# DÁIL ÉIREANN

*Déardaoin*, 4 *Samhain*, 2010
*Thursday*, 4*th November*, 2010

RIAR NA hOIBRE
ORDER PAPER

*Déardaoin*, 4 *Samhain*, 2010
*Thursday*, 4*th November*, 2010

10.30 a.m.

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**ORD GNÓ**
**ORDER OF BUSINESS**

**8*a*.** An Bille um Inimirce, Cónaí agus Cosaint 2010 - Rún Airgeadais.
Immigration, Residence and Protection Bill 2010 - Financial Resolution.

**8*b*.** Tairiscint *maidir le* Ráiteas faoi Mheastacháin do Choimisiún Thithe an Oireachtais.
Motion *re* Statement of Estimates for the Houses of the Oireachtas Commission.

**8*c*.** Tairiscint *maidir le* Corrthoghchán do Dhún na nGall Thiar-Theas.
Motion *re* Bye-Election for Donegal South-West.

**8*d*.** Tairiscint *maidir le* Corrthoghchán do Bhaile Átha Cliath Theas.
Motion *re* Bye-Election for Dublin South.

**8*e*.** Tairiscint *maidir le* Corrthoghchán do Phort Láirge.
Motion *re* Bye-Election for Waterford.

**8*f*.** Tairiscint *maidir le* Corrthoghchán do Dhún na nGall Thoir Thuaidh.
Motion *re* Bye-Election for Donegal North-East.

**8*g*.** Tairiscint *maidir le* Corrthoghchán do Dhún na nGall Thiar-Theas.
Motion *re* Bye-Election for Donegal South-West.

**3.** (*l*) An Bille Rialtais Áitiúil (Méara agus Údarás Réigiúnach Bhaile Átha Cliath) 2010 — An Dara Céim (*atógáil*).
(*a*) Local Government (Mayor and Regional Authority of Dublin) Bill 2010 — Second Stage (*resumed*).

**4.** An Bille um an Dlí Sibhialta (Forálacha Ilghnéitheacha) 2010 — Ordú don Dara Céim.
Civil Law (Miscellaneous Provisions) Bill 2010 — Order for Second Stage.

**FÓGRA I dTAOBH GNÓ NUA**
**NOTICE OF NEW BUSINESS**

**14*a*.** Tairiscint *maidir leis* an Togra go dtugann Dáil Éireann dá haire an Tuarascáil ón gComhchoiste um Thalmhaíocht, Iascach agus Bia dar teideal "Tuarascáil maidir le hAthchóiriú an Chomhbheartais Talmhaíochta i nDiaidh-2013".
Motion *re* Proposal that Dáil Éireann notes the Report of the Joint Committee on Agriculture, Fisheries and Food entitled "Report on Reform of the Common Agricultural Policy Post-2013".

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## I dTOSACH GNÓ PHOIBLÍ
## AT THE COMMENCEMENT OF PUBLIC BUSINESS

*Billí a thionscnamh : Initiation of Bills*

*Tíolactha*:
*Presented*:

**4.** An Bille um an Dlí Sibhialta (Forálacha Ilghnéitheacha) 2010 — Ordú don Dara Céim.
Civil Law (Miscellaneous Provisions) Bill 2010 — Order for Second Stage.

Bille dá ngairtear Acht do leasú an dlí a bhaineann le dliteanas sibhialta i leith gníomhartha Samárach Maith, saorálaithe agus eagraíochtaí saorálaithe; do leasú an Achta um Chúnamh Dlíthiúil Sibhialta 1995; do leasú an Achta um Sheirbhísí Slándála Príobháidí 2004; do leasú an dlí a bhaineann le deochanna meisciúla a dhíol; do leasú an Achta um Chomhionannas Fostaíochta 1998; do leasú an Achta um Stádas Comhionann 2000; do leasú an Achta Féimheachta 1988; do leasú an Achta um an Dlí Teaghlaigh (Cothabháil Céilí agus Leanaí) 1976, an Achta Aturnaetha (Leasú) 1994, an Achta um Athchóiriú an Dlí Talún agus Tíolactha 2009, an Achta i dtaobh Dearbhuithe Reachtúla 1938 agus an Achta um Fhoréigean Baile 1996; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to amend the law relating to civil liability for acts of Good Samaritans, volunteers and volunteer organisations; to amend the Civil Legal Aid Act 1995; to amend the Private Security Services Act 2004; to amend the law relating to the sale of intoxicating liquor; to amend the Employment Equality Act 1998; to amend the Equal Status Act 2000; to amend the Bankruptcy Act 1988; to amend the Family Law (Maintenance of Spouses and Children) Act 1976, the Solicitors (Amendment) Act 1994, the Land and Conveyancing Law Reform Act 2009, the Statutory Declarations Act 1938 and the Domestic Violence Act 1996; and to provide for related matters.

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

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*Fógraí Tairisceana : Notices of Motions*

**8*a*.** "Go ndéanar foráil san Acht lena dtabharfar éifeacht don Rún seo maidir le pionóis shocraithe agus táillí áirithe a mhuirearú de réir an Achta, ar pionóis iad ar scór fógra gur mhainnigh iompróir a dhualgais nó a dualgais a chomhlíonadh faoi alt 33 den Acht, agus ar táillí iad i ndáil le víosaí a eisiúint; i ndáil le déileáil le hiarratais ar athbhreithniú víosa; i ndáil le toilithe maidir le teacht isteach sa Stát in áit seachas i gcalafort ceadaithe; i ndáil le ceadúcháin cónaithe a eisiúint, a athnuachan agus catagóir ceadúchán a athrú agus i ndáil le coinníollacha ceadúchán cónaithe a mhodhnú ar iarratas chuige sin; i ndáil le ceadanna cónaithe a cailleadh nó a damáistíodh a athsholáthar; i ndáil le hiarratais ar athbhreithniú cónaithe; i ndáil le doiciméid taistil a eisiúint chuig dídeanaithe,

That provision be made in the Act giving effect to this Resolution for the charging in accordance with the Act of fixed penalties, being penalties on foot of a notice that a carrier has failed to comply with his or her duties under section 33 of the Act, and certain fees, being fees for the issue of visas; for dealing with visa review applications; for consents to enter the State at a place other than an approved port; for the issue, renewal, change of category and modification on application of the conditions of residence permissions; for the replacement of lost or damaged residence permits; for residence review applications; for the issue of travel documents to refugees, programme refugees and other persons given protection in the State; for change of name licences for foreign nationals; and for the

chuig dídeanaithe cláir agus chuig daoine eile dá dtugtar cosaint sa Stát; i ndáil le ceadúnais athraithe ainm do náisiúnaigh eachtracha; agus i ndáil le caiteachais réasúnacha áirithe a ghnóthú de réir an Achta ar caiteachais iad arna dtabhú le linn náisiúnach eachtrach a chur as an Stát.

recovery in accordance with the Act of certain reasonable expenses incurred in the removal of a foreign national from the State."

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

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**8*b*.** "Go dtugann Dáil Éireann dá haire an Ráiteas faoi Mheastacháin ar airgead a mbeidh gá leis i leith caiteachais leanúnaigh don tréimhse dar tosach an 1 Eanáir, 2011 agus dar críoch an 31 Nollaig, 2011, arna ullmhú agus arna fhoilsiú ag Coimisiún Thithe an Oireachtais de réir alt 13 den Acht um Choimisiún Thithe an Oireachtais 2003 arna leasú le halt 8 den Acht um Choimisiún Thithe an Oireachtais (Leasú) 2006 agus le halt 9 den Acht um Choimisiún Thithe an Oireachtais (Leasú) 2009, agus a leagadh faoi bhráid dhá Theach an Oireachtais an 3 Samhain, 2010.

That Dáil Éireann take note of the Statement of Estimates of moneys required in respect of ongoing expenditure for the period beginning on 1st January, 2011 and ending on 31st December, 2011, prepared and published by the Houses of the Oireachtas Commission in accordance with section 13 of the Houses of the Oireachtas Commission Act 2003 as amended by section 8 of the Houses of the Oireachtas Commission (Amendment) Act 2006 and section 9 of the Houses of the Oireachtas Commission (Amendment) Act 2009, which was laid before both Houses of the Oireachtas on 3rd November, 2010."

*—Micheál Ó Maolchatha, Comhalta de Choimisiún Thithe an Oireachtais.*

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**8*c*.** "Go n-ordóidh an Ceann Comhairle do Chléireach na Dála a eascaire a chur amach chun Comhalta a thoghadh chun an folúntas a líonadh a tharla i gcomhaltas na Dála seo de dhroim Pat 'The Cope' Ó Gallchóir, comhalta do dháilcheantar Dhún na nGall Thiar-Theas, a thoghadh chun Parlaimint na hEorpa.

That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the election to the European Parliament of Pat 'The Cope' Gallagher, a member for the constituency of Donegal South-West."

*—Caoimhghín Ó Caoláin, Martin Ferris, Arthur Morgan, Aengus Ó Snodaigh, Emmet Stagg.*

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**8*d*.** "Go n-ordóidh an Ceann Comhairle do Chléireach na Dála a eascaire a chur amach chun Comhalta a thoghadh chun an folúntas a líonadh a tharla i gcomhaltas na Dála seo de dheasca George Lee, comhalta do dháilcheantar Bhaile Átha Cliath Theas, d'éirí as Dáil Éireann.

That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the resignation from Dáil Éireann of George Lee, a member for the constituency of Dublin South."

—*Emmet Stagg, Paul Kehoe.*

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**8*e*.** "Go n-ordóidh an Ceann Comhairle do Chléireach na Dála a eascaire a chur amach chun Comhalta a thoghadh chun an folúntas a líonadh a tharla i gcomhaltas na Dála seo de dheasca Máirtín Ó Cuilinn, comhalta do dháilcheantar Phort Láirge, d'éirí as Dáil Éireann.

That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the resignation from Dáil Éireann of Martin Cullen, a member for the constituency of Waterford."

—*Emmet Stagg, Paul Kehoe.*

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**8*f*.** "Go n-ordóidh an Ceann Comhairle do Chléireach na Dála a eascaire a chur amach chun Comhalta a thoghadh chun an folúntas a líonadh a tharla i gcomhaltas na Dála seo de dheasca Séamas Mac Dáibhéid, comhalta do dháilcheantar Dhún na nGall Thoir Thuaidh, d'éirí as Dáil Éireann.

That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the resignation from Dáil Éireann of James McDaid, a member for the constituency of Donegal North-East."

—*Emmet Stagg, Paul Kehoe.*

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**8*g*.** "Go n-ordóidh an Ceann Comhairle do Chléireach na Dála a eascaire a chur amach chun Comhalta a thoghadh chun an folúntas a líonadh a tharla i gcomhaltas na Dála seo de dhroim Pat 'The Cope' Ó Gallchóir, comhalta do dháilcheantar Dhún na nGall Thiar-Theas, a thoghadh chun Parlaimint na hEorpa.

That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the election to the European Parliament of Pat 'The Cope' Gallagher, a member for the constituency of Donegal South-West."

—*Seán Ó Curráin, Aire Stáit ag Roinn an Taoisigh.*

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**14*a*.** "Go dtugann Dáil Éireann dá haire an Tuarascáil ón gComhchoiste um Thalmhaíocht, Iascach agus Bia dar teideal '*Tuarascáil maidir le hAthchóiriú an Chomhbheartais Talmhaíochta i nDiaidh-2013*' a leagadh faoi bhráid Dháil Éireann an 3 Samhain, 2010.

That Dáil Éireann notes the Report of the Joint Committee on Agriculture, Fisheries and Food entitled '*Report on Reform of the Common Agricultural Policy Post-2013*' which was laid before Dáil Éireann on 3rd November, 2010."

—*Johnny Brady, Chairman of the Committee.*

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**ORDUITHE AN LAE**
**ORDERS OF THE DAY**

**3.** (*l*) An Bille Rialtais Áitiúil (Méara agus Údarás Réigiúnach Bhaile Átha Cliath) 2010 — An Dara Céim (*atógáil*).
(*a*) Local Government (Mayor and Regional Authority of Dublin) Bill 2010 — Second Stage (*resumed*).

*Leasú ar an Tairiscint don Dara Léamh (atógáil)*:
*Amendment to Motion for Second Reading (resumed)*:

*1*. To delete all words after "That" and substitute the following:

"Dáil Éireann—

(*a*) recognising the potential value for the Greater Dublin area of a directly elected Mayor, adequately resourced and with appropriate powers;

(*b*) notes the next local elections are not due to be held until 2014, and believes that it would be preferable for any election of a new Mayor to be held in conjunction with those elections;

(*c*) concerned at the potential cost of the new position and of the new Regional Authority for Dublin and the staffing levels that will be required to facilitate the Authority and the Mayor and having regard to the serious economic crisis facing the country,

resolves that the Local Government (Mayor and Regional Authority of Dublin) Bill 2010 be deemed to be read a second time on this date in 2012.".— *Ciarán Lynch.*

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## TEACHTAIREACHTAÍ ÓN RIALTAS
## MESSAGES FROM THE GOVERNMENT

An Bille um Inimirce, Cónaí agus Cosaint 2010.
Immigration, Residence and Protection Bill 2010.

For the purpose of Article 17.2 of the Constitution, the Government recommend that it is expedient to authorise such payments out of moneys provided by the Oireachtas as are necessary to give effect to any Act of the present session to restate and modify certain aspects of the law relating to the entry into, presence in and removal from the State of certain foreign nationals and others, including foreign nationals in need of protection from the risk of serious harm or persecution elsewhere, while having regard also to the power of the Executive in relation to the above matters, to give effect to Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals, to give effect to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, to give effect to Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, to give effect to EU framework decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, to give effect to Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data, to give effect to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, to give further effect to the convention relating to the status of refugees done at Geneva on the 28th day of July 1951 and the protocol relating to the status of refugees done at New York on the 31st day of January 1967 and to give effect to the protocol against the smuggling of migrants by land, sea and air supplementing the UN Convention Against Transnational Organized Crime, to

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amend the Irish Nationality and Citizenship Act 1956, to amend or repeal certain other enactments and to provide for related matters, including victims of human trafficking.

Given on this 4th day of November, 2010

*(Signed)* Brian Cowen,
An Taoiseach.

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## MEMORANDA

*Déardaoin*, 4 *Samhain*, 2010
*Thursday*, 4*th November*, 2010

Cruinniú den Choiste um Chuntais Phoiblí i Seomra Coiste 1, TL2000, ar 10 a.m.
Meeting of the Committee of Public Accounts in Committee Room 1, LH2000, at 10 a.m.

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**Bille na nAltraí agus na gCnáimhseach 2010:**
**Nurses and Midwives Bill 2010:**

Cruinniú den Roghchoiste um Shláinte agus Leanaí i Seomra Coiste 3, TL2000, ar 10 a.m.
Meeting of the Select Committee on Health and Children in Committee Room 3, LH2000, at 10 a.m.

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Cruinniú den Chomhchoiste um Ghrinnscrúdú Eorpach i Seomra Coiste 4, TL2000, ar 11.30 a.m.
Meeting of the Joint Committee on European Scrutiny in Committee Room 4, LH2000, at 11.30 a.m.

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Cruinniú den Choiste um Nós Imeachta agus Pribhléidí Dháil Éireann i Seomra 2 (isteach ón bPríomh-Halla), Teach Laighean, ar 12.30 p.m. *(príobháideach).*
Meeting of the Committee on Procedure and Privileges of Dáil Éireann in Room 2 (off the Main Hall), Leinster House, at 12.30 p.m. *(private).*

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

*Reachtúil:*

1) An Bord um Thionóntachtaí Cónaithe Príobháideacha. Tuarascáil Bhliantúil agus Cuntais, 2009.

2) Coimisiún Thithe an Oireachtais. Ráiteas faoi Mheastacháin ar an méid airgid a mbeidh gá leis i leith caiteachais leanúnaigh don tréimhse dar tosach an 1 Eanáir 2011 agus dar críoch an 31 Nollaig 2011.

*Statutory:*

1) Private Residential Tenancies Board. Annual Report and Accounts, 2009.

2) Houses of the Oireachtas Commission. Statement of Estimates of the amount of moneys required in respect of ongoing expenditure for the period beginning on 1 January, 2011 and ending on 31 December, 2011.

*Neamhreachtúil:*

1) Na Rialacháin um na Rialacháin Fhoirgníochta (Leasú ar Chuid M) 2010 (I.R. Uimh. 513 de 2010).

2) Tithe an Oireachtais. An Comhchoiste um Thalmhaíocht, Iascach agus Bia. An Ceathrú Tuarascáil: Tuarascáil maidir le hAthchóiriú an Chomhbheartais Talmhaíochta i ndiaidh 2013. Samhain, 2010.

*Non-Statutory:*

1) Building Regulations (Part M Amendment) Regulations 2010 (S.I. No. 513 of 2010).

2) Houses of the Oireachtas. Joint Committee on Agriculture, Fisheries and Food. Fourth Report: Report on Reform of the Common Agricultural Policy Post-2013. November, 2010.