

*Dé Céadaoin, 10 Samhain, 2010*  
*Wednesday, 10th November, 2010*

10.30 a.m.

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RIAR NA hOIBRE

*Order Paper*

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GNÓ POIBLÍ

*Public Business*

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1. Ráitis maidir le héifeacht an chúlaithe eacnamaíochta ar mheabhairshláinte.  
 Statements on the effects of recession on mental health.

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2. Ráitis i ndáil leis an ‘Treoir maidir le hObair Ghníomhaireachta Shealadach’ ón AE.  
 Statements on the EU ‘Temporary Agency Work Directive’.

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3. Ráitis maidir leis an tábhacht atá le Cearta Maoine Intleachtúla a chosaint.  
 Statements on the importance of protecting Intellectual Property rights.

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4. Ráitis maidir le leibhéal an phlódaithe faoi láthair i bPríosúin na hÉireann (*atógáil*).  
 Statements on the current overcrowding levels in Irish Prisons (*resumed*).

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5. An Bille Ombudsman (Leasú) 2008 [*Dáil*] — An Dara Céim.  
 Ombudsman (Amendment) Bill 2008 [*Dáil*] — Second Stage.

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6. An Bille Cróinéirí 2007 — An Coiste.  
 Coroners Bill 2007 — Committee.

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7. An Bille Cumarsáide (Sonraí a Choimeád) 2009 [*Dáil*] — An Coiste.  
 Communications (Retention of Data) Bill 2009 [*Dáil*] — Committee.

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8. An Bille chun Airm Úráiniam Laghdaithe a Thoirmeasc 2009 — An Coiste.  
 Prohibition of Depleted Uranium Weapons Bill 2009 — Committee.  
 —*Senators Dan Boyle, Fiona O’Malley.*

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9. Bille na dTeangacha Oifigiúla (Leasú) 2005 — An Dara Céim.  
 Official Languages (Amendment) Bill 2005 — Second Stage.  
 —*Senators Joe O’Toole, Paul Coghlan, David Norris.*

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- 10.** An Bille um Chosaint Coigiltis Comhair Creidmheasa 2008 — An Dara Céim.  
Credit Union Savings Protection Bill 2008 — Second Stage.  
—*Senators Joe O’Toole, David Norris, Feargal Quinn, Shane Ross, Ivana Bacik, Rónán Mullen.*
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- 11.** An Bille um Chumas Meabhrach agus Caomhnóireacht 2008 — An Dara Céim.  
Mental Capacity and Guardianship Bill 2008 — Second Stage.  
—*Senators Joe O’Toole, David Norris, Feargal Quinn, Shane Ross, Ivana Bacik.*
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- 12.** An Bille um Chosaint Tomhaltóirí (Leasú) 2008 — An Dara Céim.  
Consumer Protection (Amendment) Bill 2008 — Second Stage.  
—*Senators Brendan Ryan, Alex White, Dominic Hannigan, Michael McCarthy, Phil Prendergast.*
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- 13.** An Bille um Dhliteanas Sibhialta (Leasú) (Uimh. 2) 2008 — An Dara Céim.  
Civil Liability (Amendment) (No. 2) Bill 2008 — Second Stage.  
—*Senators Eugene Regan, Frances Fitzgerald, Maurice Cummins.*
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- 14.** An Bille um Fhorais Chreidmheasa (Tacaíocht Airgeadais) (Leasú) 2009 —  
An Dara Céim.  
Credit Institutions (Financial Support) (Amendment) Bill 2009 — Second Stage.  
—*Senators Paul Coghlan, Maurice Cummins, Frances Fitzgerald.*
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- Bille (atógáil) (0.03 n. fágtha):*  
*Bill (resumed) (0.03 m. remaining):*
- 15.** An Bille um Chosaint Aeráide 2007 — An Dara Céim (*atógáil*).  
Climate Protection Bill 2007 — Second Stage (*resumed*).  
—*Senators Ivana Bacik, Joe O’Toole, Shane Ross, David Norris, Feargal Quinn.*
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- Bille (atógáil) (0.03 n. fágtha):*  
*Bill (resumed) (0.03 m. remaining):*
- 16.** An Bille um Orgáin de chuid Chorp an Duine agus Fíocháin Dhaonna 2008 —  
An Dara Céim (*atógáil*).  
Human Body Organs and Human Tissue Bill 2008 — Second Stage (*resumed*).  
—*Senator Feargal Quinn.*
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- 17.** (l) An Bille Meabhair-Shláinte (Bearta Ainneonacha) (Leasú) 2008 — An Coiste  
(*alt 1, atógáil*).  
(a) Mental Health (Involuntary Procedures) (Amendment) Bill 2008 — Committee  
(*section 1, resumed*).  
—*Senator Dan Boyle.*
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- 18.** An Bille um Chiorrú Ball Giniúna Baineann 2010 — An Dara Céim (*atógáil*).  
Female Genital Mutilation Bill 2010 — Second Stage (*resumed*).  
—*Senator Ivana Bacik.*
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*Tíolactha:*

*Presented:*

- 19.** An Bille um Príobháideacht 2006 — Ordú don Dara Céim.  
Privacy Bill 2006 — Order for Second Stage.

Bille dá ngairtear Acht do dhéanamh socrú maidir le Tort arb éard é Príobháideacht a Shárú; agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an méid sin.

Bill entitled an Act to provide for a Tort of Violation of Privacy; and to provide for matters connected therewith.

—*Senator Donie Cassidy.*

- 20.** An Bille um Fhorais Chultúir Náisiúnta (Leasú) 2008 — Ordú don Dara Céim.  
National Cultural Institutions (Amendment) Bill 2008 — Order for Second Stage.

Bille dá ngairtear Acht do leasú an Achta um Fhorais Chultúir Náisiúnta 1997.

Bill entitled an Act to amend the National Cultural Institutions Act 1997.

—*Senator Alex White.*

- 21.** An Bille um Réamhchinntí Cúraim Sláinte 2010 — Ordú don Dara Céim.  
Advance Healthcare Decisions Bill 2010 — Order for Second Stage.

Bille dá ngairtear Acht do dhéanamh socrú maidir le daoine inniúla do dhéanamh cinntí roimh ré maidir le cóireáil liachta d'fhonn go ndéanfaí socrú dá éis sin, de bharr na gcinntí sin, maidir le cúram a sholáthar nó a choinneáil siar tráth nach mbeidh an duine inniúil chun cinntí maidir le cóireáil a dhéanamh; do leasú an Achta um Chumhachtaí Aturnae 1996 chun a cheadú d'aturnaetha, faoin Acht sin, cinntí maidir le cóireáil cúraim sláinte a dhéanamh; agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

Bill entitled an Act to provide for the making of medical treatment decisions in advance by competent persons with the intention of those decisions subsequently providing for the provision or withholding of care at a time when the person loses competence to make treatment decisions; to amend the Powers of Attorney Act 1996 to allow for attorneys under that Act to take healthcare treatment decisions; and to provide for connected matters.

—*Senator Liam Twomey.*

- 22.** An Bille um Rialáil Leapacha Gréine 2010 — Ordú don Dara Céim.  
Sunbeds Regulation Bill 2010 — Order for Second Stage.

Bille dá ngairtear Acht do rialáil úsáid feistí donnúcháin ina n-úsáidtear radaíocht ultraivialait shaorga; agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

Bill entitled an Act to regulate the use of tanning devices that use artificial ultra-violet radiation; and to provide for connected matters.

—*Senators Frances Fitzgerald, Ciaran Cannon, Eugene Regan, Fidelma Healy Eames, Jerry Buttimer, Joe O'Reilly, John Paul Phelan, Liam Twomey, Maurice Cummins, Nicky McFadden, Paddy Burke, Paschal Donohoe, Paudie Coffey, Paul Bradford, Paul Coghlan.*

**23. An Bille Staidrimh (Leasú i leith Oidhreachta) 2010 — Ordú don Dara Céim.**  
 Statistics (Heritage Amendment) Bill 2010 — Order for Second Stage.

Bille dá ngairtear Acht do leasú an Achta Staidrimh 1993, i ndáil leis an gcéad daonáireamh ar Éirinn a rinneadh ó bunaíodh an Stát; do thabhairt stádas oidhreachta don daonáireamh sin agus do chur faoi deara é a chur ar fáil don phobal le haghaidh taighde ginealais, staire agus taighde eile.

Bill entitled an Act to amend the Statistics Act 1993, in relation to the first census of population of Ireland taken since the establishment of the State; to afford that census a special heritage status and to have such released to the public for genealogical, historical and other research.

—*Senator Labhrás Ó Murchú.*

**24. An Bille um Rabhadh Radaíochta le haghaidh Guthán Póca 2010 — Ordú don Dara Céim.**

Mobile Phone Radiation Warning Bill 2010 — Order for Second Stage.

Bille dá ngairtear Acht do dhéanamh socrú go ndéanfar lipéad rabhaidh a dhaingniú de chásáil sheachtrach guthán póca agus ar phacáistiú gaolmhar, ina ndéanfar go soiléir go n-astaíonn gutháin phóca radaíocht leictreamaighnéadach.

Bill entitled an Act to provide that a warning label shall be affixed to the exterior casing of mobile phones and on related packaging, which shall state clearly that mobile phones emit electromagnetic radiation.

—*Senator Mark Daly.*

*Tugadh Isteach:*  
*Introduced:*

**25. An Bille um Chosaint Sceithirí (Uimh. 2) 2010 — An Chéad Chéim.**  
 Whistleblowers Protection (No. 2) Bill 2010 — First Stage.

Bille dá ngairtear Acht do thabhairt cosanta ar dhliteanas sibhialta nó ar phionósú d'fhostaithe a dhéanann nochtadh cosanta áirithe i ndáil le gnóthaí a bhfostóirí agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to provide protection from civil liability or penalisation to employees who make certain protected disclosures in relation to the affairs of their employers and to provide for related matters.

—*Senators Dominic Hannigan, Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik.*

*Ráitis (atógáil):*  
*Statements (resumed):*

**26. Ráitis maidir le Conradh Liospóin um Athchóiriú (atógáil).**  
 Statements on the Lisbon Reform Treaty (*resumed*).

**27. Ráitis faoin Tuarascáil maidir le Grinnscrúdú AE (Uimh. 21) dar teideal Faisnéis faoi Bhia a Sholáthar do Thomhaltóirí (atógáil).**

Statements on the Report on EU Scrutiny (No. 21) entitled Provision of Food Information to Consumers (*resumed*).

28. Ráitis maidir leis an mBuiséad 2010 (*atógáil*).  
Statements on Budget 2010 (*resumed*).
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29. Ráitis maidir le Poist a Chruthú (*atógáil*).  
Statements on Job Creation (*resumed*).
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*Tairiscintí:*  
*Motions:*

30. “Go dtugann Seanad Éireann dá aire an Tuarascáil ón gComhchoiste um Ghnóthaí Eorpacha, Aontas Airgeadaíochta Eorpach: Dúshláin agus Roghanna, (Rapporteur: An Seanadóir Paschal Donohoe), ar leagadh cóipeanna di faoi bhráid Sheanad Éireann an 13 Iúil, 2010.

That Seanad Éireann notes the Report of the Joint Committee on European Affairs, European Monetary Union: Challenges and Options, (Rapporteur: Senator Paschal Donohoe), copies of which were laid before Seanad Éireann on 13th July, 2010.”

—*Senator Donie Cassidy.*  
**[28 September, 2010]**

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31. “Go dtugann Seanad Éireann dá aire an Tuarascáil ón gComhchoiste ar an mBunreacht dar teideal ‘*Airteagal 16 den Bhunreacht — Athbhreithniú ar an gCóras Toghcháin chun Comhaltáí de Dháil Éireann a thoghadh*’ a leagadh faoi bhráid Sheanad Éireann an 22 Iúil, 2010.

That Seanad Éireann notes the Report of the Joint Committee on the Constitution entitled ‘*Article 16 of the Constitution — Review of the Electoral System for the Election of Members to Dáil Éireann*’ which was laid before Seanad Éireann on 22 July, 2010.”

—*Senator Donie Cassidy.*  
**[28 September, 2010]**

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32. “Go dtugann Seanad Éireann dá aire an Tuarascáil ón gComhchoiste um Ghnóthaí Eorpacha agus ón gComhchoiste um Ghrinnscrúdú Eorpach maidir leis an Athbhreithniú ar Ról an Oireachtais i nGhnóthaí Eorpacha (Tuarascáil ón gComh-Fhochoiste), ar leagadh cóipeanna di faoi bhráid Sheanad Éireann an 7 Iúil, 2010.

That Seanad Éireann notes the Report of the Joint Committee on European Affairs and the Joint Committee on European Scrutiny on the Review of the Role of the Oireachtas in European Affairs (Report of the Joint sub-Committee), copies of which were laid before Seanad Éireann on 7th July, 2010.”

—*Senator Donie Cassidy.*  
**[14 October, 2010]**

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33. *Tairiscintí nach ón Rialtas:*  
*Non-Government Motions:*

1. “That Seanad Éireann sets up a special committee to investigate the origins and causes of the banking crisis.”

—*Senators Shane Ross, Joe O’Toole, Rónán Mullen, Feargal Quinn, Eoghan Harris, David Norris.*

**[20 January, 2010]**

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2. “That Seanad Éireann urges the Government to introduce legislation aimed at regulating the sale of dangerous, non quality controlled and indeterminately compounded substances through so called ‘Head Shops’.”

—*Senators David Norris, Joe O’Toole.*

**[20 January, 2010]**

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## 3. “That Seanad Éireann:

recognising:

- tourism revenue dropped by €1.1bn in 2009 to €5.2bn, its lowest level since 2004;
- overseas visitor numbers fell by close to one million in 2009 compared to 2008;
- Ireland’s largest tourism market, the United Kingdom, declined by 16%;
- access to Ireland has become worryingly restricted with the ongoing removal of routes and restrictions in airline capacity at both Shannon and Dublin airports;

considering:

- the introduction of a departure tax was short-sighted, counterproductive and a deterrent to the survival of the tourism industry;
- the yield from the departure tax in 2009 at €84.4m was a counterproductive measure considering the overall drop in tourism revenue;
- other European countries such as Belgium, Denmark, Holland, Spain and Greece have moved to reduce airport charges and withdraw tourist taxes in an effort to boost tourism; and

calls on Government to immediately abolish the departure tax.”.

—*Senators Paul Coghlan, Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Ciaran Cannon, Paudie Coffey, Maurice Cummins, Paschal Donohoe, Fidelma Healy-Eames, Nicky McFadden, Joe O’Reilly, John Paul Phelan, Eugene Regan, Liam Twomey.*

**[18 February, 2010]**

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4. “That the Broadcasting Act 2009 (Section 33) Levy Order 2010 (S.I. No. 7 of 2010) be and is hereby annulled.”.

—*Senators Joe O’Toole, Shane Ross, Frances Fitzgerald, Joe O’Reilly, Rónán Mullen, Feargal Quinn, David Norris, Alex White, Paudie Coffey.*

**[10 March, 2010]**

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5. “That Seanad Éireann requests the Joint Committee on Agriculture, Fisheries and Food, or a sub-Committee thereof, to consider, including in public session, the Special Report of the Ombudsman relating to the Lost at Sea Scheme made to the Dáil and Seanad in accordance with Section 6(5) and 6(7) of the Ombudsman Act 1980, and to report back to Seanad Éireann within three months concerning the legislative and administrative implications of the Report, its findings and conclusions.”.

—*Senators Michael McCarthy, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan.*

**[11 March, 2010]**

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6. “That Seanad Éireann takes note of the Frontline report on the situation regarding Shell to Sea and the Corrib Gas Field and in particular the assaults perpetrated against Mr. William Corduff.”.

—*Senators David Norris, Joe O’Toole, Pearse Doherty.*

**[29 April, 2010]**

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7. “That Seanad Éireann calls for the establishment of a Special Committee of the Seanad to examine the origin, background and policies of the International Rating Agencies in particular with reference to their impact upon this State.”.

—*Senators David Norris, Joe O’Toole, Frances Fitzgerald, Paddy Burke, Paul Bradford, Jerry Buttimer, Ciaran Cannon, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Joe O’Reilly, John Paul Phelan, Eugene Regan, Liam Twomey, Pearse Doherty, Eoghan Harris, Shane Ross.*

**[5 May, 2010]**

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8. “That Seanad Éireann urges the Government to implement the recommendation of various committees including the Oireachtas Committee on the Constitution Report of 1998 on the Presidency which the parties have agreed in principle that in order fully to democratise our highest institutions of State a petition containing 10,000 authorised signatures should be sufficient to enable an Irish citizen in good standing to stand for election as President of Ireland.”.

—*Senators David Norris, Joe O’Toole, Feargal Quinn, Niall Ó Brolcháin.*

**[12 May, 2010]**

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9. “That, in the light of the recent statements of the Director of Public Prosecutions concerning white collar crime and a series of high profile whistleblower incidents in the financial sector, Seanad Éireann calls on the Government to investigate as a matter of urgency all necessary and related legislative and constitutional reforms that may be necessary in this area and in particular to introduce measures to protect whistleblowers as already mooted in the Oireachtas.”.

—*Senators David Norris, Ivana Bacik, Feargal Quinn, Rónán Mullen.*

**[18 May, 2010]**

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10. “That Seanad Éireann:

notes with concern that:

- Ireland has suffered the longest and deepest recession of any euro-zone country because of reckless domestic management of the economy;
- investment, consumption, employment and living standards continued to decline in the first quarter of this year;
- the seasonally-adjusted numbers of the Live Register rose by a further 5,800 in June and the actual number claiming now exceeds 450,000 for the first time ever;
- the Government plans to cut a further €14 billion from investment spending in between 2011-14 compared with the original commitments in the National Development Plan;
- the estimated taxpayer losses from the Government’s banking strategy has reached €25 billion and is rising, even as it has failed to restore credit availability to industry; and
- market confidence in the Government’s economic plan is declining, as evidenced by the rising gap between Irish and German borrowing costs.

Calls on the Government to:

- recognise that its economic plan is failing to undo the loss of international financial market confidence in Ireland;
- put jobs and industry growth at the centre of its economic strategy;
- review its banking strategy to limit the taxpayers' exposure and to focus resources on supporting new lending to viable businesses;
- delay further cuts to investment spending until employment starts to recover; and
- restructure and re-capitalise the semi-state utilities in order to raise the necessary commercial funding to accelerate investments in water, high speed broadband and clean energy.”.

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Ciaran Cannon, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy-Eames, Nicky McFadden, Joe O'Reilly, John Paul Phelan, Eugene Regan, Liam Twomey.*

**[2 July, 2010]**

*Leasú:*

*Amendment:*

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

“commends the Government for:

- its management of the economy which means that Ireland has emerged from recession with the strongest GDP growth rate of the euro area in the first quarter of this year;
- the policies it is pursuing to maintain credibility and sustainability in the public finances, which have been recognised internationally;
- the initiatives taken by the Government to preserve the stability of the banking system and to address the issue of asset quality in the banking system through strengthening the banks balance sheets in order to facilitate the flow of credit to viable borrowers and thereby underpin economic recovery;
- the measures taken to protect employment including the Stabilisation Fund, the Temporary Employment Subsidy and the PRSI Exemption scheme with the result that employment levels remain at nearly 1.9 million people, which is about half a million more than in 1997;
- the measures taken to provide additional opportunities in education, training and work placement for the unemployed to assist them in returning to the labour market;

and notes that:

- confidence has improved and spending on discretionary items such as cars has increased;
- the Government has kept spending for investment at high levels relative to national income by international standards;
- the public finances are stabilising and are generally in line with expectations for this point in the year;



- whilst the labour market has deteriorated significantly recently, nearly 1.9 million people are still in employment, which is about half a million more than in 1997;
- virtually all OECD countries have experienced major economic and financial difficulties over the past two years or so;
- notwithstanding volatility on foreign sovereign debt markets, the NTMA has at the mid year point, raised over 80 per cent of the funding requirements for 2010 and we are in a comfortable position with regard to funding this year and even if we did no further borrowing this year, existing cash reserves would cover our borrowing requirements for the remainder of the year;
- the Government through its ongoing management will continue to address the economic, fiscal and banking sector issues facing the country over the coming years in a responsible and sustainable manner.”.

—*Senator Donie Cassidy.*

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11. “That Seanad Éireann affirms that each Senator should vote according to his or her conscience on the Civil Partnership and Certain Rights and Obligations of Cohabitants Bill 2009 and, accordingly, calls on all political parties to allow a free vote to their members when any vote is called on the Bill itself, or on its individual sections, or on any amendment tabled.”.

—*Senators Rónán Mullen, Feargal Quinn, Shane Ross.*

**[7 July, 2010]**

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12. “That Seanad Éireann urges the Government to ratify the Aarhus Convention.”.

—*Senators David Norris, Feargal Quinn, Joe O’Toole, Shane Ross.*

**[29 September, 2010]**

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13. “That Seanad Éireann:

notes with concern that:

- Ireland continues to suffer the longest and deepest recession of any euro-zone country because of reckless domestic management of the economy;
- Consumer spending, output, employment and living standards continued to decline in the second quarter of this year;
- the seasonally-adjusted numbers of the Live Register rose by a further 21,500 in the period April to August and the actual number claiming the dole now exceeds 466,000 for the first time ever;
- the estimated taxpayer losses from the Government’s banking strategy has now reached €28 billion, even as data from the European Central Bank confirms that credit availability for industry continues to worsen;
- domestic and international confidence in the Government’s economic plan is evaporating, as evidenced by the alarming rise in the gap between Irish and German borrowing costs;
- the Government plans to cut a further €14 billion from investment spending in between 2011-14 compared with the original commitments in the National Development Plan;

calls on the Government to steer Ireland away from economic disaster by putting jobs, reform and industry growth at the centre of a new confidence-building economic strategy, in particular by:

- using the National Pension Reserve Fund and sales of non strategic state assets to accelerate the investments in water, high speed broadband and clean energy needed to improve competitiveness and stimulate the economy;
- cutting employers' PRSI rates for the low paid;
- scrapping the Travel Tax as part of a deal with the airline industry to expand services and tourist numbers;
- publishing a full audit of lending commitments by AIB and Bank of Ireland;
- providing partial loan guarantee for small and medium sized enterprises; and
- by publishing an action plan for implementing the recommendations of the National Competitiveness Council and the Competition Authority in order to improve Ireland's cost competitiveness."

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Ciaran Cannon, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy-Eames, Nicky McFadden, Joe O'Reilly, John Paul Phelan, Eugene Regan, Liam Twomey.*

**[29 September, 2010]**

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14. "That Seanad Éireann expresses its concern at the implication of Government health policy on hospitals in Wexford, Galway and Tipperary and seeks an urgent debate on this issue."

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Ciaran Cannon, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy-Eames, Nicky McFadden, Joe O'Reilly, John Paul Phelan, Eugene Regan, Liam Twomey.*

**[29 September, 2010]**

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15. "That Seanad Éireann condemns without reservation the decision of the HSE to impose a fifty cent perscription charge on patients including the homeless and the terminally ill."

—*Senators David Norris, Ivana Bacik.*

**[7 October, 2010]**

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16. "De réir Bhuanordú 75 de na Buan-Orduithe i dtaobh Ghnó Poiblí Sheanad Éireann, go mbeadh díospóireacht ar an Tríú Tuarascáil ón gComhchoiste um Ghnóthaí Turasóireachta, Cultúir, Spóirt, Pobail, Comhionannais agus Gaeltachta maidir leis an Dréacht-Stráitéis 20 Bliain don Ghaeilge i Seanad Éireann."

—*Senators Pearse Doherty, Joe O'Toole.*

**[13 October, 2010]**

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17. "That Seanad Éireann notes the recent publication of the National Housing Development Survey and is concerned that:

- many completed houses are unoccupied despite a huge demand for social and affordable housing and there is no mechanism to transfer properties in ghost

estates controlled by NAMA to local authorities for social and affordable housing and other community uses;

- many estates are still lacking completed roads, pathways and open spaces;
- there is no clarity around who will pay to complete unfinished estates;

and calls on the Government to step up their efforts to address these issues.”

—*Senators Dominic Hannigan, Alex White, Ivana Bacik, Michael McCarthy, Phil Prendergast, Brendan Ryan.*

**[9 November, 2010]**

*Leasú:*

*Amendment:*

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

“• notes the recent publication of the National Housing Development Survey which:

- provides an authoritative analysis of the extent and location of vacant housing units in unfinished estates;
- shows that there are 23,000 complete and unoccupied new units in these developments with a further 10,000 units near completion;
- sets out a detailed analysis in relation to the availability of services (roads, lighting and footpaths) in these developments;
- welcomes the establishment of a high-level Expert Group comprising the key stakeholders to advise on practical and policy solutions to ensure satisfactory completion or resolution of unfinished housing developments;
- looks forward to the preparation of a Code of Practice by the Group for managing and resolving issues in unfinished housing developments;
- notes the intention that the Group to finalise its works as a matter of urgency; and
- welcomes the potential role of the social housing leasing initiative in matching up housing oversupply with social housing need to accelerate social housing delivery in the most cost effective manner achievable.”

—*Senator Donie Cassidy.*

18. “That Seanad Éireann considers and takes note of as a matter of urgency:

- the resolution of Seanad Éireann on 18th September 1997 which established a Tribunal of Inquiry (Moriarty Tribunal) ‘to inquire urgently’ into Payments to Politicians;
- the resolution of Seanad Éireann on 8th October 1997 which established a Tribunal of Inquiry (Flood/Mahon Tribunal) ‘to inquire urgently’ into specific Planning Matters;
- the recent Supreme Court Decision in *Murphy & Ors v Flood & Ors*;
- the huge level of fees and the escalating costs of these Tribunals;
- the comments of Mr. Justice Hardiman in the aforementioned Supreme Court decision on the immense duration of these tribunals and their consequential costs

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and the absence of any international comparator for length, complexity, expense or readiness to recourse to a tribunal;

- the risk now facing the State of having to meet the legal costs of many of the parties that have been before the Tribunals, regardless of adverse tribunal findings, bearing in mind the unanimous Supreme Court Judgement;
- the potential risk of the State becoming embroiled in having to defend the findings of Tribunals, were such to be challenged on the grounds of flawed procedure, mistakes made, or infringement of constitutional rights, and, any consequential exposure to significant legal costs and compensation;
- the recent acknowledgement by Mr. Justice Michael Moriarty of two errors involving a failure to circulate a minute or memorandum of a 2002 private meeting between tribunal lawyers and legal representatives of the Attorney General's Office, and secondly, having to accept that no letter was ever issued from the Attorney General's office stating that Mr. Richard Nesbitt's SC legal opinion did not cover 'the change of ownership issue';
- the implications, if any, of the aforementioned errors, in respect of the provisional findings and/or of future findings of that Tribunal;
- the large number of expensive High Court and Supreme Court challenges to proceedings at the Mahon/Flood and Moriarty Tribunals to date and, in particular, those cases where the Courts found in favour of the appellants and against the Tribunals;
- any public perception of compromise by virtue of the slow pace and cost of tribunals, and/or where Mr. Justice Hardiman refers to the Tribunal combining the investigative function and the adjudicative function as being fraught with great risks for Justice;
- the recent communication from the Moriarty Tribunal to the Clerk of the Dáil advising that they were unable to indicate when that Tribunal might conclude;

and, in the light, *inter alia*, of the aforementioned, resolves:

- to send a communication advising the Mahon and Moriarty Tribunals of the concern of Seanad Éireann with regard to the huge escalating costs of these Tribunals and the need to conclude deliberations as soon as possible and forward their final report to the Houses of the Oireachtas;
- and that as Seanad Éireann understands the Tribunals have completed or are near completion of their investigative work, the completion of which will allow the Tribunals to discontinue the cost of engaging their legal teams while the Tribunals of Inquiry prepare their final reports, to ask the Mahon and Moriarty Tribunals to now advise Seanad Éireann of their time schedule for completion, and an update of projected overall costs, taking into account recent events;

and

- that in the interim Seanad Éireann investigate the legal practicalities and implications of converting these Tribunals of Inquiry into two Commissions of Inquiry under the aegis of Judge Mahon and Judge Moriarty or, as an alternative, examine establishing a new Independent Commission of Inquiry, in order to achieve a state of preparedness should either option become necessary to avoid accumulating further excessive legal costs.”

—*Senators Jim Walsh, Eoghan Harris.*

**[9 November, 2010]**

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

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BILLÍ AR SIÚL AGUS GNÓ ATÁ ORDAITHE  
*Bills in Progress and Business Ordered*

*Dé Céadaoin, 24 Samhain, 2010.*  
*Wednesday, 24th November, 2010.*

An Bille um Chonarthaí Foirgníochta 2010 — An Coiste.  
Construction Contracts Bill 2010 — Committee.

—*Senator Feargal Quinn.*

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MEMORANDA

*Dé Céadaoin, 10 Samhain, 2010.*  
*Wednesday, 10th November, 2010.*

Cruinniú den Chomhchoiste um Choimirce Shóisialach i Seomra Coiste 2, TL2000,  
ar 11 a.m.

Meeting of the Joint Committee on Social Protection in Committee Room 2, LH2000,  
at 11 a.m.

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Cruinniú den Chomhchoiste um Athrú Aeráide agus Áirithiú Fuinnimh i Seomra  
Coiste 1, TL2000, ar 2.30 p.m.

Meeting of the Joint Committee on Climate Change and Energy Security in Committee  
Room 1, LH2000 at 2.30 p.m.

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Cruinniú den Chomhchoiste um Ghnóthaí Rialála Geilleagair i Seomra Coiste 4,  
TL2000, ar 2.30 p.m.

Meeting of the Joint Committee on Economic Regulatory Affairs in Committee Room 4,  
LH2000, at 2.30 p.m.

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*Déardaoin, 11 Samhain, 2010.*  
*Thursday, 11th November, 2010.*

Cruinniú den Chomhchoiste um Fhorfheidhmiú Chomhaontú Aoine an Chéasta i Seomra  
Coiste 4, TL2000, ar 11.45 a.m.

Meeting of the Joint Committee on the Implementation of the Good Friday Agreement  
in Committee Room 4, LH2000, at 11.45 a.m.

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BILLÍ SEANAID SA DÁIL  
*Seanad Bills with the Dáil*

An Bille um Eitic in Oifigí Poiblí (Leasú) 2007.  
Ethics in Public Office (Amendment) Bill 2007.

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An Bille Caidrimh Thionscail (Leasú) 2009.  
Industrial Relations (Amendment) Bill 2009.

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An Bille um an Dlí Coiriúil (Gealtacht) 2010.  
Criminal Law (Insanity) Bill 2010.

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An Bille um Chúram Leanaí (Leasú) 2009.  
Child Care (Amendment) Bill 2009.

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An Bille um Fhorbairtí Ilaonad 2009.  
Multi-Unit Developments Bill 2009.

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An Bille um Sheirbhísí Maoine (Rialáil) 2009.  
Property Services (Regulation) Bill 2009.

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

*Reachtúil:*

1) Togra leasaithe le haghaidh Rialacháin ó Pharlaimint na hEorpa agus ón gComhairle maidir le bunú ‘EURODAC’ chun méarloirg a chur i gcomparáid chun Rialachán (CE) Uimh. [. . .] a chur chun feidhme go héifeachtach.[ar Rialachán é lena mbunaítear na critéir agus na sásraí lena gcinntear an Ballstát atá freagrach as scrúdú iarratais ar chosaint idirnáisiúnta arna thaisceadh i gceann de na Ballstáit ag náisiúnach tríú tír nó ag duine gan stát] mar aon le nóta faisnéise míniúcháin. COM (2010) 555.

2) Comhairle na nDochtúirí Leighis. Tuarascáil agus Ráitis Airgeadais don bhliain dar chríoch 31 Nollaig, 2008.

3) Oifig an Ombudsman. Cé Thugann Aire? — Imscrúdú i dtaobh an Chirt chun Aire Tí Banaltrais in Éirinn. Samhain, 2010.

*Neamhreachtúil:*

An Conradh ar an Aontas Eorpach: Doiciméid a fuarthas de bhun an Phrótacail maidir le ról Parlaimintí Náisiúnta san Aontas Eorpach. 1 go 5 Samhain, 2010.

*Statutory:*

1) Amended Proposal for a Regulation of the European Parliament and of the Council on the establishment of ‘EURODAC’ for the comparison of fingerprints for the effective application of Regulation (EC) No. [. . .] [establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] together with explanatory information note. COM (2010) 555.

2) Medical Council. Report and Financial Statements for the year ended 31 December, 2008.

3) Office of the Ombudsman. Who Cares? — An Investigation onto the Right to Nursing Home Care in Ireland. November, 2010.

*Non-Statutory:*

Treaty on European Union: Documents received pursuant to Protocol on the role of National Parliaments in the European Union. 1 to 5 November, 2010.