SEANAD ÉIREANN

AN BILLE UM FHEIDHMEANNACHT NA SEIRBHÍSE SLÁINTE (RIALACHAS), 2012
HEALTH SERVICE EXECUTIVE (GOVERNANCE) BILL 2012
LEASUITHE A RINNE AN DÁIL
AMENDMENTS MADE BY THE DÁIL
SECTION 5

1. In page 4, lines 28 and 29, paragraph (b) deleted and the following substituted:

“and”.

SECTION 7

2. In page 6, line 30, “greater than 6” deleted and “greater than 8” substituted.

3. In page 6, line 34, “grade of national director in the Executive.” deleted and the following substituted:

“grade of national director or other grade in the Executive which is not less senior than the grade of national director.”.

4. In page 6, between lines 39 and 40, the following inserted:

“(5) For the purposes of subsection (3) and section 16B(4), a person shall be considered as holding the grade of national director or other grade in the Executive which is not less senior than the grade of national director, where that person stands appointed to a post at such grade on a temporary or acting basis for so long as that appointment subsists.”.

5. In page 7, lines 6 to 9 deleted and the following substituted:

“(4) Upon an appointed director ceasing to be employed by the Executive in a grade referred to in section 16A(3), that person shall cease to be an appointed director.”.

6. In page 7, line 48 and in page 8, lines 1 and 2 deleted.

7. In page 8, line 3, “(e) has been convicted” deleted and “(c) has been convicted” substituted.

8. In page 8, line 5, “(f) has been convicted” deleted and “(d) has been convicted” substituted.

9. In page 8, lines 19 to 21 deleted.
10. In page 8, line 22, “(g) is convicted on” deleted and “(e) is convicted on” substituted.

11. In page 8, line 24, “(h) is convicted of” deleted and “(f) is convicted of” substituted.

12. In page 9, lines 37 to 39 deleted.

13. In page 9, line 40, “(f) has been convicted” deleted and “(d) has been convicted” substituted.

14. In page 9, line 42, “(g) has been convicted” deleted and “(e) has been convicted” substituted.

15. In page 10, lines 8 to 10 deleted.

16. In page 10, line 11, “(g) is convicted on” deleted and “(e) is convicted on” substituted.

17. In page 10, line 13, “(h) is convicted of” deleted and “(f) is convicted of” substituted.

18. In page 11, lines 22 to 40 deleted and the following substituted:

“(4) Where the Director General is absent the functions of the Director General referred to in subsection (1) may be performed by such appointed director as may be designated by the Director General from time to time, with the consent of the Minister, and where no such designation has been made, and the Director General is unable by reason of his or her ill health to make such a designation, by the Minister.

(5) If the office of Director General is vacant, the functions of the Director General referred to in subsection (1) may be performed by such appointed director as may be designated by the Minister for the purposes of this subsection.

(6) For the purposes of subsections (4) and (5), where in this Act or in any other enactment functions are assigned to the Director General or provision is made in this Act or in such enactment as to the manner in which a function so assigned is to be performed by the Director General any such reference to the Director General shall be construed as including a reference to the appointed director designated by the Director General or the Minister under subsection (4) or, as the case may be, the Minister under subsection (5) for so long as that appointed director stands so designated and entitled to perform the functions of the Director General.

(7) Where the Director General resumes duty the person designated under subsection (4) shall cease to perform the functions of the Director General.”.

19. In page 15, lines 3 to 8 deleted and the following substituted:

“(b) if and for so long as the Director General is not present, or if that office is vacant, the appointed director designated by the Director General or the Minister under section 16G(4) or, as the case may be, the appointed director designated by the Minister for the purposes of section 16G(5) shall, if present, chair the meeting, or”.

20. In page 15, lines 37 to 44 deleted and the following substituted:
“(2) Notwithstanding section 16A(3), where by reason of an extended absence by an appointed director there are not, in the opinion of the Minister, a sufficient number of appointed directors of the Directorate available to enable the Directorate to perform its functions effectively, the Minister may appoint a person who is an employee of the Executive (whether or not holding a grade referred to in section 16A(3)) to act as a temporary appointed director of the Directorate.”.

SECTION 12

21. In page 19, lines 26 and 27, “in accordance with subsections (1) to (5)” deleted and the following substituted:

“before the expiry of the period referred to in subsection (2)”.

22. In page 19, line 36, “Subject to subsection (10)” deleted and the following substituted:

“Not later than 21 days after receiving a service plan under this section”.

23. In page 20, lines 24 and 25 deleted and the following substituted:

“(11) The Director General shall comply with a direction issued to him or her under this section.”.

SECTION 17

24. In page 22, line 36, “committee.” deleted and the following substituted:

“committee, at least one of whom shall hold a professional qualification in accountancy or auditing.”.

25. In page 23, between lines 25 and 26, the following inserted:

“(2) The audit committee shall—

(a) advise the Directorate on financial matters relating to its functions,

(b) report in writing at least once in every year to the Directorate on those matters, and

(c) provide a copy of that report to the Minister.”.

26. In page 23, lines 26 to 28 deleted and the following substituted:

“(3) The audit committee’s duties under subsections (1)(a) and (2)(a) include advising on the following matters:”.

27. In page 23, line 32, “by the Executive” deleted and “by the Director General” substituted.

28. In page 24, line 3, “(3) The audit committee” deleted “(4) The audit committee” substituted.

29. In page 24, line 8, “(4) The Director General” deleted and “(5) The Director General” substituted.
30. In page 24, line 21, “(5) The Director General” deleted and “(6) The Director General” substituted.

SECTION 20
31. In page 25, lines 46 to 49 and in page 26, lines 1 to 13, deleted and the following substituted:

“(2) In any legal proceedings, a certificate that—

(a) states that a specified function was on a specified day delegated or subdelegated to an employee of the Executive,

(b) states that the delegation or subdelegation of the function concerned remained in force on a specified day,

(c) specifies the limitations, if any, imposed on the delegation or subdelegation of the function concerned, and

(d) is signed by the Director General or an employee of the Executive who has subdelegated a specified function of the Executive delegated or subdelegated to him or her under section 16H,

shall, unless the contrary is proved, be evidence of the matters stated in the certificate.”.

SECTION 22
32. In page 26, lines 32 and 33, all words from and including “a” in line 32 down to and including “to—” in line 33 deleted and the following substituted:

“a reference in this Act, in any other enactment, in any statutory instrument made under this Act or any other enactment, or in any contract, to—”.