An Bille um Bonneagar Náisiúnta, 2018
National Infrastructure Bill 2018

Mar a tionscnaíodh
As initiated

[No. 37 of 2018]
AN BILLE UM BONNEAGAR NÁISIÚNTA, 2018
NATIONAL INFRASTRUCTURE BILL 2018

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[No. 37 of 2018]
Bill

entitled

An Act to provide for the establishment of a body to be known as the National Infrastructure Commission to advise Government on all sectors of economic infrastructure and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act, save where the context otherwise requires—

   “economic infrastructure” includes physical structures, systems, institutions, services and facilities that relate to energy, transport, water and wastewater, drainage and sewerage, waste, flood risk management and digital communications;

   “Minister” means the Minister for Finance, Public Expenditure and Reform;

   “stakeholders” include—

   (a) Coras Iompar Éireann,

   (b) Ervia,

   (c) Electricity Supply Board,

   (d) the National Transport Authority,

   (e) Transport Infrastructure Ireland,

   (f) Local Authorities, and

   (g) any other bodies as may be designated by the Minister through regulations.

Establishment of National Infrastructure Commission

2. (1) There shall stand established on the establishment day a body, to be known as the National Infrastructure Commission (in this Act, referred to as the “Commission”) to perform the functions conferred on it by this Act.

   (2) The Commission shall be a body corporate with perpetual succession, an official seal, and may sue, and be sued, in its corporate name.

   (3) The seal of the Commission shall be authenticated by the signatures of two members.
of the Commission.

(4) Judicial notice shall be taken of the seal of the Commission and any document purporting to be an instrument made by, and to be sealed with the seal of the Commission shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof thereof.

Functions of the Commission

3. (1) The Commission shall be independent in the performance of its functions and shall—

(a) advise the Government on all sectors of economic infrastructure, and

(b) consider interactions, both actual and potential, between

(i) the infrastructure recommendations of the Commission, and

(ii) national housing supply.

(2) As part of its functions under this Act, the Commission shall—

(a) produce on a five yearly basis, (from the date of commencement of this Act) a National Infrastructure Assessment which shall include—

(i) an assessment of long-term national infrastructure needs, to include national infrastructure needs for the 25 years that follow the production of the report referred to at paragraph (a), and

(ii) recommendations to Government on how those infrastructure needs as set out in subparagraph (i) shall be put in place;

(b) engage in and produce, specific studies relating to pressing infrastructural challenges, which challenges shall be set out by Government, for consideration and examination by the Commission;

(c) the studies at paragraph (b) may include, but shall not be limited to—

(i) current infrastructure provision,

(ii) better use of existing infrastructure assets,

(iii) water,

(iv) telecommunications,

(v) transport,

(vi) roads,

(vii) energy,

(viii) social infrastructure, and

(ix) education;

(d) the studies referred to in paragraphs (b) and (c) shall take into account the views of—

(i) the Commission,

(ii) government departments, and
(iii) other stakeholders,

and the outcomes and conclusions of these studies shall include recommendations to Government.

(3) As part of its functions under this Act, the Commission shall produce and publish an annual monitoring report, which report shall include—

(a) details of the progress made and actions taken by Government, in such areas of economic infrastructure, that the Government has endorsed and committed to take forward, from the recommendations of the National Infrastructure Assessment, and

(b) details of the views and responses of the Commission, on the progress made and actions taken by Government in such areas of economic infrastructure that the Government has committed to taking forward from the recommendations of the National Infrastructure Assessment.

(4) The Commission shall provide a copy of the National Infrastructure Assessment to the Minister who shall, as soon as is reasonably practicable, cause a copy of same to be laid before each House of the Oireachtas.

Membership of the Commission

4. (1) The Commission shall consist of 5 members.

(2) the members of the Commission shall be appointed by the Minister and in so appointing, the Minister shall have regard to—

(a) persons with competence and experience, (both domestic and international) in addressing infrastructural challenges and proven solutions, and

(b) as far as practicable, ensuring an appropriate balance of between male and female membership of the Commission.

(3) The Chairperson of the Commission shall be one of its members.

Term of office of the Commission

5. (1) The term of office of the Commission shall be 5 years.

(2) No member of the Commission shall serve as a member for more than two consecutive 5 year terms.

Resignation and removal of a member from the Commission

6. (1) A member of the Commission may at any time resign from the Commission and shall notify the Minister by way of letter. The resignation shall take effect from the date specified in said letter.

(2) The Minister may remove a member from the Commission, if, in the opinion of the Minister—

(a) the member has become incapable through ill-health of effectively performing the functions of the office,
(b) the member has a conflict of interest of such significance that, in the opinion of the Minister, the member should cease to hold the office, or
(c) the removal of the member appears to be necessary for the effective performance by the Commission, of its functions.

(3) A member shall cease to be member of the Commission if he or she—
(a) is adjudicated bankrupt, or
(b) is convicted of an offence.

(4) Where the Minister appoints a new member to the Commission in circumstances where a member is deceased, has resigned, has been removed from the Commission or ceases being a member pursuant to subsection (3), the term held by the newly appointed member shall be for the remainder of the term of office of the former member.

Terms and conditions of office
7. (1) Each member of the Commission shall be a member on such terms as may be determined by the Minister and may include such remuneration, expenses and other financial resources required, as may be determined by the Minister.

(2) A member of the Commission shall cease to be a member of the Commission if he or she becomes an elected member of—
(a) either House of the Oireachtas,
(b) the European Parliament,
(c) a local authority.

Staff
8. (1) The Commission may, with the prior consent of the Minister, appoint staff on such terms and conditions as may be determined by the Commission.

(2) Any remuneration of any staff of the Commission shall be paid out of monies at the disposal of the Commission.

Appearance before Committees of the Oireachtas
9. The chairperson of the Commission shall, whenever requested to do so, account for the performance of the functions of the Commission to a Committee of either House of the Oireachtas.

Accounts and audit
10. The Commission, shall keep, in such form as may be approved by the Minister, all proper and usual accounts of receipts and expenditure by the Commission and shall ensure that in each year, all such accounts are properly audited or certified in accordance with best accounting practice.
Annual report

11. (1) The Commission shall, at the end of each year, prepare an annual report of its activities during the year to which said report relates.

(2) The Commission shall provide a copy of the Annual Report to the Minister who shall, as soon as is reasonably practicable, cause a copy of same to be laid before each House of the Oireachtas.

Regulations

12. (1) The Minister may make regulations for the general purpose of this Act and may, by regulation, provide for any matter referred to in this Act as prescribed or to be prescribed.

(2) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under the regulation.

(3) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

Short title, citation and commencement

13. (1) This Act may be cited as the National Infrastructure Act 2018.

(2) This Act shall come into operation on such day or days as may be fixed by order or orders of the Minister.
An Act to provide for the establishment of a body to be known as the National Infrastructure Commission to advise government on all sectors of economic infrastructure and to provide for related matters.

Introduced by Deputy Dara Calleary,
18th April, 2018