



An Bille fá Choiste Comhairleach Náisiúnta um Braitheoireacht, 2020
National Screening Advisory Committee Bill 2020

Mar a tionscnaíodh

As initiated



**AN BILLE FÁ CHOISTE COMHAIRLEACH NÁISIÚNTA UM BRAITHEOIREACHT,
2020
NATIONAL SCREENING ADVISORY COMMITTEE BILL 2020**

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AN BILLE FÁ CHOISTE COMHAIRLEACH NÁISIÚNTA UM BRAITHEOIREACHT,
2020
NATIONAL SCREENING ADVISORY COMMITTEE BILL 2020

Bill

entitled

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An Act to provide for the establishment of a body, to be known in the Irish language as *an Coiste Comhairleach Náisiúnta um Braitheoireacht* or in the English language as the National Screening Advisory Committee, to advise on the operation of health screening programmes in the State and to provide for related matters.

Be it enacted by the Oireachtas as follows:

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Definitions

1. In this Act—

“Advisory Committee” has the meaning given to it in *section 2*;

“Executive” means the Health Service Executive;

“Minister” means the Minister for Health;

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“screening programme” means a health screening programme in the State and includes, but is not limited to, the programmes operating under the Executive known as Breast Check, Bowel Screen, Cervical Check, Diabetic Retinal Scan and National Newborn Bloodspot Screening Programme.

Establishment of National Screening Advisory Committee

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2. (1) There is established a body to be known in the Irish language as *an Coiste Comhairleach Náisiúnta um Braitheoireacht* or, in the English language, as the National Screening Advisory Committee (in this Act referred to as the “Advisory Committee”) to perform the functions assigned to it under this Act.

(2) Subject to this Act, the Advisory Committee shall be independent in the performance of its functions.

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(3) The Executive shall—

(a) provide the Advisory Committee with such services of a secretarial and administrative nature as is appropriate for the performance by the Advisory Committee of its functions, and

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(b) following consultation with the Advisory Committee, permit the Advisory

Committee to avail of the use of the Executive's premises, or such part of its premises as is considered appropriate, for the purposes of the performance by the Advisory Committee of its functions.

- (4) The provisions of *Schedule 1* apply to the Advisory Committee.

Functions of Advisory Committee

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3. (1) The functions of the Advisory Committee are—

(a) to advise and make recommendations to the Minister in relation to all aspects of any screening programme as it deems fit, including, but not limited to—

(i) the viability, effectiveness and appropriateness of all or part of that programme, and

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(ii) the continuation, modification or withdrawal of all or part of that programme,

and

(b) to report to the Minister under *section 5*.

- (2) For the purposes of the performance of its functions, the Advisory Committee may—

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(a) gather such information as it considers necessary or appropriate, and

(b) meet and consult with such persons, including members of the public, as it considers appropriate.

- (3) The Advisory Committee shall have all such powers as are necessary for or incidental to the performance of its functions under this Act.

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Conferral of additional functions

4. (1) The Minister may by order confer on the Advisory Committee such additional functions that relate to the Advisory Committee's functions as the Minister may consider appropriate.

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

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Reports of Advisory Committee

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5. (1) The Advisory Committee shall as soon as may be, but not later than six months after the commencement of this Act, prepare a report and make recommendations to the Minister in relation to the expansion of the conditions tested for by the National Newborn Bloodspot Screening Programme, and the Minister shall as soon as practicable cause copies of that report to be laid before each House of the Oireachtas.

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- (2) The Advisory Committee shall, as soon as may be, but not later than three months, after the end of each year, submit a report in writing to the Minister of its activities during that year, and the Minister shall as soon as practicable cause copies of the

report to be laid before each House of the Oireachtas.

- (3) Without prejudice to the generality of *subsection (2)*, the annual report shall contain a summary of the activities of the Advisory Committee for the year concerned together with such advice or recommendations, as it considers necessary or appropriate—
- (a) in relation to the list of conditions tested for by the National Newborn Bloodspot Screening Programme, and 5
 - (b) otherwise in relation to all aspects of the operation and performance of any screening programme.
- (4) If the Minister does not accept a recommendation of the Advisory Committee in relation to any matters referred to in *subsection (1)* or *(2)*, the Minister shall, within one month of being given a copy of the recommendations under *subsection (1)* or *(2)*, prepare and lay before each House of the Oireachtas a statement of the Minister’s reasons for not accepting it. 10
- (5) In this section “National Newborn Bloodspot Screening Programme” means the national newborn bloodspot screening programme initiated in February 1966 on behalf of the Department of Health and that is provided by the Children’s University Hospital, Temple Street, Dublin, or subsequently by such other hospital or body on behalf of that Department. 15

Short title and commencement

6. (1) This Act may be cited as the National Screening Advisory Committee Act 2020. 20
- (2) This Act comes into operation three months after the date of its passing or on such earlier date or dates than the said three months as the Minister may by order appoint and different dates may be so appointed for different purposes and different provisions.

SCHEDULE 1

PROCEDURAL ISSUES RELATING TO ADVISORY COMMITTEE

Section 2

Definition (Schedule)

1. In this Schedule “subcommittee” means a subcommittee referred to in *paragraph 2(4)*. 5

Membership

2. (1) Subject to *paragraph 4* the Advisory Committee shall consist of a chairperson and at least 19 ordinary members, or such other number as the Minister considers appropriate having regard to *subparagraph (2)*, each appointed by the Minister. 10
- (2) In appointing the ordinary members the Minister shall have regard to the desirability that the Advisory Committee, taken as a whole, has experience or knowledge of the following—
- (a) a successful and recognised career track record in any of the following:
- (i) public health; 15
 - (ii) ethics;
 - (iii) patient advocacy;
 - (iv) health economics;
 - (v) epidemiology;
 - (vi) medico-legal; 20
 - (vii) social science;
 - (viii) general practice;
 - (ix) paediatrics and child health;
 - (x) obstetrics;
 - (xi) cancer; 25
 - (xii) genetics;
 - (xiii) laboratory services;
 - (xiv) nursing and midwifery;
 - (xv) journalism;
 - (xvi) diagnostic imaging; 30
 - (xvii) pathology;
 - (xviii) psychology;
- (b) an ability to contribute to the Advisory Committee’s analysis of complex information and data, identification of key issues and development of evidence bases solutions to complex problems; 35

- (c) an ability to contribute to the Advisory Committee’s evaluation of potentially conflicting information and opinions and ultimately producing timely, objective and informed decisions in a transparent manner;
 - (d) excellent communication and interpersonal skills;
 - (e) an understanding of and commitment to the principles of providing independent advice to Government, and to the principles of public life, and an ability to demonstrate impartiality and objectivity; 5
 - (f) an awareness of the screening programmes currently offered in the State.
- (3) The Minister shall, in so far as is practicable, endeavour to ensure that among the members of the Advisory Committee there is an equitable balance between men and women. 10
- (4) The Advisory Committee may establish subcommittees consisting, in whole or in part, of persons who are members of that Committee —
- (a) to assist and advise in relation to the performance of any or all of its functions, and 15
 - (b) to perform such functions of the Advisory Committee as it may, with the consent of the Minister delegate to the subcommittee.
- (5) Where the Advisory Committee establishes a subcommittee under *subparagraph (4)* the Advisory Committee shall select a member of that Committee to be the chairperson of the subcommittee. 20

Term of office

3. (1) Subject to *paragraph 4* and *paragraph 6(4)(b)* the term of office of a member of the Advisory Committee is seven years.
- (2) A person may not be a member of the Advisory Committee for more than two consecutive terms of office but is otherwise eligible for reappointment. 25

Appointment of Initial Members

4. Each person who, immediately before the day appointed for the coming into operation of *section 2(1)*, is a member of the non-statutory National Screening Advisory Committee shall (unless he or she declines to do so) on that day become a member of the National Screening Advisory Committee and, as determined by the Minister following consultation with each such person, his or her term of office shall be for not more than seven years from the coming into operation of *section 2(1)*. 30

Remuneration and other terms and conditions of office

5. Subject to the other provisions of this Act, each member of the Advisory Committee shall— 35
- (a) hold office on such terms (other than the payment of remuneration and allowances for expenses) as the Minister may determine, and
 - (b) be paid by the Minister such remuneration (if any) and allowances for expenses (if any) as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine. 40

Resignation, removal, disqualification etc. of members

6. (1) A member of the Advisory Committee may at any time resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.
- (2) The Minister may, at any time, remove a member of the Advisory Committee from office if, in the opinion of the Minister— 5
- (a) the member has become incapable through ill health of effectively performing his or her functions,
 - (b) the member has committed stated misbehaviour,
 - (c) the member has a conflict of interest of such significance that, in the opinion of the Minister, the member should cease to hold office, or 10
 - (d) the removal of the member appears to the Minister to be necessary for the effective performance by the Advisory Committee of its functions.
- (3) A person shall be disqualified from holding and shall cease to hold office as a member of the Advisory Committee if he or she— 15
- (a) is adjudicated bankrupt,
 - (b) makes a composition or arrangement with creditors,
 - (c) is sentenced by a court of competent jurisdiction to a term of imprisonment,
 - (d) is convicted of any indictable offence,
 - (e) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not, or 20
 - (f) is, or is deemed to be, the subject of an order under section 160 of the Companies Act 1990 or a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014.
- (4) (a) If a member of the Advisory Committee dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Advisory Committee to fill the casual vacancy so occasioned in the same manner as the member of the Advisory Committee who occasioned the casual vacancy was appointed. 25
- (b) A person appointed to be a member of the Advisory Committee pursuant to *clause (a)* shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall, subject to this section, be eligible for reappointment as a member of the Advisory Committee on the expiry of such period. 30 35
- (5) Subject to such rules as the Advisory Committee may make regarding procedure pursuant to *paragraph II*, the Advisory Committee may act notwithstanding one or more than one vacancy among its members.

Disclosure of interests

7. (1) Where at a meeting of the Advisory Committee or a subcommittee, a member of 40

the Advisory Committee present at the meeting who, otherwise than in his or her capacity as such member, has a material interest in any matter which falls to be considered by the Advisory Committee or the subcommittee, such member shall—

- (a) at the meeting disclose to the Advisory Committee, or the committee, the fact of such interest and the nature of such interest, 5
 - (b) neither influence nor seek to influence a decision to be made in relation to the matter,
 - (c) absent himself or herself from the meeting or that part of the meeting during which the matter is being discussed, 10
 - (d) take no part in any deliberation of the Advisory Committee, or the committee, relating to the matter, and
 - (e) not vote on a decision relating to the matter.
- (2) Where a material interest is disclosed pursuant to this paragraph, the disclosure shall be recorded in the minutes of the meeting concerned. 15
- (3) Where at a meeting of the Advisory Committee or a subcommittee a question arises as to whether or not a course of conduct, if pursued by a member of the Advisory Committee or a subcommittee, would constitute a failure by him or her to comply with the requirements of *subparagraph (1)*, the question may, subject to *subparagraph (4)*, be determined by the chairperson of the meeting, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be recorded in the minutes of the meeting. 20
- (4) Where, at a meeting of the Advisory Committee or a subcommittee, the chairperson of the meeting is the member in respect of whom a question, to which *subparagraph (3)* applies, falls to be determined, then the other members of the Advisory Committee or subcommittee attending the meeting shall choose one of their number to be chairperson of the meeting for the purpose of determining the question concerned. 25
- (5) Where the Minister is satisfied that a member of the Advisory Committee has contravened *subparagraph (1)*, the Minister may, if he or she thinks fit, remove that member from office and, in the case of a person removed from office pursuant to this subparagraph, that person shall then be disqualified for membership of the Advisory Committee or subcommittee. 30
- (6) In this paragraph “material interest” shall be read in accordance with section 2(3) of the Ethics in Public Office Act 1995. 35

Prohibition on unauthorised disclosure of information

8. (1) A person shall not, without the relevant consent or as required by law, at any time disclose confidential information obtained by that person in any capacity, or while performing functions, as—
- (a) a member of the Advisory Committee, 40
 - (b) a member of a subcommittee, or

- (c) a person engaged under contract or other arrangement with the Advisory Committee.
- (2) A person who contravenes *subparagraph (1)* commits an offence and is liable on summary conviction to a class A fine.
- (3) Summary proceedings for an offence under this paragraph may be brought and prosecuted by the Minister. 5
- (4) Nothing in *subparagraph (1)* shall prevent the disclosure of information—
- (a) to the Advisory Committee, or
- (b) by or on behalf of the Advisory Committee to the Minister.
- (5) Nothing in *subparagraph (1)* shall prevent the disclosure of information by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995. 10
- (6) In this paragraph—
- “confidential information” means information expressed to be confidential, either as regards particular information or as regards information of a particular class or description, by any of the following: 15
- (a) the Advisory Committee;
- (b) in the case of information supplied to the Advisory Committee by a subcommittee of the Advisory Committee, by the subcommittee;
- (c) in the case of information supplied by the Minister to the Advisory Committee, by the Minister. 20
- “relevant consent” means—
- (a) in the case of information expressed to be confidential by the Advisory Committee, the consent in writing of the Advisory Committee,
- (b) in the case of information expressed to be confidential by a subcommittee of the Advisory Committee, the consent in writing of the subcommittee, 25
- (c) in the case of information expressed to be confidential by the Minister, the consent in writing of the Minister.

Membership of either House of the Oireachtas or European Parliament

9. (1) A person ceases to be a member of the Advisory Committee where he or she— 30
- (a) is nominated as a candidate for election to either House of the Oireachtas or the European Parliament,
- (b) is nominated as a member of Seanad Éireann,
- (c) is elected as a member of either House of the Oireachtas or to be a member of the European Parliament, 35
- (d) is regarded, pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to that Parliament to fill a vacancy, or

(e) becomes a member of a local authority within the meaning of the Local Government Act 2001.

(2) A person who is for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein, 5

(b) a member of the European Parliament, or

(c) entitled under the standing orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled or is such a member, be disqualified from membership of the Advisory Committee. 10

Appearance before Oireachtas Committees

10. The chairperson of the Advisory Committee shall, whenever requested to do so, account for the performance of the functions of the Advisory Committee to a Committee of either House of the Oireachtas.

Procedure and quorum, etc. 15

11. (1) Subject to this Act, the Advisory Committee may regulate its own procedures, including the fixing of a quorum for meetings of the Committee.

(2) Except to the extent that may be provided for by the Advisory Committee, either generally or in respect of any subcommittee, a subcommittee may regulate its own procedures. 20

An Bille fá Choiste Comhairleach Náisiúnta
um Braitheoireacht, 2020

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le comhlacht a bhunú, ar a dtabharfar, sa Ghaeilge, an Coiste Comhairleach Náisiúnta um Braitheoireacht nó, sa Bhéarla, *the National Screening Advisory Committee*, chun comhairle a thabhairt maidir le hoibriú clár braitheoireachta sláinte sa Stát agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Seanadóirí David Norris, Victor Boyhan agus Gearóid Ó Creachmhaoil a thug isteach,

18 Meán Fómhair, 2020

National Screening Advisory Committee Bill
2020

BILL

(as initiated)

entitled

An Act to provide for the establishment of a body, to be known in the Irish language as *an Coiste Comhairleach Náisiúnta um Braitheoireacht* or in the English language as the National Screening Advisory Committee, to advise on the operation of health screening programmes in the State and to provide for related matters.

Introduced by Senators David Norris, Victor Boyhan and Gerard P. Craughwell,

18th September, 2020

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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