

*Déardaoin, 23 Meitheamh, 2005*  
*Thursday, 23rd June, 2005*

10.30 a.m.

---

RIAR NA hOIBRE

*Order Paper*

---

GNÓ POIBLÍ

*Public Business*

---

*Tairiscint:*

*Motion:*

1. “Go ndéanfar an togra go gceadaíonn Seanad Éireann an Stát d’fheidhmiú an roghnaithe nó na rogha, arna gcur ar fáil le hAirteagal 3 den cheathrú Prótacal atá leagtha amach i gConradh Amstardam, fógra a thabhairt d’Uachtarán na Comhairle gur mian leis a bheith páirteach i nglacadh agus i bhfeidhmiú na mbeart beartaithe seo a leanas:

togra le haghaidh Cinnidh ó Pharlaimint na hEorpa agus ón gComhairle lena mbunaítear an Ciste Eorpach Gnóchan don tréimhse 2008-2013 mar chuid den Chlár Ginearálta ‘Dlúthpháirtíocht agus Bainistiú Sruthanna Imirce’,

togra le haghaidh Cinnidh ón gComhairle lena mbunaítear an Ciste Eorpach chun Náisiúnaigh Tríú Tíortha a Lánpháirtíú don tréimhse 2007-2013 mar chuid den Chlár Ginearálta ‘Dlúthpháirtíocht agus Bainistiú Sruthanna Imirce’,

togra le haghaidh Cinnidh ó Pharlaimint na hEorpa agus ón gComhairle lena mbunaítear an Ciste Eorpach um Dhídeanaithe don tréimhse 2008-2013 mar chuid den Chlár Ginearálta ‘Dlúthpháirtíocht agus Bainistiú Sruthanna Imirce’,

ar bearta beartaithe iad ar leagadh cóipeanna díobh faoi bhráid Sheanad Éireann an 3 Meitheamh, 2005, a tharchur chuig an gComhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan, de réir mhír (1) (Seanad) d’Orduithe Tagartha an Choiste sin, agus go ndéanfaidh an Coiste sin, tráth nach déanaí ná an 1 Iúil,

That the proposal that Seanad Éireann approve the exercise by the State of the option or discretion, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measures:

a proposal for a Decision of the European Parliament and the Council establishing the European Return Fund for the period 2008-2013 as part of the General programme ‘Solidarity and Management of Migration Flows’,

a proposal for a Council Decision establishing the European Fund for the Integration of Third-country nationals for the period 2007-2013 as part of the General programme ‘Solidarity and Management of Migration Flows’,

a proposal for a Decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013 as part of the General programme ‘Solidarity and Management of Migration Flows’,

copies of which proposed measures were laid before Seanad Éireann on 3rd June, 2005, be referred to the Joint Committee on Justice, Equality, Defence and Women’s Rights, in accordance with paragraph (1) (Seanad) of the Orders of Reference of that Committee, which, not later than 1st July, 2005, shall send a message to the Seanad in

P.T.O.

2005, teachtaireacht a chur chuig an Seanad ar an modh a fhorordaítear i mBuan-Ordú 67, agus go mbeidh feidhm dá réir ag Buan-Ordú 69(2).

the manner prescribed in Standing Order 67, and Standing Order 69(2) shall accordingly apply.”

—*Senator Mary O'Rourke.*

*Tairiscint:*

*Motion:*

2. “Go ndéanfar an togra go gceadaíonn Seanad Éireann an Stát d’fheidhmiú an roghnaithe nó na rogha arna gcur ar fáil le hAirteagal 1.11 de Chonradh Amstardam a bheith páirteach i nglacadh togra le haghaidh Creat-Chinnidh ón gComhairle AE an creat dlí choiriúil a neartú i dtaca le forghníomhú an dlí in aghaidh truaillithe ó longfhoinsí, ar leagadh cóip de faoi bhráid Sheanad Éireann an 22 Meitheamh, 2005, a tharchur chuig an gComhchoiste um Chumarsáid, Muir agus Acmhainní Nádúrtha, de réir mhír (1) (Seanad) d’Orduithe Tagartha an Choiste sin, agus go ndéanfaidh an Comhchoiste sin, tráth nach déanaí ná an 1 Iúil, 2005, teachtaireacht a chur chuig an Seanad ar an modh a fhorordaítear i mBuan-Ordú 67, agus go mbeidh feidhm dá réir ag Buan-Ordú 69(2).

That the proposal that Seanad Éireann approve the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of a proposal for an EU Council Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution, a copy of which was laid before Seanad Éireann on 22nd June, 2005, be referred to the Joint Committee on Communications, Marine and Natural Resources, in accordance with paragraph (1) (Seanad) of the Orders of Reference of that Committee, which, not later than 1st July, 2005, shall send a message to the Seanad in the manner prescribed in Standing Order 67, and Standing Order 69(2) shall accordingly apply.”

—*Senator Mary O'Rourke.*

3. (l) An Bille um Choimisiún chun Drochúsáid Leanaí a Fhiosrú (Leasú) 2005 [*Dáil*] — An Coiste.

(a) Commission to Inquire into Child Abuse (Amendment) Bill 2005 [*Dáil*] — Committee.

4. (l) Bille Rialaithe na Státseirbhíse (Leasú) 2004 [*Dáil*] — An Coiste.

(a) Civil Service Regulation (Amendment) Bill 2004 [*Dáil*] — Committee.

5. (l) An Bille Léiriúcháin 2000 [*Dáil*] — An Coiste.

(a) Interpretation Bill 2000 [*Dáil*] — Committee.

6. An Bille um Chlárú Gníomhas agus Teidil 2004 — An Tuarascáil.  
Registration of Deeds and Title Bill 2004 — Report.

7. (l) An Bille um Ghníomhaireacht Forbartha Ghráinseach Ghormáin 2004 - An Coiste.

(a) Grangegorman Development Agency Bill 2004 — Committee.

8. An Bille um Shábháilteacht Mhuirí 2004 [*Bille Seanaid arna leasú ag an Dáil*] — An Tuarascáil.

Maritime Safety Bill 2004 [*Seanad Bill amended by the Dáil*] — Report Stage.

*Tíolactha:*

*Presented:*

- 9.** Bille na bPríosún 2005 — Ordú don Dara Céim.  
Prisons Bill 2005 — Order for Second Stage.

Bille dá ngairtear Acht dá chumasú don Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí do dhéanamh comhaontuithe d'fhonn daoine is páirtithe sna comhaontuithe sin do sholáthar seirbhísí áirithe a bhaineann le coimeád príosúnach; do dhéanamh socrú maidir le deimhniúchán a dhéanamh ar dhaoine a chomhlíonfaidh feidhmeanna faoin Acht seo de bhun na gcomhaontuithe sin; do dhéanamh socrú maidir le príosúnaigh do thabhairt fianaise i gcineálacha áirithe imeachtaí os comhair na gcúirteanna trí nasc teilifíse beo; do leasú Acht na bPríosún 1933; agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an méid sin.

Bill entitled an Act to enable the Minister for Justice, Equality and Law Reform to enter into agreements for the provision of certain services relating to the custody of prisoners by persons who are parties to such agreements; to provide for the certification of persons who will perform functions under this Act pursuant to such agreements; to provide for the giving of evidence by prisoners in certain types of proceedings before the courts by live television link; to amend the Prisons Act 1933; and to provide for matters connected therewith.

—*Senator Mary O'Rourke.*

*Tíolactha:*

*Presented:*

- 10.** 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 Shaoráil Faisnéise 1997 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to amend the Freedom of Information Act 1997 and to provide for related matters.

—*Senator Brendan Ryan.*

*Tíolactha:*

*Presented:*

- 11.** 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.*

*Tairiscint:*

*Motion:*

- 12.** “Go gceadaíonn Seanad Éireann na Rialacháin seo a leanas ina ndrúacht:

That Seanad Éireann approves the following Regulations in draft:

Rialacháin an Achta Árachais Sláinte 2001 (Rollú Oscailte), 2005,

Health Insurance Act 2001 (Open Enrolment) Regulations, 2005,

ar leagadh cóipeanna díobh i bhfoirm dréachta faoi bhráid Sheanad Éireann an 15 Meitheamh, 2005.

copies of which have been laid in draft form before Seanad Éireann on 15th June, 2005.”

—*Senator Mary O'Rourke.*

*Tairiscint:*

*Motion:*

**13.** “Go gceadaíonn Seanad Éireann na Rialacháin seo a leanas ina ndrúacht:

That Seanad Éireann approves the following Regulations in draft:

Rialacháin an Achta Árachais Sláinte 1994 (Sochar Íosta) (Leasú), 2005,

Health Insurance Act 1994 (Minimum Benefit) (Amendment) Regulations, 2005,

ar leagadh cóipeanna díobh ina ndrúacht faoi bhráid Sheanad Éireann an 15 Meitheamh, 2005.

copies of which have been laid in draft form before Seanad Éireann on 15th June, 2005.”

—*Senator Mary O'Rourke.*

*Tairiscint:*

*Motion:*

**14.** “Go gceadaíonn Seanad Éireann an scéim seo a leanas ina dréacht:

That Seanad Éireann approves the following scheme in draft:

An Scéim um Chothromú Fiontar (Leasú), 2005,

Risk Equalisation (Amendment) Scheme, 2005,

ar leagadh cóipeanna di i bhfoirm dréachta faoi bhráid Sheanad Éireann an 15 Meitheamh, 2005.

copies of which have been laid in draft form before Seanad Éireann on 15th June, 2005.”

—*Senator Mary O'Rourke.*

*Tairiscint:*

*Motion:*

**15.** “Go gceadaíonn Seanad Éireann an Stát d’fheidhmiú an roghnaithe nó na rogha arna gcur ar fáil le hAirteagal 1.11 de Chonradh Amstardam a bheith páirteach i nglacadh an bhirt bheartaithe seo a leanas:

That Seanad Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

togra le haghaidh Cinnidh ón gComhairle maidir le malartú faisnéise agus le comhar i dtaca le cionta sceimhlitheoireachta,

proposal for a Council Decision on the exchange of information and co-operation concerning terrorist offences,

ar beart beartaithe é ar leagadh cóip de faoi bhráid Sheanad Éireann an 16 Meitheamh, 2005.

a copy of which proposed measure was laid before Seanad Éireann on 16 June, 2005.”

—*Senator Mary O'Rourke.*

*Tairiscint:*

*Motion:*

**16.** “Go gceadaíonn Seanad Éireann na Rialacháin seo a leanas ina ndréacht:

That Seanad Éireann approves the following Regulations in draft:

Na Rialacháin um Pleanáil agus Forbairt 2005

Planning and Development Regulations 2005,

ar leagadh cóipeanna díobh ina ndréacht faoi bhráid Sheanad Éireann an 16 Meitheamh, 2005.

copies of which have been laid in draft form before Seanad Éireann on 16th June, 2005.”

—*Senator Mary O’Rourke.*

*Tairiscint:*

*Motion:*

**17.** “Go gceadaíonn Seanad Éireann an Stát d’fheidhmiú an roghnaithe nó na rogha arna gcur ar fáil le hAirteagal 1.11 de Chonradh Amstardam a bheith páirteach i nglacadh togra le haghaidh Creat-Chinnidh ón gComhairle AE an creat dlí choiriúil a neartú i dtaca le forghníomhú an dlí in aghaidh truailithe ó longfhoinsí, ar leagadh cóip de faoi bhráid Sheanad Éireann an 22 Meitheamh, 2005.

That Seanad Eireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of a proposal for an EU Council Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution, a copy of which was laid before the Seanad on 22 June 2005.”

—*Senator Mary O’Rourke.*

*Tairiscint:*

*Motion:*

**18.** “Go gceadaíonn Seanad Éireann an Stát d’fheidhmiú an roghnaithe nó na rogha, arna gcur ar fáil le hAirteagal 3 den cheathrú Prótacal atá leagtha amach i gConradh Amstardam, fógra a thabhairt d’Uachtarán na Comhairle gur mian leis a bheith páirteach i nglacadh agus i bhfeidhmiú an bhirt bheartaithe seo a leanas:

That Seanad Éireann approves the exercise by the State of the option or discretion, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measure:

togra le haghaidh Cinnidh ó Pharlaimint na hEorpa agus ón gComhairle lena mbunaítear an Ciste Eorpach Gnóchan don tréimhse 2008—2013 mar chuid den Chlár Ginearálta ‘Dlúthpháirtíocht agus Bainistiú Sruthanna Imirce’,

a proposal for a Decision of the European Parliament and the Council establishing the European Return Fund for the period 2008 — 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’,

ar beart beartaithe é ar leagadh cóip de faoi bhráid Sheanad Éireann an 3 Meitheamh, 2005.

a copy of which proposed measure was laid before Seanad Éireann on 3rd June 2005.”

—*Senator Mary O’Rourke.*

*Tairiscint:**Motion:*

**19.** “Go gceadaíonn Seanad Éireann an Stát d’fheidhmiú an roghnaithe nó na rogha, arna gcur ar fáil le hAirteagal 3 den cheathrú Prótacal atá leagtha amach i gConradh Amstardam, fógra a thabhairt d’Uachtarán na Comhairle gur mian leis a bheith páirteach i nglacadh agus i bhfeidhmiú an bhirt bheartaithe seo a leanas:

togra le haghaidh Cinnidh ó Pharlaimint na hEorpa agus ón gComhairle lena mbunaítear an Ciste Eorpach um Dhídeanaithe don tréimhse 2008-2013 mar chuid den Chlár Ginearálta ‘Dlúthpháirtíocht agus Bainistiú Sruthanna Imirce’,

ar beart beartaithe é ar leagadh cóip de faoi bhráid Sheanad Éireann an 3 Meitheamh, 2005.

That Seanad Éireann approves the exercise by the State of the option or discretion, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measure:

a proposal for a Decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013 as part of the General programme ‘Solidarity and Management of Migration Flows’,

a copy of which proposed measure was laid before Seanad Éireann on 3rd June, 2005.”

—*Senator Mary O’Rourke.*

*Tairiscint:**Motion:*

**20.** “Go gceadaíonn Seanad Éireann an Stát d’fheidhmiú an roghnaithe nó na rogha, arna gcur ar fáil le hAirteagal 3 den cheathrú Prótacal atá leagtha amach i gConradh Amstardam, fógra a thabhairt d’Uachtarán na Comhairle gur mian leis a bheith páirteach i nglacadh agus i bhfeidhmiú an bhirt bheartaithe seo a leanas:

togra le haghaidh Cinnidh ón gComhairle lena mbunaítear an Ciste Eorpach chun Náisiúnaigh Tríú Tíortha a Lánpháirtíú don tréimhse 2007-2013 mar chuid den Chlár Ginearálta ‘Dlúthpháirtíocht agus Bainistiú Sruthanna Imirce’,

ar beart beartaithe é ar leagadh cóip de faoi bhráid Sheanad Éireann an 3 Meitheamh, 2005.

That Seanad Éireann approves the exercise by the State of the option or discretion, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measure:

a proposal for a Council Decision establishing the European Fund for the Integration of Third-Country nationals for the period 2007-2013 as part of the General programme ‘Solidarity and Management of Migration Flows’,

a copy of which proposed measure was laid before Seanad Éireann on 3rd June 2005.”

—*Senator Mary O’Rourke.*

**21.** Ráitis maidir leis an gcor reatha sa Mheán-Oirthear (*atógáil*).  
Statements on the current situation in the Middle East (*resumed*).

**22.** Ráitis maidir le Pleanáil agus saincheisteanna gaolmhara (*atógáil*).  
Statements on Planning and related issues (*resumed*).

23. 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*).
- 
24. Ráitis maidir le Saoráidí Spóirt Náisiúnta a Sholáthar (*atógáil*).  
Statements on the Provision of National Sporting Facilities (*resumed*).
- 
25. Ráitis maidir le Beartas Iompair Réigiúnach (*atógáil*).  
Statements on Regional Transport Policy (*resumed*).
- 

*Tairiscint (atógáil):*

*Motion (resumed):*

26. “Go ndéanann Seanad Éireann, de bhun Bhuan-Ordú 60A, That Seanad Éireann, pursuant to Standing Order No. 60A,
1. Á thabhairt dá haire an fhaisnéis seo a leanas ón Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí: 1. Noting the following information from the Minister for Justice, Equality and Law Reform:
- (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, (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) go raibh san áireamh sna mionsonraí sin ainmneacha, pasfhocail agus mionsonraí cárta creidmheasa agus cárta muirir daoine áirithe, (b) that these details included the names, passwords and credit card and charge card details of certain persons,
- (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, (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 Li, Tralee, Co Kerry,
- (d) go ndearna an Chúirt Dúiche barántas chun teach cónaithe an Bheithimh Curtin a chuardach faoi alt 7 den Acht um Gháinneáil ar Leanaí agus Pornagrafaíocht Leanaí 1998 a (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

eisiúint de bhun iarratais ó chomhalta den Gharda Síochána an 20 Bealtaine 2002,

member of the Garda Síochána on 20 May 2002,

(e) go ndearnadh cuardach ar theach cónaithe an Bhreithimh Curtin dá éis sin de bhun an bharántais sin agus gur ghlac Gardaí seilbh ar ríomhaire pearsanta agus ar ábhar eile le linn an chuardaigh,

(e) that Judge Curtin's home was subsequently searched on foot of the said warrant and that Gardaí took possession of a personal computer and other material during the search,

(f) gur chuir údaráis an Gharda comhad imscrúdaithe faoi bhráid an Stiúrthóra Ionchúiseamh Poiblí i mí Dheireadh Fómhair 2002, agus gur threoraigh an Stiúrthóir 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,

(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) 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.

(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. 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 míoiriúnach dá dheasca sin chun oifig Breithimh den Chúirt Chuarda a fheidhmiú.

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):*

**27. 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.”

—*Senator Mary O’Rourke.*

**28. Tairiscintí nach ón Rialtas:**

Non-Government Motions:

1. “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]**

2. “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]**

3. “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]**

- 
4. “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]**

---

5. “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]**

- 
6. “That Seanad Éireann calls on the Government to end the practice of making political appointments to the judiciary.”

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

---

7. “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 put 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]**

---

8. “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]**

---

9. “That Seanad Éireann:

- welcomes the publication of the Report of the Consumer Strategy Group and is in agreement with the Group that in order to ensure the needs of the modern consumer are met, it is essential that a new Agency with an expanded remit be established;
- congratulates the Minister for Enterprise, Trade and Employment, Michael Martin T.D. on the decision to establish a new statutory National Consumer Agency to promote and protect consumer interests;
- maintains that the new Agency will ensure for the first time that the interests of consumers will be brought to the forefront of national and local decision making in Ireland;
- supports the establishment of the Board of the new National Consumer Agency on an interim basis until such time as the necessary legislation can be enacted to establish the Agency on a statutory footing;
- believes the new Agency will act as a forceful advocate for the consumer and that it will have the necessary powers, functions and support to challenge vested interests and to ensure that the consumers voice is heard;
- notes the comprehensive nature of the entire Consumer Strategy Group Report which contains over 30 separate recommendations and welcomes the decision to establish a High Level Interdepartmental Committee to examine all the Group’s recommendations and to report back to Government with a detailed implementation plan within 3 months;

- supports the decision of the Minister to engage in a public consultation process on the future of the Groceries Order and notes that process is expected to be completed within two months; and
- urges the Minister to continue to bring forward initiatives in the area of consumer awareness, advocacy and education which will help to demonstrate to consumers that further progress can be achieved.”

—*Senators Mary O'Rourke, Eddie Bohan, Cyprian Brady, Peter Callanan, Margaret Cox, Brendan Daly, Timmy Dooley, Geraldine Feeney, Liam Fitzgerald, Camillus Glynn, John Hanafin, Brendan Kenneally, Michael Kitt, Tony Kett, Terry Leyden, Don Lydon, Martin Mansergh, Marc MacSharry, Paschal Mooney, Pat Moylan, Francie O'Brien, Labhrás Ó Murchú, Ann Ormonde, Kieran Phelan, Eamon Scanlon, Jim Walsh, Mary White and Diarmuid Wilson.*

[19 May 2005]

10. “That Seanad Éireann calls on the Minister for Community, Rural and Gaeltacht Affairs that before signing any Placename Order under Section 5 of the Official Languages Act 2003 he shall have due regard for the expressed wishes of the local community concerned and the applicable local authority in each case.”

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

[31 May 2005]

*Leasú:*

*Amendment:*

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

“notes that the Placenames (Ceantair Ghaeltachta) Order 2004 was published in draft form in June 2004 by the Minister for Community, Rural and Gaeltacht Affairs to encourage consultation with local communities and other interested parties in the Gaeltacht; notes that a total of 24 submissions in writing were received relating to the draft Order as a result of this active consultation process with Gaeltacht communities; notes that a number of amendments to the Order were made on the advice of An Coimisiún Logainmneacha based on these submissions; welcomes this consultative approach to the matter by Minister for Community, Rural and Gaeltacht Affairs and welcomes the making by him of the Order in December 2004; and further notes that the effect of the Order is that the original placenames of Gaeltacht areas now have official status in law for the first time.”

—*Senator Mary O'Rourke.*

11. “That Seanad Éireann urges the Government as of this September to increase the number of places in Irish medical schools for EU students to 700 as recommended in the Hanly Report of October 2003; and to provide the resources to so do in order to allow for an adequate supply of doctors for the Irish health service.”

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

[14 June 2005]

12. “That Seanad Éireann

— conscious of the outmoded and non user-friendly nature of the process associated with registering, changing address and application for postal votes;

- conscious of the procedural difficulties encountered in the up dating of the Electoral Register, particularly the failure to include eligible voters, recently relocated or those turned 18 years;
- conscious of the lack of an up-date in relation to electronic voting; calls for
  - root and branch reform of the electoral process,
  - review of procedures associated with the up-dating of the Electoral Register,
  - an assurance of greater accuracy and accessibility for those registering,
  - information campaigns on the role of Local Government, the European Parliament, the Houses of the Oireachtas and the President prior to the relevant election, highlighting the importance of transfers in the proportional representational system,
  - widening of the grounds of application for a postal ballot and an extension of deadline for applications,
  - definitive up-date on electronic voting, in particular costly storage of obsolete machines; and

automatic registration of all 18 year olds using the PPS serial number provided by the Department of Social and Family Affairs.’

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

**[22 June 2005]**

---

**29.** An Seanad a chur ar athló.  
Adjournment of the Seanad.

---

**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.

---

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.

---

An Bille um Chistí Infheistíochta, Cuideachtaí agus Forálacha Ilghnéitheacha 2005.  
Investment Funds, Companies and Miscellaneous Provisions Bill 2005.

---

An Bille um Ghairmithe Sláinte agus Cúraim Shóisialaigh 2004.  
Health and Social Care Professionals Bill 2004.

---

An Bille um Leasanna Idirnáisiúnta i dTrealamh Soghluaiste (Coinbhinsiún Cape Town) 2005.  
International Interests in Mobile Equipment (Cape Town Convention) Bill 2005.

---

An Bille um Athchóiriú an Dlí Reachtuil (Réamh-1922) 2004.  
Statute Law Revision (Pre-1922) Bill 2004.

---

An Bille Aerloingseoireachta agus Aeriompair (Slánaíochtaí) 2005.  
Air Navigation and Transport (Indemnities) Bill 2005.

---

#### MEMORANDA

*Déardaoin, 23 Meitheamh, 2005*  
*Thursday, 23rd June, 2005*

Cruinniú den Chomhchoiste um Shláinte agus Leanaí i Seomra Coiste 2, TL 2000,  
ar 9.30 a.m.  
Meeting of the Joint Committee on Health and Children in Committee Room 2, LH 2000,  
at 9.30 a.m.

---

Cruinniú den Chomhchoiste um Thalmhaíocht agus Bia i Seomra Coiste 4, TL 2000,  
ar 11.30 a.m.  
Meeting of the Joint Committee on Agriculture and Food in Committee Room 4,  
LH 2000, at 11.30 a.m.

---

*Dé Máirt, 28 Meitheamh, 2005*  
*Tuesday, 28th June, 2005*

Cruinniú den Chomhchoiste um Ghnóthaí Eachtracha i Seomra Coiste 3, TL 2000, ar 2.30 p.m.  
 Meeting of the Joint Committee on Foreign Affairs in Committee Room 3, LH 2000, at 2.30 p.m.

---

Cruinniú den Choiste Feidhmiúcháin de Chumann Parlaiminteach na hÉireann i Seomra 2 (tríd an bPríomh-Halla), Teach Laighean, ar 5.30 p.m. (*príobháideach*)  
 Meeting of the Executive Committee of the Irish Parliamentary Association in Room 2 (off the Main Hall), Leinster House, at 5.30 p.m. (*private*).

---

*Dé Céadaoin, 29 Meitheamh, 2005.*  
*Wednesday, 29th June, 2005.*

Cruinniú den Chomhchoiste um Fhiontraíocht agus Mionghnóthaí i Seomra Coiste 3, TL 2000, ar 9.30 a.m.  
 Meeting of the Joint Committee on Enterprise and Small Business in Committee Room 3, LH 2000, at 9.30 a.m.

---

Cruinniú den Chomhchoiste um Chomhshaol agus Rialtas Áitiúil i Seomra Coiste 2, TL 2000, ar 11.00 a.m.  
 Meeting of the Joint Committee on the Environment and Local Government in Committee Room 2, LH 2000, at 11.00 a.m.

---

PÁIPÉIR A LEAGADH FAOI BHRÁID AN tSEANAID  
*Papers laid before the Seanad*

*Reachtúil:*

1) Togra le haghaidh Rialacháin ón gComhairle lena leasaítear Rialachán (CEE) Uimh. 1907/90 maidir le caighdeáin mhar-  
 gaíochta áirithe le haghaidh uibheacha mar aon le nóta faisnéise míniúcháin. COM (2005) 215.

2) Togra le haghaidh Cinnidh ón gComhairle maidir le críochnú Comhaontaithe ar mhodh malartú litreacha idir an Comhphobal Eorpach agus Stáit Aontaithe Mheiriceá i ndáil leis an modh ríofa dleachtanna feidhmeacha i gcomhair ríse scilte agus lena leasaítear Cinntí 2004/617/CE, 2004/618/CE agus 2004/619/CE mar aon nóta faisnéise míniúcháin. COM (2005) 202.

3) Togra le haghaidh Cinnidh ón gComhairle maidir le comhsheasamh an Chomhphobail ar Dhréachtchinneadh Uimh. 2/2005 ón gComhchoiste arna bhunú leis an gComhaontú ar mhodh Malartú Litreacha idir Comhphobal Eacnamaíochta na hEorpa agus

*Statutory:*

1) Proposal for a Council Regulation amending Regulation (EEC) No. 1907/90 on certain marketing standards for eggs together with explanatory information note. COM (2005) 215.

2) Proposal for a Council Decision on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice and amending Decisions 2004/617/EC, 2004/618/EC and 2004/619/EC together with explanatory information note. COM (2005) 202.

3) Proposal for a Council Decision on the Community common position on the draft Decision No. 2/2005 of the Joint Committee set up by the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality

Prionsacht Andóra maidir le cúrsaí tréidliachta mar aon le nóta faisnéise míniúcháin. COM (2005) 211.

4) Togra le haghaidh Cinnidh ón gComhairle ar sheasamh ón gComhphobal laistigh de Chomhchoiste CE-Oileáin Fharó ar na leasuithe ar Chinneadh Uimh. 1/2001 maidir le ceadú phlean teagmhais Oileáin Fharó i gcomhair galar éisc agus Oileáin Fharó a áireamh sa Chóras Fógrúcháin Galar Ainmhithe mar aon le nóta faisnéise míniúcháin. COM (2005)176.

5) Togra le haghaidh Cinnidh ón gComhairle maidir le críochnú an Chomhaontaithe ar mhodh malartú litreacha i ndáil le cur chun feidhme sealadach an Phrótacail lena leagtar amach na deiseanna iascaireachta agus an ranníocaíocht airgid dá bhforáiltear sa Chomhaontú idir Comhphobal Eacnamaíochta na hEorpa agus Poblacht Chónaidhme Ioslamach Oileáin Chomóra maidir le hiascaireacht amach ó Oileáin Chomóra don tréimhse ón 1 Eanáir, 2005 go dtí an 31 Nollaig, 2010 mar aon le nóta faisnéise míniúcháin. COM (2005) 186.

6) Fiontraíocht Éireann. Tuarascáil Bhliantúil agus Cuntais, 2004.

7) Íocaíochtaí Tacaíochta Airgeadais le Client-Chuideachtaí, an bhliain dar chríoch 31 Nollaig, 2004.

*Neamhreachtúil:*

1) Creatchinneadh ón gComhairle AE [Beartaithe] an creat dlí choiriúil a neartú i dtaca le forghníomhú an dlí in aghaidh truaillithe ó longfhoinsí.

of Andorra concerning veterinary matters together with explanatory information note. COM (2005) 211.

4) Proposal for a Council Decision on a Community position within the EC-Faroe Islands Joint Committee on the amendments to Decision No. 1/2001 as regard the approval of the Faroese contingency plan for fish diseases and the inclusion of the Faroe Islands in the Animal Disease Notification System together with explanatory information note. COM (2005) 176.

5) Proposal for a Council Decision on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 1 January, 2005 to 31 December, 2010 together with explanatory information note. COM (2005) 186.

6) Enterprise Ireland. Annual Report and Accounts, 2004.

7) Financial Support Payments to Client Companies, year ending 31 December, 2004.

*Non Statutory:*

1) [Proposed] EU Council Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution.