

Dé Máirt, 1 Aibreán, 2014
Tuesday, 1st April, 2014

2 p.m.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

Fógra i dtaobh leasú ar Thairiscint : Notice of Amendment to Motion

146. “That Dáil Éireann has no confidence in the Minister for Justice, Equality and Defence, Alan Shatter T.D.” — *Niall Collins, John Browne, Dara Calleary, Barry Cowen, Timmy Dooley, Seán Fleming, Billy Kelleher, Colm Keaveney, Seamus Kirk, Michael P. Kitt, Micheál Martin, Michael Moynihan, Charlie McConalogue, Michael McGrath, John McGuinness, Éamon Ó Cuív, Willie O’Dea, Seán Ó Fearghail, Brendan Smith, Robert Troy.*

Leasú:

Amendment:

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

“commends the Minister for Justice, Equality and Defence, Alan Shatter T.D., on the extensive and ongoing programme of modernisation and reform being led by him across all of his areas of Ministerial responsibility;

supports, in particular, the Minister’s major programme of reform to the criminal and civil law, including the:

- Personal Insolvency Act 2012 and the establishment by the Minister of the Insolvency Service of Ireland to fundamentally reform the State’s insolvency and bankruptcy law to support people experiencing severe financial difficulties;
- Legal Services Regulation Bill 2011, a far-reaching and overdue reform of the regulation of the legal profession;
- Irish Human Rights and Equality Commission Bill 2014 to strengthen and enhance Ireland’s institutions for protection of equality and human rights;
- extremely significant Criminal Justice (Forensic Evidence and DNA Database System) Bill 2013, which will provide for a DNA database, to assist the Garda Síochána in the investigation of serious crime and in identifying serial offenders across a broad range of types of criminality;
- Criminal Law (Defence and the Dwelling) Act 2011 to clarify the right of a person to use reasonable force to defend themselves in their home;
- Criminal Justice Act 2011 to provide improved powers for the Garda Síochána in

combating white collar crime;

- proposed Child and Family Relationships Bill 2014 to significantly reform family law and the protection of children in a range of family forms;
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 dealing with the disclosure of information about serious offences committed against children or vulnerable adults;
- National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to provide a mandatory vetting system for persons working with children or vulnerable adults;
- Fines (Payment and Recovery) Bill 2013 providing for a new payment and recovery system, including the introduction of attachment of earnings for unpaid fines, in keeping with a commitment in the Programme for Government;
- Twenty-ninth Amendment of the Constitution (Judges' Remuneration) Act 2011 to enable salary reductions to be applied to the judiciary;
- Thirty-third Amendment of the Constitution to establish a Court of Appeal which will be one of the most significant developments in the Irish justice system since the foundation of the State, leading to efficiencies and improved access to justice;
- Courts and Civil Law (Miscellaneous Provisions) Act 2013, which introduced mechanisms for the attendance of the press in certain circumstances to shed light on family law and child care proceedings, provisions for the appointment of extra jurors in lengthy complex criminal trials, and to permit the appointment of two additional Supreme Court judges to tackle the delay in cases before that Court and the Court of Criminal Appeal;
- Defence Forces (Second World War Amnesty and Immunity) Act 2013 to provide for a pardon and apology for the 5,000 Irish soldiers who fought for the Allies in World War II;
- Criminal Justice (Community Service) (Amendment) Act 2011, which promotes the use of community service rather than imprisonment in appropriate cases;
- Criminal Law (Human Trafficking) (Amendment) Act 2013 to strengthen the law in relation to the important issue of human trafficking and provide for the first time a definition of 'forced labour' in Irish legislation;
- Criminal Justice (Spent Convictions) Bill 2012, which facilitates the rehabilitation of offenders; and
- work underway to bring forward further legislation in such important and diverse fields as the law on criminal procedure, sexual offences, corruption, child and family law, civil liability, immigration, residence and protection, mediation, and land and tenant law;

looks forward to further legislative reforms in these and other areas;

welcomes the reduction of 6.6 per cent in recorded crimes in 2013 and the 16 per cent overall reduction in recorded crimes since 2010;

welcomes the securing, in consultation with the Minister for Public Expenditure and Reform, of sanction to commence the first Garda recruitment since 2009 and €19 million investment in new Garda vehicles;

notes secured agreement for targeted Garda strength of 13,000;

notes the steps taken by the Minister to develop and implement proposals to bring into effect the Charities Act 2009, including the establishment of the new independent regulatory body - the Charities Regulatory Authority during 2014;

supports further measures underway to modernise the courts system, including planning for a

new Family Court and a review of the judicial appointments process;

welcomes the work underway to prepare the wording for the proposed constitutional amendment relating to marriage equality;

acknowledges the establishment by the Minister of the Property Services Regulatory Authority to set and enforce standards in the provision of property services and to provide redress mechanisms for consumers;

acknowledges the ongoing initiatives of the Minister and the Garda Síochána in tackling crime and improving community safety, noting in particular the continued success of Operation Fiacla in tackling burglary;

notes the successes of actions taken against organised crime in the State, resulting in significant drug, illicit tobacco and laundered fuel seizures;

supports the Minister's ongoing and significant programme of investment in, and reform of, the prison system and the sentencing and management of offenders, including:

- introducing structured programmes of temporary release, including the Community Return Programme and Community Support Schemes which have achieved 90 per cent compliance rates;
- requiring the courts to consider community service options for non-violent and less serious offenders;
- the introduction of an incentivised regimes scheme to incentivise better behaviour by prisoners;
- a programme to end the practice of sending children to St. Patrick's Institution;
- the reduction in the number of committals to prisons by 7.6 per cent since 2011 and the average daily numbers of prisoners by 5.8 per cent in 2013;
- the provision of additional prison spaces and the upgrading of existing prison facilities including the provision of in-cell sanitation resulting in a 70 per cent reduction in the number of prisoners without such facilities since 2011; and
- the improvement of the independent oversight of prisons and of prisoner complaints mechanisms and the establishment of the Penal Policy Review Group;

commends the Minister's ongoing engagement with his counterparts in Northern Ireland and Britain in maintaining resolute opposition to the criminal terrorists opposed to peace on the island, and in developing and enhancing North-South co-operation in criminal justice and policing with the aim of improving community safety on the island of Ireland;

recognises the contribution of the Minister at an EU level in the field of Justice and Home Affairs and Defence, and in particular in the course of the Irish Presidency, the important progress made in such areas as data protection, measures to tackle organised crime, drugs and terrorism, cyber-security and action taken to address across the EU xenophobia, racism, anti-Semitism and homophobia;

welcomes the streamlined immigration and citizenship procedures in order to support the State's economic recovery and promote better integration for non-nationals resident here, noting in particular:

- the immigrant investor and start-up entrepreneur programmes;
- the new visa waiver programme;
- a historic Inter-Governmental agreement with the UK on the operation of the Common Travel Area leading to the development of ground-breaking reciprocal visa arrangements; and

— the clearing of the backlog of 22,000 applications for citizenship, the new citizenship ceremony and the granting of citizenship to 68,000 applicants;

commends the Minister's initiative to establish the Inter-Departmental Committee, chaired by Senator Martin McAleese, to investigate and to set out the facts of the State's involvement with the Magdalen Laundries, his decision to establish a scheme to provide supports for the women involved, to accept the recommendations of Mr. Justice Quirke in that regard, and the work which is underway to implement those recommendations, with priority being given to processing applications and making lump sum payments;

approves the Minister's commitment to the Refugee Resettlement Programme, despite the challenging economic circumstances, and notes the Minister's initiative to establish the Syrian Humanitarian Admission Programme;

welcomes publication by the Minister of a Green Paper on Defence in 2013;

commends the Minister on the significant achievements made in overseeing the development of a newly organised Defence Forces, stabilising the strength of those Forces at 9,500; securing sanction for recruitment to achieve this; and in particular targeting female recruits and recognising the changing nature of Irish society generally;

welcomes the priority assigned to funding and support for key equipment requirements - with the first of two new naval vessels due for delivery in the coming weeks;

supports Ireland's continued representation in a range of UN peacekeeping missions with over 400 personnel deployed in 14 locations;

notes the major re-organisation of the Reserve Defence Forces initiated by the Minister, delivering significant efficiencies and dovetailing with the re-organised Permanent Defence Forces;

recognises the Minister's very active approach to Emergency Planning through his chairmanship of the Government Task Force, with the Office of Emergency Planning being central to the response to recent emergency events, including flooding and severe weather;

recognises the comprehensive steps being taken to address issues of concern which have arisen;

approves the Minister's decision to request the Garda Síochána Inspectorate to examine and report on the Fixed Charge Processing System and welcomes the decision by the Government to implement all of the 37 recommendations contained in its report;

welcomes and awaits the outcome of independent reviews of certain allegations of wrongdoing in relation to the Garda Síochána and in relation to allegations of surveillance of the Garda Síochána Ombudsman Commission;

notes the Government's announcement of a Commission of Investigation in relation to the recording of phone calls in Garda stations;

notes the Government's commitment to the reform of Garda oversight and accountability, which will include the establishment of an independent Garda authority, appropriate to Ireland's needs and which will maintain appropriate democratic accountability to the Houses of the Oireachtas;

notes the intention of the Minister, in cooperation with the Minister for Public Expenditure and Reform, to enhance the legislative arrangements for whistleblowing in the Garda Síochána;

notes that arrangements will be put in place for an open competition for a permanent appointment to the post of Garda Commissioner as soon as possible;

welcomes consideration by the Joint Committee on Justice, Defence and Equality of the powers of the Garda Síochána Ombudsman Commission;

welcomes the Review of the Garda Síochána which is currently underway under the Haddington Road Agreement; and

expresses full confidence in the Minister for Justice, Equality and Defence, Alan Shatter T.D.”
— *An tAire Dlí agus Cirt agus Comhionannais agus Aire Cosanta.*