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

10.30 a.m.

RIAR NA hOIBRE
Order Paper

GNÓ POIBLÍ
Public Business

   (a) Health and Social Care Professionals Bill 2004 — Report Stage.

Tíolactha:
Presented:

2. An Bille um Leasanna Idirnáisiúnta i dTrealamh Soghluaiste (Coinbhinsíún Cape Town) 2005 — Ordú do Dara Céim.
   International Interests in Mobile Equipment (Cape Town Convention) Bill 2005 — Order for Second Stage.

Acht do thabhairt éifeacht don Choinbhinsíún ar Leasanna Idirnáisiúnta i dTrealamh Soghluaiste, agus don prótacal a ghabhann leis an gcóinbhinsíún sin maidir le nithe a bhaineann go sonrach le trealamh aeráith, a osclaíodh lena shíniú i Cape Town an 16 Samhain 2001; do dhéanamh socruithe do thabhairt éifeacht dithé go gcoimhlaíóireachta agus Aeríompair (Coinbhinsíún Idirnáisiúnta) 2004.

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

—Senator Mary O’Rourke.

3. Ráitis ar Threoirlínte maidir le Tithíocht Tuaithe Inmharthana.
   Statements on Sustainable Rural Housing Guidelines.

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

   Statute Law Revision (Pre-1922) Bill 2004 — Committee.

P.T.O.

Tíolachta:
Presented:

7. An Bille um Shaóráil Faisnéise (Leasú) (Uimh. 2) 2003 — Ordu don Dara Céim.

Bille dá ngairtear Acht do leasú an Achtta um Shaóráil Faisnéise 1997 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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

—Senator Brendan Ryan.

Tíolachta:
Presented:

Registration of Deeds and Title Bill 2004 — Order for Second Stage.

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

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

—Senator Mary O’Rourke.

Tíolachta:
Presented:

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

Bille dá ngairtear Acht do dhéanamh socrú maird leis na cúirtéanna do dhéanamh orduithe astaithe tuillimh, orduithe astaithe leasa agus orduithe tráthchoda chun forfhheidhmiu orduithe cúirte, fineála aghus fíacha eile neamhurscaolte a éascú agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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

—Senator Brian Hayes.

Tíolachta:
Presented:

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

11. Ráitis maird le Pleanáil agus saincheisteanna gaolmhara (atógáil).
Statements on Planning and related issues (resumed).
12. Ráitis maidir le gCéad Tuarascáil faoi Dhul Chun Cinn ón gCoiste Comhairleach Náisiúnta um Dhrugaí (atógáil).
Statements on the First Progress Report of the National Advisory Committee on Drugs (resumed).

13. Ráitis maidir le Saoráidí Spóirt Náisiúnta a Sholáthar (atógáil).

Statements on Regional Transport Policy (resumed).

Tairiscint (atógáil):
Motion (resumed):

15 “Go ndeánann Seanad Éireann, de bhun Bhuan-Orduá Umh. 60A, That Seanad Éireann, pursuant to Standing Order No. 60A,
1. Á thabhairt dá aire an fhaisnéis seo a 1. Noting the following information from the Minister for Justice, Equality and Law Reform:
leanas ón Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí:

(a) go ndearna an Garda Síochána, i mí a (a) that the Garda Síochána in August
Lúnasa 2001, ar fhaisnéis a fháil ó 2001, on receipt of information from
Interpol ar fhaisnéis i a fuair The United States Postal Inspection Service
le linn cuardaigh ar áitreach bh in Fort le linn cuardaigh ar áitreach bh in Fort
Worth, Texas, a bhain le mionsonraí Worth, Texas, concerning details of
custaiméirió lomhaithte cuideachta a raibh rochtain a tairiscint aici ar shuímh idirlín pornografaíochta
daoine, tús a chur le hoibríocht i ndáil le daoine ón dílse seo a lomhaíodh
daoine ón dílse seo a lomhaíodh a bheith aitheanta amhlaidh,
daoine ón dílse seo a lomhaíodh a bheith aitheanta amhlaidh,

(b) go raibh san áireamh sna (b) that these details included the
mionsonraí sin aímeacha, pasfhocail agus mionsonraí cártá
names, passwords and credit card
creidmheasa agus cártá muirir daoine aírithe,

(c) go raibh duine darb ainm Brian (c) that one of the persons from this
Curtin, 35 Ashe Street, Tralee, Co. jurisdiction so named was a Brian
Kerry, ar dhuine de na daoine ón Curtin, 35 Ashe Street, Tralee, Co.
dlínse seo a ainmníodh amhlaidh agus Kerry, and that subsequent
gur léirigh fiosruíochtaí agus gur léirigh fiosruíochtaí dá éis sin gurbh
isphere do Brian Curtin, Breithéamh den
e Brian Curtin, Breithéamh den
Chúirt Chuarda, agus seoladh tí
Chúirt Chuarda, agus seoladh tí
cónaíthe 24 Ard na Lí, Trá Lí, cónaíthe 24 Ard na Lí, Trá Lí, Co. Chiaraí aige, an duine sin,

(d) go ndearna an Chúirt Dúiche (d) that a warrant to search Judge
barántas chun teach cónaithe an Curtin’s home under section 7 of the
Bhreithimh Curtin a chuardach faoi
Child Trafficking and Pornography
alt 7 den Acht um Gáinneaíl ar Act 1998 issued from the District
Leanaí agus Pornagrafaíocht Leanaí
Court on foot of an application by a
P.T.O.
1998 a eisiúint de bhun iarraitais ó chomhalta den Gharda Síochána an 20 Bealtaine 2002,

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

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

(f) gur chuir údaráis an Gharda comhad imscruadaithe faoi bhráid an Stiúrthóir Iochuíseamh Poiblí in mí Dheireadh Fómhair 2002, agus gur thréoraigh an Stiúrthóir Iochuíseamh Poiblí go ndéanfar an Breitheamh Curtin a iochuíseamh as pornagrafáocht leanaí a bheith ina sheilbh go feasaach contráitha d’alt 6 den Acht um Ghánneáil ar Leanaí agus Pornagrafáocht Leanaí 1998,

(f) that an investigation file was submitted to the Director of Public Prosecutions by the Garda authorities in October 2002 and that the Director of Public Prosecutions instructed that Judge Curtin be prosecuted for knowingly having in his possession child pornography contrary to section 6 of the Child Trafficking and Pornography Act, 1998,

(g) gur thosaigh triail an chuisimh sin an 20 Aibreán 2004 i gCúirt Chuarda Thrá Lí agus go bhfuairhas an Breitheamh Curtin neamhchiontach sa chuíséamh sin an 23 Aibreán 2004 gan fianaíse a bheith tugtha i ndáil le hábhar an chúsáimh, tar éis don Chúirt Chuarda Choiriúil a chinneadh go raibh an bárántas sin a dúradh imithe in éag nuair a forghníomhadh é i dtach cónaithe an Bhreithimh Curtin;

(g) that the trial of the said charge commenced on 20 April 2004 at Tralee Circuit Court and that on 23 April 2004 Judge Curtin was found not guilty of that charge having given in relation to the subject matter of the charge, the Circuit Criminal Court having determined that the aforesaid warrant was spent when executed at the home of Judge Curtin;

and

2. A éileamh go ndéanfar, de bhun Airteagal 35.4 den Bhumreacht agus alt 39 den Acht Cúirteanna Breithníúnaí 1924, an tOnóchar an Breitheamh Brian Curtin, Breitheamh den Chúirt Chuarda, a chur as oifig de dheasca mí-ionpair a luaíar, arb é atá i gceist ann a chuid ionpair maidir le síntiús a thabhairt do shuimh idirlín ar a raibh formhána pornagrafáiochta leanaí, rochtain a fháil ar na suimh sin agus na suimh sin a úsáid agus ndáil leis na níthe sin agus é féin a fhágáil mí-oiriúnach dá dheasca sin chun oifig Breithimh den Chúirt Chuarda a fheidhmiú.

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

—Senator Mary O’Rourke.
   Civil Partnership Bill 2004 — Second Stage (resumed).
   —Senator David Norris.

Leasú ar an Tairiscint don Dara Léamh (atógáil):
Amendment to Motion for Second Reading (resumed):

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

“Seanad Éireann declines to give a second reading to the Bill so as to permit further consideration of important legal and constitutional issues and in particular

(a) the resolution of current litigation regarding the recognition of a foreign same-sex marriage;

(b) finalisation by the All-Party Oireachtas Committee on the Constitution of its examination of Articles 40.3, 41 and 42, relating to the family;

(c) publication of the Report of the Law Reform Commission on the Rights and Duties of Cohabitees.”.
   —Senator Mary O’Rourke.

17. Tairiscintí nach ón Rialtas:
   Non-Government Motions:

1. “That Seanad Éireann requests the Government to use its present leading position as holder of the European Union Presidency to ensure that the European Union and its member States take the necessary steps, including by engagement with the United States, to ensure that the 60th session of the UNCHR will:

(a) support adequate monitoring of human rights in Iraq, permitting the monitors to cover human rights abuses in Iraqi territory by any party, and ensuring that their reports are regularly and publicly available;

(b) extend the mandate of the Special Rapporteur on the situation of human rights in Iraq for a further year, clarifying that the mandate covers all past and present human rights violations in Iraq;

(c) support the establishment of a UN commission of experts tasked with developing proposals for building the rule of law in Iraq, in consultation with Iraqi civil society;

(d) support the establishment of an international commission of inquiry mandated to conduct independent, impartial and thorough investigations into past human rights violations, regardless of when they occurred; and

(e) call on the Coalition Provisional Authority to bring to trial, in accordance with international standards for fair trial, Saddam Hussein and other officials and associates of the former Iraqi government accused of committing human rights violations.”
   —Senators David Norris, Shane Ross, Mary Henry, Joe O’Toole and Feargal Quinn.

[7 May, 2004]
2. “That Seanad Éireann calls on the Minister for Communications, Marine and Natural Resources to provide greater transparency to the operations of the National Lottery and, in particular, calls on the Government to make the National Lottery subject to the Freedom of Information Act.”

—Senators Shane Ross, David Norris, Joe O’Toole, Feargal Quinn and Mary Henry. [27 May, 2004]


—Senators David Norris, Feargal Quinn, Mary Henry, and Shane Ross. [15 June, 2004]

4. “That Seanad Éireann

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

and

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

calls for

— root and branch reform of the electoral process,

— a review of the procedures used to update the Electoral Register to ensure greater accuracy and improved convenience for those wishing to register,

— information campaigns on the role of Local Government, the European Parliament, the Houses of the Oireachtas and the President prior to the relevant election and the importance of transfers in the proportional representational system,

— a widening of the grounds on which a postal ballot can be applied for and an extension in the deadline for applications,

and

— the automatic registration of all people upon reaching the age of 18 by means of using the PPS serial number provided by the Department of Social and Family Affairs.”

—Senators Fergal Browne, Brian Hayes, James Bannon, Paul Bradford, Paddy Burke, Ulick Burke, Paul Coghlan, Noel Coonan, Maurice Cummins, Frank Feighan, Michael Finucane, Jim Higgins, Joe McHugh, John P. Phelan and Sheila Terry. [22 June, 2004]

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

—Senators David Norris, Joe O’Toole, Mary Henry, Feargal Quinn, Shane Ross. [14 October, 2004]
6. “That Seanad Éireann calls on the Government to honour the commitment clearly given by An Taoiseach at the United Nations in 2002 that Ireland would reach the target of 0.7% of GDP for overseas development aid by 2007.”
—Senators David Norris, Shane Ross, Mary Henry.
[14 October, 2004]

7. “That Seanad Éireann,

— expresses its extreme concern at increase in drug abuse nationally and the increasing availability of hard drugs to all parts of the country;

— condemns the Fianna Fáil-Progressive Democrat Government for its failure to adequately fund the National Drugs Strategy 2001-2008 and to meet the commitments promised under the strategy;

— denounces the Government for its failure to expand drug prevention, treatment, rehabilitation and other community-based diversionary facilities such as sporting and entertainment venues for young people;

— demands that this Government give full recognition to Ireland’s growing drug problem by immediately establishing a high level Ministerial Task Force to report and make recommendations on tackling this problem;

— recognises the links between alcohol misuse and drug abuse and moves to create a National Addiction Strategy, which seeks to address the interrelationship between the two;

— calls on the Government to fulfil all of the 100 commitments made under the National drugs Strategy 2001-2008; and

— demands that the Government provides increased funding to both the Local and Regional Drugs Task Forces.”
—Senators Brian Hayes, Fergal Browne, James Bannon, Paul Bradford, Paddy Burke, Ulick Burke, Paul Coghlan, Noel Coonan, Maurice Cummins, Frank Feighan, Michael Finucane, Jim Higgins, Joe McHugh, John Paul Phelan, Sheila Terry.
[20 October, 2004]

8. “That Seanad Éireann call on the Government to launch an emergency national plan for the disposal of waste and demands that the Minister for the Environment, Heritage and Local Government introduces legislation increasing the penalties for illegal dumping”.
—Senators Shane Ross, Mary Henry, Feargal Quinn, David Norris, Joe O’Toole.
[28 October, 2004]

9. “That Seanad Éireann:

• acknowledging the work undertaken by Community Groups throughout the country with the assistance of the FÁS Community Employment Schemes;

• acknowledging the deteriorating economic climate for people who are displaced from CE Schemes in gaining access to other work and in particular that people over 50 years of age have particular difficulty in sourcing alternative employment;

• recognising the deep concern of community, health and sporting organisations about the future of these schemes and the continuation of important local projects;

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• accepting the contribution that these schemes make to the self-esteem of the participants and that people in long-term unemployment should continue to have the opportunity to do valuable work through CE Schemes;

calls on the Minister for Enterprise, Trade and Employment to reverse the decisions that were made in the last Budget to reduce the number of participants on the Community Employment Schemes from 25,000 to 20,000 and return the number of CES places to 2003 levels so that the importance of community development and the valuable contribution of community groups and participants is fully recognised in the context of training for job opportunities in the future and to establish a new social employment scheme for the older age group who are long-term employed.”

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

[3 November, 2004]

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

—Senators Shane Ross, David Norris.

[15 December, 2004]

11. “In view of the continuing slow progress of the transitional Government in the Democratic Republic of the Congo (DRC) towards democratic elections, added to the catastrophic humanitarian consequences of the civil war that has caused the death of 3.8 million people there since 1998, the ongoing lack of human rights respect and protection in the country, the shameful economic exploitation by foreign interests, and the ineffectiveness of the UN’s peacekeeping mission (MONUC), Seanad Éireann calls on the Government;

(i) to do all in their power, especially through UN, EU and other inter-governmental organisations, to put pressure on the DRC’s transition government to meet the requirements of the Pretoria Agreement. In particular to ensure that delays and impediments to the holding of elections by 30 June, 2005 — such as the passing of essential legislation — be addressed immediately; and

(ii) to ensure that the transitional Government which has been ineffective and negligent in its implementation of the Pretoria Agreement does not continue to hold the people of the DRC to ransom beyond the deadline laid out by that agreement (30 June 2005), and that if an extension is required in order to hold elections that an alternative transitional Government with political legitimacy be put in place by the International Committee in Support of the Transition (CIAT).”

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

[22 March, 2005]


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

[24 March, 2005]


• notes the commitment of the Government to take a comprehensive set of actions to address the rate of injuries and deaths on our roads;
acknowledges, specifically, the commitment of Government to take measures to improve road safety and driver behaviour;

welcomes the work of Government Departments and Agencies to address the serious issue of road safety;

notes with regret the loss of 118 lives on Irish roads to date this year; and

urges the Government to continue its commitment to, and investment in, efforts to reduce the number of road traffic accidents on Irish roads.”

—Senators John Dardis, John Minihan, Tom Morrissey, Kate Walsh, Michael Brennan.

Leasú:

Amendment:

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

“• notes the failure on the part of the Government to fully implement commitments designed to reduce road deaths; and

• calls on the Government to ensure the immediate provision of:
  — a fully equipped and fully staffed independent traffic corps,
  — a complete roll-out of the penalty points system,
  — a complete nationwide rollout of speed cameras,
  — and an improvement in the driving standards and testing of motorists through the establishment of the Driving Testing and Standards Agency.”

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

[26 April, 2005]

18. An Seanad a chur ar athlo.
Adjointment of the Seanad.

BILLÍ SEANAID SA DÁIL
Seanad Bills with the Dáil

An Bille um Thruailliú na Farraige (Forála Ilghnéitheacha) 2003.


An Bille um Fhorghníomhú Pianbhreitheanna a Aistriú 2003.
Transfer of Execution of Sentences Bill 2003.
An Bille um Sheirbhísí Uisce 2003.
Water Services Bill 2003.

Land Bill 2004.

An Bille um Chuntais Dhomhaoine (Leasú) 2004.

Bille an Gharda Síochána 2004.

An Bille um Shaoire do Thuismitheoirí (Leasú) 2004.

An Bille um an Dlí Coiriúil (Gealtacht) 2002.
Criminal Law (Insanity) Bill 2002.

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

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

MEMORANDA

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

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

Cruinniú den Chomhchoiste um Shláinte agus Leanaí i Seomra Coiste 4, TL 2000, ar 10 a.m.
Meeting of the Joint Committee on Health and Children in Committee Room 4, LH 2000, at 10 a.m.

Cruinniú den Chomhchoiste um an mBunreacht i Seomra Coiste 3, TL 2000, ar 10.30 a.m. agus athchromadh i Seomra Coiste 1, TL 2000, ar 2.00 p.m.
Meeting of the Joint Committee on the Constitution in Committee Room 3, LH 2000, at 10.30 a.m. and resuming in Committee Room 1, LH 2000, at 2.00 p.m.
Meeting of the Joint Committee on European Affairs in Committee Room 2, LH 2000, at 2 p.m.

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

Meeting of the Joint Committee on Health and Children in Committee Room 2, LH 2000, at 9.30 a.m.

Meeting of the Sub-Committee on European Scrutiny in Committee Room 4, LH 2000, at 9.30 a.m.

Meeting of the Joint Committee on the Constitution in Committee Room 3, LH 2000, at 10.30 a.m.

Meeting of the Sub-Committee Orthodontics in Committee Room 2, LH 2000, at 11.45 a.m. (Private)

Meeting of the Joint Committee on Foreign Affairs, Sub-Committee on Development Co-Operation in Committee Room 4, LH 2000, at 12 noon.

Meeting of the Joint Committee on Health and Children in Committee Room 4, LH 2000, at 10 a.m.
PÁIPÉIR A LEAGADH FAOI BHRÁID AN tSEANAID
Papers laid before the Seanad

Reachtúil:

1) Páipéar Uaine ar an dlí agus an dlínse is infheidhime i gcúrsaí colscartha agus larscribhinní mar aon le nótá faisnéise míníucháin. COM (2005) 82.

2) Togra le haghaidh Rialacháin ó Pharlaímint na hEorpa agus ón gComhairle a bhi neann le cearta daoine atá faoi mhíchumas luaineachta, le linn do bhéith ag taistil d’aer mar aon le nótá faisnéise míníucháin. COM (2005) 47.

3) Togra le haghaidh Rialacháin ó Pharlaímint na hEorpa agus ón gComhairle le faisneise saibháilteachta in iul mar aon le nótá faisnéise míníucháin. COM (2005) 82.


Neamhreachtaíl:


Statutory:


Non Statutory:

1) Report under section 32 of the Freedom of Information Act 1997 in relation to legislative provisions that either authorise or require the non-disclosure of a record. (Department of the Environment, Heritage and Local Government).
