



DÁIL ÉIREANN

AN BILLE UM FHAISNÉIS DO SHAORÁNAIGH 2006 CITIZENS INFORMATION BILL 2006

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM FHAISNÉIS DO SHAORÁNAIGH 2006 —ROGHCHOISTE

CITIZENS INFORMATION BILL 2006 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 3, lines 30 to 32, to delete all words from and including “com-” in line 30 down to and including “Centre” in line 32 and substitute the following:

“commonly known as a Citizens Information Service (CIS) [being an independent non-statutory body Incorporated and Limited by the Guarantee of its Members] or a Citizens Information Centre (CIC) [being an Unincorporated body operating under the authority of a CIS]”.

—Dan Boyle.

2. In page 4, line 5, to delete “substantial”.

—Willie Penrose.

3. In page 4, lines 8 and 9, to delete “an enduring” and substitute “a”.

—Willie Penrose.

4. In page 4, line 10, to delete “impairment” and substitute “condition”.

—Willie Penrose.

5. In page 4, line 22, to delete “family support” and substitute “family support and childcare”.

—Dan Boyle.

6. In page 4, line 24, after “training,” to insert “transport, physical accessibility,”.

—David Stanton.

7. In page 4, between lines 24 and 25, to insert the following:

“(d) Section 2(2) of the Principal Act is amended by the insertion of the following new paragraphs:

“(c) Nothing in this legislation will detract from the primacy of the judiciable obligation placed on government departments, state agencies and publicly funded bodies to be proactive in making information publicly available on the schemes and services they provide and on their decision-making processes as prescribed in the Freedom of Information Acts 1997 and 2003.

(d) Government departments, state agencies and publicly funded bodies may co-operate and liaise with the Board, the better to be proactive in making information publicly available on the schemes and services they provide and on their decision-making processes.”.

—Dan Boyle.

8. In page 4, between lines 24 and 25, to insert the following:

- “(e) (i) The Board and Chief Executive of each Citizens Information Service (CIS) will be empowered and resourced to assist with the review, updating and maintenance of the Register of Electors for elections to the Local Authorities, to Dáil Éireann and to the European Parliament and for Referenda, in such manner as may be prescribed from time to time in Regulations.
- (ii) Any dispute arising between the Board and Chief Executive of a Citizens Information Service (CIS) on the one hand and the agency created under this legislation on the other hand, where such dispute is not resolved by local negotiation, shall be referred for adjudication in the first instance to the Social Welfare Chief Appeals Officer who, at their sole discretion, may refer such dispute forward to the Office of the Ombudsman, having assessed, attempted to resolve, or failed to resolve the same.
- (iii) For the avoidance of confusion among the public at large, any publication issued by, and any pronouncement made by an official on behalf of the agency to be created in this legislation will be careful to articulate in an appropriate way the distinction that exists between, on the one hand, the 42 independent, local, non-statutory Citizens Information Boards each with their own mandate, and on the other hand, the statutory, nationwide agency, with its Board of Ministerial appointees, created under this legislation.”.

—Dan Boyle.

SECTION 3

9. In page 4, subsection (1), line 27, to delete “Citizens Information Board” and substitute the following:

“Comhairle - The Citizens Information and Personal Advocacy Services Board”.

—Dan Boyle.

10. In page 4, between lines 32 and 33, to insert the following subsection:

“(3) The body referred to in *subsection (1)* shall maintain a public presence on the world wide web, the address of which site shall be changed from “www.citizensinformation.ie” to “www.citinfo.ie”.”.

—David Stanton.

SECTION 4

11. In page 4, line 39, to delete “disability,” and substitute “disability and those resident in institutions,”.

—David Stanton.

SECTION 5

12. In page 6, between lines 10 and 11, to insert the following:

“(2) A personal advocate shall have such qualifications, expertise and experience relevant to personal advocacy as the Board considers appropriate.”.

[SECTION 5]

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

13. In page 6, between lines 10 and 11, to insert the following:

“(b) A personal advocate shall have such qualifications, expertise and experience as are appropriate to perform the functions conferred on him or her by this Act.”.

—David Stanton.

14. In page 6, to delete line 11 and substitute the following:

“(3) A person is a qualifying person for the pur-”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

15. In page 6, line 18, after “services” to insert “that he or she may require,”.

—David Stanton.

16. In page 6, lines 20 to 27, to delete all words from and including “and” in line 20 down to and including “obtain,” in line 27 and substitute the following:

“or

(ii) if the social service or services that he or she is seeking to obtain will prove beneficial.”.

—David Stanton.

17. In page 6, to delete lines 21 to 27.

—Willie Penrose.

18. In page 6, line 41, after “behalf” to insert “, either at all or in an effective manner,”.

—Willie Penrose.

19. In page 6, to delete lines 45 to 50 and in page 7, to delete lines 1 and 2.

—Willie Penrose.

20. In page 6, to delete lines 46 to 50 and in page 7, to delete lines 1 and 2 and substitute the following:

“the social service or services that he or she is seeking to obtain will prove beneficial.”.

—David Stanton.

21. In page 7, to delete line 3 and substitute the following:

“(4) A person shall not cease to be a qualifying”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

22. In page 7, to delete line 7 and substitute the following:

“(5) The Board shall have regard to the follow-”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

23. In page 7, between lines 28 and 29, to insert the following:

“(5) Each application for a personal advocate shall be considered within 2 months of the date of application.”.

—David Stanton.

[SECTION 5]

24. In page 7, to delete line 29 and substitute the following:

“(6) The service provided to qualifying persons”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

25. In page 7, line 29, to delete “service” and substitute the following:

“service, which shall be independent of service providers,”.

—David Stanton.

26. In page 7, line 30, to delete “sections 7B to 7E” and substitute “sections 7B to 7F”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

27. In page 7, to delete line 33 and substitute the following:

“(7) The Board may, with the approval of the”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

28. In page 7, between lines 39 and 40, to insert the following:

“(7) The Minister, shall within 6 months of the passing of this Act, prepare and lay before each House of the Oireachtas a report on the expansion of the role of the Director of the Personal Advocacy Service, to include the role of Director of Advocacy Services, involving management of all advocacy services provided by Comhairle and by community and voluntary organisations.”.

—David Stanton.

29. In page 7, to delete line 40 and substitute the following:

“(8) Subsections (2) and (4) of section 14 shall”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

30. In page 7, between lines 42 and 43, to insert the following:

“(8) The Director of the Personal Advocacy Service shall be responsible for the regular review of the work and performance of personal advocates.”.

—David Stanton.

31. In page 7, between lines 42 and 43, to insert the following:

“(8) The Director of the Personal Advocacy Service shall, upon request from a Committee or Sub Committee of a Committee (other than the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) appointed—

(a) by Dáil Éireann,

(b) by Seanad Éireann, or

(c) jointly by both Houses of the Oireachtas,

to—

(i) examine matters relating to the Department of Social and Family Affairs,

(ii) examine matters relating to the Department of Justice, Equality and Law Reform, or

[SECTION 5]

(iii) examine matters relating to the personal advocacy,

give evidence to that Committee on the performance, by him or her, or by personal advocates, of his or her or their duties in relation to the Personal Advocacy Service functions under this Act.”

—David Stanton.

32. In page 7, to delete line 43 and substitute the following:

“(9) The Director shall manage and control the”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

33. In page 7, between lines 46 and 47, to insert the following:

“(10) (a) The Director shall, if the Director or a member of the staff of the Board who is authorised to perform the functions of the Director under section 7B is informed by a person (in this subsection referred to as a ‘specified person’) that he or she is of opinion in relation to another person that the second-mentioned person is a qualifying person, provide information to the person in relation to the Personal Advocacy Service and, in particular, the requirements of section 7B in respect of an application for the assignment of a personal advocate to a person.

(b) In this subsection ‘specified person’, in relation to another person, means a member of that person’s family, a carer of that person or any other person, including a member of an organisation or group, who is actively involved in promoting the health, welfare or well-being of that person.”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

34. In page 7, to delete lines 47 and 48 and substitute the following:

“(11) The functions of the Director under subsection (10) and section 7B may be performed by such members of the”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

35. In page 8, to delete line 1 and substitute the following:

“(12) Regulations under this section may con-”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

36. In page 8, to delete line 6 and substitute the following:

“(13) Every regulation under this section shall”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

37. In page 8, line 15, after “of” to insert “the”.

—David Stanton.

38. In page 8, line 17, before “may” to insert the following:

“or a person applying on behalf of a person that he or she believes to be a qualifying person,”.

—David Stanton.

39. In page 8, line 17, after “writing” to insert “by completing an application form”.

—David Stanton.

40. In page 8, line 17, after “or” to insert “in”.

—David Stanton.

41. In page 8, between lines 22 and 23, to insert the following:

“(2) An application under subsection (1) may be made by any person on behalf of an applicant.”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

42. In page 8, to delete line 23 and substitute the following:

“(3) The Director shall determine whether or”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

43. In page 8, to delete lines 28 to 30 and substitute the following:

“(4) A decision to grant or to refuse to grant an application under subsection (1) shall be made and the applicant concerned and, if appropriate, the person who made the application on his or her behalf shall be notified of it by”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

44. In page 8, to delete line 34 and substitute the following:

“(5) If the grant of an application under subsec-”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

45. In page 8, lines 35 and 36, to delete “subsection (3)” and substitute “subsection (4)”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

46. In page 8, to delete line 40 and substitute the following:

“(6) If the grant of an application under subsec-”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

47. In page 8, to delete line 54 and substitute the following:

“(7) Subsection (6) shall not apply to a decision”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

48. In page 9, to delete line 3 and substitute the following:

“(8) A document purporting to be a certificate”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

49. In page 9, line 6, to delete “section 7A(9)” and substitute “section 7A(11)”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

50. In page 9, to delete lines 31 to 34 and substitute the following:

“(i) the substitution of the following subsection for subsection (1):

‘(1) Where any person is dissatisfied with the decision given by the Director, the question shall, on notice of appeal being given, by or on behalf of that person, to the Chief Appeals Officer within the prescribed time, be referred to an appeals officer.’,

and”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

[SECTION 5]

51. In page 10, lines 10 to 12, to delete all words from and including “shall,” in line 10 down to and including “conclusive” in line 12 and substitute the following:

“may, subject to sections 317, 318 and 327, be appealed to the Office of the Ombudsman”.

—David Stanton.

52. In page 11, line 7, after “advocate” to insert “is instructed to do so or”.

—Willie Penrose.

53. In page 11, line 32, after “may,” to insert “on the production of identification,”.

—David Stanton.

54. In page 11, between lines 37 and 38, to insert the following subsection:

“(3) (a) The Minister shall furnish every personal advocate with a certificate of his or her appointment.

(b) A personal advocate, on applying for admission to any premises or place for the purposes of this Act, shall, if requested by a person affected, produce a certificate referred to in *paragraph (a)* of this subsection, or a copy of such a certificate to that person.”.

—David Stanton.

55. In page 12, between lines 3 and 4, to insert the following:

“(d) A person, or a person acting on his or her behalf, who is unhappy with the performance of a personal advocate, may submit a complaint to the Director of the Personal Advocacy Service.”.

—David Stanton.

56. In page 12, to delete lines 8 to 20.

—Willie Penrose.

57. In page 12, between lines 13 and 14, to insert the following subsection:

“(6) The following persons may notify the Minister that an offence has occurred under subsection (5):

(a) a personal advocate;

(b) a qualifying person;

(c) members of a qualifying person’s family;

(d) a carer; or

(e) any combination of the persons mentioned in paragraphs (a) to (d).”.

—David Stanton.

58. In page 12, to delete lines 25 to 32 and substitute the following:

[SECTION 5]

“Liability for offences by bodies corporate.

7E.—(1) Where an offence under section 7D(5) is committed by a body corporate and is proved to have been committed with the consent, connivance or approval of, or to have been attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Arrangement to provide services of personal advocates.

7F.—The Board, with the approval of the Minister and subject to such terms and conditions as are considered appropriate, may arrange for the functions of personal advocates under section 7D to be performed by persons other than members of the staff of the Board and sections 7A to 7E shall, with any necessary modifications, apply to such persons.”.”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

SECTION 6

59. In page 12, line 40, to delete “3” and substitute “4”.

—Dan Boyle.

SECTION 8

60. In page 13, before section 8, to insert the following new section:

“Amendment of section 23 of Principal Act.

8.—Section 23 of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) The Chief Executive shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which the Board or the Chief Executive is required by this Act to prepare,
- (b) the economy and efficiency of the Board in the use of its resources,
- (c) the systems, procedures and practices employed by the Board for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting the Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c)) that is laid before Dáil Éireann.”.”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

[*SECTION 8*]

61. In page 13, before section 8, to insert the following new section:

“Amendment of
section 24 of the
Principal Act.

8.—The Principal Act is amended in section 24 by the substitution of the following for subsection (1):

(1) The Board shall, not later than the 30th day of June in each year, make a report to the Minister (in this section referred to as the “annual report”) in such form as the Minister may approve, on the performance of its functions and activities, including the functions and activities of the Personal Advocacy Service, during the preceding year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas not later than the 31st day of October in each year.”.

—David Stanton.

SECTION 9

62. In page 13, between lines 16 and 17, to insert the following subsection:

“(2) The Principal Act and this Act may be cited together as the Citizens’ Information Acts 2000 and 2006.”.

—Willie Penrose.