

DÁIL ÉIREANN

AN ROGHCHOISTE UM DHLÍ AGUS CEART, COSAINT AGUS COMHIONANNAS

SELECT COMMITTEE ON JUSTICE, DEFENCE AND EQUALITY

Dé Céadaoin, 30 Meán Fómhair 2015

Wednesday, 30 September 2015

The Select Committee met at 3.30 p.m.

MEMBERS PRESENT:

Deputy Niall Collins,	Deputy Seán Kenny,
Deputy Simon Coveney (<i>Minister for Defence</i>),	Deputy Gabrielle McFadden,
Deputy Alan Farrell,	Deputy Finian McGrath.
Deputy Frances Fitzgerald (<i>Minister for Justice and Equality</i>),	

In attendance: Deputy Michael McNamara.

DEPUTY DAVID STANTON IN THE CHAIR.

Memorandum of Understanding on Establishment of Battle Groups: Motion

Chairman: Apologies have been received from Deputy Anne Ferris. I ask that all mobile phones be turned off as they cause interference with recording equipment. The Minister will attend another meeting at 4 p.m., so our time here is limited. The purpose of this meeting is to consider the following motion which was referred by Dáil Éireann on 23 September 2015:

That Dáil Éireann approves Ireland's accession to the memorandum of understanding concerning the principles for the establishment and operation of a battle group to be made available to the European Union in the second half of 2016.

I welcome the Minister for Defence, Deputy Simon Coveney and his officials to this meeting and invite the Minister to make his opening statement.

Minister for Defence (Deputy Simon Coveney): I thank the Chair and I apologise to the committee for the reading of a third submission into the record today. The Department is undergoing a process of seeking approval for a memorandum of understanding regarding Ireland's proposed participation in the German battle group of 2016. I will now put some facts into the record for the reasons behind this proposal. The motion is:

That Dáil Éireann approves Ireland's accession to the memorandum of understanding concerning the principles for the establishment and operation of a battle group to be made available to the European Union in the second half of 2016.

In commending the motion I will now outline the background to Ireland's participation in the German battle group. The ambition of the EU is to be able to respond rapidly to emerging crises. This is a key objective in the continued development of the EU's Common Security and Defence Policy. In the Headline Goal 2010, the EU set itself the objective of being able "to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union". This is a mouthful but it is eurospeak for saying that we need to have the capacity to respond to a crisis if and when it happens. A key element of the Headline Goal 2010 is the capability to deploy forces at high readiness, broadly based on the battle groups concept.

The purpose of the EU battle groups is to undertake operations as outlined in the Amsterdam treaty. These operations, known as Petersberg Tasks, include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. In the Lisbon treaty these tasks were expanded to include joint disarmament operations, military advice and assistance tasks in supporting the reform and restructuring of security services and legal institutions in fragile states, conflict prevention and post-conflict stabilisation.

A central tenet of Irish foreign policy is support for the multilateral system of collective security represented by the United Nations. In this regard, Ireland has worked to uphold the primary role of the Security Council in the maintenance of international peace and security. This commitment has found expression in Ireland's longstanding tradition of participation in UN peacekeeping operations. Participation in EU battle groups represents another means for Ireland to express our commitment to the UN and its principles. The Defence Forces contribu-

tion to this battle group will involve a Recce-ISTAR company together with staff posts at both the operational and force headquarters. Recce is an abbreviation of reconnaissance and ISTAR is a military term meaning intelligence, surveillance, target acquisition and reconnaissance. The role of a Recce-ISTAR company is to operate in a forward position to generate and deliver specific information and intelligence to decision makers in support of the planning and conduct of operations.

The total number of Defence Forces personnel involved in this battle group will be approximately 175. This level of resource commitment will only arise should the battle group be deployed to undertake an operation and should Ireland agree to participate, and if we agree to participate the triple lock will have to apply. The commitment in terms of personnel leading up to and during the stand-by period, where the battle group has not been mobilised to undertake an operation, will be eight officers and two NCOs. These will be deployed to battle group headquarters in Strasbourg and engaged in training and planning activities.

The German Battle Group Memorandum of Understanding is an agreement between the participants comprising the battle group, namely, Germany, Austria, the Czech Republic, Ireland, Croatia, Luxembourg and the Netherlands, which sets out principles regarding to the operation, deployment and management of the German battle group.

Sections 1 to 4, inclusive, deal with the definitions and reference documents that are applicable to this memorandum of understanding. They define Germany as the framework nation and Austria as the logistic lead nation and broadly outline the purpose of the memorandum of understanding.

Sections 5 to 8, inclusive, deal with the consultation process, exercise, training, certification and operation of the battle group. Most battle group training will take place in the contributing member states. Irish troops will be mainly trained here in Ireland. That said, a joint training exercise with other battle group elements will also take place in the east of Germany at some point. Approximately 170 Defence Forces personnel will be required to deploy to Germany for this exercise, which is scheduled to take place from 18 to 29 April 2016. The estimated cost of participation in this certification exercise will be in the region of €955,000 to take account of transportation of equipment and the provision of food, fuel and other services in Germany.

One important issue to note is that each battle group participant retains the right to deploy or not to deploy its forces, irrespective of an EU decision to launch a battle group operation. Equally, each battle group participant retains the sovereign right to withdraw its contingent at any time. The command of each contingent remains under national control, with operational control delegated to the operational commander. As such, any deployment of the Irish contribution as part of the German battle group will still be subject to the triple lock, which is a UN mandate, Government and Dáil approval, and this will remain unaffected by Ireland signing the memorandum of understanding.

Sections 9 to 13, inclusive, outline the arrangements in terms of financing, logistics, classified information, the status of forces and the issue of claims and liabilities. When a battle group participant is within the territory of another participant, the issues of jurisdiction and discipline and claims and liabilities of forces will be dealt with in accordance with the NATO Partnership for Peace Status of Forces Agreement, PfP SOFA.

A status of forces agreement is an agreement on the status of personnel engaged on overseas training and operations, whereby the host country agrees to extend certain rights and privi-

leges to such personnel. These include arrangements regarding jurisdiction in respect of certain crimes, powers of military police, enforcement of discipline by the superiors of the relevant personnel and determination of liability for damage to the property of third parties.

While all the other German battle group participants have signed the NATO PfP SOFA, Ireland has not yet done so. We have previously acceded to the relevant provisions of the SOFA, generally through an exchange of letters with the European Union, NATO or lead framework nations for any operation in which we have participated. It is intended to engage in a similar exchange of letters in relation to these matters in respect of our participation in the German battle group. It should be noted that the immunities and privileges provided for in the SOFA, including those to which Ireland will accede through an exchange of letters, will not apply within Ireland. SOFAs respect the principle of territorial sovereignty and given that there is a constitutional impediment to foreign forces being deployed in the State under their own command structures, effectively the terms of the SOFA are of no effect within the State, as no troops can be so deployed.

Sections 14 to 16, inclusive, deal with the process of participation of additional states in the battle group, the timelines for coming into effect and termination of the memorandum of understanding, and the process for dispute resolution. The terms of the memorandum of understanding are similar to those that Ireland has previously acceded to for the 2008, 2011 and 2015 Nordic battle groups, as well as the 2012 Austro-German battle group.

While no battle group has deployed to date, the EU battle group concept has yielded many benefits to developing improved interoperability between the Defence Forces and the forces of other EU member states. The battle group has also enabled the EU to develop its decision-making processes for rapid deployment on crisis management operations.

The purpose of battle groups is, very simply, to enable the Union to be more effective in contributing to international peace and security in support of the United Nations by putting in place a rapid response capability. In this regard, it is worth again recalling the strong support of the United Nations for the EU's efforts in this regard. During his recent visit to Ireland in May this year, UN Secretary General Ban Ki Moon commented positively on the EU-UN relationship and the importance of having a rapid response capacity.

Ireland's active engagement in EU battle groups enhances our capacity to influence the ongoing development and evolution of the rapid response capacity of the European Union, in particular, the role battle groups can play in reinforcing and acting as a strategic reserve for UN blue-hat operations. Active engagement by Ireland across the range of activities under the Union's Common Security and Defence Policy means that Ireland can help shape this policy in a manner which is consistent with our values and our support of multilateralism and for the United Nations.

Ireland's participation in battle groups supports the development of rapid deployment skills and capabilities within the Defence Forces, together with improved interoperability with our partners. It also enhances Ireland's credibility as a provider of professional and effective military forces for crisis management operations. Finally, it reinforces our standing and capacity to influence the ongoing development of the Union's Common Security and Defence Policy in support of international peace and security and the UN.

The term "battle groups" is an unfortunate one because it conjures an image of an army going to war. That is not what the UN battle groups concept is all about. It is about trying to create

an absence of war and intervene before conflicts arise, or while conflicts are under way, to try to protect civilians, separate warring parties and create peace and stabilisation in parts of the world that desperately need assistance to do that. They have not been deployed yet even though they have been around for quite some time. I suspect that may change. Many countries are losing patience with spending money, training and preparing and not actually deploying that resource.

What Ireland is committing to, and which I hope the committee will give its support to, is to be part of that process, which is about Europe using its influence and resources to help create stabilisation in post-conflict situations or to help conflict in the first place. It makes a lot of sense that, as a country that has a deep history in peacekeeping, we would be part of European efforts in that regard. I hope the committee will be able to support what we are proposing to do next year to be part of a German-led battle group for the second half of next year.

Chairman: Do members have questions or comments?

Deputy Gabrielle McFadden: I agree with the Minister that for the lay person the term “battle group” is not a very good one. Under the Lisbon treaty these tasks were expanded to include joint disarmament operations and military advice assistance. What exactly does that mean?

Deputy Simon Coveney: Essentially, what it means is that we do not want to be restricted to humanitarian assistance only. There are missions that may necessitate disarmament. Ireland has been involved very successfully in the UN mission to Liberia. Peacekeeping and peace-making sometimes involves a range of things. The Lisbon treaty upgraded the kind of missions that battle groups can get involved in. At no stage is this about being part of conflict or war; it is about trying to prevent it.

We cannot decide to be part of a battle group that is deployed without actually coming back to the Oireachtas, having a debate and ensuring that the triple lock applies. For Ireland to be part of the deployment of a battle group, were it to be deployed, there would have to be an UN mandate and the approval of both the Dáil and the Government. If there is a fear that we could be dragged into conflict by the back door because we are part of a battle group, people should know that that cannot happen unless we choose to be part of it. There are safeguards. In the vast majority of circumstances, if a battle group is to be deployed, it will be deployed in a spirit with which I think Ireland will be comfortable. We will have to pass the usual triple-lock test before our troops can be part of a mission.

Chairman: We have not yet signed the status of forces agreement, SOFA.

Deputy Simon Coveney: That is true.

Chairman: Does that imply that we may do so in the future and, if so, what are the implications?

Deputy Simon Coveney: We may do so in the future but we are getting legal advice from the Office of the Attorney General. Ireland is not a member of NATO. We are not going to be a member of NATO any time soon. We have put arrangements in place that are the equivalent of signing the SOFA to ensure that our troops get the protection they need when they are abroad, training with other troops in other European countries. It would probably be more straightforward if we did sign the SOFA, but I do not want to give a legal opinion on the complexities of that. I do not have the detail to provide to the committee, but perhaps we can provide it from the Office of the Attorney General.

MESSAGE TO DÁIL

Chairman: I thank the Minister and his officials.

Message to Dáil

Chairman: In accordance with Standing Order 87, the following message will be sent to the Dáil:

The Select Committee on Justice, Defence and Equality has completed its consideration of the following motion:

That Dáil Éireann approves Ireland's accession to the Memorandum of Understanding concerning the principles for the establishment and operation of a battle group to be made available to the European Union in the second half of the year 2016.

Sitting suspended at 3.55 p.m. and resumed at 5.25 p.m.

Marriage Bill 2015: Committee Stage

Chairman: I welcome the Minister and her officials. Please turn off all mobile phones or put them on aeroplane mode, as phones in silent mode cause interference with the recording equipment.

I have not received notice of any amendments, but if anyone wishes to comment on a section or give notice that they wish to table an amendment on Report Stage, please stop me when we reach the relevant section. Otherwise, we will proceed fairly briskly through the sections, with the permission of members. Is that agreed? Agreed.

Sections 1 to 7, inclusive, agreed to.

SECTION 8

Question proposed: "That section 8 stand part of the Bill."

Deputy Michael McNamara: I am not a member of the committee, but I wish to give notice that I will table an amendment on Report Stage. I raised this issue on Second Stage and heard the Minister's reply. Effectively, the Bill abolishes civil partnership going forward, as persons can no longer enter into a civil partnership from the date the Bill is enacted. While I welcome the Bill, as I did on Second Stage, I am not convinced of the rationale for that. I would have thought the purpose of the vote was to accommodate the myriad types of family arrangements that are in place in Ireland. I would have thought a better way to do that would be to open up civil partnership, which is currently limited to homosexual couples, to both heterosexual and homosexual couples. The Minister indicated that she had received advice from the Office of the Attorney General to the effect that this would be unconstitutional. I am slightly sceptical about the use of advices from the Attorney General that nobody can see, question or read - advices from counsel can be quite nuanced - to shut down debate in this House, which is something that has happened quite a bit in the course of this Dáil. Has the Minister specifically obtained advices from the Office of the Attorney General - I am not referring to advices that have been

hanging around for years - to the effect that there is a requirement to abolish the institution of civil partnership in order to legislate for homosexual marriage? Has such clear advice been obtained? If the Minister wishes to respond to that now, I would welcome it.

Chairman: That is fine. Members can comment and ask questions on the section.

Minister for Justice and Equality (Deputy Frances Fitzgerald): As I said during the Second Stage debate, the very question raised by the Deputy was extensively discussed and extensive legal advice on it was sought. I will just go over the detail of the policy again and maybe add a little extra to what I said previously. The policy based on the new constitutional context is that civil partnership registration will cease after a reasonably short period of transition. As the Deputy knows, section 8 of this Bill repeals most of Part 7A of the Civil Registration Act 2004, which had set out the basis for registration of civil partnerships. The status of current civil partners remains completely unchanged. I think we are all very clear about that. There is no question of removing any of the rights and obligations of civilly partnered couples or of changing their status in regard to each other. They will be free to marry each other if they so choose, or to remain as civil partners.

I would like to say a little more about the legal advice I have received. I have been advised that it would not be constitutional to keep civil partnership available and to open it to opposite-sex couples as this would create a risk of making civil partnership a potential competitor to marriage. All of the advice I have makes it clear that making a marriage-like relationship available would violate the constitutional pledge to “guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack”. The legal advice I have is that civil partnership was legally and constitutionally justifiable because same-sex couples did not have the opportunity to marry. Now that same-sex couples can marry, the rationale for civil partnership as a distinct institution has disappeared. Accordingly, civil partnership is being wound down. The State is constitutionally prevented from making an alternative legal relationship available to couples, even though some might wish to become civil partners rather than marrying. That is the legal advice I have. This is an obvious question that arises. One has to consider it from a constitutional point of view. I have set out the advice that is shaping what we are doing in the Bill in relation to the future of civil partnership. It is very much based on advice relating to the role of marriage in the Constitution.

Deputy Michael McNamara: I thank the Minister for her comprehensive reply. I do not doubt that the Minister has received this advice, even if I might not necessarily agree with it. The Attorney General’s office is the Attorney General’s office. Ministers and Governments are bound to follow the advice of the Attorney General’s office. The 2010 Act introduced cohabitation and provided for the rights of cohabitants. If civil partnership is somehow a competitor to marriage, I suggest that the same thing must apply to cohabitation and giving rights to cohabitants. I am not entirely convinced by the rationale we have heard.

The Minister is right when she says that civil partnership is a marriage-like institution. I do not necessarily know why it has to be a marriage-like institution. I do not know why the long-standing consanguinity impediments to marriage in Judeo-Christian traditions and Roman law, which predated marriage as a Christian institution, were introduced into civil partnership. I remind the Minister that the concept underpinning civil partnership is that it gives rights to people living together as a family unit who wish to obtain legal protection for that unit and to give rights to each other in the event that something happens. A common example of that in Ireland would be two elderly siblings who live together in a fairly dependent way. They do not have rights under the Mental Health or Pensions Acts or anything else. If something happens one sibling,

the other sibling has no rights even though they have been living together as a family for their entire lives, albeit obviously in a non-intimate way. Irish law provides very little protection to people in such circumstances. Why do we need to have the consanguinity impediments in civil partnership? I do not know why civil partnership cannot be open to people who are not otherwise in a civil partnership or married, but are in a non-intimate relationship. I note that intimacy is not a requirement for being treated as a cohabitee, although I suppose it is presumed that the couple were intimate at one point. One way of avoiding this idea of competition would be to change the nature of civil partnership and open it up.

I would also like to make the point that marriage is a permanent institution, notwithstanding the divorce legislation in Ireland. It has to be demonstrated that a marriage is irretrievably broken down in order to have it dissolved or to obtain a divorce. The same thing does not apply to civil partnership. They are two very different institutions. I do not really see that one necessarily competes with the other. People choose to marry or cohabit or whatever. I think there are other ways around it. I would like to flag my intention at this stage to look into the matter further with a view to proposing an amendment on Report Stage.

Chairman: Does the Minister want to come back in?

Deputy Frances Fitzgerald: I would like to make a couple of points. I have set out the legal advice I have received in this regard. As Deputy McNamara will be well aware, the rights of cohabitants under the 2010 Act are quite limited. The Act provides only for rights of redress in the case of a relationship of dependency. When the Deputy speaks about changing civil partnership, he is really raising a separate question. This is about the Marriage Bill. That is really as much as I have to say about it at this stage.

Chairman: Okay. Deputy McNamara has given notice of his intention to table an amendment on Report Stage and I thank him for that. Does anybody else want to come in on this?

Deputy Niall Collins: I would like to raise an issue that might not specifically relate to this. I have received an e-mail from a guy who is concerned about how the Pensions Acts link in with the Marriage Bill. What is the relevant section? I do not want to miss the opportunity to flag this in advance of Report Stage.

Chairman: As long as the Deputy raises the matter at any time during this meeting, that is enough.

Deputy Niall Collins: Can I do it now?

Chairman: Yes.

Deputy Niall Collins: Grand. Perhaps it relates to section 16.

Deputy Frances Fitzgerald: The issue in question will be dealt with primarily in a separate Bill - the finance and succession Bill.

Deputy Niall Collins: Yes.

Deputy Frances Fitzgerald: This is about marriage so it is not specifically addressed here.

Deputy Niall Collins: Can I read the e-mail so the Minister will know what it relates to? It is quite short. It is from a man who signs off as "Pension Equality". It states:

I wonder would you be good enough to propose an amendment to the Marriage Bill at the Select Committee stage in relation to the block which Section 81E (5) and (6) of the Pension Act places on anyone, retired, more than one year from bringing a claim for pension equality.

It affects LGBTI people, straight people, and children.

The time limit, besides being arbitrary (unlike other provisions it does not run from the date of the discrimination e.g. the refusal of the pension) is also contrary to EU Law which does not allow a time limit in national legislation which makes access to the relevant Court or Tribunal impossible as this one does for anyone claiming a pension benefit which only came into existence years after their retirement.

It goes on to state:

The Minister for Public Expenditure and Reform has relied on this time limit to have a claim to the Equality Tribunal rejected in March 2015. The State's reliance on something which is self-evidently illegal as well as unjust is in marked contrast to its self congratulations about Same Sex Marriage. It is also an unfortunate example of an attitude which is regularly condemned harshly by the Supreme Court and the High Court and widely reported in the media, where the State in litigation against it, seeks to delay and defend the indefensible.

We are urging you to propose an amendment to the Marriage Bill in the terms below, which would deal with the matter. The Marriage Bill is amending many pieces of disparate legislation and this is in fact quite a simple amendment. It would be a great pity to launch marriage equality and at the same time bar retired LGBTI people from the Equality Tribunal if they are wrongly refused a pension for a spouse.

He has given me suggested wordings in this regard and I can submit them on Report Stage.

Chairman: The Deputy is flagging the intention to table a number of amendments on Report Stage around this general issue of pensions. The Deputy mentioned what the courts are doing or not doing. I do not know if the Minister wishes to respond to that. She does not have to.

Deputy Frances Fitzgerald: If the Deputy wants me to, I am happy to respond on the individual issue outside the committee. My understanding and advice is that this is either a matter for the Minister for Finance, the Minister for Public Expenditure and Reform or the Minister for Social Protection. It would be part of a general process of legislative change with respect to those issues as opposed to being dealt with in the Marriage Bill.

Deputy Niall Collins: That is fine. I thank the Minister.

Chairman: The Deputy can decide what he wants to do.

Deputy Niall Collins: We will do a note.

Question put and agreed to.

SECTION 9

Question proposed: "That section 9 stand part of the Bill."

Deputy Frances Fitzgerald: I signal my intention to bring an amendment on Report Stage

that will introduce a new section 9. The purpose of the amendment will be to remove the requirement for civil partners who have registered their civil partnership in Ireland to have to give the three-month notice when seeking to marry one another. This amendment is to reduce any unnecessary administrative burden on civil partners wishing to marry. The three-month notice period is not required in their case as they will already have complied with that requirement before registering their civil partnership or they will have been exempted by a court order. In all cases they will have established their identities for the registrar and provided all the evidence that is normally needed by the registrar when establishing whether a couple can marry, so I will introduce that amendment on Report Stage.

Question put and agreed to.

Sections 10 to 19, inclusive, agreed to.

SECTION 20

Question proposed: "That section 20 stand part of the Bill."

Deputy Frances Fitzgerald: I signal my intention to bring a Report Stage amendment to section 20. It is technical in nature and corrects a typographical error. It will insert the word "by" at the beginning of subsection (b). If amended, the text would read "by the substitution of the following subsection for subsection (7)", so it is a minor correction.

Question put and agreed to.

Sections 21 and 22 agreed to.

SECTION 23

Question proposed: "That section 23 stand part of the Bill."

Deputy Michael McNamara: There is another issue that I discussed on Second Stage. The Minister mentioned administrative burdens to people who are in a civil partnership and wish to marry. One of the biggest administrative burdens, applying equally to gay and straight couples who wish to enter into a civil marriage, is the inability to get married because of staff shortages in the registrar's office. People can marry from 9 a.m. to 5 p.m. from Monday to Friday but most people want to marry outside working hours. We can discuss resources as much as we like but the reality is that resources are not there. I will propose an amendment to section 54 of the 2004 Act, which sets out who can solemnise a marriage, to include peace commissioners and commissioners for oaths. These people would clearly have to be accepted by the registrar and demonstrate suitability. They should be trained and know how to do it. There are already safeguards, including the requirement to give notice to the HSE, to be interviewed and so on. All these safeguards should be maintained but it would allow people to get married at a hotel or venue of their choosing outside of 9 a.m. to 5 p.m. from Monday to Friday. That is an unreasonable administrative burden, although I accept it is necessary now because of the financial constraints in which the State finds itself.

Commissioners for oaths and peace commissioners are responsible people and the latter are appointed by the Minister for Justice and Equality. They are appointed on the basis, if not of being politically connected, then that they are responsible people. I do not see why they could not carry out this important function in society or why it should be reserved exclusively for the Health Service Executive, which has many other functions.

Chairman: It is a case of expanding the types of people who can preside over these marriages.

Deputy Frances Fitzgerald: This is dealt with in the Civil Registration Act 2004, which provides for the categories of bodies and organisations that may apply for registration of persons on the register of solemnisers maintained by the Registrar General. Before changing those categories, which is what the Deputy suggests, we would have to consider implications and what it might mean. It is a matter for the Tánaiste and Minister for Social Protection because it comes under related legislation. My understanding is that currently there are no plans to change the categories of bodies or organisations that may apply to have their members entered on the register of solemnisers. I appreciate that the Deputy has said he wants to bring forward an amendment to change that but it would have to be considered carefully in the context of any implications.

It is anticipated that the increased demand for marriage solemnising arising from the implementation of the same-sex marriage provisions in this Marriage Bill will be offset to a significant extent by the cessation in the registration of civil partnerships, which is provided for in the Bill. As the Deputy mentions, registrars are employed by the HSE which is responsible for their terms and conditions of employment. I take the point made by the Deputy about weekends, which is reasonable. I know there are some discussions ongoing on broader issues relating to the human relations side of registrars. I take the point and I will certainly relay the Deputy's concern to the relevant Ministers. Clearly, there is a demand for weekend ceremonies as well. Under the current terms and conditions of employment of registrars under the HSE, that is not a possibility.

Deputy Michael McNamara: I thank the Minister. There is another issue, although the Minister may not be able to reply straight away. Section 5 of the 2010 Act that introduced civil partnership allows the Minister, by order, to recognise civil partnerships entered into abroad. Does that remain on the Statute Book?

Deputy Frances Fitzgerald: I addressed that when I was speaking on Second Stage. Civil partnerships that are legally entered into in other countries retain the recognition, up to the point of six months after the enactment of the Bill.

Deputy Michael McNamara: And then?

Deputy Frances Fitzgerald: At that point it ceases.

Deputy Michael McNamara: I thank the Minister.

Deputy Frances Fitzgerald: If those people were applying in Ireland to have the civil partnership registered, they would now have the opportunity to be married. That is the logic behind the decision.

Deputy Michael McNamara: It is consistent with the logic of saying that civil partnership is a competitor to marriage and therefore has to be abolished.

Deputy Frances Fitzgerald: Yes, exactly.

Question put and agreed to.

TITLE

MESSAGE TO DÁIL

Question proposed: “That the Title be the Title to the Bill.”

Deputy Finian McGrath: Is this the point to comment on the broader Bill?

Chairman: Yes, now is the time.

Deputy Finian McGrath: It is appropriate that we commend all involved in the broader issue, in particular, the referendum on 22 May. This was an historic day. During the period leading up to the referendum, I thought the debate was very good. It was open and honest, at times it was very moving. It is important to say that. We have many differences in politics but there was a broad consensus across all classes and religions. That is very progressive. It is a signal that we are moving slowly towards an inclusive society that is built on equality.

I thank everybody involved in the campaigns.

Question put and agreed to.

Chairman: I thank the Minister and her officials for attending.

Bill reported without amendment.

Message to Dáil

Chairman: In accordance with Standing Order 87 the following message will be sent to the Dáil:

The Select Committee on Justice, Defence and Equality has completed its consideration of the Marriage Bill 2015 and has made no amendments thereto.

The select committee adjourned at 5.50 p.m. until 5 p.m. on Wednesday, 7 October 2015.