



DÁIL ÉIREANN

Dé Céadaoin, 12 Meitheamh, 2019
Wednesday, 12th June, 2019

RIAR NA hOIBRE
ORDER PAPER

Dé Céadaoin, 12 Meitheamh, 2019
Wednesday, 12th June, 2019

10.30 a.m.

ORD GNÓ
ORDER OF BUSINESS

12. (l) Tairiscint *maidir leis* an Acht um Chiontaí in aghaidh an Stáit (Leasú), 1998.
(a) Motion *re* Offences against the State (Amendment) Act 1998.
13. Tairiscint *maidir leis* an Acht um Cheartas Coiriúil (Leasú), 2009.
Motion *re* Criminal Justice (Amendment) Act 2009.
35. 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.
36. 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.
- 36a. Ráitis maidir le huaireanta Cúnaimh Baile a leithroinnt.
Statements on the allocation of Home Help hours.
1. An Bille um Cháilíochtaí agus Dearbhú Cáilíochta (Oideachas agus Oilíúint) (Leasú), 2018 [*Seanad*] — An Dara Céim (*atógáil*).
Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018 [*Seanad*] — Second Stage (*resumed*).

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

222. (l) Tairiscint *maidir leis* na Fórsaí Cosanta.
(a) Motion *re* Defence Forces.

I dTOSACH GNÓ PHOIBLÍ
AT THE COMMENCEMENT OF PUBLIC BUSINESS

Fógraí Tairisceana: Notices of Motions

- 12.** “Go mbeartaíonn Dáil Éireann go leanfaidh ailt 2 go 4, 6 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 dar tosach an 30 Meitheamh 2019 agus dar críoch an 29 Meitheamh 2020.
- That Dáil Éireann resolves that sections 2 to 4, 6 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 beginning on 30th June, 2019 and ending on 29th June, 2020.”

—An tAire Dlí agus Cirt agus Comhionannais.

Leasú:

Amendment:

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

“— resolves that sections 2 to 4, 6 to 12 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30th June, 2019 and ending on 29th June, 2020; and

— for want of any or any adequate information being presented to it, by way of a report under section 18 of that Act or otherwise, in order to enable the Dáil to make an informed finding as to the inadequacy of the ordinary courts to secure the effective administration of justice and the preservation of public peace and order in relation to the offences under sections 6 to 9 and 12 of that Act, declines to resolve that section 14 of that Act should continue in operation from or after 30th June, 2019.” — *Sean Sherlock, Brendan Howlin, Brendan Ryan, Joan Burton, Alan Kelly, Jan O’Sullivan, Willie Penrose.*

- 13.** “Go mbeartaíonn Dáil Éireann go leanfaidh alt 8 den Acht um Cheartas Coiriúil (Leasú), 2009 (Uimh. 32 de 2009) i ngníomh ar feadh na tréimhse dar tosach an 30 Meitheamh 2019 agus dar críoch an 29 Meitheamh 2020.
- That Dáil Éireann resolves that section 8 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009) shall continue in operation for the period beginning on 30th June, 2019 and ending on 29th June, 2020.”

—An tAire Dlí agus Cirt agus Comhionannais.

ORDUITHE AN LAE
ORDERS OF THE DAY

1. An Bille um Cháilíochtaí agus Dearbhú Cáilíochta (Oideachas agus Oilíúint) (Leasú), 2018 [*Seanad*] — An Dara Céim (*atógáil*).
Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018 [*Seanad*] — Second Stage (*resumed*).

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35. 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.

- 36.** 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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- 36a.** Ráitis maidir le huaireanta Cúnaimh Baile a leithroinnt.
Statements on the allocation of Home Help hours.
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GNÓ COMHALTAÍ PRÍOBHÁIDEACHA PRIVATE MEMBERS' BUSINESS

Fógraí Tairisceana:
Notices of Motions:

222. “That Dáil Éireann:

notes that:

- the approved strength of the Permanent Defence Forces (PDF) currently stands at 9,500;
- at the end of March 2019 there were 8,847 personnel, compared to 9,057 at the end of February 2018;
- 3,200 personnel left the PDF between 2014 and 2018, a figure which equates to 34.7 per cent of the average strength for those years, with 82 per cent of these being premature voluntary retirements;
- the turnover rate in the PDF now stands at 9 per cent overall, with a rate of 14 per cent in the Naval Service;
- there were 256 discharges in the first four months of 2019, by far the largest figure since the reorganisation of 2012; and
- in April 2019 alone, there were 86 discharges, a figure not previously matched in a single month;

further notes:

- the ongoing priority given, by Government, to costly recruitment policies;
- the absence of any retention policy for the Defence Forces;
- the underspend of €92.3 million from 2014 to 2018 in the Defence Estimate (Vote 36);
- the high turnover rate that is leading to the creation of a difficult and challenging training environment for remaining service personnel;
- that some personnel are double- and treble-jobbing in an effort to maintain operational output;

- that insufficient supervision and mentoring combined with poor trained manning levels is leading to unavoidable burnout;
- that there are serious concerns for governance, and the ability to manage risk and ensure the wellbeing of personnel; and
- that recent surveys have illustrated the mental health difficulties, increased stress and low morale being experienced by PDF personnel;

accepts that:

- the impact of operating with reduced numbers is already being felt across the Defence Forces;
- the Army is struggling to fulfil its assigned tasks, domestically and internationally;
- ships are unable to go to sea and aircraft are not flying as a result of personnel shortages;
- defence capability is being seriously undermined; and
- reduced governance increases operational and personnel risk; and

calls for:

- the restoration of military allowances to pre-Financial Emergency Measures in the Public Interest levels, especially in view of the underspend from 2014 to 2018, to include the service commitment scheme for Air Corps pilots and fixed-period promotion for Special Service Officers;
- the restoration of the supplementary pension for post 2013 entrants;
- a review of the PDF organisation to provide for a training and overseas establishment, bringing the PDF personnel numbers up to 10,500 across all ranks and formations/services;
- a permanent and independent Defence Forces pay body to be established;
- Defence Forces representative organisations to be able to take up associate membership of the Irish Congress of Trade Unions;
- greater military expertise in the Department of Defence, who have made some concerning and damaging decisions affecting the Defence Forces;
- the enhancement of the input and discretion of military management in decisions over current and capital spending;
- the implementation of the Working Time Directive, which the Government is currently not implementing properly;
- a clear and defined role for the Reserve Defence Forces, that would enable them to play a meaningful and worthwhile part in support to the PDF; and
- the undertaking of a comprehensive independent review (involving external and international expertise) of defence policy, the Defence Forces and the role of the Department of Defence.” — *Jack Chambers, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, 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'Keefe, Fiona O'Loughlin, Frank O'Rourke, Anne Rabbitte, Eamon*

Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.

[11 June, 2019]

Leasuithe:

Amendments:

1. (a) To insert the following after “experienced by PDF personnel;”:

- “— that the Defence Forces have been without an in-house psychiatrist since May 2018, due to the failure to replace an in-house clinician who retired at that time;
- that a greater gender balance is needed within our Defence Forces, with currently just 596 women serving out of a total of 8,847 and with just 33 women having joined and remained in the Defence Forces in the past four years; and
- that the Organisation of National Ex-Service Personnel has seen over 700 former members of the PDF pass through its homes since 2005;”;

(b) To insert the following after “currently not implementing properly;”:

- “— the establishment of a dedicated body within the PDF to monitor and mediate the long-term care needs (physical, mental and material deprivation) of current and former members, in particular those who have returned from service abroad;
- a commitment by the Government to fast-track the recruitment of psychiatrists to safeguard the mental health of present and former members of the Defence Forces;
- a review of conditions for female personnel within the Defence Forces to explain past recruitment failures and a recommitment to increasing gender balance in the PDF;” — *Brendan Ryan, Brendan Howlin, Joan Burton, Alan Kelly, Jan O’Sullivan, Willie Penrose, Sean Sherlock.*

2. To delete all words after “not previously matched in a single month;” and insert the following:

- “— it is estimated that up to 1,700 Defence Forces personnel could be eligible for the Working Family Payment;
- Defence Forces personnel were obliged to take a case to the European Committee of Social Rights in relation to the recognition of collective bargaining rights;
- the Defence Forces representative organisations have had a number of successful cases in the High Court, in relation to the application of the Working Time Directive for Defence Forces personnel with 35 additional cases awaiting hearing;
- representative organisations have reported significant difficulties in accessing the Lansdowne Road Agreement Oversight Body; and
- the reported strength of the Defence Forces is misleading as those who are on leave of absence or in training and unavailable for deployment are included;

further notes:

- the ongoing priority given, by Government, to costly recruitment policies;
- the absence of any retention policy for the Defence Forces;
- the underspend of €92.3 million from 2014 to 2018 in the Defence Estimate (Vote 36);

- the high turnover rate that is leading to the creation of a difficult and challenging training environment for remaining service personnel;
- that some personnel are double- and treble-jobbing in an effort to maintain operational output;
- that insufficient supervision and mentoring combined with poor trained manning levels is leading to unavoidable burnout;
- that there are serious concerns for governance, and the ability to manage risk and ensure the wellbeing of personnel;
- that recent surveys have illustrated the mental health difficulties, increased stress and low morale being experienced by PDF personnel; and
- that the Department of Defence chose not to participate in the review of the public service pension age undertaken in 2017, and no review of Defence Forces pension age has been commenced since that period;

accepts that:

- the impact of operating with reduced numbers is already being felt across the Defence Forces;
- the Army is struggling to fulfil its assigned tasks, domestically and internationally;
- ships are unable to go to sea and aircraft are not flying as a result of personnel shortages;
- defence capability is being seriously undermined and the ability to be an aid to the civil powers are curtailed or not available in times of humanitarian or extreme weather events, such as the recent snow storms or forest/gorse fires; and
- reduced governance increases operational and personnel risk; and

calls for:

- an immediate briefing for Defence Forces representative organisations and opposition TDs on the findings of the Report on the Public Service Pay Commission, given the leaks to the media on same;
- a review of the pension age of the Defence Forces to be commenced;
- the Minister for Defence to report to the Dáil on a bi-annual basis on the current strength of the Defence Forces, detailing those on leave of absence, training or on overseas deployment as well as the 'strength in station' figure;
- the restoration of military allowances to pre-Financial Emergency Measures in the Public Interest levels, especially in view of the underspend from 2014 to 2018, to include the service commitment scheme for Air Corps pilots and fixed-period promotion for Special Service Officers;
- the restoration of the supplementary pension for post 2013 entrants;
- a review of the PDF organisation to provide for a training and overseas establishment, bringing the PDF personnel numbers up to 10,500 across all ranks and formations/services;
- a permanent and independent Defence Forces pay body to be established;
- the full implementation of the decision of the European Committee on Social Rights in respect of the collective bargaining rights of Defence Forces personnel, including making provision for Defence Forces representative organisations to be able to take up associate membership of the Irish Congress of Trade Unions;

- greater military expertise in the Department of Defence, who have made some concerning and damaging decisions affecting the Defence Forces;
- the enhancement of the input and discretion of military management in decisions over current and capital spending;
- the Government to engage fully with Defence Forces representative organisations and bring forward, within a six month period, legislation to provide for the implementation of the Working Time Directive, which the Government is currently not implementing properly;
- the implementation of the Resolution on Lariam passed by this House on 28th June, 2017;
- an immediate health review of all current and former members of the Air Corps to ascertain their level of exposure to dangerous chemicals while in the service;
- a clear and defined role for the Reserve Defence Forces, that would enable them to play a meaningful and worthwhile part in support to the PDF; and
- the undertaking of a comprehensive independent review (involving external and international expertise) of defence policy, the Defence Forces and the role of the Department of Defence.” —*Aengus Ó Snodaigh, Gerry Adams, John Brady, Pat Buckley, Seán Crowe, David Cullinane, Pearse Doherty, Dessie Ellis, Martin Ferris, Kathleen Funchion, Martin Kenny, Mary Lou McDonald, Denise Mitchell, Imelda Munster, Jonathan O'Brien, Eoin Ó Broin, Caoimhghín Ó Caoláin, Donnchadh Ó Laoghaire, Louise O'Reilly, Maurice Quinlivan, Brian Stanley.*

**SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA dTITHE
DOCUMENTS LAID BEFORE THE HOUSES¹**

<i>Reachtúil</i>	<i>Statutory</i>
<i>Tairiscint Ceadaithe ag Teastáil</i>	<i>Requiring Motion of Approval</i>
Na Rialacháin um Thobhaigh Shláinte Ainmhithe (Muca), 2019. (Dréacht)	Animal Health Levies (Pigs) Regulations 2019. (Draft)
<i>In-neamhnithe le Tairiscint</i>	<i>Open to Motion to Annul</i>
Na Rialacháin um Ghalair Éanlaithe Clóis (Cúiteamh), 2019 (I.R. Uimh. 244 de 2019).	Diseases of Poultry (Compensation) Regulations 2019 (S.I. No. 244 of 2019).
Na Rialacháin um Shláinte Ainmhithe (Trádáil i Salamandair), 2019 (I.R. Uimh. 245 de 2019).	Animal Health (Trade in Salamanders) Regulations 2019 (S.I. No. 245 of 2019).
Na Rialacháin Leasa Shóisialaigh (Éilimh agus Íocaíochtaí Comhdhlúite agus Rialú)	Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9)

¹ 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.

(Leasú) (Uimh. 9) (Laethanta a ndéileálfar leo mar laethanta Éagumais chun Oibre), 2019 (I.R. Uimh. 241 de 2019).

Na Rialacháin Leasa Shóisialaigh (Díobhálacha Ceirde Comhdhlúite) (Leasú) (Uimh. 2) (Forálacha maidir le hÉagumas chun Oibre), 2019 (I.R. Uimh. 242 de 2019).

Na Rialacháin fán Scéim Pinsean Seirbhíse Poiblí Aonair (Sochair Scoir a Cheannach agus a Aistriú), 2019 (I.R. Uimh. 252 de 2019).

Eile

An tOrdú Fostaíochta Earnála (An Earnáil Conraitheoireachta Leictrí), 2019 (I.R. Uimh. 251 de 2019).

An Oifig um Chlárú Cuideachtaí. An Tuarascáil Bhliantúil, 2018.

An Coimisiún um Rialáil Cumarsáide. Ceadúnas Craolacháin Seirbhíse Poiblí arna eisiúint ag an gCoimisiún um Rialáil Cumarsáide chuig Raidió Teilifís Éireann (RTÉ.) (7 Meitheamh 2019).

Togra le haghaidh Cinneadh ón gComhairle maidir leis an seasamh a bheidh le glacadh thar ceann an Aontais Eorpaigh sa Chomhpháirtíocht Idirnáisiúnta le haghaidh Comhar Éifeachtúlachta Fuinnimh maidir leis na Téarmaí Tagartha don Chomhpháirtíocht Idirnáisiúnta le haghaidh Comhar Éifeachtúlachta Fuinnimh a leathnú don tréimhse ó 24 Bealtaine go 31 Nollaig 2019 mar aon le nóta faisnéise míniúcháin.

COM (2019) 229.

Tuarascáil ón Aire Dlí agus Cirt agus Comhionannais ar Oibriú Ailt 2 go 4, 6 go 12, 14 agus 17 den Acht um Chiontaí in aghaidh an Stáit (Leasú), 1998 de bhun Alt 18(3) den Acht sin don tréimhse 1 Meitheamh 2018 go 31 Bealtaine 2019. (Meitheamh 2019).

Tuarascáil ón Aire Dlí agus Cirt agus Comhionannais ar Oibriú Alt 8 den Acht um Cheartas Coiriúil (Leasú), 2009 de bhun Alt 8(6) den Acht sin don tréimhse 1 Meitheamh 2018 go 31 Bealtaine 2019. (Meitheamh 2019).

(Days to be treated as days of Incapacity for Work) Regulations 2019 (S.I. No. 241 of 2019).

Social Welfare (Consolidated Occupational Injuries) (Amendment) (No. 2) (Provisions as to Incapacity for Work) Regulations 2019 (S.I. No. 242 of 2019).

Single Public Service Pension Scheme (Purchase and Transfer of Retirement Benefits) Regulations 2019 (S.I. No. 252 of 2019).

Other

Sectoral Employment Order (Electrical Contracting Sector) 2019 (S.I. No. 251 of 2019).

Companies Registration Office. Annual Report, 2018.

Commission for Communications Regulation. Public Service Broadcasting Licence issued by The Commission for Communications Regulation to Raidió Teilifís Éireann (RTÉ.) (7 June, 2019).

Proposal for a Council Decision on the position to be taken on behalf of the European Union in the International Partnership for Energy Efficiency Cooperation (IPEEC) with regard to the extension of the Terms of Reference for the IPEEC for the period from 24 May until 31 December 2019 together with explanatory information note.

COM (2019) 229.

Report by Minister for Justice and Equality on the Operation of Sections 2 to 4, 6 to 12, 14 and 17 of the Offences Against the State (Amendment) Act 1998 pursuant to Section 18(3) of that Act for the period 1 June, 2018 to 31 May, 2019. (June, 2019).

Report by Minister for Justice and Equality on the Operation of Section 8 of the Criminal Justice (Amendment) Act 2009 pursuant to Section 8(6) of that Act for the period 1 June, 2018 to 31 May, 2019. (June, 2019).

Campas Coinneála Leanáí Bhaile an Oibricigh. An Tuarascáil Bhliantúil, 2018.

Oberstown Children Detention Campus. Annual Report, 2018.

Neamhrechtúil

Non-Statutory

Rialacháin an Aontais Eorpaigh (Breiseáin Bia) (Leasú), 2019 (I.R. Uimh. 240 de 2019).

European Union (Food Additives) (Amendment) Regulations 2019 (S.I. No. 240 of 2019).

Coimisiún Imscrúdúcháin (Corparáid na hÉireann um Réiteach Baine) An Breitheamh Onórach Brian Cregan, Comhalta Aonair. An Séú Tuarascáil Eatramhach. (27 Márta 2019).

Commission of Investigation (Irish Bank Resolution Corporation) The Honourable Mr. Justice Brian Cregan, Sole Member. Sixth Interim Report. (27 March, 2019).

Tithe an Oireachtas. Comhchoiste na Gaeilge, na Gaeltachta agus na nOileán. Tuarascáil ar na Dúshláin a Bhaineann le Craoltóireacht na Gaeilge. (Bealtaine, 2019).

Houses of the Oireachtas. Joint Committee on the Irish Language, Gaeltacht and the Islands. Report on the Challenges of Irish Language Broadcasting. (May, 2019).