



## **DÁIL ÉIREANN**

*Déardaoin, 25 Bealtaine, 2017*  
*Thursday, 25th May, 2017*

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**RIAR NA hOIBRE**  
**ORDER PAPER**



*Déardaoin, 25 Bealtaine, 2017*  
*Thursday, 25th May, 2017*

12 meán lae  
12 noon

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**ORD GNÓ**  
**ORDER OF BUSINESS**

5. Tairiscint *maidir le* Ceadú beartaithe ag Dáil Éireann i ndáil le téarmaí an Chreat-Chomhaontaithe maidir le Comhpháirtíocht Chuimsitheach agus Comhar Chuimsitheach idir an tAontas Eorpach agus a chuid Ballstát agus an Mhongóil.  
Motion *re* Proposed approval by Dáil Éireann of the terms of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States and Mongolia.
31. (I) An Bille um Thionóntachtaí Cónaithe (Bearta Tithíochta Éigeandála ar mhaithe le Leas an Phobail) (Leasú), 2016 — An Dara Céim (*vótáil a cuireadh siar*).  
(a) Residential Tenancies (Housing Emergency Measures in the Public Interest) (Amendment) Bill 2016 — Second Stage (*postponed division*).
108. (I) Tairiscint *maidir le* Caranua (*vótáil a cuireadh siar*).  
(a) Motion *re* Caranua (*postponed division*).
- 14a. Ráitis maidir le hOifig an Stiúrthóra um Fhorfheidhmiú Corparáideach.  
Statements on the Office of the Director of Corporate Enforcement.
2. Bille an Ombudsman Seirbhísí Airgeadais agus Pinsean, 2017 — Ordú don Dara Céim.  
Financial Services and Pensions Ombudsman Bill 2017 — Order for Second Stage.

**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA**  
**PRIVATE MEMBERS' BUSINESS**

32. Bille na gCistí Pinsean (Tobhaigh a Thoirmeasc), 2016 — An Dara Céim.  
Pension Fund (Prohibition of Levies) Bill 2016 — Second Stage.

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

- 107a. An Bille Parúil, 2016 — Ordú don Tuarascáil.  
Parole Bill 2016 — Order for Report.

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

*Billí a thionscnamh: Initiation of Bills*

*Tíolactha:*

*Presented:*

2. Bille an Ombudsman Seirbhísí Airgeadais agus Pinsean, 2017 — Ordú don Dara Céim.  
Financial Services and Pensions Ombudsman Bill 2017 — Order for Second Stage.

Bille dá ngairtear Acht do dhéanamh socrú maidir le hOifig an Ombudsman Seirbhísí Airgeadais agus Pinsean a bhunú agus do thabhairt feidhmeanna di; do dhéanamh socrú maidir le daoine a cheapadh ar a dtabharfar an tOmbudsman agus an Leas-Ombudsman; do dhéanamh socrú maidir le nós imeachta gearán; do dhéanamh socrú maidir le hachomhairc i ndáil le breitheanna ón Ombudsman; do dhéanamh socrú maidir le Comhairle an Ombudsman um Sheirbhísí Airgeadais, Biúró an Ombudsman um Sheirbhísí Airgeadais agus oifig an Ombudsman Pinsean a dhíscailleadh; do dhéanamh socrú maidir le Comhairle an Ombudsman Seirbhísí Airgeadais agus Pinsean a bhunú; d'aisghairm forálacha áirithe d'Acht an Bhainc Cheannais, 1942 agus d'Acht na bPinsean, 1990 agus do leasú an Achta um Shaoráil Faisnéise, 2014; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to provide for the establishment of the Office of the Financial Services and Pensions Ombudsman and to confer functions on it; to provide for the appointment of persons to be the Ombudsman and Deputy Ombudsman; to provide for a complaints procedure; to provide for appeals in relation to decisions of the Ombudsman; to provide for the dissolution of the Financial Services Ombudsman Council, the Financial Services Ombudsman's Bureau and the office of the Pensions Ombudsman; to provide for the establishment of the Financial Services and Pensions Ombudsman Council; to repeal certain provisions of the Central Bank Act 1942 and the Pensions Act 1990 and to amend the Freedom of Information Act 2014; and to provide for related matters.

—*An tAire Airgeadais.*

### *Fógraí Tairisceana: Notices of Motions*

5. “Go gceadaíonn Dáil Éireann téarmaí an Chreat-Chomhaontaithe maidir le Comhpháirtíocht Chuimsitheach agus Comhar Cuimsitheach idir an tAontas Eorpach agus a chuid Ballstát, de pháirt, agus an Mhongóil, den pháirt eile, arna shíniú in Ulaanbaatar, an Mhongóil, an 30 Aibreán 2013, ar leagadh cóip de faoi bhráid Dháil Éireann an 11 Aibreán 2017.

That Dáil Éireann approves the terms of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part, signed at Ulaan Baatar, Mongolia, on 30th April, 2013, a copy of which was laid before the Dáil on 11th April, 2017.”

—*An tAire Gnóthaí Eachtracha agus Trádála.*

## ORDUITHE AN LAE ORDERS OF THE DAY

- 14a.** Ráitis maidir le hOifig an Stiúirthóra um Fhorfheidhmiú Corparáideach.  
Statements on the Office of the Director of Corporate Enforcement.

**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA**  
**PRIVATE MEMBERS' BUSINESS**

*Gnó a ordáíodh:*  
*Business ordered:*

- 31.** (l) An Bille um Thionóntachtaí Cónaithe (Bearta Tithíochta Éigeandála ar mhaithe le Leas an Phobail) (Leasú), 2016 — An Dara Céim (*vótáil a cuireadh siar*).  
(a) Residential Tenancies (Housing Emergency Measures in the Public Interest) (Amendment) Bill 2016 — Second Stage (*postponed division*).

—*Brid Smith, Richard Boyd Barrett, Gino Kenny.*

*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, while acknowledging the relevance of the Residential Tenancies (Housing Emergency Measures in the Public Interest) (Amendment) Bill 2016 in the context of the current market conditions in the residential rental sector, declines to give the Bill a second reading for the following reasons:

- (a) it seeks to once again raise issues that have been addressed in the passage of recent legislation and in the Government’s Strategy for the Rental Sector, and it is premature to revisit them at such an early stage of implementation of the strategy, and of the Planning and Development (Housing) and Residential Tenancies Act 2016;
- (b) it pre-empts the review, due to be undertaken in mid-2017, of the implementation of the Rent Predictability Measure in those areas already designated as Rent Pressure Zones, the potential positive impacts in additional areas to which the measure may be extended in the future, and the potential refinements to the rent pressure zone approach that might arise from the review;
- (c) the measures in the Bill risk undermining stability and confidence in the rental sector and negatively impacting on existing and future supply of rented accommodation; and
- (d) the Bill has potential legal and constitutional implications which require careful consideration.”.

—*An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil.*

- 32.** Bille na gCistí Pinsean (Tobhaigh a Thoirmeasc), 2016 — An Dara Céim.  
Pension Fund (Prohibition of Levies) Bill 2016 — Second Stage.

—*Willie O'Dea.*

- 107a.** An Bille Parúil, 2016 — Ordú don Tuarascáil.  
Parole Bill 2016 — Order for Report.

*Fógraí Tairisceana:*  
*Notices of Motions:*

*Tairiscint (vótáil a cuireadh siar):*  
*Motion (postponed division):*

**108.** “That Dáil Éireann:

recognises:

- that the statutory body Caranua has, to date, failed a large number of applicants in providing adequate access to the Residential Institutions Statutory Fund;
- the high number of complaints and reports of dissatisfaction and negative experiences from applicants to that fund;
- the poor delivery of service and information to survivors based in the United Kingdom;
- the poor delivery of service and information to survivors in the deaf community in the State;
- that inadequate strategic planning, lengthy delays in the application process and poor communication practices have severely impacted on the experience of survivors accessing the fund;
- that there has been an unacceptable level of turnover in staff personnel;
- that there have been a number of serious and unacceptable breaches of the legislation relating to the fund;
- that the failure of previous Ministers for Education and Skills to carry out an undertaking to review the operation of the fund two years after its establishment, has added extra pain to survivors; and
- that there has been no operating board since March 2017; and

calls on the Minister for Education and Skills to:

- initiate a review of operations without further delay, to be concluded within a three month timeframe, and to consider the following recommendations:
  - review of the eligibility criteria;
  - review and expand the range of services available to applicants;
  - review the inclusion of section 43 of the Residential Institutions Statutory Fund Act 2012 to set up a special account in the name of the Minister for Health;
  - streamline the application process giving clear timescales for processing and communicating decisions; and
  - provide face to face appointments with applicants who wish to avail of them in order to breakdown communications barriers and reconcile with survivors who have had a negative experience during the application process;
- open up negotiations between the Office of Public Works and the Department of Education and Skills to provide office facilities for the day-to-day functions of Caranua, with no cost to be incurred by the survivor’s fund;

- draw up a new survivor-led customer charter to be adhered to, without exception, by all Caranua staff; and
- establish and clarify a system of appropriate oversight for the operations of Caranua and to provide immediate and appropriate oversight in the current absence of a sitting board.” — *Catherine Connolly, Thomas P. Broughan, Joan Collins, Clare Daly, Maureen O'Sullivan, Thomas Pringle, Mick Wallace.*

[23 May, 2017]

*Leasuithe:**Amendments:*

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

“recognises that:

- many individuals suffered horrific abuse when, as children, they were placed in industrial schools and other residential settings;
- successive Governments have put strategies in place to support former residents, through the provision of services including counselling, educational supports, etc.;
- many former residents continue to have ongoing needs; and
- Caranua (the Residential Institutions Statutory Fund Board) is an independent statutory body, established for the purpose of utilising contributions totalling €110 million from religious congregations being made available to Caranua to enable it to meet the needs of former residents;

acknowledges:

- the work being undertaken by Caranua to support former residents;
- that, to date, some €60 million has been spent by Caranua on supports to former residents and that some 4,000 individuals have received such support;
- that Caranua has expended some £8 million on supports to former residents residing in the United Kingdom;
- that decisions of Caranua may be appealed to the independent appeals officer appointed under section 21 of the Residential Institutions Statutory Fund Act 2012;
- that the outcome of a consultative process, inviting submissions on the draft terms of reference for a review of eligibility to apply to Caranua, will be published shortly;
- that in 2016 Caranua, in response to calls to do so from former residents, expanded the range of approved services it could support, simplified the applications process and introduced personal limits; and
- that under the provisions of section 30(1) of the Residential Institutions Statutory Fund Act 2012, Caranua’s costs, including all administrative costs, are charged on the National Treasury Management Agency investment account into which funds contributed by religious congregations are placed;

notes that:

- the Government has recently noted the Minister for Education and Skills’ intention to appoint a new board for Caranua, and that letters of appointment will be issuing this week;

- the provisions of section 43 of the Residential Institutions Statutory Fund Act 2012, which relate to the funding of the proposed National Children’s Hospital, will only apply if the fund receives more funding over and above the €110 million which has been committed;
- to engage in negotiations between the Office of Public Works (OPW) and the Department of Education and Skills is not possible under current legislation; and
- the building previously occupied by Caranua and the building that will shortly be occupied by Caranua are not owned by the OPW, meaning that rent is payable and that Caranua, in accordance with its legislation, must meet these accommodation costs; and

calls on the Government to:

- complete the review of eligibility in summer 2017;
- require that Caranua provides regular statistics to the Department of Education and Skills and the public on waiting times for processing and communicating decisions;
- request Caranua to provide a greater level of face to face engagement with survivors/applicants, particularly after the organisation moves into new office accommodation which will be more suitable for this activity;
- require Caranua to review the current customer charter, in consultation with survivors, ensuring that the principles of equity, consistency and transparency are at the heart of its activities; and
- endeavour to ensure that Caranua will have the full €110 million in funding made available to it at the earliest opportunity.” (*resumed*) — *An tAire Oideachais agus Scileanna*.

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

“resolves:

- to recognise the horrendous abuse suffered by former residents of residential institutions and industrial schools as children;
- to take account of recommendations of the review of eligibility for Caranua (the Residential Institutions Statutory Fund Board) which is ongoing and is expected to be concluded in July 2017;
- that there should be scrutiny of this review by the Oireachtas Committee on Education and Skills and for the Committee to consider and hold hearings that have regard, in particular, to ensure that any changes to Caranua do not give rise to any unintended consequences that create any adverse impact on the 15,000 former residents who qualify for support under the Residential Institutions Redress Scheme and the 4,000 former residents currently availing of approved services provided by Caranua;
- subsequent to the publication of the review, to identify and correct any potential legal issues arising from any revisions of definitions of eligibility and approved services as may be proposed by the review report or other stakeholders that are consulted, including former residents who qualify for support under the scheme;
- to facilitate the passage of any legislative changes as may be required to give effect to the recommendations of the review; and
- to urge Caranua to expeditiously, fairly and efficiently provide support and services to all survivors of institutional abuse and to acknowledge and address the dissatisfaction with some of its operations.” — *Thomas Byrne, Bobby Aylward, John Brassil, Declan*



*Breathnach, James Browne, Mary Butler, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa M. Chambers, Niall Collins, Barry Cowen, John Curran, Stephen S. Donnelly, Timmy Dooley, Sean Fleming, Pat the Cope Gallagher, Seán Haughey, Billy Kelleher, John Lahart, James Lawless, Marc MacSharry, Micheál Martin, Charlie McConalogue, Michael McGrath, John McGuinness, Aindrias Moynihan, Michael Moynihan, Eugene Murphy, Margaret Murphy O'Mahony, Darragh O'Brien, Jim O'Callaghan, Éamon Ó Cuív, Willie O'Dea, Kevin O'Keeffe, Fiona O'Loughlin, Frank O'Rourke, Anne Rabbitte, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.*

## MEMORANDA

*Déardaoin, 25 Bealtaine, 2017  
Thursday, 25th May, 2017*

Cruinniú den Choiste um Chuntais Phoiblí i Seomra Coiste 3, TL2000, ar 9 a.m. (*príobháideach*).  
Meeting of the Committee of Public Accounts in Committee Room 3, LH2000, at 9 a.m. (*private*).

Cruinniú den Chomhchoiste um Shláinte i Seomra Coiste 4, TL2000, ar 9 a.m.  
Meeting of the Joint Committee on Health in Committee Room 4, LH2000, at 9 a.m.

Cruinniú den Roghchoiste um Ghnóthaí Eachtracha agus Trádáil, agus Cosaint i Seomra Coiste 1, TL2000, ar 9 a.m.  
Meeting of the Select Committee on Foreign Affairs and Trade, and Defence in Committee Room 1, LH2000, at 9 a.m.

Cruinniú den Chomhchoiste um Airgeadas, Caiteachas Poiblí agus Athchóiriú, agus an Taoiseach i Seomra Coiste 2, TL2000, ar 10 a.m.  
Meeting of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach in Committee Room 2, LH2000, at 10 a.m.

Cruinniú den Chomhchoiste um Ghnóthaí Eachtracha agus Trádáil, agus Cosaint i Seomra Coiste 1, TL2000, ar 10 a.m.  
Meeting of the Joint Committee on Foreign Affairs and Trade, and Defence in Committee Room 1, LH2000, at 10 a.m.

Cruinniú den Choiste Gnó i Seomra 2 (tríd an bPríomh-Halla), Teach Laighean, ar 10.30 a.m. (*príobháideach*).  
Meeting of the Business Committee in Room 2 (off the Main Hall), Leinster House, at 10.30 a.m. (*private*).

Cruinniú den Chomhchoiste um Dhlí agus Ceart agus Comhionannas i Seomra Coiste 2, TL2000, ar 2.30 p.m. (*príobháideach*).  
Meeting of the Joint Committee on Justice and Equality in Committee Room 2, LH2000, at

2.30 p.m. (*private*).

## SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA dTITHE DOCUMENTS LAID BEFORE THE HOUSES<sup>1</sup>

### *Reachtúil*

#### *Eile*

Ráiteas i scríbhinn maidir leis na téarmaí agus na coinníollacha (conradh) faoina ngníomhaíonn nó faoinar ghníomhaigh an Comhairleoir Speisialta, Alan Kavanagh (Cúntóir Parlaiminte), mar Chomhairleoir Speisialta don Teachta Micheál Ó Nuanáin, Aire den Rialtas ag an Roinn Airgeadais, le héifeacht ón 9 Bealtaine 2016, de bhun alt 19(4)(a) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

Ráiteas i dtaobh an gaol an Comhairleoir Speisialta, Alan Kavanagh (Rúnaí Parlaiminte), a ghníomhaíonn nó a ghníomhaigh mar Chomhairleoir Speisialta don Teachta Micheál Ó Nuanáin, Aire den Rialtas ag an Roinn Airgeadais, leis an sealbhóir oifige, nó an é a pháirtneir sibhialta é, de bhun alt 19(4)(c) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

An Bord Bia. An Tuarascáil Bhliantúil, 2016.

An Oifig Achomharc Leasa Shóisialaigh. An Tuarascáil Bhliantúil, 2016. [a leagadh an chéad uair an 18 Bealtaine 2017].

Údarás Aerfort Bhaile Átha Cliath. An Tuarascáil Bhliantúil, 2016.

Na Rialacháin fán Acht um Cheartas Coiriúil (Cionta Sceimhlitheoireachta), 2005 (Alt 42) (Bearta Sriantacha i gcoinne Daoine agus Eintitis Áirithe a bhaineann leis na hEagraíochtaí ISIL (Da'esh) agus Al-Qaida) (Uimh. 3), 2017 (I.R. Uimh. 209 de 2017).

Ráiteas faoi leasanna arna thabhairt ag an gComhairleoir Speisialta, Michelle Clancy, a ghníomhaíonn nó a ghníomhaigh mar Chomhairleoir Speisialta don Teachta Seán

### *Statutory*

#### *Other*

Statement in writing of the terms and conditions (contract) under which Special Adviser, Alan Kavanagh (Parliamentary Assistant), acts or acted as a Special Adviser to Deputy Michael Noonan, Minister of the Government at the Department of Finance, with effect from 9 May, 2016, pursuant to section 19(4)(a) of the Ethics in Public Office Acts 1995 and 2001.

Statement as to whether Special Adviser, Alan Kavanagh (Parliamentary Assistant), who acts or acted as a Special Adviser to Deputy Michael Noonan, Minister of the Government at the Department of Finance, is a relative or civil partner of the office holder pursuant to section 19(4)(c) of the Ethics in Public Office Acts 1995 and 2001.

Bord Bia. Annual Report, 2016.

Social Welfare Appeals Office. Annual Report, 2016. [originally laid on 18 May, 2017].

Dublin Airport Authority. Annual Report, 2016.

Criminal Justice (Terrorist Offences) Act 2005 (Section 42) (Restrictive Measures concerning Certain Persons and Entities Associated with the ISIL (Da'esh) and Al-Qaida Organisations) (No.3) Regulations 2017 (S.I. No. 209 of 2017).

Statement of interests furnished by Special Adviser, Michelle Clancy, who acts or acted as a Special Adviser to Deputy John Halligan, Minister of State at the Department

<sup>1</sup> I gcás nach leagtar scríbhinn ach faoi bhráid aon Teach amháin, cuirfear (D) – Dáil nó (S) – Seanad ina diaidh dá réir sin.

Where a document is laid before one House only it will be appended with (D) – Dáil or (S) – Seanad accordingly.

Ó hAileagáin, Aire Stáit ag an Roinn Oideachais agus Scileanna, de bhun alt 19(4)(b) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

An tOrdú fán Acht um Theanntáil Feithiclí, 2015 (Tosach Feidhme), 2017 (I.R. Uimh. 211 de 2017).

### *Neamhreachtúil*

Tuarascáil ó Oifig an Chigire Príosún i ndáil leis na himthosca a ghabh le bás Phríosúnach D an 21 Lúnasa 2016 i bPríosún Phort Laoise.

Rialacháin an Aontais Eorpaigh (Bearta Srientacha i leith na hÚcráine) (Uimh. 2), 2017 (I.R. Uimh. 208 de 2017).

Rialacháin an Aontais Eorpaigh (Bearta Srientacha i leith Éimin), 2017 (I.R. Uimh. 210 de 2017).

Na Rialacha Cúirte Cuarda (an Dlí Teaghlaigh), 2017 (I.R. Uimh. 207 de 2017).

of Education and Skills, pursuant to section 19(4)(b) of the Ethics in Public Office Acts 1995 and 2001.

Vehicle Clamping Act 2015 (Commencement) Order 2017 (S.I. No. 211 of 2017).

### *Non-Statutory*

A report by the Office of the Inspector of Prisons into the circumstances surrounding the death of Prisoner D on 21 August, 2016 in Portlaoise Prison.

European Union (Restrictive Measures concerning Ukraine) (No.2) Regulations 2017 (S.I. No. 208 of 2017).

European Union (Restrictive Measures concerning Yemen) Regulations 2017 (S.I. No. 210 of 2017).

Circuit Court Rules (Family Law) 2017 (S.I. No. 207 of 2017).