

# DÁIL ÉIREANN

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## AN BILLE UM MÍCHUMAS 2004 —AN TUARASCÁIL

## DISABILITY BILL 2004 —REPORT

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### *Leasuithe Amendments*

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**a161a** In page 27, to delete line 5.

—Aengus Ó Snodaigh.

**161b** In page 27, to delete lines 8 to 10 and substitute the following:

“(c) provisions are in place for reasonable accommodation of people with disabilities.”.

—Aengus Ó Snodaigh.

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

—Kathleen Lynch, Aengus Ó Snodaigh.

[*This amendment is in substitution for amendment No. 162 on the principle list of amendments.*]

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

—Kathleen Lynch, Aengus Ó Snodaigh.

[*This amendment is in substitution for amendment No. 163 on the principle list of amendments.*]

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

—Kathleen Lynch, Aengus Ó Snodaigh.

[*This amendment is in substitution for amendment No. 164 on the principle list of amendments.*]

**a165b** In page 28, to delete lines 1 to 7.

—Aengus Ó Snodaigh.

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

—Kathleen Lynch, Finian McGrath, Aengus Ó Snodaigh.

[*This amendment is in substitution for amendment No. 173 on the principle list of amendments.*]

**a173a** In page 34, lines 32 and 33, to delete all words from and including “determination” in line 32 down to and including “plan” in line 33 and substitute the following:

“decision or determination of 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) an inquiry officer,
- (g) a head of a public body, or

(h) any other head of a body which has undertaken to provide services under *Part 2* or *Part 3* of this Act.”

—Aengus Ó Snodaigh.

**a173b** In page 34, line 33, after “officer” to insert “of the Office of the Ombudsman”.

—Aengus Ó Snodaigh.

**173b** In page 35, lines 3 to 8, to delete all words from and including “*Part*” in line 3 down to and including “*31(4)(b)*” in line 8 and substitute the following:

“*Part 2* or *Part 3* of the *Disability Act 2005*, the action adversely affected a person by or on whose behalf a complaint or appeal was made under *sections 13, 17* or *36*, or in accordance with the procedure for complaints provided for pursuant to *section 31(4)(b)* or *section 39(2)*”.

—Aengus Ó Snodaigh.

**173c** In page 36, line 12, after “with” to insert “*Part 2* or”.

—Aengus Ó Snodaigh.

**182c** In page 39, between lines 39 and 40, to insert the following:

“(4) Any private bodies will be deemed to be accountable to the Equality Authority for the purposes of this Part.”

—Aengus Ó Snodaigh.

**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, Aengus Ó Snodaigh.

[*This amendment is in substitution for amendment No. 183 on the principle list of amendments.*]

**183b** In page 40, line 5, after “specify” to insert the following:

“, provided that no compliance target is set below 3 per cent.”

—Aengus Ó Snodaigh.

**184.** In page 40, line 5, after “targets” to insert “(being not less than 3 per cent)”.  
—Kathleen Lynch, Aengus Ó Snodaigh.

*[This amendment is in substitution for amendment No. 184 on the principle list of amendments.]*

**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, Aengus Ó Snodaigh.

*[This amendment is in substitution for amendment No. 185 on the principle list of amendments.]*

**185c** In page 40, line 11, after “specify” to insert the following:

“, provided that no compliance target is set below 3 per cent,”.  
—Aengus Ó Snodaigh.

**185f** In page 40, line 16, after “specify” to insert the following:

“, provided that no compliance target is set below 3 per cent,”.  
—Aengus Ó Snodaigh.

**185i** In page 40, line 20, after “specify” to insert the following:

“, provided that no compliance target is set below 3 per cent,”.  
—Aengus Ó Snodaigh.

**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, Aengus Ó Snodaigh.

*[This amendment is in substitution for amendment No. 186 on the principle list of amendments.]*

**188c** In page 41, line 14, to delete “Authority, encourage” and substitute “Authority and the Equality Authority, ensure”.  
—Aengus Ó Snodaigh.

**188d** In page 41, line 34, after “Authority” to insert “, the Equality Authority”.  
—Aengus Ó Snodaigh.

**188e** In page 41, line 38, after “with” to insert “the Equality Authority and”.  
—Aengus Ó Snodaigh.

**191a** In page 42, between lines 19 and 20, to insert the following:

“(3) Any person or body who fails or refuses to comply with *sections 47 and 49* of this Part shall be deemed to be guilty of an offence under the Equal Status Acts 2000 and 2004.”.  
—Aengus Ó Snodaigh.

**191c** In page 42, line 45, after “information” to insert the following:

“and training, in accordance with and supported by and codes of practice developed by the Authority and the Equality Authority,”  
—Aengus Ó Snodaigh.

**191d** In page 43, line 2, after “Authority” to insert “in consultation with the Equality Authority”.

—Aengus Ó Snodaigh.

**191e** In page 43, line 11, after “Authority” to insert “, the Equality Authority”.

—Aengus Ó Snodaigh.

**191f** In page 43, line 14, after “Authority” to insert “, the Equality Authority”.

—Aengus Ó Snodaigh.

**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, Aengus Ó Snodaigh.

[*This amendment is in substitution for amendment No. 199 on the principle list of amendments.*]

**199b** In page 51, between lines 11 and 12, to insert the following:

“Review of Act.

60.—The Minister shall—

(a) carry out a review of 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.”

—Aengus Ó Snodaigh.