilities can remain active and can travel. However, we will examine the processes again.

Acting Chairperson (Senator Chris Andrews): I thank the Minister.

School Transport

Acting Chairperson (Senator Chris Andrews): Before we start, I welcome Deputy Michael Cahill and his two guests. I suspect they may not have gone home since the weekend and are still celebrating Kerry's win. They are very welcome.

Senator Joanne Collins: I welcome the Minister of State and thank him for being here today. I want to discuss school transport, in particular rural schools more than city schools, and the different reasons certain children would go to different schools and not to the one that is geographically closest to them. There is a school in County Limerick called St. James' National

School, Cappagh. Its closest secondary school is Coláiste na Trócaire, Rathkeale and St. James' National School is the main feeder school. A lot of children who go to this school are not necessarily from Cappagh. Their closest secondary school would be in Askeaton town, which would be their address. Cappagh is also in Askeaton but Cappagh school for one reason or another is the primary school that all these children would have gone to. When you go to the school in Cappagh, you end up getting involved in sports clubs and community games, which is Cappagh and Rathkeale together, as in the face of reduced numbers, they link up everything. Living rurally a lot of the teams will link up across the area. Even though their closest secondary school is the secondary school in Askeaton, the only link they have to it is the geographical reason to go there. Every other link falls to Rathkeale. Their friend groups, their social groups and their sporting activities are all linked into Rathkeale. I have 19 children looking to see if there is a possibility of a school bus. When we look at the criteria they do not meet them all and it comes down to that one geographical limit. I feel sometimes the criteria are very black and white and it do not really take into account the realistic living conditions within rural Ireland and why children would go to different secondary schools. I am also conscious, with costs of petrol and diesel, that these parents are hoping their children could use a school bus rather than having - it would not be 19 families because there are one or two in some of the houses - potentially 15 more cars on the road dropping to and from school. I have spoken to the families and told them that geographically they may not be eligible because of the secondary school not being as close as the one down the road. They have said their children will be going to the Rathkeale secondary school regardless, because it is where all their friends are going.

The primary school is the feeder school and it is a natural progression from their primary education into secondary education. Could the Minister of State make a statement on it? I have been on to his office back and forth over the past couple of months but I am very conscious that this is our last week here in the Dáil and the Seanad. By the time we are all back from recess, the school term will have started. I am conscious that these parents are very eager to find out if there is a possibility of a school bus.

Minister of State at the Department of Education and Youth (Deputy Michael Moynihan): I might address the issue, which was in relation to the increased capacity, specifically for County Limerick. Unfortunately, the Senator did not give me the exact details in relation to Cappagh or Rathkeale so I do not have the specific details to hand.

The school transport system is a huge operation that is managed by Bus Éireann on behalf of the Department of Education and Youth. The scheme has expanded significantly over the past six years. It is recognised that the school transport system is a vital support for families and its benefits extend to supporting parents and guardians who are accessing employment. It continues to support pupils living in rural and remote areas and children and young people with additional needs, as well as national sustainability and climate goals.

The scheme is demand-led and on the number of eligible children who apply and pay on time. Families are required to register their details on the Bus Éireann portal to have their eligibility for school transport assessed to make applications under the scheme. The portal for the 2026-27 school year closed on 8 May to allow Bus Éireann to plan and assign routes for the upcoming school year. The portal reopened on 3 July but any applications and payments

made after this date will be deemed late and will not be assessed until all on-time applications have been processed.

Since the portal closed, Bus Éireann has been assessing all the applications and planning routes and services for the 2026-27 school year. Routes may alter or extend depending on the number and location of children who will be availing of school transport for the year. The tickets have now begun to issue to families and will continue to issue throughout the summer. Where pupils are unsuccessful in receiving tickets, they will be notified as early as possible and a refund will issue from Bus Éireann. Under the terms of the Department's school transport scheme for children with special educational needs, children are eligible for transport where they are attending their nearest recognised school that is or can be resourced to meet the child's needs.

On the overall scheme, school transport, as the Senator rightly pointed out in her opening remarks, is a hugely valued support for families. The availability of the school ticket or bus seat is hugely important and I know from many years as a public representative the importance of this issue. I also know, since taking up this role, the importance that schools, school communities and families place on the expanding school system.

We have been expanding it over recent years. In County Limerick alone, it has expanded from 6,200 in 2023 to 7,500 who were issued tickets last year. It has continued to expand. There are various rules and regulations governing it. We are trying to ensure we are providing transport at primary and post-primary levels, in the first instance, that is near schools. I do take the point around communities, depending on where they are at. It is always a crunch point when communities see the school that might not be the nearest as their natural hinterland or school. There is some recognition of that but, under the terms and conditions, the scheme is very clear in regard to how we are trying to ensure that we have transport across the country.

The Senator raised the issue and I will gladly take it up to see if we can get clarification for her on it. I might address some of the other points in my closing remarks.

Senator Joanne Collins: I thank the Minister of State. My apologies; I probably should have given the specifics but I have been back and forth to the Minister of State's office a bit on this. My one ask is that he might look at the criterion about the closest school geographically. The closest school for these children is the school they are most connected to, which would be Rathkeale.

That is where their sports and social clubs are and where all their friends go. A lot of these children would have been eligible for and would have used transport to primary school. However, because they are going a little further away to secondary school, they seem to be ineligible for transport.

I would appreciate if the Minister of State could indicate whether there is any leeway on the eligibility requirement that pupils attend their closest school. Could that be amended such that the closest school may be defined as the school to which they feel closest or are most linked to, rather than just the closest school geographically?

Deputy Michael Moynihan: By way of clarification, the State is subsidising the school transport scheme to the tune of €650 million, which is a rise of just over €200 million from

only a few years ago. We have expanded the numbers using the service over the past four or five years from 120,000 to the 181,000 pupils that were carried last year. More than 11,000 routes are covered at both primary and secondary level. That gives a sense of the scale of the operation that is the school transport system right across the country.

The terms and conditions of the scheme go back quite some time. We undertake continuous reviews to try to capture more students who have not been deemed eligible for various reasons. For September 2026, the terms and conditions are as outlined in the Department's notices and on its website. In some instances, recognition is taken of where there is capacity and availability on routes. I do not have the specifics in front of me but I certainly will liaise with the Senator to see what we can do on the issue she raised.

Within the budget we have for this year, there is an ever-expanding demand on the system, with a huge number of people looking for increased services. We ran a number of pilot schemes over the past two or three years and we are evaluating whether they were successful. We must be very mindful of the amount of money we are spending on school transport. That amount continues to grow year on year. We are very committed to the school transport system and a lot of work is going into reviewing the terms and conditions into the future.

Senator Joanne Collins: I thank the Minister of State.

Child and Family Agency

Acting Chairperson (Senator Chris Andrews): The next speaker is Senator Mark Duffy, who probably has not gone home since the weekend.

Senator Mark Duffy: I will be staying here until the Mayo team takes Sam Maguire home.

Acting Chairperson (Senator Chris Andrews): You never know, Senator, this could be your year.

Senator Mark Duffy: I thank the Minister of State, Deputy Higgins, for being here to discuss this very important topic. I acknowledge the work the staff of Tusla do in County Mayo and across the country in very challenging circumstances and with very vulnerable people. They respond when others cannot and do not. While there are lots of different views and angles, with some cases getting a huge amount of spotlight, 99% of cases go unheard of because the outcome is a very positive and meaningful impact on young people's lives and on families, community life and society generally.

I seek an update on the development of headquarters for Tusla in Mayo. Discussions and work have been ongoing since 2023 with a local developer. A lot of time, resources and finances have been invested in the proposal for a site on Moneen Road, Castlebar, which would serve the whole county. It is a very ambitious plan for which permission was granted in 2023. At least €300,000 has been spent on it to date. I would welcome an update to provide clarity on the future of the project.

Minister of State at the Department of Children, Disability and Equality (Deputy Emer Higgins): I thank the Senator for raising this important issue and offering me the opportunity to respond on behalf of the Minister, Deputy Foley.

I also thank the Senator for his comments on the staff who work in Tusla in very challenging and often vulnerable circumstances. It is good to put that on the record of the House.

It is also important to acknowledge that decisions relating to the acquisition or leasing of properties by Tusla, and indeed all public bodies, require careful consideration. Such decisions must balance long-term needs with the responsibility to secure value for taxpayers' money, particularly where significant financial commitments are involved.

Regarding the specific situation in Castlebar that the Senator has raised, Tusla has indicated that following careful consideration, including extensive negotiations, which he referred to, and legal mediation with the developers, it was unable to reach an agreement. It has now concluded that the proposal did not represent a viable option. Unfortunately, this means Tusla has decided not to proceed with this development.

Although this proposal will not move forward, that does not diminish the importance of meeting service needs in the area. The Minister has asked me to directly reassure the Senator, and indeed the local community, that Tusla has secured a medium-term accommodation solution for Castlebar and remains actively engaged in identifying a sustainable long-term solution for the area at the earliest opportunity.

With regard to the background, and as the Senator has touched on, this project was designed on the basis of a 30-year operational lease, with the primary objective of delivering value for money over the lifetime of that lease. As part of its assessment, Tusla benchmarked the proposed rental and service charges against comparable facilities, including similar projects within both Tusla and the HSE. Following this review, Tusla concluded that the costs sought by the developer did not represent value for money over the proposed lease term. While the developer cited construction inflation as justification for the increases, Tusla determined that the level of increases sought could not be supported. In an effort to reach agreement, Tusla offered a significant uplift on its original offer. However, this was rejected by the developer. In the circumstances, Tusla concluded that any further cost increase could not be justified from a value-for-money perspective.

More broadly, the objective of any public service leasing or construction project is to meet service needs while ensuring the best use of public funds. Success is measured not only by delivery on time and within budget but by the long-term value and benefits of a project.

Effective projects begin with clearly identified service needs and are underpinned by strong governance, robust planning and sound decision-making. Careful planning and preparation are essential. The strongest projects are those that invest in feasibility studies, site assessments, stakeholder engagement and detailed design from the outset, because decisions made at the earliest stage often have the greatest impact on cost, quality and operational performance.

I appreciate that challenges such as inflation, supply chain disruption, planning delays and unforeseen site conditions may arise and may need to be managed to protect budgets, timelines and projected outcomes. These considerations highlight why value for money must underpin every stage of project delivery. It is about more than just securing the lowest cost option. It is

also about achieving the right balance between cost, quality, efficiency and long-term benefit. To achieve this, public bodies must take a whole-of-life approach to decision-making. That is what happened here. These are the principles that have informed Tusla's consideration of the proposal in Castlebar and ultimately led to the decision not to proceed in this instance.

Again, while this proposal will not move forward, it does not diminish the importance of meeting the service needs in the Senator's area. The Minister wishes to reassure the Senator and the local community that Tusla has secured a medium-term accommodation solution for Castlebar and that she will continue to work towards a long-term solution.

Senator Mark Duffy: I thank the Minister of State for being here on behalf of the Minister, Deputy Foley, and for her detailed reply. While it is disappointing to hear the news here, at least it provides clarity and certainty for the project promoters and, indeed, staff and various stakeholders involved, many of whom have been in touch with me and are really passionate about ambitious and quality infrastructure to support Tusla and its needs.

The Minister of State mentioned that effective projects begin with a clearly identified service need and are underpinned by strong governance, robust planning and sound decision-making.

That the planning went through all the process, detailed designs and construction drawings, then to make a U-turn on it, is not good enough by Tusla. There clearly has been a breakdown in appropriate governance there and proper planning. We should not waste people's time or, indeed, taxpayers' money. The waste there of taxpayers' money resides in the fact that resources are going to be spent elsewhere to offer a medium-term solution, while the longer term solution has gone through the procurement, planning and design stages. It is not for me to be the arbiter of what is or is not value for money. That is for Tusla and the Minister to consider. However, to go so far down the road and do a U-turn is very unsatisfactory for the developer and many who would like to have seen this project be realised. There need to be more questions asked and clarity given by Tusla on this particular project. I reiterate my thanks to the Minister of State for the clarity she has been able to shed on the project with the update on the progress made so far.

Deputy Emer Higgins: I thank the Senator for his comments. I appreciate that this is not the news that he or his constituents are seeking. However, as he said, at least it is some level of clarity.

Tusla remains committed to providing the infrastructure and accommodation required to support vulnerable children, young people and families. Equally, it has responsibility to ensure that all investment decisions represent the best use of public funds. In this particular case, despite what I was told was extensive engagement, protracted negotiations and legal mediation, Tusla has concluded that the terms proposed by the developer did not represent appropriate value for money over the lifetime of the proposed lease and accordingly has decided not to proceed. Tusla recognises the impact of construction inflation. As a result, it made a significant uplift on its original offer. The additional increase sought could not be justified, however, when benchmarked against comparable projects across both Tusla and the HSE. That comes back to the value-for-money argument.

While it is very disappointing that this project could not proceed on the terms proposed, it is essential that all public investment decisions are guided by strong governance, rigorous scrutiny and a steadfast commitment to value for money. As mentioned previously, the Minister, Deputy Foley, wishes to reassure the local community that the need for services in Castlebar remains a priority. That is why a medium-term accommodation solution has been secured. Identifying and delivering a sustainable, long-term solution for the Senator's area remains a priority.

Medical Aids and Appliances

Senator Shane Curley: Gabhaim buíochas leis an Aire Stáit as ucht teacht isteach inniu. I thank the Minister of State for coming into the House.

Thousands of people living with type 2 diabetes remain unable to access continuous glucose monitoring, CGM, devices because Ireland has yet to undertake a health technology assessment, HTA, for its use in this patient cohort. Only recently, this House debated access to continuous glucose monitoring. In the Minister's response, it was confirmed that reimbursement cannot currently be extended because no Irish HTA has been undertaken for patients with type 2 diabetes. While that explains the current position, it also highlights the central issue that needs to be addressed, that we need to catch up to our European counterparts. If we look at some of the European countries with the highest regarded health systems, for example France, Germany and the Netherlands, not only have they carried out the HTA but they provide reimbursement for type 2 diabetes patients who get CGMs.

More than 300,000 people in Ireland are living with diabetes, almost 90% of whom have type 2 diabetes. With an ageing population, rising obesity levels and increasingly sedentary lifestyles, the prevalence of type 2 diabetes is expected to continue growing in the years ahead. Every year that a HTA is delayed is another year in which we lack the evidence needed to determine whether CGM technology should be made available to defined cohorts of people in an environment where other countries in the European Union are so far ahead of us.

CGMs allow patients and clinicians to monitor glucose levels in real time, improving diabetes management and giving many patients greater confidence in managing their condition. CGMs are available for patients with type 1 diabetes, but people with type 2 diabetes remain excluded, not because the technology lacks potential but because the evidence-gathering process required to inform reimbursement decisions has not yet begun in Ireland. This is at a time when we are lagging so far behind our British and European counterparts. The HSE has also confirmed that its preferred sensor review remains ongoing, yet no timeline has been provided for its completion or publication.

Will the Minister commit to engaging with HIQA and the HSE to scope a rapid HTA for clearly defined cohorts with type 2 diabetes? If so, when will this be done? Will the Minister provide an updated timeline for the completion and publication of the HSE's preferred sensor review? I am not asking that we make a reimbursement decision today but to begin the evidence-gathering process that will allow one to be made in due course. The first step is commissioning a rapid HTA. The second is providing certainty on the preferred sensor review. Both are practical, evidence-based steps that would represent meaningful progress to better

care for people living with type 2 diabetes. I would be keen to hear what the current plans are to expand access to CGMs as the disparity in patient access has been made clear to me.

Minister of State at the Department of Culture, Communications and Sport (Deputy Charlie McConalogue): I thank Senator Curley for raising this important matter. I am taking this Commencement matter on behalf of the Minister for Health, Deputy Jennifer Carroll MacNeill.

The State acknowledges the importance of access to new and innovative medicines and medical devices for patients and is acutely aware of the challenges patients diagnosed with diabetes face. By way of background, continuous glucose monitoring, CGM, systems provide an alternative approach to self-monitoring of blood glucose using blood glucose test strips with an associated blood glucose meter. These CGM systems comprise of sensors, transmitters and a mechanism to display the results such as readers, receivers or a smart device application.

Under the Health Act 2007, the Health Information and Quality Authority, HIQA, has a statutory remit to evaluate the clinical and cost effectiveness of health technologies and provide advice to the Minister for Health. HIQA conducts health technology assessments for programmes and services at the specific request of the HSE or the Department of Health, which may include medical devices. Reimbursement support for CGM sensors at this point in time is based on the HIQA health technology assessment and is for patients with type 1 diabetes mellitus regardless of age, who have required insulin from the outset. Reimbursement does not extend to other cohorts such as people with type 2 diabetes who require insulin, which is the issue the Senator is raising today, or patients previously diagnosed with type 2 diabetes which is now classified as type 1 diabetes based on laboratory investigations such as C-peptide measurement or diabetes-specific autoantibodies.

The health technology assessment recommended the establishment of a single managed access programme for all CGM systems for all individuals with type 1 diabetes mellitus regardless of age, noting that such a system would need clearly defined criteria for access. Following on from the recommendations in this HTA, the HSE's medicines management programme, in conjunction with the HSE primary care reimbursement service, and with the support of the HSE chief clinical officer, introduced an online reimbursement application system for all CGM sensors on 1 December 2023. Since the introduction of the reimbursement application system for CGM sensors, 5,439 additional individuals have been approved for reimbursement support for this technology. In December 2025, there were paid claims for CGM sensors for 22,012 individuals on the community drug schemes.

In 2025, 72% of new users of CGM sensors were commencing on a preferred CGM sensor. The HSE has identified preferred CGM products based on cost-effectiveness to manage this expenditure. A second review of CGMs is taking place, which will include an update of the preferred CGM sensors evaluation. To date, a health technology assessment of CGM sensors for people with type 2 diabetes mellitus or other types of diabetes excluded from the HTA referenced above, such as latent autoimmune diabetes in adults, type 3c diabetes, monogenic forms of diabetes and so on has not been undertaken. Therefore, there is limited information to support the extension of reimbursement to this cohort, including cost-effectiveness assessment and budget impact of same.

On 21 May, Diabetes Policy and Services Review: A Strategy for Better Care was launched by the Minister for Health. This is Ireland's first national strategy for diabetes and it sets out recommendations for action in relation to type 1 diabetes, type 2 diabetes, diabetes in pregnancy and paediatric diabetes. The strategy marks a major milestone in diabetes care in Ireland and represents the development of a unified approach to its delivery. The Government is considering all recommendations of the strategy for progression.

The Senator's key ask is for a HTA to be carried out on expanding reimbursement for CGM sensors to those with diabetes other than type 1. That has not been carried out and there is therefore limited information to support extension of the reimbursement to this cohort, including the cost-effectiveness assessment and the budget impact of same. The Senator believes a HTA would inform that and enable a decision to be made. I thank him for highlighting the issue and will revert to the Minister for Health for further consideration.

Senator Shane Curley: Gabhaim buíochas leis an Aire Stáit. I appreciate that. The issue we are trying to delve into is not the fact a HTA has not been carried out yet - we know the data does not exist in Ireland yet - but to get the timeline for carrying one out.

The Government has rightly placed renewed emphasis on improving diabetes care through the recently launched diabetes policy and services review. Commissioning the evidence needed to assess innovative technologies for people with type 2 diabetes would be entirely consistent with those objectives. If we are serious about delivering on that strategy, innovative technologies must be assessed using clinical evidence so that future policy decisions can be made with confidence.

This is also about ensuring health services keep up with innovation. As the number of people living with type 2 diabetes continues to grow, delaying a HTA will delay the gathering of the evidence needed to inform policy decisions. I hope the Minister will engage with HIQA and the HSE on scoping a rapid HTA for clearly defined cohorts of people with type 2 diabetes.

There are costs of not doing this. Let us look at the cost of the current situation versus what we could achieve and at the financial benefit to the State of investing in this in the short term to avoid longer term complications. I am not a medical expert but the cost implications of the health complications arising from not investing in CGMs and not having real-time data on blood sugar levels have been explained pretty clearly to me.

Deputy Charlie McConologue: From engaging with constituents of mine who manage diabetes, I know the impact CGM can deliver for them and how it ensures the most effective management of diabetes to maintain health at its optimum and prevent side effects developing over time. The Senator has laid that out carefully. Diabetes care is something the Government has been working to improve, has improved and wants to continue to develop services on.

The Minister for Health met with Diabetes Ireland in April this year and attended Diabetes Ireland's conference in May. She has been made aware of its perspectives on access to CGM sensor technology. I will refer the Senator's strong advocacy for a HTA back to the Minister and ask her to continue to engage with him on the matter.

Cuireadh an Seanad ar fionraí ar 1.18 p.m. agus cuireadh tús leis arís ar 1.33 p.m.

Sitting suspended at 1.18 p.m. and resumed at 1.33 p.m.

Visit of French Delegation

An Cathaoirleach: Before I call on the Leader to outline the Order of Business, I welcome to the Distinguished Visitors Gallery the deputy head of mission from the French Embassy to Ireland. Today is Bastille Day, marking France's national day, which commemorates the storming of the Bastille, which defined the French Revolution. It is also the celebration of French unity in 1790. The French Revolution gave truth to the ideas of *liberté, égalité and fraternité*, which resonated in Ireland at the same time, with the rebellion here in 1798. In the room adjoining this Seanad Chamber is the portrait of Theobald Wolfe Tone in the French colours. Of course, the French national flag was the inspiration for, and the origin of, the Irish flag, which was presented to Thomas Francis Meagher in March 1848.

He returned to Ireland to fly a tricolour flag for the first time on 7 March of the same year.

The links between us go back centuries but we also are glancing forward on this day as we recognise that Ireland and France have links on economic as well as strategic fronts. France is our fifth largest trading partner and France is Ireland's fourth largest source for tourist destinations. We have agencies such as the IDA, Enterprise Ireland and Fáilte Ireland working hard through our embassy in Paris, and there are 30,000 French people employed by Irish companies across the Republic. There are approximately 12,000 French people living here in Ireland, no doubt getting ready to celebrate their day of national unity in the sense of the 1790s, but also the storming of the Bastille. France is obviously now our nearest EU neighbour, and there are 200 flights and 40 maritime connections on a daily basis between Ireland and France. We look forward to more of its people coming to Ireland, given the fact that our weather is slightly better than the weather over there at the moment. Educational links between Ireland and France go back to the 20th century. [[The Centre Culturel Irlandais](#)] and the historic Irish College in Paris were places of learning when those opportunities were not available here in Ireland. We have won a few awards at the Cannes Film Festival, not least for "The Wind That Shakes the Barley", with which I am very familiar and which was filmed in our part of the world.

Senator Rónán Mullen: Which everybody the Cathaoirleach canvassed with got familiar with.

An Cathaoirleach: A few people got a copy of "The Wind That Shakes the Barley", back in the day when DVDs were DVDs.

I thank the deputy head of mission for being here on this very busy day as France celebrates its national day, and wish France all the best in the World Cup this afternoon.

Senator Chris Andrews: The Cathaoirleach is not neutral on that, is he?

An Cathaoirleach: Not particularly. When it is your national day, I think you deserve support.

I thank the deputy head of mission for being here today on his national day.

An tOrd Gnó - Order of Business

An Cathaoirleach: I call on the Deputy Leader to outline the Order of Business.

Senator Fiona O'Loughlin: I extend my welcome to our esteemed visitor, and wish him well for the celebrations this evening. Many of us were hoping to get there. Unfortunately, we are going to have votes but I have no doubt there still will be an excellent representation from the Houses of the Oireachtas.

The Order of Business is No. *a1* on the Supplementary Order Paper, motion regarding Planning and Development (Exempted Development (Act of 2000)) (No.3) Regulations 2026, referral to committee, to be taken on the conclusion of the Order of Business without debate; No. 1, Postal and Telecommunications Services (Amendment) Bill 2026 - all Stages, to be taken at 2.45 p.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 3.45 p.m. by the putting of one question from the Chair, which shall, in relation to recommendations, include only those set down or accepted by Government, with the time allocated to the opening remarks of the Minister at the debate on Second Stage not to exceed five minutes, all Senators not to exceed five minutes, and the Minister to be given no less than five minutes to reply to the debate, with Committee and Remaining Stages to be taken immediately thereafter; No. 2, Planning and Development (Amendment) Bill 2026 - Committee and Remaining Stages, to be taken at 3.45 p.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 5.30 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; and No. 3, Housing and Residential Tenancies (Miscellaneous Provisions) Bill 2026 - Committee and Remaining Stages, to be taken at 5.45 p.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 8.15 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by Government.

An Cathaoirleach: Is Senator Rabbitte or Senator Flaherty leading off for Fianna Fáil?

Senator Fiona O'Loughlin: Senator Rabbitte.

Senator Joe Flaherty: I could never fill those shoes.

Senator Anne Rabbitte: I am wearing sandals today.

Good afternoon to everybody. I warmly welcome the Minister for justice's bringing his memo to Cabinet where he seeks to criminalise extreme violent pornography.

For too long, this has been a glaring gap in our criminal law. The High Court has confirmed that possessing extreme pornography material is not an offence in this jurisdiction. This is simply not acceptable in 2026.

The evidence before us is stark. Research from the Sexual Exploitation Research and Policy, SERP, Institute shows that the vast majority of our 15- and 16-year-olds have been exposed to violent pornography, most before they have even left primary school. On Ireland's most popular pornography website, almost two thirds of the video titles indicate content of concern, including sexual violence, extreme misogyny and material that mimics child sexual abuse. This is not on the fringes of the Internet; this is mainstream, free and one click away from every child in this country. It is distorting health and sexual development and fuelling misogynistic attitudes that, far too often, end in real-world violence against women and girls.

I pay particular tribute to two people today, namely, Mick Moran from the Irish Internet Hotline and Fiona Jennings from the Irish Society for the Prevention of Cruelty to Children, ISPCC. They have been strong advocates since I was on the Front Bench in 2019. I also worked with the Leader in this regard when he was a member of the education committee. I also acknowledge the role of Deputy Cathal Crowe in the Lower House and that of Senator Rónán Mullen whose Bill, which was before Seanad Éireann last week, spoke to this very issue. It is something we should all get behind and support to ensure we have the law to protect our young people.

I also wish to bring up Skyclarys. In approximately 20 minutes' time, the HSE will meet to undertake its drugs review. Skyclarys is on the agenda for that review. I appeal to the HSE for a positive result in this regard. I am also appealing to the HSE management board, which is due to meet in the coming days. Regardless of the outcome today, I ask it to give a strong recommendation of approval. We need that recommendation. We must look at the humane side of this.

I only need to refer to Craig Coady when he talks about his son. He said that we should not deny his son the chance to hold onto his voice, even if it is just to be able to ask for a glass of water. That is the parent of a child with Friedreich's ataxia, who has already lost a child to Friedreich's ataxia. We have 200 such patients in this country. It is incumbent on the HSE management drugs company to meet as soon as today's meeting is over to give us a positive decision for all the families seeking support.

An Cathaoirleach: Before I call the next speaker, I welcome Sheila Nix and Emma Coughlan to the Gallery, who are guests of Senator Joanne Collins. They are both welcome to Seanad Éireann today.

Senator Gareth Scahill: I too wish to be associated with the welcoming of the deputy head of mission from the French Embassy. I wish him a happy Bastille Day and the best of luck tonight. I am not going to be as blatant and pick a side before the game, but it is hard to go against France on a night like tonight. I also acknowledge a colleague from Roscommon, Dymphna Daly-Finn, who is in the Gallery. I welcome her to the House. She is a guest of Deputy Clendennen.

I am calling for a debate in the House on the regional spatial and economic strategy, or the RSES as some of us know it. It is important in delivering balanced regional development. The RSES is far more than another planning document; it is the blueprint that guides our county development plans. It influences where homes are built, where businesses invest, where

infrastructure is delivered and, ultimately, where Government funding is directed over the next decade and beyond.

If a project is not reflected in the regional spatial and economic strategy, it becomes significantly harder to include it in future county development plans, and it is much more difficult to secure investment for it. That is why the RSES is so important. In my home county of Roscommon, I want to see an ambitious submission from our local authority that looks beyond today's challenges and plans for tomorrow's opportunities. This means prioritising the continued upgrade of the N61 as the backbone of the county, linking Athlone to Sligo through Roscommon town, Tulsk and Boyle. Investment in this route would unlock housing, enterprise, tourism and development opportunities right across the centre of our county.

We also need to recognise the N60 and the long-term need for a relief road in my home town of Castlerea to improve road safety, which I heard about with Councillor Ruth Conboy last Friday when we visited the Corlann services in Castlerea.

The users of that service highlighted the desperate need to have more road crossings at the centre of Castlerea. Development of the N61 and a relief road would also support businesses and make the town a more attractive place to live and invest in. To put this into context, 15 years ago, many people described the M5 as a pipe dream. Today, it has become a reality because people had the vision to include it in the long-term planning and continued to make the case for it.

Going back to the RSES, we need to show ambition today. If we truly believe in balanced regional development, we must have the courage to plan for it. We need a debate in this House on the strategy to ensure every local authority is encouraged to make an ambitious submission that will shape stronger communities for generations to come. I look forward to having that debate in September if we have the chance.

An Cathaoirleach: I also welcome Dympna Daly-Finn to the Gallery. She is most welcome to Seanad Éireann today.

Senator Rónán Mullen: I also welcome our French dignitary and say, *Vive la France ce soir et vive le Chemin de St. Jacques en France*, I would say, *à titre personnel*.

I do not think I was the only one in this House who was very shocked and upset by the news of the murder of Ann Widdecombe last Friday. I did not know her well but I did know her personally and met her on a few occasions. She visited these Houses back in 2015 when she was a guest of the Oireachtas human dignity group. The Deputy Leader's former colleague Senator Jim Walsh was here to meet her alongside me. She was in Ireland to speak at the annual dinner for pro-life education at the time. She was a woman of great conviction. Those who knew her would say that whether you agreed or disagreed with Ann, knowing her you found her to be very honest, forthright, matter of fact, humble and fun. The fun side of her personality certainly came out during her participation in "Strictly Come Dancing". I think she had the humility to see that even if on occasions she could be seen as cutting a slightly absurd figure, she used that to generate affection and attention for the points of view she held a deep conviction for. I am one of the many people who admired her courageous championing of human dignity at the very beginning of life in her defence of the unborn.

Like her friend Sir David Amess MP, who was murdered a few short years ago, she was also a convinced advocate for animal welfare. There was much to admire in Ann Widdecombe even if many of us here would not be on the same page as her on Brexit-related matters and so on. Just to let colleagues know, there will be a mass for her tomorrow for those who would like to attend in St. Teresa's in Clarendon Street at 12.45 p.m. It is time for us all to reflect on the risks people in public life face, not just during their parliamentary careers but afterwards as well. Let us hope for a more secure and safer society for us all where people can express their ideas in a forthright and honest way and not be harmed for that.

I also welcome, as did Senator Rabbitte, the announcement by the Government that it proposes to criminalise extreme and violent pornography. I thank Senator Rabbitte for being so strongly supportive of my own Private Members' Bill last week, which proposed making it a criminal offence not to have strict age verification to prevent young people being able to access pornography. This Bill, I think, is the opportunity for the Government to recognise that it is not just extreme or violent pornography that is the problem. In fact, it is very hard to know at what point pornography becomes violent and extreme, for the very reason that many of those who are caught up in it have come from backgrounds of disability, poverty and sometimes sexual abuse. Nobody really freely enters the world of pornography. I will table amendments to urge the Government that not only should we have the criminalisation of extreme and violent pornography, but we really must close off the possibility for pornographers to make their content available to persons under the age of 18. This will be our opportunity to do it. There will be arguments about privacy and about the EU's jurisdiction but strong, clear criminal law in this country will send out the message that will, I hope, help us to build a better future.

Senator Pauline Tully: I too would like to extend a fáilte romhat to our dignitaries from France and wish them a happy Bastille Day.

I want to raise an issue regarding social welfare payments.

People on jobseeker's allowance or on farm assist may sometimes have to come off those payments if they receive some work. They may be working on a part-time basis, so they notify the Department of Social Protection and the payment is ceased. Sometimes the work, especially if it is seasonal, finishes up and when the person reapplies for the payment, the delay can be excessive.

One person who recently contacted me has a small farm and was in receipt of farm assist. They had been doing seasonal work for a number of months and when that ceased, they contacted the Department and reapplied. That was in early April. It was not sanctioned until early July. It took three months for the payment to be made and their circumstances had not changed. I can understand the Department had to do a quick check and make sure things had not changed, but given that they had submitted everything and had previously applied for and been granted this payment, it should have been seamless to allow them to do the seasonal work for a number of weeks or months and then resume the payment. In the meantime they had no money, so they were borrowing off family members. It was taking so long and the Department was looking for extra information and arranging visits but not turning up for them. This person asked me to contact the Department, which I did and then the payment was granted. I am not saying it was not going to be granted anyway - maybe it was - but three months is far too long.

I have heard the same situation for people who are on disability allowance, where they might undertake a community employment, CE, scheme. They might come off the disability payment, do a CE scheme and really enjoy it as a chance to work, meet people and get out of the house. However, there are many now who do not want to take up the offer of a CE scheme because it takes so long once the CE scheme ends to get their disability payment back. I brought this up with the then Minister, Heather Humphreys, who said it should be seamless. I agree that it absolutely should be seamless but it is not. It still seems to be causing a problem. It is a pity to see people on these payments not taking up the opportunity to do a CE scheme or part-time work because of the fear that their payment will not be resumed in an expedient way.

I ask that this issue be raised with the Minister, Deputy Calleary. It needs to be addressed as fast as possible.

Senator Laura Harmon: I want to raise the issue of Bessborough again today. There will be a rally next Saturday in Cork at 2.30 p.m. People are calling for the site to be preserved as a site of conscience, historical importance and, above all, a memorial for survivors and their families. It was heartening yesterday to see cross-party support from across the Government, the Opposition and Independents outside Cork City Hall, calling for the land to be acquired by the State via compulsory purchase order. I ask all Senators to put on pressure within their parties on this issue. It is really important that we secure this site and bring it into public ownership.

The second issue I wish to raise is the issue of access to safe swimming in Ireland. I have been campaigning for a number of years for a lido in Cork City. When I was a Cork city councillor, I had a motion calling for a lido within the city. Unfortunately, the Lee baths, which were hugely popular, closed the year I was born, back in 1986, 40 years ago now. There has never been anything like it since.

Senator Rónán Mullen: What is a lido?

Senator Laura Harmon: It is an open-air heated swimming pool.

Senator Rónán Mullen: So, it is not a beach along the Lee or anything like that.

An Cathaoirleach: Senator Harmon, without interruption.

Senator Laura Harmon: This is something that would provide access to open-air, safe swimming and give people an opportunity to learn how to swim. It would provide employment for lifeguards and it would certainly add to the communities.

Currently, in Britain there are over 160 lidos in place and in Ireland, unfortunately, they have been decreasing. There are campaigns in Dublin and Galway for more facilities. This is something I would welcome a discussion on in this House with the relevant Minister to discuss access to swimming in Ireland. Unfortunately, a lot of people with mobility issues cannot often get to the beach or the seaside. There is no transport available to them. Particularly now, during a heatwave, temperatures are rising, and a lot of private swimming pools are expensive and often very full. Swimming should be accessible to everybody. We should bring it into the

community. We need more amenities that do not involve alcohol where people can go to enjoy themselves and meet.

This is something I am campaigning for in Cork. I commend the Cork Lido campaign on all the work it has been doing to try to secure a site and secure the funding for this. I believe the State should work with the city councils to provide these amenities for the public. I would welcome a debate in the House on swimming, water safety and access to safe swimming in general.

Senator Rónán Mullen: Well said.

Senator Joe Flaherty: Regrettably, I have to raise this issue for a second time. It relates to Dr. Booth, who has taken over a GMS contract for two surgeries servicing Lanesborough and the larger Longford town in County Longford. It is now very clear in the satellite town of Lanesborough that there is a concerted effort to close the Lanesborough surgery and maintain a five-day, walk-in service in Longford town. The matter has been continuously raised by local councillor, Sean Mimmagh.

Dr. Booth was given the GMS contract for Longford town and also for Lanesborough, which is ten miles away. In fairness, the doctor has responded to specific concerns via a response from the HSE, but I have to say those responses are not satisfactory. To his credit, the responses are skilfully crafted, and if you were not familiar with the situation, you would say there is nothing wrong here, move along. However, that simply is not true. The entire Lanesborough community is aggrieved and feels that it is now being used as a mere pawn.

The doctor says he is operating a centralised appointment booking service and was forced to cancel the Lanesborough clinic on the last three Fridays as there were no appointments on two Fridays, and on the third Friday, there was just one patient looking for an appointment. I find it incomprehensible that there was no demand for a surgery in Lanesborough on a Friday, coinciding with pension day and arguably the busiest day of the week in the Shannonside town. Patients tell me that, in many cases, they are not given the option of booking the surgery in Lanesborough, but instead are being encouraged to attend the Longford clinic.

I would be more than happy if Dr. Booth wants to continue his five-day service in Longford, but it cannot be at the expense of a rural surgery. The two pharmacies in the town are very much dependent on that GP surgery. I ask the HSE to revisit the contract, let Dr. Booth continue in Longford and re-advertise the Lanesborough section of the contract for the specified hours. We cannot have a situation where GPs are simply cherry-picking the aspects of a contract that are more profitable or better suit them. If we permit this, we are failing our patients and our communities. The consultants at the Rotunda were quickly brought to heel when they were not complying with their contractual obligations. It is critical that we do not allow this situation to continue any longer in Lanesborough. A contract is a contract, as I said. What we are seeing here is a concerted effort to close a rural surgery by stealth. We simply cannot allow it to happen.

An Cathaoirleach: I remind Members about public utterances and, obviously, the balance between the public good and the right of individuals, and to make sure that we do not cause

injury or harm as they are not here to defend themselves. However, the public good is of the utmost importance to all Senators in their contributions in the Chamber.

Senator Linda Nelson Murray: It was about a year ago that we had a very emotive debate in the House when Senator Nicole Ryan brought suggestions for a Bill on miscarriage leave. I was on this side of the House. It was very hard to actually be debating it when I think everybody in this House wanted to see something like that happen. However, the advice was that it was under the wrong Act - it was under the working time Act - and we had a promise from the Minister, Deputy Peter Burke, that this would be worked on over the year, and that we would be coming back with something a year later.

This is such a positive day because, today, the proposal for miscarriage leave was brought to Cabinet by the Minister, Deputy Peter Burke. Senator Nicole Ryan and I, with other Senators, including Senators Patricia Stephenson, Tom Clonan and Evanne Ní Chuilinn, and many TDs - it was a complete cross-party Oireachtas group - came together and have been working on how to actually do this over the last year. Today is a very positive day for all of us in our group. We have all worked together as a cross-party group. It goes to show that cross-party groups can really work because today is a very positive day in bringing forward miscarriage leave.

It means that women who have baby losses under 23 weeks will be able to take five days of paid leave. That is a very positive day. As somebody who has suffered miscarriages myself, I can say that it is such a positive day. I thank everybody in that group, particularly the Senators in this Chamber who worked on the group, because it is a day to be acknowledged. Hopefully, we will see it come through quickly.

2 o'clock

I want to follow on from that by asking the Leader to speak to the Minister, Deputy Calleary, who is working very hard on a baby loss register. This will allow people who may have been unable to get scan pictures in the first 11 or 12 weeks to voluntarily register that they were pregnant and lost a baby. I imagine that would very much help in the grieving process. The Minister is working on that. Will the Leader write to him to ask where we are on that? Officials have been keeping in touch with me and our group, and they have been good. A register would follow on nicely from the proposal for miscarriage leave being brought to Cabinet. I thank everybody in the House today and the Senators and TDs who worked in this group. It is a positive day as we can now say that we will soon have five days' leave for people who suffered a miscarriage under 23 weeks.

An Cathaoirleach: I thank the Senator for sharing her story and for recognising all the work of Senators and others on this important issue.

Senator Sharon Keogan: The future of European border security is being decided right now at the European Commission. It is currently drafting the renewed mandate of Frontex, the EU border police force. As Ireland holds the rotating EU Presidency, the Minister for justice cannot simply pose as a disinterested broker while our European borders are compromised. We must proactively shape this agenda. It is worth noting that the Government pushed ahead with committing Ireland to the EU migration pact, despite widespread national sovereignty

reservations from both Houses, on the ground that the EU approach would be better. Added to this, we now have Ministers posturing before the electorate as they try to project a tough stance on migration. They must put their actions where their rhetoric is, and they must do so on the EU level they have signed our nation to.

Holding the EU Presidency gives this Government massive agenda-setting leverage at the Council of Ministers. The Minister must use this chairing power to strip out counterproductive rights promotion provisions. Under the guise of good intentions, these provisions and their enforcers have defanged and undermined Frontex. We must stop internal activists from harassing front-line border guards who are simply trying to enforce our laws.

Furthermore, we must demand an end to bureaucratic data-protecting red tape. It is absurd that Frontex is blocked from sharing critical human trafficking intelligence directly with Europol or national police forces. The Minister should use Ireland's platform to mandate seamless intelligence sharing and expand offshore third country return hubs.

We do not need a bloated, humanitarian NGO. We need a highly effective, technologically advanced border policing force. If this Government wants to prove its tough stance on migration in real terms, it must use its unique presidential powers to push these common-sense governmental reforms onto the Brussels negotiation table.

I also want to second the comments made by Senator Mullen on the death of Ann Widdicombe. It is a dark day for all those who serve in public office.

Senator Alison Comyn: Having, I daresay, bored my colleagues to death prior to the semi-final in Croke Park on Saturday, I want to thank the gentlemen of the Louth senior team for providing such an uplifting time for us in Louth over the last months and weeks. I also congratulate Mayo, worthy winners on the day, and the Cathaoirleach's county of Kerry. I look forward to an exciting match and hopefully the curse will be broken.

Senator Mark Duffy: I second that.

An Cathaoirleach: I would have intervened last week.

Senator Alison Comyn: I thought I might have said that under my breath.

An Cathaoirleach: I should say Senator Comyn, without interruption, but she may work away.

Senator Alison Comyn: Croke Park was a sea of red on the day. Many of us wanted to take public transport and it was under immense pressure. However, that was not just because of the semi-final. Dundalk and Drogheda railway stations are under serious pressure every day. One of the main reasons is the lack of parking. I have raised this issue before, and it is not getting any better. We have two of the largest towns in Ireland and we now have railway stations that are at capacity. If you are not there at a quarter past six in the morning, there is not a puck's chance of getting parking, and there is no public transport to get you there on time.

I live a 45-minute walk away from the railway station. Much as I would love to get the train, I simply cannot. Over the last week or so many passengers have come to me mentioning the heat on the train. I know it might be very unusual, but there is no air conditioning and the windows may not be operational. Therefore, using public transport is extremely difficult at the moment, particularly in our part of the country. I call for a debate on the state of our trains and the state of our parking. At certain levels of population we should be getting expanded parking, or, as I have had said many times, in our particular case, a railway station on the north side to ease the pressure of such demand on our public transport.

Senator Cathal Byrne: I wish to begin by acknowledging Councillor Marie-Thérèse Duffy from Ballina, who has joined us in the Public Gallery. She is the sister of our colleague, Senator Mark Duffy, and does a fantastic job in representing the people of the Ballina area.

Today, I wish to speak about an act of heroism that took place off the coast of Wexford down in Rosslare on Sunday evening. When a child got into difficulty swimming, a man jumped into the waters to try to rescue the child. That man then got into difficulty himself and four more people got involved in the rescue. Thankfully, due to a combination of the efforts of the Coast Guard, the RNLi, and Rescue 117, joined by members of the National Ambulance Service, some off-duty nurses and members of An Garda Síochána, there was no fatality. While those six individuals were taken to Wexford General Hospital they are ultimately in a stable condition, which is a massive relief to everybody. It does show the importance of Rescue 117 and in particular the important work of the Coast Guard and the work it does in a coastal county like my own of Wexford, which has such busy ports like Rosslare Europort, but also such a long stretch of coastline up and down its side. Particularly with the hot summer weather we have at the moment, it shows the importance of recognising that the sea can be a dangerous place and that it has cost many people - fishermen and many others - their lives. In this spell of fine weather when so many people want to visit the golden beaches of Wexford, it is important to always be cognisant of the difficulties and the dangers the sea can bring.

An Cathaoirleach: I join with the Senator in welcoming Councillor Duffy to the Gallery. She is most welcome. In a strange twist of events I think I spent an extended period of time in the middle of the Pacific Ocean with her sister. There is a whole story behind that but I will buy Councillor Duffy a coffee and explain that one to her.

Senator Shane Curley: I would also like to welcome former Senator Ned O'Sullivan who I see in the Gallery as well. He is very welcome. Tá fáilte roimhe. It is high time, in the next few months if at all possible; this side of Christmas in particular, to have a debate in the House with the Minister to urgently address the issue of extra time in exams for students with learning difficulties. In a very welcome move, the Minister gave an extra ten minutes across the board to every student with specified learning difficulties in this year's State exams, junior and leaving certificate. That is welcome. It is a good step in the right direction and it acknowledges the issue that exists, but it does not go far enough. Every expert I talk to tells me that. In the UK, if you have the same learning difficulties you get an extra 25% on the time limit of each exam. In Ireland, you get ten minutes even if the exam lasts three hours and 40 minutes in the case of the likes of English paper 2. In third level in Ireland, the lecturers who are currently carrying out a review on the process that was undertaken by the SEC give ten minutes per hour of an

exam to their students. I have said this before in this House and I feel I am at risk of repeating myself *ad nauseam*, but it really needs to be looked at that we are now spending money as a State to pay lecturers to research what happened this year in the leaving certificate when those lecturers already give ten minutes per hour to students at third level with the same learning difficulties. I do not know why we have not just gone with their advice and done it as a cost-effective, research-led decision that could have been done instantly. Those review findings need to be urgently published to inform what will happen next year because it is pretty evident we need to expand on the ten minutes that was given this year.

Not alone is the leaving certificate itself not fit for purpose as an exam in a modern society, but then time pressure is added on top of it for a whole host of students who cannot deal with that type of pressure. Their brains are not designed to process information under time pressure but we expect them to do it anyway. In a modern society, I do not think it is good enough and we need an urgent debate.

An Cathaoirleach: I welcome my colleague from Kerry, the former Senator Ned O'Sullivan. It is great to see him back in the Seanad. I am sure he is missing us but, as he would know, it was Pádraig Kennelly of *Kerry's Eye* who used to say that a day outside Kerry was a day wasted. I am sure Ned is enjoying life in Listowel and an active retirement with the Listowel Writers' Week Literary Festival and everything else. It is great to see him back here in Seanad Éireann. Anois, an Seanadóir Andrews.

Senator Chris Andrews: I have consistently raised the issue of the Irish Glass Bottle site on behalf of residents there. The Irish Glass Bottle site offered huge hope for families in Ringsend, Pearse Street and Sandymount. The residents fought really hard to have homes for the local community. However, the homes they hoped and fought for were undermined by the Government's bond with the big developers and the commitment to the market, as if the market was ever going deliver homes for the local community and those who need to secure a roof over their heads.

A relatively small number of homes on the site have recently been allocated to social housing applicants but, in the last few days, details have emerged that the future of affordable and social housing on this site is at risk. Lots of people and residents have contacted me really worried that their new beginnings will go up in smoke. It is important, in light of these revelations, to reassure those who have already been allocated their homes that those homes will be safe. The contract has been signed and they should be moving into those homes in the coming weeks. The existing social homes are safe. It is really important to stress that.

What is happening for the next phase of social and affordable homes is very unclear. Negotiations are ongoing and the article in the newspaper was referring to the next phase rather than the current phase of allocations. However, this is, in itself, a real worry and there are supposed to be 550 affordable homes on site to give relief to working people. The Government already undermined this by making these affordable rental as opposed to affordable purchase, which was a huge disappointment to residents. Of course, affordable purchase would have been a far better option for working families looking for long-term stability. Now, it is looking increasingly likely that affordable rentals will not be delivered.

This is beyond disappointing and very unfair on the residents and those who fought for the local community to get a fair share of those homes on the site. Once again, the community has been let down by the Minister and he still refuses to meet with the residents of the Irish Glass Bottle site. It is so disrespectful. It is hard to understand why he would not just sit down with, meet and speak to the residents of the Irish Glass Bottle site. The housing action group, which has worked really hard, is open to discussions and to finding solutions but the Minister has been disrespectful to them from start to finish and refused to meet them. He should agree to meet them.

Senator Mike Kennelly: First, I welcome Councillor Marie-Thérèse Duffy from Mayo, a proud footballing county. I think they are starting to gang up on us already, a Chathaoirligh. I also welcome the former Senator Ned O'Sullivan from Listowel, my home town. He has just left the Chamber.

I congratulate Kerry and Mayo on reaching this year's All-Ireland senior football final. I want to pay particular tribute to the Kerry team and Jack O'Connor on their outstanding semi-final victory over our great rivals Dublin at the weekend. Despite all the boos and the bahs, it was a tremendous performance and one that has filled the kingdom with pride and a lot of excitement ahead of the All-Ireland final. I also want to wish our Kerry ladies' football team, who face the same opposition again on Saturday evening in Semple Stadium, Thurles, for the All-Ireland semi-final. I wish Mark Bourke, the Kerry manager, all the ladies and the management team the best. I also commend Mayo on their excellent campaign. I wish both teams all the very best on 26 July.

However, the excitement is being overshadowed by the lack of transport being provided for the Kerry supporters and, indeed, the Mayo supporters. These are two remote counties facing into an all-Ireland final. Last weekend, three additional rail services were provided for Kerry supporters travelling to Dublin, the third of which was filled in 15 minutes, and we still did not have adequate public transport provision. I call on the Leader to urge the Minister for Transport to do whatever he must do, and not to wait until next Wednesday or Thursday to do it, to put a plan in place to transport the Kerry and Mayo supporters safely to the all-Ireland final in Dublin by way of an adequate service of which we can be proud. Both Pádraig Kennelly and John B. Keane said that being from Kerry gives people a head start. I ask the Leader to contact the Minister for Transport to ensure all the Kerry supporters get up to Dublin safely.

An Cathaoirleach: It is said that a Kerry person with a footballing inferiority complex is a footballer who thinks he or she is just as good as everybody else.

Senator Mike Kennelly: Hear, hear.

Senator Mary Fitzpatrick: I will refrain from joining in the Kerry celebrations. I wish both Kerry and Mayo well. I am hugely disappointed for the boys in blue. We were robbed, obviously, but I will not dwell on that point.

An Cathaoirleach: I will need to check the Standing Orders but I do not think the Senator can make such an accusation.

Senator Mary Fitzpatrick: I really hope the Dublin women will achieve justice in Thurles next weekend for the Kerry triumph against the men's team.

Last week, the Government announced that Transport Infrastructure Ireland, TII, had acquired the Carlton site on O'Connell Street. I welcome that news. Anybody arriving in Dublin from Mayo, Kerry or any part of the country will come up O'Connell Street. For almost 30 years, that site has been more or less derelict. The Government has a massive opportunity now to develop the site. It has been acquired for the MetroLink project, which will transform public transport infrastructure in the city.

However, there is also potential to deliver affordable homes on the site. It was previously in private ownership but now it is owned by the State. TII has a transport remit. I am calling on the Government to engage the Land Development Agency, LDA, which is, in essence, the State home-building company, to deliver affordable housing on the site. If we put the Carlton site together with the Government-funded work on the national monument at Nos. 14 to 17 Moore Street and the up to €500 million earmarked for investment in the GPO under the national development plan, the transformation that is already taking place and that will continue on O'Connell Street represents a once-in-a-generation opportunity. As part of that once-in-a-generation opportunity, the State must take the opportunity to deliver affordable homes.

I would appreciate if the Leader could arrange for the Taoiseach to come to the House early in the new term to update us on the Dublin city task force, which falls under his Department's remit, and all the great work being undertaken on O'Connell Street and its environs.

An Cathaoirleach: I welcome to the Gallery, all the way from the Roughty Valley in Kerry, Mr. Christy Hussey. He has soldiered long and hard on hurling fields in Kerry in matches between our nearest neighbours, Kilgarvan and Kenmare. I have participated in some of those battles myself. I use that word because they were far closer to being battles than hurling matches.

Senator Eileen Flynn: Travellers know what it means when politicians make a habit of standing outside our sites, pointing cameras at our homes and speaking as though true criminality is somehow written in our blood. When a Senator invokes Garda patrols in the same breath as warning Travellers, it does not feel like a concern for safety. It feels like a collective punishment and an attempt to mark a whole community as dangerous because of who we are, not because of individual actions. That is an unethical abuse of power. The Garda is supposed to police behaviour, not identity.

Senators are supposed to hold the State to account and be part of making positive laws and policies for all people in this country. Today, I want to make it very clear that using the platform of a Senator to imply that Traveller problems can be solved by extra patrols and public warnings is not courage. If a Member believes Travellers are equal citizens, then they should stop talking about us as a problem or risk within society and start talking with us as partners in shaping the policies that are affecting our lives.

Travellers moved into a wee space and a serving Senator in this House came out and said there are more patrols and that our friends were going to leave very soon. That is really patronising, horrible and disgusting behaviour. If it were Fine Gael or Fianna Fáil, it would be

all over the media and they would be called out on this. This Senator has years of experience and apparently is all about equality and equality for the Irish people, but obviously not for Irish Travellers. Members cannot use their platform in these Houses to promote hate towards our community. We are more likely to not get jobs, receive bad schooling and have so much ill-treatment towards us as a community. We do not need a public representative who sits in our Houses, where I am as a proud member of the Traveller community, to keep putting us down. Instead of putting us down they should use their platform in these Houses as a positive towards our community. Stop with the cameras and social media. She was not even brave enough to put in on her own social media.

An Cathaoirleach: I said this already in relation to Standing Order 52 about the public interest and that balance. I want to remind all Members of that issue.

Senator Robbie Gallagher: I will raise an issue that affects thousands of people in this country but, in my opinion, does not get the attention it deserves. That is the shockingly poor return Irish people are getting on their savings in Irish banks. On top of that is the fact that inflation is also having a negative effect on the few pound people have put away for the rainy day or to help them in their retirement. A recent report highlighted that and showed how over the last ten years the purchasing power of the savings people have has decreased by something like 21%, which is shocking. That clearly illustrates that a programme of education is required in this country in relation to savings and how best to make a return for those people who have been disciplined and managed to put a few pound away for that rainy day.

Currently, there is something like €175 billion on deposit. It is quite shocking that €156 billion of that is in what are called demand deposit accounts or current accounts, which earn little or no interest whatsoever. People have worked hard all their lives and have been disciplined to put a few euro away for that rainy day, to help them in retirement or get kids through college or whatever, and clearly the banks need to be doing more for people in this space. There is a responsibility also on Government to have a public awareness campaign to show people how best they can make their money work for them - the hard-earned money they have managed to put away - to make sure it is working to its full potential because it clearly is not. I would welcome if, before the end of the year, we could have the Minister of Finance into the House so we can have a discussion on this very important issue.

Senator Mark Duffy: I want to acknowledge the Mayo GAA team on their great win at the weekend.

An Cathaoirleach: Senator Duffy's sister is in the Visitors Gallery.

Senator Mark Duffy: I was getting to my sister. Senator Duffy without interruption.

(Interruptions)

An Cathaoirleach: In the world of priorities, your sister comes first.

Senator Mark Duffy: Can I restart the clock-----

An Cathaoirleach: Do not worry, I will give you extra time.

Senator Mark Duffy: -----and acknowledge my sister, Councillor Marie-Thérèse Duffy, in the Visitors Gallery? I thank her for being here, for being willing to replace me on Mayo County Council last year and for her support to date.

I appreciate it.

I also appreciate the achievement of Mayo GAA, which has really united the county. I acknowledge Andy Moran and the team. I also acknowledge our friends from Louth and their supporters. They are a formidable team and a team on the up. We are looking forward to taking on Kerry once again. Senator Fitzpatrick encapsulated it when she referred to the Kerry celebrations. The Cathaoirleach and Senator Kennelly have it in the bag. It is just a matter of going up and collecting the trophy. I wish them well in their celebrations and look forward to being there to witness it.

An Cathaoirleach: It is Mayo's to lose.

Senator Mark Duffy: I acknowledge the community in Crossmolina. I attended a public meeting last night that was attended by over 200 people who are very dissatisfied with the proposals by Bord na Móna to build a route around the town of Crossmolina. Crossmolina has a vibrant, active community. There has been a lack of public consultation on this proposal. We all have experience of the different projects that are delivered by State or semi-State bodies. I checked my emails to see that the last correspondence I had with Bord na Móna was in 2024. It has had no engagement with the community. The community is very concerned about the impact of the proposed route and the biodiversity impact it will have. The lack of consultation is totally unacceptable and not fair.

I call on Bord na Móna, which has powered the community down through the years but is at risk of dividing the community now, to step up and engage effectively with the community. It should not be using community volunteers as a front to push its own agenda. Things need to be done in a consultative way and in a process that listens to people in the community and responds appropriately, not by riding roughshod over a community that has been very facilitative of different projects through the years. The community needs to see a return on investment and not be ignored. I would like to see that their asks are facilitated and that there is proper engagement with the community.

The field in question is home to the Crossmolina Agricultural Show, which I was at last year and support every year. It is a brilliant festival and show. It needs to be supported. The volunteers in the community need to be respected and engaged with appropriately, not in a tick-the-box exercise. It is a live planning application. Bord na Móna needs to take a step back and get people on board before it tries to move ahead with these proposals.

Senator Pat Casey: I was in my office when I heard a lot of GAA talk, so I said I could not miss this opportunity, as a man from Wicklow, which does not often get the privilege to play in Croke Park. To actually walk the steps of the Hogan stand and to lift the Tailteann Cup was a huge day for Wicklow. It took a huge commitment by the players, the management and the county board to achieve that success. In a year that was disappointing in that we did not get

promotion from division 4 this year, like last year, to turn it around and win the Tailteann Cup was a unique experience and one that will live long in Wicklow's memories.

Public transport was mentioned at some stage. While the Senator was talking about not having car parking spaces at the train station, we do not even have trains in Wicklow, never mind train stations to get people to Croke Park. There is a huge deficit in public transport in Wicklow, whether for bus, rail or road. Today, I acknowledge the work of the Wicklow GAA, the county board, the management team, the players and, indeed, the sponsorship, which was a deal I had a hand in putting together three years ago. It has helped because it was invested in the development squads as opposed to the senior squad. Congratulations to Wicklow today.

Senator Patricia Stephenson: Today, there is going to be a meeting of the HSE drugs group with those living with Friedreich's ataxia and their families, who have travelled to Dublin. They are desperate for Skyclarys to be made available on the scheme. The drug is the only one that can slow down the cruel and debilitating disease that is Friedreich's ataxia. I have spoken on this before. I hope today brings an end to the fight of these families for access to the much-needed drug.

I also raise the issue of legal aid. We are confronted yet again with another stark reminder that words from this Government do not mean much if people cannot access the services they need when they need them. Free Legal Advice Centres, FLAC, warned yesterday that there are now legal aid deserts across the country. These are places where people cannot access legal aid, with not enough solicitors available to represent people seeking domestic violence orders and fleeing domestic violence.

We have a situation where survivors who find the courage to take the terrifying decision to seek protection discover that there is simply no solicitor available to stand beside them in the court or even answer the phone when they reach out for help. We hear from the Government that we have a zero-tolerance approach to gender-based violence, but zero tolerance must be reflected in the experience of every person who turns to the State for help. That is currently not what is happening.

For someone escaping abuse, every delay carries consequences. It means remaining in fear and at risk. The numbers are stark. Only 21% of calls that were made to FLAC last year could be answered. How many of the unanswered calls were related to domestic violence and made by people who did not receive the support they needed? We cannot allow this situation to continue.

There is a broad debate happening in the public realm at the moment around legal aid. This is an incredibly vulnerable group of people who are not getting the support they need. Survivors of domestic abuse deserve immediate access to legal aid and representation, regardless of what part of the country they live in. I ask the Seanad to have a debate on this as a matter of priority in September. The Minister must urgently outline what emergency measures will be put in place to address these legal aid deserts, recruit and retain more solicitors and ensure that no victim is left behind facing the courts alone.

I recognise that a committee on domestic gender-based violence, in which Seanad Members will participate, is to be set up in the coming months. We are facing a moment of crisis in this

country and if we do not get ahead of it as legislators, it will only get worse. This is a part of that.

Senator Aubrey McCarthy: I thank the Cathaoirleach and the Deputy Leader. I hope they are enjoying the wonderful weather we are having. I was down in Wicklow last weekend where I had the pleasure of attending the Taste of Wicklow festival in the Abbey Grounds. I acknowledge this fantastic example of what a local authority can do, as well as the social enterprise that was in action there.

As the Deputy Leader knows, Tiglin set up various social enterprises, and we have seen how social enterprise can transform a community. The Rise at the Cove café in Greystones is a wonderful example of how we brought employment and opportunity to people who were simply overlooked before. Now, however, thanks to the vision of Wicklow County Council, and together with Fáilte Ireland and the Wicklow town team, we have set up a new social enterprise in the grounds of the old abbey in Wicklow town. It is more than just a café. It is a place where people gain confidence, skills and dignity through meaningful work while creating a fantastic amenity for the community.

The Taste of Wicklow festival showed exactly what is possible. Brian Gleeson, deputy chief executive of Wicklow County Council, was joined by thousands of people who filled the Abbey Grounds and enjoyed food made by local producers. There were demonstrations by the likes of Rachel Allen and Catherine Fulvio. If it has anything to do with food, I will be there anyway.

I encourage everyone to visit Rise at the Abbey, support this new social enterprise and see for themselves what local authorities can do when they join with tourism bodies, charities and communities. It really works and I commend those involved on that.

I also highlight Vision Ireland, which is calling for a national vision strategy. Over 300,000 people live with some form of vision impairment in Ireland. That includes 31,000 with severe sight loss and 70% of sight loss is preventable through early detection and treatment. Ireland has national strategies for cancer and dementia, but it still does not have a national vision strategy. Vision Ireland is calling for a national strategy. This would save the State in costs and also provide faster access to treatment and lead to prevention.

Senator Eileen Lynch: The all-Ireland road bowling championships were held in my local village, Ballinagree, over the weekend. Many Members may not be familiar with the sport of road bowling.

It is very much a minority sport. It is very popular all over Cork, in many parts of Northern Ireland and some western counties. The gathering that was there at the weekend was of hundreds of people. There were six major competitions varying from under-18 men and women, to junior men and women and intermediates. It was such a fantastic display of our community and of the sport. I commend Ballinagree Bowling Club which was the club hosting the competition.

A lot of these minority traditional Irish sports do not get the recognition they deserve. I attended a score last week which was the senior ladies' Munster final where our local lady, Denise Murphy, was unfortunately defeated, but to see the number of people out in support was just incredible. I commend Denise who, as I said, is from home. She is from Ballinagree. She

has an under-18 world title and an intermediate all-Ireland title and she is a fantastic representative for women in sport. We are also lucky that Briege Corkery, who has numerous all-Ireland medals for Cork camogie and football, officially opened the competition on Saturday. These women in sport need to be promoted an awful lot more than they are. My colleague, Senator Ní Chuilinn, does a lot of work on this. I ask that we would have the Minister come in to discuss minority sports, and, more particularly, the role of women within minority sports and the way in which we can promote them more. Road bowling, for instance, is a fantastic sport. I really would like to see more young people going out getting involved in it. It is a serious test of skill and is really a community endeavour. Finally, it would be remiss of me not to wish both Kerry and Mayo the best of luck in the All-Ireland final. I have decided not to pick a side.

An Cathaoirleach: How about the French and the Spanish? Let us not forget Argentina and England tomorrow. I cannot wait to hear everybody's comments on that one. Before I call on Seanadóir O'Reilly, I welcome H.E. Dennis King, ambassador of Canada to Ireland. He is most welcome to Seanad Éireann. I also welcome my good friend James Maloney, MP, head of delegation for the Ireland-Canadian friendship group, along with Senators Raymonde Saint-Germain and Manuelle Oudar; and Elisabeth Briere, MP; Patrick Bonin, MP; and Kevin Waugh, MP. We also welcome the association's secretary, along with Anne-Marie Therrien-Tremblay, here as association advisor, and Jackie Ellis. They are all heading to Valentia Island for the great twinning between Valentia Island and Heart's Content in Newfoundland in Canada where the cable from Valentia connected the new world with the old, transformed the way we communicated and brought our two countries closer together. To James and all the delegation, we are delighted to have them back so soon. This is going to become a monthly event, I think. James was here last month with the Canadian Prime Minister. We look forward to the Prime Minister and a delegation coming back again soon. I thank them for being here today.

Senator Sarah O'Reilly: I also welcome the delegation from Canada. They are very welcome. I have three sons living and working in Manitoba, Souris and Brandon.

I bring up the issue of e-scooters. Imagine being afraid every time you step outside your own front door. That is a daily occurrence for a visually impaired woman living in Cavan town. I was speaking to Joanne yesterday. She is clinically blind. She says she is genuinely afraid for her life because of e-scooters speeding along footpaths. Instead of feeling safe using her white cane or crossing at a pedestrian crossing, she lives in constant fear that someone travelling at speed will fail to see her and knock her down. No one should have to live like that. For the past two years, Joanne says the problem has become steadily worse. She has already had two near misses, as she calls them, that left her badly shaken. She describes Cavan's footpaths as being like a racetrack and says she dreads leaving her home now. That should not be the case. This is not just about an inconvenience. It is about safety, accessibility and the right of every person, regardless of disability, to move around their community without fear. The law is already clear. E-scooters are not permitted to be ridden on footpaths. Yet, the rules are being ignored because many people believe there is little chance of being caught.

Without proper enforcement, the law means very little. Many e-scooter users act responsibly but it only takes a few reckless riders to put lives at risk. We need greater awareness, stronger enforcement and respect for pedestrians, especially those who are most vulnerable. Everyone

deserves to feel safe on their streets. Joanne's story should be a wake-up call for all of us. It is time to ensure our footpaths are places of safety and not fear.

Senator Victor Boyhan: I welcome the Canadian ambassador to the Upper House in this bicameral Parliament of ours. I particular welcome his delegation here. Canada is a beacon of light in many regards and the Irish people and Government very much value the very special relationship with Canada. I wish the delegation the very best of luck and every success in its visit to the Oireachtas.

I will raise one issue with the Deputy Leader. We have exactly 949 city and county councillors in our country. Every week or two weeks I am up here on my feet asking the same question. Indeed, I asked the same question of the Deputy Leader the last time, which was that we would have a briefing in relation to the findings, outcome, recommendations and the plan for the implementation of the local government task force. There has been no progress that I am aware of. Nobody has come back to me. There has been no discussion in this House about it despite numerous requests. As we end our time this term, it is very disappointing.

To the 949 councillors, all I can say again when I communicate with them in my end-of-week letter is that there has been no progress. That is exceptionally disappointing in a House where the majority of people are elected through the franchise of our city and county councillors across 31 local authorities. It says something about our commitment to drive forward. We cannot predetermine the outcome of the task force but we can demonstrate on the floor of this House our determination to see it implemented, or at least published and its task force implemented. I will make another call: that we have a briefing and direct timeline for the implementation of the local government task force.

I will wrap up on a positive note by singling out the president of the Association of Irish Local Government, AILG, Councillor Mary Hanna Hourigan. I cannot thank her enough. I know I speak on behalf of many advocates in local government by referring to her exceptional work as the president of the Association of Irish Local Government. I wish her well on her successful tenure and I have great hopes for her for the future. I thank her, on behalf of our city and county councillors, for the amazing advocacy work she has done in Ireland, the UK, the islands and across the European Union in relation to local government. She has served local government well and with distinction. It is only right and proper we should acknowledge the absolute commitment she has given the job as uachtarán of AILG.

Senator Sarah O'Reilly: Hear, hear.

An Cathaoirleach: Anois, the Deputy Leader on the Order of Business. It is the last sitting and I have allowed time to slip, so the shortness of the reply will be mostly my fault.

Senator Fiona O'Loughlin: I thank the Cathaoirleach. We have had 26 Senators today. I think that is a record, certainly in my time taking Order of Business. I will try to be as quick as possible while, in fairness, giving respect to all of those who did raise issues and deserve a reply. I will also add my voice of welcome to the ambassador and our distinguished guests from Canada, particularly to Mr. James Maloney, MP, who was so very kind to us when the

foreign affairs committee visited just before Christmas. We certainly look forward to an excellent relationship going forward.

We started with Senator Anne Rabbitte, who spoke about the Minister for justice's decision to bring a memo to Cabinet in relation to dealing with extreme pornography. Stark research shows us why this is needed; 15- and 16-year-olds, particularly boys, have seen violent pornography. This is distorting attitudes and behaviours in regard to relationships. The Senator also paid tribute to Mr. Mick Mangan and Ms Fiona Jennings for their work in this area. Senator Mullen also spoke about the importance of this and we acknowledge the work of Deputy Cathal Crowe. When I was Chair of the Oireachtas education committee, it was one of the recommendations we put forward in a report at the same time.

Senator Rabbitte also spoke about the need for Skyclarys, which is on the agenda for the HSE meeting today. We hope for a positive result and that there will be action after that.

Senator Stephenson also spoke about that matter.

Senator Scahill spoke about the need for debate on the regional spatial and economic strategy, RSES. As he said, it is a blueprint for investment in housing and industry. We need to see ambition across all our local authorities and we must encourage them to put forward very proactive submissions. We certainly will seek a debate on that issue when we return.

Senator Mullen spoke about the very tragic murder of Ann Widdecombe, who certainly came across as a person of great conviction and great faith. She was very forthright in her views. As in any situation, everybody's views should be treated with respect and tolerance. It is very sad that within a ten-year period, two sitting MPs and a former MP have been tragically murdered. We remember, of course, Jo Cox and Sir David Amess. There will be a mass at 12.45 p.m. tomorrow at St. Teresa's Church on Clarendon Street. I encourage those who can do so to attend.

Senator Tully raised a problem with the social welfare system whereby people who come off welfare for a short period either to take a seasonal job or a position on a CE scheme find it takes a long time to get back on their benefits. She spoke about a situation where it took three months. I certainly will bring that issue to the attention of the Minister, Deputy Calleary. It is not good enough and we need to change it.

Senator Harmon spoke about the redevelopment of the Bessborough site. That decision was taken by An Bord Pleanála, as she knows, but we absolutely empathise with all of those concerned by it. We must recall that there are 19 mothers and 859 infants still missing from that time. The Senator also spoke about the need to have access to safe swimming and for a new lido in Cork. I will ask the Minister of State, Deputy McConalogue, to come to the House for a debate on swimming as a sport and access to swimming, not just from a sport perspective but also from a health perspective. A new strategy was launched three to four years ago but, unfortunately, our facilities have not been kept up to scratch in terms of the ambition in the strategy.

Senator Flaherty referred to a situation regarding a GP contract in Longford, with a satellite surgery in Lanesborough. He is absolutely right to keep pushing that issue. I am dealing with a similar situation between Blessington and Ballymore Eustace, which has been going on for

years without being resolved. I completely support Senator Flaherty. I will speak to him after the Order of Business to see what we can do to help the situation.

Senator Nelson Murray spoke about the announcement by the Government that there will be five days' paid miscarriage leave. I am reminded that our colleague, Senator Nicole Ryan, brought a proposal to us in that regard only last year. The Minister, Deputy Calleary, is working on the establishment of a baby loss register, which should help with the grieving process. Miscarriage is a very sad time for all those impacted. He is also working on the introduction of a certificate of early baby loss. All of that is very worthwhile work.

Senator Keogan referred to the EU Presidency, the EU migration pact and her concerns about border guards. We need to share intelligence and ensure we have a highly effective, technology-savvy police force.

Senator Comyn spoke about football and thanked the Louth team for all it gave. The Louth footballers certainly gave their all. The Senator congratulated the Mayo team on its win. She referred to the problems with people getting public transport from Dundalk and Drogheda to the match and the ongoing problem of the car parks at those train stations being full. I have often heard her speaking about that. We need a debate on this issue. Train transport is brilliant when it is available to people. Senator Casey noted that Wicklow and Sligo do not have that problem but people there wish they did. In Meath, people are still waiting for a train station at Navan. We need a debate on rail transport, including train services, parking facilities and the need for a train station on the north side of Drogheda.

Senator Byrne welcomed Councillor Marie-Thérèse Duffy from Ballina, who has just left with her brother. The Senator spoke about the act of heroism at the weekend in Rosslare, where a man jumped into the sea to save a child. He got into difficulty and four other people jumped in, so the Coast Guard and other emergency services had to come together to pull six people out. I can imagine the complete panic of everybody witnessing it. Thank God they are all okay.

Recently, I was down at the Coast Guard station in Westport. It is incredible to see the work done by our volunteers. It is not just a matter of the sea because we heard about another fatality at a lake in Mullingar over the weekend. Our deepest sympathy to the family and friends of the 17-year-old man who sadly died.

Senator Curley spoke about the need to have extra time for those with learning difficulties during State exams. Fianna Fáil used its Private Members' time to debate a motion on this. We were given a commitment at the time in question that extra time would be made available. Sadly, it is only ten minutes. When we compare that with what is allowed in England, where there is 25% more time, we realise we certainly need a better system. A review has been carried out. We need the findings to be published and acted upon.

Senator Andrews spoke about the Irish Glass Bottle site and the social housing there. He wanted to emphasise that the houses there are safe but that there is concern about the next phase. We need clarity in relation to that.

Senator Kennelly spoke about Kerry football and how wonderful the Kerry team is. Of course it is wonderful. He also raised issues about public transport for the supporters. To be

fair to Iarnród Éireann and Bus Éireann, they generally put on a lot of trains and buses. We are beseeching them, and we will ask the Minister to step in if necessary.

Senator Fitzpatrick spoke about her disappointment over Dublin. I have to say, it was some match. We were all absolutely glued to it. It was anybody's game. It was just a terrific match. The Senator spoke about TII acquiring the Carlton site. This will be for MetroLink, as we know, but there is a lot of space and a lot of potential. There is great potential there for affordable homes. Together with developments at Moore Street and the GPO, there is going to be a wonderful transformation of O'Connell Street. We certainly will ask the Taoiseach to come in and give us an update on the Dublin city task force. Beside the Carlton site for housing, there could be space for a cultural site. There has been a lot of talk always about the Abbey Theatre moving. This could be a great home for that also.

Senator Flynn spoke about the situation impacting the Traveller community, and said that sometimes there is collective punishment as opposed to concern about individuals' bad actions. She described a situation that I was sorry to hear about. Our legislation is to protect all of us, no matter where we are from or what ethnic group we are from, but also for us to live by responsibly.

Senator Gallagher spoke about the lack of returns on savings in banks. We need a public campaign to ensure that people are getting the best value for money that they have in savings, whether they are saving for a mortgage or for a pension. It is not too easy to have money in your bank account, so we absolutely need to have the best return for our money. We will ask the Minister for Finance to come in and discuss that.

Senator Duffy congratulated the Mayo team and spoke about the community in Crossmolina being very concerned about proposals by Bord na Móna to construct a route around Crossmolina. It appears there has been a lack of engagement and consultation. We need a proper process. I certainly agree with the Senator on that, and we will appeal to Bord na Móna through the Minister's office.

Senator Casey spoke about a wonderful victory for Wicklow over the weekend, on Saturday. We were all absolutely delighted to see Wicklow win the Tailteann Cup. He wanted to thank the management, players, county board and the supporters, and also the sponsor, which I know he helped to secure for the team.

Senator Casey mentioned the fact that there is a deficit of public transport.

With so many people moving to Wicklow now, we need that to improve.

Senator Stephenson spoke about concerns from FLAC in relation to legal aid and concerns that those who are suffering from domestic violence are not getting the legal supports they need. There is engagement between the Minister, the Department and those representing the legal profession. It is important that room and opportunity is given to try to come to a conclusion.

Senator McCarthy raised the Taste of Wicklow festival in the Abbey Grounds in Wicklow. It is a new social enterprise in the grounds of Wicklow Abbey. It sounds like a great weekend. Rise is going to remain at the Abbey, supported by the local authorities. It is important that, where we can, we support these different types of social enterprise activities. The Senator also

mentioned Vision Ireland's call for a national vision strategy. I agree that we need such a strategy.

Senator Lynch raised the all-Ireland road bowling championships in Ballinagree and the hundreds of people who gathered there. It is wonderful to see that. However, the Senator is right in that the minority traditional games are not getting enough recognition. We look for a debate with the Minister of State, Deputy McConalogue, about that. Likewise with women in sport such as Denise Murphy and Briege Corkey, it is wonderful to see that they gave their time to what was happening.

Senator Reilly raised e-scooters and the case of an older lady in Cavan who is visually impaired. As the Senator described, I can absolutely appreciate that it was a very difficult situation. We have legislation. The laws are being ignored. We need better implementation and awareness. We need people to respect the laws of the land that are there. That is so important.

Senator Boyhan raised the 949 councillors, who are concerned about not having updates on the findings and outcomes of the local democracy task force. He will no doubt appreciate that the Minister, Deputy Browne, has an incredible amount on his desk. The Senator has always been vocal about how much work goes into the new draft rural guidelines statement. It is important to acknowledge that. It took up a huge amount of time. When it comes through the next process and the local authorities do their development plans, that is going to make a real difference. I totally understand the disappointment. We will certainly ask for a briefing as soon as possible. The Senator rightly thanked the outgoing president of the AILG, who did wonderful work. Equally, I wish the incoming president, Aengus O'Rourke, the very best of luck during his term.

Order of Business agreed to.

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

Senator Fiona O'Loughlin: I move:

(i) That, notwithstanding anything in Standing Orders relating to Public Business, the Order of the Seanad of 9th July, 2026 in relation to approval in draft of the Planning and Development (Exempted Development (Act of 2000)) (No.3) Regulations 2026 is hereby discharged.

(ii) 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 14th 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.

3 o'clock

**Postal and Telecommunications Services (Amendment) Bill 2026 [Certified Money Bill]:
Second Stage**

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

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy McConalogue, and his officials. Before I call on him to speak, I would like to welcome Camross ICA, guests of Deputy George Lawlor.

Minister of State at the Department of Culture, Communications and Sport (Deputy Charlie McConalogue): The Postal and Telecommunications Services (Amendment) Bill 2026 is a short amendment to the Postal and Telecommunications Services Act 1983. Its purpose is to enable the payment of the agreed funding from the Department of Culture, Communications and Sport Vote to An Post in order that An Post may then in turn disperse this funding to postmasters across its network. The Government is committed to a sustainable An Post and post office network as a key component of the economic and social infrastructure throughout the country. Members will be aware that under the programme for Government, the Government committed to continue providing the nationwide network of post offices with funding, to ensure their sustainability and enhance the value they bring to local communities. I am very glad to have been able not only to secure continued future funding in line with this commitment, but to provide funding at an enhanced level of €15 million per annum, a 50% increase which was approved by the Government in January.

While this may be a short piece of legislation, it has a big impact. The approval provides a clear mandate for this enhanced funding and my Department is working to ensure that the required structures are in place as soon as possible in order to commence providing the funding. In line with the programme for Government, the funding will support the stability and sustainability of the nationwide network of post offices, thereby protecting and nurturing a commercially focused post office network. The principles under which the funding model will operate include maintaining access to the network across urban and rural Ireland, ensuring that no community is left behind; aligning individual funding with criteria, including the degree of isolation and the sustainability of each post office; ensuring a minimum revenue threshold for post offices; and recognising offices of cultural or geographic significance, such as those on inhabited islands or in Gaeltacht areas. The most remote rural and vulnerable communities will benefit proportionately more from the increased funding, thereby helping to safeguard essential infrastructure where it is needed most. The average payment to rural post offices will increase by 78%. The average payment to urban post offices will increase by 44%. Offices located more than 15 km from the next nearest post office will receive the largest increase in funding, at 125%. All postmaster-run post offices will receive an increase in the previous funding with a minimum uplift of €2,000.

An Post has statutory responsibility for the post office network. It must actively explore opportunities to develop new or enhanced product lines for the network. This funding provides

time and space for the network to navigate global headwinds and develop new commercial initiatives and services to attract customers, drive footfall and generate growth. I am pleased to note that An Post has advised me that transactions in the network are up by 10% this year, year on year, and postmasters' earnings are up approximately 15% so far this year. The network is a core strength of An Post and the continued development of the network and its services is a vital component to its sustainability. Supported by the Government, An Post must ensure the network's viability. Decisions relating to the network, including those relating to specific post offices, are operational matters for the board and management of An Post and not ones in which I have a function. Furthermore, the terms under which postmasters contract with An Post is a matter between the postmasters and An Post and any negotiations are a matter for both parties directly.

The sole purpose of the Bill before the House is to provide a statutory basis for funding to be paid from the Department's Vote to An Post. The Bill provides for a small technical amendment. Section 1 amends section 29A of the Postal and Telecommunications Services Act 1983, as amended, to increase the amount of funding the Minister can provide for the post office network from the current ceiling of €30 million, which has already been provided, to a new ceiling of €105 million, which is an increase of €75 million.

The Bill will be commenced upon enactment. The Government has demonstrated its commitment to the network and to the value it provides to citizens with the allocation of this €15 million per annum for the term of the Government. However, I encourage all stakeholders to work together to ensure long-term sustainability for the network. All citizens should be encouraged to use their local post offices so we can continue to see them thrive.

I thank the Leas-Chathaoirleach for facilitating all Stages today so we can have the Bill passed before the summer recess, given the importance of this funding reaching An Post to be provided to post offices across the country.

An Leas-Chathaoirleach: Go raibh maith agat, a Aire Stáit. I acknowledge the Minister of State, Deputy Feighan, and his guest, Tom Mullaney, from Sligo. They are very welcome. I hope they enjoy their visit to Leinster House today.

Senator Alison Comyn: I thank the Minister of State for attending and I wholeheartedly welcome this important Bill. I will take the opportunity to explain why this legislation really matters. On the face of it, it is a relatively straightforward Bill that provides the legal basis for funding already agreed by Government, allowing €15 million per year to be invested in our nationwide post office network between now and 2030. Behind that technical amendment is something much more significant. We all know post offices are way more than just a postage stamp or parcel. For many people, it is one of the few places they visit every week. It is where pensions are collected, bills are paid, passports are processed, banking is done and people can call in knowing they will be greeted by someone they know well and who knows them. In many communities in rural Ireland and, increasingly, in our towns as well, the post office remains one of the last truly local public services. We remember what a lifeline post offices and the postmen and postwomen coming to the houses during Covid were. They were vitally important.

Communications have changed beyond recognition over the past two decades. Letters have given way to emails, online banking has replaced many over-the-counter transactions and more and more public services have moved online, yet the need for trusted, accessible, face-to-face services has not disappeared. In fact, they have become even more important.

Ireland's network of around 930 post offices remains the largest retail network in the State, serving well over 1 million customers every week. That tells us something important. Despite all the technological change, people still value the reassurance, convenience and trust that comes with the local post office. That is why this investment is so important. The €75 million being provided over the next five years is not simply about maintaining buildings; it is an investment in connectivity, inclusion and community resilience. It recognises these services cannot and should not exist solely online. We often speak about digital transformation, and rightly so, but many older people – in fact, not only older people – are not as comfortable carrying out transactions online. They are much more comfortable face-to-face. That could be down to broadband connectivity, poor mobile coverage or simply lack of confidence. We all hear about scams every day of the week. Even I sometimes worry about doing business online. For those people, the post office is not just a convenience; it is an essential service.

As a spokesperson for communications, I believe this debate should be about the future, rather than simply preserving the past or what we have at the moment. Supporting the post office network should not be about standing still; it should mean giving the network every opportunity to evolve.

As the Minister of State mentioned, none of this would be possible without the hundreds of independent postmasters and postmistresses who operate their businesses across the country. They are much more than service providers. I have spoken to them all in our community. We all know them really well. They know their communities and their customers. They often recognise when somebody has not called in as expected. They have saved lives over the years. That human connection is something we should never underestimate. We must continue to engage with the Department and An Post to make sure these men and women know they are valued and looked after, especially in retirement, financial security-wise. As our population ages and concerns around loneliness and isolation continue to grow, places where people are recognised, welcomed and treated with dignity become increasingly valuable.

As a Louth-based Senator, I recognise the important regional dimension to the debate. The Government has rightly committed itself to balanced regional development. If we want people to continue living and working in rural Ireland and in small towns, then essential services must continue to exist in those communities.

The post office network forms part of that essential infrastructure. Once it is lost, rebuilding it would be extraordinarily difficult. This Bill provides the legal mechanism to continue funding the network over the next five years. It sends a clear signal that the Government recognises the importance of maintaining a nationwide post office service, while supporting its continued development and adaptation. For those reasons, we support this Bill and hope that it has a swift passage through the Houses. It is investment not only in post offices themselves but in the people and the communities they continue to serve every single day.

Senator Evanne Ní Chuilinn: I welcome the Minister of State to the Seanad for this very important legislation. It is a very short Bill but a very impactful one. The Postal and

Telecommunications Services (Amendment) Bill 2026 amends the 1983 Act to provide a legal basis for increased State funding to support the nationwide post office network. We have spoken about this network quite a bit in the past 12 months in the Seanad. With the introduction of the extra funding, it authorises €75 million over a five-year period, which equates to €15 million annually. It will help An Post maintain its network, thereby ensuring it continues to meet the State's social and household service needs across Ireland.

I hope that this funding will help to prevent further closures. I was encouraged to see some of the detail in the Bill around the 125% increase in funding for offices located more than 15 km from the nearest post office. We have seen a couple of issues with post offices that have closed over the past couple of years. We had one close in Bluebell, in Dublin, a couple of years ago. The nearest one now is in Inchicore, which does not seem like a long way but for those who are older or perhaps not as mobile it is really important that those post offices that are serving extra communities get the extra funding.

It is important to point out as well that the longer-term direction of the network will require a combination of State support like this and commercial innovation from An Post and, of course, continued use by the public of the services being provided by the post offices.

I am encouraged as well to see transactions up by 10%, which does bode well for the viability of the network. It shows that there is a continued use of the services by the public. I fully support this Bill. As was said, it is very short legislation but very impactful. I echo what Senator Comyn said about getting this through as swiftly as possible before the summer recess.

Senator Victor Boyhan: I wish the Minister, Deputy O'Donovan, well and wish him a speedy recovery. I thank him for his input on this work. He has championed rural communities. He represents a constituency that has both urban and rural areas. The significance of the post offices is known to us all. Any of us who has contacts with post offices, be they urban or rural, knows the importance of them. They are an important point of contact. Most people who run post offices have been long established there. Many of them run them in combination with local enterprises or local businesses, be it shops, hardware or pubs. I can think of loads of rural post offices in Meath and Kildare alone that are run on the fringes with other successful businesses. What is most important is that they offer a confidential service. They offer a listening service and they are more than just a transactional service. They are there looking out for people. Members of communities like to go there and I have always been a strong advocate for the post office network, so I support anything that supports the post office network.

There is potential for innovation and synergies and co-operation. I am always struck as to why the local credit unions cannot operate out of the same building as local post offices or information hubs or community hubs. There are potential synergies that could be looked at in terms of keeping the core service and that connection within communities.

I wish the legislation well. It will have our whole support and I understand that we will be doing all Stages of the Bill today, so it will be put through today.

I wish the Minister of State well with the responsibility of the passage of this Bill today. It has my full support.

Senator Chris Andrews: Sinn Féin welcomes this Bill and its proposals to support the post office network. This needs to be supported across the State in both rural and urban areas, which was why we proposed an investment of €15 million in funding for postal services in our alternative budget last year.

Sinn Féin has long supported a new public service mandate for our post office services, backed by strategic investment in an expanded range of services and better conditions for postmasters, to ensure that the existence of post offices is safeguarded in the long term. Post offices are often the last remaining public service in many communities and play a proven and irreplaceable role in supporting social cohesion, offering critical services and access for older people, vulnerable citizens and marginalised communities. For this reason, it is vital that the Government commits to a structured multi-annual investment that would safeguard these services well into the future.

I raise the issue of Rathmines post office, which will close this Friday. This is a devastating blow for the local community and staff alike. The building is likely to be put on the market in the middle of next year but, as of now, there is no plan for this historical building to stay in public hands. It would be a huge loss to allow a building as magnificent as this to leave public ownership. An Post is planning on selling off this beautiful Art Deco building, which has been the home of Rathmines post office for almost 90 years and is an iconic feature in the local community. There is a real risk that the building will be sold off to a private developer and left to lie derelict for years on end, or otherwise be removed from public or community use. Rathmines post office is a vital part of the social infrastructure in the Rathmines community, which has already lost a number of important services over recent years. This building needs to be kept in public ownership for the use of the community. To sell it off without a plan would be an act of recklessness. There are some proposals from local community activists about what might go into the space. It should be a central community hub for Rathmines. It could be the heart of cultural or community activities, or both. We need to see ambitious forward-thinking action taken by the State to ensure this property remains in public and community use and the long-term good of Rathmines is not left to chance.

Minister of State at the Department of Culture, Communications and Sport (Deputy Charlie McConalogue): I thank the four Senators for their contributions and for their support for this important funding. As I said in my opening contribution, the Bill makes a very small tactical change to the legislation. Over the past three years, €10 million per year was provided to An Post. This legislation now provides that, in each of the next five years, this year included, €15 million will be provided to An Post. The structure of that payment, which was agreed between An Post and the postmasters, is designed to maintain and strengthen our post office network and to keep it sustainable, taking into account the number of post offices in an area, the distance to the next nearest post office and the rural nature versus the population base that it might be serving and weighting the payments from the Government in such a way as to ensure they strongly favour those post offices that need the support the most.

I thank Senators for those contributions. I take on board the comments of Senator Andrews. The post office will remain in Rathmines. It is changing location and will stay open in Rathmines village. I take on board the points the Senator made about the previous building. The service will be maintained and will stay in the area. The objective of the Government is to maintain as many post offices in the network as we possibly can. That is why we are

increasing funding by 50% this year and we have a commitment to continue that for the duration of this Government. I look forward to seeing the Bill pass Second Stage and move through the other Stages in the House today.

Question put and agreed to.

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

Senator Alison Comyn: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

**Postal and Telecommunications Services (Amendment) Bill 2026 [Certified Money Bill]:
Committee and Remaining Stages**

Sections 1 and 2 agreed to.

Title agreed to.

Bill reported without recommendation.

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

Senator Alison Comyn: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Bill received for final consideration.

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

Senator Alison Comyn: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Question proposed, "That the Bill be returned to the Dáil."

Minister of State at the Department of Culture, Communications and Sport (Deputy Charlie McConalogue): I thank all in the Seanad here today and all in the Dáil last week for the expeditious treatment of this Bill. An Post has been paying from its current resources for this increased payment to post offices across the country since the start of this year. We wanted to make sure that this legislation was passed before the summer recess in order that from a Government point of view, we can make the €15 million payment to An Post to cover the payments it already has made out and see it covered from now to the end of the year as well. I thank all in the Oireachtas for their engagement and co-operation in this regard and for their unified support for the post office network.

Senator Chris Andrews: We support this legislation. It is really important. I have an observation on the comment the Minister of State made about the post office in Rathmines. It will go to a private operator and he will be very good. He puts customer service at the front of his business model. The difficulty is that were that business model to change over time, where then would the post office go? There is a real concern that it is privatising that postal service. It is about ensuring that while it is there in the Centra in Rathmines, it will operate well for residents. The difficulty is that if the model changes, it is probably gone. This is what happened in Sandymount, in Harold's Cross, in Donnybrook and in Kevin Street. The model of the private operator changes and then the post office is gone. It is nigh impossible to find an alternative operator.

In the meantime, this magnificent art deco building, which has been in the hands of the local community and An Post for 90 years serving the community, is going to be gone. It is a magnificent building. It has huge opportunity to be the jewel in the crown in Rathmines but unfortunately, it is going to be sold off and God knows what will happen to it then. It is a huge loss to the Rathmines community. Letting properties like this go is a huge mistake. We do not have to look any further than Kevin Street. The college in Kevin Street was serving the public and it was a Department of education building. It served generations of people in educating communities. The Government decided to sell it off to a private developer to pay for the Grangegorman campus but now the State has had to buy it back. The local authorities, funded by the State, have bought this building back to build offices for Dublin City Council. Of course, that is another issue. The fact is that selling off public buildings like the post office in Rathmines is, in my view, a huge mistake. In generations to come we will recognise that this was a huge mistake. I would like really like to see the Government put in a huge effort, together with Dublin City Council, to ensure it is kept in State ownership.

An Leas-Chathaoirleach: Before we conclude, it would be remiss of me not to wish the Minister, Deputy Patrick O'Donovan, a very speedy recovery. On our behalf I wish him all the best.

Question put and agreed to.

Cuireadh an Seanad ar athló ar 3.25 p.m. agus cuireadh tús leis arís ar 3.51 p.m.

Sitting suspended at 3.25 p.m. and resumed at 3.51 p.m.

Planning and Development (Amendment) Bill 2026: Committee and Remaining Stages

An Cathaoirleach: We welcome the Minister of State, Deputy Christopher O'Sullivan, to the House.

Sections 1 and 2 agreed to.

SECTION 3

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

In page 10, between lines 1 and 2, to insert the following:

“(2) Where there is a demand for the payment of levy under section 15 of the Act of 2015, but that levy has not been collected before the date of the coming into operation of the repeal of section 15 of that Act by *paragraph (a) of subsection (1)*, the Act of 2015 shall, on and after that date, continue to apply and have effect in relation to the demand for the payment of levy under section 15 of that Act in respect of a vacant site the subject of the recovery of that levy, as if the repeal had not occurred.”.

This seeks to ensure that any outstanding payment of the vacant site levy will still be paid when the provisions in this Bill move forward and when the existing vacant site levy is repealed by this Bill. I am concerned that the repeal of the provisions as set out could let landowners who are sitting on vacant sites for speculative reasons off the hook.

There are over 100,000 vacant and derelict houses in this State, whereas this Bill is inserting language that suggests there is a shortage of housing. That is being inserted as if it is a permanent fact, when we also know there is a failure to act on the properties that are there and are part of the mix. This is the crucial part of tackling the ever-rising homelessness figures, but it is worrying and hard to see that the Government is serious about tackling this problem.

It has been reluctant to increase penalties for landowners who sit on vacant properties. The vacant price levy started at 3% of the market value of the land. A proposal by me, the then Senator Grace O'Sullivan and others back in 2017, almost nine years ago now, to increase that levy to 7% was rejected only to finally be brought in a couple of years later, in 2019.

The residential zoned land tax, RZLT, which is the new tax that is going to replace that, brings it back down to 3% of the market value of the land. By moving the entire system to the collection of RZLT and the Revenue, the Government is effectively cutting the penalties for underutilised sites that should and could be used for residential housing.

There is also a difference between the purpose of the vacant site levy and that of the RZLT, and I am concerned that something is being lost in that transition. The vacant site levy applies to residential land where there is a need for housing and regeneration other than residential in an area where the majority of the site is vacant or idle and is having a negative effect on existing amenities, or reduces the amenity provided by public infrastructure, or has an adverse impact on the character of an area.

The piece on the provision in the vacant site levy was not solely about providing more housing, even though that is very crucial; it was also around recognising the knock-on effects of vacancy on the civil fabric of an area. Coming from Cork, the Minister of State will be very familiar with the footage and the monitoring of dereliction in Cork city centre, for example, and the impact that has had on the city and on the town. All liable sites were required to place themselves on the vacant site register, giving a public view to the owners of sites and vacancies. It was tackling multiple issues. The problem was it was not implemented and was not applied. Rather than tackling the implementation of that, including, for example, some of the proposals, which were to ensure the moneys that would be collected by local authorities could be used in relation to housing provision by local authorities to actually tackle the wider and negative impacts of dereliction on that local basis, rather than measures such as that we are now repealing the entire thing.

I want to be clear that I am not necessarily opposed to the residential zoned land tax, RZLT in itself. That is one thing. What I do not see is why we are potentially letting people off the

hook who should have been liable under the vacant site tax. It is really regrettable that for nine years, nothing was done to make that very important measure be effective and deliver. The RZLT, compared to the vacant site levy, is a self-assessed tax to be applied to properties located in particular areas of RZLT maps published by local authorities that are zoned for residential use; again, not necessarily tackling the dereliction on main streets in many towns across Ireland. Exemptions are given to any residential property on the map which is subject to a local property tax. The framing here is all around tax compliance rather than tackling vacancy. There is nothing stopping a landowner avoiding the application of the RZLT if they instead chose to pay local property tax on a vacant property. There are vast swathes of the RZLT maps where it is shown that the RZLT will not apply. The aim of the vacant site levy was to tackle the adverse negative impacts on dereliction in the surrounding areas, and that is potentially being lost by the repeal of that measure. The provisions on the vacant site register also do not apply to the RZLT therefore we are losing that crucial public oversight of landowners so that we can know who is utilising sites solely for the purpose of financial gain or speculation. We will not have that information as we would have had it previously in the vacant properties register, even though the consequences of the speculative behaviour are immense. There are things being lost here in this. It is not a straightforward repeal and replace. It is not clear to me, first of all, how the gaps between the two measures are being tackled, and second, just straightforwardly in terms of when this repeal comes into effect, what the issue will be. I know there are measures in the Bill where there is an appeal under way, but what is not clear to me is if there are situations whereby an outstanding payment is due or a case has been taken, will they still be proceeding? Will the Minister of State clarify on both those issues?

Senator Victor Boyhan: I welcome the Minister of State and his team of staff to the House. I will take up on some of the points that Senator Higgins has made. I want to touch on them. I am conscious we are under a lot of time pressure. We are in the last week before the summer recess. There is an eagerness to complete a number of pieces of legislation over the next two days. Mindful of all of that, we are talking about section 3, amendment No. 1 in the name of Senator Higgins, and she has touched on a few issues in relation to the vacant sites levy. Yes, there are concerns about that. It has gone on from being this levy or tax - call it what you will. Clearly, we have to see everything in the context of the demand and the drive to produce more housing, and, indeed, more facilities for enterprise. We must never lose infrastructure and enterprise in the bigger debate on proper planning and sustainable development. It is not only about houses, while houses are very important. I am somewhat surprised in relation to one thing, which may be helpful for the Minister of State to clarify.

4 o'clock

There were great expectations about the residential zoned land tax. I sit on the agriculture committee. The Minister of State will be aware that the IFA made submissions in relation to this tax. He will also be aware of the Taoiseach's commitment to look at the tax again. We cannot countenance a situation where land that is in active use for agriculture, horticulture and industries and services related to agriculture and sustainable food production can fall under the residential zoned land tax. We talk about the need to enhance and develop our land use strategy and I know there are plans to bring other strategies down the pathway.

It would be helpful to have some clarity in relation to the residential zoned land tax. If this tax is mentioned even once, be it in the *Irish Farmers Journal*, *agriland.ie*, the *Farming*

Independent or elsewhere in agriculture news, it becomes a huge issue. It is an issue that farmers are particularly exercised about, and rightly and understandably so. As Senator Higgins said, we need a bit of clarity in regard to the residential zoned land tax in the context of what she is proposing.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Christopher O'Sullivan): I thank the Senators who have spoken and Senator Alice-Mary Higgins for proposing the amendment. I hope I can provide some of the clarity Senators are seeking in my response.

Amendment No. 1 seeks to amend section 3 of the Bill, which provides for the repeal of the vacant site levy provisions in the Urban Regeneration and Housing Act 2015, as they have been superseded by the residential zoned land tax. Section 3 allows the Act of 2015 to continue to apply to ongoing appeals in relation to the market value attached to a site on the register of the levy. The Bill also facilitates the completion of the work of the Valuation Tribunal and the facility for the local authority to issue the levy demand and, where necessary, for An Coimisiún Pleanála to deal with any appeals to the demand that may arise in those existing cases currently with the tribunal.

The amendment proposed by Senator Higgins seeks to insert a new subsection into section 3 to provide for the ongoing collection of the levy. Unfortunately, I am not in a position to accept this amendment as it is unnecessary. Notwithstanding the repeal provision as set out in section 3, demands for payment of levies which have been issued but have not been collected before the date of coming into operation of the repeal of section 15 will continue to apply and can be collected by the relevant local authority.

Section 27(1) and (2) of the Interpretation Act 2005 ensures that where an Act is repealed, the repeal does not affect anything duly done under the repealed enactment or affect any liability incurred under the enactment. In the case of vacant site levy demands which have been issued, the local authority may continue to collect those levies and, if they are not paid within two months of the issue, recover the debt as a simple contract debt in a court of competent jurisdiction.

As noted, the amendment set out by the Senator is, therefore, not considered necessary, as outstanding levies can continue to be collected under the aforementioned section of the 2005 Act.

Senator Alice-Mary Higgins: That is reassuring to a degree but I still have concerns, which I ask the Minister of State to address. Appeals and the non-application to appeals are specified in section 3, whereas for the other measures the Minister of State is describing, we are relying on the Interpretation Act. He might clarify why it was specified in section 3(2) in relation to an appeal but not similarly specified in relation to the issuance of fines or the liability for fines.

Where a property has been placed on the vacant property register and the owner has moneys that would be due, will that apply or will it only apply if the request for payment has already been made? Does the Minister of State know what I mean? If so, I would like him to clarify that. Where someone currently has a liability, will that person still have a liability following the repeal or is it only where a request for payment has been made by the local authority? If

the latter is the case, it would perhaps be useful to give proper notice to the local authorities before commencing the Act to ensure they act on all those moneys.

We know dereliction is a disgrace and that vacancy is a profitable practice for many developers and speculators. In fact, it has been profitable at a pace that has outstripped even the 7% that was not being claimed and that certainly may outstrip the 3% to which we are returning. I would like the Minister of State to address that move from 7% to 3% and the fact of the non-continuing availability. What transparency will the public have? Currently, members of the public can check whether properties they view to be derelict or vacant are included on the vacant sites register. What equivalent powers will the public have in terms of both raising concerns and transparency?

Deputy Christopher O'Sullivan: We all have the same intention and the same end goal here, which is to tackle dereliction and bring units back into use, especially as housing in which people can live. We all share that key goal.

I will try to give clarity on the Senator's exact questions. Section 3 of the Bill will work in combination with the Interpretation Act 2025, which already provides for what we are talking about here, which is the collection of the levy. It is important to clarify that nothing in the Bill changes the liability for the vacant site levy. I have very little to say other than that. Unfortunately, I cannot accept the amendment.

Amendment put and declared lost.

Section 3 agreed to.

NEW SECTIONS

Senator Joanne Collins: I move amendment No. 2:

In page 10, between lines 11 and 12, to insert the following:

"Report on impact of amendments related to Judicial Reviews

4.The Minister shall lay a report before both Houses of the Oireachtas within 12 months of the commencement of this Act detailing the impact of the amendments to Part 4 of the Principal Act related to Judicial Reviews and detailing whether the procedural changes have resulted in a speeding up of planning related Judicial Reviews or increased the volume of planning litigation resulting in increased delays for residential and infrastructural development."

I thank the Minister of State for being here. I will be brief because there is no point in dragging out the discussion on all these amendments.

We put forward this amendment because we are concerned that the proposed changes to judicial review for planning cases may lead to increased litigation and thereby result in greater delays in the delivery of critical infrastructure, including housing, renewable energy and public transport. The amendment basically requires the Minister to monitor and report on any issues that may arise from those changes. Our purpose is to ensure that what is being proposed works and does not do the opposite of what is intended. We all want housing delivery to happen more

quickly. We are asking the Minister to monitor for any kink in the chain that actually reverses the progress we are trying to make and to report any such issue.

Senator Aubrey McCarthy: I thank the Minister of State for being here. Will the Cathaoirleach read into the record why my amendment No. 4 was ruled out of order?

An Cathaoirleach: We have not yet reached the Senator's amendment. We are dealing with amendment No. 2, not amendment No. 4. When we reach amendment No. 4, I will say why it has been disallowed.

Senator Aubrey McCarthy: I thank the Cathaoirleach.

Deputy Christopher O'Sullivan: I thank Senator Collins for tabling amendment No. 2. The effort taken to table it justifies an explanation as to why, unfortunately, I cannot accept it. The amendment seeks to provide, by inserting a new section in the Bill, that the Minister shall lay before the Oireachtas within 12 months a report "detailing the impact of the amendments to Part 4 of the Principal Act related to Judicial Reviews and detailing whether the procedural changes have resulted in a speeding up of planning related Judicial Reviews or increased the volume of planning litigation resulting in increased delays for residential and infrastructural development".

I will outline why I cannot accept the amendment. First, on a technical matter, the judicial review planning procedures are set out in Part 9 of the 2024 Act, while the amendment makes reference to Part 4 of that Act. I presume this is a referencing error in the proposed amendment but the Senator might let me know if I am misunderstanding her intention in any way in that regard.

Second, the monitoring, analysis and reporting of data relating to judicial reviews, including associated timelines and durations of proceedings within the courts, is a matter that falls outside the remit of the Minister for Housing, Local Government and Heritage. The management of the courts is the responsibility of the Courts Service, which is independent in the performance of its functions and is under the aegis of the Minister for justice. My understanding is that a ten-year modernisation programme has already been undertaken by the Courts Service and significant progress has been made in improving the availability and use of court data. Accordingly, I do not believe it would be appropriate to provide a reporting requirement in relation to planning judicial reviews in the planning Act, such as that proposed by way of this amendment. The amendment as proposed is not considered to be workable because it would place a statutory requirement on the Minister to report on matters that are subjective in nature. A wide range of factors could give rise to an increase or decrease in the number of planning judicial reviews, and it may not always be possible to determine the exact reason for changes in such levels or for changes in the average duration of proceedings.

Judicial reviews against the State, in which my Department may be included as a party, are co-ordinated by the Chief State Solicitor's office under the guidance of the Attorney General's office. An Coimisiún Pleanála, which can be challenged by judicial review on a range of its functions, including decisions on appeals and planning applications in respect of strategic

infrastructure developments, already publishes details in respect of legal cases it is involved in as part of its annual report.

For these reasons, I cannot accept this amendment.

Senator Alice-Mary Higgins: This is not my amendment but it is a very sensible one. The question of the placing of it is really by the by. That is a product of the fact that this legislation is being pushed through Committee and Remaining Stages, as have ten out of 11 planning Bills in the last decade. Every planning Bill except one has been guillotined in the Seanad in the last week of July or the last week of December.

The technicalities of placement are exactly what Committee and Report Stage are meant to be about. Fundamentally, the suggestion of independence and so forth rings a little hollow because we have listened for years to direct attacks on judicial reviews, to the vilification of those who take them, and to comments showing an unwillingness to engage with any of the figures and facts. For example, the Library and Research Service has found that 40% of judicial reviews were taken by developers. You would not think that from the vilification of local communities when they or others, including environmental groups, take judicial reviews. You would not think, for example, that much of the major backlog that existed related to bad, rushed planning decisions in previously rushed planning and development Bills, including the strategic housing development provisions, which fast-tracked planning and led to a whole pile of planning permissions being given in ways that completely abandoned proper process. Even when they were granted, they were not built on because there was no use-it-or-lose-it clause.

Given the level of assault on democracy and access to justice that has been shoved through in planning Bill after planning Bill on the basis of a narrative that judicial reviews are terrible, including the dilution of people's ability to take them, the capping of the moneys and the dilution of *locus standi*, it is very reasonable for somebody to ask for the facts and their publication, and to ask for a justification for these ongoing erosions of judicial review powers and the public's access to justice.

Deputy Christopher O'Sullivan: I thank Senator Higgins. I understand that with a lot of legislation there will be a requirement for monitoring or to report within 12 months, as has been suggested, but that is where the Minister in question has a statutory function. It is very straightforward in this case: the Minister has no statutory function in relation to reporting or monitoring when it comes to judicial reviews. It would very much be a matter for the Courts Service in this area and that is why we cannot accept this amendment.

Amendment put and declared lost.

Senator Joanne Collins: I move amendment No. 3:

In page 10, between lines 11 and 12, to insert the following:

“Report on impact of amendments related to alteration of existing planning permissions

4. The Minister shall lay a report before both Houses of the Oireachtas every 6 months from the commencement of this Act detailing the impact of the amendments to Part 4 of

the Principal Act related to alterations of existing planning permissions and detailing the location, nature and volume of such alterations by project and local authority area and the resulting commencement of developments that have secured the alterations.”.

I will be quick. I can pre-empt the answer already because this has the word "report" in it. It is along the same lines. We are concerned that this section will either lead to further delays or, on the other side, the delivery of substandard homes with poorer design standards and reduction in appropriate size, all while we will continue to see rent rises. Again, the amendment is looking for monitoring and reports. I know the Minister of State is not going to accept it, but I would like to think that the Government would be monitoring it. If it is not going to report back, at least it should monitor it and take the responsible moves when it sees the numbers coming in. I will leave it there. There is no point in arguing.

Deputy Christopher O'Sullivan: While I cannot accept the amendment, that would be the approach that would be taken in this regard. Amendment No. 3 seeks to provide that the "Minister shall lay a report before both Houses of the Oireachtas every 6 months from the commencement of this Act detailing the impact of the amendments to Part 4 of the Principal Act related to alterations of existing planning permissions and detailing the location, nature and volume of such alterations by project and local authority area and the resulting commencement of developments that have secured the alterations". As I said, I am not in a position to accept this amendment. I consider a statutory requirement to produce such a report every six months to be excessive and I fail to see the real merit in such an obligation, especially considering that the provision in question, namely, the proposed section 138A, is explicitly time bound and will cease to have effect after a period of two years. I see no reason section 138A cannot be reviewed by my Department on an administrative basis and, if required, the effectiveness can be assessed once its operation has concluded. That speaks to the Senator's point. There will be a monitoring. The proposed amendment is not appropriate.

Amendment put and declared lost.

SECTION 4

An Cathaoirleach: Amendment No. 4 is out of order.

Amendment No. 4 not moved.

Question proposed: "That section 4 stand part of the Bill."

An Cathaoirleach: Amendment No. 4 is in the name of Senator McCarthy. The Senator has requested that the reason behind the ruling out of order of amendment No. 4 be read into the record. The amendment by the Senator would oblige the Minister to conduct a report within two years of enactment, detailing how each planning authority shall prepare a report detailing the arrangements for the preparation of a 30-year strategic master plan by planning authorities. While most report-style amendments seeking reviews of the operation of policy contained within a Bill to be enacted, this amendment is not related to reviewing existing policy within the Bill. Instead, the amendment seeks to make provision in law for a wholly new policy matter, that is, the creation of a strategic master plan by each local authority in the State setting out planning matters for their functional areas for a 30-year basis. The amendment specifies

matters to be assessed in those plans and specifies that the plan shall be reviewed every ten years. This is a significant policy development which would give rise to a significant work within the Department of housing, but also within the 31 local authority areas. The scope of the matter proposed to be examined in this report could not feasibly be seen as within the existing resources of the Department and could not be covered by the concept of the flexible service. Therefore, unfortunately, I have to rule that out of order. The Senator can speak to the section if he wishes.

Senator Aubrey McCarthy: The purpose of my amendments was certainly well meaning. I only found out this morning that they were ruled out of order. We put a good bit of work into them. My point was that, even in my own hometown of Naas, without long-term planning, the town would be radically different than it is now. There is an area called Millennium Park. I recall when it was put on a piece of paper about how this would come about. That is 30 years ago and now it is coming to fruition. If we look at areas like Singapore, they operate on a long-term plan looking around 50 years ahead. It prepares a master plan looking ahead ten to 15 years, but there is an overall helicopter view that delivers the next phase of that longer vision. The shorter plan does not replace the long-term, but implements it. If the Minister of State remembers back to the IFSC the docklands and the regeneration of Dublin, it did not happen because of a series of disconnected planning decisions.

It happened because there was a long-term vision that allowed transport, utilities, commercial development and public investment all to be co-ordinated over a long-term plan. The Canary Wharf principle was discussed in this House before, whereby the likes of Ballymore homes were given a long-term framework. It allowed it to work over phases, but over decades. Anybody who looks at a motorway being built without the housing to justify it, or housing built without a school or a sewer to serve it, knows exactly how much long-term alignment matters. I know that with what we are legislating for now in 2026, this country will look radically different in 2056. That was the point of my amendments.

Deputy Christopher O'Sullivan: A Chathaoirligh, is it okay for me to speak to the amendments although they have been ruled out of order?

An Cathaoirleach: Yes, you can if you wish.

Deputy Christopher O'Sullivan: Amendment No. 4 seeks to insert a new section into the Act of 2024 to provide for the preparation of long-term strategic master plans. It seeks to provide that each planning authority shall prepare a strategic master plan setting out a long-term vision for the physical, social, economic and environmental development of its functional area over a period of 30 years. The Senator has suggested that such plans would identify strategic development priorities, including settlement hierarchy, infrastructure corridors, climate adaptation measures and areas for regeneration; set out indicative phasing for major infrastructure and public investment; include spatial mapping of long-term development objectives; align with the national planning framework, regional, spatial and economic strategies and national planning statements; and incorporate long-term environmental transport, housing and economic projections. The proposed amendment also provides that such plans would serve as a non-statutory strategic framework guiding the preparation and review

of county and city development plans, urban area plans and priority area plans, and that they should be reviewed every ten years.

If it had been ruled in order, I would not have been in a position to accept the amendment. One of the key aims of the Act of 2024 was a greater alignment of all tiers of planning, following a comprehensive review of plans and plan-making in the State. The national planning framework is the Government's high-level strategic plan for shaping the future growth and development of our country. The national planning framework deals with the strategic development of the State in conjunction with the national development plan. This is further supplemented by regional, spatial and economic strategies, and ultimately by county and city development plans, which will be ten-year plans going forward. Under the Act of 2024, the national planning framework continues to spearhead and explicate the planning agenda and sits at the pinnacle of the plan-led system and structure, whereby all tiers of planning from regional to local align with strategic objectives set out in the national planning framework. Put simply, lower order plans are required to align with higher order plans.

County and city development plans, including corresponding area-based plans, are aligned to the regional strategies which, in turn, are aligned to the national planning framework. National planning statements allow the planning system to remain responsive to changes, providing agility where required and allowing Government policy to inform project and programme delivery throughout the life cycle of the national planning framework. To provide consistency and to ensure revisions are made where they are required, there is a new process in the Act of 2024 to expedite reviews of county and city development plans after changes are made to the national planning framework or when new national planning statements are issued. This expedited review process will ensure that development plans remain updated and continue to be in alignment with national policy. The aim of the hierarchy of the plan-making, as set out in the Act of 2024, is to improve scope for the various tiers of the planning system to more closely relate to one another, therefore providing greater clarity and consistency for all involved, from individual citizens and residents' groups to landowners and developers and ultimately, where necessary, the courts, which have become the final arbiter of many planning decisions on large-scale development proposals in recent years.

Under the Act of 2024, development plans will have a ten-year lifespan rather than the current six-year lifespan and will be more strategic in nature than under the Act of 2000. An interim review of the development plan will occur at year five in order to make account of wider changes since the plan was prepared and to allow for update if required. This will provide more up-to-date and strategic planning, providing greater certainty that there is sufficient zoned land available at all times to align with the needs of housing and economic development, providing greater certainty over a longer period for all stakeholders. The ten-year cycle with five-year reviews will mean that every elected member will be involved, at a minimum, in either the making of the county and city development plan or its review and possible amendment via the interim review. Local area plans have been replaced by specific types of area-based plans to better enable local authority objectives to be priorities, rather than simply being mandatory in nature and drawing resources where not always needed.

As the system of plan-making in the State has just been revised and is being implemented for the first time, the introduction of another layer of plan-making could undermine the new hierarchy that was carefully arranged and agreed following extensive engagement with a range

of stakeholders, including the Office of the Attorney General, and passed by the Houses of the Oireachtas in 2024. The regional assemblies and planning authorities are actively working on the move to plan-making under the Act of 2024. I do not think there is a need for another layer of plan-making at this time, nor is it an appropriate use of planning resources given the matters sought to be addressed should be dealt with appropriately through the NPF, the RSES, and the development plan process legislated for in the Act of 2024.

Despite the fact the amendment was ruled out of order, that is probably the longest answer I have given yet. The Senator will understand the reasons we could not have accepted it if it had been ruled in order.

Question put and agreed to.

Sections 5 to 14, inclusive, agreed to.

SECTION 15

Question proposed: "That section 15 stand part of the Bill."

Senator Victor Boyhan: This is the first reference to the Planning Regulator so it is an opportune time to mention a few issues of concern in this area. I acknowledged during the last session when we were dealing with this Bill the important and significant work of the Planning Regulator. I acknowledge the Office of the Planning Regulator, rather than the individual, and its support for sitting county councillors. It runs many workshops of engagement, which is critical.

I have said time and again that councillors are not engineers, planners or architects - most of them anyway, although there might be the odd one. They are usually committed to the proper planning and sustainable development of their functional areas and beyond. Therefore, they need a lot of assistance. When we signed off on the 2024 Act, we were told it was the be-all and end-all, but now we are doing another patch-up of that legislation through this legislation to give effect to a number of areas that were approved. I see the reasoning behind some of that.

The Minister of State will not have prepared a response to this because he did not know I would bring it up. My ask is that he take it back to his officials. The Office of the Planning Regulator, OPR, was established in April 2019. Last year we were told there was to be a periodic critical review of the office. That is not unusual. It happens in many agencies. The OPR's main statutory functions, in summary, are evaluation of statutory plans and responsibility for the independent assessment of all local authority forward planning and regional assembly forward planning, which we will be talking about in this Bill; the hierarchy of the planning system, including development plans, local area plans and regional spatial and economic strategies, all of which is covered in this legislation; and planning reviews and examinations, which involve reviewing the organisation, systems and procedures used by the planning authorities, including An Coimisiún Pleanála, in the performance of their planning functions under this Act and subsequent legislation. There is also the role of the OPR in education and research. I acknowledge the proactive, significant and positive work it does in this area. It is responsible for conducting national education and training programmes for members and staff of planning authorities and regional assemblies. We can have the best legislation in place but we need to have the planners, architects and all the background people. We need to have them trained and upskilled.

We know we have problems in An Coimisiún Pleanála and I will talk about them later. We had a shortage of staff, training and resources and a whole range of issues. It looks as if An Coimisiún Pleanála, in fairness, is back up on four cylinders and is delivering on its timeframes.

We were promised that the periodic critical review would be completed. My understanding from contacts in political circles and the Customs House is that this work is done and is sitting on someone's desk. It could be argued that the Minister has other things going on, and work planning and delivery have to be prioritised, but parliamentary business in the Chambers of the Houses is winding down this week. Since the establishment of the OPR a number of key policy objectives have been progressed by the Government and I acknowledge that. They all have significant impact on and interaction with our statutory planning processes. Therefore, it is important that we deal with the issues. We must remember that planning is critically important for the delivery of housing, our climate action objectives and plans, Government policies such as the national housing plan, Delivering Homes, Building Communities 2025-2030, and accelerating essential infrastructure.

I will finish on this point. It is important that there is role for the Office of the Planning Regulator. I support that role but it is important in the programme for Government and the Government's housing plan, as the Minister of State has said, that the review of the role and functions of the Office of the Planning Regulator takes place. Action 16 seeks to review the role of the functions of the Office of the Planning Regulator and drive performance in the planning system, including consistency with decision-making. We have heard this consistency right through this legislation. The Office of the Planning Regulator ensures that local authorities and An Coimisiún Pleanála are consistent with their implementation of central government policy through the planning system. Therefore, the Government has committed to review the role and the functions of the Office of the Planning Regulator. This is very much an important view. It is recognised that it was essential. As I say, there was nothing wrong with it. This was to be published. I know it has been completed and the question really is that there is a critical role for the Office of the Planning Regulator. It is embedded in the 2024 legislation. It is mentioned in this legislation in this relevant section 18 that we are now talking about. If we are going to join up all the dots, planning is a very fragmented science. I presume that all of these consolidated Bills and legislation is to bring all the dots together, to have everything working in unison and delivering what it sets out to do; proper planning and sustainable development in terms of new homes, new industry, new enterprise, new commerce and a better environmental country and world for us all to live in.

I would appreciate if the Minister of State takes this back to the Minister. I did not indicate that I was going to speak about this. I ask that it be prioritised or we be briefed about it. Once the report is considered I ask that the appropriate people would publish it. It is in the interests of the Office of the Planning Regulator and of all the parties aligned, interacting and crossing the varied space of proper planning and sustainable development.

Deputy Christopher O'Sullivan: I thank the Senator. I note section 15 is just a technical amendment. I take it there is no issue with the amendment itself?

Senator Victor Boyhan: No.

Deputy Christopher O'Sullivan: The Senator is using this opportunity to make a few points about the Office of the Planning Regulator. The new housing plan and the accelerating infrastructure plan both include actions to review the functions of the OPR, so from that point of view, the Deputy's comments are timely. This is ongoing at the moment and will be finalised very shortly. The Senator's comments will be taken on board.

Senator Victor Boyhan: I will not come back in because it would not be appropriate. I will just say that I understood that it was already completed. In light of all these very intelligent Senators here making further contributions I am not suggesting it is to be tweaked further. I do not think so. I think we just need to get the Minister to publish it.

Question put and agreed to.

Sections 16 to 18, inclusive, agreed to.

SECTION 19

Question proposed: "That section 19 stand part of the Bill."

Senator Victor Boyhan: I wish to speak on the section. I am using this as an opportunity, as I did with the earlier section. This the first mention of An Coimisiún Pleanála and I want to use this as an opportunity to highlight a number of issues relating to An Coimisiún Pleanála. It has come along a pretty rocky road. The Minister of State and I know, as do a number of Senators who served, particularly Senator Flaherty, on the housing committee, about the long and protracted discussions we had about An Coimisiún Pleanála. There were a lot of shortcomings but, in fairness, the commission has responded well. It appears to be up and running. There are issues around timelines. Again, I am not expecting the Minister to respond tonight. I am just using this as an opportunity on the floor of the House to echo some of my concerns. Perhaps the Minister of State could bring it back to the Department.

I welcome any timeframe where we put down statutory timelines for delivery because at the last outing on this Bill, I cited how developers were very successful in building new homes. These are very desirable, proper and sustainable homes that people were buying in advance of them even going on the market and expressing an indication of their desire to buy them. The problem is that I am meeting entrepreneurs and people who want to put the money where their mouth is and develop really classy, good and sustainable homes. For some reason, however, through the planning process, they seem to be locked out of further engagement and many of them are waiting months to get a response from An Coimisiún Pleanála - just a status update about where they are with their application to build 135 homes in south County Dublin.

This is the problem. An Coimisiún Pleanála has to be fit, slick, efficient and fit for purpose. If the Government is serious about tackling sustainability, houses, proper planning and sustainable development, the commission has to be responsive and capable of responding to valid applications that have come through a process and are sitting in it. We cannot have a situation where the commission cannot do its work so if it is short of resources or staff, it needs to be equipped with them. That is the story coming in.

People who object, raise concerns or submit observations, not necessary objections, are interested and are engaging. From talking to politicians in Leinster House last year, I have

been quite amazed by those who talk about people frustrating the process. People do not set out to frustrate the planning process. Indeed many politicians in this House are on record as having made submissions and objections to developments in their own backyard. They cannot have it both ways. A politician cannot have a view because he or she is meant to be representing people and a different view when coming in here as a Minister - I am not talking about the Minister of State - suggesting all these objections are holding up the process. There are many strands to proper planning and sustainable development of our communities.

What I am really saying is that when the Minister of State gets this legislation through the House, there can be no more excuses about planning. The 2024 Act was to be the panacea for all our problems. We were going to have homes everywhere. They would be falling out all over the place. We were going to have wonderful playgrounds, community facilities, sports clubs, leisure clubs and swimming pools. You name it - we were going to have it. This is now 2026 and in a year's time, I hope I will be saying "Well done, great" but it is about the lead-in to proper development. It is not about building bricks alone; it is about building sustainable communities.

What I am really saying is that we must resource An Coimisiún Pleanála with the expertise, experience and staff. We do not want to hear anything about embargoes and how it is not able to manage its affairs. That goes for planning authorities as well. I again salute the work of planners in our 31 planning authorities, who are under immense stress. The Minister of State knows it in Limerick city and county. I know some of the people down there. There are real difficulties as so much is coming at them. I welcome the idea of tight timelines. They are really important.

No more excuses. Allow the democratic process. Allow public engagement, which is so healthy in a democracy, to shape the outcomes, or contribute to shaping them. It is about not having predetermined outcomes for everything but shaping those outcomes for the better of us all.

An Cathaoirleach: I welcome some guests from Liffey College with Councillor Ammar Ali and Senator Mary Fitzpatrick, and guests of Senator Joe O'Reilly and the Minister, Deputy Peter Burke. You are most welcome to Seanad Éireann and thank you for being here.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Kieran O'Donnell): I too welcome all the guests. As the Senator is probably well aware, section 19 is about development plans, as distinct from the-----

Senator Victor Boyhan: Yes, I have no problem with that. I have no problem with the amendment or the section.

Deputy Kieran O'Donnell: I think the Senator is very familiar with that and the points he has made are duly noted. I can go through what is being proposed under Part 4 of the Bill in terms of the 2024 Act and the statutory deadlines coming in for planning and An Coimisiún Pleanála. If the House would like me to do that, I will.

Senator Victor Boyhan: If the House is satisfied, I am happy to proceed. I understand it and I am conscious of time. I just really wanted the Minister of State to take on board those concerns.

Deputy Kieran O'Donnell: We very much take on board the Senator's learned views.

Senator Victor Boyhan: I thank the Minister of State.

Question put and agreed to.

Sections 20 to 60, inclusive, agreed to.

SECTION 61

Question proposed: "That section 61 stand part of the Bill."

Senator Joanne Collins: To save time I will speak to sections 61 and 62 together because it is the same point. We feel that both sections will allow developers who have planning permission to request an alteration to their permission based on inferior design standards, which we do not agree with. It is not necessarily going to make units of apartments smaller but it will change rules around communal spaces and the amount of natural light that they have to let in. We feel it will make the apartments inferior compared with what the developers were originally granted planning permission for, without any submissions being allowed because it is an alteration. To flip it the other way, imagine if the wind energy guidelines were released tomorrow and they showed that the wind turbines that had been put up over the last two or three years were actually too high compared with what we are now saying they should be. I cannot imagine that any developer would say, "We'll look for an alteration and we'll make the turbines smaller." If a developer has planning permission, we do not believe they should be able to go back in time and get an alteration to use the new plans.

Senator Victor Boyhan: This and the issue of judicial reviews are perhaps the two biggest and most difficult concerns in this legislation for me, as they were in 2024 but they have come into focus in this legislation.

At the outset, I am conscious that sitting county councillors are the people who ultimately confirm or make a county or city development plan. The Minister of State is aware they put a lot of time into that. The proposal is to move this to a ten-year plan and I understand all of the processes. I am conscious that we are making legislation and for those who did not read the law gazette produced by the Bar Council, there was a very interesting article sent to everyone today, regarding Jim O'Callaghan. He made a really good point - and this could be a general application for anything - about the Legislature. When we legislate and a measure is passed, we empower the Executive, which then decides to proceed with an element of the legislation or not. That then becomes relevant when one talks about judicial review because as a Legislature, we have given a legislative effect. The three strands of the Legislature are, of course, the Dáil, Seanad and Uachtarán na hÉireann. When all that has gone through that process, that then becomes law. When people link into judicial reviews, such as in relation to this particular aspect of the Bill, the courts have to have regard to what the Legislature intended. I am not sure if some people in the Legislature really know what they intended. Things fall out

of legislation that we do not always envisage are going to be the case. That is an important point. It is also important to note - I am not going to stray into this area - that there are legal proceedings relating to these matters. The Minister of State will be aware that a number of councillors have put their money where their mouth is, and this legislation is now before the courts in Europe.

There was a consultation process. The difference between the statutory and non-statutory consultation process is another issue and difficulty with a lot of legislation, but particularly around the planning and development sector. I have concerns, as have others. I have spoken to a number of sitting county councillors who, over the past year or two, have really strongly articulated their concerns in relation to this legislation. These are individuals and party members, but ultimately they are within councils. Their concerns relate to apartment design standards. There seems to be no reflection on or tweaking for what is relevant to a particular planning authority. We have 31 planning authorities as the Minister of State knows. Building height is a concern. The layout of apartments and apartment mixes are a concern. What are we about? We are about creating sustainable, liveable, healthy communities. Why do we have difficulty with having three- and four-bedroom apartment units? We had the Canadian ambassador in here earlier on and I was telling him that when I was in Ontario, friends of mine had a four-bedroom place. We are not used to the model that is across Europe and other places. There are people who may choose to downsize to a two- or three-bedroom unit and free up a five-bedroom unit. That is the reality of it.

We have a problem with the layout. I know some councillors and local authorities have been told they have to mass produce and pump out studios or one-bedroom units, but people do not really live in isolation and most people do not want to. They want people to be able to come and stay at some point in their tenure in a particular property so we need flexibility. That is an issue.

The apartment mixes are not providing for the sort of sustainable, attractive mixes that are required. A mixed demographic and age is so important when we are developing community. There are issues and concerns about the apartment floor areas. There are offices in Leinster House that are bigger than some of these proposed one-bedroom units. That is the reality of it, as the Minister of State is aware. Suddenly, we are expecting people to live in these apartments.

I have a south-facing office in the LH 2000 building next door. We now have three ventilators on all the time to try to cool it down. It is 35°C in there this week. A member of the facilities staff had to come over and tell us they cannot cool the place down. We are single aspect and we have to remember what single aspect is; we are facing south and so we are burning up in the place. Staff in Leinster House this week are burning up in offices, and they only have to stay in them for a working day of 8 a.m. to 8 p.m. or whatever.

That is not acceptable. Are we suggesting that these single-aspect cubes, be they high, across or low, are practical and sustainable? Where does fossil fuels and sustainable energy come in when we think about cooling them down in the summer? Let us take a north-facing single cube – that is what they are at, at best – that is facing low in a building, possibly at basement level or semi-underground. How does one heat it? It is cold and cool. That is not sustainable. In an ideal world, we need dual-aspect units. When there are a number of rooms, people can move around. However, there is this high focus and attention on building cubes on top of cubes and simply saying everything will be grand.

As someone said to me in a housing authority not too far from here, we have single people - mostly men over a certain age - but we do not have bedsits any more. That is because it was Government policy to close them down and get rid of them. Good, clean and well-designed bedsits provided an opportunity and served some people. People chose to live in them. In its place, we have this suggestion that we are going to shoo people into boxes on top of each other facing south to burn up for a few months or facing north where they are so cold in the winter. On both sides, they will need energy, either to heat them up or cool them down. That is not sustainable and it is ridiculous. There is too heavy an emphasis on single-aspect units.

Of course, we hear the story that the homeless will be shooed into them, or that we can throw students into them because they are out all day. There is absolutely a case for studio apartments. I have nothing against them. However, they must be nice and properly designed because we are talking about people's living space. We are talking about living well and healthily and having meaningful lives in interactive communities. The Government is wrong in this regard.

The floor to ceiling height will be reduced. Why is it that we have issues with height for this cohort of residential units? We talk about sustainability but it is really about profitability. I know business people want to make money but at the end of the day, many of these units will come into our social housing stock. I do not draw a difference between public and private housing. I believe in good, sustainable housing, regardless of who it is for. The anticipated cohort of people who will live in these units should not colour the decision.

There is a lack of internal storage. I went to see some of these units over the weekend. There are places where there is no internal storage. That is unacceptable. Where is the storage for the bicycles, given the Government is talking about its new active travel plans? Where is the storage for the segregation of waste as part of our new environmental arrangements and given the importance placed on segregating our waste? Where are the facilities for that? Where is the private internal amenity space, given that we get rain for a considerable time of the year? Where is the external amenity space in terms of the landscape areas and the forecourts and all of that? Where are all of the play facilities and the safe, open spaces within complexes where these apartments are envisaged? What are the security considerations, such as oversight and the passive surveillance of these new homes? I could go on and on.

Car parking facilities is another example. I am thinking of one such residential unit near to me where residents were told that they have no car parking facilities and that they are social tenants. The block next door, which so happens to be private – this is an LDA development – has car parking. The social tenants, however, are told they cannot drive.

One particular woman explained to me how she has a car and works in a shoe shop in Bray. She queried with the unit's management whether she had to sell her car. She was told that she might have to and that she could avail of the DART instead. She then asked how she could be expected to repay the credit union the €12,000 she owed for the second-hand car. They told her that it was not their problem and that there were no units available and she accepted the residential unit on that basis. She then explained that she accepted it because she was on the housing list for 16 years. Her folks told her she needed to get out and have a bit of space to grow and develop. The parents also needed a bit of space from her. This unit was the best she could achieve, with no car or facilities. The Government then calls this proper planning and sustainable development. It is simply not good enough.

Of course, there are the issues of play and how and where these units are going to be interfaced with existing residential properties. That dynamic and mix is needed in terms of good planning and sustainable development.

Based on all of those issues, I have concerns. I cannot support a Bill that does not address this issue and rams this through, because it cannot be about profitability; it has to be about sustainability. There is an overemphasis on making a profit. I was a member of the housing and planning committee for two terms and I have seen it with developers, although not with all of them, because many of them are very responsible, and yes, they have to pay their bills, but I have seen the goalposts continue to change and to move, it keeps being cranked up and the Government feels it has to do this, that and the other.

I do not want to go off the point but I am seeing apartments that are part of Part V agreements for which local authorities are being asked to pay €500,000, €600,000 and €700,000 for social housing. I do believe in full integration and do not believe we should be able to tell the difference, but somehow it is all part of the housing strategy that we are getting units that we perhaps might not even want and we certainly do not want to be paying that for them. We are not getting them and no-one is giving them to us. The taxpayers are paying mad money for units because, again, we are being held to ransom by certain developers who have an agenda for themselves. That is not all of them and it would be unfair to paint that picture.

Based on that I do not think we have thought this through. There is litigation ongoing and there will be an outcome from that. It is important that, when we vote on this legislation, we are fully aware and cognisant of the fact that a High Court judge has referred this matter - the parameters of this area - to Europe for determination. I do not want to come back and say we were bitten in the face and did not know what we were talking about. We need to be cautious if we are going to embrace this type of policy because, quite frankly, I personally do not think it is the right policy and I cannot support it.

Senator Alice-Mary Higgins: I will be brief. I am just speaking to section 61. It relates to section 62 and I will then come to my specific amendments on section 62 when we get to that. I want to highlight that sections 61 and 62 together are amending the definition of "material alteration". Effectively, they are bypassing public participation, which is a crucial point when it comes to decision making. It is yet another thread in the dilution and evasion of proper public democratic participation in planning. There are huge implications to this in terms of our obligations under the Aarhus Convention, specifically Article 6.10, which Ireland is a party to and which is a key part of the EU legal order. The upshot is that, actually rather than speeding anything up, existing lawful positions will now potentially be rendered unlawful and drowned in legal uncertainty because things that have secured planning permission that then go ahead to have these material alterations in them that have legal ambiguity over them will actually be super-counterproductive. I have other problems when we come to section 62 that I will highlight, including the lack of proper use it or lose it clauses, including the actual specific quality and dangers and things like that appalling idea of single aspect apartments and the creation of hotboxes.

Those are specifics but because I am now speaking to section 61 I want to highlight the legal issues which are crystal clear. The Minister of State cannot say he is not aware of them, because Chapter 5, Part 4 of the principal Act, the relevant one here, is the one Chapter of the Planning

and Development Act 2024 which has already been put on the desk of the Aarhus Convention compliance committee. Even following the final version of the Chapter following Report and Final Stages in the Seanad - the version that went into law in terms of material alteration - the Aarhus Convention compliance committee rejected it as non-compliant in early November 2025, which is contained in paragraph 44.102 of that decision by the convention committee. It has already been decided that it is not compliant and now the Minister of State will drag more things into it. Instead of fixing the issues in our now annual July rush through planning and development Bills, it could have been a chance to maybe fix some of the known problems. Instead of fixing them, we are actually compounding the issues of non-compliance with Aarhus, Article 6.10 and public participation requirements with further changes.

5 o'clock

In many cases, existing planning permissions have not been acted upon because there are no use-it-or-lose-it clauses attached to them, many fast-tracking measures apply, there is a dilution of standards and we have all the rest of the things the Government does in its annual giveaway in the rushed planning and development Bills that are brought forward every July. I will discuss this further when we reach my amendments to section 62. Planning permissions, for speculative reasons, are not being used because developers know that if they wait a few months, the Government will give them something else. There comes a point at which those permissions may be compromised by legal uncertainty, become vulnerable to judicial review in a way they previously were not and risk being quashed for known non-compliance with the Aarhus Convention, thereby sending the whole project back to the drawing board. This measure will end up leading to slower and more convoluted delivery of lower-standard apartments. That may not concern a speculator who is just trading in the potential and is not actually planning to build but it is a very worrying situation for members of the public waiting for projects to be built.

Senator Victor Boyhan: Senator Higgins has made an important point. I reiterate her concern regarding the Aarhus Convention, its protocols, the strategic environmental assessments and the other appropriate attached assessments. Somehow, when people are unhappy, they choose to ignore them. This really is an important issue. Ireland is a signatory to the convention and its protocols. We are bound by them. At all times, in our planning processes, protocols and code, we must encourage engagement. We must be a democracy open to genuine participative engagement in the planning process. Citizens are entitled to that. If the Minister of State or I had something happening in our backyard, we would be concerned, and rightly so. We at least need a level playing pitch for people to put forward their genuine concerns, based on the principles of proper planning, sustainable development and compliance with the Aarhus Convention. This is an important point when it comes to the development of the predominantly one- and two-bedroom units that have been described as boxes or cubes.

We must remember that the local authorities are charged with the responsibility of carrying out an assessment of housing need. This is where we need agility and flexibility for councillors, in conjunction with their executive, namely, directors of services and chief executives. How can we tweak our future-forward planning to meet the housing needs of citizens within local administrative areas, with local authorities clearly having function and responsibility in that regard? We need flexibility, whether in Limerick City and County Council, which is the Minister of State's local authority, or elsewhere. Local authorities will understand from their

housing assessment the projected needs for a period. We need agility and responsiveness in the system to be able to tweak and to build.

I have no difficulty with apartment living. I know many people would wish to live in an apartment because of the likelihood it will have a central location. I see the potential for movement by people from the outskirts of cities and towns to central hubs where they are more likely to have access to apartments. I am not saying they will be affordable - it does not look like that will be the case - but the option of living in an apartment will appeal to some people.

Our planning system must be responsive to the needs of local housing assessments but I do not see any evidence of that happening. There is a rush to throw up more buildings and bring in more money. All of that has been going on for years and it appears we are not learning much from it. Senator Higgins made her point really well regarding the Aarhus Convention. It is very important that we encourage and facilitate our citizens to engage with a meaningful planning engagement process.

Deputy Kieran O'Donnell: Sections 61 and 62 are connected and will operate together. It is important that both sections stand as part of the Bill. Section 61 is a technical, clarifying amendment to the definition of "material alteration" in section 138 of the 2024 Act to add a cross-reference to a new section 138A, as inserted by section 62 of the Bill.

Section 62 inserts a new section 138A in Chapter 5 of Part 4 of the 2024 Act in relation to alterations of existing permissions allowed for the purpose of alleviating the shortage of residential accommodation to enable the construction of greater numbers of dwellings in apartment schemes. The section operates such that subject to meeting the specific criteria set out in the Bill, requests may be made to a deciding authority under section 140 of the 2024 Act to make alterations to an existing permission for an apartment scheme. Under section 142 of the 2024 Act, where a requested alteration of a permission is not material, the deciding authority shall alter the permission accordingly.

Section 138A will apply to the development of dwellings in apartment buildings in circumstances where permission is granted before the coming into operation of the section, where the request for an alteration made under section 140(1) of the 2024 Act is made before the expiration of two years from the coming into operation of section 138A and where the development has not yet commenced before the date on which the request is made.

The specific criteria allowing alterations to apartment schemes that are covered by this measure are already established policy. They relate to the apartment mix, apartment floor areas, dual-aspect ratios, lift or stair cores, floor-to-ceiling heights of ground-floor apartments and consequential works necessary for the purpose of the above alterations or for ensuring access to the development, including works to footpaths, boundaries, gardens and balconies.

The Bill also sets out restrictions to the measures, including, in the case of residential development in a strategic development zone, that the alterations cannot cause the number of dwellings situated in that strategic development zone to exceed the permitted number in the applicable planning scheme and that an alteration of a permission cannot result in the proposed residential development being designed to accommodate more occupants than it would be designated to accommodate were the alteration not made. That is an important point.

The purpose of this measure is to help support the viability of the development of apartments in the immediate term by allowing the alteration of permissions already granted in certain circumstances. It is targeted at the significant number of apartment developments that have received planning permission but have not yet commenced. Depending on the circumstances, the option is open to the developer either to apply for new planning permission or apply to make an amendment to the existing permission.

The Government continues to be fully committed to ensuring that housing is delivered as quickly and effectively as possible. It is vitally important that we do all we can to support the building of housing developments that have already been granted planning permission, given the urgent need to encourage activation of housing development as quickly as possible. I commend these sections to the House and will press that they remain part of the Bill.

Question put and declared carried.

SECTION 62

Acting Chairperson (Senator Chris Andrews): Amendments Nos. 5 and 6 are related and shall be discussed together.

Senator Alice-Mary Higgins: I move amendment No. 5:

In page 35, to delete lines 10 to 17.

Senator Stephenson will speak on the amendments.

Senator Patricia Stephenson: These amendments, in essence, make provision for a use-it-or-lose-it clause. Amendment No. 6 states: "An alteration of a permission referred to in *subsection (3)* shall be considered a material alteration if substantial works have not commenced 2 years from the point the permission was granted." We need this use-it-or-lose-it clause because we have a situation where people are receiving planning permission but are not actually commencing that permission. Now they will be allowed to extend the permission further on an asset. That is highly problematic.

Section 62 inserts provisions that allow for alterations to planning permissions that may consist of increases in the number of apartments and decreases in the sizes of apartments in a development, in the number of windows in those apartments, the heights of the ceilings and the number of lifts and stairwells in these developments. Senator Boyhan spoke eloquently around the impact that these alterations could have on the development of society and positive places to live. The Minister of State stated that these are carrying over the provisions that were inserted into the Planning and Development Act 2000 by the Planning and Development (Amendment) Act 2025 and the Planning and Development Act 2024, but there are significant changes in these methods by which these alterations can occur.

The 2025 Act created a system whereby the holder of a permission would have to apply to a relevant authority for a certificate certifying a proposed modification. The provisions in the Bill simply declare that the modifications in the newly inserted section 138A are not material alterations and therefore do not constitute a material alteration of a planning permission. The alterations permitted are clearly significant material alterations, so the fundamental approach

of this section is flawed. It takes powers away from the local authorities when, in fact, we should be strengthening the powers of local authorities for decision-making under section 140 with regard to what constitutes a material alteration. We are undermining the role of local authorities rather than strengthening them. It is entirely non-compliant with the Aarhus Convention. Instead of fixing issues that have already been raised by the Aarhus Convention compliance committee, this section expands and compounds many of those issues.

The provision inserted by the 2025 Act stated that the purpose of the section inserted by this Act was "to facilitate and encourage expedited construction of greater numbers of dwellings in apartment complexes" in the context of the housing crisis. However, the purpose of the section inserted by this Bill is just to enable the construction of a greater number of dwellings within residential developments within the same context.

The language around the speeding-up of the delivery of these houses is now gone, which is curious, and the purpose of this Bill becomes much clearer. It is simply about creating more potential profit for developers. The core reason for increasing the level of profits in a development is so that developers can make more money. That is the language we are receiving now.

Amendment No. 5 deletes paragraph (c) of the newly inserted section 138A, which provides that the design of apartment complexes can be modified to allow for 75% of apartments to be single aspect without such a modification being considered a material alteration, which is huge when we think about what should constitute a material alteration.

As Senator Boyhan eloquently outlined, the weather in the past few weeks is testament to how dangerous and risky this provision is with regard to the whole area of single-aspect windows and homes. Unfortunately, we are only going to be getting hotter summers with climate change, and by approving the provisions in this Bill, we will be reducing the number of windows required by planning permissions for apartment developments.

Amendment No. 6 will ensure that the provisions of section 138A(3) do not apply to any development that has not commenced two years prior to the permission being granted. This is to ensure that provisions in this section are not used simply as a way for developers who are sitting on uncommenced sites to increase the speculative value of those sites to make more money by waiting for further legislation. We need to move away from legislation that allows speculators to treat housing as an asset to make more money and profit. We have this model in Ireland, and it is not working.

It is highly interesting that the language around expedited delivery is gone from the provisions being inserted into the 2024 Act. I understood that language, which acknowledged that we need to expedite housing delivery, but that is now gone, and I do not understand that. When I read the legislation, what it serves to do now is make the section not about speeding delivery but about increasing the bottom line for developers, given that the word "expedite" has been removed.

Senator Alice-Mary Higgins: I want to pick up on that point. The removal of the word "expedite" is key because it exposes the logic. As I said, the logic has been the same. Every July, we get a new planning and development Bill that includes a new set of concessions to developers and creates more problems. We have tied the hands of the public in relation to their

rights to judicial reviews and access to justice. The Government has blamed councillors and sought to erode their powers systematically. It has blamed the public and environmental groups for ever taking judicial reviews. The blame has been widely spread every year, but what happens every year is that the Government gives more concessions to developers and it does not deliver because the goals of developers, who are looking to maximise profit, and the goals that our public representatives, who are serving the public, and our Government should have are not directly aligned. The job of the Government is to hold developers and standards to account. It is to drive forward the provision of housing.

This language removal tells us a lot because it has gone from saying that we need to cut yet another corner to expedite the construction of greater numbers of dwellings and apartment complexes to saying we have to do it to make it happen because otherwise they will not build it. They want another thing. It is another pound of flesh from the public. This time the developers want to be sure that they can row ahead and put people into hot boxes with single-aspect windows. The Minister said it. They are not even going to increase the occupancy number. What they will be doing is changing the unit structures, cutting corners on public spaces and standards, and ensuring that what we do not have the mix that we should have in terms of family size and residences within these residential developments, as well as ensuring that the most profitable unit can be produced in the highest numbers with the highest profit margin. That is explicitly what it is doing. It is solely about enabling the construction of greater numbers of dwellings within residential developments.

It is just a lowering of the bar again. The bar cannot get much lower, but it is happening again, and this time the Government is bringing a legal complexity with it, and our amendment is a use-it-or-lose-it clause. This is basic.

If these developers have been sitting on planning permissions for two years, and if the Government, having lowered the bar for them last year, then gives them another sweetener this year, lowers the bar yet again in terms of what is deemed a material alteration and allows them to do that and they continue not to build, because that is the issue, then at a certain point there needs to be a stick and not just carrots. This is not anybody held up by judicial reviews. These are people with ready-to-go planning permissions who are not using them. There needs to be something that says that if developers have planning permissions and they are being granted concession after concession, even to the point of risking illegality, then they need to use them. If they do not use them, then the Government should start taking the sweeteners away and start saying that we cannot have a lowering of standards and continued non-delivery.

I will oppose section 62 as a whole because it is wrong, but if the Government is serious when it says that this is about delivering anything, the minimum it should do is introduce a use-it-or-lose-it clause - the kind of clause we looked for on strategic housing developments, where almost half of those developments with planning permission were never built. A use-it-or-lose-it clause needs to be part of the mix at this point in every new annual planning and development Bill.

Deputy Kieran O'Donnell: I thank the Senators for their contributions. I propose to go through my detailed note because that will be helpful to everyone. Amendments Nos. 5 and 6 seek to amend section 62 of the Bill, which, in turn, proposes to insert a new section 138A into Chapter 5 of Part 4 of the 2024 Act in relation to alterations of existing uncommenced

permissions for apartment schemes. Section 138A operates so that subject to the meetings specifically set out in the Bill, requests may be made to alter an existing permission of an apartment scheme. Where there that requested alteration is not material, the permission will be altered accordingly.

This important provision seeks to replace section 44B of the Act of 2000 as that Act is due to repeal before the end of this year. Non-material alteration of apartment schemes set out in subsection (3) already established policy relating to the apartment mix, apartment floor areas, dual-aspect ratios, lift and stair cores, the floor to ceiling heights of ground-floor apartments, as well as consequential works including to footpaths, boundaries, gardens and balconies.

Amendment No. 5 seeks to delete the provision allowing for certain non-material alterations relating to dual-aspect ratios of apartments. Viability presents an ongoing challenge to housing delivery and is particularly acute in relation to delivery of apartments. The non-material alterations to apartment schemes as set out above are already established and tend to strike a balance between ensuring that apartment developments meet the needs of society in terms of standards and quality while promoting an increased level of output overall.

In duplex types or smaller apartment blocks that form part of mixed compact housing schemes, dual aspect is generally achievable. For larger apartment schemes, however, where there may be a terraced or perimeter block pattern wholly or partially fronting a street this may not be the case. I consider this provision regarding minimum dual-aspect ratios successfully strikes an appropriate balance in this context. It should be noted that the levels of daylight within the individual apartments is not solely determined by dual-aspect ratios. Dual-aspect ratios are one of a range of factors that will determine levels of daylight available within an individual unit. Other influencing characteristics include the orientation of the apartment, its elevation, separation distances, the size and positioning of windows, and the internal layout such as the numbers of internal walls and the width and depth of rooms. It is also important to note that every apartment developed is required by law to comply with the requirements of the building regulations regarding matters such as ventilation or insulation. Accordingly, I cannot accept this amendment.

Amendment No. 6 seeks to provide an additional criterion that a requested apartment alteration will be considered material alteration if substantial works have not commenced two years from the point when the permission was granted. This amendment will limit section 138A to apartment schemes that have already commenced with substantial works carried out in the first two years of that permission. Section 138A is already subject to a number of criteria including that permission was granted for the apartment schemes before the coming into operation of section 138A and that the apartment scheme has not yet commenced before the date in which the request is made. The amendment is unworkable as it directly contradicts section 138A(2)(c), which limits availability of this type of non-material alteration to apartment schemes that have not yet been commenced, excluding any works carried out to maintain, secure or protect the site. Furthermore, the amendment is in conflict with the intended policy intention of section 138A, which targets a significant number of apartment schemes that have received planning permission but not have not yet commenced. These measures are intended to unlock sites that have permission but are stalled. They are an activation measure. Accordingly, I cannot accept this amendment.

In summary, section 138A is intended to support the viability of the development of apartments in the immediate term. It is targeted at a significant number of apartment developments that have received planning permission but have not yet commenced. The Government continues to be fully committed to ensuring that housing is delivered as quickly and effectively as possible. It is vitally important that we do all we can to support the building of developments that have already been granted planning permission. The level of daylight within individual apartments is not solely determined by dual-aspect ratios. There is a wide range of other influencing characteristics such as the orientation of the apartment, its elevation, separation distances, the size and position of windows, and internal layout. Every apartment development is required by law to comply with the requirements of the building regulations regarding matters such as ventilation and insulation. As I have already stated, the measure is targeted at apartment developments that have planning permissions but are not yet commenced or are uncommenced. This proposed amendment seeks to change the target to commenced apartment schemes with substantial work carried out in the first two years of their permission. I am uncertain as to what the policy intention is behind the proposed amendment in this context. I thank the Senators for their proposals but I cannot accept amendments Nos. 5 and 6.

Senator Alice-Mary Higgins: In light of the fact that the Minister can actually tell local authorities what is meant by material alteration, I am going to press the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 6:

In page 35, between lines 29 and 30, to insert the following:

“(4) An alteration of a permission referred to in *subsection (3)* shall be considered a material alteration if substantial works have not commenced 2 years from the point the permission was granted.”.

Amendment put and declared lost.

Question put: “That section 62 stand part of the Bill.”

The Committee divided: Tá, 25; Níl, 12.	
Tá	Níl
Blaney, Niall.	Andrews, Chris.
Boyle, Manus.	Boyhan, Victor.
Brady, Paraic.	Collins, Joanne.
Byrne, Cathal.	Harmon, Laura.
Casey, Pat.	Higgins, Alice-Mary.
Comyn, Alison.	Keogan, Sharon.
Conway, Martin.	McCarthy, Aubrey.
Crowe, Ollie.	Murphy, Conor.
Curley, Shane.	O'Reilly, Sarah.
Duffy, Mark.	Ruane, Lynn.
Fitzpatrick, Mary.	Stephenson, Patricia.
Flaherty, Joe.	Tully, Pauline.
Gallagher, Robbie.	

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

Tellers: Tá, Senators Cathal Byrne and Pat Casey; Níl, Senators Alice-Mary Higgins and Patricia Stephenson.

Question declared carried.

An Leas-Chathaoirleach: I wish to welcome Mr. Phil Thompson, chief executive officer of Tiglin. He is very welcome. I know he is a regular visitor here and I thank him for all he does.

As it is now past 5.30 p.m., I am required to put the following question in accordance with an order of the Seanad of the day: "In respect of each of the sections undisposed of, the section is hereby agreed to in Committee; the Title is hereby agreed to in Committee; the Bill is accordingly reported to the House without amendment; Fourth Stage is hereby completed and the Bill is hereby received for final consideration; and the Bill is hereby passed."

Question put:

The Seanad divided: Tá, 32; Níl, 7.	
Tá	Níl
Andrews, Chris.	Black, Frances.
Blaney, Niall.	Boyhan, Victor.
Boyle, Manus.	Harmon, Laura.
Brady, Paraic.	Higgins, Alice-Mary.
Byrne, Cathal.	McCarthy, Aubrey.
Casey, Pat.	Ruane, Lynn.
Collins, Joanne.	Stephenson, Patricia.
Comyn, Alison.	
Conway, Martin.	
Crowe, Ollie.	
Curley, Shane.	
Duffy, Mark.	
Fitzpatrick, Mary.	
Flaherty, Joe.	
Gallagher, Robbie.	
Kelleher, Garret.	
Kennelly, Mike.	
Keogan, Sharon.	

Lynch, Eileen.	
Murphy, Conor.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
O'Reilly, Sarah.	
Ryan, Dee.	
Scahill, Gareth.	
Tully, Pauline.	
Wilson, Diarmuid.	

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

Question declared carried.

Housing and Residential Tenancies (Miscellaneous Provisions) Bill 2026: Committee and Remaining Stages

An Leas-Chathaoirleach: We now move to Housing and Residential Tenancies (Miscellaneous Provisions) Bill 2026 for Committee and Remaining Stages. I welcome the Minister, Deputy Browne, and his officials this evening.

SECTION 1

An Leas-Chathaoirleach: Amendment No. 1 in the name of Senator McCarthy has been ruled out of order.

Amendment No. 1 not moved.

Senator Aubrey McCarthy: May I speak to the amendment?

An Leas-Chathaoirleach: Senator McCarthy can speak on the section.

Senator Conor Murphy: I move amendment No. 2:

In page 6, between lines 4 and 5, to insert the following:

“(5) Within twelve months of the commencement of this Bill the Minister for Housing shall lay before the Houses of the Oireachtas a report on the implications of Part 2 of the Bill for returning Irish migrants, and in particular those Irish citizens returning to live in Ireland following extended periods of residence in other jurisdictions to ensure that the operation of the habitual residence conditions do not act as a barrier to Irish citizens being

abled to reside within the state as access social housing support subject to the eligibility conditions set out in the Housing Acts.”.

This amendment seeks to ask the Minister to bring back a report on this issue. The intentions behind this Bill may well have been good but the delivery of it has left a lot to be desired. One of the issues that came up during dialogue has nothing to do with migrants but concerns people from Ireland who have been working away abroad all of their lives and with to come home to retire. It concerns this issue of habitual residence and I can tell the Minister I have personal experience across a range of issues from living North of the Border where habitual residence frequently frustrates people who are Irish citizens living on this island from having access to certain Government services. In relation to this Bill, the amendment seeks that the habitual residence conditions do not act as a barrier to those who have perhaps not worked here or have been resident here but have worked away for all of their lives and do not have a history of paying into the State or have a history of employment here but are Irish residents but perhaps do not have an address to come back to, that they do not find themselves falling foul of this.

I know from my own experience over the years of dealing with people like the Irish in Britain, the challenges that face people who have gone over there as teenagers and have worked all of their lives and in their twilight years want to come home to set up back here and live out their remaining days in their home country. This amendment seeks a report be done on this issue to ensure the habitual residence conditions do not act as a barrier to Irish citizens being able to reside here. It has nothing to do with other migrants who come here. That is a different process altogether and one that has to be operated in a fair and transparent way by the Government. This specifically relates to these people who are Irish citizens and who have been abroad for many years.

Senator Aubrey McCarthy: Is it possible to have it read into the record why my amendment has been ruled out of order? Do I speak now or do I let the Leas-Chathaoirleach read it first?

An Leas-Chathaoirleach: Would you like me to read it now? Amendment No. 1 in the name of Senator McCarthy would provide that the Minister shall not commence the Act until a human rights and equality impact assessment has been conducted and a strategy has been devised. The amendment further provides that this assessment shall include the views of various specified organisations. It is an established principle that amendments which would make the commencement of an Act contingent on actions external to the control of the Houses themselves are not in order. As this is in conflict with the general principles of the Bill as agreed on Second Stage, that general principle being that the Act may be commenced by the Minister and become law following enactment, the amendment must be ruled out of order in accordance with Standing Order 165 as it is in conflict with the principle of the Bill as read a Second Time.

Senator Aubrey McCarthy: My purpose with the amendment was to safeguard human rights, preventing homelessness and ensuring the legislation reflects a modern republic. The amendment was literally for a human rights and equality assessment to be carried out and a strategy devised to protect people in Ireland under the EU temporary protection directive, ensuring none are pushed into homelessness as an unintended consequence of this Bill. The

amendment further requires that the strategy should uphold EU anti-human trafficking laws and include the voices of human rights, immigration rights and homelessness organisations.

The purpose of me pushing the amendment was that the likes of Focus Ireland, Tiglin and other front-line organisations have raised serious concerns about this Bill, as the legislation is the first major change in homelessness law since 1988. I hope that while modernising the system, the Bill does not drag us backwards to a Victorian model of night shelters and conditional access to basic humanitarian protection.

I know the Bill introduces new barriers to emergency shelter. As the Minister is aware, my organisation has a homeless café on Pearse Street and we see people every evening who are looking for accommodation and help in any way. It is a barrier I hope will not fall hardest on people who are fleeing domestic violence, people who have mental health issues or families who have been recently evicted. I hope the Bill will not affect them and that is the purpose of my amendment here so it is well intentioned. Many of those people urgently need a safe place to sleep and if we proceed without the safeguards we risk increasing rough sleeping, even though that is certainly not the Minister's intention.

I acknowledge the Government has pointed to a so-called safety net but that provision only allows night-by-night access from 8 p.m. to 8 a.m. That in itself does not provide stability, security or dignity. It makes no allowances for winter darkness nor for parents with children. It is not consistent with the modern, housing-led approaches to homelessness. I feel in that it is a step backwards.

The Minister knows we have more than 17,500 people in emergency accommodation and the number has come down by 100 in the last census but in the coming months I know it will possibly increase with the temporary protection being removed from our Ukrainian friends in Ireland. I have put it on record that I want the Minister to be the most successful housing Minister and I want to be such a cheerleader for the housing plan and for the Government but we need a whole-of-government approach to this issue. Otherwise we will have a generation of children growing up in emergency accommodation and that is a problem.

Minister for Housing, Local Government and Heritage (Deputy James Browne): In relation to Senator McCarthy's amendment, while it was a very well intentioned and constructed amendment, it has been disallowed. It was not my decision on those matters. I am satisfied the safeguards and safety net are there for those who are not entitled by way of legal or habitual residence. That can be ongoing for as long as is necessary but it will be night to night. I am satisfied the vulnerable groups the Senator mentioned will not be impacted. As for those who are the beneficiaries of temporary protection, they of course are accommodated by the Department of justice and it is that Department's duty to ensure they are properly cared for.

In regard to amendment No. 2, Irish citizens are automatically legally resident. That is made clear in the proposed section 20A(3)(a) set out in the Bill. In practical terms, if an Irish citizen has severed ties abroad and has decided to return home, the process of establishing habitual residency could be determined from day one. It is neither intended nor anticipated that the residency eligibility criteria for accessing homeless support under section 10 of the Housing Act 1988 would have a disproportionate impact on Irish citizens returning to live in Ireland following extended periods of residence abroad. While a local authority is determining whether a member of a household is habitually resident in the State, it will take into consideration all

the circumstances of the case as set down in section 20A(7) in the Bill. The five factors are not exhaustive and other evidence may be drawn upon to support a positive decision by the housing officer.

6 o'clock

Additionally, no one factor is decisive, and an applicant need not score strongly on all five factors to achieve a positive decision. I am aware that there have been concerns raised by some parties, including Crosscare and Safe Home Ireland, and other organisations representing the interests of the diaspora returning from abroad. I assure Senators and those bodies that it is not my intention, nor the intention of my Government colleagues, to place additional burdens on those individuals. Government policy explicitly recognises returning emigrants as a valuable asset in bringing international experience, skills, and networks that contribute to Ireland's social, cultural, and economic development.

Current diaspora strategies commit the Government to addressing obstacles faced by returning emigrants, including issues relating to documentation and other administrative processes, to ensure that returning to Ireland is as straightforward as possible. These habitual residency requirements will not undermine those objectives. I have already confirmed very little additional information will be required as part of the application process for social housing. Much, if not all of the existing documentation required - for example, proof of address, income and history of residency permission - will suffice. However, where additional evidence or supporting material for an application is required, local authorities will be empowered to request that to support their decision-making. The Department, in collaboration with the Housing Agency, will provide comprehensive guidance, training and workshops to all local authorities on an ongoing and regular basis. This guidance will be a live working framework that will benefit from ongoing updates and the input of officials in the Department of foreign affairs and bodies like Crosscare and others.

There is a strong consensus that a standardised approach to the implementation of the EU provisions is critical. The introduction of a new social housing appeals mechanism is a further important development. Applicants will be able to make a statutory appeal of the decision not to grant them eligibility for social housing support. My Department is also working in close collaboration with the Local Government Management Agency to progress enhancements to IT databases and housing management systems across the local authority sector. The purpose of this work is to ensure that systems are appropriately configured to capture, monitor and report on the decisions in a consistent and structured manner. These system updates will also facilitate more efficient administrative processes within the local authorities and support the standardisation of practices across the sector. In the longer term, the enhanced data capability will allow the Department to better assess trends in decision-making, identify areas for improvement and ensure that the appeals process is operating effectively and fairly.

In terms of the specific impacts of the legislation on particular groups and the overall approach to monitoring EU statutory requirements, I am happy to engage with the Senators this time next year in the context of the data that I have referred to.

Amendment put and declared lost.

Section 1 agreed to.

Sections 2 to 5, inclusive, agreed to.

SECTION 6

Question proposed: "That section 6 stand part of the Bill."

Senator Lynn Ruane: We oppose section 6 as it contains some consequential amendments for section 7, which introduces residency requirements for the provision of accommodation to homeless persons. It amends section 10 of the Housing Act 1988, which provides for accommodation supports for people experiencing homelessness to provide reference to the newly created section 10A, which is inserted by section 7. We are opposing that section and the consequential amendments in this section. The section also contains some concerning provisions, which extend the provisions of section 10(8) of the 1988 Act, which allow for housing authorities to remove people from homeless accommodation.

The amendment in section 6 allows for a person to be removed from emergency accommodation if he or she refuses an offer of social housing support. There are many reasonable reasons why someone might refuse an offer of support. If we consider the needs of a mother and her children in emergency accommodation, there are plenty of scenarios where accommodation offered might not be suitable and, therefore, may be refused. We are concerned at how the provisions of this section may lead to vulnerable people being denied emergency support in times of critical need.

I worked in homeless accommodation for many years and there is no one reason people refuse social housing; there can be very different reasons. I remember one man we worked with for a long time to try to support him into the social housing he was offered and he was terrified. He had been homeless for so long and he was worried that he would be isolated. He worried that he would be away from the support networks around him. It was a wet hostel so residents had residency for many months at a time.

There are women in emergency accommodation who have refused high apartment blocks because their kids have certain presentations within their autistic diagnosis where their ability to measure risk with a balcony is not there. They are actually terrified that their child will go over the balcony of a high-rise building. There are also people who refuse accommodation because it is 30 km past the city where their kids are in school, and maybe there are parents who live in the community they want to be close enough to because they cannot afford childcare and they rely on other parents to pick their children up from the school. There are people who have huge vulnerabilities and do not have access to the financial means to be able to accept an offer of support that would only put them in a more vulnerable position. On the idea that we would remove someone from emergency accommodation because they refused a social housing offer, are we saying we will remove someone from emergency support and they will just be on the street? It is quite confusing to me that any Department or policymaker would come up with a scenario where that seems like a good thing.

The cost in the long run to the State in impacting someone's health or family or whatever in that way means it does not make economic sense either in terms of how we support people to move safely into communities or social housing which meets their needs, rather than compounding the vulnerabilities a person already has.

Deputy James Browne: The Government supports section 6 standing part of the Bill, and cannot accept any amendment to it. Section 6 of the Bill comprises amendments to section 10 of the Housing Act 1988, and the purpose of these amendments is to extend local authority powers to withdraw the provision of homeless accommodation. Those powers will extend to circumstances where a household refuses a reasonable offer of social housing accommodation. That word is very important as it is not any offer; it must be a reasonable offer. Any offer must meet the needs of the person to whom it is being offered and he or she may appeal that decision as well. I do not envisage any situation where somebody will be, as the Senator put it, put out onto the streets. This measure is being introduced to ensure that no individual or family remains in homeless accommodation any longer than is absolutely necessary. Those powers will also extend to circumstances where a person engages in reckless or intentional conduct which causes death or serious harm to another person in homeless accommodation. That is another important part of this section and reason why it should be passed. This measure is being introduced to protect the health and safety of users and staff of homeless accommodation. The amendments to section 10 will also place an obligation on local authorities to have regard to the best interests of children when making a decision on the allocation of homeless accommodation to a homeless family with children.

Senator Lynn Ruane: Often, what we deem reasonable can look very different from where a person is looking at it. When one has privilege, access to healthcare, and his or her needs met fully, he or she can judge what is reasonable in a very different way than somebody who is in a very vulnerable situation. Reasonable for him or her can look very different. When a local authority offers somebody accommodation, like the example I used of an autistic young person and the fear around a high-rise building, that was seen as a refusal. That was registered by the local authority as “you have now refused one offer of accommodation, you have only two more and then you are going to have a period where you are not going to be offered anything.” People are already punished for giving very reasonable reasons as to why they might not take accommodation. I ask the Minister to consider having greater guidelines or insight as to, like I said, different people's ideas of what is reasonable and what is not. It can really look different depending on the life a person has had, his or her position, or what he or she is currently experiencing in his or her housing situation.

Deputy James Browne: I fully agree with the Senator that there should be guidelines to follow to ensure that there will be consistency and they will follow because part of what we are doing here is ensuring consistency across the country.

Part of what we are doing here is ensuring consistency across the country. We are implementing a statutory appeal for the first time. That should help a family in that type of situation. We are also introducing an obligation on local authorities to have regard to the best interests of children when making decisions.

Senator Lynn Ruane: If I am reading the provision right, somebody can be removed from emergency accommodation or have their emergency supports removed because they have refused social housing. The Minister said nobody would be put out on the street. Where do they go then? The provision says there is a removal of emergency supports if you refuse accommodation. What happens if emergency supports are removed? What if someone applies

this legislation and has a right to remove those supports? I do not understand what happens in that instance.

Deputy James Browne: A number of new safety nets are being introduced in terms of decision-making. It has to be a reasonable offer and it always has to meet the needs. There is an appeals mechanism and the best interests of the children are considered. There will be clear guidelines and training for local authorities to ensure consistency. If somebody refuses a reasonable offer that meets their needs, then the safety net is the night-to-night accommodation that will be provided to them. Nobody should have to rough sleep.

Senator Lynn Ruane: The impact of night-to-night accommodation on people's health is unbelievable. We have built a structure in some of the country's most vulnerable hostels with doctors, nurses, addiction specialists and key workers on site. To have a model that is night to night or 8 p.m. to 8 a.m. completely undermines and undoes the creation of a structure for a person in their everyday life. Are we going to do night to night with a family? If a family refuses what the State deems a reasonable offer, will that family be on the street ringing whatever version of the freephone currently exists for accommodation that night? I do not understand how that adds safety or security, or how it keeps people in emergency accommodation for less time. It will actually worsen it because they will still have to come back into some sort of emergency accommodation.

Deputy James Browne: The Senator is talking about a situation where a family has refused a reasonable offer of a home. There is no reason for a family to refuse a reasonable offer of a home. Training and guidelines will be given to make sure the offers are reasonable and people are dealt with compassionately. I do not envisage those circumstances arising. They should not arise.

Senator Alice-Mary Higgins: The Minister has provided for it in the Bill. This is a scenario he is setting out. He is making the change. People may have reasons that are reasonable or they may have reasons that are not reasonable, but they are still humans. They may be acting from paranoia, fear or concern, or they may be acting because they have had experience of abuse in the past. There are many reasons for people making decisions. The point is the decision the Minister is making is that those people can be removed from the emergency accommodation where they may have supports that will assist them to get them to a point of better decision-making. Let us bear in mind it is any reasonable offer. This is not the three-shot people have on the social housing list. This is a single offer that is deemed to be reasonable. They are then, instead of being in emergency accommodation, moved into night by night.

What is that serving? Is it only to serve as punishment and removing people from the emergency accommodation numbers? What is the purpose of moving people from an insecure situation into a more insecure situation, particularly when they may be families? We do not need speculation that it probably would not happen. We need the Minister's logic for setting out that pathway for people. Why is he making a provision that would penalise those who do not accept a reasonable offer of accommodation and would send them out of emergency accommodation and into the night-to-night scenario? The Minister may say he does not

envisage it happening but he has provided for it to happen and set up a whole new system for it to happen. Clearly, it might happen. That is what the Minister has planned for. Why?

Deputy James Browne: I have answered all the questions already. Nobody is sending anybody out. The only circumstance in which this may happen is where somebody has been given a reasonable offer of a home and turns it down. The local authority may then act. It is not that it will; it may. It can take all circumstances into account at that time. There are many safeguards but we want people to spend the minimum amount of time in emergency accommodation and that is a good thing. We do not want people spending time in emergency accommodation. Where there is a reasonable offer of a home, that is the best solution for that family, not staying in emergency accommodation.

Senator Lynn Ruane: The Bill is set out as a threat and coercion.

Deputy James Browne: No.

Senator Lynn Ruane: That is what I am hearing now. I am hearing that, legislatively, the Minister can remove emergency supports and a single person or a person with children may be put in night to night because that person has been offered reasonable accommodation and, for whatever reason, does not want to take it. Nobody likes staying in emergency accommodation. People have their own reasons that not everybody can understand. This will not force people onto the street, rather, the Minister sees it as forcing people out of emergency accommodation and into a home out of fear the only alternative is night by night. People will be afraid to refuse a home.

Deputy James Browne: I completely reject that mis-characterisation and the Senator's attribution of *mala fides*. It is outrageous commentary. Nobody is forcing anybody.

Senator Lynn Ruane: The legislation is.

Deputy James Browne: The Senator has obviously made her mind up on it.

Senator Alice-Mary Higgins: It clearly is. The intention is to increase the pressure on vulnerable persons in emergency accommodation to accept what is deemed to be a reasonable offer, with an additional threat that if they do not do so, they could be moved to night-to-night accommodation. It cannot be read as anything other than an increasing of the pressure on people to make a decision on that. Maybe they will accept an offer of social housing they would not otherwise have accepted in some cases, but they will not in other cases and the consequence will be vulnerable persons being moved to a situation of greater vulnerability. The Minister has provided for it to happen in a way that was not there previously. There is a new lower floor to which vulnerable families in emergency accommodation can be brought. Maybe it will motivate them to accept something despite deep concerns or maybe it will put them in a more vulnerable position. The risk attached to the potential benefit of pushing them to accept something they would not otherwise versus the risk of greater vulnerability and of a move to night to night is quite significant. We cannot pretend this might not happen when the

Minister has, in legislation, provided for it to happen. The consequences if it does happen need to be looked at and addressed, not simply saying we do not envisage it happening.

Senator Joe Flaherty: It is a dangerous generalisation the Senator is putting forward and she is forgetting that in the front line of dealing with housing and difficult cases are staff and housing departments across the country. From my experience, housing staff generally think through each case. If there is a vulnerable case, they will seek supporting medical documentation, often a HMD form, and will get an OT to link in with the applicant. I have never seen anybody in a housing department purposely give an allocation they knew was inappropriate for a person.

Senator Lynn Ruane: The Senator is welcome to come to Tallaght.

Senator Joe Flaherty: That is a slight on the staff who are working there.

Senator Lynn Ruane: I do not care.

Senator Joe Flaherty: The Senator comes from a trade union background. That is a terrible slight on people. I have absolute respect for people working in the housing departments and I know how hard they work in the face of a crisis. A generalisation such as that is deeply unfair.

Senator Lynn Ruane: They did not write the legislation.

Senator Joe Flaherty: I know.

Senator Lynn Ruane: The Senator is bringing the housing departments' allocations people into this.

An Leas-Chathaoirleach: Senator, please.

Senator Lynn Ruane: They did not write the legislation, but they will have to apply it.

Senator Joe Flaherty: They did not write the legislation, but we need legislation to frame what we are doing. We are, on a daily basis, tackling a crisis. On the front line in that effort are our housing staff. We should commend them at every opportunity rather than throwing out gross generalisations that are deeply hurtful.

Senator Alice-Mary Higgins: The Government is trying to hide behind people who are doing their jobs when it is bringing in legislation. Let us be real. We were explicit that we are debating the legislation and what is provided for. For Senator Flaherty to try to say that other Senators are saying this person or that person is not nice or good is ridiculous. If they are all such wise and wonderful people, they would not need guidance from the Minister to tell them that they can throw somebody out. They would not need that.

Senator Joe Flaherty: The local authority already has that.

Senator Alice-Mary Higgins: The legislation is what it is. It is frankly ridiculous to drag this up. The Senator, not us, brought up staff in the area and told us not to worry about the law because we know the staff are going to be doing their best. If they were doing their best, these coercive laws would not be needed and would not apply. The Government is bringing the laws and we are debating the point of law. That is our job. We are legislators. We are certainly not going to be intimidated while questioning dangerous law when it is brought forward because it is implied or suggested that we are hurting the feelings of the people who would be implementing the dangerous law. We have many other aspects of the dangerous law to go through in section 7, but it is important to have marked this issue.

An Leas-Chathaoirleach: Does Senator Ruane wish to come back in?

Senator Lynn Ruane: I second what Senator Higgins said. It is incredibly cowardly to put out staff, whom no one has mentioned, to hide behind. "Oh, the poor staff." The front people are those who have no houses. They are the priority. We have to create legislation that keeps people safe and does not see people back out on the streets. We cannot say, "Oh, the poor staff. What are you saying about them?" We are legislators. We are discussing legislation. We are not discussing individual people in their jobs. If you put something in black and white in the law, it can be used. The Government is putting staff in a more difficult position.

I worked in homeless accommodation for many years. You make decisions as a team. You have discretion. You know how to put someone out if they are a danger to anybody else, if there has been a fight or the use of weapon. We have been doing it for years. Now the legislation states that if people refuse an offer, they have to be put out. Are the staff who are providing emergency supports breaking the law if they do not put them out? I know it states "may". It is fair enough that it states "may". However, it exists and people will want to use that measure. Hopefully they will not be a majority, but people will want to use it.

This does not need to exist. We are going from emergency accommodation to night-by-night accommodation. I do not understand how any Department would want to risk having people on the streets. I cannot turn any which way without some news outlet or media outlet talking about the inner city, O'Connell Street and people congregating here and there. We are now creating a scenario. We are saying we can remove people's emergency support if they do not take this and we may, therefore, increase the number of people on the streets because it is most likely going to be night-by-night accommodation. It will most likely not be in the daytime. When you are in the night-to-night accommodation, it is 8 p.m. to 8 a.m. This legislation will increase the number of people who are on the streets and without a home, waiting for a bed to know where they will sleep, if this coercive measure does not work. It does not make any sense. It is neither compassionate nor humane. It is really risky.

Deputy James Browne: I have answered all the policy questions.

Question put:

The Committee divided: Tá, 28; Níl, 7.	
Tá	Níl

Andrews, Chris.	Black, Frances.
Blaney, Niall.	Boyhan, Victor.
Boyle, Manus.	Harmon, Laura.
Brady, Paraic.	Higgins, Alice-Mary.
Byrne, Cathal.	Keogan, Sharon.
Byrne, Maria.	O'Reilly, Sarah.
Casey, Pat.	Ruane, Lynn.
Collins, Joanne.	
Comyn, Alison.	
Crowe, Ollie.	
Curley, Shane.	
Fitzpatrick, Mary.	
Flaherty, Joe.	
Gallagher, Robbie.	
Kennelly, Mike.	
Lynch, Eileen.	
Murphy, Conor.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
Ryan, Dee.	
Scahill, Gareth.	
Tully, Pauline.	
Wilson, Diarmuid.	

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

Question declared carried.

SECTION 7

An Cathaoirleach: Amendment No. 3 has been ruled out of order because of a potential charge to the Exchequer. Amendments Nos. 4, 5, 7 and 8 are related and may be discussed together, by agreement. Is that agreed? Agreed. We will wait for the Minister.

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

In page 8, line 17, after “10(1)” to insert “at a minimum”.

Section 7 creates residency requirements for people who are seeking emergency homeless accommodation. These provisions we have previously spoken about are very worrying with regard to the offer made. Our amendment No. 9 for this section deals with that question of the reasonable offer and the fact persons may have refused support in the past. That is one piece.

In general, section 7 creates a new extreme vulnerability for persons who are already in the vulnerable position of seeking emergency homeless support, which is where they might find themselves if they do not have residency. We know this affects a huge number of persons, including students with visas who do not have residency, people who may be tourists who do not have residency or people who may have escaped domestic violence situations and other situations who find themselves vulnerable and do not have residency. There is a wide range of people who may not have residency but who may be in need of emergency accommodation.

Those persons will now be moving into a situation where they will find themselves, alongside those other persons in the previous section who have refused the reasonable offer of accommodation, in a night-by-night situation. We might think of some of the people who may not have residency who might be seeking this accommodation and some of the reasons they may be vulnerable. The idea of people moving to a night-by-night basis, where they are moving away from any of the ancillary supports that may come with an emergency accommodation where at least you can plan and access supports, follow through processes and try to regularise your situation, is an appalling act against safety.

The Minister talked on Second Stage about this idea of the night-by-night safety net being there. However, it is interesting that our amendments have been ruled out, when they simply sought to move from "may" to "shall". The legislation as it is set out, only states those vulnerable persons who do not have the residency requirements and who are refused emergency accommodation may be offered night-by-night accommodation. It is only a "may", not a "shall". The amendments were ruled out of order due to their coming with a cost to the State. I am very curious as to why, if it was not envisaged they would always be offered such accommodation, moving it to a "shall" is a cost versus the "may" that is there?

I am hopeful the Minister might accept our amendments. Amendments Nos. 4 and 5 provide that the support offered is not limited to between the hours of 8 p.m. and 8 a.m. That is in amendments Nos. 4, 5, 7 and 8. In those amendments, we are inserting the Minister's own exact language from Second Stage. He said that the 8 p.m. to 8 a.m. was a minimum and that it would be clear this would be the case. My concern is that the legislation, as it has been written, simply says this may be offered between these hours. This could be construed as this may not be offered outside of those hours. That is one way it could be read, if you wanted to take a hostile reading of those measures, which cannot be ruled out.

Again, we are trying to ensure that amendments Nos. 4, 5, 7 and 8 provide the support offered in this section and that very basic night-by-night accommodation is not limited to the hours of 8 p.m. and 8 a.m. It takes the Minister's language, when he said this would be a minimum, and asks that we put the word "minimum" into the legislation. This is the clearest guidance we can offer and it should be set out in this legislation. We believe there should be no ambiguity in this legislation. There should be no risk of an interpretation of this legislation that states we are not mandated to say we may provide night-by-night accommodation outside of the hours 8 p.m. to 8 a.m. If the Minister is in good faith with this principle of the minimum, this is a way to ensure that can be read and made clear in the legislation.

Amendments Nos. 5 and 7 go a little bit further by removing time constraints, as we do not believe there should be time constraints in affording dignified, compassionate provisions to exceptionally vulnerable people seeking emergency homeless accommodation. This goes to the point my colleague made with the idea of people literally being put to the street.

Increasingly, if you are not in accommodation and are not granted emergency homeless accommodation, and you are in the position of night-by-night provision, then day by day, you are on the street. That is just a fact and that is how it is currently set out in the legislation. We are affording the Minister the opportunity in respect of amendments Nos. 5 and 7 to widen that, as well as in amendments Nos. 4, 5, 7 and 8, to specify that nightly accommodation is a minimum with regard to the night-by-night provision.

Amendment No. 9 seeks to remove the provision that allows local and housing authorities to refuse to provide accommodation to a person who has refused support in the past 24 months. Again, we have significant concerns about the application of this subsection. The Minister has not provided adequate reassurance as to what may happen to individuals who are refused accommodation under this provision. We believe this provision is exclusionary and dangerous, particularly for persons in vulnerable situations, for example, those who are battling mental health or addiction issues.

Those are our amendments collectively, but I indicate - and maybe I will have the opportunity to come back in - that we will be opposing this section as a whole. The idea of introducing residency requirements for emergency housing supports is nothing more than a performative cruelty, signalling that certain persons have lesser safety and protection requirements from the State. I see echoes of when we saw the international protection office stop housing asylum applicants and leave them to sleep on the street, thereby creating a visible vulnerability. This sends a deeply negative signal, which seems to be designed to appease and accommodate in the same way, in a victory for far right campaigning against the accommodation of asylum seekers. Yes, there is the night-by-night provision with its limitations but there is still a sense that it shows we are not going to give these vulnerable persons, who do not have residency requirements, emergency housing accommodation.

What signal is that sending, and who is that signal being sent to? What is the purpose of that message?

Senator Lynn Ruane: I wish to speak to the section, but could the Acting Chairperson read into the record the reasoning behind the ruling out of order of amendment No. 9 specifically first?

Acting Chairperson (Senator Pat Casey): Does the Senator want to speak to the section when we get to the section?

Senator Lynn Ruane: It applies to the amendment as a whole, but could I have an understanding of that first?

Acting Chairperson (Senator Pat Casey): I will give that when it comes to the section itself.

Deputy James Browne: I cannot accept the proposed amendments. The safety net provision for persons or households who are ineligible for homeless accommodation is not a continuous provision.

The inclusion in the legislation of the hours of 8 p.m. to 8 a.m. makes this clear. This provision allows local authorities to reassess the circumstances each day to determine that the safety net is still necessary. 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 absolutely clear that sleeping hours provision should be available all year round and should not be curtailed in summer months where "night" could be interpreted as a shorter period. In implementing this provision, clear guidance will be provided to local authorities to ensure that the eight-to-eight period is applied as a minimum statutory provision.

Senator Alice-Mary Higgins: Could the Minister please repeat the last line of what he said? I did not actually hear what he was saying. He is rejecting, as I understand, the text with regard to the "minimum" but is he suggesting that the text "minimum" will be included somewhere else? I did not hear what the Minister's last sentence was.

Deputy James Browne: Clear guidance will be provided to local authorities that the eight-to-eight period is a statutory minimum.

Senator Alice-Mary Higgins: Can I clarify? Will that guidance be provided by the Minister or how will it be provided? I am genuinely inquiring because-----

Deputy James Browne: Generally, where guidance comes from is from the Department and the Minister in the Department of housing.

Senator Alice-Mary Higgins: We like to have stuff in legislation when we can as it is more transparent, but I am noting the commitment by the Minister in respect of guidance specifying that eight to eight should be a minimum. I would appreciate it if we could be informed as to when that guidance is published.

Deputy James Browne: There is no difficulty. We can do that.

Acting Chairperson (Senator Pat Casey): How stands the amendment? Is the Senator pushing it?

Senator Alice-Mary Higgins: We are still speaking to the section.

Acting Chairperson (Senator Pat Casey): I was going to call people for the section when I get to the section.

Senator Alice-Mary Higgins: Okay, sure. Are we on amendment No. 4?

Acting Chairperson (Senator Pat Casey): We are on amendment No. 4 at the moment. Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 5:

In page 8, lines 17 and 18, to delete all words from and including “between” in line 17 down to and including line 18.

Amendment put and declared lost.

Acting Chairperson (Senator Pat Casey): Amendment No. 6 has been ruled out of order as a potential charge on Revenue.

Amendment No. 6 not moved.

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

In page 8, lines 21 to 24, to delete all words from and including “for,” in line 21 down to and including “formed” in line 24.

Amendment put and declared lost.

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

In page 8, line 22, after “period” to insert “at a minimum”.

Amendment put and declared lost.

Acting Chairperson (Senator Pat Casey): Amendment No. 9 has been ruled out of order as a potential charge on Revenue. I will read out the reasons for refusal.

Amendment No. 9 would delete subsection (5) and insert section 10A completely. This subsection entitles local authorities to refuse to make homeless services available to a person where that person has refused a provision offer in the previous 24 months. By deleting this subsection, the amendment would oblige local authorities to make additional offers of homeless services to these persons and thereby to provide additional service compared to that currently provided in the Bill. The amendment must be ruled out of order in accordance with Standing Order 42, as it has potential to impose a charge on Revenue.

Senator Laura Harmon indicated first that she wanted to speak on the section and then I will call Senator Ruane.

Question proposed: "That section 7 stand part of the Bill."

Senator Laura Harmon: I want to state from outset that we are opposed to section 7. The Labour Party was opposed to this in the Dáil and we are opposed to it here today.

We are opposed to the new restrictions on emergency accommodation that this section will put in place. We are also opposed to the way the Government has managed this legislation, effectively tacking on a whole new Bill on Report Stage in the Dáil. The TDs there got less than 24 hours' notice of the wide-ranging amendments and the debate was guillotined after two hours. It does not allow for proper scrutiny and it is not the right way to do legislation. Removing the safety net is a huge concern, that is, the safety net of emergency accommodation for people most at risk of homelessness. Creating these additional administrative barriers might

help to massage monthly homeless figures but it is only going to create a whole host of other problems. It will lead, in our view, to an increase in rough sleeping as well.

I have been contacted by many organisations who have expertise in this area and who have grave concerns about this legislation, particularly Focus Ireland. It specifically has concerns regarding the proposed safety net. It states that access to shelter is a basic humanitarian protection and should not be conditional on proving eligibility before support is provided. It says the Bill provides local authorities with discretion to allow people to access shelter on a night-by-night basis, with accommodation available only during the specified hours of 8 p.m. to 8 a.m. The legislation makes no provision for winter darkness or people who have children with them. Focus Ireland is also concerned that this will provide little security or stability for vulnerable adults or families and is inconsistent with modern housing-led approaches to tackling homelessness. These are some really serious concerns from a leading organisation working at the coalface on this.

The strict, arbitrary two-night limit is also a mistake. It removes the discretion that acted as a safety net and allowed local authorities to use their own common sense on humanitarian grounds to provide shelter to people. The strict rigidity of the Minister's approach will, in our view, remove a vital safety net. This approach fundamentally changes Ireland's homelessness policy, making access to emergency accommodation contingent on factors other than whether that person is homeless is a fundamental change of approach that we are steadfastly opposed to. It will leave vulnerable people without emergency accommodation and increase rough sleeping, in our view. We are completely opposed to section 7.

Senator Lynn Ruane: It is obviously not the Minister's decision in relation to whether the Bills Office rules an amendment out of order but I would like to establish a few things as they apply to the section as a whole.

What is currently ruled out of order is the deletion of a section. The section read:

A housing authority may refuse to make arrangements under subsection (3) where alternative arrangements, assistance or accommodation have been refused by the person within a period of 24 months prior to seeking accommodation under section 10(1).

Can the Minister communicate to me whether, if someone refuses emergency accommodation, they have access to emergency accommodation elsewhere under the current system? I wonder if someone who is in emergency accommodation who refuses social housing, emergency accommodation or support within 24 months currently has access to other emergency accommodation sites? The answer to that is really important and it is really problematic then as to why the Bills Office would rule it out of order. The cost is already assumed by the State because under the existing framework, people already refuse emergency accommodation in certain sites and can seek emergency accommodation in other sites. It is not a new cost.

There is a man I currently work with who refused an emergency accommodation site due to access to transport because he had lost a limb. He needed to be close to public transport and he worked as a translator. He had got some part-time work translating and he wanted to be able to get there because he is on crutches and has one leg. He refused certain emergency

accommodation and he was able to access emergency accommodation somewhere else that was more beneficial to him and enabled him to have that stability in his life.

Now we have a decision by the Bills Office that says our amendment creates a cost to the State but it does not. It only supports maintaining the *status quo* and the current cost to the State of providing supports. It does not increase the supports or create any new supports. Can the Minister explain what is under the current framework? I assume the reason we have to write this is because it does not exist but currently, you can seek emergency accommodation regardless of whether you have refused support for the past 24 months. It is an important answer not so much because the Minister decided to rule it out but because it is very important for the Bills Office.

Acting Chairperson (Senator Pat Casey): For clarification, it was neither the Minister nor the Bills Office ruled it out of order. The Cathaoirleach ruled it out of order.

Senator Lynn Ruane: But they do get advice sometimes from the Bills Office, etc.

Acting Chairperson (Senator Pat Casey): At the end of the day, it was the Cathaoirleach.

7 o'clock

Senator Lynn Ruane: I know it is not the Minister, but the Minister can tell me under the current framework that he-----

Acting Chairperson (Senator Pat Casey): The Minister will come in once everybody has spoken on the section, if he wants to come in. I call Senator Higgins.

Senator Alice-Mary Higgins: It is also an important question. If there is a deterioration from that situation, then that is also relevant. If it is the situation that persons can currently seek other emergency accommodation but, in the future, would not be allowed to, that is pretty significant. I have two questions, one I have already asked but will ask again. Why is this being done? Who is it for? Another related question is where are the people meant to go?

There are two pieces here. The Government is deciding to bring forward legislation that says we are going to make it explicitly difficult or, in fact, impossible for a number of groups who do not have residency, such as migrant groups, returning migrants, who have been mentioned, and the wide range of people I and others have given, to get emergency accommodation, which we know is going to target a particular set of vulnerable people, and instead move them to not only a night-by-night arrangement, but a night-by-night with a kind of cruel thing where it is only two nights in a row. Why? What is the policy purpose of bringing that? Is it to reduce pressure on emergency housing accommodation? The Minister could choose to improve emergency housing accommodation. Is it to try to feed into a fight over the crumbs? Is the Minister saying that, as a State with the surplus we have, we only have so much emergency housing accommodation and we want to make people see that others are not getting it, as if that is going to make the people in emergency housing accommodation who are resident feel better? What is the purpose of that? What is the purpose of moving vulnerable people to a night-by-night system? Is it to punish them? Is it because the Minister wants to create that

kind of competitive, performative cruelty we see happening in the United States, UK and parts of Europe, where they show they are going to give people a hard time so maybe they will not be there? Is that the goal? Is it to go with all of those many ridiculous measures brought in by Minister, Deputy O'Callaghan, and others, so we can act tough? Is it a look-hard measure? Is it chasing a vote to the right? I genuinely do not know what good policy purpose is served by this. All I can see is bad political narratives that are served by it. Incidentally, they will not come back and reward the party that brings them through. It will, in fact, contribute, as it has everywhere this has been done, to furthering this.

Going back to the practical risks, the risks associated with these measures are more people, day by day, being visibly on the streets, without even the basic thing of emergency accommodation so they may have a place that is their anchor, where they can make decisions, build from, plan from and try to improve their situation from, more people wandering the streets in the daytime not knowing where or whether they will have accommodation that night. What does that do for public safety and well-being, particularly of those persons? There is greater risk that those people will fall out of the net altogether and end up homeless. Then we have more people homeless in the street and, again, many of them more likely to be from visible minorities and other vulnerable groups.

These are really clear risks of what the Minister is proposing and I do not see what the benefit is. I would like the Minister to say what the justification and policy purpose is in doing this because I do not see good logic and I do see an amount of bad logic at play here. The consequences will be profoundly negative, not just for the individuals affected but for all of us as a society. I will be absolutely opposing this section and I would like an answer to that question.

Another related question is, where are the people to go? What is the plan? The Minister creates a situation where people are not accessing emergency accommodation - in fact, the numbers for these are probably very small, comparatively, anyway - where they may be in the night-by-night accommodation and are out all day, or they are out totally, sleeping on the streets and homeless where they have fallen further out of the net provided for them. Where are people to go? Is the idea that we will refuse them emergency accommodation and these vulnerable people will evaporate? Will they all immediately leave? Is that the idea, that people will leave, because they are staying in Ireland because it is so great to be living in emergency accommodation? Because it is not. That is the question. The actual vulnerable people who are applying for and needing emergency accommodation do not disappear. They are still there. There are issues in that many people struggle to access emergency accommodation anyway, but, besides sending a big, performatively unwelcoming message, I do not see what this does for any purpose, whereas I do see what it does in terms of risk and compromising safety.

Deputy James Browne: The Government supports section 7 standing part of the Bill and cannot accept any amendment to it. Section 7 introduces two sections into the Housing Act 1988, section 10A and section 10B. Section 10A implements the Government's policy aim of introducing eligibility criteria around legal and habitual residency in respect of section 10 local authority-provided homeless services and supports while at the same time offering a safety service in line with Ireland's obligations under the European Convention on Human Rights. In line with the 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 the State is operating a harmonised and consistent approach to the provisions of social entitlements in general. These eligibility criteria specifically relate to an individual's connection to the State and not to an individual's established connection to a specific local authority. Until such time as a definitive determination on eligibility has been made and any appeal on that determination has been concluded, a local authority may provide homeless supports and accommodation under section 10(1) in the normal course of 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. The safety net provision is to be provided by the local authority on a night-to-night basis, and this is to allow local authorities to reassess the circumstances each day to determine whether the safety net should still be provided. That safety net under this section will be provided in circumstances where a household is ineligible and where the household is seeking alternative assistance or accommodation but does not have such available, and the local authority can continue to provide a safety net service for as long as those circumstances exist. It is important to emphasise that there is no two-night limit on this.

In relation to the Cathaoirleach's decision on amendment No. 9, that is a matter for the Cathaoirleach. The merits or otherwise of such a decision or justification is not a matter for me to comment on.

Senator Alice-Mary Higgins: I will be brief. Is the two-night limit designed to make sure that people will not access-----

Deputy James Browne: There is no two-night limit. I have emphasised that on Second Stage and again here on Committee Stage. It is very clear-----

Senator Alice-Mary Higgins: That is fair enough. The Minister mentioned it himself, and that is why I asked. The other thing is that the Minister has not answered my question, which is "Why?".

Deputy James Browne: I probably lost the question in all of the invective. The why is in the interest of fairness. We are providing housing supports for people and the requirement is that they are legally here and intend to make this their home. That is not an unreasonable requirement of people to whom we are providing social housing or emergency accommodation. For those who do not meet those requirements, there is a safety net there.

Question put: :

The Committee divided: Tá, 29; Níl, 6.	
Tá	Níl
Andrews, Chris.	Black, Frances.
Blaney, Niall.	Boyhan, Victor.
Boyle, Manus.	Harmon, Laura.
Brady, Paraic.	Higgins, Alice-Mary.
Byrne, Cathal.	Keogan, Sharon.
Byrne, Maria.	Ruane, Lynn.

Casey, Pat.	
Collins, Joanne.	
Comyn, Alison.	
Conway, Martin.	
Crowe, Ollie.	
Curley, Shane.	
Fitzpatrick, Mary.	
Flaherty, Joe.	
Gallagher, Robbie.	
Kennelly, Mike.	
Murphy, Conor.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
O'Reilly, Sarah.	
Ryan, Dee.	
Scahill, Gareth.	
Tully, Pauline.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Cathal Byrne and Pat Casey; Níl, s: Tá, Senators Cathal Byrne and Pat Casey.

Question declared carried.

Question, “That section 8 stand part of the Bill”, put and declared carried.

Section 9 agreed to.

SECTION 10

Acting Chairperson (Senator Pat Casey): Amendments Nos. 10 and 11 are related and may be discussed together by agreement. Is that agreed? Agreed.

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

In page 10, to delete line 20.

We are again coming to the issue of being habitually resident. Amendments Nos. 10 and 11 delete the definitions of habitually resident and lawfully resident that would be inserted into the Housing (Miscellaneous Provisions) Act as a consequence of section 12 of the Bill. Section 12 inserts residency requirements for social housing support. We do not believe this section is necessary.

It would be useful if the Minister would provide the reasoning for the inclusion of this section.

When we discussed emergency accommodation, the Minister referred to the requirement that people are resident in the State and are planning to make their lives in the State. We do not know what anybody is planning. We do not know the hopes and dreams that people may have and what they are planning to do. It should not be the case that to get emergency accommodation you have to be planning to live in the State in the long term. Emergency accommodation is a safety measure. It is a proper public good and a safety measure. It is not solely emergency accommodation as a stepping stone into social housing. Emergency accommodation is about having proper, good quality emergency homeless supports for persons who find themselves, for a variety of reasons and in a variety of situations, homeless. It is about ensuring that they are accessing proper supports and facilities in proper situations. This is nothing other than the downgrading of the already precarious situation of emergency housing support to the incredibly precarious situation of day-by-day accommodation.

Habitual residency should not be relevant. It is about having proper standards and measures, unless the Government wishes to send a deeply intense message that Ireland is not a place of welcomes. Many people, including those here on student visas, fall into this space and may find themselves vulnerable and having to access emergency housing supports. The idea is that someone should be planning to live his or her life here. The habitual residency condition does not focus on whether people are planning to build their lives here. That is not a core or main part. There is a line about a "centre of interest" and reference to future intentions. We cannot know someone's intentions. This is a very strange bar to be putting to persons making decisions about emergency housing provision. We are talking about people who might be accessing support for a few days, a week, two weeks or a month. We will have to make habitual residency determinations before we decide if we are going to support somebody who is presenting with emergency housing needs. That, in itself, is bureaucratic. Those measures should not be the bar for something. There are questions and issues about how they come in.

Where the measures do come in, however, is in relation to social housing. They already applied. I would like the Minister to provide the reasoning. The residency requirement for homelessness supports will have a clear impact on vulnerable people, such as asylum seekers and people on short-term visas and working student visas. The impact of the residency requirement for the provision of social housing is quite unclear. It was already largely the case in application. It is not a matter where we believe there is a need for the provision.

I will flag my concerns about that provision as it applies to every member of a household. I worry that there may be unforeseen consequences. If one member of a household is not habitually resident, even if all other members of the household are habitually resident, a vulnerability could be created. We may then have situations whereby households may be entitled to look for social housing but an individual member of that household who is not habitually resident is not able to access social housing with that family or able to access emergency housing support but is instead in a kind of day-by-day limbo. Perhaps the Minister would clarify what would happen in those circumstances.

As I said, the provision in respect of emergency housing supports is cruel and dangerous. The provision here around social housing is unclear and unnecessary.

Senator Lynn Ruane: I will ask a brief question. My understanding is that you have to be legally resident to apply for social housing currently. I may be wrong on that, but I do not think

I am. You already have to be legally resident. You have to be lawfully resident to receive social housing. I do not understand why a provision is going into legislation where it asserts something that is already the case. It feels performative. It feels like the Department can then say that it has introduced legislation so that people who are not legally resident here cannot get social housing. It feels like a bit of a trick on the public, the people who have concerns or who have spouted stuff like, "Homes should only be for the Irish." There is now a legal provision for something that already exists rather than communicating that you have to be lawfully resident in this country to access social housing. If it is the case that such a requirement is already in place, I want the Minister to explain why he is putting it into legislation when it already exists.

Deputy James Browne: I cannot accept amendments Nos. 10 and 11. The interpretation of "lawfully resident" and "habitually resident" is construed in accordance with section 20A, which sets out the new residency requirements for social housing applicants. Section 20A provides that "A household shall not be eligible for social housing support unless at the time of carrying out the social housing assessment" each member of the household is lawfully resident, habitually resident, meets any condition applicable to a member and no member is subject to a condition that prohibits availing of social housing support.

The habitual residence requirement is a question of fact which seeks to ascertain where the applicant has established his or her centre of interest in the State by examining, for example, family connections, length of stay and employment history. No one factor is intended to be decisive and it is not necessary for a person to score strongly on all five factors outlined in section 20A(7) in order to get a positive decision. However, the local authority decision-maker must be confident that there is strong evidence that it is the applicant's main centre of interest. These mirror the provisions in social welfare Acts. However, the decision that a local authority would take is a distinct decision under the Act.

These legislative reforms are building on existing policy and procedures, which, in the first instance, define social housing as a long-term housing support. Therefore, successful applicants must be in a position to demonstrate that they have a long-term right to reside in the State and, similarly, have a long-term intention to remain in the State. 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. The intention is to protect the State's efforts and resources in the area of social housing to focus on the provision of supports for those who meet those eligibility requirements, eliminating the ambiguity and supporting those who need support.

I again highlight that children are exempt from the residency requirements. It is about consistency. It applies equally, whether somebody is Irish or not, if he or she is legally and habitually resident here.

Senator Alice-Mary Higgins: We have the key of it there. The Minister referred to "public and political scrutiny". This is performative. It is already the case that those who are not meeting long-term residency requirements are not getting social housing. Despite memes you might see online or messages that tell you they are, they are not. That has already been the policy. We are now saying it again. It seems that it is a response to messaging. "Public and political scrutiny" was the Minister's rationale. Is the concern that the Government will not

look tough enough? That is what it means. The Minister referred to "public and political scrutiny". People will say that the Government is not being hard enough in making sure that people are not getting social housing when they are not habitually resident. That is already the case. The Government wants to be seen to do this.

That is what it looks like. It seems the message it is trying to send is that we are very hard on this issue. The Minister is almost conceding the idea that there was a proclaimed problem, which there was not, by saying we are tackling the issue even though it was not an issue. We are tackling that problem that does not exist, thereby giving an imprimatur of credibility to a false accusation being made. By saying we are solving a problem when it was not, the Minister is agreeing it is a problem. That is what I was saying. It was already the case, and social housing is a different thing from emergency housing accommodation.

By the way, I should have mentioned that the Irish Human Rights and Equality Commission, IHREC, Free Legal Advice Centres and others have highlighted very specific gaps in respect of that emergency housing piece for those who are victims of trafficking, where there are particular obligations under law that they should be able to access supports in a continuous way and with minimum disruption. Those victims of trafficking will now be on the night-by-night phone call, as well as victims of sexual abuse and violence who may find themselves seeking emergency accommodation. That is just a reminder. That is the extra terrible thing that is being added in, and this is something the Minister is pretending to do, while already doing it. It is not without consequence if you try to send a signal that we are addressing an issue, and the Government implies an issue existed when it did not. It was already the practice that residency was a requirement. This is disingenuous and possibly dangerous.

Deputy James Browne: As the Senator is fully aware, when a person is trafficked into this country, the supports are provided by the Department of justice, which initially decides the status. People being trafficked are not in any way affected by this legislation and it is the same with domestic violence. I have clarified this on a number of occasions, but I will clarify it again.

This is about habitual residents in the State; local entitlement within a local authority is a different question. However, once you have established legal entitlement to be here, and you have habitual residence, you are entitled to social or emergency accommodation. There is also a safety net there. I remind the Senator that only two weeks ago, I deliberately changed the rules so that somebody who is a victim or survivor of domestic violence can bring their time on a social housing list from one local authority to a different one. We have to be very careful not to put out misinformation here that might dissuade people from seeking help. I know that is not the Senator's intention, but putting out that kind of statement and claiming it as fact when it is an opinion, and in my view a very wrong opinion and interpretation, can be counterproductive in these circumstances.

Senator Alice-Mary Higgins: Can the Minister confirm that victims of trafficking and domestic violence who seek emergency housing supports will not be excluded from such supports on the basis of their residency status? I am genuinely asking.

Deputy James Browne: I have just clearly set that out with regard to human trafficking and domestic violence.

Senator Alice-Mary Higgins: The Minister did not actually address the specifics of emergency housing. He addressed the other supports that are there, and absolutely people should be looking for those supports, but I want to be clear on what they can access.

Regarding the other issue, the point still stands that this is addressing a situation that already existed. The Minister has confirmed public and political scrutiny is part of the motivation for inserting these measures, even though it was already the case that legal residency was a requirement.

Deputy James Browne: I am happy to address that because I have addressed it in multiple debates already in relation to this miscellaneous provisions Bill. There is a problem with the lack of consistency in the application of the circular across the country. We are deliberately bringing this in to ensure there is regulatory certainty and consistency, and we will also be providing guidance and training to our local authorities to ensure it is applied consistently. I have said, not just in this debate but also in previous debates on this Bill, that there is a problem with a lack of consistency across the country.

Amendment put and declared lost.

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

In page 10, to delete line 27.

Amendment put and declared lost.

Question, "That section 10 stand part of the Bill", put and declared carried.

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

SECTION 12

Acting Chairperson (Senator Pat Casey): Amendments Nos. 12 and 13 have been ruled out of order as they involve a potential charge on the Exchequer.

Amendments Nos. 12 and 13 not moved.

Senator Laura Harmon: I move amendment No. 14:

In page 15, after line 38, to insert the following:

“(13) Nothing in this section shall be construed as—

(a) restricting or qualifying any right conferred on a person by the Treaties of the European Union or by the Regulations of 2015, or

(b) requiring a housing authority to act in a manner incompatible with the State's obligations under the Convention within the meaning of the European Convention on Human Rights Act 2003.”.

This amendment is designed to safeguard European Union and human rights obligations. It ensures no provision within this section can override existing EU law or the European Convention on Human Rights, ECHR. The Bill as drafted, imposes residency requirements without any express acknowledgement of EU free movement rights or ECHR obligations. This amendment makes explicit what the Constitution and EU law already require, which is that housing authorities cannot apply these conditions in a manner that is incompatible with EU treaty rights or with the State's obligations under the Convention.

This is a straightforward amendment. We are bringing it forward in a spirit of co-operation to ensure this Bill does not inadvertently contradict our outstanding obligations. The Irish Human Rights and Equality Commission has pointed out the three-month rule may violate EU freedom of movement law. Under Directive 2004/38/EC, an active worker or self-employed individual has immediate rights to equal treatment and cannot be subject to an arbitrary minimum waiting period to access housing assistance.

Deputy James Browne: I cannot accept amendment No. 14. As outlined on Committee Stage in the Dáil, my Department has engaged in extensive and continuous consultation with legal advisers throughout the development of the residency requirements, from initial drafting to finalisation. This has involved detailed consideration of all relevant constitutional, European Union and international legal principles. Legal advice received during drafting outlined that the State is entitled to lawfully restrict access to social housing supports during the first few months of residence on the part of EU and EEA nationals and their families.

Permitted and qualifying family members of an EU national exercising free movement under SI 548/2015 are provided for under section 8. For example, this means that under the Bill an EU national who is a worker is permitted, and qualified family members can meet the residency requirements under section 8. On this basis, the Department is satisfied that section 20E in its entirety is robust and fully compatible with the Constitution, as well as being compliant with applicable European and international law.

Amendment put and declared lost.

Acting Chairperson (Senator Pat Casey): Amendment No. 15 has been ruled out of order as it involves a potential charge on the Exchequer.

Amendment No. 15 not moved.

Acting Chairperson (Senator Pat Casey): Amendments Nos. 16 to 18, inclusive, are related and may be taken together by agreement. Is that agreed? Agreed.

Senator Conor Murphy: I move amendment No. 16:

In page 16, after line 39, to insert the following:

“(i) the household or members of the household were refused access to emergency homeless accommodation provided under Section 10 of the Housing Act 1988”.

I will speak to amendment Nos. 16 and 17. The overall aim of this Bill, as has been asserted by the Minister, is to take the current eligibility criteria for social housing and put them on a

statutory footing, creating a new appeals mechanism for those refused access to social housing. We are not against this Bill in principle. However, a mess has been made of it with regard to the legislation and on that basis, we cannot support it.

The Bill does not adequately address challenges facing returning migrants. The appeals mechanism is not independent. Given the complex legal issues the appeals would involve, such as the interaction of legal residency, habitual residency and social housing support, it would have been better to have one single, independent appeals office located within the Housing Agency, similar to how social welfare operates.

The Minister also introduced significant changes to the Housing Act 1988 relating to homelessness on Report Stage with virtually no scrutiny. As others have said, homelessness NGOs and human rights organisations have expressed serious concerns with regard to these last-minute changes, saying they could lead to an increase in rough sleeping. We are also concerned that while people may have an entitlement to emergency accommodation, they could be wrongly denied access to it and will not be afforded the right to an appeal.

The purpose of amendments Nos. 16 and 17 is to extend the right to appeal to people denied emergency accommodation. As I said, there are some parts of this Bill that we are able to support but, overall, we cannot support the Bill in front of us.

Senator Laura Harmon: Amendment No. 18 seeks to insert a reasonableness ground into the social housing appeals process outlined in the new section 20B, to be inserted into the housing Act 2009 by this Bill. In our view, the internal appeals mechanism does not go far enough but if the Minister is insistent on going ahead with that internal appeals mechanism, a reasonableness ground needs to be included. As it stands, under section 20B(4), a household can only apply on one of the limited and specific grounds listed, and there is no residual ground covering a decision that is unreasonable on its facts. In our view, this needs to be corrected to ensure that the appeals process is fit for purpose.

Deputy James Browne: Unfortunately, I cannot accept amendments Nos. 16, 17 and 18. Under subsections 20(4) and 20(6) of the Housing (Miscellaneous Provisions) Act 2009, the Minister has the power to make regulations setting out the criteria for determining the eligibility and need for social housing support. The legislation in relation to eligibility makes specific reference to eligibility criteria based on income, the availability of alternative accommodation and previous rent arrears in local authority housing and, in relation to the determination of the most appropriate form of support, any social housing support previously provided to the household. The eligibility criteria will now include lawful and habitual residence. The proposed amendment is not necessary as they are not eligibility criteria for social housing support and, therefore, could not be included as grounds for an appeal under section 20B.

As already indicated, these provisions have been the subject of detailed legal advice and review and I am confident that they are robust and will introduce further transparency into local authority decision-making in this regard. Furthermore, section 10B(7) explicitly provides for an appeal against a decision by a local authority under section 10(8) to withdraw the provision of homeless accommodation. There is no statutory appeal in circumstances where a person is found to be ineligible for access to homeless supports and accommodation due to their legal and-or habitual residency status. This is a status determined other than by the local authority

in most instances, based on the nature and status of their permission from the Minister for Justice, Home Affairs and Migration.

In order to ensure consistency of application across local authorities, guidance will be issued to local authorities to instruct that a refusal of accommodation following an assessment of eligibility must be communicated in writing, and that the person in question will have the right to have that decision reviewed by a more senior member of the local authority. Accommodation can be provided through the safety net provision while that process is under way, if no other accommodation is available to the person in question.

Senator Alice-Mary Higgins: I will speak to the section as my amendment was ruled out of order.

Acting Chairperson (Senator Pat Casey): We are not dealing with the section yet. The Senator can address that shortly.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 17:

In page 16, after line 39, to insert the following:

“(i) the household or members of the household were removed from emergency homeless accommodation provided under Section 10 of the Housing Act 1988”.

Amendment put and declared lost.

Senator Laura Harmon: I move amendment No. 18:

In page 16, after line 39, to insert the following:

“(i) the determination was otherwise unreasonable having regard to all the circumstances of the household's application.”.

Amendment put and declared lost.

Senator Conor Murphy: I move amendment No. 19:

In page 17, to delete lines 12 to 16 and substitute the following:

“(6) A social housing appeal shall be made to an independent appeals office located within the Housing Agency within 28 days of the notification by the housing authority to the household concerned of the making of a determination in respect of the application or reassessment for social housing support concerned under section 20.”.

This amendment reflects the same issue in relation to appeals and the independence of the appeals mechanism. There is a strong concern about a lack of independence within the appeals mechanism proposed, and the amendment has been proposed to try to deal with the issue. Many of these issues were raised and aired substantially during the Dáil debate. It is regrettable that

none of them were accepted and that no mechanism has been found to deal with this. Nonetheless, it is important that we register our concerns on these issues.

Deputy James Browne: Unfortunately, I cannot accept the amendment. The amendment proposes a provision that a social housing appeal shall be made to an independent appeals officer located within the Housing Agency. This would be inefficient and administratively unworkable because 31 separate local authorities would be submitting appeals to a single office, which would be operationally impractical at scale, given the volume of social housing appeals dealt with across all local authorities. This is in addition to the financial cost of its establishment, which has not been costed.

The appeal provisions contained in section 20B have been developed following legal advice, consultation and engagement with local authorities. This consideration included a wide range of issues, including a detailed examination of existing legislation in the areas of qualification, decision and appeals, as well as the current local authority operational system. Legal advice in this context pointed to the necessity for an independent and impartial appeal as a more legally robust arrangement than providing, for example, for a procedural review only. The appeals function within each statutory housing authority will provide an independent, accessible and fair appeals service in a prompt manner without the necessity to establish a new entity or body, with the associated governance and related complexities.

Amendment put and declared lost.

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

Senator Alice-Mary Higgins: I would like to have clarity on this issue, which was the subject of an amendment that was ruled out of order, unfortunately. I genuinely do not understand why this is the case. In the legislation as set out, the Minister mentioned on a number of occasions that children are excluded from the requirements. In the residency requirements section, it states that each member of the household needs to be “lawfully resident” in the State. Children are excluded from the requirement for each member of the household to be lawfully resident in the State at subsection 1(a) of the new residency requirement, but they are not excluded from subsection 1(b), which states that each member of the household needs to be “habitually resident” in the State.

Our amendment was simply trying to ensure that children would be completely included in the residency requirement. As currently set out, they are excluded from the requirement to be lawfully resident, but they are not excluded from the requirement to be habitually resident. Those are different things with different criteria attached. What is the logic to requiring that children in a household have to prove they are habitually resident in the State? I am thinking of situations where there may have been, for example, family reunification or a reconciliation with the family. It does not make sense to me. I wonder if it is perhaps a drafting error. Is there a reason for it? The Minister said on a number of occasions that children are exempted from the residency requirements, but they are only exempted from one of the residency requirements, not from the second one.

Deputy James Browne: Children are excluded from the lawful residency requirement. It is difficult to see how, if their parents or one of their parents is living here, a child would not also

be habitually resident. Family reunification is planned and intentional. It is a very different scenario. The examples given by the Senator seem to be more focused on joint family reunification, which is a different matter altogether.

Senator Alice-Mary Higgins: With respect, family reunification may be a formal process, but it can also be an informal process. There is a formal process for seeking family reunification, but another version of it is that someone is reunited with a family member. Is this reference intentional or inadvertent? Can it be monitored to ensure that no unforeseen issues arise? There is a reason that the Bill sets out a different set of criteria for “lawfully resident” and “habitually resident”. It is looking for both of those standards to be met.

8 o'clock

It is not clear to me why the standard of habitually resident is still being applied to a child. Has there been some kind of a risk analysis done to ensure that there is not an inadvertent consequence from that? I am a little concerned. At a minimum, will the Minister commit to monitoring that issue as it arises because it is a potential omission within the legislation? I accept the bona fides of the intention of child exemption, but there is a gap in the Bill before us.

Deputy James Browne: As I set out earlier in the debate, there will be careful and detailed monitoring of the application of this legislation and any data created from it as well. That is very much the intention with this legislation.

Question put and declared carried.

SECTION 13

Acting Chairperson (Senator Pat Casey): Amendment No. 20 has been ruled out of order as it is in conflict with the principle of the Bill. Senator Harmon wants me to read out the reason.

Amendment No. 20 would require the Minister to cause an equality impact assessment to be carried out before the commencement of a specified section of the Act by a commencement order. It is an established principle that amendments that would make the commencement of the Act contingent on actions external to the control of the House are not in order as this is in conflict with the general principle of the Bill as agreed on Second Stage, the general principle being that the Act may be commenced by the Minister and become law following its enactment. The amendment must be ruled out of order in accordance with Standing Order 165 as it is in conflict with the principle of the Bill as read a second time.

Amendment No. 20 not moved.

Question proposed: "That section 13 stand part of the Bill."

Senator Laura Harmon: I want to make a general point. I know our amendment was ruled out of order and the reason was placed on record. What we sought to do with that amendment was to make sure there would be an assessment how the section would affect different groups in society that have a protected characteristic under the Equal Status Acts 2000 to 2018, in

particular with regard to race, nationality, ethnic or national origins, family status and membership of the Traveller community. There is a lot of concern about how this legislation could double down in terms of vulnerable groups, minority groups and children. The Office of the Ombudsman for Children has expressed concern that the Bill will make it significantly harder for vulnerable groups of children to access social housing and emergency homeless accommodation. Those who are deemed ineligible may be offered night-to-night accommodation at the discretion of a local authority, increasing the risk of rough sleeping.

Focus Ireland has welcomed the inclusion of the best interests of the child provision. However, it feels the measure is too limited as it applies only after a decision has been made to provide accommodation, rather than informing the decision on whether accommodation should be offered in the first place. It has called for stronger protections for children to be made part of this. In its view, the provision in the Bill does not reflect what was agreed by the Irish people when they endorsed the rights of the child clause in the Constitution. I wanted to put on record my concerns about this legislation in respect of vulnerable groups and children.

Acting Chairperson (Senator Pat Casey): Does the Minister wish to reply?

Deputy James Browne: I am happy to provide a brief reply. We are satisfied that the residency requirement in section 20 of the completed final draft is compatible with the Constitution and European and international law. Of course, local authorities are public authorities. They are independent in their decision-making. They have to abide by the law and are subject to the Equal Status Acts but, as Minister, I have no role in their compliance with this legislation. Where local authorities are in breach of the Equal Status Acts, there are other avenues of redress.

Question put and agreed to.

Section 14 agreed to.

NEW SECTION

Senator Laura Harmon: I move amendment No. 21:

In page 19, between lines 27 and 28, to insert the following:

“Social housing assessment: transfer and recognition

15.The Act of 2009 is amended by the insertion of the following section after section 20B (inserted by section 12)—

“Social housing passport

20C (1) Where a housing authority (in this section referred to as the ‘assessing authority’) has determined under section 20 that a household is qualified for social housing support, and a member of that household subsequently establishes a connection with the functional area of another housing authority (in this section referred to as the ‘receiving authority’), the household may apply to the receiving authority to have the assessment of the assessing authority recognised for the purposes of social housing support in the functional area of the receiving authority.

- (2) On receipt of an application under subsection (1), the receiving authority shall—
- (a) recognise the assessment of the assessing authority as establishing that the household is qualified for social housing support in its functional area, without requiring the household to submit to a fresh assessment, unless,
 - (i) the assessment of the assessing authority was made more than 3 years before the date of the application under subsection (1), or
 - (ii) the receiving authority has reasonable grounds for believing that the circumstances of the household have materially changed since the date of the assessment,
 - and
 - (b) where paragraph (a)(i) or (ii) applies, carry out a fresh assessment of the household's eligibility for social housing support in accordance with section 20, taking into account such information as was provided to the assessing authority as the receiving authority considers relevant.
- (3) Where the receiving authority recognises an assessment under subsection (2)(a), the household shall be placed on the housing list of the receiving authority with effect from the date on which the household was placed on the housing list of the assessing authority, subject to the application of any scheme of letting priorities made under section 22 by the receiving authority.
- (4) A household may appeal a decision of a receiving authority under subsection (2) in accordance with section 20B.
- (5) The Minister may by regulations make further provision for the purposes of this section, including provision for—
- (a) the form and manner of an application under subsection (1),
 - (b) the information to be provided by a household in support of such an application,
 - (c) the circumstances in which a material change in circumstances under subsection (2)(a)(ii) may be found to exist, and
 - (d) the procedures to be followed by housing authorities in giving effect to this section.”.

This amendment inserts a new section 20 into the Housing (Miscellaneous Provisions) Act 2009 to provide for a social housing passport. Where a household has been assessed as qualified by one local authority and subsequently attaches a connection with another authority's area, it can apply to have that assessment recognised without a fresh assessment, unless the original assessment is more than three years old or circumstances have materially changed. The housing waiting list position is carried over from the date of original listing, subject to the receiving authority's letting priority scheme.

At present, households that have been assessed as qualifying for social housing and placed on a waiting list in one local authority area lose that position if they have to move to another local authority area. We have all seen examples of this. For many families, it means that if

they move over a fairly arbitrary county council border, they are right back to the start on the social housing list. This penalises households that have legitimate reasons to move, whether it be for employment or family reasons or in cases of domestic violence, for example. A social housing passport is a practical and deliverable solution to this problem that would make a real difference to those families.

Deputy James Browne: I cannot accept amendment No. 21. This amendment proposes the introduction of a social housing passport allowing households to transfer between local authority areas while retaining their original waiting list or transfer list position. The amendment as it stands is well-intentioned. However, such an approach as drafted gives rise to significant legislative, operational and fairness concerns and is, therefore, not suitable for inclusion in this Bill.

The current social housing system is based on local assessment of housing need and local allocation of available homes. Housing need is assessed under nationally prescribed regulations, while each local authority operates its own allocation scheme that reflects local demand, housing supply and priorities. Income eligibility thresholds vary between local authorities. Allocation systems also vary between local authorities. Some local authorities place particular emphasis on waiting time, while others use more complex prioritisation approaches. Transfer arrangements also vary. In that context, waiting list positions are not directly comparable.

In addition, there are substantial operational complexities, including the absence of shared ICT infrastructure to support real-time, inter-authority social housing application transfers at scale. While offering greater choice and flexibility, a housing passport may not generate sufficient allocations to justify the additional resource and operational costs that would be involved.

Importantly, flexibility already exists within the current system. The four Dublin local authorities, for example, have arrangements within their county which allow social housing applicants to apply for housing in up to two of the other Dublin authorities simultaneously, while similar arrangements apply in the two Cork and two Galway local authorities. Under existing legislation, guidance to local authorities has long provided significant mobility supports, particularly to victims of domestic violence. Crucially, the Government recognises the need for targeted mobility in exceptional circumstances.

As Members will be aware, the Government recently agreed a dedicated local authority protocol to facilitate the transfer of social housing waiting list time for victims and survivors of domestic, sexual and gender-based violence. This protocol was developed following detailed engagement between the Department, local authorities and relevant stakeholders.

Given the complexity, fairness implications and administrative burden identified, it would not be appropriate to accept the amendment at this time.

Senator Laura Harmon: If the Minister sees merit in the idea of a social housing passport, albeit not in this legislation, is it something that he would be willing to explore separately as an idea?

Deputy James Browne: One of the biggest problems is that while some local authorities are now making significant headway in the delivery of social housing and their waiting times for people to access social housing have fallen significantly, other local authorities are not stepping up to the mark. They are not making the same effort or using the available resources from the Department. We are now getting a significant variation in waiting times as well.

We need to get all local authorities to deliver social housing so that we get the waiting times somewhat equalised. There is a very real risk whereby local authorities with long waiting lists, with people waiting for long times, are neighbouring other local authorities with shorter waiting lists as a result of the effort of those local authorities. Somebody from one local authority area may move to another area and immediately move to the top of the list, to the detriment of people in that local authority's area.

There are practical problems there. In an ideal world, everybody's waiting times in various local authorities would be very similar, this would not be an issue and passporting could be implemented. I have no difficulty with the theory of it but there are some very real practical problems with it at the moment.

Amendment put and declared lost.

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

Sections 16 to 21, inclusive, agreed to.

SECTION 22

Senator Lynn Ruane: I move amendment No. 22:

In page 24, to delete lines 17 to 39.

This amendment deletes the provisions in section 22 that amend section 19 of the Residential Tenancies Act 2004. Section 19 is concerned with the prohibition of rents above market rent. Our amendment removes the deletion of subsections (6A), (6B) and (6C) of section 19 of the 2004 Act and deletes the newly inserted subsections (6D), (6E), (6F) and (6G). Currently, subsections (6A) and (6C) of section 19 of the 2004 Act provide that where a landlord raises the rent in contravention of the provisions of section 19, he or she will have committed an offence. This Bill removes those subsections and substitutes the process with an initial notice served to the landlord by the RTB. The notice period allows for a period of 28 days for the landlord to comply with the provisions of section 19 before he or she has committed an offence.

We believe these provisions dilute protections for renters against landlords who seek to raise rents beyond legally permitted limits. They allow landlords who are raising rents in contravention of the 2004 Act to avoid offences for those acts by delaying the prosecution of those offences for a month. As such, we are opposing this section.

I spent some time thinking about this amendment because I generally try to view the creation of offences in a very particular way, but obviously it is already an offence. If we know that somebody is breaking the law in any other situation, he or she is not afforded 28 days to adhere to the law he or she just broke. If I burgle a house, I am not given 28 days to correct that and give back the television I have taken to avoid being prosecuted. What we are doing here is

basically allowing a landlord to rob a renter of rent he or she cannot afford to pay and be allowed a month to correct that. How does that make sense? We are creating a scenario whereby there is an offence but somebody as privileged as a landlord gets 28 days to undo the offence he or she has just committed. I do not understand that. We are creating carve-outs for certain types of people when we would not do so for other crimes that end up in the courts. If somebody has broken the law, why are we removing the offence? Why would that 28-day period be carved out for landlords to be effectively allowed to break the law?

Acting Chairperson (Senator Pat Casey): As it is now 8.15 p.m., I am required to put the following question in accordance with the Order of the Seanad of this day: "That amendment No. 22 is hereby negatived in Committee; that section 22 is hereby agreed to in Committee; in respect of each of the sections undisposed of, the section is hereby agreed to in Committee; the Title is hereby agreed to in Committee; the Bill is accordingly reported to the House without amendment; Fourth Stage is hereby completed and the Bill is hereby received for final consideration; and the Bill is hereby passed."

Question put :

The Seanad divided: Tá, 26; Níl, 8.	
Tá	Níl
Blaney, Niall.	Black, Frances.
Boyle, Manus.	Boyhan, Victor.
Brady, Paraic.	Collins, Joanne.
Byrne, Cathal.	Harmon, Laura.
Byrne, Maria.	Higgins, Alice-Mary.
Casey, Pat.	Murphy, Conor.
Comyn, Alison.	Ruane, Lynn.
Conway, Martin.	Tully, Pauline.
Crowe, Ollie.	
Curley, Shane.	
Fitzpatrick, Mary.	
Flaherty, Joe.	
Gallagher, Robbie.	
Kennelly, Mike.	
Keogan, Sharon.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
O'Reilly, Sarah.	
Ryan, Dee.	
Scahill, Gareth.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Cathal Byrne and Pat Casey; Níl, s: Tá, Senators Cathal Byrne and Pat Casey.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Fiona O'Loughlin: Tomorrow at 10.30 a.m.

Cuireadh an Seanad ar athló ar 8.30 p.m. go dtí 10.30 a.m., Dé Céadaoin, an 15 Iúil 2026.

The Seanad adjourned at 8.30 p.m. until 10.30 a.m. on Wednesday, 15 July 2026.