



SEANAD ÉIREANN

**AN BILLE UM RIALÁIL CUMARSÁIDE, 2022
COMMUNICATIONS REGULATION AND DIGITAL HUB
DEVELOPMENT AGENCY (AMENDMENT) BILL 2022**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM RIALÁIL CUMARSAÍDE AGUS UM GHNÍOMHAIREACHT FORBARTHA DON MHOL DIGITEACH (LEASÚ), 2022 —AN COISTE

COMMUNICATIONS REGULATION AND DIGITAL HUB DEVELOPMENT AGENCY (AMENDMENT) BILL 2022 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 2

- *1. In page 11, to delete line 4.
- *2. In page 11, line 18, to delete “high-risk” and substitute “relevant”.
- *3. In page 11, between lines 23 and 24, to insert the following:

“ “relevant vendor measure” has the meaning given to it by *section 25*;”.

SECTION 3

- 4. In page 11, line 36, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

- 5. In page 12, between lines 5 and 6, to insert the following:

“(5) The Minister shall, subject to *subsection (7)*, before making regulations under *subsection (1)*, publish a draft of the proposed regulations on a website maintained by or on behalf of the Department of Environment, Climate and Communications and allow a period of 30 days beginning on the day on which the draft is published during which persons may make written representations to the Minister in relation to the proposed regulations.

(6) The Minister may, having considered any representations received during the period specified in *subsection (5)*, make the regulations with or without modification.

(7) Where the Minister is satisfied that regulations under *subsection (1)* are required urgently in order to prevent a serious imminent risk to the security of networks and services, to the health or safety of persons or to property, the Minister may make the regulations without complying with *subsection (5)*.”.

—*Senator Alice-Mary Higgins.*

SECTION 7

- *6. In page 14, line 25, after “or” where it firstly occurs to insert “she”.

[SECTION 18]

SECTION 18

7. In page 21, line 7, to delete “shall” where it firstly occurs and substitute “may”.

—*Senator Alice-Mary Higgins.*

8. In page 21, lines 8 to 11, to delete all words from and including “in” in line 8 down to and including line 11 and substitute “in cases where the High Court certifies that such an appeal would constitute a risk to national security or public safety.”.

—*Senator Alice-Mary Higgins.*

9. In page 21, lines 9 and 10, to delete “its decision involves a point of law of exceptional public importance and that”.

—*Senator Alice-Mary Higgins.*

SECTION 19

- *10. In page 21, to delete lines 21 and 22.

- *11. In page 21, between lines 26 and 27, to insert the following:

“ “relevant vendor” means a vendor, in respect of which the Minister has made an assessment under *section 22*;”.

SECTION 20

- *12. In page 22, line 6, to delete “public order,” and substitute “or”.

SECTION 23

13. In page 23, between lines 2 and 3, to insert the following:

“Minister will consult for the purposes of assessments under this Part

23. The Minister will hold cross-government consultation and secure cross-government agreement for the purposes of *sections 21 and 22*.”.

—*Senator Pat Casey.*

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

[SECTION 25]

SECTION 25

- *14. In page 23, line 18, to delete “or public order”.
- *15. In page 23, line 19, to delete “high-risk” and substitute “relevant”.
- *16. In page 23, line 20, to delete “high-risk” and substitute “relevant”.
- *17. In page 23, line 22, to delete “high-risk” and substitute “relevant”.
- *18. In page 23, line 24, to delete “high-risk” and substitute “relevant”.
- *19. In page 23, line 26, to delete “high-risk” and substitute “relevant”.
- *20. In page 23, line 28, to delete “high-risk” and substitute “relevant”.
- *21. In page 23, line 30, to delete “high-risk” and substitute “relevant”.
- *22. In page 23, line 33, to delete “high-risk” and substitute “relevant”.
- *23. In page 23, line 35, to delete “high-risk” and substitute “relevant”.
- *24. In page 23, line 38, to delete “high-risk” and substitute “relevant”.
- *25. In page 24, line 11, to delete “or public order”.
- *26. In page 24, line 12, to delete “high-risk” and substitute “relevant”.
- *27. In page 24, line 14, to delete “high-risk” and substitute “relevant”.
- *28. In page 24, line 18, to delete “high-risk” and substitute “relevant”.
- *29. In page 24, line 20, to delete “high-risk” and substitute “relevant”.
- *30. In page 24, line 21, to delete “high-risk” and substitute “relevant”.
- *31. In page 24, line 22, to delete “or public order”.
- *32. In page 24, line 23, to delete “high-risk” and substitute “relevant”.

SECTION 26

- *33. In page 24, line 31, to delete “high-risk” and substitute “relevant”.
- *34. In page 24, line 32, to delete “high-risk” and substitute “relevant”.
- 35. In page 24, line 33, after “Minister” to insert “reasonably”.

—*Senator Alice-Mary Higgins.*

- *36. In page 24, line 35, to delete “or public order”.
- 37. In page 24, line 35, to delete “public order” and substitute “public safety”.

—*Senator Alice-Mary Higgins.*

- 38. In page 25, between lines 2 and 3, to insert the following:

“(3) A requirement for confidentiality made under *subsection (1)* may apply for a period of up to 36 months.

(4) Following the expiry of a confidentiality period under *subsection (3)*, a requirement for confidentiality under *subsection (1)* may be renewed where the Minister

[SECTION 26]

reasonably considers that disclosure of the measures would still be contrary to the interests of national security and public safety.”.

—*Senator Alice-Mary Higgins.*

SECTION 27

- *39. In page 25, line 4, to delete “Minister” and substitute “Minister,”.
- *40. In page 25, line 7, to delete “high-risk” and substitute “relevant”.
- *41. In page 25, lines 10 and 11, to delete “and the Minister shall certify the reasons for dispensing with the requirement in *subsection (1)*”.

SECTION 28

- *42. In page 25, line 13, to delete “high-risk” and substitute “relevant”.
- *43. In page 25, line 18, to delete “high-risk” and substitute “relevant”.

SECTION 29

- *44. In page 26, line 33, to delete “high-risk” and substitute “relevant”.

SECTION 30

- *45. In page 28, line 3, to delete “high-risk” and substitute “relevant”.

SECTION 31

- 46. In page 28, line 16, to delete “shall” where it firstly occurs and substitute “may”.

—*Senator Alice-Mary Higgins.*

- 47. In page 28, lines 17 to 20, to delete all words from and including “in” in line 17 down to and including line 20 and substitute “in cases where the High Court certifies that such an appeal would constitute a risk to national security or public safety.”.

—*Senator Alice-Mary Higgins.*

- 48. In page 28, lines 18 and 19, to delete “its decision involves a point of law of exceptional public importance and that”.

—*Senator Alice-Mary Higgins.*

SECTION 33

- *49. In page 28, line 26, to delete “high-risk” and substitute “relevant”.
- *50. In page 28, line 30, to delete “high-risk” and substitute “relevant”.
- *51. In page 28, line 32, to delete “high-risk” and substitute “relevant”.

SECTION 34

- 52. In page 29, line 37, after “Part,” to insert “including a review of any regulations made under this Part, in consultation with the Commission and the relevant committee,”.

—*Senator Alice-Mary Higgins.*

- 53. In page 29, after line 40, to insert the following:

“(2) The report under *subsection (1)*# shall include information on the number of

[SECTION 34]

confidentiality orders issued under *section 26*, the number of High Court cases taken under *section 17*, and the number of appeals denied under *section 18*, and shall include an assessment of any regulations made under this Part.

- (3) The report under *subsection (1)*# shall be shared with both Houses of the Oireachtas and the relevant committee.”.

—*Senator Alice-Mary Higgins.*

[#*This is the correct reference if this amendment is accepted.*]

SECTION 37

54. In page 30, line 33, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

55. In page 31, line 1, after “channels,” to insert “and the need to provide offline, telephone and in-person channels,”.

—*Senator Alice-Mary Higgins.*

56. In page 31, line 7, after “channels,” to insert “and the need to provide offline, telephone and in-person channels,”.

—*Senator Alice-Mary Higgins.*

57. In page 31, between lines 26 and 27, to insert the following:

“(f) adherence to contractual commitments, including—

- (i) instances where a provider changes the terms of a contract during the contract period, or
- (ii) instances where a provider increases their pricing during a contract period;”.

—*Senator Alice-Mary Higgins.*

58. In page 32, line 3, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

SECTION 38

59. In page 32, line 7, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

60. In page 32, line 20, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

SECTION 39

61. In page 33, between lines 37 and 38, to insert the following:

“(10) Where a provider prepares a compensation scheme it shall ensure that end-users are informed, in a clear and comprehensible way, that the compensation scheme does not prejudice their right to pursue compensation in respect of a specified failure by other legal means or proceedings.”.

[SECTION 39]

—*Senator Alice-Mary Higgins.*

SECTION 41

- 62.** In page 35, line 27, after “non-discriminatory” to insert “, and which must be accessible through offline as well as online channels, including by telephone or in-person”.

—*Senator Alice-Mary Higgins.*

SECTION 42

- 63.** In page 35, line 38, to delete “the” and substitute “both offline and online”.

—*Senator Alice-Mary Higgins.*

SECTION 136

- *64.** In page 98, line 34, after “Expenditure” to insert “, National Development Plan Delivery”.

- *65.** In page 99, line 7, after “Expenditure” to insert “, National Development Plan Delivery”.

- *66.** In page 99, line 16, after “Expenditure” to insert “, National Development Plan Delivery”.

TITLE

- *67.** In page 9, line 17, after “by” to insert “certain”.

- *68.** In page 9, lines 17 and 18, to delete “considered high-risk”.