



DÁIL ÉIREANN

AN BILLE UM SHEIRBHÍSÍ UISCE, 2014 WATER SERVICES BILL 2014

LEASUITHE COISTE COMMITTEE AMENDMENTS

[Note: As it is proposed to take Committee and Report stages of this Bill on 09-12-2014 this list of amendments is being circulated in advance of conclusion of Second Stage.]

DÁIL ÉIREANN

AN BILLE UM SHEIRBHÍSÍ UISCE, 2014 —AN COISTE

WATER SERVICES BILL 2014 —COMMITTEE STAGE

Leasuithe Amendments

SECTION 1

1. In page 3, between lines 25 and 26, to insert the following:

“ “customer”, “local authority”, “occupier”, “premises” and “property” have the meanings assigned to each of them, respectively, in section 2 of the No. 2 Act of 2013;”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

SECTION 2

2. In page 4, before line 1, to insert the following:

- “2. In order to ensure that the public water service remains in public ownership, accountable to the people through their elected representatives, a referendum will be held to insert an amendment to Article 40 of the Constitution to include the following:

“The State recognises the right of all persons to sufficient, safe and accessible water and as guardian of the common good shall defend and vindicate this right and ensure that the public water services and infrastructure remain in public ownership.”.”.

—Brian Stanley.

[Acceptance of this amendment involves the deletion of section 2 of the Bill.]

3. In page 4, before line 1, to insert the following:

- “2. (1) To insert after Article 10, section 4 of the Constitution, the following section:

“5. No law, however, may be enacted providing for the transfer into private ownership of the public water supply.”.

- (2) The Amendment of the Constitution effected by this Act shall be called the Thirty-fourth Amendment of the Constitution.”.

—Stephen S. Donnelly.

[Acceptance of this amendment involves the deletion of section 2 of the Bill.]

4. In page 4, line 9, after “Resolution” to insert “of not fewer than two thirds of the Members”.

—Catherine Murphy.

[SECTION 2]

5. In page 4, between lines 10 and 11, to insert the following:

“(b) a Resolution of each municipal district, as defined in section 22A of the Local Government Acts 1925 to 2014, is passed approving the alienation,”.

—Denis Naughten.

6. In page 4, line 11, to delete “may” and substitute “shall”.

—Denis Naughten.

7. In page 4, lines 25 and 26, to delete “at a referendum on a proposal for an amendment of the Constitution” and substitute “in a local authority election”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

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

“(9) The Government shall not expend public monies for the purpose of promoting a particular outcome in the Plebiscite.”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

SECTION 3

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

“3. Water charges shall be suspended pending a full Oireachtas review of Irish Water, audit of the national water infrastructure and publication of a capital investment plan to bring the network up to the standard to meet metric tests established by the Commission for Energy Regulation.”.

—Barry Cowen.

[Acceptance of this amendment involves the deletion of section 3 of the Bill.]

10. In page 4, line 39, to delete “section 22(1)” and substitute “section 21(1)”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

11. In page 4, to delete from and including “charge,” in line 39 down to and including line 40, to delete page 5, and in page 6, to delete lines 1 to 32 and substitute “charge for domestic water supplies.”.

—Brian Stanley.

12. In page 4, line 40, to delete “before 1 January 2015,”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

13. In page 4, after line 40, to insert the following:

“(2) *Subsection (1)* does not apply to non-domestic water supply and waste water charges made under the approved water charges plan in respect of the period from 1 October 2014 until 31 December 2014.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

[SECTION 3]

14. In page 5, to delete lines 1 to 42, and in page 6, to delete lines 1 to 32.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

15. In page 5, between lines 11 and 12, to insert the following:

“(3) Where a water supply to a dwelling referred to in *subsection (2)*, has a “boil water notice” or a “water restriction” in place, as defined by the Environmental Protection Agency, Irish Water shall not apply a charge for the supply of water or wastewater services.”.

—Denis Naughten.

16. In page 5, to delete lines 12 to 15 and substitute the following:

“(3) Where a dwelling is in receipt of one service in respect of water services provided by Irish Water, that is to say—

(a) the supply of water to the dwelling, or

(b) the removal of waste water from it,

then the maximum charge that Irish Water may charge for that service in respect of the dwelling is an amount that is 50 per cent less than the amount that would be charged for water services to the dwelling in accordance with *subsection (2)* but for this subsection.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

17. In page 5, line 13, after “services” where it secondly occurs to insert “, which includes local wastewater treatment services, or preliminary treatment only”.

—Stephen S. Donnelly.

18. In page 5, line 15, after “subsection.” to insert the following:

“This includes such dwellings located within the town boundaries of the seven large urban areas, namely Killybegs in Co. Donegal; Clifden in Co. Galway; Youghal, Cobh, Passage West and Ringaskiddy in Co. Cork; and Arklow in Co. Wicklow and any other such designated area by the Minister, until such dwellings have access to a secondary treatment plant.”.

—Billy Timmins.

19. In page 5, between lines 15 and 16, to insert the following:

“(4) Irish Water shall not charge for water services provided by it to a dwelling where that dwelling, notwithstanding any connection to a public water supply which may exist, has a functional rainwater harvesting system.”.

—Catherine Murphy.

20. In page 5, line 23, to delete “*subsections (2) and (13)*” and substitute “*subsections (2), (13) and (14)*”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

[SECTION 3]

21. In page 5, line 38, after “household” to insert “water”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

22. In page 5, line 41, after “child” to insert “water”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

23. In page 5, after line 42, to insert the following:

“(12) The charges set out in *subsection (6)* shall only apply to water supplied to a dwelling that is in excess of an allowance based on household size, which has been approved by Dáil Éireann.”.

—Denis Naughten.

24. In page 6, line 25, to delete “initial”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

Section opposed.

—Barry Cowen.

SECTION 4

25. In page 7, to delete lines 10 to 13 and substitute the following:

“(3) Where a dwelling is in receipt of one service in respect of water services provided by Irish Water, that is to say—

- (a) the supply of water to the dwelling, or
- (b) the removal of waste water from it,

then the maximum charge that Irish Water may charge for that service in respect of the dwelling is an amount that is 50 per cent less than the amount that would be charged for water services to the dwelling in accordance with *subsection (1)* but for this subsection.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

Section opposed.

—Brian Stanley, Ruth Coppinger, Joe Higgins, Paul Murphy, Barry Cowen.

SECTION 5

26. In page 7, between lines 15 and 16, to insert the following:

“Ability to pay clause

5. (1) Where payment of charges, as laid out in *section 3*, would result in a customer of Irish Water falling below the guidelines as to what constitutes a reasonable standard of living and reasonable living expenses, as defined by the Personal Insolvency Service of Ireland, as allowed for by section 23 of the Personal Insolvency Act 2012, Irish Water shall not charge for any services to that customer’s dwelling.
- (2) Where late payment charges, as laid out in *section 4*, would result in a customer of

[SECTION 5]

Irish Water falling below the guidelines as to what constitutes a reasonable standard of living and reasonable living expenses, as defined by the Personal Insolvency Service of Ireland, as allowed for by section 23 of the Personal Insolvency Act 2012, Irish Water shall not apply late payment charges to that customer's dwelling.”.

—Stephen S. Donnelly.

27. In page 7, between lines 35 and 36, to insert the following:

“(5) The Minister shall ensure that all information transmitted in accordance with *subsection (4)* is done so in a manner consistent with the Data Protection Acts 1988 to 2003.”.

—Catherine Murphy.

28. In page 8, between lines 4 and 5, to insert the following:

“(6) The scheme shall be subjected to annual review by the Joint Committee on the Environment, Culture and the Gaeltacht.”.

—Barry Cowen.

Section opposed.

—Brian Stanley.

SECTION 7

29. In page 8, line 32, after “Water” to insert the following:

“including householders, commercial water users and representatives of the trade unions with members in Irish Water”.

—Brian Stanley.

Section opposed.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

SECTION 8

30. In page 9, to delete line 35.

—Brian Stanley, Catherine Murphy.

Section opposed.

—Ruth Coppinger, Joe Higgins, Paul Murphy, Catherine Murphy.

SECTION 9

31. In page 10, after line 38, to insert the following:

“9. Irish Water shall be subjected to a full review by the Comptroller and Auditor General.”.

—Barry Cowen.

32. In page 11, line 10, after “authority” to insert “or the Local Government Management Agency”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

[SECTION 9]

33. In page 11, to delete lines 13 to 17 and substitute the following:

“(c) in subsection (7) by substituting for paragraphs (b) and (c) the following:

“(b) Irish Water shall not have any financial liability or responsibility in respect of any scheme made by the Minister under *subsection (2) of section 9 of the Water Services Act 2014* for the granting of superannuation benefits in respect of service with the Minister or a local authority or the Local Government Management Agency, as the case may be, before the day the person is accepted under section 19 or appointed under section 27 into the employment or service of Irish Water, except as provided for in paragraph (c).

(c) Any increases in superannuation benefits payable under a scheme under this section which arise due to Irish Water increasing relevant pensionable remuneration or net pensionable remuneration shall be the responsibility of Irish Water.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

34. In page 11, between lines 17 and 18, to insert the following:

“(2) Section 29(2) of the No. 2 Act of 2013 is amended by inserting “or the Local Government Management Agency” after “local authority” in both places it occurs.

(3) Section 28 of the No. 2 Act of 2013 is amended by inserting after subsection (9) the following:

“(10) For the purposes of this section, an appointment under section 27 includes an appointment by Ervia prior to the formation and registration of Irish Water under the Companies Acts of persons who were members of the staff of a local authority immediately before such appointment and commenced employment with Irish Water immediately on ceasing employment with Ervia.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

35. In page 11, after line 38, to insert the following:

“(7) A reference in section 18 of the Gas Act 1976 to an officer or servant of the Board includes a reference to a member of the staff of Irish Water who was a member of a scheme under that section immediately before being accepted into the employment of Irish Water.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

SECTION 10

36. In page 12, between lines 10 and 11, to insert the following:

“(3) The Minister may request the Minister for Finance to make payments up to a total amount of €460,000,000 to local authorities for the purpose of repaying any Housing Finance Agency water related loans under section 5 of the Housing Finance Agency Act 1981 held by local authorities. The Minister for Finance shall make any such payments, subject to such conditions (if any) as he or she may determine, out of the

[SECTION 10]

Central Fund or the growing produce thereof.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

SECTION 11

37. In page 12, between lines 16 and 17, to insert the following:

“(4) When this section comes into operation—

- (a) Irish Water shall undertake to delete all PPS numbers collected to date within a period of four weeks after this section comes into operation,
- (b) the Minister will mandate the Data Protection Commissioner to produce a report confirming that Irish Water has deleted all PPS numbers previously collected,
- (c) the Minister shall lay this report by the Data Protection Commissioner before each House of the Oireachtas as soon as may be after its completion.”.

—Stephen S. Donnelly.

38. In page 12, between lines 16 and 17, to insert the following:

“(4) When this section comes into operation—

- (a) Irish Water shall undertake to delete all PPS numbers collected to date within a period of four weeks after this section comes into operation,
- (b) the Minister will mandate the Data Protection Commissioner to produce a report confirming that Irish Water has deleted all PPS numbers previously collected within 8 weeks of this section coming into operation, and
- (c) the Minister shall lay this report by the Data Protection Commissioner before each House of the Oireachtas as soon as may be after its completion.”.

—Barry Cowen.

39. In page 12, between lines 16 and 17, to insert the following:

“(4) The Minister shall take such measures deemed necessary to confirm that Irish Water has permanently deleted all copies of PPS numbers collected in advance of the coming into operation of this Bill.

- (5) For the purposes of *subsection (4)**, the Minister shall request the Data Protection Commissioner to verify that all copies of PPS numbers collected by Irish Water in advance of the coming into operation of this Act are deleted and have been done so consistent with the Data Protection Acts 1988 to 2003.”.

—Catherine Murphy.

[*This is a reference to the subsection proposed to be inserted by this amendment.]

SECTION 12

40. In page 12, between lines 16 and 17, to insert the following:

“Irish Water compliance with Official Languages Act 2003

12. That Irish Water shall have the same duties as other State or public bodies under the

[SECTION 12]

Official Languages Act 2003. The First Schedule to the Official Languages Act 2003 is amended in paragraph 1(2) by the insertion of “Irish Water”.”.

—Aengus Ó Snodaigh.

41. In page 12, to delete lines 21 to 23 and substitute the following:

“21. The entire network (within the meaning of section 2(1) of the Water Services Act 2007) used for the provision of water services (within the meaning of that subsection) by Irish Water or a person who holds a water services licence under section 79 of the Water Services Act 2007 or land and buildings occupied by Irish Water or such a licence holder.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

Section opposed.

—Barry Cowen.

SECTION 13

42. In page 12, line 29, after “determine.” to insert the following:

“All Board appointments shall be subject to the approval of the Joint Committee on the Environment, Culture and the Gaeltacht.”.

—Barry Cowen.

43. In page 12, between lines 29 and 30, to insert the following:

“3. The Board shall include representatives of households, commercial water users, and the trade unions.”.

—Brian Stanley.

SECTION 14

44. In page 12, between lines 29 and 30, to insert the following:

“Development Contributions in respect of Irish Water

14. The Minister shall, within three months of the coming into operation of this Act, make and publish a report proposing new arrangements needed, if applicable, to ensure revenues formerly derived from development contributions payable in respect of commercial and industrial developments under sections 48 and 49 of the Planning and Development Act 2000 (as amended) may continue to be utilised towards investment in water services and water infrastructure.”.

—Catherine Murphy.

SECTION 16

45. In page 13, line 10, to delete “and shall be construed together as one”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

[TITLE]

TITLE

46. In page 3, line 19, after “2005;” to insert the following:

“to make Irish Water a named company for compliance with the provisions of the Official Languages Act 2003;”.

—Aengus Ó Snodaigh.