

Dé Céadaoin, 27 Iúil, 2011
Wednesday, 27th July, 2011

10.00 a.m.

RIAR NA hOIBRE

Order Paper

GNÓ POIBLÍ
Public Business

1. (l) An Bille um Cheartas Coiriúil, 2011 [*Dáil*] — An Coiste.
(a) Criminal Justice Bill 2011 [*Dáil*] — Committee.
2. (l) An Bille um Cheartas Coiriúil (Seirbhís Pobail) (Leasú) (Uimh. 2), 2011 [*Dáil*] — An Coiste.
(a) Criminal Justice (Community Service) (Amendment) (No. 2) Bill 2011 [*Dáil*] — Committee.
3. An Bille um an Dlí Sibhialta (Forálacha Ilgħnéitheacha), 2011 [*Bille Seanaid arna leasú ag an Dáil*] — An Tuarascáil.
Civil Law (Miscellaneous Provisions) Bill 2011 [*Seanad Bill amended by the Dáil*] — Report Stage.

Tairiscint:

Motion:

4. “Go ndéanann Seanad Éireann:
 - a thabhairt dá aire foilsiú na tuarascála ón gCoimisiún Imscrúdú-cháin faoin gcaoi ar láimhseáil údaráis na hEaglaise agus an Stáit líomhaintí agus amhras maidir le drochúsáid għnejasach leaná in aghajidh cléireach de chuid Dheoise Chaitliceach Chluana;
 - a chomhbhrón a dhéanamh leis na híospartaigh a bhfuil a gcuid fulaingthe leagħtha amach sa tuarascáil;
 - bhuiochas a għabbáil leis an gCoimisiún Imscrúdúcháin as a chuid oibre a dhéanamh go hígair;
- That Seanad Éireann:
 - notes the publication of the report by the Commission of Investigation into the handling by Church and State authorities of allegations and suspicions of child sexual abuse against clerics of the Catholic Diocese of Cloyne;
 - expresses its sympathy with the victims whose suffering is set out in the report;
 - expresses its thanks to the Commission of Investigation for their work carried out with sensitivity;

- a anbhuan a chur in iúl maidir le fionnachtana corraitheacha na tuarscála agus maidir leis an bhfreagairt neamhleor mhíchuí, go háirithe ag údarás na hEaglaise i gCluain, ar ghearán agus líomhaintí maidir le drochúsáid ghnéasach leanaí;
 - a rá gur cás leis idirghabháil na Vatacáine ba chionchúis leis an mbonn a bhaint de chreataí agus treoirínté Stát na hÉireann agus easpaig na hÉireann maidir le cosaint leanaí;
 - fáilte a chur roimh fhoilsiú Leanaí i dTosach: Treoir Náisiúnta, 2011, a dtabharfar tosaíocht dá chur i bhfeidhm iomlán agus comhsheasmhach, agus fáilte a chur roimh an gceadú ón rialtas d'ullmhú reachtaíochta lena bhforchuirfear ceanglas reachtíul Leanaí i dTosach: Treoir Náisiúnta a chomhlíonadh;
 - a aithint go n-éilíonn an chosaint leanaí feasacht thras-sochaí agus freagairt chomhairíochta fhóinteach ó na heagraíochtaí uile a bhíonn ag obair le leanaí;
 - fáilte a chur roimh fhoilsiú na bhforálacha a bhaineann leis an mBille um Cheartas Coiriúil (Faisnéis faoi Choireanna in aghaidh Leanaí agus Aosach Soghonta a Choimeád Siar), 2011 agus fáilte a chur roimh an bhfógra a tugadh go ndéanfar cinn an Bhille um an mBiúró Náisiúnta Grinnfiosrúcháin, 2011 a fhoilsiú faoi dheireadh Iúil 2011 agus a thabhairt don Chomhchoiste um Dhlí agus Ceart, Cosaint agus Comhionannas i gcomhair próisis comhchomhairliúcháin; agus
 - a dhiongbháilteacht a dhearbhú go ndéanfaidh an Stát gach beart is gá chun a chuid leanaí a chosaint.
- Senators Maurice Cummins, Ivana Bacik, Jillian van Turnhout, Darragh O'Brien, David Cullinane, David Norris.

Leasú:

Amendment:

1. To delete “deplores the Vatican’s intervention which contributed to the undermining of the child protection frameworks and guidelines of the Irish State and the Irish bishops;” and substitute the following:

“profoundly regrets the Vatican’s intervention in 1997 which contributed to the undermining in the Cloyne diocese of the child protection frameworks and guidelines of the Irish Bishops;

also regrets the absence of satisfactory national guidelines in this State prior to 1999 concerning the reporting of knowledge or suspicion of child abuse, and regrets that Oireachtas Éireann has not yet enacted legislation to compel such reporting and to underpin inter-agency sharing of information;

notes the 2001 Motu proprio from the Vatican Congregation of the Doctrine of the Faith which reformed the Church’s handling of abuse cases and notes that, since then and as evidenced by the approval of the US bishops’ ‘Essential Norms’ document in December 2002, the Vatican has supported national church policies which require compliance with national civil laws on reporting abuse allegations;

notes the Commission of Investigation’s acknowledgement that the standards adopted by the Church in Ireland are ‘high standards which, if fully implemented, would afford proper protection to children’ and that the ‘standards set by the State are less precise and more difficult to implement’;

affirms the work of the National Board for Safeguarding Children established by the Irish Bishops Conference, the Conference of Religious in Ireland and the Irish Missionary Union and urges all the relevant religious authorities to co-operate fully with its work;”.

—Senators Rónán Mullen, Feargal Quinn, Jim Walsh, Labhrás Ó Murchú.

Tíolactha:

Presented:

5. An Bille um Áras an Teaghlaigh, 2011 — Ordú don Dara Céim.

Family Home Bill 2011 — Order for Second Stage.

Bille dá ngairtear Acht do thoirmeasc ordú cúirte a dheonú maidir le seilbh príomhárais teaghlaigh ach amháin in imthosca ina mbeidh anailís infhíoraithe, mhionsonraithe agus neamhspleách maidir le cumas aisíochta úinéir an árais teaghlaigh tugtha ar aird don chuírt, agus ina mbeidh deis faigte ag an gcúirt an t-iarratas bunaidh ar mhorgáiste a athbhreithniú, agus ina ndéanfar breithniú ar réimse gníomhartha malartacha lena bhféachfar le seilbh an úinéara ar áras an teaghlaigh a chosaint.

Bill entitled to prohibit the granting of a court order for the possession of a primary family home except in circumstances where the court has been presented with a verifiable, detailed and independent analysis of the repayment capacity of the family home owner, and where the court has had an opportunity to review the original mortgage application, and consideration is given to a range of alternative actions that will seek to protect the homeowner’s possession of the family home.

—Senators Mark McSharry, Thomas Byrne.

Bille (atógáil) (0.02 n. fágtha):

Bill (resumed) (0.02 m. remaining):

6. An Bille um Chlárú Uachtanna, 2011 — An Dara Céim (atógáil).

Registration of Wills Bill 2011 — Second Stage (resumed).

—Senator Terry Leyden.

Tíolactha:
Presented:

7. An Bille um Dhlínse Cúirteanna agus Forghníomhú Breithiúnas (Leasú), 2011 — Ordú don Dara Céim.

Jurisdiction of Courts and Enforcement of Judgments (Amendment) Bill 2011 — Order for Second Stage.

Bille dá ngairtear Acht do thabhairt éifeacht don Choinbhinsiún maidir le dlínse agus maidir le haithint agus forghníomhú breithiúnas in ábhair shibhialta agus thráchtála arna shníú in Lugano an 30ú lá de Dheireadh Fómhair, 2007 agus arna chríochnú thar ceann an Chomhphobail Eorpaigh de bhun Chinneadh 2009/430/CE1 ón gComhairle, agus chun na críche sin do leasú an Achta um Dhlínse Cúirteanna agus Forghníomhú Breithiúnas, 1998 agus an Achta Cothabhála, 1994 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to give effect to the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed at Lugano on the 30th day of October 2007 and concluded on behalf of the European Community pursuant to Council Decision 2009/430/EC1, and for that purpose to amend the Jurisdiction of Courts and Enforcement of Judgments Act 1998 and the Maintenance Act 1994 and to provide for related matters.

8. 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.

9. An Bille um Cháilíochtaí agus Dearbhú Cáilíochta (Oideachas agus Oiliúint), 2011 — Ordú don Dara Céim.

Qualifications and Quality Assurance (Education and Training) Bill 2011 — Order for Second Stage.

Bille dá ngairtear Acht do dhéanamh socrú maidir le comhlacht a bhunú ar a dtabharfar, sa Ghaeilge, Údarás na hÉireann um Cháilíochtaí agus Dearbhú Cáilíochta nó, sa Bhéarla, the Qualifications and Quality Assurance Authority of Ireland; do mhíniú a fheidhmeanna; do dhéanamh socrú maidir le hÚdarás Náisiúnta Cáilíochtaí na hÉireann, Comhairle na nDámhachtainí Ardoideachais agus Oiliúna agus Comhairle na nDámhachtainí Breisoideachais agus Oiliúna a dhíscaoileadh; d'aisghairm Acht na gCáilíochtaí (Oideachas agus Oiliúint), 1999; do leasú Acht an Údaráis um Ard-Oideachas, 1971, Acht na gColáistí Teicniúla Réigiúnacha, 1992, an Achta um Shaoráil Faisnéise, 1997, Acht na nOllscoileanna, 1997 agus Achtanna áirithe eile; agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an méid sin.

Bill entitled an Act to provide for the establishment of a body known in the Irish language as Údarás na hÉireann um Cháilíochtaí agus Dearbhú Cáilíochta or in the English language the Qualifications and Quality Assurance Authority of Ireland; to define its functions; to provide for the dissolution of the National Qualifications Authority of Ireland, the Higher Education and Training Awards Council and the Further Education and Training Awards Council; to repeal the Qualifications (Education and Training) Act 1999; to amend the Higher Education Authority Act 1971, the Regional Technical Colleges Act 1992, the Freedom of Information Act 1997, the Universities Act 1997 and certain other Acts; and to provide for matters connected therewith.

10. An Bille Staidrimh (Leasú i leith Oidhreachta), 2011 — Ordú don Dara Céim.
Statistics (Heritage Amendment) Bill 2011 — 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 speisialta don daonáireamh sin agus do chur faoi deara é a chur ar fáil don phobal le haghaidh taighde ginealachais, 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.*

11. An Bille um Thrédhearcacht GNBS, 2011 — Ordú don Dara Céim.
NAMA Transparency Bill 2011 — Order for Second Stage.

Bille dá ngairtear Acht do leasú an Achta fán nGníomhaireacht Náisiúnta um Bainistíocht Sócmhainní (GNBS), 2009 agus do dhéanamh socrú, ar mhaithe le tréadhearcacht, chun go mbeidh na mionsonraí iomchuí uile maidir le maoine a thairgtear lena ndíol ag GNBS nó le ceadú GNBS ar fáil don phobal trína bhfoilsíú ar shuíomh gréasáin.

Bill entitled an Act to amend the National Asset Management Agency (NAMA) Act 2009 and to provide that, in the interests of transparency, all relevant details of properties offered for sale by or with the approval of NAMA be available to the public by means of publication on a website.

—*Senators Mark Daly, Darragh O'Brien, Diarmuid Wilson.*

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

13. An Bille Cróinéirí, 2007 — An Coiste.
Coroners Bill 2007 — Committee.

Tairiscint:
Motion:

14. “Go ndéanann Seanad Éireann athdhearthá ar thacaíocht Rialtas na hÉireann agus an phobail, atá ann le fada, le Stát Palaistíneach a bhunú de réir na dteorainneacha a bhí ar Iosrael roimh 1967 maille le hiomlaidí talún arna gcomhaontú go frithpháirteach, agus tacáonn sé le hiarrachtaí leanúnacha an Rialtais, i dteannta compháirtithe AE agus compháirtithe idirnáisiúnta, chun a ráedá a luaithe is féidir a chur chun cinn, trí athchromadh ar phléití síochána díreacha idir taobh na nIosraelach agus taobh na bPalaistíneach a bheidh dírithe ar réiteach caibidilthe cuimsitheach dhá Stát ar an gcoinbhleacht ar bhonn na bparaiméadar atá leagtha amach i dTáitil Chomhairle Gnóthaí Eachtracha AE, Nollaig 2009,

That Seanad Éireann reaffirms the long-standing support of the Irish Government and people for the establishment of a Palestinian State, based upon Israel's pre-1967 borders with mutually agreed land swaps, and backs the continuing efforts of the Government, in conjunction with EU and international partners, to advance its earliest possible realisation, through the resumption of direct peace talks between the Israeli and Palestinian sides aimed at achieving a comprehensive negotiated two-State resolution of the conflict on the basis of the parameters set out in the EU Foreign Affairs Council Conclusions of December 2009, December 2010 and May 2011 and in full accordance with relevant Security Council resolutions, the Madrid Principles,

Nollaig 2010 agus Bealtaine 2011 agus go hiomlán de réir rúin iomchuí na Comhairle Slándála, Phrionsabail Mhaidrid, Threochláir 2004, comhaontuithe a rinne an dá pháirtí roimhe seo agus an Tionscnaimh Síochána Arabaigh.

the 2004 Roadmap, previous agreements entered into by both parties and the Arab Peace Initiative.”.

—*Senator Maurice Cummins.*
[27 July, 2011]

15. Tairiscintí nach ón Rialtas:

Non-Government Motions:

1. “That Seanad Éireann is keenly aware of the suffering of the families of those who died or were injured in the Dublin and Monaghan bombings and in all the atrocities that were inquired into by Judge Henry Barron; that this suffering is exacerbated by the absence of closure in these terrible tragedies; and that we support their call for co-operation by the British Government to actively participate in a process to help provide answers to the questions that remain unanswered; and that the Irish Government will continue in its efforts to urge the British Government to give urgent consideration to this matter.”.

—*Senators Mary White, Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc MacSharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Diarmuid Wilson.*

[16 June, 2011]

2. “That Seanad Éireann will appoint an Honorary Senator to represent the Global Irish Community Overseas.”.

—*Senators Mark Daly, Diarmuid Wilson, Mary White, Darragh O'Brien, Thomas Byrne, Terry Leyden, Marc MacSharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh.*

[28 June, 2011]

3. “That Seanad Éireann calls on the Minister for Health and the Government to honour its pre-election commitments and ensure the continuation of the existing twenty-four hour a day, seven day a week, Accident and Emergency services at Roscommon County Hospital.”.

—*Senators Terry Leyden, Diarmuid Wilson, Darragh O'Brien, Thomas Byrne, Mark Daly, Marc MacSharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White.*

[6 July, 2011]

4. “That Seanad Éireann calls on the Irish Government to formally recognise a Palestinian State at the UN General Assembly meeting in September 2011 and that such a state would be based upon Israel's pre-1967 borders with mutually agreed land swaps.”.

—*Senators Darragh O'Brien, Diarmuid Wilson, Ned O'Sullivan, Denis O'Donovan, Marc MacSharry, Labhrás Ó Murchú, Brian Ó Domhnaill, Paschal Mooney, Terry Leyden, Thomas Byrne, Jim Walsh, Averil Power, Mark Daly, Mary White, Jillian van Turnhout, Marie Louise O'Donnell, Fiach Mac Conghail, Katherine Zappone, David Norris, Trevor Ó Clochartaigh, Kathryn Reilly, David Cullinane.*

[26 July, 2011]

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

BILLÍ SEANAID SA DÁIL
Seanad Bills with the Dáil

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

An Bille um Chonarthaí Foirgníochta, 2010.
Construction Contracts Bill 2010.

An Bille Meabhair-Shláinte (Leasú), 2008
(*athraithe ó*) An Bille Meabhair-Shláinte (Bearta Ainneonacha) (Leasú), 2008.
Mental Health (Amendment) Bill 2008
(*changed from*) Mental Health (Involuntary Procedures) (Amendment) Bill 2008.

An Bille um Cheartas Coiriúil (Ciorrú Ball Giniúna Baineann), 2011.
Criminal Justice (Female Genital Mutilation) Bill 2011.

MEMORANDA

Dé Céadaoin, 27 Iúil, 2011.
Wednesday, 27th July, 2011.

Cruinniú den Chomhchoiste um Poist, Coimirce Shóisialach agus Oideachas i Seomra Coiste 3, TL2000, ar 9.30 a.m.
Meeting of the Joint Committee on Jobs, Social Protection and Education, in Committee Room 3, LH2000, at 9.30 a.m.

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

Reachtúil:

Statutory:

1) Ráiteas maidir leis na cailíochtaí de chuid an Chomhairleora Speisialta, Teresa Diskin, Cúntóir Pearsanta, a ghníomhaíonn nó a ghníomhaigh mar Chomhairleoir Speisialta don Teachta Éanna Ó Coinnigh, Taoiseach, ag Roinn an Taoisigh, is iomchuí maidir lena feidhmeanna mar Chomhairleoir Speisialta, de bhun alt 19(4)(d) de na hAchtanna um Eitic in Oifigí Poiblí 1995 agus 2001.

2) Ráiteas i dtaobh an gaol an Comhairleoir Speisialta, Teresa Diskin, Cúntóir Pearsanta, a ghníomhaíonn nó a ghníomhaigh mar Chomhairleoir Speisialta don Teachta Éanna Ó Coinnigh, Taoiseach, ag Roinn an Taoisigh, leis an sealbhóir oifige, de bhun alt 19(4)(c) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

1) Statement of the qualifications of Special Adviser, Teresa Diskin, Personal Assistant, who acts or acted as a Special Adviser to Deputy Enda Kenny, Taoiseach, at the Department of the Taoiseach, relevant to her functions as a Special Adviser, pursuant to section 19(4)(d) of the Ethics in Public Office Acts 1995 and 2001.

2) Statement as to whether Special Adviser, Teresa Diskin, Personal Assistant, who acts or acted as a Special Adviser to Deputy Enda Kenny, Taoiseach, at the Department of the Taoiseach, is a relative of the office holder, pursuant to section 19(4)(c) of the Ethics in Public Office Acts 1995 and 2001.

3) Ráiteas maidir leis na cálíochtaí de chuid an Chomhairleora Speisialta, Ger Deere, Cúntóir Pearsanta, a ghníomhaíonn nó a ghníomhaigh mar Chomhairleoir Speisialta don Teachta Éanna Ó Coinnigh, Taoiseach, ag Roinn an Taoisigh, is iomchuí maidir lena feidhmeanna mar Chomhairleoir Speisialta, de bhun alt 19(4)(d) de na hAchtanna um Eitic in Oifigí Poiblí 1995 agus 2001.

4) Ráiteas i dtaobh an gaol an Comhairleoir Speisialta, Ger Deere, Cúntóir Pearsanta, a ghníomhaíonn nó a ghníomhaigh mar Chomhairleoir Speisialta don Teachta Éanna Ó Coinnigh, Taoiseach, ag Roinn an Taoisigh, leis an sealbhóir oifige, de bhun alt 19(4)(c) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

5) Ráiteas i scríbhinn maidir leis na téarmaí agus na coinníollacha (conradh) faoina ngníomhaíonn nó faoinar ghníomhaigh an Comhairleoir Speisialta, Gerard McCarrick, Tiománaí Sibhialta, mar Chomhairleoir Speisialta don Teachta Siobhán de Bhurtúin, Aire den Rialtas ag an Roinn Coimirce Sóisialaí, le héifeacht ón 30 Bealtaine, 2011 de bhun alt 19(4)(a) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

6) Ráiteas i dtaobh an gaol an Comhairleoir Speisialta, Gerard McCarrick, Tiománaí Sibhialta, a ghníomhaíonn nó a ghníomhaigh mar Chomhairleoir Speisialta don Teachta Siobhán de Bhurtúin, Aire den Rialtas ag an Roinn Coimirce Sóisialaí, leis an sealbhóir oifige, de bhun alt 19(4)(c) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

7) An tSeirbhís Chúirteanna. Tuarascáil Bhliantúil, 2010.

Neamhreachtúil:

An Foras Riarcháin. Tuarascáil Bhliantúil agus Ráitis Airgeadais, 2010.

3) Statement of the qualifications of Special Adviser, Ger Deere, Personal Assistant, who acts or acted as a Special Adviser to Deputy Enda Kenny, Taoiseach, at the Department of the Taoiseach, relevant to her functions as a Special Adviser, pursuant to section 19(4)(d) of the Ethics in Public Office Acts 1995 and 2001.

4) Statement as to whether Special Adviser, Ger Deere, Personal Assistant, who acts or acted as a Special Adviser to Deputy Enda Kenny, Taoiseach, at the Department of the Taoiseach, is a relative of the office holder, pursuant to section 19(4)(c) of the Ethics in Public Office Acts 1995 and 2001.

5) Statement in writing of the terms and conditions (contract) under which Special Adviser, Gerard McCarrick, Civilian Driver, acts or acted as a Special Adviser to Deputy Joan Burton, Minister of the Government at the Department of Social Protection, with effect from 30 May, 2011, pursuant to section 19(4)(a) of the Ethics in Public Office Acts 1995 and 2001.

6) Statement as to whether Special Adviser, Gerard McCarrick, Civilian Driver, who acts or acted as a Special Adviser to Deputy Joan Burton, Minister of the Government at the Department of Social Protection, is a relative of the office holder, pursuant to section 19(4)(c) of the Ethics in Public Office Acts 1995 and 2001.

7) The Courts Service. Annual Report, 2010.

Non-Statutory:

Institute of Public Administration. Annual Report and Financial Statements, 2010.