



**SEANAD ÉIREANN**

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**AN BILLE UM CHÚRAM LEANAÍ (LEASÚ) 2009  
CHILD CARE (AMENDMENT) BILL 2009**

**LEASUITHE A RINNE AN DÁIL  
AMENDMENTS MADE BY THE DÁIL**

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# SEANAD ÉIREANN

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## AN BILLE UM CHÚRAM LEANAÍ (LEASÚ) 2009 [*BILLE SEANAID ARNA LEASÚ AG AN DÁIL*]

### CHILD CARE (AMENDMENT) BILL 2009 [*SEANAD BILL AMENDED BY THE DÁIL*]

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*Leasuithe a rinne an Dáil  
Amendments made by the Dáil*

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*The page and line references in this list of amendments are to the  
text of the Bill as passed by Seanad Éireann.*

#### SECTION 1

1. In page 5, subsection (2), line 21, after “31,”, “33\*,” inserted.

[\*Note: This is a reference to the section inserted by amendment 11.]

2. In page 5, subsection (2), line 21, “42 and 44” deleted and “42, 44 and 46\*” substituted.

[\*Note: This is a reference to the section inserted by amendment 17.]

3. In page 5, subsection (4), line 25, “2009 and section” deleted and “2010 and sections 33\* and” substituted.

[\*Note: This is a reference to the section inserted by amendment 11.]

4. In page 5, between lines 27 and 28, to the following subsection inserted:

“(5) The Adoption Act 2010 and section 46\* may be cited together as the Adoption Acts 2010 and 2011.”

[\*Note: This is a reference to the section inserted by amendment 17.]

5. In page 5, subsection (5), line 27, “section 6,” deleted and “sections 6 and 46\*,” substituted.

[\*Note: This is a reference to the section inserted by amendment 17.]

#### SECTION 2

6. In page 6, line 3, “and Children” deleted.

#### SECTION 4

7. In page 6, before section 4, the following new section inserted:

“Amendment of  
section 3 of  
Principal Act.

- 4.—Section 3 of the Principal Act is amended by deleting subsection (4).”

#### SECTION 9

8. In page 62, line 3, “a fine not exceeding €3,000” deleted and “a class B fine” substituted.

9. In page 62, line 32, “a fine not exceeding €3,000” deleted and “a class B fine” substituted.

#### SECTION 25

10. In page 67, before section 25, but in Part 2, the following new section inserted:

“Amendment of section 69 of Principal Act.

25.—Section 69 of the Principal Act is amended—

- (a) in subsection (2) (amended by section 75 of the Health Act 2004), by substituting “maintained by the Health Service Executive, or by a person who is taking care of a child on behalf of the Health Service Executive, under this Act, or by a person referred to in section 23B(4) (inserted by section 9 of the *Child Care (Amendment) Act 2011*)” for “maintained by the Health Service Executive under this Act”,
- (b) in subsection (4)(a) (amended by section 75 of the Health Act 2004), by substituting “maintained by the Health Service Executive, or by a person who is taking care of a child on behalf of the Health Service Executive, under this Act, or by a person referred to in section 23B(4) (inserted by section 9 of the *Child Care (Amendment) Act 2011*)” for “maintained by the Health Service Executive under this Act”, and
- (c) in subsection (4)(b) (amended by section 75 of the Health Act 2004), by substituting “employees of the Health Service Executive or of a person referred to in paragraph (a)” for “employees of the Health Service Executive”.”.

#### SECTION 33

11. In page 69, before section 33, the following new section inserted:

#### “PART 4

#### AMENDMENT OF ACT OF 2004

Amendment of Part 7A of Act of 2004.

33.—Part 7A (inserted by section 1 of the Health (Amendment) Act 2010) of the Act of 2004 is amended—

(a) in section 40B—

- (i) in subsection (1)(a), by substituting “functions,” for “functions, and”,
- (ii) in subsection (1)(b)(ii), by substituting “Minister,” for “Minister.”,
- (iii) by inserting the following after subsection (1)(b):

“and

(c) without delay, furnish the Minister for Children and Youth Affairs with information regarding—

- (i) any such occurrence or development that, in the opinion of the Executive, that Minister is likely to consider significant for the performance of his or her functions, or

- (ii) any other occurrence or development that falls within a class of occurrences or developments of public interest or concern that has been specified in writing by that Minister”,

and

- (iv) in subsection (2), by inserting “, in consultation with the Minister for Children and Youth Affairs,” after “Minister may”,

(b) in section 40C—

- (i) by inserting the following subsection after subsection (1):

“(1A) The Minister for Children and Youth Affairs may, where he or she considers it necessary in the public interest to do so for the performance of his or her functions, require the Executive to furnish him or her with such information or documents as he or she may specify that are in the Executive’s procurement, possession or control, and the Executive shall do so within any period that that Minister may specify and, in any event, without delay.”,

- (ii) in subsection (2), by inserting “or the Minister for Children and Youth Affairs” after “furnish the Minister”,
- (iii) in subsection (3), by inserting “or the Minister for Children and Youth Affairs” after “furnishing the Minister”, and
- (iv) in subsection (4)(a), by inserting “or the Minister for Children and Youth Affairs” after “furnishing the Minister”,

(c) in section 40D—

- (i) in subsection (1), by inserting “to him or her” after “has been furnished”,

- (ii) by inserting the following subsection after subsection (1):

“(1A) Where the Minister for Children and Youth Affairs has appointed a person to examine or inquire into any matter, and considers that any information or document that has been furnished to him or her under section 40B or 40C may be relevant to that examination or inquiry, that Minister may furnish that information or document to the person, and that person may receive that information or document.”,

- (iii) in subsection (2), by substituting “the Minister or the Minister for Children and Youth Affairs to furnish a person referred to in subsection (1) or, as the case may be, subsection (1A), with information” for “the Minister to furnish a person referred to in subsection (1) with information”,
- (iv) in subsection (3), by substituting “the Minister or the Minister for Children and Youth Affairs from furnishing a person referred to in subsection (1) or, as the case may be, subsection (1A), with information” for “the Minister from furnishing a person referred to in subsection (1) with information”, and

- (v) in subsection (4)(a), by substituting “the Minister or the Minister for Children and Youth Affairs from furnishing a person referred to in subsection (1) or, as the case may be, subsection (1A), with information” for “the Minister from furnishing a person referred to in subsection (1) with information”,

(d) in section 40E—

- (i) in subsection (1), by inserting “to him or her” after “documents furnished”, and

(ii) by inserting the following subsection after subsection (1):

“(1A) Subject to subsection (2), the Minister for Children and Youth Affairs may use information and documents furnished to him or her under this Part as he or she requires for the performance of his or her functions.”,

and

(e) in section 40F—

- (i) by substituting “any power of the Minister or the Minister for Children and Youth Affairs” for “any power of the Minister”, and

(ii) to substitute “the functions of the Executive, the Minister or the Minister for Children and Youth Affairs” for “the functions of the Executive or the Minister”.

**12.** In page 70, lines 13 and 14, subsection (5) deleted, and the following subsection inserted:

“(5) Section 75 of the Act of 2007 is amended—

- (a) in subsection (2)(a), by substituting “registered provider or designated centre” for “registered provider, designated centre or special care unit”,

(b) in subsection (2)(b)(iii), by deleting “or (d)”.

#### SECTION 41

**13.** In page 72, subsection (5), line 22, “Minister for Finance” deleted and “Minister for Public Expenditure and Reform” substituted.

#### SECTION 42

**14.** In page 73, line 3, “for Finance” deleted and “for Public Expenditure and Reform” substituted.

#### SECTION 43

**15.** In page 73, lines 4 to 10, section 43 deleted and the following new section substituted:

“Amendment of  
Principal Act.

43.—(1) The Principal Act is amended in—

- (a) section 23A(2) (as amended by the Child Care (Amendment) Act 2007) by deleting paragraph (b),

(b) section 23A by deleting subsection (5) (inserted by the Act of 2004),

and

(c) section 23B(1) (as amended by the Child Care (Amendment) Act 2007) by deleting “and having taken into account the views of the Children Acts Advisory Board referred to in section 23A(2)(b),”.

(2) Section 29 (as amended by the Child Care (Amendment) Act 2007) of the Principal Act is amended—

(a) in subsection (5)—

(i) in paragraph (a)(i) by inserting “or” after “solicitor,”,

(ii) by deleting paragraph (a)(ii),

and

(b) by deleting subsection (6).”.

#### SECTION 45

**16.** In page 75, subsection (9), lines 36 to 39 deleted, and the following substituted:

““relevant date” means the date on which *section 33* comes into operation;”.

#### NEW SECTION

**17.** In page 74, after line 46, the following new section inserted:

“Amendment of  
Adoption Act 2010.

46.—The Adoption Act 2010 is amended—

(a) in section 3, by substituting the following definition for the definition of “bilateral agreement”:

“ ‘bilateral agreement’ means an agreement referred to in section 73 entered into by the Government and a non-contracting state concerning intercountry adoption;”,

(b) in section 157(f), by substituting “section 13” for “section 13(1)”, and

(c) in section 158(d), by substituting “section 23V(2)(a)” for “section 23V(2)(d)”.”.

#### TITLE

**18.** In page 5, line 8, after “2001” , “; THE HEALTH ACT 2004” inserted.

**19.** In page 5, lines 12 and 13, to “AND CHILDREN” deleted.

**20.** In page 5, line 14, after “2001;”, “TO AMEND THE ADOPTION ACT 2010;” inserted.