



SEANAD ÉIREANN

BILLE NA LEANAÍ (LEASÚ), 2015 CHILDREN (AMENDMENT) BILL 2015

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

SEANAD ÉIREANN

BILLE NA LEANAÍ (LEASÚ), 2015 —AN TUARASCÁIL

CHILDREN (AMENDMENT) BILL 2015 —REPORT

Leasuithe Amendments

1. In page 8, between lines 9 and 10, to insert the following:

“(b) by the insertion of the following subsection after subsection (7):

“(7A) Where a child is convicted of an offence and a period of detention is imposed on the child by a court, the period of detention shall not exceed the term of detention or imprisonment that the court could have imposed on a person of full age and capacity who is convicted of such an offence, and may be less. The Court shall have regard to the age, level of maturity, best interests of the child and principle of imprisonment as a last resort in determining the nature of any penalty imposed.”.

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

2. In page 10, line 6, after “offence” to insert the following:

“and may be less. The Court shall have regard to the age, level of maturity, best interests of the child and the principle of detention as a last resort in determining the nature of any penalty imposed”.

—*Senators Jillian van Turnhout, Fiach MacConghail, Katherine Zappone.*

3. In page 10, to delete lines 7 and 8 and substitute the following:

“(2) The court shall not impose a period of detention in excess of three years. Where a court imposes any period of detention on a child it shall give its reasons for doing so in writing.”.

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

4. In page 10, line 8, after “court” to insert “in language that is appropriate to the age and level of understanding of the child”.

—*Senators Jillian van Turnhout, Fiach MacConghail, Katherine Zappone.*

5. In page 24, between lines 33 and 34, to insert the following:

“(2A) Where an inquiry is held under subsection (1) the child shall be provided with an opportunity to be heard and to respond to any allegation of disciplinary breach orally or in writing.”.

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

6. In page 25, between lines 28 and 29, to insert the following:

“(1A) Any child who breaches the rules of a children detention school may be disciplined on the instructions of the Director of the school in a way that is both reasonable, proportionate and within the prescribed limits.

(1B) Without prejudice to the power of the Minister to prescribe limits for the disciplining of children detained in children detention schools, the following forms of discipline shall be prohibited—

- (a) corporal punishment or any other form of physical violence,
- (b) deprivation of food or drink,
- (c) treatment that could reasonably be expected to be detrimental to physical, psychological or emotional wellbeing, or
- (d) treatment that is cruel, inhuman or degrading.”.

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

7. In page 26, line 38, after “sanction” to insert “and/or finding”.

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