

*Déardaoin, 2 Nollaig, 2010*  
*Thursday, 2nd December, 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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*Tairiscintí:*  
*Motions:*

1. “Go molann an Coiste um Nós Imeachta agus Pribhléidí, de bhun Bhuan-Ordú 89(1)(a), go leasófar Buan-Orduithe Sheanad Éireann i dtaobh Gnó Phoiblí leis seo mar a leanas:—

**(a) BUAN-ORDUITHE 98A, 98B, 98C, 98D agus 98E:**

‘98A. (1) Beidh arna bhunú i dtosach gach Seanaid, Roghchoiste a mbeidh na cumhachtaí a leagtar amach i mBuan-Orduithe 98C, 98D agus 98E arna dtabhairt dó.

(2) Déanfaidh an Seanad, tráth nach déanaí ná an tríú lá suí i ndiaidh thosach sin an tSeanaid agus ar ainmniú an Choiste Roghnóireachta, sé chomhalta a cheapadh chuig an Roghchoiste a bhunófar faoi mhír (1) den Bhuan-Ordú seo, ar córam triúr díobh, agus le linn dó é sin a dhéanamh, déanfaidh sé—

(a) na feidhmeanna a bheidh le comhlíonadh ag an Roghchoiste a mhíniú, agus

(b) na cumhachtaí, más ann, a bheidh le tarmligeán chun an Roghchoiste faoi Bhuan-Ordú 70 a mhíniú.

98B. (1) Maidir le Roghchoiste dá mbeidh cumhachtaí tugtha faoi Bhuan-Orduithe 98C, 98D nó 98E agus a

That, pursuant to Standing Order 89(1)(a) the Committee on Procedure and Privileges recommends that the Standing Orders of Seanad Éireann relative to Public Business are hereby amended as follows:

**(a) STANDING ORDERS 98A, 98B, 98C, 98D and 98E:**

‘98A. (1) There shall stand established, at the commencement of every Seanad, a Select Committee which shall stand conferred with the powers set out in Standing Orders 98C, 98D and 98E.

(2) The Seanad shall, not later than the third sitting day following such commencement and on the nomination of the Committee of Selection, appoint six members to the Select Committee established under paragraph (1) of this Standing Order, of whom three shall constitute a quorum, and in so doing, shall —

(a) define the functions to be performed by the Select Committee, and

(b) define the powers, if any, to be devolved upon the Select Committee under Standing Order 70.

98B. (1) A Select Committee on which powers have been conferred under Standing Orders 98C, 98D or

bheidh comhcheangailte le Roghchoiste arna cheapadh ag Dáil Éireann chun Comhchoiste a dhéanamh, féadfaidh sé a chinneadh, áfach, gníomhú mar Roghchoiste den Seanad maidir le ní sonraithe nó nithe sonraithe nó ar feadh tréimhse ama sonraithe chun na cumhachtaí a dúradh a fheidhmiú.

(2) Beidh sé ina threoir do Roghchoiste dá mbeidh cumhachtaí tugtha faoi Bhuan-Orduithe 98C, 98D nó 98E nach ndéanfaidh sé breithniú ar aon ní a chuimsítear leis na Buan-Orduithe a luadh cheana i gcás go mbeidh an ní sin á bhreithniú cheana féin ag Roghchoiste eile.

(3) Beidh de chumhacht ag gach Roghchoiste dá mbeidh cumhachtaí tugtha faoi Bhuan-Orduithe 98C, 98D nó 98E a iarraidh ar Roghchoiste eile de cheachtar Teach dá mbeidh na cumhachtaí sin tugtha sa tslí chéanna go dtionólfar comhchruinniú den dá Choiste chun ní sonrach nó nithe sonracha comhghníomaíochta a bhreithniú agus, i gcás aon chomhchruinnithe den sórt sin—

(a) gníomhóidh Cathaoirleach an Choiste iarrthaigh mar Chathaoirleach agus, mura féidir don Chathaoirleach a bheith i láthair, beidh feidhm ag forálacha Bhuan-Ordú 78(2) agus (3);

(b) beidh feidhm ag forálacha an dá Choiste i dtaobh córaim fairis an modhnú go laghdófar gach córam den sórt sin de leath agus ansin go gcothromrófar é suas go dtí an chéad slánuimhir eile is gaire; agus

(c) ní bheidh feidhm ag orduithe tagartha an dá Choiste ach amháin a mhéid is orduithe iad a bhaineann leis an dá Choiste.

98E and which has been joined with a Select Committee appointed by Dáil Éireann to form a Joint Committee may nevertheless decide to act as a Select Committee of the Seanad in respect of a specified matter or matters or for a specified time period for the purpose of exercising the said powers.

(2) It shall be an instruction to a Select Committee on which powers have been conferred under Standing Orders 98C, 98D or 98E that it shall not enter into consideration of any matter comprehended by the aforementioned Standing Orders where such matter is already under consideration by another Select Committee.

(3) Each Select Committee on which powers have been conferred under Standing Orders 98C, 98D or 98E shall have power to request of another Select Committee of either House on which such powers have been similarly conferred that a joint meeting of both Committees be held to consider a specific matter or matters of common activity and, in the case of any such joint meeting—

(a) the Chairman of the requesting Committee shall act as Chairman and, in the unavoidable absence of the Chairman, the provisions of Standing Order 78(2) and (3) shall apply;

(b) the quorum provisions of both Committees shall apply with the modification that each such quorum shall be halved and then rounded up to the next nearest whole number; and

(c) the orders of reference of the two Committees shall apply only insofar as they are common to both.

98C. (1) De réir Airteagal 6 de Phrótacal Uimh. 2 a ghabhann leis an gConradh ar an Aontas Eorpach agus leis an gConradh ar Fheidhmiú an Aontais Eorpaigh (*Prótacal maidir le Prionsabail na Coimhdeachta agus na Comhréireachta a Chur i bhFeidhm*) arna chur chun feidhme le halt 7(3) d'Acht an Aontais Eorpaigh 2009, féadfaidh an Seanad a chumhachtú do Roghchoiste tuairim réasúnaithe a fhoirmiú nach gcomhlíonann dréachtghníomh reachtach (de réir bhrí Airteagal 3 den Phrótacal sin) prionsabal na coimhdeachta.

(2) Beidh gach dréachtghníomh reachtach a chuirfear ar aghaidh chuig an Seanad faoi Airteagal 4 den Phrótacal a dúradh arna tharchur chuig Roghchoiste a chumhachtaítear faoin mBuan-Ordú seo.

(3) Beidh sé ina threoir do Roghchoiste a chumhachtaítear faoin mBuan-Ordú seo—

- (a) le linn dó tuairim réasúnaithe a fhoirmiú i dtaobh an gcomhlíonann dréachtghníomh reachtach prionsabal na coimhdeachta, go rachaidh an Coiste i gcomhairle le cibé Coistí eile agus le cibé páirtithe leasmhara is cú leis;
- (b) más rud é gurb é tuairim an Choiste nach gcomhlíonann dréachtghníomh reachtach prionsabal na coimhdeachta, go ndéanfaidh sé tuairim réasúnaithe sa chéill sin a chur isteach ar mhodh tuarascála a leagfar os comhair an tSeanaid;
- (c) i gcás go mbeidh tuarascáil leagtha ag an gCoiste faoi mhír (3)(b) den Bhuan-Ordú seo, go ndéanfaidh an Cathaoirleach, láithreach, tairiscint maidir léi a chur síos faoi alt 7(3) d'Acht an Aontais Eorpaigh 2009; agus
- (d) i gcás go n-aontaíonn an Seanad an tairiscint dá dtagraítear i mír (3)(c) den

98C. (1) In accordance with Article 6 of Protocol No. 2 to the Treaty on European Union and the Treaty on the Functioning of the European Union (*Protocol on the Application of the Principles of Subsidiarity and Proportionality*) as applied by section 7(3) of the European Union Act 2009, the Seanad may empower a Select Committee to form a reasoned opinion that a draft legislative act (within the meaning of Article 3 of the said Protocol) does not comply with the principle of subsidiarity.

(2) All draft legislative acts forwarded to the Seanad under Article 4 of the said Protocol shall stand referred to a Select Committee empowered under this Standing Order.

(3) It shall be an instruction to a Select Committee empowered under this Standing Order that—

- (a) in forming a reasoned opinion on whether a draft legislative act complies with the principle of subsidiarity, the Committee shall consult with such other Committees and such stakeholders as it considers appropriate;
- (b) where the Committee is of the opinion that a draft legislative act does not comply with the principle of subsidiarity, it shall submit a reasoned opinion to this effect by way of a report which shall be laid before the Seanad;
- (c) where a report has been laid by the Committee under paragraph (3) (b) of this Standing Order, the Chairman shall forthwith table a motion thereon under section 7(3) of the European Union Act 2009; and
- (d) where the Seanad agrees the motion referred to in paragraph (3) (c) of this

Bhuan-Ordú seo, go gcuirfidh an Cathaoirleach faoi deara cóip den Rún, mar aon le cóip den tuarascáil dá dtagraítear i mír (c), a chur chuig Uachtarán Pharlaimint na hEorpa, Uachtarán na Comhairle agus Uachtarán an Choimisiúin.

Standing Order, the Cathaoirleach shall cause a copy of the Resolution, together with a copy of the report referred to in paragraph (c), to be sent to the Presidents of the European Parliament, the Council and the Commission.

98D. (1) Féadfaidh an Seanad a chumhachtú do Roghchoiste breithniú a dhéanamh ar cibé fógraí—

98D. (1) The Seanad may empower a Select Committee to consider such notifications under—

(a) faoin tríú fomhír d’Airteagal 48.7 den Chonradh ar an Aontas Eorpach (*passerelle ginearálta*: athrú ó ghníomhú d’aon toil go dtí gníomhú trí thromlach cáilithe nó ó nós imeachta reachtach speisialta go dtí gnáthnós imeachta reachtach) arna cur chun feidhme le halt 7(1) d’Acht an Aontais Eorpaigh 2009, agus

(a) the third subparagraph of Article 48.7 of the Treaty on European Union (*general passerelle*: change from unanimity to qualified majority or from special legislative procedure to ordinary legislative procedure) as applied by section 7(1) of the European Union Act 2009, and

(b) faoin tríú fomhír d’Airteagal 81.3 den Chonradh ar Fheidmiú an Aontais Eorpaigh (*passerelle dhlí an teaghlaigh*: athrú go dtí gnáthnós imeachta reachtach le haghaidh beart a bhaineann leis an dlí teaghlaigh agus a mbeidh impleachtaí trasteorann acu) arna cur chun feidhme le halt 7(2) d’Acht an Aontais Eorpaigh 2009,

(b) the third subparagraph of Article 81.3 of the Treaty on the Functioning of the European Union (*family law passerelle*: change to ordinary legislative procedure for measures concerning family law with cross-border implications) as applied by section 7(2) of the European Union Act 2009,

a tharchuirfidh an Seanad chuig an gCoiste ó am go ham.

as may be referred to the Committee from time to time by the Seanad.

(2) Beidh sé ina threoir do Roghchoiste a chumhachtaítear faoin mBuan-Ordú seo—

(2) It shall be an instruction to a Select Committee empowered under this Standing Order that—

(a) e linn dó fógraí den sórt sin a bhreithniú, go rachaidh an Coiste i gcomhairle le cibé Coistí eile agus le cibé páirtithe leasmhara is cuí leis;

(a) in considering such notifications, the Committee shall consult with such other Committees and such stakeholders as it considers appropriate;

(b) i gcás go mbeidh an Coiste i gcoinne an chinnidh dá dtagraíonn an fógra, go leagfaidh sé tuarascáil sa chéill sin os comhair an tSeanaid;

(b) where the Committee is opposed to the decision to which the notification refers, it shall lay a report to this effect before the Seanad;

(c) i gcás go mbeidh tuarascáil leagtha ag an gCoiste faoi mhír (2)(b) den Bhuan-Ordú seo, go ndéanfaidh an Cathaoirleach, láithreach, tairiscint maidir léi a chur síos faoi alt 7(1) nó 7(2) d'Acht an Aontais Eorpaigh 2009, mar is cuí; agus

(d) i gcás nach mbeidh an Coiste i gcoinne an chinnidh dá dtagraíonn an fógra, go gcuirfidh sé Teachtaireacht sa chéill sin chun an tSeanaid de réir an nós imeachta atá leagtha amach i mBuan-Ordú 72.

(3) Cuirfidh an Cathaoirleach faoi deara cóip de gach Rún arna dhéanamh ag an Seanad faoi mhír (2)(c) den Bhuan-Ordú seo a chur chuig Uachtarán na Comhairle Eorpaí nó chuig an gComhairle de réir mar is cuí, mar aon le cóip den Tuarascáil dá dtagraíonn an Rún.

98E. (1) De réir Airteagal 8 de Phrótacal Uimh. 2 a ghabhann leis an gConradh ar an Aontas Eorpach agus leis an gConradh ar Fheidhmiú an Aontais Eorpaigh (*Prótacal maidir le Prionsabail na Coimhdeachta agus na Comhréireachta a Chur i bhFeidhm*) arna chur chun feidhme le halt 7(4) d'Acht an Aontais Eorpaigh 2009, féadfaidh an Seanad a chumhachtú do Roghchoiste breithniú a dhéanamh i dtaobh an ndéanann aon ghníomh de chuid institiúide den Aontas Eorpach sárú ar phrionsabal na coimhdeachta.

(2) Beidh sé ina threoir do Roghchoiste a chumhachtaítear faoin mBuan-Ordú seo—

(a) le linn dó breithniú a dhéanamh i dtaobh an ndéanann gníomh de chuid institiúide den Aontas Eorpach sárú ar phrionsabal na coimhdeachta, go rachaidh an Coiste i gcomhairle le cibé Coistí eile agus le cibé páirtithe leasmhara is cuí leis;

(b) más rud é—

(i) gurb é tuairim an Choiste go ndéanann gníomh de chuid

(c) where a report has been laid by the Committee under paragraph (2)(b) of this Standing Order, the Chairman shall forthwith table a motion thereon under section 7(1) or 7(2) of the European Union Act 2009, as appropriate; and

(d) where the Committee is not opposed to the decision to which the notification refers, it shall send a Message to this effect to the Seanad in accordance with the procedure set out in Standing Order 72.

(3) The Cathaoirleach shall cause a copy of all Resolutions made by the Seanad under paragraph (2)(c) of this Standing Order to be sent to the President of the European Council or the Council as appropriate, together with a copy of the Report to which the Resolution refers.

98E. (1) In accordance with Article 8 of Protocol No. 2 to the Treaty on European Union and the Treaty on the Functioning of the European Union (*Protocol on the Application of the Principles of Subsidiarity and Proportionality*) as applied by section 7(4) of the European Union Act 2009, the Seanad may empower a Select Committee to consider whether any act of an institution of the European Union infringes the principle of subsidiarity.

(2) It shall be an instruction to a Select Committee empowered under this Standing Order that—

(a) in considering whether an act of an institution of the European Union infringes the principle of subsidiarity, the Committee shall consult with such other Committees and such stakeholders as it considers appropriate;

(b) where the Committee is—

(i) of the opinion that an act of an institution of the European

institiúide den Aontas Eorpach sárú ar phrionsabal na coimhdeachta; agus

- (ii) gur mian leis an gCoiste go ndéanfaí imeachtaí ag lorg athbhreithniú ar an ngníomh lena mbaineann a thionscnamh i gCúirt Bhreithiúnais an Aontais Eorpaigh,

go leagfaidh sé tuarascáil sa chéill sin os comhair an tSeanaid; agus

- (c) i gcás go mbeidh tuarascáil leagtha ag an gCoiste faoi mhír (2)(b) den Bhuan-Ordú seo, go déanfaidh an Cathaoirleach, láithreach, tairiscint maidir léi a chur síos faoi alt 7(4) d’Acht an Aontais Eorpaigh 2009.

(3) Cuirfidh an Cathaoirleach faoi deara cóip de gach Rún arna dhéanamh ag an Seanad de réir mhír (2)(c) den Bhuan-Ordú seo a chur chuig an Aire iomchuí.

Union infringes the principle of subsidiarity; and

- (ii) wishes that proceedings seeking a review of the act concerned be brought to the Court of Justice of the European Union,

it shall lay a report to this effect before the Seanad; and

- (c) where a report has been laid by the Committee under paragraph (2)(b) of this Standing Order, the Chairman shall forthwith table a motion thereon under section 7(4) of the European Union Act 2009.

(3) The Cathaoirleach shall cause a copy of all Resolutions made by the Seanad in accordance with paragraph (2)(c) of this Standing Order to be sent to the relevant Minister.

—*Senator Donie Cassidy.*

## **2. An Comhchoiste um Ghnóthaí Eorpacha** *Joint Committee on European Affairs*

“Go leasófar Ordú an 24 Deireadh Fómhair, 2007 ón Seanad, lenar bunaíodh an Chomhchoiste um Ghnóthaí Eorpacha—

1. trí ‘agus leis an gConradh ar Fheidhmiú an Aontais Eorpaigh’ a chur isteach i ndiaidh ‘leis an gConradh ar an Aontas Eorpach i mír (1)(a)(i);

2. trí ‘ag Coimisiún na gComhphobal Eorpach’ a scriosadh agus ‘ag an gCoimisiún Eorpach’ a chur ina ionad i mír (1)(a)(ii)(I);

3. trí ‘Achtanna na gComhphobal Eorpach 1972 go 2007’ a scriosadh agus ‘Achtanna na gComhphobal Eorpach 1972 go 2009’ a chur ina ionad i mír (1)(a)(ii)(IV);

4. trí na míreanna seo a leanas a chur isteach i ndiaidh mhír (1)(a)(ii)(VI):

“That the Order of the Seanad of 24th October, 2007, establishing the Joint Committee on European Affairs be amended by—

1. the insertion, after ‘Treaty on European Union’ in paragraph (1)(a)(i) of ‘and the Treaty on the Functioning of the European Union’;

2. the deletion in paragraph (1)(a)(ii)(I) of ‘Commission of the European Communities’ and the substitution therefor of ‘European Commission’;

3. the deletion in paragraph (1)(a)(ii)(IV) of ‘European Communities Acts 1972 to 2007’ and the substitution therefor of ‘European Communities Acts 1972 to 2009’;

4. the insertion of the following paragraphs after paragraph (1)(a)(ii)(VI):

‘(VII) fógraí i dtaobh tograí chun na Conarthaí a leasú ar fógraí iad arna bhfáil ón gComhairle Eorpach de bhun Airteagal 48.2 den Chonradh ar an Aontas Eorpach, agus

(VIII) fógraí i dtaobh iarratas ar bhallraíocht den Aontas Eorpach ar fógraí iad arna bhfáil ón gComhairle Eorpach de bhun Airteagal 48.2 den Chonradh ar an Aontas Eorpach;’;

5. tríd an mír seo a leanas a chur isteach i ndiaidh mhír (1)(a):

(ab) De réir Bhuan-Ordú 78, toghfaidh an Roghchoiste, sula gcuirfear tús lena ghnó, duine dá chomhaltaí chun bheith ina Chathaoirleach nó ina Cathaoirleach air agus is córam ceithre chomhalta.’

6. tríd an mír seo a leanas a chur isteach i ndiaidh mhír (1)(b)(i):

“(ii) na cumhachtaí a mhínítear i mBuan-Ordú 98D(1)(a) agus 98E”; agus

7. trí ‘sna Comhphobail Eorpacha’ a scriosadh gach áit eile a bhfuil sé agus ‘san Aontas Eorpach’ a chur ina ionad agus ‘na gComhpobal Eorpach’ a scriosadh gach áit eile a bhfuil sé agus ‘an Aontais Eorpaigh’ a chur ina ionad’.”.

‘(VII) notifications of proposals for the amendment of the Treaties received from the European Council pursuant to Article 48.2 of the Treaty on European Union, and

(VIII) notifications of applications for membership of the European Union received from the European Council pursuant to Article 49 of the Treaty on European Union;’;

5. the insertion of the following paragraph after paragraph (1)(a):

(ab) In accordance with Standing Order 78, the Select Committee shall, previous to the commencement of its business, elect one of its members to be Chairman, and four members shall constitute a quorum.’

6. the insertion of the following paragraph after paragraph (1)(b)(i):

“(ii) the powers defined in Standing Orders 98D(1)(a) and 98E”; and

7. the deletion of ‘European Communities’ in each place where it otherwise occurs and the substitution therefor of ‘European Union’.”.

—*Senator Donie Cassidy.*

### **3. An Comhchoiste um Ghrinnscrúdú *Joint Committee on European Scrutiny*** ***Eorpach***

“Go leasófar Ordú an 24 Deireadh Fómhair, 2007 ón Seanad, lenar bunaíodh an Comhchoiste um Ghnóthaí Eorpacha mar a leanas:

1. i mír (1) trí ‘4 chomhalta’ a scriosadh agus ‘6 chomhalta’ a chur ina ionad; agus

2. trí na míreanna seo a leanas a chur isteach i ndiaidh mhír (a):

‘(ab) De réir Bhuan-Ordú 78, toghfaidh an Roghchoiste, sula gcuirfear tús lena ghnó, duine

That the Order of the Seanad of 24th October, 2007, establishing the Joint Committee on European Scrutiny be amended as follows:

1. in paragraph (1), by the deletion of ‘4 members’ and the substitution therefor of ‘6 members’; and

2. by the insertion of the following paragraphs after paragraph (a):

“(ab) In accordance with Standing Order 78, the Select Committee shall, previous to

dá chomhaltaí chun bheith ina Chathaoirleach nó ina Cathaoirleach air agus is córam trí chomhalta.

the commencement of its business, elect one of its members to be Chairman, and three members shall constitute a quorum.

(ac) Beidh ag an Roghchoiste na cumhachtaí a leagtar amach i mBuan-Orduithe 98C agus 98E.’”

(ac) The Select Committee shall have the powers set out in Standing Orders 98C and 98E.’”

—*Senator Donie Cassidy.*

#### 4. *An Comhchoiste um Dhlí agus Ceart, Cosaint agus Cearta na mBan*

#### *Joint Committee on Justice, Defence and Women’s Rights*

“Go leasófar Ordú an 24 Deireadh Fómhair, 2007, ón Seanad, lenar bunaíodh an Comhchoiste um Dhlí agus Ceart, Cosaint agus Cearta na mBan mar a leanas:

“That the Order of the Seanad of 24th October, 2007, establishing the Joint Committee on Justice, Defence and Women’s Rights be amended as follows:

1. i mír (1)(a), trí ‘4 chomhalta’ a scriosadh agus ‘6 chomhalta’ a chur ina ionad; agus

1. in paragraph (1)(a), by the deletion of ‘4 members’ and the substitution therefor of ‘6 members’; and

2. trí na míreanna seo a leanas a chur isteach i ndiaidh mhír (2) agus (4) faoi seach:

2. by the insertion of the following paragraphs after paragraph (2) and (4) respectively:

“(2A) De réir Bhuan-Ordú 78, toghfaidh an Roghchoiste, sula gcuirfear tús lena ghnó, duine dá chomhaltaí chun bheith ina Chathaoirleach nó ina Cathaoirleach air agus is córam trí chomhalta.

“(2A) In accordance with Standing Order 78, the Select Committee shall, previous to the commencement of its business, elect one of its members to be Chairman, and three members shall constitute a quorum.

(4A) Beidh ag an Roghchoiste na cumhachtaí a leagtar amach i mBuan-Ordú 98D (1)(b).’”.

(4A) The Select Committee shall have the powers set out in Standing Order 98D (1)(b).’”.

—*Senator Donie Cassidy.*

5. “Go gcealaítear leis seo Rúin an 10 Nollaig, 2009 agus an 5 Bealtaine, 2010 ón Seanad i ndáil le Cur i nGníomh cumhachtaí nua de chuid Parlaimintí Náisiúnta faoi Chonradh Liospóin.”

That the Resolutions of the Seanad of 10th December, 2009 and 5th May, 2010 in relation to the Implementation of new powers of National Parliaments under the Lisbon Treaty are hereby rescinded.”

—*Senator Donie Cassidy.*

6. “Go ndéanann Seanad Éireann an dréacht-Ordú um Choimisiún Imscrúdúcháin (An Earnáil Bhain-

That Seanad Éireann approves the draft Commission of Investigation (Banking Sector) (Amendment) Order 2010, a copy



céireachta) (Leasú) 2010 a cheadú, ar dréacht-Ordú é ar leagadh cóip de faoi bhráid Sheanad Éireann an 19 Samhain, 2010.

of which draft Order was laid before Seanad Éireann on 19th November, 2010.”

—*Senator Donie Cassidy.*

7. “Go gceadaíonn Seanad Éireann an Stát d’fheidhmiú an roghnaithe nó na rogha faoi Phrótacal Uimh. 21 maidir le seasamh na Ríochta Aontaithe agus na hÉireann i dtaca leis an limistéar saoirse, slándála agus ceartais, atá i gceangal leis an gConradh ar an Aontas Eorpach agus leis an gConradh ar Fheidhmiú an Aontais Eorpaigh, glacadh leis an mbeart seo a leanas:

That Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to accept the following measure:

an Comhaontú idir an tAontas Eorpach agus Stáit Aontaithe Mheiriceá maidir le próiseáil agus aistriú Sonraí Teacht-aireachtaí Airgeadais ón Aontas Eorpach go dtí na Stáit Aontaithe chun críocha an Chláir chun Maoiniú Sceimhlitheoireachta a Rianú,

the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Programme,

ar leagadh cóip de faoi bhráid Seanad Éireann an 20 Iúil, 2010.

a copy of which measure was laid before Seanad Éireann on 20th July, 2010.”

—*Senator Donie Cassidy.*

8. Ráitis maidir le Clár AE/CAI d’Éirinn agus leis an bPlean um Théarnamh Náisiúnta 2011 go 2014.

Statements on the EU/IMF Programme for Ireland and the National Recovery Plan 2011 to 2014.

9. Ráitis maidir le Comhaontú Pháirc an Chrócaigh.

Statements on the Croke Park Agreement.

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

11. (l) An Bille um Rialáil Cumarsáide (Seirbhísí Poist) 2010 — An Coiste (*leasú 8, atógáil*).

(a) Communications Regulation (Postal Services) Bill 2010 — Committee (*amendment 18, resumed*).

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

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

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

—*Senator Feargal Quinn.*

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- 15.** 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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- 16.** 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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- 17.** 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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- 18.** 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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- 19.** 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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- 20.** 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):*

- 21.** 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):*

- 22.** 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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- 23.** (l) An Bille Meabhair-Shláinte (Beartha 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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- 24.** 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:*

- 25.** 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.*

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- 26.** 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.*

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- 27.** 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.*

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- 28.** 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.*

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**29.** 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.*

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**30.** 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.*

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*Tugadh Isteach:  
Introduced:*

**31.** 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.*

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

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

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33. 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*).
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34. Ráitis maidir leis an mBuiséad 2010 (*atógáil*).  
Statements on Budget 2010 (*resumed*).
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35. Ráitis maidir le Poist a Chruthú (*atógáil*).  
Statements on Job Creation (*resumed*).
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*Tairiscintí:*  
*Motions:*

36. “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]**

37. “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 Comhaltaí 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]**

38. “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]**

39. *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]**

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.*

**[29 April, 2010]**

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, Eoghan Harris, Shane Ross.*

**[5 May, 2010]**

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]**

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]**

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. "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 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, James Carroll, Mark Daly, Labhras Ó Murchú and Rónán Mullen.*

**[9 November, 2010]**

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

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MEMORANDA

*Déardaoin, 2 Nollaig, 2010.  
Thursday, 2nd December, 2010.*

Cruinniú den Comhchoiste um Ghnóthaí Oideachais agus Scileanna i Seomra Coiste 2, TL 2000, ar 10 a.m.  
Meeting of the Joint Committee on Education and Skills in Committee Room 2, LH 2000, at 10 a.m.

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Cruinniú den Chomhchoiste um Ghrinnscrúdú Eorpach i Seomra Coiste 4, TL 2000, ar 11.30 a.m.  
Meeting of the Joint Committee on European Scrutiny in Committee Room 4, LH 2000, at 11.30 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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An Bille chun Airm Úráiniam Laghdaithe a Thoirmeasc 2009.  
Prohibition of Depleted Uranium Weapons Bill 2009.

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