

# SEANAD ÉIREANN

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## AN BILLE UM CHÚIRTEANNA AGUS AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA), 2013

*[Meastar a tionscnaíodh i nDáil Éireann]*

## COURTS AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2013

*[Considered as initiated in Dáil Éireann]*

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*Leasuithe Tuarascála*

*Report Amendments*

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1. In page 9, between lines 28 and 29, to insert the following:

“(b) Subject to paragraph (b), no more than one bona fide representative of the press shall attend proceedings to which the relevant enactment relates.

(c) The court will retain discretion as to the relevant and appropriate bona fide representative of the press to where more than one applies to attend.”.

—*Senators Trevor Ó Clochartaigh, Kathryn Reilly and David Cullinane.*

2. In page 12, to delete lines 36 to 39, and in page 13, to delete line 1 and substitute the following:

“(5A) (a) Bona fide representatives of the Press, in order to be permitted to attend proceedings referred to in subsection (1), shall be required to provide accreditation of the form prescribed in paragraph (b).

(b) Accreditation for the purposes of paragraph (a) shall be provided by the Court Reporting Accreditation Committee, which shall consist of the following ordinary members:

(i) a representative of the Press Council,

(ii) a representative of the Press Ombudsman’s Office,

(iii) a representative of the Department of Justice and Equality, and

(iv) a representative of the Children’s Ombudsman’s office,

and the Minister for Justice and Equality shall also appoint a judge of the High Court as the chair of the Courts Reporting Accreditation Committee. The Courts Reporting Accreditation Committee shall operate on the basis of majority decision, and in the event of a tied decision among the ordinary members, the chair of the committee shall have the casting vote.

(c) Bona fide representatives of the Press, without accreditation as provided for in paragraphs (a) and (b) shall be prohibited from attending proceedings referred to in subsection (1).

(d) Subject to paragraph (c), nothing contained in this section shall operate to prohibit bona fide representatives of the Press from

attending proceedings referred to in subsection (1).

- (e) Subject to paragraphs (f) and (g), where, in proceedings referred to in subsection (1), a court is satisfied that it is necessary to do so —”.

—*Senators Trevor Ó Clochartaigh, Kathryn Reilly and David Cullinane.*

3. In page 20, between lines 2 and 3, to insert the following:

“PART 4

INADMISSIBILITY OF SEXUAL ASSAULT COMMUNICATIONS

22. The Criminal Evidence Act 1992 is amended by the insertion of the following sections after section 30:

- “31. (1) Where a person under the age of 18 gives evidence as a witness in any criminal proceedings, evidence disclosing the content of communications made by that witness in confidence in the course of sexual assault counselling shall not be permissible save by order of the trial court.
- (2) In determining an application for an order admitting such evidence, the court shall have regard to the following requirements:
- (a) the evidence must have substantial probative value;
- (b) there must be no other evidence which could prove the disputed facts;
- (c) the public interest in disclosure outweighs the potential harm to the complainant.
32. (1) For the purpose of section 31, sexual assault counselling shall mean communications or notes thereof, whether made contemporaneously or subsequently, made between the relevant wings, being the victim of a sexual assault, and a person—
- (a) who has undertaken training or study or has experience that is relevant to the process of counselling persons who have suffered harm, and
- (b) who—
- (i) listens to and gives verbal or other support or encouragement to the other person, or
- (ii) advises, gives therapy to or treats the other person, whether or not for fee or reward.”.”.

—*Senators Trevor Ó Clochartaigh, Kathryn Reilly and David Cullinane.*