



DÁIL ÉIREANN

AN BILLE UM MÍCHUMAS 2004 DISABILITY BILL 2004

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

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AN BILLE UM MÍCHUMAS 2004 —AN TUARASCÁIL

DISABILITY BILL 2004 —REPORT

Leasuithe Amendments

1. In page 5, lines 5 to 25, to delete all words from and including “ENABLE” in line 5 down to and including “INCLUSION” in line 25 and substitute the following:

“AFFIRM, PROTECT AND VINDICATE THE EQUAL RIGHTS OF PEOPLE WITH DISABILITIES, TO ALLOW FOR POSITIVE ACTION MEASURES TO ENABLE PEOPLE WITH DISABILITIES TO REACH THEIR FULL POTENTIAL, TO LIVE WITH MAXIMUM INDEPENDENCE, AUTONOMY, PRIVACY AND DIGNITY, AND TO PARTICIPATE IN AND CONTRIBUTE TO IRISH SOCIETY ON AN EQUAL BASIS, TO GUARANTEE A MINIMUM STANDARD FOR THE PROVISION OF DISABILITY-SPECIFIC SERVICES, TO GUARANTEE THE PROGRESSIVE REALISATION OF THE RIGHT OF EQUAL ACCESS TO ALL PUBLIC BUILDINGS AND SERVICES,”.

—Aengus Ó Snodaigh.

2. In page 5, lines 5 to 12, to delete all words from and including “THE” in line 5 down to and including “NEEDS,” in line 12 and substitute the following:

“CERTAIN RIGHTS FOR PEOPLE WITH DISABILITIES, INCLUDING THE RIGHT TO THE ASSESSMENT OF NEEDS OCCASIONED TO THEM BY THEIR DISABILITIES, AND TO A STATEMENT OF SERVICES COMMENSURATE WITH THOSE NEEDS, TO ENABLE MINISTERS OF THE GOVERNMENT TO MAKE PROVISION FOR THOSE SERVICES,”.

—Kathleen Lynch, Finian McGrath.

3. In page 5, lines 7 to 12, to delete all words from and including “OCCASIONED” in line 7 down to and including “-CATION,” in line 12 and substitute the following:

“OF PERSONS WITH DISABILITIES, TO ENABLE MINISTERS OF THE GOVERNMENT TO MAKE PROVISION”.

—David Stanton, Gerard Murphy.

4. In page 5, line 30, to delete “Disability” and substitute the following:

“Assessment and Services For People with Disabilities and Miscellaneous Provisions”.

—David Stanton, Gerard Murphy.

5. In page 5, line 30, to delete “Disability” and substitute “Rights of Persons with Disabilities”.

—Kathleen Lynch, Finian McGrath, Aengus Ó Snodaigh.

6. In page 5, to delete lines 31 to 36 and in page 6, to delete lines 1 to 8.

—Kathleen Lynch, Finian McGrath.

7. In page 5, line 31, to delete “Subject to *subsection (3)*,”.
—Aengus Ó Snodaigh.
8. In page 5, line 31, to delete “shall”.
—David Stanton, Gerard Murphy.
9. In page 5, line 33, to delete “come” and substitute “comes”.
—David Stanton, Gerard Murphy.
10. In page 6, to delete lines 1 to 8.
—Aengus Ó Snodaigh.
11. In page 6, line 1, to delete “shall come” and substitute “comes”.
—David Stanton, Gerard Murphy.

12. In page 6, lines 13 to 17, to delete all words from and including “, means” in line 13 down to and including “intellectual” in line 17 and substitute the following:

“means—

- (a) the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body,
- (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness,
- (c) the malfunction, malformation or disfigurement of a part of a person’s body,
- (d) a condition or malfunction which results in a person learning differently from a person without a condition or malfunction,
- (e) a condition, illness or disease which affects a person’s thought processes, perceptions of reality, emotions or judgment, or which results in disturbed behaviour,
- (f) and includes a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person,

and ‘people with disabilities’ shall be taken to mean children or adults who experience any restriction in their capacity to participate in economic, social, political or cultural life on account of a physical, sensory, learning, mental health or emotional”.

—Aengus Ó Snodaigh.

13. In page 6, lines 13 to 17, to delete all words from and including “substantial” in line 13 down to and including “impairment” in line 17 and substitute the following:

“restriction in the capacity of the person to participate in society, including by carrying on a profession, business, or occupation in the State or by participating in social or cultural life in the State, on account of a physical, sensory, mental health or learning disability, or any other condition”.

—Kathleen Lynch, Finian McGrath.

14. In page 6, line 27, to delete “2003” and substitute “2004”.

—Kathleen Lynch.

15. In page 6, line 32, to delete “historic or touristic” and substitute “heritage”.
—Finian McGrath.

16. In page 6, lines 33 to 42, to delete all words from and including “means—” in line 33, down to and including “established—” in line 42 and in page 7, to delete lines 1 to 9 and substitute the following:

“shall mean the bodies listed in the *Schedule* to this Act;”.

—Aengus Ó Snodaigh.

17. In page 7, between lines 9 and 10, to insert the following:

“(i) any private body which provides services and products to the public;”.

—David Stanton, Gerard Murphy.

18. In page 7, between lines 9 and 10, to insert the following:

“(i) any body which is publicly appointed, which is funded by public money or which carries out public functions designated by law;”.

—David Stanton, Gerard Murphy, Aengus Ó Snodaigh.

19. In page 7, between lines 9 and 10, to insert the following:

“(i) any body, organisation or group financed wholly or partly by a Minister of the Government and standing prescribed by the Minister;”.

—Finian McGrath, Aengus Ó Snodaigh.

20. In page 7, lines 10 to 21, to delete all words from and including “kind” in line 10 down to and including “tribunal.” in line 21 and substitute the following:

“nature that is available to the public generally or to a section of the public.”.

—Aengus Ó Snodaigh.

21. In page 7, lines 10 and 11, to delete “provided by a public body”.

—Kathleen Lynch, Finian McGrath, Aengus Ó Snodaigh.

22. In page 7, line 10, after “by” to insert “or on behalf of”.

—Finian McGrath.

23. In page 8, lines 19 and 20, to delete “Minister for Health and Children” and substitute “Minister for Social, Community and Family Affairs”.

—Aengus Ó Snodaigh.

24. In page 8, between lines 27 and 28, to insert the following:

“5.—(1) The Minister for Finance shall ensure that budgetary allocations related to services under *Part 2** of this Act are such that all such services provided to people with disabilities in the State meet the minimum standards under Articles 3 and 8 of the European Convention on Human Rights.

(2) When allocating resources across Departments, the Minister for Finance shall take into account the rights of people with disabilities under *Part 2** of this Act and the information provided pursuant to *section 14*2*.

(3) A Minister of the Government or a relevant public body in relation to that Minister shall, out of monies provided by the Oireachtas in the financial year 2005 or any subsequent year, provide to or in respect of services under this Act, such monies and other resources as are required, as determined by him or her, for the purposes of the provision of services for people with disabilities.

(4) A determination by a Minister in respect of matters referred to in *subsection (3)* shall be in accordance with the policies from time to time formulated by the Minister, in relation to the performance of each of her or his functions as a Minister of Government.

(5) In formulating any such policy, a Minister shall have regard to, and take due account of, the following principles:

- (a) that the provision of resources by the State in fulfilment of its duties under Article 40 of the Constitution (being the resources available to the State and allocated by it in a manner consistent with the common good) shall be such as to ensure the equitable treatment of every person in the State, including people with disabilities;
- (b) that the objective of the services provision made by this Act is to ensure that people with disabilities have the same right to avail of, and benefit from, access to appropriate services as do other persons of the State who do not have disabilities;
- (c) his or her current duties and the legally enforceable rights of people with disabilities under existing equality legislation and the European Convention on Human Rights.”.

—Aengus Ó Snodaigh.

*[*These are the appropriate references if amendment No. 30 is accepted.*]

*²[*This is the appropriate reference if amendment No. 97 is accepted.*]

25. In page 8, to delete lines 28 to 48 and in page 9, to delete lines 1 to 29.

—Aengus Ó Snodaigh.

26. In page 8, lines 44 and 45, to delete “as he or she considers appropriate” and substitute the following:

“as is appropriate for the performance of those functions”.

—Kathleen Lynch.

27. In page 8, to delete lines 46 to 48 and in page 9, to delete lines 1 to 13.

—Kathleen Lynch.

28. In page 9, between lines 13 and 14, to insert the following:

“(5) *Subsection (4)* does not apply so as of itself to defeat or make non-cognisable by the courts a claim against the State, a Minister or a relevant public body seeking an order for the provision of services by a Minister or a relevant public body, or for compensation for loss or damage occasioned by the non-provision of such services, or any other claim arising from the omission to provide such services, where the non-provision of such services to a person is claimed to amount to a breach of a constitutional right of that person.”.

—Kathleen Lynch, Finian McGrath.

29. In page 9, between lines 29 and 30, to insert the following:

“6.—(1) The Minister shall, not later than three years after the commencement of this Act, carry out a review of the operation of this Act.

(2) For the purposes of assisting him or her with the review under *subsection (1)*, the Minister shall consult, and have due regard to the recommendations of, the Human Rights Commission, the Equality Authority, the National Disability Authority, all Government Departments, disability representative groups, service providers to people with disabilities and people with disabilities and their families.

(3) The Minister shall cause a copy of the review under *subsection (1)* to be laid before each House of the Oireachtas, and the changes proposed in the review shall not be made until a resolution approving the changes has been passed by each House.”.

—Aengus Ó Snodaigh.

30. In page 9, to delete lines 30 to 33 and substitute the following:

“PART 2*

RIGHTS TO DISABILITY SPECIFIC SERVICES AND ESTABLISHMENT OF AN INDEPENDENT DISABILITY SUPPORT SERVICE

6.—Every person with a disability shall have the right to an independent assessment of his or her individual needs in relation to disability specific services and other supports necessary to maximise independence, participation in and contribution to Irish society.”.

—Aengus Ó Snodaigh.

*[*The proposed new Part comprehends the inclusion of amendment Nos. 33, 44, 60, 70, 72, 89, 94, 97, 107, 123, 126, 127, 141, 146, 148, 150, 155, 156, 157 and 158.*]

31. In page 9, to delete lines 32 and 33 and substitute the following:

“Review of operation of Act.

6.—The Minister shall—

- (a) carry out a review this Act, in particular the definition of disability, within a maximum period of 2 years of operation or 3 years of enactment, whichever is the soonest,
- (b) for the purpose of assisting him or her in making such a review under this section, consult any such organisations or representatives as he or she considers appropriate,
- (c) where a review is carried out under *paragraph (a)* cause a copy of the review to be laid before each House of the Oireachtas and the changes proposed in the review shall not be made until a resolution approving the changes has been passed by each House.”.

—David Stanton, Gerard Murphy.

32. In page 9, to delete lines 32 and 33 and substitute the following:

“6.—The Minister shall not later than 3years after the commencement of this Act, carry out a review of the operation of this Act and shall cause copies of the review to be laid before the Houses of the Oireachtas.”.

—Kathleen Lynch.

33. In page 9, to delete lines 34 to 42, to delete page 10 and in page 11, to delete lines 1 to 12 and substitute the following:

“7.—Disability specific services for the purposes of *section 6** shall be defined by regulation, on advice from the National Disability Authority, and the Minister shall publish a list of such services by category on the date of commencement of this Act, and shall thereafter update this list on an annual basis.”.

—Aengus Ó Snodaigh.

**[This is the appropriate reference if amendment No. 30 is accepted.]*

34. In page 10, line 3, to delete “health and education”.

—Kathleen Lynch, Aengus Ó Snodaigh.

35. In page 10, line 3, after “any)” to insert “or other needs”.

—Finian McGrath.

36. In page 10, line 4, to delete “health services or education”.

—Kathleen Lynch, Aengus Ó Snodaigh.

37. In page 10, line 4, after “any)” to insert “or other needs”.

—Finian McGrath.

38. In page 10, to delete line 6.

—David Stanton, Gerard Murphy.

39. In page 10, line 20, to delete “(including a personal social service)” and substitute the following:

“, including a personal social service, such as home care, respite care, personal care and social supports,”.

—David Stanton, Gerard Murphy.

40. In page 10, between lines 23 and 24, to insert the following:

“ ‘needs officer’ shall be construed in accordance with *section 7* and *section 10*. Each subsequent reference to ‘assessment officer’ and ‘liaison officer’ in this Act shall be construed as references to ‘needs officer’;”.

—David Stanton, Gerard Murphy.

41. In page 10, to delete lines 27 to 36.

—Kathleen Lynch, Aengus Ó Snodaigh.

42. In page 10, line 30, after “permanent” where it secondly occurs to insert “or permanently episodic”.

—Ciaran Cuffe.

43. In page 10, lines 33 to 36, to delete all words from and including “continu-” in line 33 down to and including “life” in line 36 and substitute the following:

“as early in life as possible to the person whether or not a child”.

—Ciaran Cuffe.

44. In page 11, to delete lines 13 to 47, to delete page 12 and substitute the following:

“8.—All disability specific services provided in the State as defined under *section 7** shall be provided in a manner consistent with Articles 3 and 8 of the European Convention on Human Rights, and this shall constitute the basic minimum standard for the provision of such services.”.

—Aengus Ó Snodaigh.

**[This is the appropriate reference if amendment No. 33 is accepted.]*

45. In page 11, lines 17 and 18, to delete “such period as the Executive may determine” and substitute “a minimum of five years”.
—Finian McGrath.
46. In page 11, line 27, after “request” to insert “without undue delay”.
—Finian McGrath.
47. In page 12, line 1, to delete “health and education”.
—Kathleen Lynch, Finian McGrath, Aengus Ó Snodaigh.
48. In page 12, line 1, after “any)” to insert “or other needs”.
—Finian McGrath.
49. In page 12, lines 3 to 8, to delete all words from and including “considered” in line 3 down to and including “provision” in line 8 and substitute the following:
“listed in order of importance, which are considered appropriate by the person or persons referred to in *subsection (2)* to meet the needs of the applicant and the period of time required by the person or persons for the provision of each of those services and the order of such provision, giving preference to services which are most needed by the applicant”.
—David Stanton, Gerard Murphy.
50. In page 12, to delete lines 9 and 10 and substitute the following:
“(iv) a statement of outstanding needs of the person, which cannot currently be met by the services provided,
(v) a statement of the date by which continuous reviews of the assessment should be carried out, within a period not exceeding 12 months from the date of the previous assessment, or whenever there is a change in circumstances or condition either for the person being assessed or in available resources.”.
—David Stanton, Gerard Murphy.
51. In page 12, line 11, to delete “may” and substitute “shall”.
—Kathleen Lynch, Finian McGrath.
52. In page 12, line 14, to delete “attend before him or her for interview” and substitute “meet with him or her”.
—Kathleen Lynch, Finian McGrath.
53. In page 12, line 14, after “interview” to insert the following:
“and, if necessary, the assessment officer will attend before the applicant and, if appropriate, a person referred to in *section 9(2)*”.
—Ciaran Cuffe.
54. In page 12, line 18, to delete “the” and substitute “any reasonable”.
—Ciaran Cuffe.
55. In page 12, lines 22 to 26, to delete all words from and including “unless” in line 22 down to and including “disability” in line 26.
—Finian McGrath, Aengus Ó Snodaigh.
56. In page 12, line 22, after “her” to insert “reasonable”.
—Ciaran Cuffe.

57. In page 12, line 28, to delete “endeavour to”.
—Finian McGrath.
58. In page 12, line 33, after “that” to insert “written”.
—Ciaran Cuffe.
59. In page 12, lines 39 to 44, to delete all words from and including “unless” in line 39 down to and including “disability” in line 44.
—Finian McGrath, Aengus Ó Snodaigh.
60. In page 13, to delete lines 1 to 47 and in page 14, to delete lines 1 to 13 and substitute the following:

“9.—Every person with a disability shall have the right to have his or her independent assessment of need conducted—

(a) on application by him or herself, or

(b) on application on his or her behalf by a medical professional, a relative, legal guardian, spouse or non-marital or same-sex partner, a carer, or a legal representative or other advocate,

(c) at the onset or diagnosis of disability,

(d) and updated as his or her circumstances change.”.
—Aengus Ó Snodaigh.
61. In page 13, line 2, after “person”)” to insert “has or”.
—Kathleen Lynch.
62. In page 13, lines 7 and 8, to delete “form such an opinion” and substitute “make application under this section”.
—Kathleen Lynch.
63. In page 13, between lines 20 and 21, to insert the following:

“(e) a carer or family carer.”.
—Aengus Ó Snodaigh.
64. In page 13, line 25, to delete “may” and substitute the following:

“shall, unless an assessment has been or is being otherwise carried out.”.
—Kathleen Lynch.
65. In page 13, line 31, to delete “within 3 months of” and substitute “forthwith after”.
—Kathleen Lynch.
66. In page 13, lines 32 and 33, to delete “and to be completed without undue delay” and substitute the following:

“or, in the case of urgent conditions, to commence immediately, which should be completed without undue delay, within a maximum period of 3 months from commencement”.
—David Stanton, Gerard Murphy.
67. In page 13, to delete lines 34 to 43.
—Kathleen Lynch.

68. In page 14, line 7, to delete “of circumstances” and substitute the following:

“in the personal circumstances of the applicant or to the services available to meet the needs of the applicant”.

—Finian McGrath.

69. In page 14, between lines 13 and 14, to insert the following:

“(9) In carrying out a review of an assessment report, in accordance with *section 8(7)(b)(iv)*, in respect of the person with a disability, the assessment officer shall, in addition to the criteria laid out in *section 8(7)*, cause an assessment to be made of—

(a) the extent, if any, to which the needs set out in any previous such assessment or the assessment, as the case may be, for the person were achieved, and

(b) the reasons for any failure to meet those needs and the effect any such failure has had on the development of the person,

and the assessment, shall include, where appropriate, measures to address any such effect.

(10) The assessment officer shall cause a review of all assessment reports to be carried out on a regular basis.”.

—Aengus Ó Snodaigh.

70. In page 14, to delete lines 14 to 18 and substitute the following:

“10.—Every person with a disability has the right to access services and supports that meet the needs identified in his or her individual assessment within a reasonable and agreed timeframe.”.

—Aengus Ó Snodaigh.

71. In page 14, line 16, to delete “may” and substitute “shall”.

—Finian McGrath.

72. In page 14, to delete lines 19 to 46, to delete page 15 and in page 16, to delete lines 1 to 16 and substitute the following:

“11.—The State shall take steps to progressively achieve the full realisation of the right to all services recommended to meet the needs of persons assessed under *sections 6^{*1}* and *9^{*2}*.”.

—Aengus Ó Snodaigh.

*¹[*This is the appropriate reference if amendment No. 30 is accepted.*]

*²[*This is the appropriate reference if amendment No. 60 is accepted.*]

73. In page 14, between lines 22 and 23, to insert the following:

“(2) A liaison officer shall be independent in the performance of his or her functions.”.

—David Stanton, Gerard Murphy.

74. In page 14, lines 24 and 25, to delete “health services or education services or both” and substitute “services”.

—Kathleen Lynch, Aengus Ó Snodaigh.

75. In page 14, line 25, after “education” to insert “or other”.

—Finian McGrath.

76. In page 14, line 25, to delete “both” and substitute “a combination of these”.
—Finian McGrath.
77. In page 14, line 28, after “education” to insert “or other”.
—Finian McGrath.
78. In page 14, line 29, to delete “both” and substitute “a combination of these”.
—Finian McGrath.
79. In page 14, line 30, after “education” to insert “or other”.
—Finian McGrath.
80. In page 14, line 31, after “provided” to insert “without undue delay”.
—Finian McGrath.
81. In page 14, to delete lines 44 to 46 and in page 15, to delete lines 1 to 9.
—Aengus Ó Snodaigh.
82. In page 15, line 10, after “officer” to insert the following:
“or the applicant or, if appropriate, a person referred to in *section 9(2)*”.
—Ciaran Cuffe.
83. In page 15, line 15, after “child” to insert the following:
“if appropriate provisions relating to educational services are contained in an education plan in relation to the child prepared pursuant to the Act of 2004”.
—Kathleen Lynch, Finian McGrath.
84. In page 15, to delete lines 20 and 21.
—Kathleen Lynch.
85. In page 15, line 25, after “identified” to insert “as necessary”.
—Ciaran Cuffe.
86. In page 15, line 26, after “report,” to insert the following:
“and should these services not be practicable at the time of writing the service statement, to review the service statement at regular intervals, with a view to meeting the needs of the applicant over a reasonable period of time,”.
—Aengus Ó Snodaigh.
87. In page 15, between lines 26 and 27, to insert the following:
“(e) the need to ensure in relation to a service statement (which shall in each case be prepared by a liaison officer based on the assessment of the person concerned) where it is not practicable to provide the required services immediately, or alternatively, where those services are not affordable in the short term, that a plan be prepared in consultation with the person, the subject of the statement, for the progressive and incremental delivery of the required services within a time frame specified in the statement,”.
—Kathleen Lynch.
88. In page 15, to delete lines 27 to 35.
—Kathleen Lynch, Aengus Ó Snodaigh.

89. In page 16, to delete lines 17 to 34 and substitute the following:

“12.—Notwithstanding the generality of *sections 10*¹* and *11*²*, where an individual's needs as determined under *section 6*³* or *9*⁴* genuinely cannot be met immediately or within a reasonably short timeframe because a service provider lacks the capacity to accommodate or otherwise provide for him or her, that individual has the right to receive a formal statement from the service provider indicating the date by which planned development or expansion of the service will allow him or her to access the needed service or other support as of right.”

—Aengus Ó Snodaigh.

*¹[*This is the appropriate reference if amendment No. 70 is accepted.*]

*²[*This is the appropriate reference if amendment No. 72 is accepted.*]

*³[*This is the appropriate reference if amendment No. 30 is accepted.*]

*⁴[*This is the appropriate reference if amendment No. 60 is accepted.*]

90. In page 16, line 18, to delete “may” and substitute “shall”.

—Finian McGrath.

91. In page 16, line 25, after “shall” to insert “forthwith”.

—Kathleen Lynch.

92. In page 16, line 27, to delete “or” and substitute “and”.

—Kathleen Lynch, Finian McGrath.

93. In page 16, between lines 30 and 31, to insert the following:

“(b) The public body shall communicate with the persons in this subsection the information regarding services that may be provided by the public body that it considers that the applicant is entitled to, as soon as practicable after receiving the assessment report, but within a maximum period of 6 weeks after receipt of the assessment report.”

—David Stanton, Gerard Murphy, Aengus Ó Snodaigh.

94. In page 16, to delete lines 35 to 48 and in page 17, to delete lines 1 to 10 and substitute the following:

“13.—Where services that are the subject of a statement issued under *section 12** have not been provided to the individual concerned within a calendar year, the service provider shall issue the individual a new statement providing an updated estimate of waiting time for access to the service.”

—Aengus Ó Snodaigh.

*[*This is the appropriate references if amendment No. 89 is accepted.*]

95. In page 16, between lines 45 and 46, to insert the following:

“(e) identifying the services which are required but which are currently unavailable, resulting in unmet needs of the persons assessed, with a view to making those services available.”

—David Stanton, Gerard Murphy, Aengus Ó Snodaigh.

96. In page 17, line 3, after “provision” to insert the following:

“and an indication of the resources required to meet unmet aggregate needs”.

—Finian McGrath.

97. In page 17, to delete lines 11 to 32 and substitute the following:

“14.—Service providers shall collect data in relation to demand and unmet need for each relevant service, and shall submit a report reflecting these statistics together with costed recommendations for service development to the relevant Minister and to the Minister for Finance on an annual basis to assist in the production of estimates for the funding of disability specific services for the coming year.”.

—Aengus Ó Snodaigh.

98. In page 17, between lines 13 and 14, to insert the following:

“(a) the denial of a right to an assessment of need;”.

—Aengus Ó Snodaigh.

99. In page 17, to delete lines 16 to 18 and substitute the following:

“(b) the contents of the assessment;”.

—Kathleen Lynch.

100. In page 17, line 22, after “contents” to insert “or adequacy”.

—Kathleen Lynch.

101. In page 17, lines 24 and 25, to delete “education”.

—Kathleen Lynch.

102. In page 17, line 25, after “provider” to insert “or other service provider”.

—Finian McGrath.

103. In page 17, between lines 27 and 28, to insert the following:

“(f) the adequacy of the service statement.”.

—Finian McGrath.

104. In page 17, between lines 27 and 28, to insert the following:

“(j) the contents of the assessment report provided to the applicant.”.

—Finian McGrath, Aengus Ó Snodaigh.

105. In page 17, to delete lines 28 to 32.

—Kathleen Lynch.

106. In page 17, line 30, to delete “has arisen” and substitute the following:

“becomes known to the applicant concerned or a person referred to in *section 9(2)*”.

—Ciaran Cuffe.

107. In page 17, to delete lines 33 to 47, to delete page 18 and in page 19, to delete lines 1 to 17 and substitute the following:

“15.—Data collected and stored under *section 14** shall be collected and stored in accordance with the Data Protection Act 2002.”.

—Aengus Ó Snodaigh.

**[This is the appropriate references if amendment No. 97 is accepted.]*

108. In page 17, line 34, to delete “employees of the Executive” and substitute “independent persons”.

—Aengus Ó Snodaigh.

109. In page 17, line 40, after “shall” to insert “within 7 days”.
—Kathleen Lynch.
110. In page 17, line 44, after “of” to insert “a reasonably held”.
—Ciaran Cuffe.
111. In page 18, line 2, to delete “if appropriate,”.
—Ciaran Cuffe.
112. In page 18, line 10, after “complaint” to insert “within one month”.
—Finian McGrath.
113. In page 18, lines 23 and 24, to delete “investigate the complaint” and substitute the following:
“commence investigation of the complaint within one month”.
—Finian McGrath.
114. In page 18, line 45, after “person” to insert “has or”.
—Kathleen Lynch.
115. In page 18, line 47, after “*section 9*” to insert “within a specified timeframe”.
—Finian McGrath.
116. In page 18, to delete lines 48 to 51 and in page 19, to delete lines 1 and 2 and substitute the following:
“(c) if the report contains a finding that the contents of the assessment are inadequate, a recommendation that the Chief Executive of the Health Service Executive cause the assessment or a specified part of it to be amended or to be carried out as directed by the complaints officer;”.
—Kathleen Lynch.
117. In page 19, line 2, after “standards” to insert “within a specified timeframe”.
—Finian McGrath.
118. In page 19, line 4, after “are” to insert “inadequate,”.
—Kathleen Lynch.
119. In page 19, line 6, after “concerned” to insert “within a specified timeframe”.
—Finian McGrath.
120. In page 19, line 8, after “provider” to insert “or other service provider”.
—Finian McGrath.
121. In page 19, line 12, after “appropriate” to insert “within a specified timeframe”.
—Finian McGrath.
122. In page 19, line 14, to delete “be conducted otherwise than in public.” and substitute the following:
“not be conducted in public unless—
(a) the applicant requests otherwise,
(b) the complaints officer believes a public hearing would be more appropriate.”.
—Aengus Ó Snodaigh.

123. In page 19, to delete lines 18 to 27 and substitute the following:

“16.—In the production of annual estimates and budgets each Minister of the Government and the Minister for Finance shall have regard to the rights of people with disabilities under *section 10*^{*1}, the duties of the State under *section 11*^{*2} and the statistics and recommendations provided under *section 14*^{*3}.”

—Aengus Ó Snodaigh.

*¹[*This is the appropriate reference if amendment No. 70 is accepted.*]

*²[*This is the appropriate reference if amendment No. 72 is accepted.*]

*³[*This is the appropriate reference if amendment No. 97 is accepted.*]

124. In page 19, lines 18 and 19, to delete “appointed by the Minister” and substitute the following:

“an officer of the Ombudsman appointed by the Ombudsman and accountable to him or her”.

—Kathleen Lynch, Finian McGrath, Aengus Ó Snodaigh.

125. In page 19, line 19, after “Minister” to insert “for Finance”.

—Finian McGrath.

126. In page 19, to delete lines 28 to 33 and substitute the following:

“17.—An independent Disability Support Service shall be established by the Minister for Social, Community and Family Affairs, and shall be operational within a year of the commencement of this Act for the purposes of upholding and advocating the rights of people with disabilities under *sections 6*^{*1}, *9*^{*2} and *10*^{*3}.”

—Aengus Ó Snodaigh.

*¹[*This is the appropriate reference if amendment No. 30 is accepted.*]

*²[*This is the appropriate reference if amendment No. 60 is accepted.*]

*³[*This is the appropriate reference if amendment No. 70 is accepted.*]

127. In page 19, to delete lines 34 to 47, to delete pages 20 to 22 and in page 23, to delete lines 1 to 3 and substitute the following:

“18.—The Disability Support Service shall be responsible to conduct individual needs assessments under *sections 6*^{*1} and *9*^{*2} and to produce a Statement of Needs reflecting this assessment. The Statement of Needs shall be subject to confidentiality and shall become the property of the individual person concerned.”

—Aengus Ó Snodaigh.

*¹[*This is the appropriate reference if amendment No. 30 is accepted.*]

*²[*This is the appropriate reference if amendment No. 60 is accepted.*]

128. In page 19, line 36, before “or” to insert “or against a finding under *section 15(4)*”.

—Ciaran Cuffe.

129. In page 19, line 37, to delete “an education” and substitute “a”.

—Kathleen Lynch, Aengus Ó Snodaigh.

130. In page 19, line 38, before “pursuant” to insert “or other service provider”.

—Finian McGrath.

- 131.** In page 20, line 2, to delete “weeks” and substitute “months”.
—David Stanton, Gerard Murphy.
- 132.** In page 20, line 6, after “appeal” to insert “or such longer period as may be allowed”.
—Kathleen Lynch.
- 133.** In page 20, line 10, after “provider” to insert “or other service provider”.
—Finian McGrath.
- 134.** In page 20, line 13, after “provider” to insert “or other service provider”.
—Finian McGrath.
- 135.** In page 21, line 9, after “appropriate,” to insert “and shall, where requested by the applicant,”.
—Kathleen Lynch, Aengus Ó Snodaigh.
- 136.** In page 21, line 29, after “provider” to insert “or other service provider”.
—Finian McGrath.
- 137.** In page 21, line 37, to delete “that” and substitute “an”.
—Kathleen Lynch.
- 138.** In page 22, line 16, after “oath” to insert “or affirmation”.
—Kathleen Lynch.
- 139.** In page 23, between lines 3 and 4, to insert the following:
“(23) An appeal shall lie from a decision of the appeals officer to the District Court for the district in which the applicant is ordinarily resident or carries on any trade, profession or business.”.
—Kathleen Lynch.
- 140.** In page 23, between lines 3 and 4, to insert the following:
“(23) Nothing in this section shall be construed as authorising the processing of personal data (within the meaning of the Data Protection Act 1988) contrary to the provisions of the Data Protection Acts 1988 and 2003.”.
—Ciaran Cuffe.
- 141.** In page 23, to delete lines 4 to 27 and substitute the following:
“19.—Each individual shall be involved in his or her own needs assessment process, including exercising a choice of services where possible. Where appropriate, the person’s relatives, legal guardians, spouse, non-marital or same-sex partner, carer, legal representative or other advocate may also be involved.”.
—Aengus Ó Snodaigh.
- 142.** In page 23, line 9, after “of” to insert “the reasonably held”.
—Ciaran Cuffe.
- 143.** In page 23, line 22, after “provider” to insert “or other service provider”.
—Finian McGrath.
- 144.** In page 23, line 22, to delete “both” and substitute “a combination”.
—Finian McGrath.

145. In page 23, between lines 27 and 28, to insert the following:

“Complaints or appeals decisions.

20.—A complaint or appeal regarding any decision or determination taken by any of the following—

- (a) an assessment officer,
- (b) a liaison officer,
- (c) a complaints officer,
- (d) a mediation officer,
- (e) an appeals officer,
- (f) a chief executive officer concerned, or
- (g) any other head of a body which has undertaken to provide services under *Part 2** of this Act,

can be made to the Office of the Ombudsman, under the Ombudsman Act 1980, and will be dealt with in accordance with *section 38* of this Act.”.

—Aengus Ó Snodaigh.

**[This is the appropriate reference if amendment No. 30 is accepted.]*

146. In page 23, to delete lines 28 to 30 and substitute the following:

“20.—Statements under *section 18** shall include a plan outlining how the individual’s identified needs should be met in each case and the timeframe within which each service is to be provided, including recommendations for the coordination of services.”.

—Aengus Ó Snodaigh.

**[This is the appropriate references if amendment No. 127 is accepted.]*

147. In page 23, line 29, after “appeal” to insert “to the District Court or an appeal”.

—Kathleen Lynch, Finian McGrath.

148. In page 23, to delete lines 31 to 43 and in page 24, to delete lines 1 to 35 and substitute the following:

“21.—The Disability Support Service shall communicate with service providers in the production of service provision plans under *section 20** and regarding the delivery of these services, advocating on behalf of the individual person with a disability to secure these services as required.”.

—Aengus Ó Snodaigh.

**[This is the appropriate reference if amendment No. 146 is accepted.]*

149. In page 24, line 27, after “complaints” to insert the following:

“provided that any regulations in relation to the time within which a complaint must be made, shall include provision for the extension of such time on the showing of cause for such an extension”.

—Kathleen Lynch, Finian McGrath.

150. In page 24, to delete lines 36 to 44 and in page 25, to delete lines 1 to 31 and substitute the following:

“22.—The Disability Support Service shall establish satellite offices in each county of the State, with appropriate staff ratios to the number of people with disabilities within each catchment area, as shall be recommended by the National Disability Authority and on approval of the Minister.”.

—Aengus Ó Snodaigh.

151. In page 24, line 37, after “provider” to insert “or other service provider”.

—Finian McGrath.

152. In page 24, between lines 37 and 38, to insert the following:

“(i) to implement a service statement.”.

—Kathleen Lynch, Aengus Ó Snodaigh.

153. In page 25, line 10, to delete “education”.

—Kathleen Lynch, Aengus Ó Snodaigh.

154. In page 25, line 10, after “provider” to insert “or other service provider”.

—Finian McGrath.

155. In page 25, between lines 31 and 32, to insert the following:

“23.—The Disability Support Service shall also include an advocacy service for people with disabilities who require additional support in accessing other public services, taking a complaint to a service provider or enforcing his or her rights through the courts. The advocacy service shall be available on demand to people with disabilities in community, residential, hospital and prison settings. The advocacy service shall include both direct advocacy and training for a range of advocacy including self-advocacy, peer advocacy, family and carer advocacy, citizen advocacy and specialist advocacy.”.

—Aengus Ó Snodaigh.

156. In page 25, between lines 31 and 32, to insert the following:

“24.—The Disability Support Service shall also include Regional Disabilities Services Inspectors who shall be responsible to annually inspect the conditions of long-term residential and day facilities and other services specifically for people with disabilities, including sheltered workshops, and make recommendations to the relevant Minister for the upgrading of facilities and services as required to ensure compliance with *section 8**.”.

—Aengus Ó Snodaigh.

**[This is the appropriate reference if amendment No. 44 is accepted.]*

157. In page 25, between lines 31 and 32, to insert the following:

“25.—Standards for recruitment and training of staff for the Disability Support Service shall be determined by the National Disability Authority, who shall publish these and shall also conduct the public tendering process.”.

—Aengus Ó Snodaigh.

158. In page 25, between lines 31 and 32, to insert the following:

“26.—Unless otherwise indicated, guidelines for the operation of sections under *Part 2** of this Act shall be determined by Ministerial regulation, on advice from the National Disability Authority, and shall be consistent with National Disability Authority Standards and Codes of Practice. People with disabilities, their families, carers, and service providers shall be consulted in the drafting of regulations under this section.”.

—Aengus Ó Snodaigh.

**[This is the appropriate reference if amendment No. 30 is accepted.]*

159. In page 26, line 41, after “shall” to insert “, subject to *section 27(1)(b)*,”.

—Kathleen Lynch.

160. In page 26, after line 48, to insert the following:

“(c) The compliance of public buildings with Part M shall be ensured by the allocation of certificates of compliance by a building control officer who will also be charged with the periodic monitoring and inspection of such buildings.”.

—David Stanton, Gerard Murphy.

161. In page 27, line 1, after “may,” to insert the following:

“following consultation with such other Ministers of the Government or other persons or bodies as he or she considers appropriate”.

—Finian McGrath.

162. In page 27, line 24, to delete “where practicable and appropriate,”.

—Kathleen Lynch.

163. In page 27, line 27, to delete “where practicable and appropriate,”.

—Kathleen Lynch.

164. In page 27, line 32, to delete “where appropriate,”.

—Kathleen Lynch.

165. In page 27, between lines 40 and 41, to insert the following:

“(3) Section 8(1) of the Act of 1999 is amended by the deletion of ‘the Minister’ and the substitution therefor of ‘the Government, Ministers and public bodies’, and by the deletion of ‘keep him or her’ and the substitution therefor of ‘keep them’.”.

—Kathleen Lynch.

166. In page 28, lines 24 and 25, to delete all words from and including “persons” in line 24 down to and including “available” in line 25 and substitute “people with disabilities”.

—Finian McGrath.

167. In page 28, between lines 25 and 26, to insert the following:

“(3) The Minister for Justice, Equality and Law Reform shall, in consultation with—

- (a) the National Disability Authority,
- (b) the Equality Authority,
- (c) consumer groups, and

(d) any other persons or bodies which he or she considers appropriate,

produce a handbook, which will be updated annually, containing information on responsibilities, procedures and practices, involved in the provision of rights for persons with disabilities to suitable services and supports, as referred to in this Act. The Minister shall cause the handbook to be published or otherwise made available to all members of the public, including those with disabilities and give notice to the public of the publication or availability.”

—Finian McGrath.

168. In page 29, lines 37 to 42, to delete all words from and including “of” where it firstly occurs in line 37 down to and including “Resources,” in line 42 and in page 30, to delete lines 1 to 3 and substitute “Minister of the Government,”

—David Stanton, Gerard Murphy.

169. In page 30, between lines 3 and 4, to insert the following:

“(g) and other Ministers of the Government as shall be designated by regulations,”

—Finian McGrath.

170. In page 30, between lines 38 and 39, to insert the following:

“(f) appropriate information concerning services provided to or on behalf of people with disabilities,

(g) the criteria governing eligibility for such services,

(h) the criteria governing entitlement to such services,

(i) the target quantum of provision from the resources provided for the relevant year,

(j) details of any plans to change or improve the level of services provision for coming years,

(k) any planned changes to eligibility or entitlement to services,

(l) appropriate information concerning resources required to implement the sectoral plans.”

—Finian McGrath.

171. In page 30, after line 48, to insert the following:

“(7) In drawing up a statement of strategy as required under the Public Service Management Act 1997, government departments shall include the provision of services to people with disabilities as a headed item.”

—Finian McGrath.

172. In page 31, between lines 8 and 9, to insert the following:

“(d) the introduction of National Standards for Disability Services and the statutory inspection of such services,

(e) the consideration of the primary care needs of people with disabilities when developing the new model of primary care,”

—David Stanton, Gerard Murphy.

173. In page 33, line 42, to delete “officers of the body” and substitute “independent persons”.

—Kathleen Lynch, Finian McGrath.

174. In page 36, between lines 41 and 42, to insert the following:

“Disability Proofing Statement.

41.—Where the provision of a service would fall within the remit of a Department, or public body under its aegis, without regard to who the service providers might be, the head of the Department or public body under its remit shall ensure that the Department or public body, on an annual basis—

- (a) produces a Disability Proofing Statement (DPS) of its overall remit on the basis that people with disabilities are equally part of the public to be served,
- (b) provides the Disability Proofing Statement to the Disability Commissioner and simultaneously publishes it,
- (c) consults with representatives of the disability movement,
- (d) takes, or causes to be taken, all other appropriate and reasonable steps to identify the extent and range of needs, into the future, of people with disabilities,
- (e) identifies, or causes to be identified, a range of action measures which may also include positive action measures,
- (f) sets out the steps, along with timelines where appropriate, which it considers are required to ensure the full and equal inclusion of people with disabilities within the remit of the Department or public body. The Disability Proofing Statement will document the areas of unmet service needs for people with disabilities by the Department and will report on the Department's progress in addressing these services on an annual basis,
- (g) sets out the steps which it has taken, and which it intends to take, to ensure the availability of the necessary resourcing and any other responses that it considers necessary,
- (h) in respect of each annual Disability Proofing Statement, other than the first one, provides an analysis of the previous year's statement and any earlier ones, having regard to *paragraphs (a) to (g) of this section*.”

—Finian McGrath.

175. In page 36, between lines 41 and 42, to insert the following:

“Establishment of Office of Disability Commissioner.

42.—(a) There is established an office to be known as ‘The Office of the Disability Commissioner’ and the holder of the office shall be known as ‘The Disability Commissioner’ and is referred to in this Act as ‘The Commissioner’.

- (b) The Commissioner shall be independent in the performance of his or her functions.
- (c) The appointment of a person to be the Commissioner shall be made by the President on the advice of the Government following a resolution passed by Dáil Éireann and by Seanad Éireann recommending the appointment of that person.”

—Finian McGrath.

176. In page 36, between lines 41 and 42, to insert the following:

“Functions of Commissioner.

- 43.—(1) The functions of the Commissioner shall be:
- (a) to monitor compliance by Departments and public bodies under their remit with the provisions of *section 41** of this Act;
 - (b) to take all necessary measures within his or her authority to ensure compliance by Departments and public bodies with *section 41**;
 - (c) to carry out investigations, whether on his or her own initiative, on request from the Minister, or pursuant to a complaint made to him or her by any person, into any failure by a Department or a public body to comply with the provisions of *section 41**, that he or she or, as appropriate, the Minister, consider may have occurred;
 - (d) to provide, as he or she considers appropriate, advice or other assistance to the public regarding their rights under *section 41**;
 - (e) to provide, as he or she considers appropriate, advice or other assistance to Departments and public bodies regarding their obligations under *section 41**;
 - (f) the Commissioner may prepare and publish commentaries on the practical application and operation of the provisions, or any particular provisions, of *section 41**, including commentaries based on the experience of holders of the office of Commissioner in relation to the investigations and findings following investigations of such holders under this Act;
- (2) (a) The Commissioner shall, not later than 6 months after the end of each year prepare and furnish to the Minister a report on his or her activities in that year.
- (b) The Minister shall, not later than 2 months after the receipt of the report, cause a copy thereof to be laid before each House of the Oireachtas.
- (c) The Commissioner may, if he or she considers it appropriate to do so in the public interest or in the interests of any person, prepare and publish a report in relation to any investigation carried out or other function performed by him or her under *section 41** or any matter relating to or arising in the course of such an investigation or performance.
- (3) (a) In any case where a complaint is made to the Commissioner and the Commissioner decides not to carry out an investigation under this section or decides to discontinue such an investigation, he or she shall send to the person who made the complaint and to the public body concerned a statement in writing of his or her reasons for the decision and shall send to such other person as he or she considers appropriate such statement in writing in relation to the matter as he or she considers appropriate.
- (b) In any case where the Commissioner conducts an investigation under *section 41**, he or she shall prepare and submit to—
- (i) the public body concerned,
 - (ii) the Minister, and the Minister of the Department concerned, and
 - (iii) in a case where a complaint is made to the Commissioner, the complainant,

a report in writing of the findings of the investigation and may include in the report any recommendations he or she considers appropriate having regard to the investigation.

- (c) The Commissioner may issue an interim report if he or she considers it appropriate so to do.
- (d) The Commissioner may request a public body to submit to him or her within a specified time any comments it may have regarding any findings or recommendations contained in a report under *paragraph (b)*.
- (e) If, within a reasonable time after a report containing recommendations is submitted to a public body, any recommendations contained in the report have not, in the opinion of the Commissioner, been implemented by that body, the Commissioner may, after considering any responses made to him or her by the public body in respect of those recommendations, make a report thereon to each House of the Oireachtas.
- (f) The Commissioner shall attach to every report under *paragraph (e)* a copy of every response (if any) made by or on behalf of a public body to the said recommendations.”.

—Finian McGrath.

*[*This is the appropriate reference if amendment No. 174 is accepted.*]

177. In page 36, between lines 41 and 42, to insert the following:

“Powers of Commissioner

44.—(1) For the purpose of his or her functions under this Act the Commissioner may require any person who, in the opinion of the Commissioner, is in possession of information, or has a record or thing in his or her power or control, that is relevant to the purposes aforesaid to furnish to the Commissioner any such information, record or thing and, where appropriate, may require the person to attend before him or her for that purpose, and the person shall comply with the requirement.

(2) No enactment or rule of law prohibiting or restricting the disclosure or communication of information shall preclude a person from furnishing to the Commissioner any such information or record, as aforesaid.”.

—Finian McGrath.

178. In page 37, line 16, before “consent” to insert “express”.

—Kathleen Lynch.

179. In page 37, line 18, after “Acts” to insert the following:

“provided that the consent is genuinely freely given and may be withdrawn at any time”.

—Kathleen Lynch.

180. In page 38, line 11, to delete “2001” and substitute “2003”.

—Kathleen Lynch.

181. In page 38, between lines 21 and 22, to insert the following:

“(d) people with disabilities and their family members.”.

—Finian McGrath.

182. In page 38, line 31, after “Authority” to insert “, people with disabilities, their family members”.

—Finian McGrath.

- 183.** In page 40, lines 1 and 2, to delete all words from and including “, unless” in line 1 down to and including “so,” in line 2.
—Kathleen Lynch.
- 184.** In page 40, line 5, after “targets” to insert “(being not less than 3 per cent)”.
—Kathleen Lynch.
- 185.** In page 40, line 9, after “her” to insert the following:
“provided that no compliance target shall be set below 3 per cent”.
—Finian McGrath.
- 186.** In page 40, lines 37 and 38, to delete all words from and including “, unless” in line 37 down to and including “so,” in line 38.
—Kathleen Lynch.
- 187.** In page 40, lines 37 and 38, to delete all words from and including “unless” in line 37 down to and including “so” in line 38 and substitute the following:
“if it is reasonable in all the circumstances of the case”.
—Finian McGrath.
- 188.** In page 40, between lines 39 and 40, to insert the following:
“(5) The Minister shall, as soon as may be after the passing of this Act, prepare and lay before each House of the Oireachtas, a report on the possibility of increasing the public service employment quota for people with disabilities above 3 per cent.”.
—David Stanton, Gerard Murphy.
- 189.** In page 42, between lines 2 and 3, to insert the following:
“(8) Where a public body is in breach of its obligations under this Part to meet an employment target, a disabled applicant for employment is entitled to bring this issue to the Authority, and if it can be shown to the satisfaction of the Authority that it is reasonable to do so, the Authority may order that the public body hold a competition for future vacancies where the disabled person is entitled to be put on a panel. If following a period on such panel, the person concerned can show to the satisfaction of the Equality Tribunal that the non-filling of vacancies is entirely or primarily due to the non-attainment of the employment target, then the person may be entitled to such redress as the Equality Tribunal may award.”.
—Finian McGrath.
- 190.** In page 42, line 17, after “may” to insert the following:
“make a report to the Oireachtas on the matter and may”.
—Finian McGrath.
- 191.** In page 42, between lines 19 and 20, to insert the following:
“(3) The Authority shall be empowered to conduct an investigation in relation to employment of people with disabilities in any public body, and public bodies shall be obliged to produce any records relevant to such investigations.”.
—Finian McGrath.
- 192.** In page 44, line 19, before “part-” to insert the following:
“or if in the Authority’s opinion it is more practicable to do so, shall make a separate annual report to the Minister in relation to”.
—Finian McGrath.

193. In page 46, line 37, to delete “contributing to”.

—Finian McGrath.

194. In page 46, line 41, to delete “support and assist in the development of” and substitute “develop and promulgate”.

—Finian McGrath.

195. In page 47, between lines 49 and 50, to insert the following:

“(c) recognise the achievement of excellence in universal design through the provision of an awards system for excellence in universal design.”.

—Finian McGrath.

196. In page 48, between lines 10 and 11, to insert the following:

“19E.—The Centre may, and shall if requested by the Minister, prepare for submission to the Minister draft codes of practice in respect of any matter relating to excellence in universal design.”.

—Finian McGrath.

197. In page 48, between lines 10 and 11, to insert the following:

“19F.—(1) The Centre shall, not later than 30 September in each year, make a report to the Minister on the performance of its functions and on its activities during the preceding year.

(2) The Minister shall cause a copy of the report to be laid before each House of the Oireachtas.

(3) The Centre may from time to time make such other reports to the Minister on the performance of its functions as it thinks fit.”.

—Finian McGrath.

198. In page 48, to delete lines 13 to 34.

—Finian McGrath.

199. In page 50, after line 38, to insert the following:

“(2) (a) Nothing in this Act, shall be taken to contravene, or constitute any alteration, to the rights and protections prescribed in the Equal Status Acts 2000 to 2004.

(b) Nothing in this Act, shall be taken to contravene, or constitute any alteration, to the rights and protections prescribed in the European Convention of Human Rights Act 2003.

(c) Nothing in this Act, shall be taken to contravene, or constitute any alteration, to the rights and protections prescribed in the Employment Equality Acts 2000 to 2004.”.

—David Stanton, Gerard Murphy.

200. In page 51, to delete lines 12 to 49 and in page 52 to delete lines 1 to 26 and substitute the following:

“SCHEDULE

PUBLIC BODIES

1. Pursuant to *section 2*, each of the following shall be a public body for the purposes of this Act:

(1) Department of Agriculture and Food

Department of Arts, Sport and Tourism

Department of Communications, Marine and Natural

Resources

Department of Community, Rural and Gaeltacht Affairs

Department of Defence

Department of Education and Science

Department of Enterprise, Trade and Employment

Department of Finance

Department of Foreign Affairs

Department of Health and Children

Department of Justice, Equality and Law Reform

Department of Public Enterprise

Department of Social and Family Affairs

Department of the Environment and Local Government

Department of the Taoiseach

Department of Transport

Office of the Director of Consumer Affairs

Central Statistics Office

Chief State Solicitor's Office

Office of the Civil Service and Local Appointments Commissioners

Office of the Attorney General

Office of the Comptroller and Auditor General

Office of the Director of Public Prosecutions

Office of the Houses of the Oireachtas

Office of the President

Office of the Revenue Commissioners

(2) Agencies, Boards, State Companies (commercial and noncommercial)

a regional assembly

the Eastern Regional Health Authority and an area health board

a regional authority

a university or other third level institution

a vocational education committee

Advisory Committee on Cultural Relations

Aer Lingus Group plc

Aer Rianta cpt

An Bord Altranais

An Bord Bia

An Bord Glas

An Bord Pleanála

An Bord Uchtála

An Chomhairle Leabharlanna

An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta

An Coimisiún Logainmneacha

An Foras Áiseanna Saothair (FÁS)

An Implementation Body established under the British-Irish Agreement Act 1999

An Post

An tÚdarás um Ard-Oideachas

APSO (Agency for Personal Service Overseas)

Area Development Management Limited

Area Partnership Boards

Arramara Teoranta

Bioresearch Ireland

Bord Fáilte Éireann

Bord Gáis Éireann

Bord Iascaigh Mhara

Bord na gCon
Bord na Leabhar Gaeilge
Bord na Móna
Bord na Radharcmhastóirí
Bord Scannán na hÉireann
Broadcasting Commission of Ireland
Broadcasting Complaints Commission
Bus Átha Cliath
Bus Éireann
C.E.R.T. Limited
Central and Regional Fisheries Boards
Central Bank and Financial Services Authority of Ireland
Chester Beatty Library
Coillte Teoranta
Coiste an Asgard
Comhairle
Comhairle na Nimheanna
Comhairle na nOspidéal
Comhar — The National Sustainable Development
Partnership
Commission for Aviation Regulation
Commission for Communications Regulation
Commission for Energy Regulation
Córas Iompair Éireann
County Enterprise Boards
Crafts Council of Ireland
Crisis Pregnancy Agency
Data Protection Commissioner
Defence Forces Canteen Board
Dental Council
District Registrars of Marriages appointed under the terms of
section 57 of the Marriages (Ireland) Act 1844

Drug Treatment Centre Board
Dublin Dental Hospital Board
Dublin Docklands Development Authority
Dublin Institute for Advanced Studies
Dublin Transportation Office
Economic and Social Research Institute
Electricity Supply Board
Energy Advisory Board
Enterprise Ireland
Fire Services Council
Food Safety Authority of Ireland
Forfás
Further Education and Training Awards Council
General Medical Services Payment Board
General Register Office
Government Information Services
Harbour Authorities within the meaning of the Harbours Act
1946
Harbour Companies referred to in section 7 of the Harbours
Act 1996
Health and Safety Authority
Health Research Board
Health Service Employers Agency
Health Services Executive
Higher Education and Training Awards Council
Horse Racing Ireland
Hospital Bodies Administrative Bureau
Hospitals Trust Board
Housing Finance Agency plc
I.D.A. Ireland
Iarnród Éireann
Institiúid Teangeolaíochta Éireann

Institute of Public Administration
International Development Ireland Limited
Irish Aid Advisory Committee
Irish Aviation Authority
Irish Blood Transfusion Service
Irish Council for Science, Technology and Innovation
Irish Fertiliser Industries Limited
Irish Financial Services Appeals Tribunal
Irish Financial Services Regulatory Authority
Irish Museum of Modern Art
Irish National Petroleum Corporation Limited
Irish National Stud Company Limited
Irish Productivity Centre
Irish Red Cross Society
Irish Telecommunications Investments plc
LEADER Groups
Leopardstown Park Hospital Board
Levy Appeals Tribunal
Local Employment Service Boards
Local Government Computer Services Board
Local Government Management Services Board
Marine Institute
Medical Bureau of Road Safety
Mental Health Commission
National Authority for Occupational Safety and Health
National Building Agency Limited
National Cancer Registry Board
National Centre for Partnership and Performance
National Committee for Development Education
National Concert Hall
National Council on Ageing and Older People
National Council for Professional Development of Nursing

and Midwifery

National Council for Special Education

National Disability Authority

National Economic and Social Council

National Economic and Social Forum

National Gallery of Ireland

National Library of Ireland

National Microelectronics Applications Centre Ltd.

National Milk Agency

National Museum of Ireland

National Qualifications Authority of Ireland

National Rehabilitation Board

National Roads Authority

National Safety Council

National Social Work Qualification Board

National Standards Authority of Ireland

National Statistics Board

National Technology Park Plassey Ltd.

National Theatre Society Limited (Abbey Theatre)

National Treasury Management Agency

Nítrigin Éireann Teoranta

Office for Health Management

Office of the Director of Corporate Enforcement

Office of the Director of Equality Investigations

Office of the Paymaster General

Office of the Refugee Applications Commissioner

Office of Tobacco Control

Ordnance Survey Ireland

Patents Office

Pharmaceutical Society of Ireland

Postgraduate Medical and Dental Board

Public Voluntary Hospitals

Radiological Protection Institute of Ireland
Radio Telefís Éireann
Raidió na Gaeltachta
Refugee Agency
Refugee Appeals Tribunal
Registrars of Births, Deaths and Roman Catholic Marriages
Registration Council for Secondary Teachers
Registry of Deeds
Rights Commissioners
Shannon Free Airport Development Company Limited
(SFADCo)
Standards in Public Office Commission
State Laboratory
Sustainable Energy Ireland
Teagasc
TEASTAS
Teilifís na Gaeilge
Temple Bar Properties Limited
Temple Bar Renewal Limited
the Aquaculture Licences Appeals Board
the Army Pensions Board
the Arts Council (An Chomhairle Ealaíon)
the Censorship of Films Appeals Board
the Censorship of Publications Appeals Board
the Censorship of Publications Board
the Combat Poverty Agency
the Commissioners of Charitable Donations and Bequests for
Ireland
the Commissioners of Public Works
the Companies Registration Office
the Competition Authority
the Courts Service

the Criminal Injuries Compensation Tribunal
the Defence Forces
the Employment Appeals Tribunal
the Environmental Protection Agency
the Equality Authority
the Garda Síochána
the Garda Síochána Complaints Appeals Board
the Garda Síochána Complaints Board
the Health Insurance Authority
the Heritage Council
the Human Rights Commission
the Information Society Commission
the Ireland-United States Commission for Educational
Exchange
the Irish Manuscripts Commission
the Irish Medicines Board
the Irish Prison Service
the Irish Sports Council
the Irish Water Safety Association
the Labour Court
the Labour Relations Commission
the Land Registry
the Law Reform Commission
the Legal Aid Board
the Medical Council
the Mining Board
the National Archives
the National Archives Advisory Council
the National Centre for Guidance in Education
the National Competitiveness Council
the National Council for Curriculum and Assessment
the National Council for Forest Research and Development

(COFORD)

the National Council for Vocational Awards

the National Lottery

the Office of the Appeal Commissioners for the purposes of
the Tax Acts

the Office of the Chief Medical Officer for the Civil Service

the Office of the Information Commissioner

the Office of the Official Censor of Films

the Office of the Ombudsman

the Office of the Registrar of Friendly Societies

the Pensions Board

the Probation and Welfare Service

the Referendum Commission

the Rent Tribunal

the Social Welfare Tribunal

the State Examinations Commission

the Valuation Office

the Valuation Tribunal

Údarás na Gaeltachta

Veterinary Council

Voluntary Health Insurance Board

Western Development Commission

Women's Health Council

(3) a local authority,

(4) a health board,

(5) any body, organisation or group standing prescribed for the
time being, with the consent of such other (if any) Minister of the

Government as the Minister considers appropriate having regard to the functions of
that other Minister of the Government, and being—

(a) a body, organisation or group that receives moneys directly
from a Minister of the Government, a Department of

State, the Central Fund or a public body specified in *subparagraph (2), (3) or (4)* of this paragraph in circumstances where the amount or aggregate of the amounts

so received constitutes 50 per cent or more of the current expenditure of that body, organisation or group in a financial year,

- (b) a body, organisation or group that at the date of the coming into operation of this Schedule is a public body but subsequently comes under private ownership and control,
- (c) a body, organisation or group performing functions which previously stood vested in a body, organisation or group under public ownership or control, or
- (d) any other body, organisation or group on which functions in relation to the general public or a class of the general public stand conferred or permitted by any enactment or by any licence or authority given under any enactment,
- (e) such further and other bodies established by statute following the passage of this Act.

2. A body, organisation or group standing prescribed pursuant to regulations for the purposes of *clause (b) of paragraph 1(5)* shall be a public body only as respects functions referred to in that clause.

3. The Minister may, with the consent of such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government, by regulations amend *subparagraph (2)* of paragraph 1 by the insertion or deletion of a reference to any public body.

4. A reference in *paragraph 1* to any particular Department of State shall be construed as—

- (a) including a reference to a body, organisation or group specified in relation to that Department of State in the Schedule to the Ministers and Secretaries Act 1924 (not being another public body specified in that paragraph), and
- (b) not including any other body, organisation or group.”.

—Aengus Ó Snodaigh.