



## **DÁIL ÉIREANN**

*Déardaoin, 16 Bealtaine, 2019*  
*Thursday, 16th May, 2019*

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



*Déardaoin, 16 Bealtaine, 2019*  
*Thursday, 16th May, 2019*

10.30 a.m.

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**ORD GNÓ**  
**ORDER OF BUSINESS**

14. Tairiscint *maidir le* Ceadú beartaithe ag Dáil Éireann i ndáil leis an Ordú Fostaíochta Earnála (An Earnáil Foirgníochta), 2019 [*Arna breithniú ag an Comhchoiste um Ghnó, Fiontair agus Nuálaíocht an 15 Bealtaine, 2019*].  
Motion *re* Proposed approval by Dáil Éireann of the Sectoral Employment Order (Construction Sector) 2019 [*Considered by the Joint Committee on Business, Enterprise and Innovation on 15th May, 2019*].
16. Tairiscint *maidir le* Ceadú beartaithe ag Dáil Éireann i ndáil leis na tuarascálacha ón Aire a bhfuil Freagracht air maidir le Cosaint, maidir le seirbhís ag Óglaigh na hÉireann leis na Náisiúin Aontaithe in 2017 agus 2018.  
Motion *re* Proposed approval by Dáil Éireann of the reports by the Minister with Responsibility for Defence, regarding service by the Defence Forces with the United Nations in 2017 and 2018.
57. An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (An Ceart chun Teaghaise), 2016 — An Dara Céim (*vótáil a cuireadh siar*).  
Thirty-Fifth Amendment of the Constitution (Right to a Home) Bill 2016 — Second Stage (*postponed division*).
221. (l) Tairiscint *maidir le* hÁrais Máithreacha agus Naíonán (*vótáil a cuireadh siar*).  
(a) Motion *re* Mother and Baby Homes (*postponed division*).
35. An Bille um Ailse a Chóireáil (Fógráin), 2018 — An Dara Céim (*atógáil*).  
Treatment of Cancer (Advertisements) Bill 2018 — Second Stage (*resumed*).

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

58. (l) An Bille um Sheirbhísí Maoine (Rialáil) (Leasú) (Cuideachtaí Bainistíochta a Rialáil), 2018 — An Dara Céim.  
(a) Property Services (Regulation) (Amendment) (Management Company Regulation) Bill 2018 — Second Stage.

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

- 8a.** An Bille um Chóipcheart agus Forálacha Eile de chuid an Dlí Maoine Intleachtúla, 2018 — Leasuithe ón Seanad.  
Copyright and Other Intellectual Property Law Provisions Bill 2018 — Amendments from the Seanad.
- 56a.** An Bille um an Dlí Sibhialta (Toimhde Báis), 2016 *athraithe ó* An Bille um an Dlí Sibhialta (Daoine atá ar Iarraidh), 2016 [*Seanad*] — Ordú don Tuarascáil.  
Civil Law (Presumption of Death) Bill 2016 *changed from* Civil Law (Missing Persons) Bill 2016 [*Seanad*] — Order for Report.
- 56b.** An Bille um Cheartas Coiriúil (Aitheantas Frithpháirteach do Bhreithiúnais agus Cinntí Promhaidh), 2018 — Ordú don Tuarascáil.  
Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Bill 2018 — Order for Report.

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

*Billí ón Seanad: Bills from the Seanad*

- 8a.** An Bille um Chóipcheart agus Forálacha Eile de chuid an Dlí Maoine Intleachtúla, 2018 — Leasuithe ón Seanad.  
Copyright and Other Intellectual Property Law Provisions Bill 2018 — Amendments from the Seanad.

*Fógraí Tairisceana: Notices of Motions*

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| <p><b>14.</b> “Go gceadaíonn Dáil Éireann an tOrdú seo a leanas ina dhréacht:</p> <p style="padding-left: 40px;">An tOrdú Fostaíochta Earnála (An Earnáil Foirgníochta), 2019,</p> <p>ar leagadh cóip de ina dhréacht faoi bhráid Dháil Éireann an 9 Bealtaine 2019.</p> | <p>That Dáil Éireann approves the following Order in draft:</p> <p style="padding-left: 40px;">Sectoral Employment Order (Construction Sector) 2019,</p> <p>a copy of which has been laid in draft form before Dáil Éireann on 9th May, 2019.”</p> |
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*—An tAire Gnó, Fiontar agus Nuálaíochta.*

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| <p><b>16.</b> “Go gceadaíonn Dáil Éireann na tuarascálacha ón Aire a bhfuil Freagracht air maidir le Cosaint, maidir le seirbhís ag Óglaigh na hÉireann leis na Náisiúin Aontaithe in 2017 agus 2018 faoi seach, ar leagadh cóipeanna díobh faoi bhráid Dháil Éireann an 7 Feabhra 2019, de réir alt 13 den Acht Cosanta (Leasú), 2006.</p> | <p>That Dáil Éireann approves the reports by the Minister with Responsibility for Defence, regarding service by the Defence Forces with the United Nations in 2017 and 2018 respectively, copies of which were laid before Dáil Éireann on 7th February, 2019, in accordance with section 13 of the Defence (Amendment) Act 2006.”</p> |
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*—Pól Mac Eochaidh, Aire Stáit ag an Roinn Cosanta.*

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

- 35.** An Bille um Ailse a Chóireáil (Fógráin), 2018 — An Dara Céim (*atógáil*).  
Treatment of Cancer (Advertisements) Bill 2018 — Second Stage (*resumed*).

- 56a.** An Bille um an Dlí Sibhialta (Toimhde Báis), 2016 *athraithe ó* An Bille um an Dlí Sibhialta (Daoine atá ar Iarraidh), 2016 [*Seanad*] — Ordú don Tuarascáil.  
Civil Law (Presumption of Death) Bill 2016 *changed from* Civil Law (Missing Persons) Bill 2016 [*Seanad*] — Order for Report.

- 56b.** An Bille um Cheartas Coiriúil (Aitheantas Frithpháirteach do Bhreithiúnais agus Cinntí Promhaidh), 2018 — Ordú don Tuarascáil.  
Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Bill 2018  
— Order for Report.

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

*Gnó a ordaitodh:*  
*Business ordered:*

- 57.** An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (An Ceart chun Teaghaise), 2016 — An Dara Céim (*vótáil a cuireadh siar*).  
Thirty-Fifth Amendment of the Constitution (Right to a Home) Bill 2016 — Second Stage  
(*postponed division*).

—Gerry Adams, Eoin Ó Broin.

- 58.** (l) An Bille um Sheirbhísí Maoine (Rialáil) (Leasú) (Cuideachtaí Bainistíochta a Rialáil), 2018 — An Dara Céim.  
(a) Property Services (Regulation) (Amendment) (Management Company Regulation) Bill 2018 — Second Stage.

—Darragh O'Brien.

*Leasú ar an Tairiscint don Dara Léamh:*  
*Amendment to Motion for Second Reading:*

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

“Dáil Éireann resolves that the Property Service (Regulation) (Amendment) (Management Company Regulation) Bill 2018 be deemed to be read a second time this day six months, to allow the Bill sponsor to address shortcomings in the Bill including:

- (a) further examination required as to whether the proposed establishment of an office of ‘Ombudsman for Management Companies’ in the Property Services Regulatory Authority is the appropriate approach given existing legislation on Owners’ Management Companies contained in the Multi-Unit Developments Act 2011;
- (b) clarification that, if an Ombudsman is to be appointed, the proposed Bill does not impose functions on the Property Services Regulatory Authority that conflict with its existing statutory functions;
- (c) clarification, if an Ombudsman is to be appointed, concerning the relationship between the ‘Ombudsman for Management Companies’ and the Property Services Regulatory Authority, as well as the Chief Executive and staff of the Property Services Regulatory Authority;
- (d) clarification, if an Ombudsman is to be appointed, of the manner in which the Ombudsman function is to be funded;
- (e) concerns regarding the proposal that the Ombudsman, if appointed, should assist in reaching resolutions of disputes in multi-unit developments, which would appear to conflict with the existing dispute resolution mechanism in the Multi-Unit Developments Act 2011 and the provisions of the Mediation Act 2017; and
- (f) consideration that, if an Ombudsman is to be appointed, the role of the Ombudsman

does not conflict with the statutory functions of other bodies such as the Office of the Director of Corporate Enforcement.”.

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

*Tairiscint (vótáil a cuireadh siar):*

*Motion (postponed division):*

**221.** “That Dáil Éireann, having been made aware in recent times of the activities in Mother and Baby Homes that operated throughout Ireland in the twentieth century:

notes:

- the ill-treatment of the mothers and babies in these homes;
- the forced separation of single mothers and their babies from 1922 to 1998;
- the falsification of birth certificates and the subsequent mistreatment of survivors by the State; and
- that these practices were facilitated through official Government policy and by institutions, such as County Homes, public maternity hospitals and many adoption agencies;

further notes that:

- this has left a dark stain on our nation; and
- the State has refused the survivors justice to the present day, despite irrefutable and conclusive evidence being submitted by survivors and survivor groups; and

calls on the Government to:

- introduce, without delay, a Redress Scheme for the survivors of the Mother and Baby Homes, so as to provide some comfort for this ageing community; and
- set up a Commission of Investigation in relation to the very serious allegations emerging in recent times regarding the widespread and systematic falsification of birth certificates.” — *Clare Daly, Mick Wallace, Joan Collins, Catherine Connolly, Maureen O'Sullivan, Thomas Pringle, Thomas P. Broughan.*

*Leasuithe:*

*Amendments:*

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

“acknowledges the lived experiences of Irish women and children who were in former mother and baby institutions in the last century and stands in solidarity with all former residents, and their loved ones;

recognises that the Government established the Commission of Investigation (Mother and Baby Homes and certain related Matters) in February 2015, to provide an objective account of what happened to vulnerable women and children in these institutions during the period 1922 to 1998;

also acknowledges that the current statutory investigation was established following a motion passed by Dáil Éireann on 28th January, 2015, to approve the draft Government Order for the

establishment of the Commission, including, its terms of reference;

also recognises that the Commission has a focused remit to examine areas of practice and procedure in the care, welfare, entry arrangements and exit pathways for the women and children who were residents of named institutions and a representative sample of County Homes;

endorses the important work to date by the independent statutory Commission, including the submission of five interim reports which reflect the sheer depth and complexity of the work being undertaken in comprehensively investigating these matters at a level never before possible; and

further acknowledges that many former residents and their families understand the scale of this statutory investigation, and recognises this unique opportunity to bring greater clarity and enhance national understanding of the most difficult experiences endured by vulnerable mothers and children;

further recognises that:

- a significant focus of the Commission's work is to investigate institutional patterns of referral and relationships with intermediaries involved in the placement of children who did not remain with their parents, with scope to examine whether the child's parentage was concealed, either by omission or by illegal means;
- when the Commission's cross-referencing of records is complete it should provide as comprehensive an account as is possible of the pathways of the children concerned;
- the Commission has the legal authority to address crucial questions to the fullest extent possible in seeking to provide the answers to which former residents are entitled, and the scope to make any recommendations to the Government which the Commission deems appropriate;
- the interests of former residents, their families and the wider public, are best served by facilitating the Commission to conclude all relevant lines of inquiry, including the social history and Confidential Committee modules, in accordance with the legal framework under which it was established;
- the Commission has not made findings to date regarding abuse or neglect within these institutions;
- it is crucially important for the Oireachtas to avoid pre-empting or otherwise encroaching upon the independent Commission's work;
- the Commission's final report, which is due for completion by February 2020, is absolutely necessary to inform the State's response to these matters; and
- the Government has committed to a comprehensive, timely and appropriate response to the full conclusions of the Commission, but it is not feasible to consider matters as complex as redress in advance of the Commission's final report;

welcomes:

- the Government's compassion for the dignity of the deceased and the legislative work being progressed to provide a statutory basis for the forensic-standard excavation, exhumation and identification of juvenile human remains discovered at the site of the former Mother and Baby Home at Tuam, Co. Galway;
- the Minister for Children and Youth Affairs' efforts to be open and transparent regarding the discovery of illegal birth registrations, evidenced by the decision that Tusla would make contact with all those affected by illegal registrations discovered in the St Patrick's Guild files;



- the sensitivity being exercised in contacting those affected, the social work and counselling assistance that is in place to help; and
- the leadership of the Minister for Children and Youth Affairs in directing that a review of a sample of files be undertaken, overseen by an independent reviewer, to ascertain whether any similar evidence of illegal birth registrations is evident on files of other bodies involved in adoption; and

further again recognises and affirms:

- the resilience and agency of former residents, their families and supporters in seeking justice and truth in relation to these events and their experiences;
- the new and innovative approaches by the Minister for Children and Youth Affairs to engagement with former residents and their families, in particular through the establishment of the Collaborative Forum on Mother and Baby Homes, which has facilitated former residents to identify, discuss and prioritise the issues of concern to them and their families;
- that former residents are equal stakeholders in this participant-centred work, which the Minister for Children and Youth Affairs believes can have a lasting and positive impact; and
- the coordinated approach by Government to conduct a comprehensive analysis of the Collaborative Forum’s published recommendations, together with a specific process and timeline for developing a package of health and well-being supports and a series of initial measures, including:
  - the development of a programme of memorialisation;
  - the commissioning of research on language and terminology; and
  - continued action to improve access to birth information through reforms of adoption legislation.” *(resumed)* —*An tAire Leanaí agus Gnóthai Óige.*

2. To delete all words after “further notes that” and substitute the following:

- “— the Commission of Investigation (Mother and Baby Homes and certain related Matters) was established by the previous Government in 2015, in order to fully investigate and report upon practices within Mother and Baby Homes;
- the Commission of Investigation was due to make its final report on its findings in February 2018, a date which has twice been delayed in order to permit the Commission of Investigation to complete its investigation;
- the terms of reference of the Commission of Investigation state that the Commission may ‘include in its reports any recommendation that it considers appropriate’;
- the Commission of Investigation is required to investigate and cross-reference records regarding the paths through which mothers and children exited, and in the case of mothers, entered, these institutions; and
- a considerable number of Mother and Baby Home survivors are in their advanced years, and they are understandably keen that the report of the Commission of Investigation be published as soon as possible; and

calls on the Government to:

- immediately provide counselling and other mental health services to survivors of

Mother and Baby Homes, in order to support them at this remarkably difficult time; and

- ensure that the Commission of Investigation into Mother and Baby Homes is provided with the resources needed to promptly complete its final report and release it into the public domain.” — *Anne Rabbitte, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa Chambers, Niall Collins, Barry Cowen, John Curran, Stephen 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, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.*

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

<b><i>Reachtúil</i></b>	<b><i>Statutory</i></b>
<i>Tairiscint Ceadaithe ag Teastáil</i>	<i>Requiring Motion of Approval</i>
<i>Nil aon scríbhinn á leagan faoin gCatagóir seo</i>	<i>None</i>
<i>In-neamhnithe le Tairiscint</i>	<i>Open to Motion to Annul</i>
Na Rialacháin Dleachta Stampa (Malartáin agus Margáí a Ainmniú) (Uimh. 4), 2019 (I.R. Uimh. 204 de 2019).	Stamp Duty (Designation of Exchanges and Markets) (No.4) Regulations 2019 (S.I. No. 204 of 2019).
<i>Eile</i>	<i>Other</i>
Coimisiún Ombudsman an Gharda Síochána. An Tuarascáil Bhliantúil, 2018.	Garda Síochána Ombudsman Commission. Annual Report, 2018.
Coimisiún Forbartha an Iarthair. An Tuarascáil Bhliantúil, 2017.	Western Development Commission. Annual Report, 2017.
Coimisiún Forbartha an Iarthair. Na Ráitis Airgeadais Iniúchta, 2017.	Western Development Commission. Audited Financial Statements, 2017.
Údarás Eitlíochta na hÉireann. An Tuarascáil Bhliantúil, 2018.	Irish Aviation Authority. Annual Report, 2018.
<b><i>Neamhrechtúil</i></b>	<b><i>Non-Statutory</i></b>
Tithe an Oireachtais. Roghchoiste Speisialta	Houses of the Oireachtas. Seanad Special

<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.

an tSeanaid um an Ríocht Aontaithe do Tharraingt Siar as an Aontas Eorpach. Tuarascáil maidir le Gníomhaíochtaí in 2017 agus 2018.

Select Committee on the Withdrawal of the United Kingdom from the European Union. Report of Activities in 2017 and 2018.

Tithe an Oireachtais. An Comhchoiste um Chultúr, Oidhreacht agus Gaeltacht. Tuarascáil maidir leis an nGrinnscrúdú Mionsonraithe ar an mBille um Lá Cuimhneacháin Náisiúnta an Ghorta Mhóir, 2017 [BCP]. Aibreán, 2019.

Houses of the Oireachtas. Joint Committee on Culture, Heritage and the Gaeltacht.

Report on the Detailed Scrutiny of the National Famine Commemoration Day Bill 2017 [PMB]. April, 2019.

Tithe an Oireachtais. An Comhchoiste um Chultúr, Oidhreacht agus Gaeltacht. Tábhacht na nEalaíon: Tuarascáil: Bealtaine 2019.

Houses of the Oireachtas. Joint Committee on Culture, Heritage and the Gaeltacht. The Arts Matter: Report: May, 2019.