

SEANAD ÉIREANN

AN BILLE OMBUDSMAN (LEASÚ), 2008 —AN COISTE

OMBUDSMAN (AMENDMENT) BILL 2008 —COMMITTEE STAGE

*Leasú Ionadacha
Substitute Amendment*

SECTION 6

***19.** In page 7, line 17, to delete paragraph (c) and substitute the following:

“(c) by substituting for subsections (9) and (10) the following:

“(9A) Without prejudice to section 6(7), the Minister may designate a committee of the Houses of the Oireachtas to receive periodic reports from the Ombudsman and make recommendations to the Ombudsman regarding the exercise of his or her functions under this Act.

(10) (a) The Minister, after consultation with the Ombudsman, the Ombudsman for Children and such committee of the Houses of the Oireachtas as he or she considers appropriate, and with the consent of such other Minister (if any) as appears to the Minister to have responsibility for that entity, and having regard to the public interest and the need to ensure a balance between—

(i) appropriate accountability and oversight of entities subject to this Act, and

(ii) the ability of those entities to conduct adequately their affairs,

may by order declare an entity—

(I) to be an exempt agency (including an entity that immediately before the making of the order was a reviewable agency),

(II) specified in the Second Schedule to be a reviewable entity, or

(III) specified in Part II of the First Schedule to be a reviewable agency on the basis of different elements of that agency’s functions to those specified in that Part.

(b) An order made under paragraph (a) may specify the inclusion or exclusion of elements of an entity.

[SECTION 6]

- (c) Where an order is proposed to be made under paragraph (a), a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.
 - (d) The Minister shall consult such committee of the Houses of the Oireachtas as he or she considers appropriate prior to taking any action under paragraph (c).
- (11) Where a dispute arises between an entity and the Ombudsman as to whether an entity is a reviewable agency, the question shall be submitted to the Minister whose determination shall be binding.”.”.

[This amendment is in substitution for amendment No. 19 on the principal list of amendments dated 4th October, 2012.]