



DÁIL ÉIREANN

**AN BILLE UM AN MBIÚRÓ NÁISIÚNTA
GRINNFHIOSRÚCHÁIN (LEANAÍ AGUS DAOINE
SOGHONTA), 2012**

**NATIONAL VETTING BUREAU (CHILDREN AND
VULNERABLE PERSONS) BILL 2012**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM AN MBIÚRÓ NÁISIÚNTA GRINNFHIOSRÚCHÁIN (LEANAÍ AGUS DAOINE SOGHONTA), 2012 —ROGHCHOISTE

NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) BILL 2012 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 6, between lines 30 and 31, to insert the following:

““criminal offence” includes an offence under the law of a state other than the State that corresponds to an offence under the law of the State, where the act or omission constituting the offence under the law of the other state would, if committed in the State, constitute an offence under the law of the State;”.

—An tAire Dlí agus Cirt agus Comhionannais.

2. In page 6, to delete lines 31 to 37 and substitute the following:

““criminal record”, in relation to a person, means—

(a) a record of the person’s convictions, whether within or outside the State, for any criminal offences, together with any ancillary or consequential orders made pursuant to the convictions concerned, or

(b) a record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence,

or both;”.

—An tAire Dlí agus Cirt agus Comhionannais.

3. In page 7, paragraph (a), between lines 43 and 44, to insert the following:

“(v) in their individual capacity, engages in the provision of child-minding services for reward for any period of time, to include persons who engage in the provision of a nanny and/or au pair service or similar such service whether in their own home or in the home of their employer”.

—Niall Collins.

4. In page 7, line 44, after “include” to insert “baby-sitting and or”.

—Niall Collins.

5. In page 8, lines 24 to 26, to delete all words from and including “means” in line 24 down to and including “Bureau” in line 26 and substitute the following:

“means information concerning a finding or allegation of harm to another person

[SECTION 2]

that is received by the Bureau”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 6

6. In page 10, subsection (1), lines 19 and 20, to delete all words from and including “establish,” in line 19 down to and including “Part” in line 20 and substitute the following:

“cause to be established and maintained in accordance with this Part.”.

—An tAire Dlí agus Cirt agus Comhionannais.

7. In page 10, between lines 29 and 30, to insert the following subsection:

“(4) The Chief Bureau Officer shall ensure that the manner in which the National Vetting Bureau stores, reproduces and accesses information is agreed with the Data Protection Commissioner at the outset and on an on-going basis.”.

—Pádraig Mac Lochlainn.

SECTION 8

8. In page 11, subsection (3), line 30, after “commencement” to insert the following:

“and following an assessment by the Chief Bureau Officer of that organisation’s compliance with the criteria set out under the legislation”.

—Pádraig Mac Lochlainn.

SECTION 9

9. In page 12, lines 36 to 43 and in page 13, lines 1 to 5, to delete subsection (3) and substitute the following:

“(3) A nomination referred to *subsection (1)* shall be in such form as may be specified by the Bureau and shall include the following information in respect of the person nominated:

- (a) his or her name and, where he or she also uses one or more other names, each of those names;
- (b) in a case where he or she has a former name, including where appropriate, a maiden name, that name or each of them, as the case may be;
- (c) his or her gender;
- (d) his or her mother’s maiden name;
- (e) his or her address;
- (f) his or her previous addresses (if any);
- (g) his or her date of birth;
- (h) his or her place of birth;
- (i) his or her Passport Number (if available);

[SECTION 9]

- (j) in a case where he or she has a criminal record, particulars of such record;
- (k) such other information as the Bureau may reasonably require for the performance of its functions under this Act.”.

—An tAire Dlí agus Cirt agus Comhionannais.

10. In page 13, subsection (3), between lines 1 and 2, to insert the following:

“(f) his or her place of birth;

(g) his or her nationality;”.

—Pádraig Mac Lochlainn.

SECTION 11

11. In page 14, lines 1 to 20, to delete subsection (2) and substitute the following:

“(2) The register of vetted persons shall contain the following information in respect of each vetted person:

- (a) his or her name and, where he or she also uses one or more other names, each of those names;
- (b) in a case where he or she has a former name, including where appropriate, a maiden name, that name or each of them, as the case may be;
- (c) his or her gender;
- (d) his or her mother’s maiden name;
- (e) his or her address;
- (f) his or her previous addresses (if any);
- (g) his or her date of birth;
- (h) his or her place of birth;
- (i) his or her Passport Number (if available);
- (j) his or her personal identification number (if any);
- (k) the date of application for vetting disclosure and the outcome of the application;
- (l) the name and particulars of the relevant organisation making the application for vetting disclosure;
- (m) the relevant work or activity, and relevant organisation (if different from the relevant organisation making the application for vetting disclosure), to which the application relates;
- (n) a declaration of consent referred to in *section 13(4)(e)*;
- (o) particulars of the vetting disclosures made in respect of the vetted person;
- (p) such other information as the Bureau may reasonably require for the performance of its functions under this Act.”.

[SECTION 11]

—An tAire Dlí agus Cirt agus Comhionannais.

12. In page 14, subsection (2), between lines 8 and 9, to insert the following:

“(f) his or her place of birth;

(g) his or her nationality;”.

—Pádraig Mac Lochlainn.

SECTION 13

13. In page 16, lines 10 to 22, to delete subsection (5) and substitute the following:

“(5) The following information is specified for the purposes of *subsection (4)(b)* in relation to a person in respect of whom an application for vetting disclosure is made:

(a) his or her name and, where he or she also uses one or more other names, each of those names;

(b) in a case where he or she has a former name, including where appropriate, a maiden name, that name or each of them, as the case may be;

(c) his or her gender;

(d) his or her mother’s maiden name;

(e) his or her address;

(f) his or her previous addresses (if any);

(g) his or her date of birth;

(h) his or her place of birth;

(i) his or her Passport Number (if available);

(j) his or her personal identification number (if any);

(k) in a case where he or she has a criminal record, particulars of such record;

(l) such other information as the Bureau may reasonably require for the performance of its functions under this Act.”.

—An tAire Dlí agus Cirt agus Comhionannais.

14. In page 16, subsection (5), between lines 18 and 19, to insert the following:

“(f) his or her place of birth;

(g) his or her nationality;”.

—Pádraig Mac Lochlainn.

SECTION 14

15. In page 16, subsection (1)(a), line 33, after “Síochána” to insert “or other police services internationally”.

[SECTION 14]

—Pádraig Mac Lochlainn.

SECTION 15

16. In page 18, subsection (4), between lines 30 and 31 to insert the following:

“(g) the protections of the Constitution under Articles 38 and 40 and Article 6 of the European Convention on Human Rights (ECHR),”.

—Pádraig Mac Lochlainn.

SECTION 16

17. In page 19, subsection (4), line 46, to delete “*subsection (2)*” and substitute “*subsection (3)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 17

18. In page 20, subsection (1), line 1, to delete “may” and substitute “shall”.

—Pádraig Mac Lochlainn.

SECTION 26

19. In page 25, subsection (1), line 37, to delete “*16(3)*” and substitute “*16(4)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

SCHEDULE 1

20. In page 28, lines 28 and 29, after “children” to insert the following:

“to include work carried out by persons who engage in the provision of child-minding services for reward for any period of time as well as work carried out by a nanny and/or au pair service or similar such service whether in their own home or the home of their employer”.

—Niall Collins.

21. In page 28, lines 39 to 44, to delete paragraph 6 and substitute the following:

“6. Any work or activity which consists of the provision of advice, guidance or developmental services (including by means of electronic interactive communications) to children unless the provision of the advice, guidance or developmental service is merely incidental to the provision of those services to persons who are not children.”.

—An tAire Dlí agus Cirt agus Comhionannais.

22. In page 30, lines 14 to 20, to delete subparagraphs (e) and (f).

—An tAire Dlí agus Cirt agus Comhionannais.

23. In page 30, lines 37 to 43, to delete paragraph 5 and substitute the following:

“5. Any work or activity which consists of the provision of advice, guidance or developmental services (including by means of electronic interactive communications) to vulnerable persons unless the provision of the advice, guidance or developmental service is merely incidental to the provision of those services to persons who are not vulnerable persons.”.

[*SCHEDULE 1*]

—An tAire Dlí agus Cirt agus Comhionannais.