

Dé Céadaoin, 14 Meitheamh, 2006
Wednesday, 14th June, 2006

10.30 a.m.

ORD GNÓ
ORDER OF BUSINESS

- 12.** Tairiscint *maidir leis* an Acht um Chiontaí in aghaidh an Stáit (Leasú) 1998.
Motion *re* Offences against the State (Amendment) Act 1998.
- 1.** An Bille um Cheadanna Fostaíochta 2005 — Leasuithe ón Seanad.
Employment Permits Bill 2005 — Amendments from the Seanad.
- 23.** An Bille um Údarás Forbartha an Champais Náisiúnta Spórt 2006 — Ordú don Tuarascáil.
National Sports Campus Development Authority Bill 2006 — Order for Report.
- 21.** An Bille um Pleanáil agus Forbairt (Bonneagar Straitéiseach) 2006 [*Seanad*] — An Dara Céim (*atógáil*).
Planning and Development (Strategic Infrastructure) Bill 2006 [*Seanad*] — Second Stage (*resumed*).
- 22.** An Bille um Cheartas Coiriúil (Cúnamh Frithpháirteach) 2005 [*Seanad*] — An Dara Céim (*atógáil*).
Criminal Justice (Mutual Assistance) Bill 2005 [*Seanad*] — Second Stage (*resumed*).
- 2.** An Bille um an nGníomhaireacht Chúltaca Ola Náisiúnta 2006 — Ordú don Dara Céim.
National Oil Reserves Agency Bill 2006 — Order for Second Stage.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

- 55.** Tairiscint *maidir le* tuarascáil Marty ar aistriú urghnách ag na Stáit Aontaithe (*atógáil*).
Motion *re* Marty report on extraordinary rendition by United States (*resumed*).

I dTOSACH GNÓ PHOIBLÍ AT THE COMMENCEMENT OF PUBLIC BUSINESS

Billí ón Seanad : Bills from the Seanad

1. An Bille um Cheadanna Fostaíochta 2005 — Leasuithe ón Seanad.
Employment Permits Bill 2005 — Amendments from the Seanad.

Billí a thionscnamh : Initiation of Bills

*Tíolactha:
Presented:*

2. An Bille um an nGníomhaireacht Chúltaca Ola Náisiúnta 2006 — Ordú don Dara Céim.
National Oil Reserves Agency Bill 2006 — Order for Second Stage.

Bille dá ngairtear Acht do dhéanamh socrú maidir le haistriú na scaire arna sealbhú ag Corparáid Náisiúnta Pheitriliam na hÉireann Teoranta sa Ghníomhaireacht Chúltaca Ola Náisiúnta Teoranta chuig an Aire Cumarsáide, Mara agus Acmhainní Nádúrtha; do choimeád na Gníomhaireachta Chúltaca Ola Náisiúnta Teoranta ar marthain mar an Ghníomhaireacht Chúltaca Ola Náisiúnta nó *the National Oil Reserves Agency*; do mhíniú a feidhmeanna, lena n-áirítear feidhmeanna a bhaineann le hoibleagáidí maidir le sealbhú stoc ola; d'fhorchur tobhaigh ar dhiúscairtí iomchuí táirgí peitriliam; do leasú an Achta um Chorporáid Náisiúnta Pheitriliam na hÉireann Teoranta 2001; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to provide for the transfer of the share held by the Irish National Petroleum Corporation Limited in the National Oil Reserves Agency Limited to the Minister for Communications, Marine and Natural Resources; to continue in existence the National Oil Reserves Agency Limited as *An Ghníomhaireacht Chúltaca Ola Náisiúnta* or the National Oil Reserves Agency; to define its functions, including those relating to oil stockholding obligations; to impose a levy on relevant disposals of petroleum products; to amend the Irish National Petroleum Corporation Limited Act 2001; and to provide for related matters.

— *An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.*

*Tabhairt Isteach:
Introduction:*

- a10. An Bille um Chúlchiste Náisiúnta Pinsean (Infheistíocht Eiticiúil) (Leasú) 2006 — An Chéad Chéim.
National Pensions Reserve Fund (Ethical Investment) (Amendment) Bill 2006 — First Stage.

Bille dá ngairtear Acht do leasú an dlí a bhaineann leis an gCúlchiste Náisiúnta Pinsean.

Bill entitled an Act to amend the law relating to the National Pensions Reserve Fund.

— *Dan Boyle.*

Fógraí Tairisceana : Notices of Motions

12. “Go mbeartaíonn Dáil Éireann go leanfaidh ailt 2 go 12, 14 agus 17 den Acht um Chiontaí in aghaidh an Stáit (Leasú) 1998 (Uimh. 39 de 1998), i ngníomh ar feadh na tréimhse 12 mhí dar tosach an 30 Meitheamh, 2006.

That Dáil Éireann resolves that sections 2 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998), shall continue in operation for the period of 12 months beginning on 30th June, 2006.”

— *An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.*

ORDUITHE AN LAE ORDERS OF THE DAY

21. An Bille um Pleanáil agus Forbairt (Bonneagar Straitéiseach) 2006 [*Seanad*] — An Dara Céim (*atógáil*).
Planning and Development (Strategic Infrastructure) Bill 2006 [*Seanad*] — Second Stage (*resumed*).
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22. An Bille um Cheartas Coiriúil (Cúnamh Frithpháirteach) 2005 [*Seanad*] — An Dara Céim (*atógáil*).
Criminal Justice (Mutual Assistance) Bill 2005 [*Seanad*] — Second Stage (*resumed*).
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23. An Bille um Údarás Forbartha an Champais Náisiúnta Spórt 2006 — Ordú don Tuarascáil.
National Sports Campus Development Authority Bill 2006 — Order for Report.
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GNÓ COMHALTAÍ PRÍOBHÁIDEACHA PRIVATE MEMBERS' BUSINESS

Tairiscint (atógáil) (1 ur. 30 n. fágtha):
Motion (resumed) (1 hr. 30 m. remaining):

55. “That Dáil Éireann,

noting that:

- the State is not simply obliged by national and international law not to engage in torture, but also has positive obligations to ensure that torture is not facilitated and that individuals are not placed at risk of torture, inhuman or degrading treatment;
- the national and international legal consensus that a state cannot rely on diplomatic assurances alone to discharge those positive obligations, and, in particular, the statement of the secretary general of the Council of Europe that ‘*mere assurances by foreign states that their agents abroad comply with international and national law are not enough. Formal guarantees and enforcement mechanism need to be set out in agreements and national law in order to protect ECHR rights*’;
- the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe has adopted a report from Senator Dick Marty to the effect that the United States has progressively woven a clandestine ‘spider’s web’ of disappearances, secret detentions and unlawful inter-state transfers, spun with the collaboration or tolerance of Council of Europe member states;
- the Marty report concludes that certain Member States, including Ireland, could be held responsible for active or passive collusion (in the sense of having tolerated or having been negligent in fulfilling the duty to supervise), involving secret detention and unlawful inter-state transfers of persons whose identity so far remains unknown, and that Ireland in particular could be so responsible for permitting Shannon to be used as a stop-over for flights involving the unlawful transfer of detainees;
- the secretary general of the Council of Europe has commended the Marty Report and stated: ‘*Senator Marty has made some serious allegations about the involvement of several European countries. I note that some governments have immediately denied these allegations but I think that they should make clear whether they have investigated these allegations before rejecting them*’;
- the Irish Human Rights Commission has stated that: ‘*the report of Senator Marty is persuasive if not conclusive, and gives credence to the concerns already raised by the Irish Human Rights Commission. It strengthens the case for a fundamental rethink,*

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especially on the reliability of diplomatic assurances. Reliance on diplomatic assurances is at the very heart of the Irish case and in this context the Human Rights Commission is strongly of the view that the only form of diplomatic assurances that could meet our constitutional and international human rights obligations would be ones which were fully legally enforceable and were accompanied by an effective regime of monitoring and inspection of aircraft suspected of involvement in the rendition of prisoners.’;

- committed to full engagement and co-operation with other states to counter international terrorism and in that regard recalling the EU Presidency statement of the 11th May, 2006 that: *‘We share the view that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing. Our fight against terrorism must be placed within a rule-of-law framework and conducted in full conformity with international law, in particular human rights law, refugee law and international humanitarian law’;*
- satisfied that there are real and substantial grounds for concern as to the lawfulness, in terms of both Irish and international law, of actions carried by or on behalf of the United States that are under inquiry and that a principle of trust in formal diplomatic assurances does not justify a refusal to have any regard to those allegations:

calls on the Government to:—

- accept its legal and constitutional responsibility to ensure that the territory and facilities of this State are not used for illicit purposes and especially not for human rights violations by any other state;
- support the recommendations outlined in the draft resolution of the Legal Affairs Committee before the Parliamentary Assembly of the Council of Europe;
- establish a credible independent investigation into the existence of any secret and extralegal arrangements, agreements or understandings, whether formal or informal, between the Irish authorities and the authorities of any other State, including at senior political level, as regards over-flights, stop-overs and extraordinary rendition;
- use the full powers available under the Air Transport and Navigation Act, and to make such amendments as are appropriate in such Acts for the vindication and guarantee of human rights, and to use such powers and powers under the Chicago Convention to introduce an appropriate regime of inspection of civilian aircraft, rather than relying solely on Garda powers relating to crime investigations, and
- outline what further proposals it has in order to honour its commitments in this regard under constitutional, domestic and international law.” — *Michael D Higgins, Eamon Gilmore, Pat Rabbitte, Liz McManus, Emmet Stagg, Thomas P. Broughan, Joan Burton, Joe Costello, Brendan Howlin, Kathleen Lynch, Breeda Moynihan-Cronin, Brian O’Shea, Jan O’Sullivan, Seamus Pattison, Willie Penrose, Ruairi Quinn, Seán Ryan, Joe Sherlock, Róisín Shortall, Mary Upton, Jack Wall.*

[13 June, 2006]

Leasú (atógáil):

Amendment (resumed):

1. To delete all words after “Dáil Éireann” and substitute the following:

“noting that:

- the Government have on numerous occasions voiced their complete opposition to the practice of so-called “extraordinary rendition” (hereinafter referred to as “extraordinary rendition”);
- the Government have responded urgently from the outset to allegations of extraordinary rendition, including by consistently raising the matter with the US

authorities from the very earliest stage, and through the Minister for Foreign Affairs urging that the EU pursue the issue actively with the US;

- the Government have repeatedly raised their concerns about the matter of extraordinary rendition with the United States Government and have in this context received categorical assurances, confirmed by the Secretary of State of the United States;
- the United States authorities have not offered such blanket assurances to all partners;
- An Garda Síochána has the legal powers required to investigate allegations of illegal activity;
- in none of the allegations regarding extraordinary rendition investigated by An Garda Síochána has credible evidence been evinced that illegal activity had occurred;
- the Government's position in respect of the regulation of military and civilian aircraft has been fully in line with those of our European partners;
- the Government have cooperated fully with both the Council of Europe and the European Parliament in their investigations, such that Ireland's explanation of its law and practice in this area to the Council of Europe was one of only nine, out of forty-five received, that the Secretary General of the Council of Europe judged to be sufficiently comprehensive not to require further clarification;

shares the Government's complete opposition to the practice of extraordinary rendition and to the use of torture in any circumstances, and its call for the earliest possible closure of the detention facility at Guantanamo Bay;

welcomes the Government's policy of not permitting the use of Irish territory to transport prisoners for extraordinary rendition purposes;

notes that none of the draft Council of Europe or European Parliament reports prepared to date has claimed or produced any evidence to the effect that any person has been subject to extraordinary rendition through Irish territory;

notes that claims that aircraft previously used for illegal purposes may have subsequently passed empty through Ireland are based on the retrospective interpretation of patterns of flight data, which could not at the time be used for the purposes of control or verification;

rejects the baseless suggestion that the Government may in some way have "colluded", actively or passively, in extraordinary rendition operations;

commends the Government for promptly obtaining from the United States, in the context of the issue of extraordinary rendition, categorical assurances that prisoners have not been transferred through Irish territory, nor would they be, without our permission;

recognises that reliance on such assurances of a factual character is a basic principle of international relations;

commends the Government for fulfilling their legal and constitutional responsibility, and their obligations under international law, to take all appropriate steps to ensure that the territory and facilities of this State are not used for illicit purposes and especially not for human rights violations by any other state;

endorses the Government's call for anyone with any specific evidence that any person has been subject to extraordinary rendition through Irish territory to bring such evidence to the attention of An Garda Síochána;

commends the Government's willingness to consider carefully, with partners, any specific and workable recommendations that may be made by the Council of Europe or the European Parliament in this matter;

shares the Government's concern at a recent breach by the United States of procedures governing the transfer of sentenced prisoners;

commends the Government's decision to take appropriate steps to prevent any recurrence of this incident, including engagement with the United States authorities and the strengthening of verification procedures as necessary." — *An tAire Gnóthaí Eachtracha*.

MEMORANDA

Dé Céadaoin, 14 Meitheamh, 2006
Wednesday, 14th June, 2006

Cruinniú den Chomhchoiste um Fhiontraíocht agus Mionghnóthaí i Seomra Coiste 3, TL2000, ar 9.30 a.m.

Meeting of the Joint Committee on Enterprise and Small Business in Committee Room 3, LH2000, at 9.30 a.m.

An Bille um Cheartas Coiriúil 2004:

Criminal Justice Bill 2004:

Cruinniú den Roghchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan i Seomra Coiste 1, TL2000, ar 9.30 a.m.

Meeting of the Select Committee on Justice, Equality, Defence and Women's Rights in Committee Room 1, LH2000, at 9.30 a.m.

Cruinniú den Chomhchoiste um Chumarsáid, Muir agus Acmhainní Nádurtha i Seomra Coiste 2, TL2000, ar 10 a.m.

Meeting of the Joint Committee on Communications, Marine and Natural Resources in Committee Room 2, LH2000, at 10 a.m.

Cruinniú den Chomhchoiste um Thalmhaíocht agus Bia i Seomra Coiste 1, TL2000, ar 11.10 a.m.

Meeting of the Joint Committee on Agriculture and Food in Committee Room 1, LH2000, at 11.10 a.m.

Cruinniú den Chomhchoiste um Airgeadas agus an tSeirbhís Phoiblí i Seomra Coiste 4, TL2000, ar 12 meán lae.

Meeting of the Joint Committee on Finance and the Public Service in Committee Room 4, LH2000, at 12 noon.

Meastacháin (Iompar):

Estimates (Transport):

Cruinniú den Roghchoiste um Iompar i Seomra Coiste 1, TL2000, ar 2 p.m.

Meeting of the Select Committee on Transport in Committee Room 1, LH2000, at 2 p.m.

An Bille um Thruailliú na Farraige (Forálacha Ilghnéitheacha) 2003:

Sea Pollution (Miscellaneous Provisions) Bill 2003:

Cruinniú den Roghchoiste um Iompar i Seomra Coiste 1, TL2000, ar 5.30 p.m.

Meeting of the Select Committee on Transport in Committee Room 1, LH2000, at 5.30 p.m.

An Bille um Cheartas Coiriúil 2004:**Criminal Justice Bill 2004:**

Cruinniú den Roghchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan i Seomra Coiste 4, TL2000, ar 6 p.m.

Meeting of the Select Committee on Justice, Equality, Defence and Women's Rights in Committee Room 4, LH2000, at 6 p.m.

SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA DÁLA
DOCUMENTS LAID BEFORE THE DÁIL

Reachtúil:

1) Togra le haghaidh Cinnidh ón gComhairle maidir le Socrú a shíniú, thar ceann an Chomhphobail Eorpaigh, idir an Comhphobal Eorpach agus Poblacht na hÍoslainne agus Ríocht na hIorua maidir leis na modhúlachtaí a bhaineann leis na stáit sin a bheith rannpháirteach sa Ghníomhaireacht Eorpach um Chomhoibriú Oibríochta ag Teorainneacha Seachtracha Bhallstáit an Aontais Eorpaigh a Bhainistiú [agus] Togra le haghaidh Cinnidh ón gComhairle maidir le Socrú a thabhairt i gcrích, thar ceann an Chomhphobail Eorpaigh, idir an Comhphobal Eorpach agus Poblacht na hÍoslainne agus Ríocht na hIorua maidir leis na modhúlachtaí a bhaineann leis na stáit sin a bheith rannpháirteach sa Ghníomhaireacht Eorpach um Chomhoibriú Oibríochta ag Teorainneacha Seachtracha Bhallstáit an Aontais Eorpaigh a Bhainistiú mar aon le nóta faisnéise míniúcháin. COM (2006) 178.

2) An tOrdú um Chomhairleoir Speisialta (An tAire Fiontar, Trádála agus Fostaíochta) a Cheapadh 2006.

3) Institiúid Teicneolaíochta, Ceatharlach. Ráitis Airgeadais don bhliain dar críoch 31 Lúnasa, 2004.

4) An Ciste Oidhreachta. Cuntais agus Tuarascáil ón Ard-Reachtaire Cuntas agus Ciste don bhliain dar críoch 31 Nollaig, 2005.

Neamhreachtúil:

1) Rialacháin na gComhphobal Eorpach (Orgánaigh a Bheadh Díobhálach do Phlandaí agus do Tháirgí Plandaí a Rialú) (Leasú) (Uimh. 2) 2006 (I.R. Uimh. 277 de 2006).

Statutory:

1) Proposal for a Council Decision on the signature, on behalf of the European Community, of an Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of those states' participation in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union [and] Proposal for a Council Decision on the conclusion, on behalf of the European Community, of an Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of those states' participation in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union together with explanatory information note. COM (2006) 178.

2) Appointment of Special Adviser (Minister for Enterprise, Trade and Employment) Order 2006.

3) Institute of Technology, Carlow. Financial Statements for the year ended 31 August, 2004.

4) The Heritage Fund. Accounts and Report of the Comptroller and Auditor General for the year ending 31 December, 2005.

Non-Statutory:

1) European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 2) Regulations 2006 (S.I. No. 277 of 2006).

2) Rialacháin na gComhphobal Eorpach (Táirgí Cosanta Plandaí a Údarú, a Chur ar an Margadh, a Úsáid agus a Rialú) (Leasú) (Uimh. 2) 2006 (I.R. Uimh. 283 de 2006).

2) European Communities (Authorisation, Placing on the Market, Use and Control of Plant Protection Products) (Amendment) (No. 2) Regulations 2006 (S.I. No. 283 of 2006).
