Déardaoin,	21 Aibreán, 2005
Thursday,	21st April, 2005

10.30 a.m.

RIAR NA hOIBRE

Order Paper

GNÓ POIBLÍ Public Business

1. Ráitis maidir le Seirbhísí Tionóisce agus Éigeandála. Statements on Accident and Emergency.

- 2. (1) An Bille um Ghairmithe Sláinte agus Cúraim Shóisialaigh 2004 An Tuarascáil.
 - (a) Health and Social Care Professionals Bill 2004 Report Stage.
- 3. (1) An Bille Léiriúcháin 2000 [Dáil] An Coiste.
 - (a) Interpretation Bill 2000 [Dáil] Committee.

4. An Bille um Athchóiriú an Dlí Reachtúil (Réamh-1922) 2004 — Ordú don Choiste. Statute Law Revision (Pre-1922) Bill 2004 — Order for Committee.

Tíolactha:

Presented:

5. An Bille um Shaoráil Faisnéise (Leasú) (Uimh. 2) 2003 — Ordú don Dara Céim. Freedom of Information (Amendment) (No. 2) Bill 2003 — Order for Second Stage.

Bille dá ngairtear Acht do leasú an Achta um Shaorail Faisnéise 1997 agus do Freedom of Information Act 1997 and to dhéanamh socrú i dtaobh nithe gaolmhara. provide for related matters.

Bill entitled an Act to amend the

—Senator Brendan Ryan.

Tíolactha:

Presented:

6. An Bille um Chlárú Gníomhas agus Teidil 2004 — Ordú don Dara Céim. Registration of Deeds and Title Bill 2004 — Order for Second Stage.

Bille dá ngairtear Acht d'aisghairm agus d'athachtú, maille le leasuithe, an dlí a bhaineann le clárú gníomhas agus doiciméad eile a dhéanann difear do thalamh agus do leasú an dlí a bhaineann le clárú teidil chun talún.

Bill entitled an Act to repeal and reenact, with amendments, the law relating to the registration of deeds and other documents affecting land and to amend the law relating to the registration of title to land.

—Senator Mary O'Rourke.

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Tíolactha:

Presented:

7. An Bille um Fhorfheidhmiú Orduithe Cúirte (Uimh. 2) 2004 — Ordú don Dara Céim. Enforcement of Court Orders (No. 2) Bill 2004 — Order for Second Stage.

Bille dá ngairtear Acht do dhéanamh socrú maidir leis na cúirteanna do dhéanamh orduithe astaithe tuillimh, orduithe astaithe leasa agus orduithe tráthchoda chun forfheidhmiú orduithe cúirte, fíneálacha agus fiacha eile neamhurscaoilte a éascú agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to provide for the making of attachment of earnings orders, attachment of welfare orders, and instalment orders by the courts to facilitate the enforcement of undischarged court orders, fines and other debts and to provide for related matters.

—Senator Brian Hayes.

Tíolactha:

Presented:

8. An Bille um Leasanna Idirnáisiúnta i dTrealamh Soghluaiste (Coinbhinsiún Cape Town) 2005 — Ordú don Dara Céim.

International Interests in Mobile Equipment (Cape Town Convention) Bill 2005 — Order for Second Stage.

Acht do thabhairt éifeacht don Choinbhinsiún ar Leasanna Idirnáisiúnta i dTrealamh Soghluaiste, agus don phrótacal a ghabhann leis an gcoinbhinsiún sin maidir le nithe a bhaineann go sonrach le trealamh aerárthaí, a osclaíodh lena shíniú i Cape Town an 16 Samhain 2001; do dhéanamh socrú i dtaobh nithe gaolmhara; agus do leasú an Achta Aerloingseoireachta agus Aeriompair (Coinbhinsiúin Idirnáisiúnta) 2004.

An Act to give effect to the Convention on International Interests in Mobile Equipment, and to the protocol to that convention on matters specific to aircraft equipment, opened for signature at Cape Town on 16 November 2001; to provide for related matters; and to amend the Air Navigation and Transport (International Conventions) Act 2004.

—Senator Mary O'Rourke.

- **9.** Ráitis maidir leis an gcor reatha sa Mheán-Oirthear (*atógáil*). Statements on the current situation in the Middle East (*resumed*).
- **10.** Ráitis maidir le Pleanáil agus saincheisteanna gaolmhara (*atógáil*). Statements on Planning and related issues (*resumed*).

11. Ráitis maidir leis an gCéad Tuarascáil faoi Dhul Chun Cinn ón gCoiste Comhairleach Náisiúnta um Dhrugaí (*atógáil*).

Statements on the First Progress Report of the National Advisory Committee on Drugs (resumed).

12. Ráitis maidir le Saoráidí Spóirt Náisiúnta a Sholáthar (*atógáil*). Statements on the Provision of National Sporting Facilities (*resumed*).

- **13.** Ráitis maidir le hIomaíochas agus Cosaint Tomhaltóirí (*atógáil*). Statements on Competitiveness and Consumer Protection (*resumed*).
- **14.** Ráitis maidir le Beartas Iompair Réigiúnach (*atógáil*). Statements on Regional Transport Policy (*resumed*).

Tairiscint (atógáil): Motion (resumed):

15 "Go ndéanann Seanad Éireann, de bhun Bhuan-Ordú Uimh. 60A,

- 1. Á thabhairt dá aire an fhaisnéis seo a leanas ón Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí:
 - (a) go ndearna an Garda Síochána, i mí Lúnasa 2001, ar fhaisnéis a fháil ó Interpol ar faisnéis í a fuair *The United States Postal Inspection Service* le linn cuardaigh ar áitreabh in Fort Worth, Texas, a bhain le mionsonraí custaiméirí líomhnaithe cuideachta a raibh rochtain á tairiscint aici ar shuímh idirlín pornagrafaíochta leanaí, tús a chur le hoibríocht i ndáil le daoine ón dlínse seo a líomhnaíodh a bheith aitheanta amhlaidh.
 - (b) go raibh san áireamh sna mionsonraí sin ainmneacha, pasfhocail agus mionsonraí cárta creidmheasa agus cárta muirir daoine áirithe,
 - (c) go raibh duine darb ainm Brian Curtin, 35 Ashe Street, Tralee, Co. Kerry, ar dhuine de na daoine ón dlínse seo a ainmníodh amhlaidh agus gur léirigh fiosrúcháin dá éis sin gurbh é Brian Curtin, Breitheamh den Chúirt Chuarda, agus seoladh tí cónaithe 24 Ard na Lí, Trá Lí, Co. Chiarraí aige, an duine sin,
 - (d) go ndearna an Chúirt Dúiche barántas chun teach cónaithe an Bhreithimh Curtin a chuardach faoi alt 7 den Acht um Gháinneáil ar Leanaí agus Pornagrafaíocht Leanaí 1998 a eisiúint de bhun iarratais ó chomhalta den Gharda Síochána an 20 Bealtaine 2002,
 - (e) go ndearnadh cuardach ar theach cónaithe an Bhreithimh Curtin dá

That Seanad Éireann, pursuant to Standing Order No. 60A,

- 1. Noting the following information from the Minister for Justice, Equality and Law Reform:
 - (a) that the Garda Síochána in August 2001, on receipt of information from Interpol obtained by the United States Postal Inspection Service during a search of premises in Fort Worth, Texas, concerning details of alleged customers of a company offering access to child pornography websites, commenced an operation in relation to persons allegedly so identified from this jurisdiction,
 - (b) that these details included the names, passwords and credit card and charge card details of certain persons,
 - (c) that one of the persons from this jurisdiction so named was a Brian Curtin, 35 Ashe Street, Tralee, Co. Kerry, and that subsequent enquiries indicated that this person was Brian Curtin, Judge of the Circuit Court, with a home address of 24 Ard na Lí, Tralee, Co Kerry,
 - (d) that a warrant to search Judge Curtin's home under section 7 of the Child Trafficking and Pornography Act 1998 issued from the District Court on foot of an application by a member of the Garda Síochána on 20 May 2002,
 - (e) that Judge Curtin's home was subsequently searched on foot of the

- éis sin de bhun an bharántais sin agus gur ghlac Gardaí seilbh ar ríomhaire pearsanta agus ar ábhar eile le linn an chuardaigh,
- (f) gur chuir údaráis an Gharda comhad imscrúdaithe faoi bhráid Stiúrthóra Ionchúiseamh Poiblí i mí Dheireadh Fómhair 2002, agus threoraigh an Stiúrthóir gur Ionchúiseamh Poiblí go ndéanfaí an Breitheamh Curtin a ionchúiseamh as pornagrafaíocht leanaí a bheith ina sheilbh go feasach contrártha d'alt 6 den Acht um Gháinneáil ar Leanaí agus Pornagrafaíocht Leanaí 1998,
- (g) gur thosaigh triail an chúisimh sin an 20 Aibreán 2004 i gCúirt Chuarda Thrá Lí agus go bhfuarthas an Breitheamh Curtin neamhchiontach sa chúiseamh sin an 23 Aibreán 2004 gan fianaise a bheith tugtha i ndáil le hábhar an chúisimh, tar éis don Chúirt Chuarda Choiriúil a chinneadh go raibh an barántas sin a dúradh imithe in éag nuair a forghníomhaíodh é i dteach cónaithe an Bhreithimh Curtin;

agus

2. A éileamh go ndéanfar, de bhun Airteagal 35.4 den Bhunreacht agus alt 39 den Acht Cúirteanna Breithiúnais 1924, an tOnórach an Breitheamh Brian Curtin, Breitheamh den Chúirt Chuarda, a chur as oifig de dheasca mí-iompair a luafar, arb é atá i gceist ann a chuid iompair maidir le síntiús a thabhairt do shuímh idirlín ar a raibh íomhánna pornagrafaíochta leanaí, rochtain a fháil ar na suímh sin agus na suímh sin a úsáid agus i ndáil leis na nithe sin agus é féin a fhágáil mí-oiriúnach dá dheasca sin chun oifig Breithimh den Chúirt Chuarda a fheidhmiú.

- said warrant and that Gardaí took possession of a personal computer and other material during the search,
- (f) that an investigation file was submitted to the Director of Public Prosecutions by the Garda authorities in October 2002 and that the Director of Public Prosecutions instructed that Judge Curtin be prosecuted for knowingly having in his possession child pornography contrary to section 6 of the Child Trafficking and Pornography Act, 1998,
- (g) that the trial of the said charge commenced on 20 April 2004 at Tralee Circuit Court and that on 23 April 2004 Judge Curtin was found not guilty of that charge without evidence being given in relation to the subject matter of the charge, the Circuit Criminal Court having determined that the aforesaid warrant was spent when executed at the home of Judge Curtin;

and

2. Calls for the removal, pursuant to Article 35.4 of the Constitution and section 39 of the Courts of Justice Act 1924, of His Honour Judge Brian Curtin, Judge of the Circuit Court, from office for stated misbehaviour, being his conduct in and in relation to subscribing to, accessing and use of websites containing child pornographic images and thereby rendering himself unsuitable to exercise the office of a Judge of the Circuit Court."

—Senator Mary O'Rourke.

Bille (atógáil) (05 n. fágtha): Bill (resumed) (05 m. remaining):

16. An Bille um Páirtíocht Shibhialta 2004 — An Dara Céim (*atógáil*). Civil Partnership Bill 2004 — Second Stage (*resumed*).

—Senator David Norris.

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:
 - "Seanad Éireann declines to give a second reading to the Bill so as to permit further consideration of important legal and constitutional issues and in particular
 - (a) the resolution of current litigation regarding the recognition of a foreign same-sex marriage;
 - (b) finalisation by the All-Party Oireachtas Committee on the Constitution of its examination of Articles 40.3, 41 and 42, relating to the family;
 - (c) publication of the Report of the Law Reform Commission on the Rights and Duties of Cohabitees.".

Rourke

17. Tairiscintí nach ón Rialtas:

Non-Government Motions:

- 1. "That Seanad Éireann requests the Government to use its present leading position as holder of the European Union Presidency to ensure that the European Union and its member States take the necessary steps, including by engagement with the United States, to ensure that the 60th session of the UNCHR will:
 - (a) support adequate monitoring of human rights in Iraq, permitting the monitors to cover human rights abuses in Iraqi territory by any party, and ensuring that their reports are regularly and publicly available;
 - (b) extend the mandate of the Special Rapporteur on the situation of human rights in Iraq for a further year, clarifying that the mandate covers all past and present human rights violations in Iraq;
 - (c) support the establishment of a UN commission of experts tasked with developing proposals for building the rule of law in Iraq, in consultation with Iraqi civil society;
 - (d) support the establishment of an international commission of inquiry mandated to conduct independent, impartial and thorough investigations into past human rights violations, regardless of when they occurred; and
 - (e) call on the Coalition Provisional Authority to bring to trial, in accordance with international standards for fair trial, Saddam Hussein and other officials and associates of the former Iraqi government accused of committing human rights violations."

—Senators David Norris,	Shane Ross	, Mary	Henry, J	loe O	'Toole and	Feargal	Quinn.
						[7 Ma	y, 2004]

2. "That Seanad Éireann calls on the Minister for Communications, Marine and Natural Resources to provide greater transparency to the operations of the National Lottery and, in particular, calls on the Government to make the National Lottery subject to the Freedom of Information Act."

—Senators Shane Ross, David Norris, Joe O'Toole, Feargal Quinn and Mary Henry.

[27 May, 2004]

3.	"That Seanad	Éireann t	akes note	of the	Report of	n the	Proposal fo	or a	Dublin	Metro
	System prepar	ed by the	Joint Oir	eachtas	Committ	ee on	Transport.	"		

—Senators David Norris, Feargal Quinn, Mary Henry, and Shane Ross.

[15 June, 2004]

	0 1	T .
		Eireann

— taking account of the outdated and cumbersome procedures involved in registering, changing address and applying for postal votes

and

 aware of the many deficiencies in the Electoral Register, especially the noninclusion of eligible voters who have recently moved house or have turned 18 years of age,

calls for

- root and branch reform of the electoral process,
- a review of the procedures used to update the Electoral Register to ensure greater accuracy and improved convenience for those wishing to register,
- information campaigns on the role of Local Government, the European Parliament, the Houses of the Oireachtas and the President prior to the relevant election and the importance of transfers in the proportional representational system,
- a widening of the grounds on which a postal ballot can be applied for and an extension in the deadline for applications,

and

- the automatic registration of all people upon reaching the age of 18 by means of using the PPS serial number provided by the Department of Social and Family Affairs."
- —Senators Fergal Browne, Brian Hayes, James Bannon, Paul Bradford, Paddy Burke, Ulick Burke, Paul Coghlan, Noel Coonan, Maurice Cummins, Frank Feighan, Michael Finucane, Jim Higgins, Joe McHugh, John P. Phelan and Sheila Terry.

[22 June, 2004]

5. "That the time limit for the Order of Business be extended to a maximum of 90 minutes in order to facilitate the proper ventilation of topical matters of current public interest by members."

—Senators David Norris, Joe O'Toole, Mary Henry, Feargal Quinn, Shane Ross.

[14 October, 2004]

6. "That Seanad Éireann calls on the Government to honour the commitment clearly given by An Taoiseach at the United Nations in 2002 that Ireland would reach the target of 0.7% of GDP for overseas development aid by 2007."

—Senators David Norris, Shane Ross, Mary Henry.

[14 October, 2004]

7. "That Seanad Éireann,

- expresses its extreme concern at increase in drug abuse nationally and the increasing availability of hard drugs to all parts of the country;
- condemns the Fianna Fáil-Progressive Democrat Government for its failure to adequately fund the National Drugs Strategy 2001-2008 and to meet the commitments promised under the strategy;
- denounces the Government for its failure to expand drug prevention, treatment, rehabilitation and other community-based diversionary facilities such as sporting and entertainment venues for young people;
- demands that this Government give full recognition to Ireland's growing drug problem by immediately establishing a high level Ministerial Task Force to report and make recommendations on tackling this problem;
- recognises the links between alcohol misuse and drug abuse and moves to create a National Addiction Strategy, which seeks to address the interrelationship between the two:
- calls on the Government to fulfil all of the 100 commitments made under the National drugs Strategy 2001-2008; and
- demands that the Government provides increased funding to both the Local and Regional Drugs Task Forces."
- —Senators Brian Hayes, Fergal Browne, James Bannon, Paul Bradford, Paddy Burke, Ulick Burke, Paul Coghlan, Noel Coonan, Maurice Cummins, Frank Feighan, Michael Finucane, Jim Higgins, Joe McHugh, John Paul Phelan, Sheila Terry.

[20 October, 2004]

8. "That Seanad Éireann call on the Government to launch an emergency national plan for the disposal of waste and demands that the Minister for the Environment, Heritage and Local Government introduces legislation increasing the penalties for illegal dumping".

—Senators Shane Ross, Mary Henry, Feargal Quinn, David Norris, Joe O'Toole.

[28 October, 2004]

9. "That Seanad Éireann:

- acknowledging the work undertaken by Community Groups throughout the country with the assistance of the FÁS Community Employment Schemes;
- acknowledging the deteriorating economic climate for people who are displaced from CE Schemes in gaining access to other work and in particular that people over 50 years of age have particular difficulty in sourcing alternative employment;
- recognising the deep concern of community, health and sporting organisations about the future of these schemes and the continuation of important local projects;
- accepting the contribution that these schemes make to the self-esteem of the participants and that people in long-term unemployment should continue to have the opportunity to do valuable work through CE Schemes;

calls on the Minister for Enterprise, Trade and Employment to reverse the decisions that were made in the last Budget to reduce the number of participants on the Community Employment Schemes from 25,000 to 20,000 and return the number of

CES places to 2003 levels so that the importance of community development and the valuable contribution of community groups and participants is fully recognised in the context of training for job opportunities in the future and to establish a new social employment scheme for the older age group who are long-term employed."

—Senators Paul Coghlan, Brian Hayes, James Bannon, Paul Bradford, Fergal Browne, Paddy Burke, Ulick Burke, Noel Coonan, Maurice Cummins, Frank Feighan, Michael Finucane, Jim Higgins, Joe McHugh, John Paul Phelan, Sheila Terry.

[3 November, 2004]

<i>10</i> .	"That Seanad Éireann calls on the	Government	to end	the p	oractice	of making	political
	appointments to the judiciary."						

—Senators Shane Ross, David Norris. [15 December, 2004]

- 11. "In view of the continuing slow progress of the transitional Government in the Democratic Republic of the Congo (DRC) towards democratic elections, added to the catastrophic humanitarian consequences of the civil war that has caused the death of 3.8 million people there since 1998, the ongoing lack of human rights respect and protection in the country, the shameful economic exploitation by foreign interests, and the ineffectiveness of the UN's peacekeeping mission (MONUC), Seanad Éireann calls on the Government;
 - (i) to do all in their power, especially through UN, EU and other inter-governmental organisations, to put pressure on the DRC's transition government to meet the requirements of the Pretoria Agreement. In particular to ensure that delays and impediments to the holding of elections by 30 June, 2005 such as the passing of essential legislation be addressed immediately; and
 - (ii) to ensure that the transitional Government which has been ineffective and negligent in its implementation of the Pretoria Agreement does not continue to hold the people of the DRC to ransom beyond the deadline laid out by that agreement (30 June 2005), and that if an extension is required in order to hold elections that an alternative transitional Government with political legitimacy be but in place by the International Committee in Support of the Transition (CIAT)."
 - —Senators David Norris, Shane Ross, Joe O'Toole, Mary Henry, Feargal Quinn.

 [22 March, 2005]
- 12. "That Seanad Éireann takes note of the Human Rights Watch Report 'Not a Level Playing Field: Zimbabwe's Parliamentary elections in 2005'."
 - —Senators David Norris, Joe O'Toole, Feargal Quinn, Shane Ross, Mary Henry.

 [24 March, 2005]

18. An Seanad a chur ar athló. Adjournment of the Seanad.

BILLÍ AR SIÚL AGUS GNÓ ATÁ ORDAITHE

Bills in Progress and Business Ordered

Dé Máirt, 26 Aibreán, 2005. Tuesday, 26th April, 2005.

An Bille um Shábháilteacht Mhuirí 2004 — An Tuarascáil. Maritime Safety Bill 2004 — Report.

> Dé Céadaoin, 27 Aibreán, 2005. Wednesday, 27th April, 2005.

- (1) An Bille um Chistí Infheistíochta, Cuideachtaí agus Forálacha Ilghnéitheacha 2005 An Coiste.
- (a) Investment Funds, Companies and Miscellaneous Provisions Bill 2005 Committee.

BILLÍ SEANAID SA DÁIL Seanad Bills with the Dáil

An Bille um Thruailliú na Farraige (Forálacha Ilghnéitheacha) 2003. Sea Pollution (Miscellaneous Provisions) Bill 2003. An Bille um Shaoire Uchtaíoch 2004. Adoptive Leave Bill 2004. An Bille um Fhorghníomhú Pianbhreitheanna a Aistriú 2003. Transfer of Execution of Sentences Bill 2003. An Bille um Sheirbhísí Uisce 2003. Water Services Bill 2003. An Bille Talún 2004. Land Bill 2004. An Bille um Chuntais Dhíomhaoine (Leasú) 2004. Dormant Accounts (Amendment) Bill 2004. Bille an Gharda Síochána 2004. Garda Síochána Bill 2004. An Bille um Shaoire do Thuismitheoirí (Leasú) 2004. Parental Leave (Amendment) Bill 2004. An Bille um an Dlí Coiriúil (Gealtacht) 2002. Criminal Law (Insanity) Bill 2002.

An Bille um Chleachtadh Tréidliachta 2004. Veterinary Practice Bill 2004.

MEMORANDA

Déardaoin, 21 Aibreán, 2005 Thursday, 21st April, 2005

- Cruinniú den Chomhchoiste um Fhiontraíocht agus Mionghnóthaí i Seomra Coiste 2, TL 2000, ar 9.30 a.m.
- Meeting of the Joint Committee on Enterprise and Small Business in Committee Room 2, LH 2000, at 9.30 a.m.

Cruinniú den Chomhchoiste ar an mBunreacht i Seomra Coiste 4, TL 2000, ar 10.30 a.m. Meeting of the Joint Committee on the Constitution in Committee Room 4, LH 2000, at 10.30 a.m.

Cruinniú den Chomhchoiste um Oideachas agus Eolaíocht i Seomra Coiste 2, TL 2000, ar 11.30 a.m.

Meeting of the Joint Committee on Education and Science in Committee Room 2, LH 2000, at 11.30 a.m.

Cruinniú den Chomhchoiste um Shláinte agus Leanaí i Seomra Coiste 2, TL 2000, ar 2.30 p.m.

Meeting of the Joint Committee on Health and Children in Committee Room 2, LH 2000, at 2.30 p.m.

Cruinniú den Fhochoiste um Chearta an Duine i Seomra Coiste 3, TL 2000, ar 2.30 p.m. Meeting of the Sub-Committee on Human Rights in Committee Room 3, LH 2000, at 2.30 p.m.

Dé Céadaoin, 27 Aibreán, 2005 Wednesday, 27th April, 2005

Cruinniú den Chomhchoiste um Chomhshaol agus Rialtas Áitiúil i Seomra Coiste 3, TL 2000, ar 2.30 p.m.

Meeting of the Joint Committee on the Environment and Local Government in Committee Room 3, LH 2000, at 2.30 p.m.

PÁIPÉIR A LEAGADH FAOI BHRÁID AN tSEANAID

Papers laid before the Seanad

Reachtúil:

Statutory:

- 1) An Coimisinéir Cosanta Sonraí. Tuarascáil Bhliantúil, 2004.
- 1) Data Protection Commissioner. Annual Report, 2004.
- 2) An Binse Achomhairc do Dhídeanaithe. Tuarascáil Bhliantúil, 2004.
- 2) Refugee Appeals Tribunal. Annual Report, 2004.

Neamhreachtúil:

Non Statutory:

Rialacháin na gComhphobal Eorpach (Fliú Éanúil) (Rialú ar Allmhairí Táirgí Éanúla agus ar Éin Bheo ó thíortha Áiseacha áirithe) 2005 (I.R. Uimh. 180 de 2005).

European Communities (Avian Influenza) (Control on Imports of Avian Products and Live Birds from certain Asian countries) Regulations 2005 (S.I. No. 180 of 2005).