



DÁIL ÉIREANN

**AN BILLE UM THITHE AN OIREACHTAIS (FIOSRÚCHÁIN,
PRIBHLÉIDÍ AGUS NÓSANNA IMEACHTA), 2013
HOUSES OF THE OIREACHTAS (INQUIRIES, PRIVILEGES
AND PROCEDURES) BILL 2013**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM THITHE AN OIREACHTAIS (FIOSRÚCHÁIN, PRIBHLÉIDÍ AGUS NÓSANNA IMEACHTA), 2013 —AN TUARASCÁIL

HOUSES OF THE OIREACHTAS (INQUIRIES, PRIVILEGES AND PROCEDURES) BILL 2013 —REPORT

Leasuithe Amendments

1. In page 12, line 40, after “device,” to insert the following:

“including a record of phone calls to and from a landline or a mobile phone,”.

—Seán Fleming.

2. In page 12, line 40, after “device,” to insert the following:

“and includes a transcript of phone calls to and from a landline or a mobile phone,”.

—Seán Fleming.

3. In page 16, between lines 35 and 36, to insert the following:

“6.—A committee conducting an inquiry established under this Act shall consist of a minimum of forty per cent of members of the current Government party and a minimum of forty per cent of members of the opposition.”.

—Seán Fleming.

4. In page 16, between lines 37 and 38, to insert the following:

“(2) A chairperson of any committee established under this Act shall be a member of the opposition.”.

—Seán Fleming.

5. In page 23, between lines 3 and 4, to insert the following:

“(5) Notwithstanding any rules referred to in this section, one quarter of the members of a committee shall constitute a sufficient number of committee members to deem a proposal to have been proposed by a committee.”.

—Stephen S. Donnelly.

6. In page 23, to delete lines 5 to 9 and substitute the following:

“(a) subject to *subsection (3)*, the one quarter of the members of the House have, in accordance with the rules and standing orders made by the House pursuant to *subsection (2)*, voted to pass the resolution in respect of the inquiry (in this section referred to as “the terms of reference resolution”) specifying—”.

—Stephen S. Donnelly.

7. In page 23, to delete lines 21 to 23 and substitute the following:

“(b) if the committee is a joint committee, one quarter of the members of each House vote to pass the resolution with identical terms passed in each House.”.

—Stephen S. Donnelly.

8. In page 23, between lines 44 and 45, to insert the following:

“(4) Each house shall make rules and standing orders referred to in *subsection (1)* (a) that shall provide that a vote in favour of the conducting of an inquiry shall be deemed to pass if no less than two thirds of the designated opposition deputies vote in favour of the conducting of the inquiry by a committee.”.

—Thomas Pringle.

9. In page 34, line 3, after “The” to insert the following:

“work of the committee and establishment of its procedures and the”.

—Seán Fleming.

10. In page 34, after line 44, to insert the following:

“(2) Two thirds of committee members shall be required to approve a final report or interim report of the committee.”.

—Seán Fleming.

11. In page 36, between lines 2 and 3, to insert the following:

“(b) The committee shall, at any time before it gives the final report to the House, give the House three monthly interim reports in writing in accordance with rules and standing orders.”.

—Seán Fleming.

12. In page 40, line 9, to delete “cost accountant” and substitute “costs accountant”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

13. In page 41, line 20, to delete “cost” and substitute “costs”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

14. In page 41, line 25, to delete “cost” and substitute “costs”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

15. In page 57, between lines 9 and 10, to insert the following:

“Power of committee to appoint inquiry officers.

67.—(1) A committee may authorise such and so many persons as it may determine (referred to in this Act as “inquiry officers”) to perform the functions conferred on inquiry officers by this section.

(2) Whenever so requested by a committee, an inquiry officer shall, for the purpose of assisting it in the performance of its functions, carry out a preliminary inquiry into a *Part 2* inquiry by requesting a person whose evidence would or might, in the opinion of the officer, be relevant to the inquiry, at the option of the person, to—

(a) provide him or her with a statement in writing of the evidence that the person would give to the committee in relation to the matter at a *Part 2* inquiry, or

(b) make a statement of the evidence aforesaid at a meeting with him or her which the officer shall write down,

within such reasonable period as may be specified by the officer.

(3) Following an inquiry pursuant to *subsection (2)*, the inquiry officer concerned shall prepare a report in writing of the results of the inquiry and shall furnish the report and the statement or statements under *subsection (2)* and any relevant documents to the committee.

(4) An inquiry officer may request the production by a person of any document in the possession or control of the person that the officer considers relevant to his or her inquiry.

(5) Where a document is produced by a person to an inquiry officer pursuant to a request under *subsection (2)*, the officer may, with the consent of the person, retain the document in his or her possession for a reasonable period for the purpose of examining and copying it.

(6) A person being interviewed pursuant to *subsection (2)* may decline to answer any question asked, or refuse a request to produce a document made, by the inquiry officer concerned and may terminate the interview at any time and a person to whom a request is made under *subsection (2)* or (4) may refuse to comply with the request.

(7) An inquiry officer shall be furnished with the authorisation under *subsection (1)* relating to him or her and, when exercising a power under this section, shall, if so requested by a person affected, produce the authorisation or a copy of it to the person.”.

—Thomas Pringle.

16. In page 57, between lines 35 and 36, to insert the following:

“(2) Subject to the provisions of this Act, a committee may, with the consent in writing of the Oireachtas Commission, engage the services of a person with technical knowledge or expertise, being technical knowledge or expertise that is relevant to a function required to be performed by the committee, to assist it in performing that function.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

17. In page 59, between lines 27 and 28, to insert the following:

“71.—Any inquiry or committee of inquiry established under this Act shall have the power to request the Government to waive cabinet confidentiality in relation to matters being inquired into by that committee.”.

—Seán Fleming.

18. In page 59, between lines 27 and 28, to insert the following:

“71.—Any inquiry or committee of inquiry established under this Act shall have the power to request the Government to release legal advice received by the Government from the Attorney General in relation to matters being inquired into by that committee.”.

—Seán Fleming.

19. In page 59, to delete lines 28 to 46 and in page 60, to delete lines 1 to 39.

—Seán Fleming.

20. In page 59, to delete lines 32 to 34.

—Mary Lou McDonald.

21. In page 59, to delete lines 35 to 46.

—Mary Lou McDonald.

22. In page 60, lines 8 and 9, to delete all words from and including “or” in line 8 down to and including “states” in line 9.

—Mary Lou McDonald.

23. In page 60, between lines 35 and 36, to insert the following:

“(2) Notwithstanding anything in this section, all information necessary for the conduct of a full banking inquiry shall be given to the committee.”.

—Seán Fleming.

24. In page 60, to delete lines 40 to 48 and in page 61, to delete lines 1 to 24.

—Seán Fleming.

25. In page 61, line 15, after “her,” to insert the following:

“such declaration shall only be given with the approval of the High Court,”.

—Seán Fleming.

26. In page 61, line 22, after “her” to insert the following:

“such declaration shall only be given with the approval of the High Court”.

—Seán Fleming.

27. In page 69, to delete lines 14 to 44 and in page 70, to delete lines 1 to 16.

—Seán Fleming.

28. In page 69, to delete lines 17 to 19.

—Mary Lou McDonald.

29. In page 69, to delete lines 20 to 31.

—Mary Lou McDonald.

30. In page 69, lines 39 and 40, to delete all words from and including “or” in line 39 down to and including “states” in line 40.

—Mary Lou McDonald.

31. In page 70, to delete lines 17 to 49.

—Seán Fleming.

32. In page 73, to delete lines 38 to 42 and in page 74, to delete lines 1 to 5.

—Seán Fleming.

33. In page 77, between lines 34 and 35, to insert the following:

“(a) take into consideration the date on which any proceedings were commenced,”.

—Seán Fleming.

34. In page 89, to delete lines 15 and 16 and substitute the following:

“118.—Witnesses before a committee of inquiry will be required by the committee to give his or her evidence to the committee on oath.”

—Mary Lou McDonald.

35. In page 92, to delete lines 35 to 46 and in page 93, to delete lines 1 to 8.

—Seán Fleming.

36. In page 93, to delete lines 24 to 35.

—Seán Fleming.