DÁIL ÉIREANN

AN BILLE UM AN nGNÍOMHAIREACHT CHÚLTACA OLA NÁISIÚNTA 2006
NATIONAL OIL RESERVES AGENCY BILL 2006

LEASUITHE COISTE
COMMITTEE AMENDMENTS

[No. 29 of 2006] [23 October, 2006]

[Printers Reference]

DÁIL ÉIREANN

AN BILLE UM AN nGNÍOMHAIREACHT CHÚLTACA OLA NÁISIÚNTA 2006
—ROGHCHOISTE

NATIONAL OIL RESERVES AGENCY BILL 2006
—SELECT COMMITTEE

Leasuithe
Amendments

SECTION 2

1. In page 6, line 4, to delete "as".

—Bernard Durkan.

2. In page 6, to delete lines 10 to 14 and substitute the following:

" "Council Directive" means Council Directive 2006/67/EC of 24 July 2006[1] imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products;".

[1]OJ No. L217, 8.8.2006, p.8

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

3. In page 7, line 3, to delete ", that" and substitute "that".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

4. In page 7, line 9, to delete "1,000" and substitute "500".

—Bernard Durkan.

5. In page 7, line 17, after "oils" to insert ", including oils derived from bio fuels".

—Bernard Durkan.

6. In page 7, line 20, after "*section 5*" to insert ", subject to the approval of Dáil Éireann".

—Bernard Durkan.

7. In page 7, between lines 20 and 21, to insert the following:

" "Standards in Public Office Commission" means the commission established by section 21 of the Ethics in Public Office Act 1995 (as amended by the Standards in Public Office Act 2001);".

—Bernard Durkan.

SECTION 4

8. In page 8, line 6, after "transfer" to insert "to him or her".

—Bernard Durkan.

9. In page 8, line 8, to delete "to the Minister".

—Bernard Durkan.

[*SECTION 5*]

SECTION 5

10. In page 8, line 12, after "which" to insert "the".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

11. In page 8, lines 12 to 14, to delete all words from and including "transfers" in line 12 down to and including "Minister" in line 14 and substitute the following:

"shall transfer to the Minister, the share owned by it in the National Oil Reserves Agency Limited".

—Bernard Durkan.

SECTION 8

12. In page 8, subsection (1)(*a*), line 34, to delete "maintaining" and substitute "maintaining,".

—Bernard Durkan.

13. In page 8, subsection (1)(*a*), line 34, to delete "*Part 4*" and substitute "*Part 4*,".

—Bernard Durkan.

14. In page 8, subsection (1)(*a*), line 34, after "stocks" to insert "while reflecting energy situations".

—Bernard Durkan.

15. In page 9, subsection (1), between lines 5 and 6, to insert the following:

"(*f*) monitoring the Irish oil industry and market and work in conjunction with the Commission for Energy Regulation and the Competition Authority to ensure an open, competitive and transparent market.".

—Thomas Broughan.

16. In page 9, subsection (3), line 10, to delete "the" and substitute ", the".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

17. In page 9, subsection (3)(*a*), line 15, after "oil" to insert ", in accordance with market indicators".

—Bernard Durkan.

18. In page 9, subsection (3)(*c*), line 19, to delete "develop" and substitute "develop,".

—Bernard Durkan.

19. In page 9, subsection (3)(*c*), line 20, after "elsewhere" to insert ", appropriate".

—Bernard Durkan.

20. In page 9, subsection (3)(*d*), line 22, after "engage" to insert "appropriate".

—Bernard Durkan.

21. In page 9, subsection (3), between lines 26 and 27, to insert the following:

"(*f*) to co-operate in conjunction with the Commission for Energy Regulation and the Competition Authority in monitoring the Irish oil industry and market.".

—Thomas Broughan.

[*SECTION 8*]

22. In page 9, subsection (3)(*g*), line 29, after "Finance," to insert "and with the approval of Dáil Éireann,".

—Bernard Durkan.

23. In page 9, subsection (3)(*h*), line 35, after "fit" to insert the following:

"and after taking full account of the maintenance of the optimum level of stocks so as to ensure the security of oil supply".

—Thomas Broughan.

24. In page 9, subsection (3)(*h*), line 36, after "Agency" to insert ", subject to the approval of Dáil Éireann".

—Bernard Durkan.

25. In page 9, subsection (3)(*i*), line 38, after "Finance," to insert "and the approval of Dáil Éireann".

—Bernard Durkan.

26. In page 9, subsection (3)(*j*), line 44, after "Finance," to insert "and the approval of Dáil Éireann,".

—Bernard Durkan.

SECTION 9

27. In page 10, line 6, after "Finance" to insert "and Dáil Éireann,".

—Bernard Durkan.

SECTION 10

28. In page 10, line 15, after "Minister" where it secondly occurs to insert ", and approved by Dáil Éireann".

—Bernard Durkan.

SECTION 11

29. In page 10, subsection (1), line 18, after "Minister" to insert "and Dáil Éireann".

—Bernard Durkan.

SECTION 13

30. In page 10, subsection (2), line 32, after "Minister" to insert "and Dáil Éireann".

—Bernard Durkan.

SECTION 14

31. In page 10, subsection (1), lines 34 to 37, to delete all words from and including "of—" in line 34 down to and including "director." in line 37 and substitute the following:

"of not more than 5 directors (including the chairperson).".

—Thomas Broughan.

[*SECTION 14*]

32. In page 10, subsection (1), between lines 35 and 36, to insert the following:

"(*b*) 40 per cent of whom should be male and 40 per cent to be female.".

—Thomas Broughan.

33. In page 10, subsection (2), line 39, after "Minister" where it firstly occurs to insert "on the approval of Dáil Éireann".

—Bernard Durkan.

34. In page 10, subsection (3), line 43, after "areas" to insert the following:

"but not withstanding any involvement in these sectors which may cause a conflict of interest to arise when carrying out their duties as a NORA director".

—Thomas Broughan.

35. In page 11, subsection (3)(*f*), line 6, to delete "industries" and substitute the following:

"industries;

(*g*) the stock market".

—Bernard Durkan.

36. In page 11, subsection (6), line 12, to delete "may" and substitute "may,".

—Bernard Durkan.

37. In page 11, subsection (6), line 13, to delete "time" and substitute "time,".

—Bernard Durkan.

38. In page 11, subsection (6)(*a*), line 15, after "opinion" to insert the following:

"and subject to confirmation by a medical practitioner".

—Bernard Durkan.

39. In page 11, subsection (8), line 29, after "Minister" to insert "and Dáil Éireann".

—Bernard Durkan.

40. In page 11, subsection (9), line 34, after "director" to insert ", subject to the Act as amended,".

—Bernard Durkan.

41. In page 11, subsection (10), line 39, to delete "that" where it secondly occurs and substitute "that,".

—Bernard Durkan.

42. In page 11, subsection (10), line 40, to delete "Act" and substitute "Act,".

—Bernard Durkan.

43. In page 11, subsection (10), line 40, after "director" to insert "subject to the Act as amended".

—Bernard Durkan.

44. In page 11, between lines 40 and 41, to insert the following subsection:

"(11) The Minister shall ensure that not less than 40 per cent of members of the board shall be women and not less than 40 per cent shall be men.".

—Thomas Broughan.

[*SECTION 15*]

SECTION 15

45. In page 11, subsection (1), line 42, after "Minister" to insert "and Dáil Éireann".

—Bernard Durkan.

46. In page 12, subsection (1), lines 3 and 4, to delete paragraph (*b*) and substitute the following:

"(*b*) thenceforth no later than every three years a statement of strategy must be brought before the Houses of the Oireachtas for approval.".

—Thomas Broughan.

47. In page 12, subsection (2), line 6, after "direct" to insert ", subject to legislation".

—Bernard Durkan.

48. In page 12, lines 18 to 20, to delete subsection (4) and substitute the following:

"(4) As soon as practicable the Minister shall lay the draft strategy statement before the Houses of Oireachtas for approval.".

—Thomas Broughan.

49. In page 12, subsection (4), line 20, after "Oireachtas" to insert the following:

", and he or she shall arrange for a short debate thereon".

—Bernard Durkan.

SECTION 16

50. In page 12, subsection (2)(*a*), line 26, before "acquire," to insert "subject to the approval of Dáil Éireann,".

—Bernard Durkan.

51. In page 12, subsection (4), line 35, after "Minister" where it firstly occurs to insert ", Dáil Éireann".

—Bernard Durkan.

52. In page 12, subsection (6), line 42, after "direction" to insert the following:

", provided that the direction is in accordance with legislation or the common good".

—Bernard Durkan.

53. In page 13, subsection (7), line 3, after "Finance" to insert "subject to conditions pertaining at that time".

—Bernard Durkan.

54. In page 13, subsection (10), line 12, after "Minister" where it firstly occurs to insert "and Dáil Éireann".

—Bernard Durkan.

55. In page 13, between lines 25 and 26, to insert the following subsection:

"(14) The Minister shall establish a subsidiary oil exploration agency so as to facilitate a holistic approach to Ireland's oil and energy security.".

—Thomas Broughan.

[*SECTION 18*]

SECTION 18

56. In page 13, subsection (1), line 33, after "functions" to insert ", subject to the approval of the Minister".

—Bernard Durkan.

SECTION 19

57. In page 13, subsection (3), line 42, after "Minister" to insert "and Dáil Éireann,".

—Bernard Durkan.

58. In page 13, subsection (4), line 46, after "levy" to insert ", as determined from time to time by the Minister".

—Bernard Durkan.

SECTION 20

59. In page 14, subsection (7), line 28, to delete "the directors" and substitute the following:

"(*a*) the directors,

(*b*) the Minister,

(*c*) the Minister for Finance, and

(*d*) Dáil Éireann".

—Bernard Durkan.

SECTION 21

60. In page 14, subsection (2), line 32, after "Finance," to insert the following:

"and subject to the approval of Oireachtas Éireann,".

—Bernard Durkan.

61. In page 15, subsection (5), lines 2 and 3, after "*subsection (1)*" to insert "and subject to the approval of Dáil Éireann".

—Bernard Durkan.

SECTION 22

62. In page 15, subsection (1), line 7, after "fit" to insert ", and subject to the approval of Dáil Éireann".

—Bernard Durkan.

63. In page 15, subsection (2), line 11, after "persons" to insert ", subject to the approval of Dáil Éireann".

—Bernard Durkan.

64. In page 15, subsection (3), line 13, after "Minister" to insert "and Dáil Éireann,".

—Bernard Durkan.

65. In page 15, subsection (5), line 23, after "Minister" where it firstly occurs to insert "and Dáil Éireann,".

—Bernard Durkan.

[*SECTION 22*]

66. In page 15, subsection (7), line 31, to delete "after" and substitute "before".

—Bernard Durkan.

67. In page 15, subsection (10), line 44, after "section" to insert "subject to review by the Pensions Board".

—Bernard Durkan.

SECTION 24

68. In page 16, subsection (1), between lines 36 and 37, to insert the following:

"(*d*) an authorised officer,".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

SECTION 25

69. In page 17, between lines 24 and 25, to insert the following subsection:

"(3) A code of conduct drawn up under this section shall require records of interests of persons to whom the code applies, and records of conflict of interest, to be maintained and to be opened to public scrutiny during office hours.".

—Thomas Broughan.

SECTION 26

70. In page 17, subsection (2), line 30, after "billion" to insert "unless otherwise provided for".

—Bernard Durkan.

71. In page 17, subsection (3), line 32, to delete "consent" and substitute "approval".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

72. In page 17, subsection (3), line 32, to delete "approval" and substitute "consent".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

73. In page 18, subsection (6), line 7, after "*subsection (2)*" to insert "including temporary borrowing".

—Eamon Ryan.

SECTION 27

74. In page 18, line 10, to delete "consent" and substitute "approval".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

75. In page 18, line 11, to delete "approval" and substitute "consent".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

76. In page 18, line 11, after "Finance" to insert "and Dáil Éireann".

—Bernard Durkan.

SECTION 29

77. In page 18, subsection (1), line 26, after "Minister" to insert "and the Standards in Public Office Commission".

—Bernard Durkan.

[*SECTION 30*]

SECTION 30

78. In page 19, subsection (1)(*g*), line 13, after "activities" where it firstly occurs to insert the following:

"save where such activities are deemed to affect policy".

—Bernard Durkan.

79. In page 19, subsection (1), between lines 14 and 15, to insert the following:

"(*h*) key information on the Irish oil industry and market and to make this information available when necessary to the Competition Authority and the Commission for Energy Regulation.".

—Thomas Broughan.

SECTION 31

80. In page 19, between lines 28 and 29, to insert the following subsection:

"(3) The Agency must provide an annual account of the levy and all its revenue-raising activities to the Public Accounts Committee of Dail Eireann.".

—Thomas Broughan.

SECTION 32

81. In page 19, subsection (1), lines 34 and 35, to delete paragraph (*a*) and substitute the following:

"(*a*) at a minimum level of 120 days of emergency stocks, or".

—Eamon Ryan.

82. In page 19, subsection (1)(*a*), line 35, after "obligations" to insert the following:

"at the highest level required by the European Union".

—Thomas Broughan.

83. In page 19, subsection (1)(*b*), line 38, after "functions" to insert "or as may be required".

—Bernard Durkan.

84. In page 19, subsection (1), between lines 38 and 39, to insert the following:

"(*c*) a sufficient internal-external holding ratio so as to ensure there are enough stocks physically held within the jurisdiction of the state if a crisis situation arises.".

—Thomas Broughan.

SECTION 33

85. In page 20, subsection (4), lines 16 and 17, to delete all words from and including "including" in line 16 down to and including "State" in line 17 and substitute the following:

"taking particular account of the necessity of holding sufficient stocks within the jurisdiction of the state".

—Thomas Broughan.

[*SECTION 34*]

SECTION 34

86. In page 20, subsection (1), line 18, to delete "The Minister" and substitute "The Commission for Energy Regulation".

—Eamon Ryan.

SECTION 35

87. In page 20, subsection (2), line 37, after "Agency" to insert the following:

"and in accordance with the terms of the national emergency contingency plan".

—Thomas Broughan.

SECTION 36

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

"(*i*) the repayment of principal borrowed under *section 26* or *27* to purchase oil or to do anything specified in *section 8(3)(a)*, *(b)*, *(c)* or *(f)*;".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

SECTION 38

89. In page 22, subsection (1), line 6, to delete "No" and substitute "Subject to subsection (2), no".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

90. In page 22, subsection (1), line 8, after "products" to insert "owned by it".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

91. In page 22, between lines 14 and 15, to insert the following subsection:

"(2) In calculating for the purposes of this section stocks of petroleum products held throughout the preceding month by an oil consumer, the Minister shall not take into account any volume of petroleum products held within the State on behalf of the oil consumer under a contract between the oil consumer and another person, unless—

(*a*) the contract is one specified in *section 60(2)(b)**, and

(*b*) before the contract was entered into, the contract proposals were submitted to and approved by the Minister in accordance with *section 60**.".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

[*These are the appropriate references if amendment No. 98 is accepted.*]

SECTION 47

92. In page 27, between lines 5 and 6, to insert the following subsection:

"(2) Documents subject to legal professional privilege shall not be liable to production under this section.".

—Thomas Broughan.

[*SECTION 49*]

SECTION 49

93. In page 27, before section 49, to insert the following new section:

"Duty of authorised officers to report certain matters.

49.—(1) An authorised officer who, after entering premises under *section 47* or under the authority of a warrant issued under *section 48*, forms the opinion in the course of exercising his or her powers under *section 47* that—

(*a*) a relevant activity has been or is being carried on by any person at the premises otherwise than in compliance with a regulatory provision, or

(*b*) there is a risk to the health, safety or welfare of any employees at work on the premises,

shall report the matter to the appropriate authority.

(2) In this section—

"appropriate authority" means—

(*a*) a member of the Garda Síochana,

(*b*) the Health and Safety Authority,

(*c*) the Environmental Protection Agency,

(*d*) the local authority in whose administrative area the premises are located, or

(*e*) the Revenue Commissioners;

"regulatory provision" means—

(*a*) any provision that is contained in or made under an enactment passed for the protection of employees, the protection of the environment or the regulation of planning and development, or

(*b*) any provision of Chapter 1 of Part 2 of the Finance Act 1999 or of a regulation made under section 104 of that Act.".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

SECTION 51

94. In page 28, before section 51, but in Part 6, to insert the following new section:

"Timetable for conclusion of issues relating to Irish National Petroleum Corporation and Whitegate.

51.—The new Agency must establish a timeframe for the conclusion of all outstanding issues relating to the Irish National Petroleum Corporation and Whitegate.".

—Thomas Broughan.

[*SECTION 56*]

SECTION 56

95. In page 29, before section 56, but in Part 8, to insert the following new section:

"Regulations to give effect to acts of European Communities.

56.—The power to make regulations under this Act includes the power to make provision in such regulations to give effect to—

(*a*) a provision of the European Communities, or

(*b*) an act adopted by an institution of those Communities.".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

SECTION 58

96. In page 30, subsection (1), lines 14 and 15, to delete "(other than an order under *section 1(2)*, *4* or *5*)".

—An tAire Stáit ag an Roinn Cumarsáide, Mara agus Acmhainní Nádúrtha, Thomas Broughan.

97. In page 30, subsection (2), line 18, after "order" to insert the following:

"(other than an order under *section 1(2)*, *4* or *5*)".

—An tAire Stáit ag an Roinn Cumarsáide, Mara agus Acmhainní Nádúrtha, Thomas Broughan.

SECTION 60

98. In page 30, before section 60, to insert the following new section:

"Minister's prior approval required for certain contracts.

60.—(1) An oil company or oil consumer shall submit the contract proposals to the Minister before it enters into a contract with a person (other than the Agency) by which the oil company, the oil consumer or that person undertakes to hold in the State an agreed volume of oil stocks or petroleum products on behalf of the other party to the contract.

(2) The Minister shall withhold approval of proposals submitted under this section unless they are for—

(*a*) a contract between an oil company and a person (other than the Agency) by which the oil company undertakes to hold in the State, in accordance with a bilateral agreement, an agreed volume of oil stocks, or

(*b*) a contract between an oil consumer and a person (other than the Agency) by which that person undertakes to hold in the State, on behalf of the oil consumer for the purpose of it claiming an exemption under *section 38*, an agreed volume of petroleum products owned by the oil consumer.

(3) Before deciding whether to give or withhold approval of proposals for a contract specified in *subsection (2)*, the Minister shall consult with the Agency and shall have regard to such factors as he or she considers appropriate, including the level of national oil reserves and the availability of adequate holding facilities in the State for the purpose of meeting the State's stockholding obligations.".

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.