



DÁIL ÉIREANN

**AN BILLE UM AN TRÍOCHADÚ LEASÚ IS FICHE AR AN
mBUNREACT (FIOSRUITHE THITHE AND
OIREACHTAIS), 2011**

**THIRTIETH AMENDMENT OF THE CONSTITUTION
(HOUSES OF THE OIREACHTAS INQUIRIES) BILL 2011**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

THIRTIETH AMENDMENT OF THE CONSTITUTION (HOUSES OF THE OIREACHTAS INQUIRIES) BILL 2011

—COMMITTEE STAGE

Amendments

SCHEDULE

1. In page 6, before the Schedule, to insert the following new Schedule:

“PART 1

2° Faoi réir chomhaontú an Tí sin nó na dTithe sin, arna chinneadh le tromlach nach lú ná 90 faoin gcéad de chomhaltaí an Tí nó na dTithe iomchuí, beidh an chumhacht ag gach Teach fiosrú aonair nó comhfhiosrú a stiúradh faoi aon ní nó nithe a bhaineann leis an maitheas phoiblí, ar mhodh a ndéantar socrú ina chomhair le dlí.

3° I gcúrsa aon fhiosraithe den sórt sin, féadfar imscrúdú a dhéanamh faoi iompraíocht aon duine (cibé acu is comhalta de cheachtar Teach an duine nó nach ea), ar mhodh a ndéantar socrú ina chomhair le dlí, ag féachaint d’fhorálacha an Bhunreacht seo.

4° I gcúrsa aon fhiosraithe den sórt sin, féadfaidh an Teach sin nó na Tithe sin fionnachtana a dhéanamh, ar mhodh a ndéantar socrú ina chomhair le dlí, ach ní ceadmhach don Teach sin nó do na Tithe sin smachtbhannaí coiriúla a fhorchur ar aon duine nó daoine is ábhar d’fhiosrú. Déanfar na fionnachtana sin ag féachaint d’fhorálacha an Bhunreacht seo.

5° Beidh an ceart ag duine nó daoine is ábhar d’fhiosrú den sórt sin achomharc a dhéanamh, go heisiach nó i gcomhpháirt, chun na gCúirteanna, ar mhodh a ndéantar socrú ina chomhair le dlí, in aghaidh an mhodha fiosraithe agus fhionnachtana an Tí nó na dTithe, ag féachaint do na forálacha iomchuí den Bhunreacht seo.

PART 2

2° Subject to the agreement of the House or Houses concerned, as determined by a majority of not less than 90 per cent of the members of the relevant House or Houses, each House shall have the power to conduct an individual or joint inquiry into any matter or matters which relate to the common good, in a manner provided for by law.

3° In the course of any such inquiry the conduct of any person (whether a member of either House or not) may be investigated, in a manner provided for by law, having regard to the provisions of this Constitution.

4° In the course of such inquiry the House or Houses concerned may make findings, in a manner provided for by law, but may not impose criminal sanctions on any person or persons subject to inquiry. Such findings shall be made having regard to the provisions of this Constitution.

5° A person or persons subject to such inquiry shall have the right to appeal the method of inquiry and the findings of the House or Houses, either exclusively or jointly, to the Courts, in a manner provided for by law, having regard to the relevant provisions of this Constitution law.”.

—Catherine Murphy.

[Acceptance of this amendment involves the deletion of the Schedule.]

2. In Part 1, page 6, line 7, to delete “fiosrú a dheanamh” and substitute “imscrúdú a dhéanamh”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

3. In Part 1, page 6, between lines 15 and 16, to insert the following:

“5° Déanfar stiúradh na bhfiosruithe sin a rialáil de réir an dlí agus phrionsabail an cheartais bunaidh.”,

and

In Part 2, page 6, after line 29, to insert the following:

“5° The conduct of such inquiries shall be regulated in accordance with the law and principles of natural justice.”

—Mary Lou McDonald.

DÁIL ÉIREANN

AN BILLE UM AN TRÍOCHADÚ LEASÚ IS FICHE AR AN mBUNREACTH (FIOSRUITHE THITHE AND OIREACHTAIS), 2011

—CÉIM AN CHOISTE

Leasuithe

AN SCEIDEAL

1. I leathanach 7, roimh an Sceideal, an Sceideal nua seo a leanas a chur isteach:

“CUID 1

2° Faoi réir chomhaontú an Tí sin nó na dTithe sin, arna chinneadh le tromlach nach lú ná 90 faoin gcéad de chomhaltaí an Tí nó na dTithe iomchuí, beidh an chumhacht ag gach Teach fiosrú aonair nó comhfhiosrú a stiúradh faoi aon ní nó nithe a bhaineann leis an maitheas phoiblí, ar mhodh a ndéantar socrú ina chomhair le dlí.

3° I gcúrsa aon fhiosraithe den sórt sin, féadfar imscrúdú a dhéanamh faoi iompraíocht aon duine (cibé acu is comhalta de cheachtar Teach an duine nó nach ea), ar mhodh a ndéantar socrú ina chomhair le dlí, ag féachaint d’fhorálacha an Bhunreachta seo.

4° I gcúrsa aon fhiosraithe den sórt sin, féadfaidh an Teach sin nó na Tithe sin fionnachtana a dhéanamh, ar mhodh a ndéantar socrú ina chomhair le dlí, ach ní ceadmhach don Teach sin nó do na Tithe sin smachtbhannaí coiriúla a fhorchur ar aon duine nó daoine is ábhar d’fhiosrú. Déanfar na fionnachtana sin ag féachaint d’fhorálacha an Bhunreachta seo.

5° Beidh an ceart ag duine nó daoine is ábhar d’fhiosrú den sórt sin achomharc a dhéanamh, go heisiach nó i gcomhpháirt, chun na gCúirteanna, ar mhodh a ndéantar socrú ina chomhair le dlí, in aghaidh an mhodha fiosraithe agus fhionnachtana an Tí nó na dTithe, ag féachaint do na forálacha iomchuí den Bhunrecht seo.

CUID 2

2° Subject to the agreement of the House or Houses concerned, as determined by a majority of not less than 90 per cent of the members of the relevant House or Houses, each House shall have the power to conduct an individual or joint inquiry into any matter or matters which relate to the common good, in a manner provided for by law.

3° In the course of any such inquiry the conduct of any person (whether a member of either House or not) may be investigated, in a manner provided for by law, having regard to the provisions of this Constitution.

4° In the course of such inquiry the House or Houses concerned may make findings, in a manner provided for by law, but may not impose criminal sanctions on any person or persons subject to inquiry. Such findings shall be made having regard to the provisions of this Constitution.

5° A person or persons subject to such inquiry shall have the right to appeal the method of inquiry and the findings of the House or Houses, either exclusively or jointly, to the Courts, in a manner provided for by law, having regard to the relevant provisions of this Constitution.”.

—Caitríona Uí Mhurchú.

[Má ghlactar leis an leasú seo, déanfar an Sceideal a scríosadh.]

2. I gCuid 1, leathanach 7, líne 7, “fiosrú a dhéanamh” a scríosadh agus “imscrúdú a dhéanamh” a chur ina ionad.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

3. I gCuid 1, leathanach 7, idir línte 15 agus 16, an méid seo a leanas a chur isteach:

“5° Déanfar stiúradh na bhfiosruithe sin a rialáil de réir an dlí agus phrionsabail an cheartais bunaidh.”,

agus

I gCuid 2, leathanach 7, i ndiaidh líne 29, an méid seo a leanas a chur isteach:

“5° The conduct of such inquiries shall be regulated in accordance with the law and principles of natural justice.”.

—Mary Lou Mac Dónaill.