



SEANAD ÉIREANN

AN BILLE AIRÍ AGUS RÚNAITHE (LEASÚ), 2011 MINISTERS AND SECRETARIES (AMENDMENT) BILL 2011

LEASUITHE COISTE COMMITTEE AMENDMENTS

[It is proposed to take all stages of this Bill today. Accordingly, this numbered list of amendments is circulated in advance of the conclusion of Second Stage. 29-06-11]

SEANAD ÉIREANN

AN BILLE AIRÍ AGUS RÚNAITHE (LEASÚ), 2011 —AN COISTE

MINISTERS AND SECRETARIES (AMENDMENT) BILL 2011 —COMMITTEE STAGE

*Leasuithe
Amendments*

[Government amendments are denoted by an asterisk.]

SECTION 2

*1. In page 10, between lines 2 and 3, to insert the following:

“ “Act of 1939” means the Ministers and Secretaries (Amendment) Act 1939;”.

*2. In page 10, to delete line 15 and substitute the following:

“ “Minister” has the meaning assigned to it by *subsection (2) of section 6*;”.

SECTION 3

*3. In page 10, lines 25 to 27, to delete subsection (1) and substitute the following:

“3.—(1) For the purposes of this Act, each of the following is a public service body, and “public service” shall be construed accordingly:”.

SECTION 4

*4. In page 12, before section 5, but in Part 1, to insert the following new section:

“Disapplication of
section 7 of Official
Languages Act
2003.

5.—Section 7 of the Official Languages Act 2003 shall not apply to this Act.”.

SECTION 6

*5. In page 12, lines 25 to 29, to delete subsection (2) and substitute the following:

“(2) The member of the Government who is in charge of the Department of Public Expenditure and Reform—

(a) shall be known, in the Irish language, as an tAire Caiteachais Phoiblí agus Athchóirithe or, in the English language, as the Minister for Public Expenditure and Reform, and

(b) is, in this Act, referred to as the “Minister”.”.

*6. In page 12, subsection (4), lines 35 and 36, to delete “Ministers and Secretaries (Amendment) Act 1939” and substitute “Act of 1939”.

7. In page 12, between lines 42 and 43, to insert the following subsection:

“(5) The Minister shall—

[SECTION 6]

- (a) within 40 days of the appointed day lay before the Houses of the Oireachtas, with the approval of the Minister for Finance, a report providing consolidated details of his powers as conferred directly by this Act and any delegation orders, and
- (b) within 20 days of the appointed day lay before the Houses of the Oireachtas details of actions and target dates which will fall due during 2011 which he or she views to be significant which relate to the preparation of the annual estimates of expenditure.”.

—*Senator Thomas Byrne.*

SECTION 7

8. In page 12, subsection (1)(a), line 45, after “the” where it firstly occurs, to insert the following:

“setting of certain revenues as may be established by order to be collected and the”.

—*Senator Thomas Byrne.*

SECTION 10

9. In page 15, before section 10, to insert the following new section:

“10.—The Minister shall where the Minister for Finance proposes a measure to grant tax relief in order to achieve a specific policy objective in relation to the provision of a service or activity which is also funded through public expenditure prepare a statement of how this relief relates to public expenditure policy relating to the relevant service or activity.”.

—*Senator Thomas Byrne.*

SECTION 11

- *10. In page 15, before section 11, to insert the following new section:

“Pending legal proceedings.

11.—Where, immediately before the appointed day, any legal proceedings are pending to which the Minister for Finance is a party and the proceedings have reference to functions transferred by this Act, the name of the Minister shall, to the extent that they have such reference, be substituted for the Minister for Finance in those proceedings and the proceedings shall not abate by reason of such substitution.”.

[*Acceptance of this amendment involves the deletion of section 11 of the Bill.*]

SECTION 15

- *11. In page 16, subsection (4)(a), line 25, to delete “public body” and substitute “public service body”.

- *12. In page 16, subsection (4)(c)(iii), line 44, to delete “, 7C, 7E or 7G”.

SECTION 16

13. In page 17, to delete lines 42 to 46 and in page 18, to delete lines 1 and 2 and substitute the following:

[SECTION 16]

“(6) The Minister for Finance may make recommendations to the Minister as respects the principal elements which combine to form the aggregate of the estimates of expenditure and in particular—

(a) the proportion of the annual approved expenditure amount or revised annual approved expenditure amount, as the case may be, that, having regard to fiscal and economic conditions, he or she considers should be applied to—

(i) meet current expenditure requirements, and

(ii) meet capital expenditure requirements,

and,

(b) the level of appropriations-in-aid which should be raised.”.

—*Senator Thomas Byrne.*

SECTION 17

***14.** In page 18, lines 20 to 37, to delete subsections (3) and (4) and substitute the following:

“(3) The Minister for Finance shall not, without the approval of the Minister, perform a function consisting of the payment of moneys out of the Central Fund—

(a) under a provision specified in *Schedule 3*, or

(b) that is performable in accordance with, or for the purposes of, such a provision.

(4) The Minister for Finance shall not, without the approval of the Minister, perform a function consisting of the payment of moneys out of the Central Fund for the purposes of, or in connection with, the superannuation or remuneration (including emoluments and allowances) of any person to which the Presidential Establishment Acts 1938 to 1991 apply.”.

SECTION 18

***15.** In page 19, subsection (1), line 2, to delete “in addition to” and substitute “as well as”.

SECTION 20

16. In page 19, subsection (2), line 29, to delete paragraph (i).

—*Senator Seán D Barrett.*

SECTION 22

***17.** In page 20, subsection (1), lines 15 and 16, to delete all words from and including “had” in line 15 down to and including “Act” in line 16 and substitute “vested in the Minister for Finance”.

***18.** In page 20, subsection (3)(a), line 25, to delete “*section 8*, or” and substitute “*section 8*.”.

[SECTION 22]

*19. In page 20, subsection (3)(b), line 27, to delete “applies.” and substitute the following:

“applies, or

(c) a function transferred to the Minister by order under section 6(1) of the Act of 1939.”.

SECTION 23

20. In page 20, before section 23, but in Part 3, to insert the following new section:

“23.—(1) If any doubt, question, or dispute arises between any Minister of the Government as to the Minister of the Government in whom any particular function is vested by virtue of this Act, such doubt, question, or dispute shall be determined by the Taoiseach.

(2) Where the Taoiseach makes a determination under this section he shall within 20 days lay a report of same before the Houses of the Oireachtas.”.

—*Senator Thomas Byrne.*

Section opposed.

—*Senator Thomas Byrne.*

SECTION 24

21. In page 20, before section 24, but in Part 3, to insert the following new section:

“PART 4#

APPOINTMENT AND DUTIES OF THE SECRETARY GENERAL OF THE DEPARTMENT OF PUBLIC EXPENDITURE AND REFORM

24.—There shall be a Secretary General of the Department of Public Expenditure.”.

—*Senator Seán D Barrett.*

[#Note: The proposed new Part comprehends the inclusion of amendments 21 to 25.]

22. In page 20, before section 24, but in Part 3, to insert the following new section:

“24.—The Appointment of the Secretary General of the Department of Public Expenditure and Reform and the Secretary General of the Public Service Management Division of the Department of Public Expenditure and Reform, shall be appointed pursuant to the Public Sector Management (Recruitment and Appointments) Act 2004 with the following exceptions:

(a) Section 57(7) paragraph (c) of the Public Sector Management (Recruitment and Appointments) Act 2004 shall be expanded to state the following:

[SECTION 24]

“The Secretary General of the Department of Public Expenditure and Reform and the Secretary General of the Public Service Management Division of the Department of Public Expenditure and Reform shall be appointed with the advice and consent of Seanad Éireann following no-less-than 3 days of public hearings under oath. Consent is to be defined as a two-thirds majority of Seanad Éireann.”.

- (b) The Secretary General of the Department of Public Expenditure and Reform and the Secretary General of the Public Service Management Division of the Department of Public Expenditure and Reform shall not be required to be an Irish or EU national. He or she will have to obtain residency status in Ireland upon uptake of the post and be fluent in the English language.”.

—*Senator Seán D Barrett.*

23. In page 20, before section 24, but in Part 3, to insert the following new section:

“24.—It shall be the function of the Secretary General of the Department of Public Expenditure and Reform to—

- (a) provide independently audited assessments of the current, capital, present and future expenditure as outlined under *section 9*;
- (b) conduct a fiscal plan reflecting the impact of proposed policies on a 2, 5, 10 and 20 year projection cycle;
- (c) conduct evaluations of the work practices of the civil and public service with the aims of increasing efficiency and the modernization of practices such that the Irish civil and public service meets OECD averages;
- (d) to produce quarterly reports on the tasks outlined in *Section 43(a)* and (b) and on the conduct of monetary policy and economic developments and prospects for the future, taking into account past and prospective developments in taxation, tax expenditures, public current and capital expenditure, the public capital programme, demographics, employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices as well as other matters requested by the Joint Committee on Finance, Public Expenditure and Reform. These reports are to be submitted to both Houses of the Oireachtas a minimum of one week prior to an appearance before the Oireachtas.”.

—*Senator Seán D Barrett.*

24. In page 20, before section 24, but in Part 3, to insert the following new section:

“Appearances
Before and Reports
to the Oireachtas.

24.—(1) The Secretary General shall appear before the Oireachtas at quarterly hearings, regarding—

- (a) the efforts, activities, objectives and plans of the Secretary General and the Department of Public Expenditure and Reform with respect to the conduct of fiscal, administrative and expenditure policies; and

[SECTION 24]

(b) economic developments and prospects for the future described in the report required in *subsection (3)*.

(2) In addition, the Secretary General shall appear—

(a) before the Joint Committee on Finance, Public Expenditure and Reform on or about January 1, April 1, July 1 and October 1 of every calendar year;

(b) before the Joint Committee on Finance, Public Expenditure and Reform upon request.

(3) The Secretary General shall, concurrent with each hearing required by this section, submit a written report to the Joint Committee on Finance, Public Expenditure and Reform, containing a discussion of the conduct of fiscal policy and economic developments and prospects for the future, taking into account past and prospective developments in taxation, expenditure, the public capital programme, demographics, employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.

(4) The Secretary General shall place on the Department of Public Expenditure and Reform's home Internet website, a link entitled "Audit", which shall link to a webpage that shall serve as a repository of information made available to the public for a reasonable period of time, not less than 3 months following the date of release of the relevant information, including—

(a) the reports prepared by the Comptroller and Auditor General;

(b) the annual financial statements prepared by an independent auditor for the Secretary General;

(c) such other information as the Secretary General reasonably believes is necessary or helpful to the public in understanding the accounting, financial reporting, and internal controls of the Public Expenditure and Reform."

—*Senator Seán D Barrett.*

25. In page 20, before section 24, but in Part 3, to insert the following new section:

"Appointment of the Independent Auditor of the Department of Public Expenditure and Reform.

24.—(1) An Independent Auditor of the Department of Public Expenditure and Reform shall be appointed as an independent office of the Department of Taoiseach to produce independent assessments of the quarterly reports of the Department of Public Expenditure and Reform.

(2) The Independent Auditor shall be appointed by the Taoiseach upon the advice and consent of Seanad Éireann.

(3) The roles and responsibilities of the Independent Auditor of the Department of Public Expenditure and Reform shall be defined, outlined and modified from time-to-time by a three-quarters majority of the Joint Committee on Finance, Public Expenditure and Reform."

—*Senator Seán D Barrett.*

[SECTION 53]

SECTION 53

***26.** In page 26, lines 30 to 32, to delete paragraph (c).

SECTION 59

***27.** In page 29, paragraph (j), line 4, to delete “of subsection (1)”.

SECTION 73

Section opposed.

—*Senator Seán D Barrett.*

SCHEDULE 2

***28.** In page 44, between lines 40 and 41, to insert the following:

“

No. 1 of 2001	Aviation Regulation Act 2001	Section 25
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”.

[Note: A printer error has led to incorrect line references in page 44 of the Bill. The line references in this amendment refer to the actual number of lines of text in page 44 of the Bill.]

***29.** In page 44, to delete line 43.

[Note: A printer error has led to incorrect line references in page 44 of the Bill. The line references in this amendment refer to the actual number of lines of text in page 44 of the Bill.]

SCHEDULE 3

***30.** In page 46, to delete lines 34 to 48.