



# **DÁIL ÉIREANN**

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**BILLE AN GHARDA SÍOCHÁNA (AN TÚDARÁS  
PÓILÍNEACHTA AGUS FORÁLACHA ILGHNÉITHEACHA),  
2015**

**GARDA SÍOCHÁNA (POLICING AUTHORITY AND  
MISCELLANEOUS PROVISIONS) BILL 2015**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## BILLE AN GHARDA SÍOCHÁNA (AN TÚDARÁS PÓILÍNEACHTA AGUS FORÁLACHA ILGHNÉITHEACHA), 2015 —ROGHCHOISTE

### GARDA SÍOCHÁNA (POLICING AUTHORITY AND MISCELLANEOUS PROVISIONS) BILL 2015 —SELECT COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 4

1. In page 6, line 24, after “preventing” to insert “where there is reasonable suspicion”.

—Finian McGrath.
2. In page 6, line 32, to delete “unlawful acts” and substitute “acts which have been found by a Court to be unlawful, and which”.

—Finian McGrath.
3. In page 7, line 15, to delete “the Minister” and substitute “a member of the judiciary, as delegated by the Chief Justice”.

—Pádraig Mac Lochlainn.
4. In page 7, line 15, to delete “the Minister” and substitute “the Ombudsman Commission, which will consult a designated Judge of the High Court who will act as an independent arbiter”.

—Finian McGrath.
5. In page 7, to delete lines 16 and 17 and substitute the following:

“(4) The determination by the Ombudsman Commission in consultation with a designated Judge of the question or dispute referred to them under subsection (3) shall be subject to appeal through the Courts.”.

—Finian McGrath.
6. In page 7, line 16, to delete “the Minister” and substitute “a member of the judiciary”.

—Pádraig Mac Lochlainn.

#### SECTION 5

7. In page 7, to delete lines 28 to 30 and substitute the following:

“(b) the principle that effective and efficient policing is dependent on the confidence, support, engagement and cooperation of local communities and every member of the Garda Síochána or member

[SECTION 5]

of the civilian staff of the Garda Síochána should, in carrying out his or her functions—

- (i) act professionally, ethically and with integrity,
- (ii) carry out his or her functions with the aim of securing the support of, and acting in cooperation with, the local community, and
- (iii) be guided by the code of ethics under section 17 (Code of Ethics)”.

—Finian McGrath.

SECTION 8

8. In page 8, to delete lines 6 to 22 and substitute the following:

- “**9.** (1) Subject to this section, the appointment of a person to be the Commissioner of the Garda Síochána shall be made by the Authority following consultation with the Government.
- (2) The Authority shall not appoint a person under subsection (1) unless it has invited the Service to undertake a selection competition for that purpose and the Service has undertaken such a competition.
  - (3) The Authority shall agree with the Service the selection criteria and process that are to apply to the selection competition under this section.
  - (4) A person shall not be appointed by the Authority under subsection (1) unless it is satisfied that the person is suitable for appointment as the Garda Commissioner by reason of his or her possessing such relevant experience, qualifications, training or expertise as is appropriate having regard, in particular, to the functions assigned to the Garda Commissioner by or under this Act.”.

—Finian McGrath.

9. In page 8, lines 7 and 8, to delete “shall, upon the nomination of the Authority, be made by the Government” and substitute “shall be made by the Authority”.

—Pádraig Mac Lochlainn.

10. In page 8, line 9, to delete “nominate” and substitute “appoint”.

—Pádraig Mac Lochlainn.

11. In page 8, line 10, to delete “, with the prior approval in writing of the Government,”.

—Pádraig Mac Lochlainn.

12. In page 8, line 13, to delete “, with the approval of the Minister,”.

—Pádraig Mac Lochlainn.

[SECTION 8]

13. In page 8, line 17, to delete “nominated” and substitute “appointed”.  
—Pádraig Mac Lochlainn.
14. In page 8, line 25, to delete “for nomination by” and substitute “to”.  
—Finian McGrath.
15. In page 8, line 25, to delete “nomination” and substitute “appointment”.  
—Pádraig Mac Lochlainn.
16. In page 8, lines 25 and 26, to delete “for appointment”.  
—Pádraig Mac Lochlainn.
17. In page 8, to delete lines 27 to 41.  
—Pádraig Mac Lochlainn, Finian McGrath.
18. In page 9, line 2, to delete “Minister” and substitute “Authority”.  
—Pádraig Mac Lochlainn, Finian McGrath.
19. In page 9, line 3, to delete “Minister” and substitute “Authority”.  
—Pádraig Mac Lochlainn, Finian McGrath.
20. In page 9, line 4, to delete “Minister” and substitute “Authority”.  
—Pádraig Mac Lochlainn, Finian McGrath..
21. In page 9, line 6, to delete “The Government shall, as soon as may be, inform the Authority” and substitute “The Authority shall, as soon as may be, inform the Government”.  
—Pádraig Mac Lochlainn, Finian McGrath.

SECTION 9

22. In page 9, to delete lines 15 to 32 and substitute the following:
- “**10.** (1) The Authority, following consultation with the Government, may determine the number of persons who may be appointed to the rank of Deputy Garda Commissioner and, subject to this section, the appointment of a person to that rank shall be made by the Authority following consultation with the Government.
- (2) The Authority shall not appoint a person under subsection (1) unless it has invited the Service to undertake a selection competition for that purpose and the Service has undertaken such a competition.
- (3) The Authority shall agree with the Service the selection criteria and process that are to apply to the selection competition under this section.
- (4) A person shall not be appointed by the Authority under subsection (1) unless it is satisfied that the person is suitable for appointment as Deputy Garda Commissioner by reason of his or her possessing such relevant experience, qualifications, training or expertise as is

[SECTION 9]

appropriate having regard, in particular, to the functions that may be assigned to a member of this rank.”.

—Finian McGrath.

23. In page 9, line 15, to delete “Government” and substitute “Authority”.

—Pádraig Mac Lochlainn.

24. In page 9, lines 17 and 18, to delete “upon the nomination of the Authority, be made by the Government” and substitute “be made by the Authority”.

—Pádraig Mac Lochlainn.

25. In page 9, line 19, to delete “nominate” and substitute “appoint”.

—Pádraig Mac Lochlainn.

26. In page 9, line 20, to delete “, with the prior approval in writing of the Government,”.

—Pádraig Mac Lochlainn.

27. In page 9, line 23, to delete “, with the approval of the Minister,”.

—Pádraig Mac Lochlainn.

28. In page 9, line 27, to delete “nominated” and substitute “appointed”.

—Pádraig Mac Lochlainn.

29. In page 9, line 35, to delete “for nomination by” and substitute “to”.

—Finian McGrath.

30. In page 9, lines 35 and 36, to delete “nomination by the Authority under subsection (1) for appointment” and substitute “appointment”.

—Pádraig Mac Lochlainn.

31. In page 9, to delete lines 37 to 43, and in page 10, to delete lines 1 to 8.

—Pádraig Mac Lochlainn, Finian McGrath.

32. In page 10, line 10, to delete “Minister” and substitute “Authority”.

—Pádraig Mac Lochlainn, Finian McGrath.

33. In page 10, line 11, to delete “Minister” and substitute “Authority”.

—Pádraig Mac Lochlainn, Finian McGrath.

34. In page 10, line 12, to delete “Minister” and substitute “Authority”.

—Pádraig Mac Lochlainn, Finian McGrath.

35. In page 10, line 14, to delete “The Government shall, as soon as may be, inform the Authority” and substitute “The Authority shall, as soon as may be, inform the Government”.

—Pádraig Mac Lochlainn, Finian McGrath.

[SECTION 10]

SECTION 10

36. In page 10, to delete lines 24 to 27 and substitute the following:

“11. (1) Subject to section 12, a person who holds the office of Garda Commissioner, Deputy Garda Commissioner or Assistant Commissioner may be removed from office by the Authority following consultation with the Government, but only for stated reasons, including because—”.

—Finian McGrath.

37. In page 10, line 25, to delete "or Deputy Garda Commissioner" and substitute “, Deputy Garda Commissioner, Assistant Garda Commissioner, chief superintendent or superintendent”.

—Pádraig Mac Lochlainn.

38. In page 10, line 26, to delete “Government” and substitute “Authority”.

—Pádraig Mac Lochlainn.

39. In page 10, line 36, to delete “Government” and substitute “Authority”.

—Pádraig Mac Lochlainn.

40. In page 10, line 36, to delete “Government” and substitute “Authority following consultation with the Government”.

—Finian McGrath.

41. In page 10, to delete lines 37 to 41, and in page 11, to delete lines 1 to 23.

—Pádraig Mac Lochlainn.

42. In page 10, to delete lines 37 to 41 and substitute the following:

“(2) The Authority may, following consultation with the Minister, for the purposes of subsection (1) remove from office a person who holds the office of Garda Commissioner, Deputy Garda Commissioner or Assistant Commissioner, if the reasons for the removal relate to policing services.”.

—Finian McGrath.

43. In page 11, to delete lines 1 to 11 and substitute the following:

“(3) A person who holds the office of chief superintendent or superintendent may be removed from office by the Authority.”.

—Finian McGrath.

44. In page 11, lines 12 and 13, to delete “Assistant Garda Commissioner,”.

—Finian McGrath.

45. In page 11, line 14, to delete “Government” and substitute “Authority”.

—Finian McGrath.

[SECTION 10]

46. In page 11, line 23, to delete “Government” and substitute “Authority”.

—Finian McGrath.

47. In page 11, line 24, to delete “or 13A(1)(a)”.

—Pádraig Mac Lochlainn.

48. In page 11, lines 27 and 28, to delete “Government or the Authority, as the case may be,” and substitute “Authority”.

—Pádraig Mac Lochlainn.

49. In page 11, line 29, to delete “the Government or the Authority, as the case may be,” and substitute “Authority”.

—Pádraig Mac Lochlainn.

50. In page 11, line 29, to delete “Government or the Authority, as the case may be” and substitute “Authority following consultation with the Government”.

—Finian McGrath.

51. In page 11, line 31, to delete “subsection (5)” and substitute “subsection (2)”.

—Pádraig Mac Lochlainn.

52. In page 11, line 32, to delete “Government or the Authority, as the case may be,” and substitute “Authority”.

—Pádraig Mac Lochlainn, Finian McGrath.

53. In page 11, line 34, to delete “or 13A”.

—Pádraig Mac Lochlainn.

54. In page 11, to delete lines 36 to 39 and substitute the following:

“(7) Subject to subsection (8), the Authority shall, as soon as may be, inform the Government of a proposal to remove a person from office under subsection (1) or (4) and any related suspension from duty under subsection (5).”.

—Finian McGrath.

55. In page 11, line 36 and 37, to delete “Subject to subsection (8), the Government shall, as soon as may be, inform the Authority” and substitute “The Authority shall, as soon as may be, inform the Minister”.

—Pádraig Mac Lochlainn.

56. In page 11, lines 38 and 39, to delete “subsection (1) or (4) and any related suspension from duty under subsection (5)” and substitute “subsection (1) and any related suspension from duty under subsection (2)”.

—Pádraig Mac Lochlainn.



[SECTION 10]

57. In page 11, to delete lines 40 to 43, and in page 12, to delete lines 1 to 5.

—Pádraig Mac Lochlainn.

58. In page 11, line 40, to delete “The Government shall consult with the Authority” and substitute “The Authority shall consult with the Government”.

—Finian McGrath.

59. In page 12, line 3, to delete “The Authority shall, as soon as may be, inform the Government” and substitute “The Government shall, as soon as maybe, inform the Authority”.

—Finian McGrath.

60. In page 12, line 7, after “of” to insert “Garda Commissioner, Deputy Garda Commissioner,”.

—Pádraig Mac Lochlainn.

61. In page 12, lines 13 and 14, to delete “and 13A (inserted by *section 13*)”.

—Pádraig Mac Lochlainn.

62. In page 12, line 16, after “of” to insert “Garda Commissioner, Deputy Garda Commissioner,”.

—Pádraig Mac Lochlainn.

SECTION 11

63. In page 12, line 23, to delete “subsection (1) or (4) of section 11, the Government” and substitute “subsection (1) of section 11, the Authority”.

—Pádraig Mac Lochlainn.

64. In page 12, line 23, to delete “Government” and substitute “Authority”.

—Finian McGrath.

65. In page 12, line 24, to delete “Government” and substitute “Authority”.

—Pádraig Mac Lochlainn, Finian McGrath.

66. In page 12, to delete lines 29 to 35 and substitute the following:

“(b) by substituting the following for subsection (2):

“(2) The Authority may, if they consider it necessary or appropriate to do so, appoint a person to—

(a) hold an inquiry into any matter giving rise to a notification under subsection (1), and

(b) report to the Authority on the findings of the inquiry.”.

(c) by substituting the following for subsection (6):

“(6) If an inquiry is held, the Authority shall—

(a) consider the report on the findings of the inquiry,

(b) inform the Minister of the findings of the inquiry

[SECTION 11]

- (c) make a copy of the report available to the person whose removal from office is the subject of the report, and
- (d) give that person an opportunity to make representations relating to the report.”,

and”.

—Pádraig Mac Lochlainn.

67. In page 12, line 29, to delete “The Government shall inform the Authority” and substitute “The Authority shall inform the Government”.

—Finian McGrath.

68. In page 12, to delete line 41, and in page 13, to delete lines 1 to 7.

—Pádraig Mac Lochlainn.

69. In page 13, line 3, to delete “Authority” and substitute “Government”.

—Finian McGrath.

SECTION 12

70. In page 13, line 12, to delete “The Minister may, with the consent of” and substitute “The Authority may, following consultation with”.

—Finian McGrath.

71. In page 13, line 12, to delete “Minister” where it firstly occurs and substitute “Authority”.

—Pádraig Mac Lochlainn.

72. In page 13, line 17, after “competition” to insert “to be conducted by the Public Appointments Service”.

—Niall Collins.

73. In page 13, line 24, to delete “subsections (3) to (9) of”.

—Pádraig Mac Lochlainn.

SECTION 13

*Section opposed.*

—Pádraig Mac Lochlainn.

SECTION 14

74. In page 15, between lines 18 and 19, to insert the following:

“14. (1) Section 14(1) of the principal act is amended to be read as follows:

“(1) The Garda Commissioner may appoint, subject to and in accordance with the regulations, and subject to oversight by the Authority, such numbers of persons as he or she sees fit to the ranks of garda, sergeant and inspector in the Garda Síochána.”.”.

—Pádraig Mac Lochlainn.

[SECTION 16]

SECTION 16

75. In page 15, to delete lines 37 and 38, and in page 16, to delete lines 1 to 3 and substitute the following:

“**17.** (1) The Authority shall, by order within 12 months of the establishment day of the Authority, establish a code of ethics that—

- (a) includes standards of conduct and practice for members,
- (b) is fully consistent with the policing principles, and
- (c) encourages and facilitates the reporting of wrongdoing in the Garda Síochána by members.”.

—Finian McGrath.

76. In page 16, to delete lines 37 and 38, and in page 17, to delete lines 1 and 2 and substitute the following:

“(8) (a) The code of ethics, established in accordance with subsection (1) shall be binding on all members.

(b) The Garda Commissioner shall take such steps as are necessary to ensure that all members have read and understood a code of ethics referred to in paragraph (a) and that a record is kept of the steps taken in relation to each member.

(c) A failure to comply with any specified provision of a code of ethics referred to in paragraph (a) shall constitute a breach of discipline in accordance with the Disciplinary Regulations.”.

—Finian McGrath.

SECTION 17

77. In page 17, lines 7 and 8, to delete “with the consent of the Minister”.

—Pádraig Mac Lochlainn.

78. In page 17, line 10, to delete “with the consent of the Minister”.

—Pádraig Mac Lochlainn.

SECTION 18

79. In page 17, lines 21 and 22, to delete “and with the approval of the Minister”.

—Pádraig Mac Lochlainn.

80. In page 17, lines 21 and 22, to delete “with the approval of the Minister” and substitute “following consultation with the Minister”.

—Finian McGrath.

81. In page 17, to delete lines 32 to 34.

—Pádraig Mac Lochlainn, Finian McGrath.

[SECTION 18]

- 82.** In page 18, line 17, to delete “Minister” and substitute “Ombudsman Commission”.  
—Finian McGrath.
- 83.** In page 18, line 24, to delete “Minister” and substitute “Ombudsman Commission”.  
—Finian McGrath.
- 84.** In page 18, line 33, to delete “Minister” and substitute “Ombudsman Commission”.  
—Finian McGrath.
- 85.** In page 18, line 36, to delete “Minister” and substitute “Ombudsman Commission”.  
—Finian McGrath.
- 86.** In page 19, line 2, to delete “Minister” and substitute “Ombudsman Commission”.  
—Finian McGrath.
- 87.** In page 19, line 5, to delete “Minister” and substitute “Ombudsman Commission”.  
—Finian McGrath.

SECTION 19

- 88.** In page 19, to delete lines 8 to 10 and substitute the following:  
“(a) by the substitution of the following subsection for subsection (1):  
“(1) Subject to subsection (6)—  
(a) not later than 6 months after the establishment day of the Authority,  
and  
(b) not later than 3 months before the expiry of the period to which the  
previous strategy statement relates,  
the Garda Commissioner shall submit to the Authority for its approval  
(with the consent of the Minister) a strategy statement for the Garda  
Síochána and for policing services for the following 3 years.”.”  
—An tAire Dlí agus Cirt agus Comhionannais.
- 89.** In page 19, line 12, to delete “Minister” and substitute “Authority”.  
—Finian McGrath.
- 90.** In page 19, to delete lines 15 to 17 and substitute the following:  
“(b) the priorities determined by the Authority under section 20 relating  
to policing services and any priorities that may be determined by  
the Garda Síochána Ombudsman Commission under section 20A  
relating to security services;”.”  
—Finian McGrath.
- 91.** In page 19, to delete lines 21 and 22 and substitute the following:  
“(iv) substitute the following for paragraph (a);

[SECTION 19]

“(a) the policing principles.””.

—Finian McGrath.

**92.** In page 19, to delete lines 23 to 29 and substitute the following:

“(d) in subsection (4), by—

(i) the substitution of “The Authority shall, following consultation with the Minister, approve” for “The Minister shall approve”, and

(ii) the substitution of the following paragraph for paragraph (b):

“(b) with such amendments as the Authority following consultation with the Minister and the Garda Commissioner, may determine.””.

—Finian McGrath.

**93.** In page 19, line 24, to delete “, with the consent of the Minister,”.

—Pádraig Mac Lochlainn.

**94.** In page 19, lines 27 and 28, to delete “with the consent of the Minister”.

—Pádraig Mac Lochlainn.

SECTION 20

**95.** In page 20, to delete lines 7 to 11 and substitute the following:

“(b) in subsection (2), substitute the following for paragraph (e):

“(e) the policing principles.””.

—Finian McGrath.

**96.** In page 20, to delete lines 13 to 19 and substitute the following:

“(d) in subsection (5)—

(i) by the substitution of “The Authority shall, following consultation with the Minister, approve” for “The Minister shall approve”, and

(ii) by the substitution of the following paragraph for paragraph (b):

“(b) with such amendments as the Authority, following consultation with the Minister and the Garda Commissioner, may determine.””.

—Finian McGrath.

**97.** In page 20, line 14, to delete “, with the consent of the Minister,”.

—Pádraig Mac Lochlainn.

**98.** In page 20, lines 17 and 18, to delete “with the consent of the Minister”.

—Pádraig Mac Lochlainn.

[SECTION 23]

SECTION 23

99. In page 21, between lines 1 and 2, to insert the following:

“23. Section 25 of the Principal Act is amended to be read as follows:

- “25. (1) The Authority may issue to the Garda Commissioner written directives concerning any matter relating to the Garda Síochána.
- (2) The Garda Commissioner shall, in performing the functions of that office, comply with any directive issued under this section.
- (3) As soon as practicable after issuing a directive under this section, the Authority shall provide a copy of the Directive to the Minister who shall cause a copy of the directive to be laid before each House of the Oireachtas, but if compliance with this requirement might prejudice the security of the State or might impede the prevention, investigation or prosecution of an offence, it is sufficient if a written statement indicating that a directive has been issued is laid before each House.
- (4) The Authority’s power under subsection (1) may not be exercised to limit the independence of a member of the Garda Síochána in performing functions relating to the investigation of a specific offence or the prosecution of an offence.
- (5) The Garda Commissioner shall inform the Authority of the measures taken by the Commissioner to comply with a directive issued under this section and supply the information within the time specified by the Authority.””.

—Pádraig Mac Lochlainn.

*[Acceptance of this amendment involves the deletion of section 23 of the Bill.]*

100. In page 21, between lines 1 and 2, to insert the following:

“23. Section 25 of the Principal Act is amended—

(a) by the substitution of the following section for section (1):

“(1) The Authority may issue to the Garda Commissioner written directives concerning any policing matter, and following consultation with the Authority, the Garda Síochána Ombudsman Commission may issue to the Garda Commissioner written directives concerning any security matter.”,

(b) by the addition of the following sections after section (2):

“(3) The Commissioner shall inform the Authority of the measures taken by the Commissioner to comply with a directive relating to policing matters issued to it under this section and supply the information within the time specified by the Authority.

(4) The Commissioner shall inform the Garda Síochána Ombudsman Commission of the measures taken by the Commissioner to comply with a directive relating to security matters issued to it under this

[SECTION 23]

section and supply the information within the time specified by the Garda Síochána Ombudsman Commission.”.”.

—Finian McGrath.

*[Acceptance of this amendment involves the deletion of section 23 of the Bill.]*

SECTION 24

**101.**In page 21, between lines 34 and 35, to insert the following:

“(ii) by the removal of paragraph (c), and”.

—Finian McGrath.

SECTION 29

**102.**In page 23, to delete lines 8 to 12 and substitute the following:

“(1) The Authority shall issue to local authorities and the Garda Commissioner guidelines concerning the establishment and maintenance of joint policing committees by local authorities and the Garda Commissioner.”.”.

—Finian McGrath.

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

“(ii) substitute the following for paragraph (c):

“(c) the election by the committee of a chairperson from among the members of the committee.”.”.

—Finian McGrath.

SECTION 31

**104.**In page 24, between lines 32 and 33, to insert the following:

“(a) in subsection (1), insert “, in consultation with the Authority” after “Garda Commissioner”.”.

—Finian McGrath.

**105.**In page 24, line 33, to delete “The Authority shall” and substitute “The Government shall”.

—Finian McGrath.

**106.**In page 24, lines 33 and 34, to delete “, made with the approval of the Government”.

—Pádraig Mac Lochlainn.

**107.**In page 24, lines 37 and 38, to delete “, with the consent of the Minister”.

—Pádraig Mac Lochlainn, Finian McGrath.

**108.**In page 25, between lines 7 & 8, to insert the following:

“(e) by the insertion of the following subsection for after subsection (12):

“(13) The Authority will consider the appeals of members of the public

[SECTION 31]

directly affected by the installation and operation of CCTV, and will refer any concerns relating to data protection issues to the Garda Commissioner.”.”.

—Finian McGrath.

SECTION 32

**109.** In page 25, between lines 11 and 12, to insert the following:

“(a) by the substitution of the following for subsection (1):

“(1) The Garda Commissioner shall account fully to the Authority through the Secretary General of the Department of Justice and Equality for any aspect of his or her relevant functions relating to policing issues.

(1A) The Garda Commissioner shall account fully to the Garda Síochána Ombudsman Commission through the Secretary General of the Department of Justice and Equality for any aspect of his or her relevant functions relating to security issues.”.”.

—Finian McGrath.

**110.** In page 25, lines 13 and 14, to delete “report to the Authority” and substitute “account fully to the Authority”.

—Pádraig Mac Lochlainn.

SECTION 33

**111.** In page 25, between lines 22 and 23, to insert the following:

**“33.** Section 41 if the Principal Act is amended by—

(a) deleting paragraphs (b), (c) and (d) in subsection (1),

(b) inserting the following subsection after subsection (1):

“(1A) The Garda Commissioner shall keep the Authority fully informed of the following:

(a) significant developments that might reasonably be expected to affect public confidence in the Garda Síochána,

(b) any other matters that in the Commissioner’s opinion should be brought to the attention of the Authority, and

(c) substituting in subsections (2), (3) and (4) “Authority or the Minister” for “Minister” wheresoever appears.”.”.

—Finian McGrath.

*[Acceptance of this amendment involves the deletion of section 33 of the Bill.]*

SECTION 35

**112.** In page 26, between lines 13 and 14, to insert the following:

**“35.** Section 42 (inserted by section 42 of the Criminal Justice Act 2007) of the Principal Act is amended by substituting “Minister or the Authority” for Minister wheresoever



[SECTION 35]

appears.”.

—Finian McGrath.

*[Acceptance of this amendment involves the deletion of section 35 of the Bill.]*

SECTION 36

113. In page 27, lines 32 and 33, to delete “with the consent of the Minister”.

—Pádraig Mac Lochlainn.

SECTION 39

114. In page 28, between lines 23 and 24, to insert the following:

**“Amendment of section 47 of Principal Act**

39. Section 47(2) of the Principal Act is amended by the insertion of “and the Authority” after “the Minister”.

—Finian McGrath.

SECTION 44

115. In page 31, to delete lines 10 to 37 and substitute the following:

“62C.(1) The Authority shall comprise of 21 members:

- (a) 12 of whom shall be ordinary members, appointed by the Government subject to section 62D, and
  - (b) 9 of whom shall be political members appointed in accordance with subsection (2).
- (2) There shall be 9 political members elected to the Authority through the use of the D’Hondt method of election, at a date not later than 30 days after the date of enactment of this Act.
  - (3) There shall be 12 ordinary members appointed to the Authority by the Government at a date not later than 30 days after the enactment of this Act and following this appointment, the members shall, by casting a secret ballot, elect one of the ordinary members to be chairperson of the Authority.
  - (4) If a person stands elected under subsection (3), the person shall, on that day, stand elected as the first chairperson of the Authority.
  - (5) In appointing the 12 ordinary members of the Authority, the Government shall have regard to the objective of there being no fewer than 6 members who are women and no fewer than 6 members who are men.
  - (6) Except for the first appointed members of the Authority and subject to section 62E(5), a person shall not be appointed as a member of the Authority unless a resolution has been passed by each House of the Oireachtas recommending his or her appointment.

- (7) Except for the first appointed ordinary members of the Authority and subject to section 62E(5), the Government shall appoint ordinary members of the Authority from among such persons as are recommended by the Service in accordance with section 62D for appointment as such ordinary members.”.

—Pádraig Mac Lochlainn.

**116.** In page 31, to delete lines 10 to 37 and substitute the following:

- “**62C.** (1) Subject to this section, the Authority is to consist of sixteen members, all of whom are to be appointed by the President on:
- (a) the nomination of a selection panel appointed by the Service, who in the opinion of the service, have relevant experience of, and expertise in relation to matters connected with any or all of the following:
    - (i) policing matters or law;
    - (ii) human rights and equality matters;
    - (iii) public sector administration and reform; or
    - (iv) board management and corporate governance,
  - (b) following fair and independent selection of the Members by the Selection Panel through public advertisement and open competition, and on a transparent and merit-based means, and
  - (c) the passage of resolutions by Dáil Éireann and Seanad Éireann recommending their appointment.
- (2) The composition of the Authority shall be as follows:
- (a) four Members of the Oireachtas, with an equal representation from both Government and opposition Members,
  - (b) two Commissioners from the Irish Human Rights and Equality Commission,
  - (c) the Ombudsman for Children,
  - (d) the Data Protection Commissioner,
  - (e) the Chief Inspector of the Garda Inspectorate,
  - (f) six remaining members, comprising Community Representatives, particularly from socially marginalised groups (such as the 9 groups identified under the Equal Status Acts 2000 – 2004) and socially marginalised areas, the NGO sector, Local Authority groups such as Local Authorities Member Association/Association of County and City Councils, Trade Unions, representatives from the Business sector, representatives from the Youth and Education sector, and a representative from the Association of Garda

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Sergeants and Inspectors or the Association of Garda Superintendents,

- (g) a Chairperson of the Authority to be selected and appointed by these 15 members from a list of nominees provided by the Special Committee.
- (3) In considering the nomination of a person to be a member of the Authority, the Special Committee shall satisfy themselves that the person has the appropriate experience, qualifications, training or expertise for appointment to a body having the functions of the Authority.
- (4) A person who holds judicial office in a superior court may, without relinquishing that office, be appointed as the chairperson of the Authority but, unless otherwise provided by the terms of the appointment, he or she shall not, while a member, be required to carry out duties under statute as the holder of that judicial office.
- (5) The first appointments to the Authority become effective on the establishment day.
- (6) If the chairperson is temporarily unable to carry out the duties of office, the other members shall determine which of them is to act, for all or part of the period of inability, in the chairperson's place.
- (7) For as long as a member is acting in place of the chairperson under subsection (6) references in this Act to the chairperson of the Authority are to be read as references to that member.”.”.

—Finian McGrath.

**117.** In page 31, line 11, after “Government” to insert the following:

“following the appearance of the proposed members before the Oireachtas Joint Committee dealing with policing matters and a resolution of both Houses of the Oireachtas”.

—Niall Collins.

**118.** In page 31, to delete lines 29 to 32.

—Niall Collins.

**119.** In page 31, to delete lines 38 to 42, and in page 32, to delete lines 1 to 29.

—Finian McGrath.

**120.** In page 32, line 34, to delete “Government” and substitute “Selection Panel”.

—Finian McGrath.

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121. In page 32, to delete lines 35 to 38.

—Finian McGrath.

122. In page 32, line 40, to delete “Government” and substitute “Selection Panel”.

—Finian McGrath.

123. In page 33, to delete lines 14 to 17 and substitute the following:

“(7) A member of the Authority may resign from office at any time by notice in writing addressed to the President and copied to the Minister, and the resignation takes effect on the date the President receives the letter.”.

—Finian McGrath.

124. In page 33, between lines 19 and 20, to insert the following:

“(9) A member who is appointed to fill a vacancy caused by the resignation, removal from office or the death of a member, holds office for the remainder of the term of office of the replaced member.”.

—Finian McGrath.

125. In page 33, lines 22 to 31, to delete all words from and including “(1) A” in line 22 down to and including line 31.

—Finian McGrath.

126. In page 33, to delete lines 24 to 26.

—Pádraig Mac Lochlainn.

127. In page 34, to delete lines 8 to 17.

—Pádraig Mac Lochlainn, Finian McGrath.

128. In page 34, line 19, to delete “Government” and substitute “President”.

—Finian McGrath.

129. In page 34, line 26, to delete “Government” and substitute “President”.

—Finian McGrath.

130. In page 34, line 36, to delete “Government” and substitute “President”.

—Finian McGrath.

131. In page 34, line 37, to delete “Government” and substitute “President”.

—Finian McGrath.

132. In page 35, line 4, to delete “Government” and substitute “President”.

—Finian McGrath.

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- 133.**In page 35, line 5, to delete “Government” and substitute “President”.  
—Finian McGrath.
- 134.**In page 35, line 8, to delete “Government” and substitute “President”.  
—Finian McGrath.
- 135.**In page 35, line 12, to delete “Government” and substitute “President”.  
—Finian McGrath.
- 136.**In page 35, line 15, to delete “Government” and substitute “President”.  
—Finian McGrath.
- 137.**In page 35, line 18, to delete “Government” and substitute “President”.  
—Finian McGrath.
- 138.**In page 35, line 20, to delete “Government” and substitute “President”.  
—Finian McGrath.
- 139.**In page 35, to delete lines 25 and 26 and substitute the following:  
“(a) human rights proof all Garda policies, procedures and practices to include but not limited to:  
(i) public order;  
(ii) informer management and intelligence gathering;  
(iii) intelligence and information sharing;  
(iv) Garda statutory powers and any proposed expansion thereof;  
(v) exercise of Garda discretion;  
(vi) the drafting and updating of all Garda Codes,  
and monitor Garda Síochána implementation of such policies procedures and practices.”.  
—Finian McGrath.
- 140.**In page 35, between lines 26 and 27, to insert the following:  
“(aa) hold the Garda Commissioner to account in relation to policing matters.”.  
—Pádraig Mac Lochlainn.
- 141.**In page 35, line 28, to delete “nominating” and substitute “appointing”.  
—Pádraig Mac Lochlainn.
- 142.**In page 35, line 28, to delete “nominating persons for appointment” and substitute “appointing persons”.  
—Finian McGrath.

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

“(g) monitor and address the human rights compliance by the Garda Síochána in relation to policing matters.”.

—Pádraig Mac Lochlainn.

144. In page 36, to delete lines 13 and 14.

—Finian McGrath.

145. In page 36, line 21, to delete “keep under review” and substitute “monitor”.

—Finian McGrath.

146. In page 36, to delete lines 33 to 35 and substitute the following:

“(b) ensure that Garda Síochána resources were used to maintain the highest levels of efficiency and effectiveness.”.

—Pádraig Mac Lochlainn.

147. In page 36, to delete lines 33 to 35 and substitute the following:

“(b) ensure that resources are used in such a manner as to maintain the highest levels of efficiency and effectiveness.”.

—Finian McGrath.

148. In page 37, between lines 14 and 15, to insert the following:

“(i) monitor and address human rights and equality compliance by An Garda Síochána at every level of its operation and ensure issues identified by the Garda Síochána Ombudsman Commission are dealt with in an effective manner.”.

—Pádraig Mac Lochlainn.

149. In page 37, to delete lines 19 to 23 and substitute the following:

“(4) Any function of the Authority may be performed through or by the Chief Executive or other member of its staff duly authorised in that behalf by the Authority.”.

—Pádraig Mac Lochlainn.

150. In page 37, lines 19 and 20, to delete “nominating a person for appointment to, or recommending the removal of” and substitute “appointing a person to, or removing”.

—Finian McGrath.

151. In page 37, to delete lines 28 to 32 and insert the following:

“(6) The Authority may provide for the performance of one or more of its functions by a committee, under the general direction of the Authority.”.

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—Pádraig Mac Lochlainn.

**152.**In page 37, lines 30 and 31, to delete “nominating a person for appointment to, or recommending the removal of” and substitute “appointing a person to, or removing”.

—Finian McGrath.

**153.**In page 39, lines 18 and 19, to delete “, with the consent of the Minister and the Minister for Public Expenditure and Reform,”.

—Pádraig Mac Lochlainn.

**154.**In page 39, lines 27 and 28, to delete “, with the consent of the Minister and the Minister for Public Expenditure and Reform,”.

—Pádraig Mac Lochlainn.

**155.**In page 43, between lines 12 and 13, to insert the following:

“(6) The Minister may request the Authority to prepare and submit to him or her, within the period specified in the request, a report in respect of any matter relating to policing services, and the Authority shall comply with the request.”.

—An tAire Dlí agus Cirt agus Comhionannais.

**156.**In page 43, line 13, to delete “(6) The Minister shall” and substitute the following:

“(7) The Minister shall”.

—An tAire Dlí agus Cirt agus Comhionannais.

**157.**In page 43, lines 18 to 20, to delete all words from and including the comma after “Authority” in line 18 down to and including “Reform,” in line 20.

—Finian McGrath.

**158.**In page 43, to delete lines 22 to 27.

—Finian McGrath.

**159.**In page 43, lines 33 and 34, to delete “with the consent of the Minister and the Minister for Public Expenditure and Reform”.

—Finian McGrath.

**160.**In page 44, line 6, to delete “, with the consent of the Minister,”.

—Finian McGrath.

**161.**In page 44, lines 30 and 31, to delete “, with the consent of the Minister and the Minister for Public Expenditure and Reform,”.

—Finian McGrath.

**162.**In page 44, lines 35 and 36, to delete “with the consent of the Minister and the Minister for Public Expenditure and Reform”.

—Finian McGrath.

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163. In page 47, line 23, to delete “and”.

—An tAire Dlí agus Cirt agus Comhionannais.

164. In page 47, line 25, to delete “or (5)” and substitute “or (5)”, and”.

—An tAire Dlí agus Cirt agus Comhionannais.

165. In page 47, between lines 25 and 26, to insert the following:

“(d) by the addition of the following subsection after subsection (6):

“(7) Notwithstanding subsections (4A) and (5)—

(a) the Authority may refer to the Ombudsman Commission any matter relating to policing services, and

(b) the Minister may refer to the Ombudsman Commission any matter, that gives rise to a cause for concern that a member of the Garda Síochána may have done anything referred to in subsection (4) for the Commission to consider whether the matter is one that it should investigate under that subsection.”.

—An tAire Dlí agus Cirt agus Comhionannais.

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166. In page 47, line 31, to delete “and subject to the consent of the Minister”.

—Pádraig Mac Lochlainn, Finian McGrath.

167. In page 47, to delete line 39, and in page 48, to delete lines 1 to 4.

—Pádraig Mac Lochlainn, Finian McGrath.

168. In page 48, line 7, to delete “The Minister” and substitute “The Authority”.

—Finian McGrath.

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169. In page 52, to delete line 10.

—Finian McGrath.

SECTION 58

170. In page 52, between lines 16 and 17, to insert the following:

**“Amendment of section 124(1) of Principal Act**

58. Section 124(1) of the Principal Act is amended by the insertion of “the Authority” after “the Ombudsman Commission”.

—Finian McGrath.