



# **SEANAD ÉIREANN**

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## **AN BILLE UM ADHLACTHAÍ FORAIS, 2022 INSTITUTIONAL BURIALS BILL 2022**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM ADHLACTHAÍ FORAIS, 2022 —AN COISTE

### INSTITUTIONAL BURIALS BILL 2022 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 2

1. In page 10, line 37, to delete “and” and substitute “or”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

2. In page 11, line 1, to delete “manifestly”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

3. In page 11, line 1, after “inappropriate” to insert the following:

“or were the result of a violent or unnatural death, or a sudden death from unknown causes”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

4. In page 11, line 1, after “inappropriate” to insert the following:

“or circumstances surrounding the death and/or body-disposal method warrant an investigation as to their lawfulness”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

#### SECTION 7

5. In page 14, line 23, to delete “may” and substitute “shall”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

6. In page 14, line 29, to delete “may” and substitute “shall”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

7. In page 14, line 32, to delete “and” and substitute “or”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

8. In page 14, between lines 32 and 33, to insert the following:

“(ii) of persons whose death may have occurred in a violent or unnatural manner, or suddenly and from unknown causes, or”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

[SECTION 7]

9. In page 14, between lines 32 and 33, to insert the following:

“(ii) of persons, where circumstances surrounding the death and/or body-disposal method warrant an investigation as to their lawfulness,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

10. In page 14, line 33, to delete “manifestly”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

11. In page 15, to delete lines 1 to 3 and substitute the following:

“(b) works to be conducted on the land by the Director in the performance of his or her functions would not impinge on any dwelling on the land in such a way as to cause structural damage or any damage to the integrity of the dwelling, and”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

12. In page 15, to delete lines 4 to 6.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

13. In page 15, to delete lines 8 to 23.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

14. In page 15, to delete lines 17 and 18.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

15. In page 15, line 21, after “recovered” to insert the following:

“unless written consent is obtained from living relatives to excavate the appropriately buried remains”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

16. In page 15, lines 22 and 23, to delete “or unreasonably difficult”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

17. In page 15, to delete lines 31 to 34 and substitute the following:

“(5) The Government shall make every effort where a site proves problematic to resolve difficulties and thoroughly examine burials on the land, before it is determined that memorialisation of the burials on the land, is more appropriate.”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

18. In page 15, to delete lines 31 to 34.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

19. In page 15, to delete lines 31 to 34 and substitute the following:

“(5) Where difficulties listed under *subsection (4)*, or any other substantive difficulties, are identified in respect of a site which meets the criteria outlined in *subsection (3)*, the Government shall make every effort to resolve difficulties and thoroughly examine

[SECTION 7]

burials on the land, before it is determined that memorialisation of the burials on the land, without further intervention, is more appropriate.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

20. In page 15, lines 36 and 37, to delete “with the consent of the Minister for Public Expenditure and Reform”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 8

21. In page 16, line 13, to delete “, at the time of such burial,”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

22. In page 16, lines 17 to 19, to delete all words from and including “and” in line 17 down to and including “place” in line 19.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

23. In page 16, lines 18 and 19, to delete “and would reasonably have been so considered at the time the burials took place”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

24. In page 16, to delete lines 26 to 38 and substitute the following:

“(3) In determining whether the making of an order under *section 7(1)*, the Government shall consider whether the proposed intervention is proportionate having regard to the need to respect the views of the relatives of persons buried in the land, and to consider those of persons whose dwellings adjoin the land.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

25. In page 16, lines 27 to 38, to delete all words from and including “important” in line 27 down to and including line 38 and substitute the following:

“significant burial sites, the Government shall make every effort to thoroughly examine and make interventions using the full resources and powers of the Director.”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

26. In page 16, to delete line 30.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

27. In page 16, to delete line 36.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 9

28. In page 17, lines 23 and 24, to delete “, with the consent of the Minister for Public Expenditure and Reform,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

[SECTION 10]

SECTION 10

29. In page 18, line 27, to delete “manifestly”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

30. In page 18, between lines 28 and 29, to insert the following:

“(iii) arrange for the forensic excavation and recovery of human remains buried on principal burial land, where death may have occurred in a violent or unnatural manner, or suddenly and from unknown causes,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

31. In page 18, between lines 30 and 31, to insert the following:

“(iv) ensure that the circumstances and causes of death are considered in the Post Recovery Analysis and that these are noted in the Director’s report to Government,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

32. In page 18, line 36, after “land” to insert “in consultation with eligible family members, where possible and practicable”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

33. In page 19, line 23, to delete “manifestly”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 14

34. In page 22, line 8, to delete “6 members” and substitute “7 members”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

35. In page 22, between lines 11 and 12, to insert the following:

“(c) a member having expertise in transitional justice,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

36. In page 22, to delete lines 12 and 13 and substitute the following:

“(c) a member having expertise in transitional justice,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 30

37. In page 33, between lines 31 and 32, to insert the following:

“(6) Nothing in this section shall prejudice the rights of those who wish to expose wrongdoing by making a protected disclosure under the Protected Disclosures Acts 2014 to 2022.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

[SECTION 35]

SECTION 35

38. In page 34, line 27, after “person” where it firstly occurs to insert “across a range of appropriate disciplines”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

SECTION 36

39. In page 35, line 31, after “violent” to insert “accidental, homicide, undetermined or suspicious deaths”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

40. In page 35, line 31, to delete “or unnatural circumstances” and substitute “, unnatural, suspicious or undetermined circumstances”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 40

41. In page 37, between lines 29 and 30, to insert the following:

**“Report on forensic examination and recovery and post-recovery analysis of human remains**

40. Following the expiration of the period of operation of an Office of Director of Authorised Intervention, the Minister shall cause a report to be laid before both Houses of the Oireachtas on the carrying out of the functions under this Part, including the performance by the coroner of their specific functions, in respect of that period of operation.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 42

42. In page 39, between lines 24 and 25, to insert the following:

“(2) The public information campaign described under *subsection (1)* shall be targeted at persons within and outside the State, and shall be in plain English.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 46

43. In page 44, line 17, after “remains” to insert “, in consultation with family members, where possible”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 50

44. In page 48, line 13, after “and” where it secondly occurs to insert “all”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 85

45. In page 71, line 17, to delete “manifestly”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

[SECTION 85]

46. In page 71, line 36, to delete “manifestly”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 86

47. In page 72, line 21, to delete “manifestly”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 106

48. In page 84, between lines 6 and 7, to insert the following:

“(2) Upon publication of the final report, the Director and/or other relevant Agency officials shall make themselves available to appear before the relevant Oireachtas Committees.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

TITLE

49. In page 7, line 9, to delete “manifestly”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*