



**An Bille fá Choiste um Chuntais Phoiblí Dháil Éireann (Inordaitheacht
Finnéithe), 2014**

**Committee of Public Accounts of Dáil Éireann (Compellability of Witnesses) Bill
2014**

Mar a tionscnaíodh

As initiated



**AN BILLE FÁ CHOISTE UM CHUNTAIS PHOIBLÍ DHÁIL ÉIREANN
(INORDAITHEACHT FINNÉITHE), 2014
COMMITTEE OF PUBLIC ACCOUNTS OF DÁIL ÉIREANN (COMPELLABILITY OF
WITNESSES) BILL 2014**

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ACTS REFERRED TO

Comptroller and Auditor General and Committees of the Houses of the Oireachtas (Special Provisions) Act 1998 (No. 47)

Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 (No. 33)



**AN BILLE FÁ CHOISTE UM CHUNTAIS PHOIBLÍ DHÁIL ÉIREANN
(INORDAITHEACHT FINNÉITHE), 2014
COMMITTEE OF PUBLIC ACCOUNTS OF DÁIL ÉIREANN (COMPELLABILITY OF
WITNESSES) BILL 2014**

Bill

5

entitled

An Act to make further and better provision in relation to the Committee of Public Accounts of Dáil Éireann’s power to obtain evidence including the compellability of witnesses, and to ensure the Committee has the right to examine where there is a risk to the public finances any person or body as it so sees fit; to provide for the appointment of a parliamentary inspector to carry out a preliminary examination in cases where the Comptroller and Auditor General is precluded from doing so; to amend the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013; and to provide for related matters. 10

Be it enacted by the Oireachtas as follows: 15

Interpretation

1. (1) In this Act, unless the context otherwise requires—

“Act of 1998” means the Comptroller and Auditor General and Committees of the Houses of the Oireachtas (Special Provisions) Act 1998;

“committee”, means the committee of Public Accounts of Dáil Éireann established pursuant to the Standing Orders of Dáil Éireann relative to Public Business, (and includes any sub-committee established by the committee) to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General or in respect of a report on the appropriation or expenditure of public money by a parliamentary inspector appointed under *section 3*; 20 25

“Principal Act” means the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013;

“public money” means public money within the meaning of Article 22 of the Constitution;

“Working Group of Committee of Committee Chairmen” means the group established pursuant to the Standing Orders of Dáil Éireann relative to public business. 30

(2) In this Act—

(a) a reference to a section is a reference to a section of this Act unless it is indicated

that reference to some other provision is intended,

- (b) a reference to a subsection or paragraph is a reference to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and
- (c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment (including secondary legislation) and this Act, unless the context otherwise requires. 5

Power of Committee to obtain evidence

- 2. Subject to the provisions of this Act, the Committee, in preparation of a report to Dáil Éireann, may give a direction in writing to any person to attend before the committee and require any document as it so sees fit from any person in its examination of the appropriation accounts and reports of the Comptroller and Auditor General or in respect of a report on the appropriation or expenditure of public money by a parliamentary inspector appointed under *section 3*. 15

Appointment of a Parliamentary Inspector by Committee in certain cases

- 3. (1) The Committee on being apprised of *prima facie* evidence of a risk to the revenues of the State, in an area involving the appropriation or expenditure of public money which for some technical reason does not fall within the remit of the Comptroller and Auditor General, may resolve to appoint a parliamentary inspector to carry out such examination and investigation as he or she considers appropriate and to report thereon to the Committee. 20
- (2) The Parliamentary Inspector in carrying out an examination under this Act shall have the same privilege as conferred on the Comptroller and Auditor General or on his or her officers under section 12 of the Act of 1998 and similar words shall be construed accordingly. 25

Amendment of the Principal Act

- 4. Without prejudice to the generality of *section 2* the provisions of the Principal Act shall apply to the Committee and other committees (in relation to other business as defined in that Act) as so amended as follows: 30
 - (a) in section 76, by the deletion of the definition of “appropriate committee”;
 - (b) in section 77, by the deletion of subsection (3);
 - (c) in section 79—
 - (i) by the substitution of the following subsection for subsection (1):
“(1) Subject to subsection (2), the Working Group of Committee Chairmen established under the standing orders of Dáil Éireann relative to Public Business, may issue guidelines under this section, not inconsistent with Article 15 of the Constitution and this Act relating to the procedure of other committee business.”; 35

- (ii) in subsection (4), by the deletion of the definition of “section 79 committee”;
- (d) in section 85, by the addition to subsection (1) of the following, “provided that in the case of the Committee of Public Accounts of Dáil Éireann relevancy shall take into account the *Committee of Public Accounts of Dáil Éireann (Compellability of Witnesses) Act 2014*”; 5
- (e) in section 86, by the deletion of paragraph (b) in subsection (1).

Short title and collective citation

- 5. (1) This Act may be cited as the Committee of Public Accounts of Dáil Éireann (Compellability of Witnesses) Act 2014.
- (2) This Act shall be cited together with the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 and shall (in so far as it relates) be read together as one with that Act. 10

An Bille fá Choiste um Chuntais Phoiblí
Dháil Éireann (Inordaitheacht Finnéithe),
2014

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú breise agus feabhsaithe i ndáil le cumhacht Choiste um Chuntais Phoiblí Dháil Éireann chun fianaise a fháil lena n-áirítear inordaitheacht finnéithe; dá chinntiú go bhfuil sé de cheart ag an gCoiste aon duine nó comhlacht a scrúdú de réir mar is cuí leis amhlaidh i gcás go bhfuil priacal ann don airgeadas poiblí; do dhéanamh socrú maidir le cigire parlaiminteach a cheapadh chun réamhscrúdú a dhéanamh i gcásanna ina bhfuil cosc ar an Ard-Reachtair Cuntas agus Ciste déanamh amhlaidh; do leasú an Achta um Thithe an Oireachtais (Fiosrúcháin, Pribhléidí agus Nósanna Imeachta), 2013; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Teachta Seán de Rossa a thug isteach

10 Iúil, 2014

Committee of Public Accounts of Dáil
Éireann (Compellability of Witnesses) Bill
2014

BILL

(as initiated)

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An Act to make further and better provision in relation to the Committee of Public Accounts of Dáil Éireann's power to obtain evidence including the compellability of witnesses; to ensure the Committee has the right to examine where there is a risk to the public finances any person or body as it so sees fit; to provide for the appointment of a parliamentary inspector to carry out a preliminary examination in cases where the Comptroller and Auditor General is precluded from doing so; to amend the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013; and to provide for related matters.

Introduced by Deputy Shane Ross,

10th July, 2014

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
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