



**AN BILLE UM THITHE AN OIREACHTAIS (CEAPACHÁIN
CHUIG OIFIGÍ ÁIRITHE), 2014**
**HOUSES OF THE OIREACHTAS (APPOINTMENTS TO
CERTAIN OFFICES) BILL 2014**

EXPLANATORY MEMORANDUM

Main Purpose of the Bill

The principal objective of the Bill is to ensure that the Clerk of the Dáil/Secretary General is appointed through open competition rather than internally. The Bill also provides for the appointment of the Clerk of the Seanad and the Clerks-Assistant of the Dáil and the Seanad by the Oireachtas Commission on the recommendation of the Ceann Comhairle or Cathaoirleach of the Seanad, as appropriate.

Provisions of the Bill

The Bill comprises five Sections, an outline of which is set out below.

Section 1 provides for:

- (i) the appointment of the Clerk of the Dáil by the Houses of the Oireachtas Commission on the recommendation of the Ceann Comhairle. That recommendation is to be on foot of a selection by TLAC, following an open competition;
- (ii) the appointment of the Clerk-Assistant of the Dáil by the Oireachtas Commission on the recommendation of the Ceann Comhairle;
- (iii) the appointment of the Clerk of the Seanad and the Clerk-Assistant of the Seanad by the Oireachtas Commission on the recommendation of the Cathaoirleach of the Seanad;
- (iv) the imposition of a time limit on the tenure for persons appointed to the four posts in question;
- (v) these arrangements not affecting existing postholders.

Section 2 amends Section 13(3)(b) of the Houses of the Oireachtas Commission Act 2003 which provides that a statement of estimates of the Commission shall be furnished by the Secretary General to the Minister for Public Expenditure and Reform not later than 30 days before the presentation by the Minister to Dáil Éireann of the Estimates of the Receipts and Estimates of Expenditure in that year. It is proposed that the 30 day provision should be removed to allow time for the Oireachtas Service to submit estimates much closer to the Budget in the light of the reduced interval between the end of the Summer Recess and an earlier Budget Day.

Section 3 provides for the performance by a designated official of the duties of the Secretary General of the Oireachtas Commission/Clerk of the Dáil in his/her absence or when the post is vacant. It fills a lacuna in the existing legislation.

Section 4 provides for the repeal of a provision in the Public Service Management (Recruitment and Appointments) Act, 2004, which excluded TLAC as an element of appointments to the post of Clerk of the Dáil. Repeal is necessitated by Section 1 above.

Section 5 contains standard provisions dealing with short title, construction and collective citations.

An Roinn Caiteachais Phoiblí agus Athchóirithe,
July, 2014.