



# **SEANAD ÉIREANN**

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## **AN BILLE UM SHEIRBHÍSÍ UISCE, 2014 WATER SERVICES BILL 2014**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM SHEIRBHÍSÍ UISCE, 2014 —AN COISTE

### WATER SERVICES BILL 2014 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 2

1. In page 4, between lines 2 and 3, to insert the following:

#### **“Plebiscite on the dissolution of Irish Water**

2. (1) Where the Government has 90 days from the enactment of this Act to cause the initiation in either House of the Oireachtas of proposed legislation to allow the alienation of the shares in Irish Water issued under section 5(4) of the Water Services Act 2013 to the Minister and the Minister for Finance or the share in Irish Water issued to Ervia, where it is proposed to transfer that share to either the Minister or the Minister for Finance for such purposes of the dissolution of Irish Water, such proposed legislation shall be initiated by or on behalf of a Minister of the Government by—
  - (a) a Resolution of each House of the Oireachtas passed approving the alienation, and
  - (b) if such Resolutions are passed, the proposal of the dissolution of Irish Water may, if the Government decides to proceed with the proposal, be submitted by Plebiscite to the decision of the People, and if, consequent upon the proposal having been submitted to the People by Plebiscite, a majority of the votes cast in the Plebiscite shall have been cast in favour of the proposal, legislation may (if the Government so decides) be initiated by or on behalf of a Minister of the Government in either House of the Oireachtas in respect of the proposal.
- (2) Whenever Resolutions are passed by both Houses of the Oireachtas in respect of the proposal referred to in *subsection (1)*, the Minister may by order appoint the day upon which and during which the poll at the Plebiscite on the proposal shall be held.
- (3) An order under *subsection (2)* shall be published in the *Iris Oifigiúil*.
- (4) On such Resolutions being passed by both Houses of the Oireachtas, the Clerk of the Dáil shall immediately inform the Minister accordingly.
- (5) A person who has the right to vote at a referendum on a proposal for an amendment of the Constitution shall have the right to vote in the Plebiscite.
- (6) The Plebiscite shall—

[SECTION 2]

- (a) put a proposal for a decision of those persons entitled to vote in the Plebiscite as to whether the Government may, if it wishes to, cause the initiation of legislation as referred to in *subsection (1)*, and
  - (b) be held in accordance with regulations made by the Minister providing for the holding of the Plebiscite and for other requirements and arrangements that will apply in relation to the Plebiscite.
- (7) The Minister shall publish details of the proposal and the reasons for it to be submitted to the people in the Plebiscite not later than 30 days before the day fixed as the polling day for the Plebiscite.
  - (8) The Minister or the Minister for Finance have an obligation to ensure the orderly alienation of Irish Water and to provide an audit statement on the financial and operational state of Irish Water to each House of the Oireachtas.
  - (9) Following the alienation of Irish Water to the Minister or Minister for Finance the responsibilities and powers of Irish Water will devolve, within 180 days from the day fixed as the polling day for the Plebiscite, to the Local Authorities as enumerated by the Minister.
  - (10) No punitive actions to a dwelling, such as the reduction or cessation of water services on a temporary or ongoing basis, will be permitted by Irish Water or Local Authorities.
  - (11) Tenancy agreements will not be subject to change as a result of this legislation. Landlords cannot take punitive actions against residents on behalf of Irish Water with respect to a charge by Irish Water that in respect of a dwelling being wholly or partly unpaid.
  - (12) In this section “Plebiscite” means the Plebiscite to which *subsection (1)(b)* refers.”.

—Senator Sean D. Barrett.

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

2. In page 4, between lines 2 and 3, to insert the following:

- “2. In order to guarantee that Irish Water, together with all of its assets, remains in full public ownership, fully accountable to the people of Ireland through their elected representatives in both Houses of the Oireachtas, a referendum shall be held in May 2015 to insert the following amendment to Article 40 of the Constitution:

“The State recognises water as an essential public good. The State recognises the right of its citizens to have clean and safe water available to them for domestic, agricultural and industrial use. The State as the guardian of the common good shall defend and vindicate these rights and ensure that water together with its entire infrastructure and production mechanisms will remain in public ownership.”.”.

—Senator Gerard Craughwell.

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

[SECTION 2]

3. In page 4, between lines 2 and 3, to insert the following:

**“Plebiscite on ownership of Irish Water**

2. Legislation will be brought forward to provide for a constitutional referendum to enshrine the ownership of Irish Water to the Irish people in perpetuity.”.

—*Senators Katherine Zappone, Mary Ann O'Brien.*

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

4. In page 4, between lines 2 and 3, to insert the following:

- “2. The Government shall bring forward legislation to offer a referendum to the Irish people so that water as a public resource shall be enshrined in the Constitution in perpetuity.”.

—*Senators Fidelma Healy Eames, James Heffernan.*

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

5. In page 4, between lines 2 and 3, 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 service and infrastructure remain in public ownership.”.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

6. In page 4, line 4, after “Water” to insert “or any of its assets or any part of its assets,”.

—*Senators Thomas Byrne, Darragh O'Brien, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

7. In page 4, between lines 8 and 9, to insert the following:

“(b) a Resolution of each City and County Council is passed approving the alienation,”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

8. In page 4, between lines 30 and 31, to insert the following:

“(8) The Forum established under *section 7* of this Act shall not later than seven months after the passing of this Act, meet and consider a proposal to amend the Constitution of Ireland to incorporate a provision prohibiting the alienation of any share or shares in Irish Water or its assets or any part thereof and the Forum shall lay a copy of its recommendations in relation thereto before each House of the Oireachtas.

(9) Within one month of the recommendations of the Forum under *subsection (8)* being

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laid before each House of the Oireachtas, the Government shall outline to each House its proposals to implement the said recommendations of the Forum.”.

—*Senators Thomas Byrne, Darragh O'Brien, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

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

SECTION 3

9. In page 4, between lines 31 and 32, 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.”.

—*Senator Diarmuid Wilson.*

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

10. In page 4, to delete from and including “charge,” in line 33 down to and including line 37, to delete page 5, and in page 6, to delete lines 1 to 37 and substitute “charge for domestic water supplies.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

11. In page 4, line 34, to delete “1 January 2015” and substitute “the date of completion of the national water meter installation programme”.

—*Senators Fidelma Healy Eames, James Heffernan.*

12. In page 5, line 2, to delete “1 January 2015” and substitute “the date of completion of the national water meter installation programme”.

—*Senators Fidelma Healy Eames, James Heffernan.*

13. In page 5, line 5, after “€160,” to insert “or a lower net cost that corresponds to no more than 0.5 per cent of the household net income,”.

—*Senators Katherine Zappone, Mary Ann O'Brien.*

14. In page 5, line 7, after “€260,” to insert “or a lower net cost that corresponds to no more than 0.5 per cent of the household net income,”.

—*Senators Katherine Zappone, Mary Ann O'Brien.*

15. In page 5, between lines 23 and 24, to insert the following:

“(6) The net cost for the provision of water services to a dwelling, which is occupied as a place of principal private residence, after the period referred to in *subsection (3)*, shall not be more than 0.5 per cent of the household net income of the occupier or occupiers.”.

—*Senators Katherine Zappone, Mary Ann O'Brien.*

[SECTION 3]

16. In page 5, line 28, to delete “1 January 2015” and substitute “the date of completion of the national water meter installation programme”.

—*Senators Fidelma Healy Eames, James Heffernan.*

17. In page 6, line 7, to delete “1 January 2015” and substitute “the date of completion of the national water meter installation programme”.

—*Senators Fidelma Healy Eames, James Heffernan.*

18. In page 6, lines 21 and 22, to delete “1 January 2015” and substitute “the date of completion of the national water meter installation programme”.

—*Senators Fidelma Healy Eames, James Heffernan.*

*Section opposed.*

—*Senators Sean D. Barrett, Diarmuid Wilson.*

SECTION 4

*Section opposed.*

—*Senators Sean D. Barrett, Diarmuid Wilson, David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

SECTION 5

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

“(2) Within 6 months the Minister shall prepare and publish a Report to both Houses of the Oireachtas outlining how the conservation grant scheme is being implemented and detailing how the scheme is contributing towards bringing the network up to the standard to meet metric tests established by the Commission for Energy Regulation.”.

—*Senators Fidelma Healy Eames, James Heffernan.*

20. In page 8, between lines 14 and 15, to insert the following:

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

—*Senator Diarmuid Wilson.*

21. In page 8, between lines 14 and 15, to insert the following:

“(6) The Minister shall, within 1 month of the passing of this Act, lay before the Houses of the Oireachtas a report outlining the cost associated with the administration and implementation of this section and the assumptions, if any, that underpin the calculations.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

*Section opposed.*

—*Senator Sean D. Barrett.*

[SECTION 7]

SECTION 7

22. In page 9, line 4, after “Water” to insert the following:

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

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

23. In page 9, between lines 15 and 16, to insert the following:

“(g) to recommend that Irish Water can issue public health notices in respect of water quality.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

24. In page 9, between lines 15 and 16, to insert the following:

“(g) to review the use of fluoride in the water supply, and to issue recommendations to Irish Water on the use of fluoride in water.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

SECTION 8

25. In page 10, to delete line 7.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

SECTION 9

26. In page 11, between lines 12 and 13, to insert the following:

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

—*Senator Diarmuid Wilson.*

*Section opposed.*

—*Senator Sean D. Barrett.*

SECTION 10

*Section opposed.*

—*Senators Sean D. Barrett, David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

SECTION 11

27. In page 13, 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.”.

—*Senator Diarmuid Wilson.*



[SECTION 11]

28. In page 13, 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, and
- (b) the Minister shall mandate the Data Protection Commissioner to produce a report confirming that Irish Water has deleted all PPS numbers previously collected.”.

—*Senators Fiach Mac Conghail, Jillian van Turnhout.*

SECTION 12

29. In page 13, 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 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”.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

[*Acceptance of this amendment involves the deletion of section 12 of the Bill.*]

*Section opposed.*

—*Senators Sean D. Barrett, Diarmuid Wilson.*

SECTION 13

30. In page 13, line 32, 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.”.

—*Senator Diarmuid Wilson.*

31. In page 13, between lines 32 and 33, to insert the following:

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

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

32. In page 13, between lines 32 and 33, to insert the following:

“(2) The First Schedule to the Gas Act 1976 is amended in Article 2A (inserted by section 40(a) of the Gas Regulation Act 2013) by deleting the word “or” after the word “electricity” and by inserting, after paragraph (e), the following:

“(f) the provision of water services, or

(g) the installation or maintenance of water meters.”.”.

—*Senator Marie-Louise O'Donnell.*

[SECTION 13]

*Section opposed.*

—*Senator Sean D. Barrett.*

SECTION 14

*Section opposed.*

—*Senator Sean D. Barrett.*