



SEANAD ÉIREANN

AN BILLE UM EITIC IN OIFIGÍ POIBLÍ (LEASÚ) 2007 ETHICS IN PUBLIC OFFICE (AMENDMENT) BILL 2007

LEASUITHE COISTE COMMITTEE AMENDMENTS

SEANAD ÉIREANN

AN BILLE UM EITIC IN OIFIGÍ POIBLÍ (LEASÚ) 2007 —AN COISTE

ETHICS IN PUBLIC OFFICE (AMENDMENT) BILL 2007 —COMMITTEE STAGE

Leasuithe Amendments

*Government amendments are
distinguished by an asterisk*

SECTION 2

***1.** In page 3, to delete lines 14 to 16 and substitute the following:

“ “(1A) Each statement required to be furnished to the Commission under subsection (1) shall be accompanied by a statement in writing that the member has complied with section 15A.” ”.

***2.** In page 3, to delete lines 24 to 26 and substitute the following:

“and furnish to the Commission a statement in writing of that fact together with a statement in writing that the member has complied with section 15A.” ”.

SECTION 4

***3.** In page 4, to delete lines 26 to 28 and substitute the following:

“be likely to materially influence the person concerned in the performance of his or her functions or duties as a relevant person.”.

***4.** In page 4, lines 46 and 47, to delete all words from and including “that” in line 46 down to and including “influence” in line 47 and substitute the following:

“that acceptance of the benefit would not be likely to materially influence”.

***5.** In page 5, lines 36 to 38, to delete all words from and including “would” in line 36 down to and including “-cerned” in line 38 and substitute the following:

“would not be likely to materially influence the relevant person concerned”.

SECTION 5

***6.** In page 8, lines 26 to 28, to delete all words from and including “in” in line 26 down to and including “Commission” in line 28 and substitute the following:

“in addition to a statement under subsection (1) furnish a statement in writing to the Taoiseach and the Commission”.

[SECTION 6]

SECTION 6

*7. In page 8, before section 6, to insert the following new section:

“Amendment of
section 23 of
Principal Act.

6.—Section 23 of the Principal Act is amended—

(a) by the insertion, after subsection (1A), of the following subsections:

“(1AB) Notwithstanding any other provision of this section, the Commission shall, where it considers it appropriate to do so, carry out an investigation under this section to determine whether a person to whom section 15A applies—

(a) has contravened the provisions of that section,

(b) has contravened section 5(1A) in so far as it relates to a statement as respects section 15A (to the extent that section 5 applies to the person concerned),

(c) has contravened section 16(1A) in so far as it relates to a statement as respects section 15A (to the extent that section 16 applies to the person concerned), or

(d) has made a statement relating to section 15A pursuant to section 5(1A) or section 16(1A) the contents of which statement were inaccurate or misleading.

(1AC) An investigation by the Commission under subsection (1AB) shall be held in private unless the Commission determines that there are compelling reasons not to do so.”,

and

(b) by the insertion, after subsection (1B), of the following subsection:

“(1BA) The Commission shall not carry out an investigation in relation to a member as respects a matter which is or may be a specified act where the matter concerned—

(a) relates to a private matter and is unrelated to the performance by the member of the functions of the office of member, or

(b) results from incompetence or inefficiency in the performance of, or failure to perform, such a function, on the part of the member.”.”.